CITY OF FRANKLIN,
a municipal corporation,

Petitioner/Interested Party,

v.

STATE OF WISCONSIN - DEPARTMENT OF HEALTH and FAMILY SERVICES,

State Agency.

Nature of Petition: The applicability and enforcement of the terms of Wisconsin Statutes Chapter 980 - Supervised Release of Sexually Violent Persons, and Wisconsin Statutes §§ 301.45 and 301.46 pertaining to access to and notification of information concerning sex offenders

PETITION FOR DECLARATORY RULING AND FULL HEARING ON THE MERITS PURSUANT TO WIS. STAT. § 227.41

TO: Helene Nelson, Secretary,
State of Wisconsin Department of
Health and Family Services
1 West Wilson Street
Madison, WI 53707-7850

PLEASE TAKE NOTICE that the petitioner, City of Franklin, by and through its officers and attorneys, and pursuant to Wis. Stat. § 227.41, hereby petitions the State of Wisconsin Department of Health and Family Services (hereinafter "DHFS", or alternatively "State Agency") for a declaratory ruling on whether DHFS has complied with the statutory mandates of Wisconsin Statutes Chapter 980, Sexually Violent Person Commitments, and Wisconsin Statutes § 301.45, Sex offender registration and §301.46, Access to information concerning sex offenders, with respect to its supervision and notification responsibilities for those persons committed to the State of Wisconsin's custody as sexually violent persons. The City of Franklin is an interested person, as that term is used within Wis. Stat. § 227.41, because Franklin has been the employment locale of at least one sexually violent person, Billy Lee Morford, as recently as March 30, 2006, under circumstances in which

Franklin believes that both the substantive requirements and intent of Wis. Stat. ch. 980 and Wis. Stat. §§ 301.45 and 301.46 to protect the public, were violated. Franklin reasonably anticipates that, currently, and prospectively under 2005 Wisconsin Act 431, to take effect on July 1, 2007, it and other Wisconsin municipalities in Milwaukee County will be the locale for residence placement, employment and educational efforts involving persons committed under Wis. Stat. ch. 980 who have been approved for supervised release. Further facts and the requested relief are contained below. The foregoing and the following presentations and statements are made after diligent inquiry and interview, and are presented by the Petitioner as true upon information and belief.

INTRODUCTION

In 2003, Billy Lee Morford, a registered sex offender and adjudged sexually violent person, was committed to the custodial supervision of the Department of Health and Family Services (DHFS), pursuant to the provisions of Wisconsin Statute Chapter 980. In 2004, after Morford applied for community release, DHFS presented a supervision plan to the Milwaukee County Circuit Court that included a provision for part-time employment at a location within the City of Franklin. The employment proposal was rejected by the court.

On March 30, 2006, the Franklin Chief of Police discovered that DHFS had nonetheless assigned Morford to engage in part-time employment at the City of Franklin address that had been rejected by the circuit court, and that he had been so employed for over a year. It was further determined that the location of Morford's part-time employment was the same address at which he had been accused of an earlier sexual offense that lead to a previous revocation of his parole.

The Franklin Chief of Police was never notified by DHFS, or any other state agency, of the placement of Morford at the Franklin address.

The ensuing inquiry, initiated by Franklin representatives, revealed significant questions about whether there exists a defined set of rules controlling the release and supervision of Chapter 980 sexual predators into Wisconsin's communities, and those questions now prompt the City of Franklin to seek declaratory rulings from the responsible state agencies and departments as hereinafter described.

ISSUES PRESENTED

1. Does DHFS have rules to perform supervised release duties under Wis. Stat. ch. 980 and related notification duties under Wis. Stat. §§ 301.45 and 301.46 for sexually violent persons and specifically, sexual predators who are not on probation and not on parole.

2. May DHFS rely upon access to the WILENET system database, which is essentially unsearchable by employment address, to comply with the statutory requirements under Wis. Stat. §§ 301.45 and 301.46 to notify chiefs of police of Wisconsin municipalities by direct electronic data transfer of information concerning sexual offenders and sexually violent persons?

3. Is DHFS required to provide the name and address of an approved chaperone of a sex offender or a sexually violent person to a chief of police of a Wisconsin municipality or is that information a confidential treatment record?

