No. 14AP2536

In the Supreme Court of Wisconsin

DEMOCRATIC PARTY OF WISCONSIN
and CORY LIEBMANN,

Petitioners-Respondents,

v.

WISCONSIN DEPARTMENT OF JUSTICE
and KEVIN POTTER,

Respondents-Appellants-Petitioners,

On Appeal from the Dane County Circuit Court,
The Honorable Richard G. Niess, Presiding,
Case No. 14CV2937

BRIEF AND APPENDIX OF PETITIONERS-RESPONDENTS

MICHAEL R. BAUER
State Bar No: 1003627

BAUER LAW LLC
P.O. BOX 5241
Madison, WI 53705
bauermr@charter.net
(608) 658-6422

TABLE OF CONTENTS

INTRODUCTION 1

ISSUES PRESENTED 3

STANDARD OF REVIEW 3

ORAL ARGUMENT AND PUBLICATION 4

STATEMENT OF THE CASE 4

ARGUMENT 8

I. DOJ MUST NOT BE ALLOWED TO PUT ITS THUMB ON THE SCALE WHEN PERFORMING THE BALANCING TEST 8

A. DOJ CANNOT BE ALLOWED TO FEDERALIZE WISCONSIN'S PUBLIC RECORDS LAW 9

B. RELEASE OF THE RECORDS DOES NOT DISCLOSE ANY VICTIM INFORMATION 13

II. THE SEMINAR PRESENTATION IS NOT AN "ORAL" CASE FILE PROTECTED BY FOUST 15

CONCLUSION 16

TABLE OF AUTHORITIES

CASES CITED

Cogswell v. Robertshaw Controls Co., 87 Wis. 2d, 243, 249-50, 274 N.W.2d 647, 650 (1970).....3, 5

C.L. v. Edson, 140 Wis. 2d 168, 182, 409 N.W.2d 417 (Ct. App. 1987) 8

C.R. v. American Standard Ins. Co., 270 Wis. 386, 404, 71 N.W.2d 347, 356 (1955) 3

Hathaway v. Joint School District No. 1, 116 Wis.2d 388, 397, 342 N.W.2d 682 (1984) 4, 10

Hempel v. City of Baraboo, 284 Wis. 2d 162, 699 N.W.2d 551 (2005) 8

John K. MacIver Inst. for Pub. Policy, Inc. v. Erpenbach, 354 Wis. 2d 61, 848 N.W.2d 862 (Ct. App 2014) 9

Kraemer Bros., Inc. v. Dane County, 229 Wis. 2d 86, 102, 599 N.W.2d 75 (Ct. App. 1999) 8, 9

Kroeplin v. Wisconsin DNR, 297 Wis. 2d 254, 725 N.W.2d 286 (2006).....9

Linzmeyer v. Forcey, 254 Wis. 2d 306, 646 N.W.2d 811 (2002) 10, 11, 12

Milwaukee Journal Sentinel v. Wis. Dep't of Admin., 319 Wis. 2d 439, 768 N.W.2d 700 (2009).....3, 4, 15

Newspapers, Inc. v. Breier, 89 Wis. 2d 417, 427, 279 N.W.2d 179 (1979) 9

Nichols v. Bennett, 199 Wis. 2d 268, 544 N.W.2d 428 (1996).....16

Noll v. Dimiceli's, Inc., 115 Wis. 2d 641, 643, 340 N.W.2d 575, 577 (Ct. App. 1983).....3

State ex rel. Richards v. Foust, 165 Wis. 2d 429, 436, 477 N.W.2d 608 (1991).....15, 16

State ex rel. Journal Co. v. County Court for Racine County, 43 Wis. 2d 297, 305, 168 N.W.2d 836 (1969).....8

Wisconsin Family Counseling Servs., Inc. v. State, 95 Wis.2d 670, 672–73, 291 N.W.2d 631, 633–34 (Ct. App. 1980) 13

Zellner v. Cedarburg School District, 300 Wis. 2d 290, 306, 731 N.W.2d 240, 248 (2007) 4

STATUTES CITED

Wis. Stat. § 19.31 1,2

OTHER AUTHORITIES CITED

Wisconsin Department of Justice Public Records Compliant Guide
https://www.doj.state.wi.us/sites/default/files/dls/2015-PRL-Guide.pdf
(last visited March 10, 2016)..... 1

