

# DOJ to pay \$10,000 in legal fees

Agency to  
cover Times'  
costs in name  
redaction case

**By Richard Moore**

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OF THE LAKELAND TIMES

The Wisconsin Department of Justice will pay \$10,000 in *Lakeland Times*' legal fees and costs — and more could be on the way — after the agency reversed course earlier this year and released the names of law enforcement officers dis-

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ciplined for abuse of the state's TIME (Transaction Information for the Management of Enforcement) system between 2013 and 2015.

The agency had earlier refused to turn over the names, as well as the names of some of its own employees disciplined for various reasons between 2013 and 2016, compelling *The Times* to sue the agency for access in 2017.

In August, well more than a year after the DOJ's denial and before any court rendered a decision, the DOJ changed its mind and released the names of the law enforcement officers, though it continued to deny access to the names of 19 DOJ employees whom it deemed low-level employees guilty of minor infractions.

During negotiations, the agency agreed not only to produce the TIME records but to pay a negotiated legal settlement for the TIME records portion of the case through June 26, 2018. On Nov. 13, the agency and the newspaper agreed to a compromise settlement of \$10,000 for those costs.

Last week, the DOJ lost the rest of the case, with Dane County circuit judge Valerie Bailey-Rihn ordering the agency to release the names of the 19 disciplined DOJ employees.

This week, *Lakeland Times* publisher Gregg Walker hailed the latest court decision but admonished the DOJ for costing taxpayers so much money.

"There was never any reason to take any part of this case to court because the courts have consistently ruled that public employee names and records are to be released once a disciplinary investigation is completed, in the public interest of accountability," Walker said. "The DOJ recognized they

could not win at least part of the case and released those names in August, but it took them more than a year after we filed a lawsuit to do so, at a cost of thousands of dollars to taxpayers."

Walker also said the DOJ should have recognized that the case it continued to contest and ultimately lost last week should not have been pursued further.

"Statutory and case law are clear," Walker said. "Actually, it's a no-brainer, and I hope the DOJ does not appeal last week's decision and continue to frivolously spend taxpayers' money."

### The case

In January 2017, *The Times* asked for the records and names of law enforcement personnel who had engaged in database abuse between 2013 and 2015, as well as the names and records of those accused or suspected of database abuse of the TIME system, which is the database used for such things as license-plate checks.

The newspaper made the request after learning of an Associated Press story in 2016, which showed more than 20 cases of law-enforcement database misuses, resulting in discipline between 2013 and 2015.

The DOJ also redacted the names from records given to the AP, but the news organization did not contest the redactions.

Accordingly, Walker says, *The Times* decided to make the same request but to seek the names as well. The newspaper also expanded the scope of the request by asking for the investigatory information and names of DOJ employees disciplined between 2013 and 2016, inclusive.

On July 3, 2017, the agency denied the records request in part, and the newspaper filed an open-records complaint that same month.

"Among other things, the

defendants' (1) redacted records concerning the names of certain employees who were disciplined and (2) redacted records containing the names of law enforcement personnel who were disciplined for database abuse," the complaint stated.

In the complaint, *Times'* attorney April Rockstead Barker asserted that the declared public policy of the state is every citizen is entitled to the greatest possible information regarding the affairs of government, except in extraordinary cases.

"(The open-records law) affirms the presumption of complete public access to governmental records, consistent with the conduct of governmental business," Barker wrote. "The statute provides that '(t)he denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.'"

At the outset, the DOJ redacted all the names of law enforcement personnel found to have engaged in database abuse between 2013 and 2015.

The DOJ redacted some information the newspaper did not contest — location of undercover agents, information that reveals undercover assignments, information that would identify undercover agents, for example — but Walker said the newspaper felt compelled to contest the redaction of other officers' names who abused the database system, or who were suspected of doing so, because it represented a blanket exemption only the Legislature could create.

"There are no blanket exemptions to the open-records law," Walker said then.

"Again, as the DOJ's own compliance manual states, the exemption from disclosure in the statutes 'does not apply to records of investigations into alleged employee misconduct, and does not create a blanket exemption

for disciplinary and misconduct investigation records."

After the agency released the TIME system records, the outstanding disputes concerned the names of DOJ employees disciplined for the years 2013-2016. The penalties and offenses ranged from written reprimands for such things as unexcused or excessive absenteeism, insubordination and refusal to carry out written and verbal assignments, and unauthorized and improper use of state resources to three-day suspensions without pay for, among other things, negligence, inattentiveness and insubordination, and mak-

ing false and malicious statements about other employees or supervisors.

One employee received a written reprimand for falsifying records or giving false, misleading, or deceptive information to DOJ staff, other state agencies, or private organizations or to employees responsible for record keeping. Another received a five-day suspension without pay for failure to report six case reports after entering cyber tips in the DOJ's system.

Richard Moore is the author of the forthcoming "Storyfinding: From the Journey to the Story" and can be reached at richardmoorebooks.com.

## Female defendant in Marshfield Clinic incident dies

By Brian Jopek

OF THE LAKELAND TIMES

An Eagle River woman accused of holding a health care professional in an exam room against her will last June has died, the Oneida County sheriff's office reports.

According to Dan Hess, chief deputy of the Oneida County sheriff's office, Jillian Buza, 39, passed away while at a Wausau area hospital. She had been an inmate at the Oneida County jail and her next court date on charges related to the June 12 incident at Marshfield Clinic Minocqua Center was scheduled for Dec. 20.

"Since being at the Oneida County Jail, Buza has been in the hospital for health related issues on several occasions," Hess stated in a press release. "The death appears to be from natural causes. The Oneida County Medical Examiner's

Office will be completing the investigation into this death."

The charges against Buza included false imprisonment, attempted aggravated battery/intend great bodily harm and attempted mayhem (attempt to mutilate a limb), all felonies, as well as misdemeanor disorderly conduct.

According to court records, Buza had an appointment at the Marshfield Clinic pain clinic in Minocqua in June. She attended the appointment with ex-husband Joseph Buza, 70, Eagle River.

The couple allegedly held a nurse practitioner hostage while holding a hatchet and meat tenderizer. Joseph Buza's next court date is Feb. 12, 2019.

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