4. To what extent, if any, is there liability on the part of DHFS or any other person or entity for harm to the public or any person, arising from any negligent or intentional and wrongful act or omission of a chaperone approved by DHFS, occurring as a result of the performance of the chaperone's duties in supervising a sex offender, including a sexually violent person?

5. Do activities such as cutting grass, repairing automobiles, and performing other handyman services on property owned by another, "whether financially compensated,"

"volunteered", or otherwise, including such DHFS sanctioned activity as occurred in the City of Franklin, constitute "employment" under Wis. Stat. § 301.45(1d)(a), and require notification to the chief of police of the subject municipality?

APPLICABLE RULE OR STATUTE

Supreme Court of Wisconsin.

"The principal purposes of ch. 980 are the protection of the public and the treatment of convicted sex offenders who are at a high risk to reoffend in order to reduce the likelihood that they will engage in such conduct in the future." *State v. Carpenter*, 197 Wis. 2d 252, 271, 541 N.W. 2d 105 (1995). "This heightened level of dangerousness and the unique treatment needs of sexually violent persons justify distinct legislative approaches to further the compelling governmental purpose of protection of the public." *In re Commitment of Burgess*, 262 Wis.2d 354, 379, 665 N.W.2d 124 (2003). "Wisconsin has a compelling interest in protecting the public from dangerous, sexually violent persons." *In re Commitment of Beyer*, 287 Wis.2d 1, 21, 707 N.W.2d 509 (2006).

Wisconsin Statutes Chapter 980.

A "sexually violent person" is "a person who has been convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense, or has been found not guilty of or not responsible for a sexually violent offense by reason of insanity or mental disease, defect, or illness, and who is dangerous because he or she suffers from a mental disorder that makes it likely that the person will engage in acts of sexual violence." Wis. Stat. § 980.01(7). Wis. Stat. § 980.06 establishes that if a court or jury determines that the person who is the subject of a petition under 980.02, is a sexually violent person, the court shall order the person to be committed to the custody of the department for control, care and treatment until such time as the person is no longer a sexually

violent person.

A person who has been committed to state custody as a sexually violent person may petition the committing court for an order authorizing supervised release after eighteen (18) months of institutionalization in a secure mental health facility or unit. Wis. Stat. § 980.08; Wis. Stat. § 980.065. Wis. Stat. § 980.08 also provides that an order for supervised release of a sexually violent person places the person in the custody and control of DHFS. Pursuant to Wis. Stat. § 980.08(6m), each person on supervised release is subject to the conditions set by the court and to the rules implemented by DHFS. Wis. Stat. § 980.08 also sets the requirements for what DHFS is to review, evaluate, report and prescribe, both to the court and to the community into which the sexually violent person will be released, as part of the rules which are contemplated by the statue related to the sexually violent person who is the subject of the release order.

Wis. Stat. § 301.45, establishes a sex offender registry, and Wis. Stats. §301.45(1g)(dt), applies the terms and requirements of the sex offender registration statute to sexually violent persons committed under Wis. Stat. ch. 980. Wis. Stat. § 301.45(2), requires in part that the State of Wisconsin Department of Corrections maintain certain information about persons subject to the sex offender registration statute, including the terms and details of that person's employment. Wis. Stat. § 301.45(1d), defines "employment" as employment or vocational activity that is full-time or part-time for a continuous period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered or for the purpose of government or educational benefit.

The purposes underlying the statutory registration requirements of Wis. Stat. § 301.45 are to protect the public and to assist law enforcement officials. *In re Joseph E.G.*, 240 Wis.2d 481, 623

N.W.2d 137, review denied, (Ct. App. 2000). The sex offender registration requirement is a safeguard to protect past victims and to protect the public in general. State v. Bollig, 224 Wis.2d 621, 593 N.W.2d 67 (Ct. App. 1999), *aff'd*, 232 Wis.2d 561, 605 N.W.2d 199.

Wis. Stat. § 301.46 dictates the reporting requirements of the agency with jurisdiction for the confinement or supervision of a committed person. An agency with jurisdiction means "the state agency with the authority or duty to confine or supervise a person or release or discharge a person from confinement" pursuant to Wis. Stat. § 301.46(1)(a), and here, upon information and belief, is DHFS directly, or DHFS by its contract with the State of Wisconsin Department of Corrections (hereinafter "DOC"). Further, § 301.46 (2) imposes upon the agency with jurisdiction an affirmative duty to notify municipal law enforcement of specified information concerning a committed person by "direct electronic data transfer". The agency is also to provide information via "direct electronic data transfer" about any person registered as a sex offender, to any requesting municipal police chief or county sheriff.

