*“Your Right to Know” is available for publication at no cost*

**Records shed light on Natural Resources Board shenanigans**

*By Tony Wilkin Gibart, Midwest Environmental Advocates*

The Natural Resources Board, an all-volunteer body that guides policy for the Department of Natural Resources, is part of Wisconsin’s tradition of open government. The idea to empower volunteers — rather than politicians — was first proposed in the progressive era by leading conservationists, including Aldo Leopold, who understood that decisions about natural resources should be guarded against backroom deals between politicians and lobbyists.

For this reason, the NRB is designed to allow for direct input from ordinary people and for an open decision-making process. But a shadow has fallen over the board. Its current chairperson, Frederick Prehn, has clung to the role past his term, which ended in May. Dr. Prehn, a dentist in Wausau, maintains that he can hold on to the role until the state Senate confirms his replacement.

Gov. Tony Evers in late April nominated Sandra Naas to replace Prehn. But the state’s GOP-controlled Legislature has refused to take it up.

Wisconsin’s public records law has shed light on this murky situation. My organization, Midwest Environmental Advocates, made several demands under that law for records regarding Prehn. They show that Prehn spoke with staff of the Senate Majority Leader Devin LeMahieu, which helped him obtain a memo from the Legislative Reference Bureau about remaining on the board. Other records document Prehn’s regular coordination with lobbyists from Wisconsin Manufacturers and Commerce (WMC).

These same lobbyists met with LaMahieu about Prehn’s term before his replacement was announced. In other records, he suggested he should remain on the NRB to block the governor’s proactive approach to PFAS contamination (the toxins found in Teflon and other products), policies that WMC is also fighting tooth and nail.

The records law has given the public a clearer picture of what Prehn and others are up to. But the picture is far from complete, and that is why my group has sued Prehn.

Midwest Environmental Advocates believes Prehn may have illegally hidden the full extent of his coordination with WMC and others. We requested all forms of written communications Prehn sent and received about his decision. He turned over no text messages. But through a request to another official, we later discovered a text message in which Prehn reflected on his decision to stay on to oppose the governor’s policies. Prehn was legally obligated to retain and disclose this message.

Our lawsuit is about holding Prehn accountable by obtaining records that we all have a right to see. Prehn is not respecting the state’s open government traditions, so essential to the NRB.

The case involving Prehn points to ways to better implement the public records law to avoid litigation. Prehn regularly communicated about NRB business on personal email and text. Of course, he is not alone in using personal accounts for public business, which is not illegal, even though all such communications are still public records.

Officials should be discouraged from this practice. When public records exist on private accounts, we are forced to rely on the word of the official who created the records. Compliance officers at state agencies should consider requiring officials who created public records on personal accounts to attest under oath that they complied with their duties to search for and disclose records. Doing so would make officials think twice before attempting to skirt the law and it would promote transparency.

*Your Right to Know is a monthly column distributed by the Wisconsin Freedom of Information Council (wisfoic.org), a group dedicated to open government. Tony Wilkin Gibart is the executive director of Midwest Environmental Advocates, a nonprofit environmental law firm.*