COURT OF APPEALS OF WISCONSIN
DISTRICT III

Appeal No. 2018AP000563
Circuit Court Case No. 2016CV000378

JAMES P. MORAN,

Petitioner-Appellant,

v.

WISCONSIN DEPARTMENT OF JUSTICE,

Respondent-Respondent.

ON APPEAL FROM THE FINAL DECISION AND JUDGMENT ENTERED FEBRUARY 8, 2018 BY THE CIRCUIT COURT FOR CHIPPEWA COUNTY, THE HONORABLE JUDGE JAMES M. ISAACSON PRESIDING, WHICH AFFIRMED THE ADMINISTRATIVE DECISION OF THE WISCONSIN DEPARTMENT OF JUSTICE

BRIEF AND APPENDIX OF DEFENDANT-APPELLANT JAMES P. MORAN

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STATEMENT OF ISSUES

1. Do article I, § 25 of the Wisconsin Constitution and the Second Amendment to the United States Constitution require the Department of Justice to recognize the restoration of Moran's rights by the Governor and Circuit Court of Virginia?

   The Department of Justice answered: No.

2. Does the Full Faith and Credit Clause of the United States Constitution require Wisconsin to recognize Virginia's restoration of Moran's civil and firearm rights?

   The Department of Justice answered: No.

3. Can § 941.29 of the Wisconsin Statutes be construed in harmony with the United States Constitution, the Wisconsin Constitution and The Federal Firearms Owners Protection Act so as to give effect to its original remedial purpose?

   The Department of Justice answered: No.

POSITION ON ORAL ARGUMENT AND PUBLICATION

The decision in this appeal should be published because it is a case of first impression and will enunciate a new rule of law or clarify existing statutes. Section 809.23(1)(a)1, Stats. This decision should also be published because it decides a case of substantial and continuing public interest. Section

809.23(1)(a)5, Stats. The appellant believes that oral argument may be helpful to understand some of the nuances of this unusual case.

INTRODUCTION

Wisconsin has a long and rich heritage of allowing its citizens to possess and use firearms. That tradition is emphatically and unambiguously enshrined as the public policy of Wisconsin in article I, § 25 of the Wisconsin Constitution:

> "The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose."

That section reflects the rights embodied in the Second Amendment to the United States Constitution and is even more expansive in its enumeration of the right to keep and bear arms for specific reasons, as well as for any other lawful purpose.

Like other constitutional rights, the courts have determined that the right to bear arms is not absolute, but may be subject to certain reasonable limitations. District of Columbia v. Heller, 554 U.S. 570, 626, 128 S.Ct. 2783, 171 L.Ed.2d 637 (2008). Both the federal and state governments enacted statutes which prohibited felons whose rights had not been restored from lawfully possessing firearms. See 18 U.S.C. § 922(g)(1); § 941.29(1m)(b), Stats.

However, both federal and Wisconsin law recognize that not all persons who commit a crime are beyond redemption or rehabilitation and permit the restoration of civil rights, including the possession of firearms, to persons who pose no threat or danger to the community. That is in accord with the public policy of article I, § 25 of the Wisconsin Constitution and the Second Amendment to the United States Constitution.

STATEMENT OF THE CASE

This is an appeal pursuant to Section 227.58 of the Wisconsin Statutes to review the final judgment of the Circuit Court of Chippewa County which denied James P. Moran's Petition for Judicial Review (R.36; App. 3-5) and affirmed the administrative decision of the Department of Justice (R.2; R.6; App. 1-2), which had denied Moran's application to purchase a handgun based on a 1995 Virginia conviction for which Moran has had all of his civil rights restored by the Governor (R.13: A.R. 167; App. 6) and Circuit Court of Loudoun County, Virginia. (R.3; R.12: 111-112; App. 7-8)

STANDARD AND SCOPE OF REVIEW

This is an appeal from a circuit court's order affirming the decision of an administrative agency, the Department of Justice (hereinafter "DOJ"). (R.2; R.6; App. 1-2) Accordingly, this Court reviews the decision of that administrative agency, not that of the circuit court. Lopez v. Labor and