Wis. Stat. § 301.46(2m)(am) further requires, among other things, that if involving a person who has been found to be a sexually violent person under Wis. Stat. ch. 980, the agency with jurisdiction shall notify the police chief of any community and the sheriff of any county in which the person will be residing, employed or attending school. This notification is in addition to the information to be provided under the direct electronic data transfer system in Wis. Stat. § 301.46(2) and to any other notification that an agency with jurisdiction is authorized to provide.

Wis. Stat. §301.46(2m)(am) mandates that the notification to the police chief or county sheriff be in the form of a written bulletin, and that it contain, among other things, detailed information regarding the person's name, including any aliases; physical characteristics; conviction

information; supervised release date; the address at which the person is residing; the name and telephone number of the agency responsible for supervision; the name and address of the place at which the person is employed; and "[a]ny other information that the agency with jurisdiction determines is necessary to assist law enforcement officers or to protect the public… includ[ing] a photograph of the person, other identifying information and a description of the person's patterns of violation." Wis. Stat. § 301.46(2m)(b)2.

CONCISE STATEMENT OF FACTS

Petitioner provides the following Statement of Facts, including such facts known to Petitioner upon information and belief to be true, as evidence of the need for the Declarations Sought.

DHFS is the agency charged with the supervision of Billy Lee Morford as a sexually violent person. Upon information and belief, certain of the supervisory activities by way of contract, and related notification activities, are the responsibility of DOC. Billy Lee Morford is a four-time convicted child molester, who became the first sexual predator to be released upon supervised release in Milwaukee County.

On or about June 2, 2003, Morford was physically released into the community pursuant to a supervised release plan prepared by DHFS. The plan submitted to the Court at the time provided in part that the "assigned agent and the supervised release specialist have approved the residence" and that "[s]pecial consideration was taken during the residential search process to address proximity near schools, day care centers, parks and other places w[h]ere children may visit frequently." ("Location chosen for released predator", *Milwaukee Journal Sentinel*, April 27, 2003.) This "approved" residence was "less than 100 feet from a shelter licensed by the same state agency [DHFS] to house children who have been sexually abused or battered"; the shelter was for four

preteen children "officially designated as children in need of protective services by the state"; and the residence placement was made without notice to the owner and supervisor of the shelter. ("Morford Home Near Abused Children", *Milwaukee Journal Sentinel*, June 9, 2003).

On February 20, 2004, DHFS made application to the Court for the approval of "non-traditional work (bartering)" activity for Billy Lee Morford at a property in the City of Franklin, whose location was not publicly (or to Petitioner) disclosed at the time. After hearing from DHFS, the Court concluded: "I don't – based on the information that you've given to me in these two reports I don't find that this particular site and this location, based on the information you've given me thus far, is appropriate, so I'm going to deny that request at this time." (*State v. Billy Lee Morford*, Milwaukee County Circuit Court Case No. 96CF966242, Petition for Order for Detention, February 20, 2004 Hearing transcript, p. 18.) Upon information and belief, DHFS never specifically reapplied to the Court for approval of any non-traditional work or other activities at the property.

On March 30, 2006, the City of Franklin Chief of Police learned that Billy Lee Morford had been regularly working at a property located within the City of Franklin for over a year. Neither DHFS nor DOC provided that information to the Chief of Police. Upon information and belief, Billy Lee Morford's part-time employment included cutting grass on the five-acre parcel of land, repairing automobiles, and performing other handyman services for the property owner. Neither DHFS nor DOC previously notified the City of Franklin Chief of Police or Police Department of the presence of Billy Lee Morford at this particular site and this location for these activities. This particular site and this location was the scene of an alleged attempted child enticement by Billy Lee Morford on or about October 20, 1994, against a 10 year old boy, which caused revocation proceedings at the time and returned Billy Lee Morford to confinement.