INTRODUCTION

Wisconsin's public records and open meetings laws act as a bulwark against those who want to shroud the acts of Wisconsin's public officials from its citizens. Our sunshine laws remain a pillar against those who attempt to undermine Wisconsin's reputation for open and honest government. Wisconsin Attorney General, Brad D. Schimel, the subject of the record request before this Court, in the introduction to the Wisconsin Department of Justice's ("DOJ" or "the Government") very own public compliance guide extolls the virtue of transparent government:

> It is imperative that we recognize that transparency is the cornerstone of democracy and that citizens cannot hold their elected officials accountable in a representative government unless government is performed in the open.

https://www.doj.state.wi.us/sites/default/files/dls/2015-PRL-Guide.pdf (last visited March 10, 2016)

The Attorney General continues:

> Wisconsin's open government laws promote democracy by ensuring that all state, regional and local governments conduct their business with transparency. Wisconsin citizens have a right to know how their government is spending their tax dollars and exercising the powers granted by the people.
>
> *Id.*

Providing Wisconsin citizens with information regarding the workings of their government is:

> [A]n essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information. To that

> end, ss. 19.32 to 19.37 shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.

Wis. Stat. § 19.31.

Yet now, DOJ's own newly-formed Solicitor General Office, is asking this Court to eviscerate Chapter 19 by erecting a wall around the very public records law that DOJ feigns to treasure and protect. It attempts to do so by putting its heavy thumb on one side of the scale when performing the well-known balancing test to determine whether a record should be made public.

DOJ's arguments rest upon two rationales: (1) strategies used by prosecutors and law enforcement investigators, which are not part of their case file but rather generally discussed, if released as public records, would impermissibly affect the public interest in suppressing crime; and (2) releasing the recordings in this case would reveal sensitive personal information to the detriment of minors who were crime victims, even though no victim is publically identified, thus outweighing the presumption of openness. The trial court, to which this Court owes deference as to its factual findings, reviewed the material and decided otherwise.

The trial court and court of appeals both concluded that the DOJ did not meet its burden of proving an exceptional case warranting suppression of otherwise public records.

ISSUE PRESENTED

1. Did the Wisconsin Department of Justice's records custodian fail to overcome the strong presumption of openness of public records? The circuit court and court of appeals both answered, no.

STANDARD OF REVIEW

"Findings of fact by the trial court will not be upset on appeal unless they are against the great weight and clear preponderance of the evidence." *Cogswell v. Robertshaw Controls Co.,* 87 Wis. 2d, 243, 249-50, 274 N.W.2d 647, 650 (1970). This standard is commonly referred to as the "clearly erroneous" test. *Noll v. Dimiceli's, Inc.*, 115 Wis. 2d 641, 643, 340 N.W.2d 575, 577 (Ct. App. 1983). Furthermore, "[i]f more than one reasonable inference may be drawn, an appellate court must accept the one chosen by the trial court." *C.R. v. American Standard Ins. Co.,* 270 Wis. 386, 404, 71 N.W.2d 347, 356 (1955).

This case presents questions of statutory interpretation and application. This Court interprets and applies statutes independently of the previous court decision, deferring to the trial court's factual findings, but benefitting by its legal analysis. *Milwaukee Journal Sentinel v. Wis. Dep't*

of Admin., 319 Wis. 2d 439, 768 N.W.2d 700 (2009) (citing *Blunt v. Medtronic, Inc.,* 315 Wis. 2d 612, 760 N.W. 2d 396). Applying the balancing test prior to the disclosure of public records is also a question of law for independent review; however, the Court benefits from the trial court's discussion of the balance the lower court conducted. *Id.* (citing *Wis. Newspress, Inc. v. Sch. Dist. of Sheboygan Falls,* 199 Wis. 2d 768, 784, 546 N.W.2d 143 (1996)).

Any exception to the general presumption of complete disclosure must be narrowly construed. *Zellner v. Cedarburg School District,* 300 Wis. 2d 290, 306, 731 N.W.2d 240, 248 (2007). It is "contrary to general well-established principles of freedom-of-information statutes to hold that, *by implication only,* any type of record can be held from public inspection. *Hathaway v. Joint School District No. 1*, 116 Wis.2d 388, 397, 342 N.W.2d 682 (1984) (emphasis added).

