

December 13th, 2010

Susan Buroker
Division of Management Services
Department of Agriculture Trade and Consumer Protection
P.O. Box 8911
Madison WI 53708-8911

REQUEST FOR RECORDS
PURSUANT TO 19.35 WI STATUTES

Dear Susan:

You are hereby requested to provide me copies of all records collected, assembled or maintained by your department regarding the following:

- 1. All licenses, permits, records, reports and notices of exempt operations pursuant to State statute § 93.35 and ATCP 54.06 regarding weather modification.**

If you do not retain these records please direct me to those who do.

I would request your response within ten (10) business days. I agree to pay any reasonable copying and postage fees of not more than \$10. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

Please be advised that I am prepared to pursue whatever legal remedy necessary to obtain access to the requested records. I would note that violation of the open records law can result in the award of court costs, attorney fees and actual damages of not less than \$100. I would further note that if a court determines that your noncompliance with the law was arbitrary or capricious, it may award me punitive damages and fine you up to \$1,000. See Wis. Stat. Sec. 19.37(2)-(4).

Thank you for your assistance. Your cooperation in this matter will be greatly appreciated.

Respectfully submitted



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Randy Romanski, Secretary

Dear

I have received your public records request letter dated December 13, 2010, asking for “[a]ll licenses, permits records, reports and notices of exempt operations pursuant to State statute § 93.35 and ATCP 54.06 regarding weather modification”. I also received this request by email at an earlier date, which I forwarded to Brian Kuhn in the Department’s Division of Agricultural Resource Management.

It is my understanding from Mr. Kuhn, who is the records custodian for those records, that there are no records of the type you requested at this department, and that he mailed you a response indicating that on December 3, 2010. Please contact Mr. Kuhn if you have additional questions about any records concerning s. 93.35, Stats. The number for that Division is (608) 224-4500.

Sincerely,

A handwritten signature in cursive script that reads "Susan Buroker".

Susan Buroker
Administrator
Division of Management Services

cc: Brian Kuhn

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State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection

Randy Romanski, Secretary

December 3, 2010

Re: Open Records Request For Weather Modification Records

Dear _____

This letter is a response to your November 24, 2010 open records request to the Wisconsin Department of Agriculture, Trade and Consumer Protection, concerning the weather modification rule and statute. You requested, "all licenses, permits, records, reports and notices of exempt operations pursuant to state statute §93.35 and ATCP 54.06 regarding weather modification".

As custodian for these records I am providing the Department's response to your request. We have no records of anyone ever having applied for a license or permit related to weather modification, nor have we any notices of exempt operations pursuant to state statute §93.35 and ATCP 54.06.

If I have misunderstood your request, please let me know.

Sincerely,

— Brian D. Kuhn
Plant Industry Bureau Director

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