The Sand Ridge Secure Treatment Center (hereinafter "Sand Ridge") in Mauston, Wisconsin, is the primary facility for the custody and care of sexual predators. DHFS and DOC involved management of the Sand Ridge Secure Treatment Center in making a decision to allow Billy Lee Morford to return to the described Franklin site and the "decision was discussed at length by DHFS Supervised Release staff, DOC Probation & Parole staff, and Senior Sand Ridge Secure Treatment Center clinical management."

On March 30, 2006, upon information and belief, a Franklin Police Department Detective contacted a DOC assigned agent for Billy Lee Morford, who in part informed that DHFS and DOC agreed in their decision to authorize Billy Lee Morford to leave his residence and go to this particular site and location, and informed as to some of the employment information known to the Chief of Police.

On or about April 7, 2006, upon learning of the facts of the Franklin location of Billy Lee Morford's employment, the DHFS Secretary "directed staff to permanently suspend Mr. Morford's privilege to visit this residence."

On or about May 19, 2006, upon information and belief, the DOC probation agent assigned to supervise Billy Lee Morford who had the conversation pertaining to the Franklin location with the Franklin Detective on March 30, 2006, himself was charged with a violation of Wis. Stat. § 940.20(1)(b), "Lewd and lascivious behavior", for alledged conduct allegedly occurring in public view in Estabrook Park in Milwaukee in the middle of a Thursday afternoon on May 18, 2006, which case is pending.

Statistically at some time during the time period from March 30, 2006, through the date of this Petition, upon information and belief, some approximate 22 of 55, or 40% of the sexually

violent persons historically having been granted supervised release in Wisconsin, have had that supervised release revoked by the agency with jurisdiction for violating a condition or conditions of the release.

ARGUMENT

Since on or about March 30, 2006, Petitioner inquired of DHFS as to Billy Lee Morford's employment status at the Franklin property and attempted to ascertain from DHFS personnel the factors that went into (1) DHFS's approval, in apparent violation of a Court order, of the employment of a registered sex offender and sexually violent person, at an address where the individual had allegedly committed a punishable offense which triggered a parole or probation revocation; and (2) DHFS's failure to provide notice of such employment to the Chief of Police. In particular, Petitioner asked for citation to the rules controlling such employment placements and the supervision practices involved, including that of using a so-called "chaperone", which DHFS rules are contemplated by statute.

Petitioner was informed by DHFS and Sand Ridge that there is no discrete, defined set of "rules" controlling efforts to place and supervise Wis. Stat. ch. 980 sexually violent persons, but that other than Wis. Stat. ch. 980 itself, reference and reliance is to and upon general principles controlling DOC standards promulgated in a DOC handbook for probation and parole agents. Upon information, belief and inquiry by Petitioner with regard to "rules" regulating the supervision and placement of sexually violent persons, specifically, sexually violent persons under supervised release and not on probation and not on parole, such as Billy Lee Morford, neither DHFS, DOC nor Sand Ridge have adopted any such rules, a request for such rules being met with the response that there is "no document" setting forth or otherwise evidencing such rules.

Petitioner was also informed that, in Morford's case, the placement of the sexually violent person at the address previously rejected by the Circuit Court Judge was deemed by DHFS to be under sufficiently different terms from those rejected by the Judge because the individual would only be "puttering" around the location, not working for compensation or engaging in non-traditional work (bartering). Petitioner was informed that the "puttering" was not employment under applicable statutes and did not, in DHFS's view, contradict the Court order.

Petitioner believes that the distinction is disingenuous, and evidences a failure on the part of DHFS, DOC and Sand Ridge as it may perform, to enact or otherwise codify the "rules" under which it will place and supervise Wis. Stat. ch. 980 sexually violent persons. The statute defines employment as both paid and unpaid vocational activity, and DHFS, DOC and Sand Ridge are under their agency with jurisdiction obligations as the case may be, to notify a community when a sexually violent person is placed there for purposes of employment. DHFS's strained avoidance of what constitutes a vocational activity, apparently to avoid having to give Franklin notice that it was placing a person at the exact address rejected by a Judge, illustrates the need for a declaratory ruling on DHFS's compliance with the terms of Wis. Stat. ch. 980 and related statutes, and that of DOC and Sand Ridge as they may participate in the administration of those laws by express mandate or by way of contract with DHFS.