Industry Review Com'n, 2002 WI App 63, 252 Wis. 2d 476, 642 N.W.2d 561. Because the agency's action was based on an incorrect interpretation of the law, this Court reviews the agency's action *de novo.* Kelley Co. v. Marquardt, 172 Wis. 2d 234, 244, 493 N.W.2d 68, 73 (1992). The agency's decision is entitled to no deference by this Court. County of Dane v. Labor and Industry Review Com'n, 2009 WI 9, ¶¶ 14-18, 315 Wis. 2d 293, 759 N.W.2d 571. This Court shall set aside or modify the agency action if it finds that the agency has erroneously interpreted a provision of law and a correct interpretation compels a particular action, or it shall remand the case to the agency for further action under a correct interpretation of the provision of law. See Section 227.57(5), Stats.

STATEMENT OF FACTS

There were no material factual disputes in the proceedings before the agency. Those facts are set forth as follows:

1. James P. Moran is a 68-year-old resident of Chippewa County, Wisconsin, who moved to Wisconsin from Virginia when his wife retired. (R.1:2)

2. Moran ran his own sales business for 22 years and is now semi-retired. (R.1:2)

3. Moran and his wife purchased a parcel of land in Bloomer, Wisconsin, in 2008, with the intention to someday build a home and retire there; they realized that goal in August of 2016. (R.1:2-3)

4. While previously living in Virginia, Moran was greatly involved with community service activities and held the position of Treasurer at his local church. (R.1:3)

5. Over two decades ago, in 1995, Moran was convicted in Virginia of one felony count of misappropriating funds greater than $250.00, and was placed on probation. (R.1:3) The offense was strictly a property crime, not involving violence or weapons of any sort.

6. As a result of that conviction, he lost certain of his civil rights. (R.1:3)

7. Following Moran's successful early completion of his probation and having committed no further crime whatsoever in the ensuing 11 years, Moran petitioned the Governor of the Commonwealth of Virginia for a restoration of civil rights, which the Governor granted on March 15, 2006. (R.1:3-4; R.13:A.R.167; App. 6)

8. Virginia law requires a second step for the restoration of firearms rights. Following a gubernatorial grant of restoration of civil rights, a person must petition the circuit court and establish that he is capable of responsibly possessing a firearm. Moran did so and the Circuit Court of Loudoun County, Virginia, subsequently entered a final order on November 6, 2013 which recognized the governor's restoration of Moran's civil rights, found that Moran was capable of responsibly possessing a firearm, and specifically granted Moran a permit to possess or carry a firearm. (R.1:3-4; R.3; R.28:4, Ex. 1; App. 7-8)

9. Following the full restoration of his rights, Moran subsequently received and still retains a permit to carry a concealed handgun issued by the Commonwealth of Virginia. That permit was issued on November 27, 2013, and remains valid until November 26, 2018. (R.1:4; R.4; R.28:5, Ex. 2; App. 9)

10. Moran lawfully purchased firearms in the State of Virginia subsequent to the restoration of his civil rights and passed FBI NICS background checks without any problem or incident. (R.1:4; R.5; R.28:5, Ex. 4; App. 10-15)

11. Moran has graduated from numerous firearm safety and training courses and has participated in firearms competitions in Virginia. (R.28:3)

12. On October 5, 2016, Moran attempted to purchase a firearm from a federally licensed firearms dealer in Wisconsin. He completed the appropriate background information forms and the federal firearms licensee (FFL) submitted that information to the Wisconsin DOJ. (R.1:4; R.28:3)

13. The Wisconsin DOJ denied approval of the sale of the firearm to Moran on October 5, 2016. Moran requested an administrative review of the handgun denial, and that was also denied based on Moran's prior conviction. (R.1:4-5; R. 6; App. 1)

14. Moran appealed that administrative review denial under Wis. Admin. Code Jus. 10.09(2) and the Wisconsin DOJ sustained the denial decision on October 26, 2016. (R.1:4-5; R.2; App. 2)

Further facts will be set forth as necessary below.

ARGUMENT

I. ARTICLE I, § 25 OF THE WISCONSIN CONSTITUTION AND THE SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION REQUIRE THE DOJ TO RECOGNIZE MORAN'S RIGHT TO KEEP AND BEAR ARMS IN WISCONSIN FOLLOWING THE COMPLETE RESTORATION OF HIS RIGHTS BY THE GOVERNOR AND COURTS OF VIRGINIA.

