

# Fitzgerald demands Evers identify staffer who recorded call with GOP leaders

Posted on Tuesday, Jun 16, 2020

Senate Majority Leader Scott Fitzgerald demanded Gov. Tony Evers identify the staffer who secretly recorded their May 14 conversation with Assembly Speaker Robin Vos, say who authorized the taping and provide details on disciplining staff.

Evers last week said he was unaware the call was being recorded and declined to identify who taped it and whether anyone on his staff would be disciplined.

Along with his call Monday for details on the recording, Fitzgerald, R-Juneau, released a memo from the Legislative Reference Bureau. The memo suggests the aide who taped the call may have committed a felony unless Chief of Staff Maggie Gau or Chief Legal Counsel Ryan Nilsestuen — who were also part of the conversation — authorized it.

The gov's office didn't immediately respond to a message seeking comment.

**>> WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

"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," Fitzgerald said.

Rick Champagne, head of the Legislative Reference Bureau, wrote in a memo Monday that under Wisconsin's one-party consent law for recording conversations, the taping was legal so long as someone who participated in the call authorized it. Evers, Fitzgerald and Vos, R-Juneau, have all said they weren't aware the call was taped.

That would require either Gau or Nilsestuen to authorize the recording for it to be legal, according to the memo.

If neither authorized the taping, then the aide that recorded it may have committed a class H felony, which carries penalties of up to a \$10,000 fine and/or up to six years in prison.

Nilsestuen said last week legislative and gubernatorial staff were also on the call and a staffer consented to the recording. He didn't name the staffer who consented and declined to address whether that staffer spoke on the call.

Read the memo:

<http://legis.wisconsin.gov/senate/13/fitzgerald/media/1403/recordedcallfitz.pdf>

See Fitzgerald's statement:

<https://www.wispolitics.com/2020/sen-fitzgerald-releases-legal-memo-on-recording--consent-calls-on-evs-to-answer-important-questions/>