Petitioner also inquired of DHFS and DOC about the system of "direct electronic data transfer" employed by DHFS, DOC and Sand Ridge upon information and belief, to notify a Wisconsin municipality's chief of police of the data concerning registered sexual offenders required by statute to be conveyed to municipalities. Petitioner was informed that permitting chiefs of police access to the WILENET data depository, through contract or arrangement with DOC, was viewed as

sufficient to meet the terms of the statute. Upon information and belief, WILENET is a data depository with no search function other than by use of a name or zip code and, as a result, is not searchable in any meaningful fashion for an employment or school location of an offender who is a non-resident of the municipality. Thus, for a local police chief to determine whether a sex offender or sexually violent person not residing in the community has been employed within his or her community, the chief would have to read each of the registrant's individual entries. Based upon information provided by DOC, the Wisconsin Sex Registry contains a listing of approximately 18,330 individuals. Petitioner does not believe that simply providing access to the WILENET system satisfies the statutory requirement of notice by direct electronic data transfer.

Even if the WILENET system is determined to satisfy the direct electronic data transfer requirements, it does not eliminate the written bulletin requirements of Wis. Stat. § 301.46(2m)(am) for sexually violent persons; no written bulletin was ever provided to the Franklin Chief of Police that Billy Lee Morford, a registered sex offender and sexually violent person on supervised release, had been regularly working at a property located within the City of Franklin for over a year.

Finally, Petitioner inquired into whether, and under what circumstances, DHFS, DOC and Sand Ridge upon information and belief, would notify its Chief of Police of the names and addresses of "approved chaperones" for sexually violent persons on supervised release under the Chapter 980 program. Such notification would, in Petitioner's opinion, help give notice of the presence of sexually violent persons within its community even if the state departments and the municipality disagreed on whether or not the individual was employed there. Moreover, notice to the Chief of Police of the presence and location of the approved chaperones will help to avoid the placement of a sexually violent person near an otherwise unsuitable location such as a shelter for sexually abused or

battered children; or the address of a friend where a previous punishable offense may have occurred, or near an otherwise unsuitable location such as an elementary public school and adjoining County park within walking distance through three yards and then about three or four blocks. Petitioner further inquired as to rules of liability as may pertain to approved chaperones and was informed that there was no such rule and upon information and belief, that there is no current law specifically pertaining to the liability of a chaperone under the circumstances presented, for any harm to the public from any negligent or intentional and wrongful act or omission of the chaperone.

Petitioner does not believe that there can be any reasonable dispute that placement of a sexually violent person at an address where a prior offense occurred is bad policy, especially when the Chief of Police has received no notice of the person's placement. Petitioner asserts that such an occurrence is further evidence that DHFS, DOC and Sand Ridge upon information and belief and as the case may be, need to prepare and adopt, as required by statute, a reasonable set of rules to govern the placement and supervision of Wis. Stat. ch. 980 sexually violent persons and specifically, those sexually violent persons not on probation and not on parole.

In response to Petitioner's inquiry concerning chaperones, DHFS and Sand Ridge informed Petitioner that the names of chaperones and their addresses were confidential "treatment records" protected from disclosure by Wis. Stat. 51.30. Petitioner believes that location addresses are required to be disclosed under the statutes listed. Further, if the visits with chaperones are characterized by DHFS as normal socializing or puttering, then the chaperone information is not a treatment record and is discoverable. The fact that DHFS believes it can keep the names of chaperones secret from municipal chiefs of police evidences the need for a declaratory ruling on whether such information falls within the treatment record protection from disclosure under Wis.

Stat. § 51.30 or other laws.

ADDITIONAL FACTS

Petitioner believes that, at the hearing on this Petition, additional details regarding the circumstances of this Petition will assist in issuing a declaratory ruling. It is not the intent of Petitioner to waive reliance upon any historic dealings with and representations by DHFS, DOC and Sand Ridge with respect to this matter, only that the issues be presented in petition form. Any reasonable request for discovery will be accommodated on terms agreeable to Petitioner and to the State Agency.

DECLARATIONS SOUGHT

1. A declaratory ruling on whether the State Agency has promulgated and set forth custody, release and supervision policies and rules for Wis. Stat. ch. 980 sexually violent persons who are in DHFS custody and under DHFS supervision and specifically, for those sexually violent persons under supervised release who are not on probation and not on parole.