Summary of Argument

The right to keep and bear arms is a fundamental constitutional right and therefore subject to only very limited restrictions. One of those restrictions applies to the status of a felony conviction. However, once that status has been abrogated by official action, that person's fundamental

constitutional right to keep and bear arms must be recognized and permitted.

The Second Amendment to the United States Constitution and article I, § 25 of the Wisconsin Constitution did not create a right to keep and bear arms. Rather, those amendments "codified a pre-existing right. The very text of the Second Amendment implicitly recognizes the pre-existence of the right [to keep and bear arms]." Heller, supra at 592. More than 150 years ago, the United States Supreme Court held that "[t]his is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence." Id., quoting United States v. Cruikshank, 92 U.S. 542, 553, 23 L.Ed.2d 588 (1875). It is closely intertwined with the inherent right of self-defense, which has been described as the first law of nature. Erickson v. McKay, 207 Wis. 497, 242 N.W. 133, 134 (1932). Heller noted that self-defense is a basic right recognized by many legal systems from ancient times to the present day, stating that the "inherent right of self-defense has been central to the Second Amendment right." Heller, supra, at 628.

Wisconsin statutes must always be construed in accordance with the spirit and public policy of these constitutional mandates. The Wisconsin Supreme Court was emphatic about this principle:

> "Our conclusions must be guided . . . by the plain, simple, but authoritative and mandatory provisions of our own constitution. We made it ourselves . . . We must construe it and support it . . . according to its plain letter and meaning."

State ex rel. Owen v. Donald, 161 Wis. 21, 130, 151 N.W. 331 (1915) (internal citations omitted).

Giving appropriate consideration to the overriding constitutional authority requires this Court to reverse the decision of the DOJ which denied Moran's exercise of his fundamental rights.

II. THE FULL FAITH AND CREDIT CLAUSE REQUIRES WISCONSIN TO RECOGNIZE MORAN'S RESTORED CIVIL AND FIREARM RIGHTS

Summary of Argument

The Full Faith and Credit Clause of the United States Constitution obligates one state to honor the judgments of the courts of another state.

In order to assure that courts of one state honor the judgments of other states, the framers of the Constitution made that requirement explicit in the Full Faith and Credit Clause:

> "Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof."

United States Constitution, Article IV, sec. 1; see also Pink v. AAA Highway Exp., 314 U.S. 201, 210, 62 S.Ct. 241, 86 L.Ed. 152 (1941) (The purpose of the full faith and credit clause is to require states to recognize other states' judicial proceedings as valid.). The Clause is a crucial piece of the very foundation of our country. It was an essential mechanism in creating a

"union" out of multiple sovereigns. The framers of the Constitution needed to unify a new country while at the same time ensuring that autonomy of the states was preserved.

When invoked to enforce a judgment, the court of the second state is obliged to fully recognize and honor the judgment of the first court in determining the enforceability of the judgment and the procedure for its execution. There are no specific Wisconsin cases dealing with the Full Faith and Credit Clause relating to the restoration of firearms rights in another state. That is likely because it has never needed to be litigated before because it is such a clear, important and essential Constitutional protection.

Although Virginia has a novel constitutional statutory scheme regarding restoration of rights which requires approval by both the governor and the circuit court, if anything it is more rigorous than a simple gubernatorial pardon and certainly is the functional equivalent of a pardon. Where a *more stringent* process is in place in Virginia than is required in Wisconsin to achieve the same ends, there is no logical legal argument to support exempting Wisconsin from the Full Faith and Credit Clause and allowing it to ignore the judgment of the Virginia court, which fully restored Moran's rights to possess a firearm. (R.1:3-4; R.3; R.28:4, Ex. 1; App. 7-8)

III. THE FIREARM OWNERS PROTECTION ACT ALLOWS MORAN TO KEEP AND BEAR ARMS IN WISCONSIN

Summary of Argument

The federal Firearm Owners Protection Act mirrors the Full Faith and Credit Clause and requires all states to honor the restoration of a person's civil rights in the jurisdiction in which the proceedings were held.

