

May 22, 2006

Stephen McLean, Esq.
City Attorney's Office
807 Center Avenue
Sheboygan, WI 53081

Re: Dennis Baumann

Dear Mr. McLean:

We write this letter on behalf of our client, Dennis Baumann, in response to Mayor Juan Perez' letter of May 1, 2006, in which he invites Mr. Baumann to "augment the record" with regard to the letter ("the employee letter") attached to the Mayor's May 1 letter.

First, we do not believe that the employee letter constitutes a record which is subject to the open records law. We believe that one or more exceptions apply which exempt the Mayor from disclosing this employee letter.

Second, we believe it is very important to state the manner in which this letter became a matter of public concern. Alderperson Renee Suscha told the undersigned that she learned of the employee letter as a result of her overhearing the Mayor talking to another person about that letter. Alderperson Suscha also informed me that she may have learned about the letter even prior to overhearing the Mayor talking about it.

In that regard, Susan Hundley informed the undersigned that Renee Suscha told Hundley that the employee letter was located on the Mayor's desk during a telephone conversation between Hundley and Suscha. It was Hundley's impression that Suscha was calling Hundley from the Mayor's office.

It is also important for you to know that Alderperson Suscha disclosed the letter to Susan Hundley while Hundley was working at radio station WHBL. Alderperson Suscha called Susan Hundley for the purpose of requesting that Ms. Hundley refrain from discussing on air the dispute between Alderperson Suscha and Sheboygan Police Chief Kirk. It was in the course of that conversation that Alderperson Suscha brought to Ms. Hundley's attention the employee letter concerning Mr. Baumann. Alderperson Suscha informed Ms. Hundley that the Mayor did in fact have such a letter and that it could be obtained if someone from the radio station would call the Mayor to request it.

Piecing together the various strands of evidence it becomes apparent that the employee letter containing allegations against Mr. Baumann was used in an effort to distract the news media from coverage of the dispute with the City Police Chief. No other explanation has been offered as to why the Mayor would insist upon disclosing a letter that clearly involves allegations of a private employment status. There was never any reason for this letter to be treated as a "public record" and there would not have been any public record request had the Mayor treated the letter with a greater degree of confidentiality and had Alderperson Suscha not invited the media to request the letter from the Mayor. In short, the use and disclosure of the letter appears to have been a carefully crafted plan to divert the public's attention from real issues of public concern.

We believe that the dissemination by publication or otherwise of this letter is unwarranted by the facts or by the law. While we believe that Mr. Baumann has legal grounds to pursue this matter further in court, given the resulting costs to the City of Sheboygan, and because of his respect for the citizens of Sheboygan, he has decided that it is best to bring this matter to a close without litigation. He strongly believes that the issues raised in the employee letter should be and, in fact have been, properly dealt within the work place.

There is nothing of value to be gained by further disclosure of this letter and we believe the further dissemination of this letter is contrary to Mr. Baumann's employment rights and to his rights as a private citizen. We would urge the Mayor to reconsider his position regarding the dissemination of the employee letter.

We further urge those who choose to obtain a copy of the employee letter to show self restraint in the handling of it, recognizing the fact that no valid public purpose is gained by disseminating it. Rather, any one else who disseminates the letter is simply furthering the Mayor's hope of distracting attention away from the many problems that face Alderperson Suscha and the Mayor relative to their interaction with the City of Sheboygan Police Chief and a host of other issues that confront the Mayor's office.

Mr, Baumann is prepared to let this matter come to a close despite the harm which he has suffered. We encourage the Mayor to likewise put an end to his efforts to discredit the reputation of Mr. Baumaiw.

Thank you for your attention to this matter. Please include this letter along with the employee letter in the event the Mayor does not reconsider his position regarding the release of it.

Please call me if you have any questions.

Sincerely yours,

William P. Tc Winkle

WPT/sep

pc: Dennis Baumann