2. A declaration of the policies and rules under which DHFS controls, releases, supervises and gives notice about Wis. Stat. ch. 980 sexually violent persons and specifically, for those sexually violent persons under supervised release who are not on probation and not on parole .

3. A declaratory ruling on whether reliance upon access to the WILENET system database complies with the statutory requirements to notify by direct electronic data transfer, chiefs of police of Wisconsin municipalities, such as the City of Franklin Chief of Police, of information concerning sexual offenders and sexually violent persons.

4. A declaratory ruling on whether providing the names and addresses of DHFS, DOC and Sand Ridge, as the case may be, approved chaperones to chiefs of police of Wisconsin municipalities

constitutes divulging treatment records in violation of Wis. Stat. § 51.30, or any other law, or whether the release of that information is required under Wis. Stat. ch. 301, or any other law; and further, a declaratory ruling on whether a chaperone may be liable to the public upon any negligent or intentional and wrongful act or omission in the performance of the chaperone's duties.

5. A declaratory ruling on whether the "employment" notification requirements are triggered by the placement of Wis. Stat. ch. 980 sexually violent persons in locations where they will be "puttering," or such other term as may be used to describe activities that would ordinarily be productive and compensated for in the marketplace, but for which the individual receives no compensation at the place where his or her activities occur, or activities that would simply be productive and an employment or vocational activity that is volunteered.

REASONS FOR SEEKING THE DESCRIBED DECLARATIONS

As Franklin has described in this Petition, it has directly experienced the intentional presence of a dangerous, repeat child molester within its Community and without notice to its Chief of Police. That presence was accomplished in a manner that appears to directly violate a Circuit Court order and involved a location at which the placed individual had previously engaged in an alleged child enticement offense which resulted in revocation proceedings. Franklin reasonably anticipates that its Community, along with all other Wisconsin municipalities, will continue to be exposed to the placement of similar individuals, currently and prospectively under 2005 Wisconsin Act 431, without clear rules from DHFS, DOC and Sand Ridge that will enable the State Agency to satisfy its statutory requirements.

It is also important to know whether the names and addresses of chaperones are part of treatment records or are part of the identifying/tracking information that must be directly conveyed to

chiefs of police. Such notification can help prevent the placement of sexually violent persons in community locations that may seem benign to DHFS, DOC or Sand Ridge, but that have other circumstances known to the community that would be reasonably viewed by DHFS, DOC or Sand Ridge as the case may be, as relevant.

It is also important to define how DHFS, DOC and Sand Ridge as the case may be apply some of the terms that are already defined by statute - such as "employment", so that both DHFS, DOC or Sand Ridge as the case may be and the community have predictable expectations with regard to the extent of notices that must be supplied. In that regard, a ruling is also required to declare whether a non-searchable database fairly meets the substance and intent of the applicable statute's requirement that notice be sent by "direct electronic data transfer". A declaration in that regard will permit both the State and the municipalities to organize some form of e-mail notification (as Petitioner will argue the statute more properly contemplates), or perhaps work together on the creation of a search mechanism for the database if such is deemed acceptable.

PERSONS UPON WHOM THE DECLARATIONS ARE SOUGHT TO BE BINDING

Petitioner believes that the declarations sought will bind DHFS in its dealing with Petitioner's citizens and law enforcement personnel, as well as the citizens and law enforcement personnel of all other Wisconsin municipalities into which Wis. Stat. ch. 980 supervised releases of sexually violent persons may occur. Petitioner is also seeking like declarations from DOC. Petitioner is also seeking like declarations from Sand Ridge. Petitioner hereby requests that all such Petitions be combined for hearing and that all such Declarations be so binding upon DHFS, DOC and Sand Ridge, accordingly.

On behalf of the Petitioner, I verify that, after diligent inquiry, interview and investigation, the contents of this Petition are true to the best of Petitioner's information and belief. Verified and dated this 26th day of July, 2006.

CITY OF FRANKLIN, *a municipal corporation*

By: _____
THOMAS M. TAYLOR, Mayor, *signing on its behalf for and in support of DECLARATIONS SOUGHT*

POST OFFICE ADDRESS:
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Dated this 26th day of July, 2006.

WESOLOWSKI, REIDENBACH & FLEMING, SC
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Dated this 26th day of July, 2006

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