



Court Decision Allows MEA Lawsuit Against Natural Resources Board Member to Move Forward

Judge Rules Frederick Prehn's Communications About His Refusal to Step Down are Subject to Public Records Law

FOR IMMEDIATE RELEASE: March 8, 2022

CONTACT: Peg Sheaffer, (608) 251-5047 x 3, psheaffer@midwestadvocates.org

MADISON, WI—Today, a Dane County Circuit Court judge ruled in favor of Midwest Environmental Advocates (MEA) when he rejected a motion by Dr. Frederick Prehn, a member of the Wisconsin Natural Resources Board (NRB), to dismiss a lawsuit against him.

[The lawsuit](#), filed by MEA in October 2021, asks the court to enforce Wisconsin's Public Records Law by compelling Dr. Prehn to turn over text messages, emails, and all other communications related to his refusal to step down from the board after the expiration of his term.

Prehn had asked the court to dismiss the lawsuit, claiming that he is not a government authority and that his communications with lobbyists and politicians about his refusal to step down are not subject to the Public Records Law.

In denying Prehn's motion to dismiss, Judge Everett Mitchell found that Prehn is indeed an authority under the Public Records Law and that text messages related to his tenure on the NRB and refusal to step down after the expiration of his term are records subject to public disclosure.

In [his decision](#), Judge Mitchell said, "... [Prehn's] tenure on the NRB has a relationship to state natural resource policy decisions, the decision-making process, and the Governor's ability to appoint new members to the NRB. Further, the records sought are not purely personal communications, as the Defendant argues, because they clearly have some connection to the affairs of the NRB."

Midwest Environmental Advocates filed the lawsuit in October after it was discovered the previous month that Prehn had withheld text messages in his response to a records request filed in June 2021. In response to MEA's public records request, Prehn turned over emails revealing that he had communicated with staff of Republican legislators and lobbyists for special interest groups—including Wisconsin Manufacturers and Commerce—about staying on after the expiration of his term.

Through a separate public records request to another public official, MEA learned that, in addition to communicating by email, Prehn also communicated about his decision to remain on the board by text. MEA alleges that, by withholding the full extent of his communications, Prehn has violated the law and is doing great damage to Wisconsin's tradition of limiting the influence of politics in natural resources and conservation decision making.

Wisconsin's Public Records Law entitles the public to the greatest possible information regarding the affairs of government and ensures that public officials conduct government business lawfully and with transparency.

MEA Staff Attorney Adam Voskuil said, "Dr. Prehn is accountable to the law, just like any other public official. We are pleased that the court affirmed his obligation to comply with the law and to turn over records about his decision to hold over past the expiration of his term."

Tony Wilkin Gibart, executive director of Midwest Environmental Advocates, said, "Dr. Prehn's failure to turn over all relevant communications implicates the Wisconsin Public Records Law. MEA will continue to pursue accountability and transparency because our rights to clean water and a healthy environment depend on open and transparent government."

MEA Staff Attorney Rob Lee said, "The Natural Resources Board sets policy on a wide range of important issues, including wildlife management, PFAS water quality standards, and land acquisition, among many others. These important issues must be acted upon by NRB members who are acting lawfully, transparently and in the best interest of the people of Wisconsin."

Learn more about this case [here](#).

Midwest Environmental Advocates is a nonprofit law center that combines the power of law with the resolve of communities facing environmental injustice to secure and protect the rights of all people to healthy water, land, and air. Learn more at www.midwestadvocates.org or www.facebook.com/midwestadvocates.

###