STATEMENT ON ORAL ARGUMENT AND PUBLICATION

This Court usually holds oral argument and publishes almost all of its decisions. There is no reason to depart from that tradition in this case.

STATEMENT OF THE CASE

In its brief-in-chief, the Government presents to this Court evidence in support of its decision to suppress public records. The trial court explicitly rejected almost all of the disputed evidence. The trial court

found the following facts, which are due deference by this Court unless they are clearly erroneous. *Cogswell* 87 Wis. 2d at 249-50. The Government presented not "one iota" of evidence to the trial court that releasing tapes would affect the Government's ability to prosecute crimes. App. 25, 23:3-6. In fact, the Government conceded at trial that the tapes would not impact its ability to prosecute sensitive crimes or that these particular videos would result in re-victimization. App. 24: 6-25; 25:1. The trial court emphasized that the technology discussed in the videos is much different today than six years ago. App. 25: 11-25; 26:1. The 2009 tape recorded "a general discussion of strategies to deal with perpetrators or suspected perpetrators to either prosecute them or to lure them in once they have committed a crime." App. 28:2-6. The presentation mirrored the information that the public can glean from the internet or watch on related television shows such as "To Catch a Predator." App. 29:3-15. The court found that the videos did not reveal some novel strategy to investigate or prosecute child predators. App. 29:10-15. It specifically found that "[m]ost of the techniques, if not all of them, are widely known in the media." App. 55:8-9. "There is no strategy or technique or anything that is particularly novel in the prosecutorial field. It doesn't impact how they prosecute crimes. It doesn't diminish their ability to put away the perpetrators. It

doesn't diminish their ability to work with law enforcement." App. 52:12-14; 53:13-16

The trial court rejected the Government's argument that making the video public would release confidential victim information. It emphasized that no victims were named. App. 31:24-25; 43:1-5. No one's privacy was invaded. "Nothing in there links it to any of the 40 individuals who were the criminal victims of this perpetrator." App. 51: 19-21. The trial court noted that a simple Google search revealed 15,300 entries about the Waukesha County case discussed by the then District Attorney Schimel. App. 39:10-19; 39:20-23. After reviewing the 2013 video, the trial court found that the presentation referred to a well-publicized case from several years ago. Most of the tape involved comments regarding judicial, investigative and prosecutorial roles: "Comments regarding victims' reactions, parents' reactions . . . without any identification of the victims, without any personal information about the victims other than what is in public record. The criminal complaint contains virtually everything that Mr. Schimel was talking about." App. 50:17-25; 51:1-4.

Importantly, the trial court noted that disclosure of the record actually assists the public in evaluating its elected officials: "They also bear on issues that the electorate needs to know about. How do our public officials prosecute crimes? How are they sensitive to the legislature's

concerns and the constitutional concerns for crime victims?" App. 54:12-16.

The trial court summarized the 2009 video as follows: "It sets forth a discussion by Mr. Schimel of various strategies used to deal with sex predators, both in investigating them and prosecuting them." App. 55:3-6. The court noted that "[w]e are way beyond 2009 in terms of what the abilities of both the prosecution and the predators is, and that why the 2009 tape, we aren't revealing any real secrets here. This is old stuff." App. 56:9-12. "There is not a shred of evidence in this record that releasing the 2009 video is going to impact the ability to prosecute and investigate and catch predators of those who are involved in the sensitive crimes against children." (Emphasis added) App. 56:22-25; 57:1. "The 2009 tape is, basically, investigating child predators 101." App. 57:14-15.

The trial court rejected the Government's claim that the presentations were made to a restricted audience of law enforcement, prosecutors and staff, noting various defense attorneys by name who attended the conferences, including several known to the Dane County Circuit Court as criminal defense attorneys in Dane County. App. 21:5-9. In fact, the videos have been rarely viewed by prosecutors over the decades that they have been recorded. App. 19:5-11. Finally, it is important to note that the Petitioner-Respondent's counsel made a request to review the

videos for possible redaction. App. 5:2-3; 11:15-21. The Government refused to allow such review prior to the trial court making its decision to release the tapes in their entirety.