In 1986, Congress passed the Firearms Owners Protection Act (FOPA), 18 U.S.C. § 921(a)(20)(B). The unambiguous language of the FOPA dictates that Wisconsin must recognize and defer to Moran's civil rights restoration in Virginia, the state in which he had been convicted and which had restored his rights:

> "What constitutes a conviction of such a crime shall be determined **in accordance with the law of the jurisdiction in which the proceedings were held**. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored **shall not be considered a conviction for purposes of this chapter,** unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms."

(emphasis added). The Wisconsin Attorney General interpreted FOPA and affirmed that this state must honor a restoration of rights granted by another state:

> "What constitutes a conviction of such crimes shall be determined **in accordance with the law of the jurisdiction in which the proceedings were held**. Any

> conviction which has been expunged, or set aside or for which a person has been pardoned **or has had civil rights restored shall not be considered a conviction for purposes of this chapter**."

78 Op. Att'y Gen. 22, 23 (1989) (emphasis added) (R.8; R.12:A.R. 128-132; App. 16-20).

The language of both the federal statute and its interpretation by the Wisconsin Attorney General Opinion is mandatory, stating that the prior conviction in the Commonwealth of Virginia "**shall not**" be considered a conviction for purpose of acquiring and possessing a firearm in Wisconsin. This result is also required by the Supremacy Clause of the United States Constitution, Article VI, Clause 2, discussed below.[1]

IV. SECTION 941.29 OF THE STATUTES MUST BE CONSTRUED IN A COMMON-SENSE MANNER TO GIVE EFFECT TO ITS REMEDIAL PURPOSE, AS WELL AS THE PUBLIC POLICY OF THE STATE OF WISCONSIN

Summary of Argument

When enacted, Section 941.29 of the Wisconsin Statutes contemplated the restoration of firearms rights to felons who were rehabilitated, pardoned,

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1 Although this appeal is from the administrative action of the DOJ, it should be noted that the circuit court's Decision (R.36; App. 3-5) affirming the DOJ's denial (R.2; R.12:A.R. 110, 139; App. 2) completely ignored the Supremacy Clause of the United States Constitution, as well as the Opinion of the Attorney General. It also erroneously held that the "Firearm Owner's Protection Act requires expungement or a pardon." (R.36:3; App. 5) That Decision ignores the plain language of the FOPA broadening restoration of rights to not only a person who has been pardoned, but also to one who "has had civil rights restored." 18 U.S.C. § 921(a)(20)(B), supra.

or otherwise had their rights restored. This Court should construe Section 941.29 so as to permit Moran to exercise his right to possess a firearm consistent with the Constitution, the Full Faith and Credit Clause, and the Firearm Owners Protection Act.

The interaction between Section 941.29 of the Wisconsin Statutes and subsequent federal legislation and interpretation by the Wisconsin Attorney General resembles a Rubik's Cube. Their interplay is sometimes confusing and creates voids and conflicts that can only be resolved by one of the following interpretations of Section 941.29 urged by Moran.

A. The Restoration of Moran's Rights by the Commonwealth of Virginia Removes Moran From the Prohibition of Section 941.29(1m)(b), Stats.

The head of the DOJ is the Wisconsin Attorney General. When requested by the Governor to render a formal opinion on the effect of subsequent federal legislation to Section 941.29 of the Statutes, the Attorney General did not equivocate in his opinion that "any conviction . . . for which a person has had civil rights restored shall not be considered a conviction for purposes of this chapter." 78 Op. Att'y Gen. 22, 23 (1989). (R.8; R.28:8, Ex. 7; App. 16-20)

The Attorney General's thoughtful opinion went on to analyze the interplay between FOPA and state laws. It recognized that the Supremacy

Clause of the United States Constitution, Article VI, Clause 2, makes any state law that conflicts with federal law void:

