



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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ATTORNEY GENERAL

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April 30, 2010

Ms. Karen Mueller
Mueller Law Offices
1030 Barry Avenue
Eau Claire, WI 54701

Re: *Correspondence to Attorney General Van Hollen/Madison Surgery
Center*

Dear Attorney Mueller:

I am responding to your correspondence to Attorney General Van Hollen regarding the Madison Surgery Center (MSC). In your letter you indicate that you are writing on behalf of numerous citizens seeking an investigation into potentially illegal actions on the part of the University of Wisconsin Hospitals and Clinics Authority (UWHCA). Specifically, you ask that this office investigate the decision-making process which led to approval of a plan for the MSC to perform late, second-trimester abortions. You argue that such a plan is illegal under Wisconsin law and, as a result, those members of the UWHCA board that voted for the plan may have committed the crimes of misconduct in public office and racketeering.


In response to the concerns you raised, the Department of Justice (DOJ) has reviewed a number of resources including applicable statutes and other legal authority, organizational documents, correspondence, and miscellaneous websites. We have also been in contact with legal counsel for the University of Wisconsin (UW) to determine how the proposed services would be provided. We have been awaiting response from the UW on the final plans before replying to your letter. It is my understanding based on recent information from the UW that they have now abandoned plans to provide late-term abortion services at MSC. As a result, we do not believe further investigation by DOJ is warranted.

Should you obtain information that the MSC is in fact performing such services using state funds or if you believe that a crime is currently being committed, you may wish to contact us or the local law enforcement agency or district attorney's office in the county where you believe such crime is occurring. By statute, DOJ is generally only able to issue criminal charges at the request of a district attorney, circuit court judge, or the Governor.

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Thank you for your correspondence to Attorney General Van Hollen. I hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Potter". The signature is fluid and cursive, with a large initial "K" and a distinct "P" at the end.

Kevin Potter
Assistant Attorney General
Administrator, Legal Services

KP:BLO:kw

c: Raymond P. Taffora
Deputy Attorney General