ARGUMENT

I. DOJ MUST NOT BE ALLOWED TO PUT ITS THUMB ON THE SCALE WHEN PERFORMING THE BALANCING TEST

After reviewing evidence used by the Government to deny access to the videotapes, the trial court found that "the public interest in access to these records outweighs the public's interest in having these records withheld." App. 48:2-23. See, e.g. *State ex rel. Journal Co. v. County Court for Racine County*, 43 Wis. 2d 297, 305, 168 N.W.2d 836 (1969). DOJ failed to present evidence to create an exceptional case not governed by the strong presumption of openness. *Hempel v. City of Baraboo*, 284 Wis. 2d 162, 699 N.W.2d 551 (2005). An "exceptional case" exists when the circumstances are such that the public policy interests favoring nondisclosure outweigh the public policy interests favoring disclosure, notwithstanding the strong presumption favoring disclosure. *Hempel*, 284 Wis. 2d at 162. It is the burden of the party seeking nondisclosure to show that "public interests favoring secrecy outweigh those favoring disclosure." *C.L. v. Edson*, 140 Wis. 2d 168, 182, 409 N.W.2d 417 (Ct. App. 1987). It is important to remember that the identity of the requester and the purpose of the request are not part of the balancing test. *See Kraemer Bros., Inc. v.*

Dane County, 229 Wis. 2d 86, 102, 599 N.W.2d 75 (Ct. App. 1999). In fact, the trial court found that "[t]here is not a shred of evidence in this record that releasing the 2009 video is going to impact the ability to prosecute and investigate and catch predators of those who are involved in the sensitive crimes against children." (Emphasis added). App. 56:22-25; 57:1.

The trial court concluded that the DOJ did not meet its burden of showing that this is an exceptional case. App. 48:13-23. The court of appeals agreed. App. 72.

A. DOJ CANNOT BE ALLOWED TO FEDERALIZE WISCONSIN'S PUBLIC RECORDS LAW

The public record's balancing test is fact intensive. *See Kroeplin v. Wisconsin DNR,* 297 Wis. 2d 254, 725 N.W.2d 286 (2006) (the balancing test must be done on a "case-by-case" inquiry). After providing deference to the trial court's fact finding, its application of this balancing test is subject to de novo review by this Court. *John K. MacIver Inst. for Pub. Policy, Inc. v. Erpenbach,* 354 Wis. 2d 61, 848 N.W.2d 862 (Ct. App 2014). The party resisting the disclosure of public documents bears the burden of showing that the documents fall within an exception to the general rule of disclosure. *See Newspapers, Inc. v. Breier,* 89 Wis. 2d 417, 427, 279 N.W.2d 179 (1979). Any exception to the general presumption of complete disclosure must be narrowly construed: "[S]tatutory exceptions

'should be recognized for what they are, instances in derogation of the general legislative intent, and should, therefore, be narrowly construed." *Hathaway,* 116 Wis. 2d at 397, 342 N.W.2d 682. (quoting *Fox,* 149 Wis. 2d at 411, 438 N.W.2d 589); It is "contrary to general well-established principles of freedom-of-information statutes to hold that, *by implication only,* any type of record can be held from public inspection." *Hathaway,* 116 Wis. 2d at 397, 342 N.W.2d 682 (emphasis added). The basis for not according any weight to the record custodian's balancing decision is clear: "Records requested may well relate to the custodian himself or herself... In short, a custodian personally may view a records request as being favorable or unfavorable to his or her own interests or those of someone close to him or her. The courts generally provide a more disinterested forum." *Id.,* Ftn. 4. This is especially true when the subject of the records request is the same public official who is performing the balancing test.

The DOJ relies upon *Linzmeyer v. Forcey,* 254 Wis. 2d 306, 646 N.W.2d 811 (2002), to support its claim that the case "emphasizes the protection of prosecutors and law enforcement investigations and strategies." *Linzmeyer* does not support the Government's argument. *Linzmeyer* dealt with a police investigation of a public school teacher into whether he had engaged in inappropriate conduct with a number of his female students. *Id.* The case reiterates the following general principles:

> As we have consistently recognized, the clearly stated, general presumption of our law is that all public records shall be open to the public...this presumption reflects the basic principle that the people must be informed about the workings of their government and that openness in government is essential to maintain the strength of our democratic society...Here [as is true in the present appeal] the parties do not dispute the fact that the Report is a public record as defined by s. 19.32(2). So as with other public records, we begin with the strong presumption favoring release of the Report.