> "There is no doubt Congress was aware of the potential impact of FOPA on existing state laws. . . .
>
> Congress explicitly recognized that the revisions contained in the FOPA may have a 'secondary effect' on state laws . . .
>
> Where the purpose of a federal statute cannot be accomplished or is otherwise frustrated by the presence of a state statute, the state statute is superseded by the federal authority to the extent of the conflict. See Fidelity Federal Sav. & Loan Ass'n v. de la Cuesta, 458 U.S. 141, 153 (1982). To the extent that a state law actually conflicts with the federal law, the state law is nullified. Oefinger v. Zimmerman, 601 F. Supp. 405, 411 (W.D. Penn. 1984). This may occur in cases when state law becomes an 'obstacle to the accomplishment and execution of the full purposes and objectives of the federal enactment.' Id. at 411-12.
>
> Section 941.29(5)(a) requires that the pardon expressly restore the felon's right to receive, possess or transport in commerce firearms. This requirement no longer exists in federal law. 18 U.S.C. § 921(a)(20). To the extent that the state law frustrates both the specific language and the intent of FOPA, the state statute is superseded by the federal law.
>
> Statutes valid when enacted may also become unenforceable because of changes in the conditions to which the statutes apply. See Chastleton Corporation v. Sinclair, 264 U.S. 543 (1924). Here, the factual justification and basis for section 941.29(5)(a) - - the requirement of U.S.C. app. § 1203 that pardons expressly restore the right to receive, possess or transport in commerce firearms, no longer exists. 18 U.S.C. § 921(a)(20) has no such requirement. The house report on the history of FOPA indicates that it 'expanded the class of persons eligible for relief from the disabilities imposed under the [Gun Control] Act. It benefits persons who have been convicted of a crime . . . [and] have been subsequently determined to have reformed.' H.R. Rep. No. 495, 99th Cong., 2d Sess. 5, *reprinted in* 1986 U.S. Code

> Cong. & Admin. News 1327, 1331. The factual changes created by FOPA effectively render section 941.29(5)(a) unenforceable."

Id. at 24-26.

The identical situation and analysis pertains to the congressional invalidation of 18 U.S.C. § 925(c) and its relationship to Section 941.29(5)(b), Stats. Since 18 U.S.C. § 925(c) is no longer in effect, any reference to it in Section 941.29(5)(b), Stats., is also a nullity.

The plain language of the opinion of the Wisconsin Attorney General removes Moran entirely from the effect of Section 941.29, Stats. In other words, Section 941.29(1m)(b), Stats., does not apply to Moran. The administrative action of the DOJ denying Moran's application repudiated the explicit determination of the Wisconsin Attorney General. This Court should respect the Supremacy Clause as explained in that opinion of Wisconsin's chief law enforcement officer.

B. Section 941.29, Stats., Must be Interpreted and Applied in The Context of Then Existing Federal Law.

When Section 941.29(5) of the Wisconsin Statutes was enacted, the legislature relied on 18 U.S.C. App. § 1203 and 18 U.S.C. § 925(c), which are no longer in effect. The former 18 U.S.C. App. § 1203 was explicitly repealed and replaced by Public Law 99-308 § 104(b) on May 9, 1986, codified as 18 U.S.C. § 921(a)(20), the Firearm Owners Protection Act. As noted

previously, that Act expanded the requirements for states to honor the restoration of a person's civil rights in the jurisdiction in which the proceedings were held. The common-sense construction of Section 941.29(5), Stats., urged by Moran is consistent with the original intent and purpose of the statute to provide relief to appropriate persons when their rights have been restored.

The other federal statutory section referenced when Section 941.29 was enacted was 18 U.S.C. § 925(c). That section too has been invalidated by subsequent congressional action prohibiting the Attorney General of the United States from processing any application by any person for relief from disabilities, effectively rendering 18 U.S.C. § 925(c) a nullity.

> "Since 1992, Congress has eliminated all funding for ATF to investigate or act upon applications for relief from federal firearms disabilities under 18 U.S.C. § 925(c)."

Federal Register, Vol. 77, No. 182, 9/19/2012. (R.7:3)

The Wisconsin Attorney General, in 78 Op.Att'y Gen. 22, 24, (1989), in a formal opinion to the Governor, recognized and confirmed that 18 U.S.C. § 925(c) is a nullity and that the corresponding section of the Wisconsin Statutes was invalidated by that congressional action. (R.8; App. 16-20)

The general scheme of Section 941.29 of the Wisconsin Statutes when it was enacted was to prohibit the possession of a firearm by certain persons,

including persons convicted of a felony in Wisconsin or elsewhere which would be a felony if committed in Wisconsin. The statute carved out relief from that prohibition for persons who had obtained relief from the collateral disability under the then existing available methods to obtain relief: a pardon, express authorization to possess a firearm under 18 U.S.C. App. § 1203, or relief from disabilities under 18 U.S.C. § 925(c). Section 941.29(5)(a) and (b), Stats. The statute clearly intended that the firearms prohibition in Section 971.29(1m) would not apply to persons who had obtained relief from the collateral consequences of a conviction.

