

FOR IMMEDIATE RELEASE

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Fitzgerald Releases Legal Memo on Recording Consent, Calls on Evers to Answer Important Questions

[Madison, WI] — Last week, Governor Tony Evers and his administration admitted that they had secretly recorded at least one phone call between the governor and legislative leadership. The governor claims he knew nothing of the recording.

Today, Senator Fitzgerald is releasing a legal memo from the nonpartisan Legislative Reference Bureau outlining how a felony may have been committed by Evers' staff secretly recording the call. Senator Fitzgerald released the following statement:

"If the governor didn't know that his staff was recording him, this is a bigger problem than he thinks. The governor should be in control of his office – the buck stops with him. So if one of his staff committed a felony, he needs to hold that person accountable.

"The governor needs to immediately make clear who from his office created the recording, who authorized it, and what disciplinary actions his staff is facing. After bipartisan condemnation of these actions, he also needs to assure legislators that no more recordings exist between our members and the governor or his staff."

[Read the memo from the Legislative Reference Bureau here.](#) The memo states:

... if another person in the governor's office recorded the telephone call without the prior consent or authorization of the governor, Chief of Staff Gau, or Chief Legal Counsel Nilsestuen, then the person may well have violated Wis. Stat. § 968.31 (1) since the person was not a party to the communication.

A violation of Wis. Stat. § 968.31 is a Class H felony and is subject to a fine of not more than

\$10,000 or a term of imprisonment for not more than six years or both.

Senate Majority Leader Scott Fitzgerald (R-Juneau) represents the 13th Senate District, which covers portions of Dodge, Jefferson, Waukesha, Washington, Dane, and Columbia counties.

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