Id., ¶ 15.

Linzmeyer was primarily concerned with whether disclosure would jeopardize an ongoing police investigation. . No such concern is relevant to the facts before this Court because it involves a several years-old case in which the defendant had been convicted and sentenced. *Linzmeyer* summarized the balancing test necessary to overcome the presumption of openness. The Court stated that the "fundamental question we must ask is whether there is harm to a public interest that outweighs the public interest in inspection of the Report. [W]e apply a balancing test on a case-by-case basis..." *Id.*

In *Linzmeyer*, the Court considered a variety of factors in regard to the balancing test, noting:

> [1]...the process of police investigation is one where public oversight is important...[it]is an official responsibility of an executive government agency, and much like the ability to arrest, it represents a significant use of government personnel, time and resources. [2] The investigative process is one that, when used inappropriately, can be harassing or worse. [3] The investigating agency's decisions...are also discretionary, and are generally matters of public interest that support public release of the Report.

Id.

In *Linzmeyer*, the subject of the record was a public school teacher, a public employee in a position of some visibility. The records in this case involve the Waukesha County District Attorney, who is now the state's Attorney General. His records, as those of an elected official, should face greater public scrutiny than a teacher's. All officers and employees of government are, ultimately, responsible to the citizens who have a right to hold them accountable for the job they do. *Id.* "...The mere fact that [a person] is a public employee does not weigh as strongly for release of the Report as it might if [he] were *an elected official, or if he were a more senior policymaking official...* (emphasis added)." *Id.*

Ultimately, the *Linzmeyer* court ordered release of the records. This court should reach the same conclusion in this case: the presumption prevails. Here, the trial court viewed the recordings and rejected the DOJ's claim that the particular strategies and investigative techniques were somehow novel and unique to Wisconsin prosecutors and investigators. App. 25: 47-59.

Recognizing that existing Wisconsin law does not support its attempt to create an all-encompassing "crime-fighting" exception to Wisconsin's Sunshine Law, the Solicitor General has abruptly changed course before this Court and now argues that it should adopt by judicial fiat

the federal exception. It is notable that at both the trial court and court of appeals, DOJ cited zero federal authority for its suppression of the records. In its brief before this Court, federal statutes or cases are cited no less than twenty-seven times. This highlights the fact that current Wisconsin public record law does not provide for the federal exception that DOJ argues should be used to suppress the tapes. Those who cherish transparent government applaud the fact that Wisconsin Public Records Law provides for greater access to Wisconsin records than the federal Freedom of Information Act (FOIA) does for federal records. *Wisconsin Family Counseling Servs., Inc. v. State,* 95 Wis.2d 670, 672–73, 291 N.W.2d 631, 633–34 (Ct. App. 1980). Abolishing this Wisconsin tradition by creating a vast exception is work for the state Legislature, not this court.

B. RELEASE OF THE RECORDS DOES NOT DISCLOSE ANY VICTIM INFORMATION

The Court of Appeals noted the trial court's findings of fact as it relates to the 2013 video, which is the basis for DOJ's victim-confidentiality exception:

> The presentation took place in a large conference room with numerous individuals present. In his presentation, Schimel employed the "case study" method, focusing on a high-profile case from several years before. Largely addressing prosecutors, Schimel shared lessons learned in dealing with victims of sensitive crimes, tips for interacting with victims, and changes Schimel intended to make in his own practice. Schimel commented on the reactions of victims and their families to the crime, how the defendant first came to the attention of law enforcement, and the role of the courts. While Schimel

> provided a great deal of detail, he did not share any identifying information about victims.

App: 70-72.

The trial court also addressed the DOJ's claim that public interest would be served by keeping information, much of which is already public, from being "re-disclosed" to protect victims.

> Comments regarding victims' reactions, parents' reactions, how -- and then there was a great deal of detail without any identification of the victims, without any personal information about the victims other than what is in public record. The criminal complaint contains virtually everything that Mr. Schimel was talking about.

App. 25: 50-51.

