

Joanne Bungert

Subject: FW: Records Request-Lukas #2
Attachments: Lukas Request #2 Emails-REDACTED.pdf; Lukas Request #2 Email Attachments All.pdf

Dear Mr. Lukas:

This email is in response to your open records request dated December 11, 2020 (see below) wherein you requested various records pertaining to Amaad Rivera-Wagner and Michael Spitzer-Rubenstein.

Please be advised that part 3 of your request has been granted in part and denied in part. The records responsive to your request have been provided by the IT Department and are attached. The responsive records have been redacted or withheld as follows:

- a. In balancing the interests of the public's right to receive such information and the subject's right to privacy and possible adverse effects on the subject's reputation, privacy, or safety the rights of the subject outweigh the public interest with respect to various records you have requests. Accordingly, personal information, including email addresses and personal phone numbers have been redacted.
- b. Upon a balancing test, it has been determined that there is a public policy of maintaining security over staff meeting usernames and passwords as well as access links for non-public meetings which outweighs the public's right to receive such information. Accordingly, SSID/Wifi usernames and or passwords have been redacted.
- b. Information purely personal in nature should not be released because disclosure runs counter to the policy set forth in the cases of *Schill v. Wisconsin Rapids School District*, 2010 WI 86, 327 Wis. 2d 572, 786 N.W.2d 177, 08-0967. *Woznicki v. Erickson*, 202 Wis.2d 178, 549 N.W.2d 699 (Wis. 1996), *Milwaukee Teachers' Educ. Assoc. v. Milwaukee Bd. of Sch. Directors*, 277 Wis.2d 779, 596 N.W.2d 403 (Wis. 1999), and *Hempel v. City of Baraboo*, 2003 WI App. 254, 268 Wis.2d 534, 674 N.W.2d 38 (Wis. App. 2003)(rev. grant Feb. 24, 2004), which recognizes privacy interests of the subjects contained in a public record.

Please note that under Open Records law the City is not obligated to answer questions or provide information but provide access to and copies of records. However, as a courtesy the Mayor's Office has been able to provide answers to Part 1 of your request.

1: **WHAT were their functions?**

Amaad Rivera-Wagner's duties, as described to him, were to check-in central count workers (give them badges, parking passes, etc), interface with the media, and help the Chief Inspector, Jaime Fuge, as she would require and instruct.

Michael Spitzer-Rubenstein was a consultant from the National Vote at Home Institute. He used metrics to assist the clerk's office, ahead of Election Day, for a smooth and effective central count.

2: **Were they paid by ANY grant monies?**

As a city employee, Amaad Rivera-Wagner was eligible to be paid for his Election Work (as overtime) as was all other city employees who worked during the Election. He requested 40 hours of overtime pay for the pay period ending 11/12/20.

Michael Spitzer-Rubenstein was not paid by the CTCL grant, he was part of the technical assistance provided to the City as part of the grant acceptance. Thus, he was paid by the National Vote at Home Institute.

Pursuant to a review of our records, it has been determined that there are no such records responsive to part 2. Mr. Michael Spitzer-Rubenstein is not a former or a current employee or under any employment contract with the City of Green Bay. His role was purely advisory and he did not act on behalf of or as an agent for the City of Green Bay. Accordingly, the City has no records nor is it obligated to maintain any of Mr. Spitzer-Rubenstein's communications with 3rd parties and or non-City staff or officials.

The determination not to release certain records is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to the Attorney General or District Attorney.

Thank you for your cooperation in this matter.

Deanna DeBruler
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From: John Lukas [<mailto:john.lukas@new.rr.com>]
Sent: Friday, December 11, 2020 4:22 PM
To: Joanne Bungert <Joanne.Bungert@greenbaywi.gov>
Subject: This is to replace my 2nd request that I made yesterday

THIS is the REQUEST TO BE REPLACED

This is a new public records request for the actions of Aamad Rivera-Wagner on election night and the nights following the election - Specifically as it pertains to this article where Sandy Juno referred to him as "'Amaad works in the mayor's office, and he seemed to be running Central Count," Juno said. "He seemed to be a central person when you went and signed in. He talked to you; he seemed to be advising the people working at the Central Count tables giving them instructions how to proceed. He seemed all over the place." As for Spitzer-Rubenstein, she added, "They took outside funding from a private organization and then they had a person participating in election process as a worker from the outside organization. I had an issue with that happening."

<https://www.wisconsinrightnow.com/2020/11/10/green-bay-election-tainted-clerk/>

This request is to also reflect ANY/ALL emails between Aamad Rivera-Wagner and Michael Spitzer Rubenstein in the MONTH leading up to the election. Sandy, if there's anything you have to add into this request, please let me know

John Lukas

PLEASE REPLACE THE ABOVE FOIA REQUEST WITH THIS

This is a FOIA request for the actions of BOTH Aamad Rivera-Wagner AND Michael Spitzer Rubenstein as it pertains to this article:

<https://www.wisconsinrightnow.com/2020/11/10/green-bay-election-tainted-clerk/>

Part 1:

WHAT were their functions?

Were they paid by ANY grant monies?

Part 2:

Since Michael Spitzer-Rubenstein was acting in an official capacity, inside the polling area according to observers, his cell phone and laptop SHOULD be open to FOIA requests

SO: This is a FOIA Request for ANY/ALL electronic records from Michael Spitzer-Rubenstein's cell phone used on the polling floor the night of the election - To be SPECIFIC, this is to include all text messages/voicemails, deleted text messages/voicemails from his cell phone device which was used on the voting floor

This is a FOIA request for ANY/ALL electronic records from Michael Spitzer Rubenstein's laptop used the night he was inside the polling area - This is to include ANY/ALL internet caches, internal windows logs, email communications with outside entities during the time he was on the floor, and ANY/ALL communications/actions with USB and external devices used while on the polling floor

Please DETAIL ANY/ALL methodologies used in determining said above FOIA Requests with SAID ABOVE DEVICES ^^^^

Part 3:

This is ALSO a FOIA Request for ANY/ALL communications FROM Aamad Rivera-Wagner's COMPUTER and ANY/ALL CELL PHONES USED WHILE IN HIS OFFICIAL CAPACITY, to Michael Spitzer Rubenstein, in the month (10/3/2020 - 11/3/2020) leading up to the election to ALSO include the week after the election (11/4/2020 - 11/11/2020)

This REQUEST is to include ANY/ALL electronic communication AS WELL AS ANY/ALL physical communication and is to include ANY/ALL text messages, voicemails, emails USED WHILE IN AN OFFICIAL CAPACITY, whether it be an official COGB address, or SECONDARY ACCOUNTS used while in an official capacity - This is also to include ANY/ALL DELETED MESSAGES/COMMUNICATIONS and ANY/ALL INTERNAL COMPUTER LOGS which should reflect what was used and how.

This is also to INCLUDE ANY/ALL physical letters received through the mail

ALSO, Please include ANY/ALL methodologies used in determining said above FOIA Requests with SAID ABOVE DEVICES ^^^^

Sincerely,

John Lukas
3906 St. Croix Circle West
Green Bay, WI 54301

(920) 339-8589

Please do not hesitate if you need further clarification