



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
David M. Erwin, Chief of Police

December 10, 2020

Representative Paul R. Tittl
Representative District 25
Wisconsin State Assembly
Rep.Tittl@legis.wisconsin.gov

Representative Shae Sortwell
Representative District 2
Wisconsin State Assembly
Rep.Sortwell@legis.wisconsin.gov

Dear Representatives Tittl and Sortwell:

The purpose of this correspondence is to provide you with a written response to your appeal of Capitol Police's denial of a permit request you submitted on December 1, 2020 for a "historical display" on the ground floor of the Capitol rotunda.

Capitol Police denied your permit for several reasons, the primary one being that DOA does not have the authority to approve it. Per SCERB resolution duly adopted pursuant to section 16.83(2) of the Wisconsin Statutes, DOA is prohibited from approving permits for displays on the ground floor of the Capitol rotunda.

In response, your appeal cites the following as basis for seeking reconsideration of Capitol Police's denial of your permit request:

1. This historical display was bought and paid for by private citizens of Wisconsin, not by elected officials.
2. There are no lights on the historical display, so no taxpayer funds are being used for electricity.
3. Each year people throughout Wisconsin enjoy seeing the historical display and photos of it.
4. The historical display is also encouraging to people who work in the Capitol.
5. The historical display also gives families the opportunity to make hand-crafted ornaments. Families have contacted us indicating they would be sending handmade ornaments. As in past years, we will share extra decorations with veterans homes, assisted living homes, and senior living homes.

While your appeal lists various policy reasons that Capitol Police should reconsider its denial, it does not address the legal constraints imposed on DOA by SCERB. Given that DOA remains by law prohibited from granting such permit requests, I must affirm Capitol Police's denial of your permit request in its current form.

However, I would like to give you the opportunity to maintain your display in the Capitol by meeting certain conditions that will allow DOA by law to grant your permit. If you abide by the following

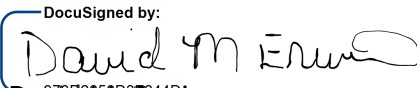
conditions, your permit request will be considered amended, and this response will be considered an approval of such permit request:

- 1) The exhibit must be moved to the first floor of the Capitol rotunda;
- 2) The exhibit must be removed within 30 days of its placement on the first floor.

In recognition of the disruption the COVID-19 pandemic may have on your ability to meet these conditions in a timely manner, your compliance with the above conditions by close of business on Monday, December 14, 2020 will be deemed responsive. If you do not comply with these conditions within this timeframe, Capitol Police may confiscate your exhibit in accordance with sections Adm 2.08(1)(d) and 2.11. Any unclaimed confiscated property may be disposed of after 30 days.

Per section Adm 2.04(10) of the Wisconsin Administrative Code, this denial of your appeal constitutes a final agency decision on the matter.

Sincerely,

DocuSigned by:

David M. Erwin
Chief of Police

12/10/2020 | 2:35 PM CST