



Wisconsin Ethics Commission

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Timeline of Staff Actions RE: John Doe Leak Investigation

Timeline

2016

- June 30 Ethics Commission created. Staff Counsel Buerger interim Administrator.
- July 24 Administrator Bell official start date with Commission
- September 14 John Doe documents published by the Guardian.
- September 26 Met with Special Prosecutor Schmitz to discuss status of JD materials and preparations to comply with WISC order if USSC appeal unsuccessful.
- September 27 Moved JD materials from Nathan Judnic's office to locked cabinet in Commission offices.
- September 29 Changed passwords on all GAB gmail accounts so that only Staff Counsel Buerger had access.
- October 3 USSC rejects final appeal of JD investigation. 30 days to comply with WISC order to return documents.
- October ?? Special Prosecutor Schmitz in office to review hard copy files to determine what is subject to WISC order to turn over.
- October 4 Staff Counsel Buerger sends email to Matt Stippich of Digital Intelligence advising him to notify the Commission if it still has any JD material.
- October 6 Special Prosecutor Schmitz requests letters also be sent to GAB investigators
- October 24 Staff Counsel Buerger sends letters to former GAB members and staff on behalf of Special Prosecutor Schmitz requesting they certify they do not have any JD materials.
- October ?? Signed certifications from former GAB members, staff, and investigators turned over to Special Prosecutor Schmitz.
- October 31 Special Prosecutor Schmitz takes one box of papers containing evidentiary materials, one external hard drive, and four DVDs from Commission files to return to WISC. Remaining files deemed not subject to order and will be maintained in secure storage until destruction is authorized.

2017

January 27 Phone call with DSG Dan Lennington re: DOJ criminal investigation. Received copy of order amending secrecy order to include DOJ staff. DOJ requests all GAB records in our possession related to JD investigation (email and hardcopy). Advised DOJ of our concerns with § 19.50 as well as other potential privilege or protections as we have not reviewed the requested documents. Lennington to explore alternatives to voluntary production.

January 30 Meeting with DSG Dan Lennington and AAG Schneider re: seeking another amendment to the secrecy order to explicitly permit DOJ staff access to materials covered under § 19.50 and other privileges or protections. We agreed that the proposed draft order would be sufficient for us to release our records to DOJ.

January 31 Received new secrecy order with broader language and specific finding as to § 19.50.

February 1 Turned over two file cabinet drawers of paper records left in our possession by Special Prosecutor Schmitz to SA Strauss and SA Kyra Schallhorn.

February 7 SA Strauss and Digital Forensic Examiner Flessert attempt to retrieve electronic files from segregated space on network drive, but due to technical problems have to come back another day?

February ?? SA Strauss and DFE Flessert return and retrieve electronic files by changing the network path and copying off files.

March ?? Staff uncovers potential additional JD materials

March 15 SA Strauss retrieves small folder of additional JD documents. SA Strauss relays request re: make and model of copiers/scanners available to staff from May-September 2016. Email sent to SA Strauss with make and model numbers of copiers available to GAB staff at the time. Also asked for further instructions on key words for archive email searches for prior staff. Arranged to meet next Tuesday to discuss in-person.

March 21 Met with DSG Lennington and AAG Schneider to narrow down search terms.

March 30 Conducted electronic search of network drive and archived emails. Found a dozen documents that match criteria. Conducting additional searches to ensure full disclosure.

April 26 Request from DSG Lennington for status update on electronic search.

April 27 Advised DSG Lennington of additional electronic files that met search criteria. SA Strauss to come pick up on May 2.

May 2 SA Strauss and another DFE retrieve additional electronic files. SA Strauss requests if agency has access to any building security camera footage. After brief inquiry, replied via email that we have no access to any recordings and referred them to Mullins Group LLC.

May 22 Administrator Bell finds two additional boxes of potential JD hardcopy material in basement storage unit (see May 25 memo). Administrator Bell turned documents over to Staff Counsel for review. Initial review indicated it was partially JD I and JD II material. Secured in locked storage in main office until it could be turned over to DOJ.

May 23 Compared inventory of additional hardcopy materials to index of material turned over to SA Strauss. Determined that at least some material was duplicative, but impossible to determine if 100% duplicative due to the vague descriptions on the DOJ index. Advised DOJ of the discovery and arranged for production of materials.

May 24 SA Strauss and SA Schallhorn retrieved both boxes of additional material.

May 25 Senior Counsel Lennington called with additional questions on possible locations of external hard drives used by GAB staff.

June 7 SA Strauss requests individual interviews with Administrator Bell and Staff Counsel Buerger re: involvement in collection of records. Clarified via email that we would need to talk to the Commission before agreeing as Commission had previously instructed outside counsel before taking individual interviews.

June 12 Requested representation from DOJ

June 20 DOJ declines request for representation due to conflict with investigation.

June 21 SA Strauss request for update on interview request. Advised of DOJ refusal to represent and plans to talk to Governor's office regarding appointment of special counsel.

June 27 Requested appointment of special counsel from Governor's office.

July 6 Governor's office appoints Sam Hall as special counsel for Commission.