The trial court also emphasized that much of the information regarding the crime had been made public:

> The fact that virtually every detail about the crimes with the exception of maybe, and I'm not even sure about this because I didn't read all 15,300 entries on the Internet. I did see that there were two pages of international coverage of this crime, and I went and took a look at several of them, the "New York Times," the "GQ" article, the "Milwaukee Journal Sentinel" which was quite extensive in their reporting of this case, and I found that they-- that they virtually covered the waterfront on this.

App. 25: 52-53; 76-93.

As the trial court found, the videos merely repeat information that has been made public in several other venues; namely: 1) the criminal complaint, a public document, provides detailed information; 2) the *Stancl* case has received much publicity, including a large article in GQ magazine in which District Attorney Schimel is quoted. App. 76-92 and; 3) most

notably the details of the presentation are set forth in written materials available on the WILENET electronic network (R. 12: Ex. B.)

Existing public availability of the information contained in a record weakens any argument for withholding the same information pursuant to the balancing test. *See Milwaukee Journal Sentinel v. Wisconsin DOA*, 319 at 439, (union member names sought to be withheld were already publicly available in a staff directory). As to facts supporting "an exceptional case," the DOJ provides no persuasive explanation. As the trial court noted, the claim that release of the records would negatively impact prosecution of perpetrators of sensitive crimes against children was never asserted as fact even in the DOJ's evidentiary affidavits. App. 25: 22-23. More importantly, after reviewing the actual recordings, the court found that disclosure would not harm victims but rather that the public would greatly benefit from the informative discussions about these crimes against children via use of the internet.

II. THE SEMINAR PRESENTATION IS NOT AN "ORAL" CASE FILE PROTECTED BY *FOUST*

DOJ requests that this court expand its holding in *State ex rel. Richards v. Foust*, 165 Wis. 2d 429, 436, 477 N.W.2d 608 (1991) to encompass any discussion of closed prosecution cases. In *Foust,* this court found that the actual prosecutor's file is exempt from public disclosure requests. On at least one occasion, this Court has refused to broaden the

protection of *Foust*. In *Nichols v. Bennett*, 199 Wis. 2d 268, 544 N.W.2d 428 (1996), this Court restricted the *Foust* decision to actual documents pertaining to the prosecutor's file emphasizing that *Foust* does not even automatically exempt all records stored in a closed prosecutorial file. The exemption is limited to material directly related to the prosecution. To conceal any record including discussion of a closed prosecution in a semi-public setting, not just those records related to the prosecution found in the prosecutor's file, would expand *Foust* to countenance the concealment of records related to closed prosecutions. *Foust* does not stand for this broad proposition as it would be in direct contravention of the legislative directive found in our public records laws.

CONCLUSION

For the reasons stated above, this Court should affirm the court of appeal's decision. If the Court's review of the video records reveals the need to redact certain protected information, this matter should be remanded to the trial court to order such appropriate redaction.

Respectfully submitted this 14th day of March, 2016.

BAUER LAW, LLC
Attorneys for Petitioners-Respondents

By: _____
Michael R. Bauer
State Bar No. 1003627
P.O. Box 5241
Madison, WI 53705
Tele: (608) 658-6422
bauermr@charter.net

CERTIFICATION

I hereby certify:

This brief conforms to the rules contained in Wis. Stat. § 809.19(8)(b) and (c), as modified by the Court's November 12, 2014 Order, for a brief produced with a proportional serif font. The length of the brief is 3,956 words.

BAUER LAW, LLC
Attorneys for Petitioners-Respondents

By: _____
Michael R. Bauer
State Bar No. 1003627
P.O. Box 5241
Madison, WI 53705
Tele: (608) 658-6422
bauermr@charter.net

CERTIFICATE OF COMPLIANCE
WITH RULE 809.19(12)

I hereby certify that:

I have submitted an electronic copy of this brief, excluding the appendix, if any, which complies with the requirements of Wis. Stat. § 809.19(12). I further certify that:

This electronic brief is identical in content and format to the printed form of the brief filed as of this date.

A copy of this certificate has been served with the paper copies of this brief filed with the court and served on all opposing parties.

BAUER LAW, LLC
Attorneys for Petitioners-Respondents

By: _____
Michael R. Bauer
State Bar No. 1003627
P.O. Box 5241
Madison, WI 53705
Tele: (608) 658-6422
bauermr@charter.net