The restoration of firearms rights contemplated by Section 941.29(5), Stats., have been replaced and expanded by the current controlling federal provision of FOPA. The DOJ's reading actually narrows the availability of restoration of rights contrary to both the spirit of restoration of rights and current controlling federal constitutional and statutory law.

C. Virginia's Firearm Rights Restoration Process Reflects the Spirit of Pardons and is the Functional Equivalent of a Pardon Under Section 941.29(5)(a), Stats.

The process to restore firearms rights in Virginia is twofold. First, the person must petition for his civil rights to be restored through the Secretary of the Commonwealth and the Governor. Second, once approved by the Governor, the person must take a further step to restore *firearm* rights through

a circuit court of Virginia. This is no perfunctory matter. The petitioner must establish and the court must find, as it did with regard to Moran, that he "was capable of responsibly possessing a firearm." (R.28:Ex.1; R.3; App. 7-8)[2] This restoration process is tantamount to a pardon.

"Pardon" is defined as:

> "An act of grace, proceeding from the power entrusted with the execution of the laws, which exempts the individual on whom it is bestowed from the punishment the law inflicts for a crime he has committed. . . ." (Black's Law Dictionary)
>
> "[A] release from the penalty of an offense; a remission of penalty, as by a governor."
> (http://www.dictionary.com/browse/pardon)
>
> "The granting of a pardon to a person who has committed a crime or who has been convicted of a crime is an act of clemency, which forgives the wrongdoer and restores the person's Civil Rights."
> (Legal-dictionary.thefreedictionary.com/pardon)

In Virginia, the steps to restore one's civil and firearm rights is the functional equivalent to what Section 941.29(5)(a), Stats., refers to as a "pardon." Virginia's laws governing the process of restoration embraces and embodies the spirit of pardons; it forgives the wrongdoer by restoring the person's rights. It releases a person from the perpetual collateral punishments

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2 This vetting process and findings are virtually identical to those referenced in 18 U.S.C. § 925, which had been incorporated into Wis. Stat. § 941.29(5). That standard permitted restoration to a person who establishes "that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest." 18 U.S.C. § 925(c).

of his or her conviction. That is exactly what the combined actions of the Governor and the Loudoun County Circuit Court granted to Moran. (R.3; R.13; App. 6-9)

This Court must look to the substance of the restoration of Moran's rights. Virginia's restoration of rights is an act of clemency consistent with a pardon and requiring the DOJ to recognize that restoration is consistent with the public policy of the State of Wisconsin.

CONCLUSION

Based upon the record herein and the foregoing authorities and arguments, James P. Moran respectfully requests that this Court reverse the administrative denial of the Wisconsin Department of Justice and grant Moran the right to keep and bear firearms in Wisconsin.

Dated this 11th of June, 2018.

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CERTIFICATION ON FORM

I hereby certify that this brief conforms to the rules contained in Section 809.19(8)(b) and (c), Stats., for a brief and appendix produced with a proportional serif font. The length of this brief is 5,734 words.

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CERTIFICATION OF COMPLIANCE
WITH RULE 809.19(12), STATS.

I hereby certify that I have submitted an electronic copy of this brief, excluding the Appendix, which complies with the requirements of Section 809.19(12), Stats.

I further certify that the 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.

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CERTIFICATION REGARDING APPENDIX

I hereby certify that filed with this brief, either as a separate document or as a part of this brief, is an appendix that complies with Section 809.19(2)(a), Stats., and that contains, at a minimum: (1) a table of contents; (2) the findings or opinion of the circuit court; and (4) portions of the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review of an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using first names and last initials instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

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CERTIFICATION OF COMPLIANCE
WITH RULE 809.19(13), STATS.

I hereby certify that I have submitted an electronic copy of this Appendix, which complies with the requirements of Section 809.19(13), Stats.

I further certify that this electronic Appendix is identical in content to the printed form of the Appendix filed as of this date.

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APPENDIX

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