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STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

RECEIVED

ENID CRONIN,

Appellant,

v.

SECRETARY, DEPARTMENT OF  
HEALTH & SOCIAL SERVICES,

Respondent.

DEC 20 1983

Personnel  
Commission

MEMORANDUM

Case No. 82 CV 5737

The respondent has moved to dismiss this administrative appeal for lack of subject matter jurisdiction. The motion will be granted.

The petitioner seeks review of a decision of the State Personnel Commission, and the action is governed by ch. 227, Stats. Sec. 227.16(1)(a), Stats., sets forth the manner in which such actions may be maintained:

"Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. . . If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides."

The petition for review indicates that the petitioner resides in Lincoln County.

The requirements of sec. 227.16, Stats., must be strictly complied with in order to invoke the jurisdiction of the circuit court. Shopper Advertiser, Inc. v. Department of Revenue, 112 Wis. 2d 354, 361, 332 N.W.2d 821 (Ct. App. 1982); Cudahy v. Department of Revenue, 66 Wis. 2d 253, 262, 224 N.W.2d 570 (1974). In Shopper Advertiser, Inc., the court specifically held that compliance with

MEMORANDUM DECISION


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the venue requirements of that section is a "condition precedent" to the court's exercise of subject matter jurisdiction. Id., 112 Wis. 2d at 366.

Counsel for the respondent may draft the order of dismissal.

Dated at Madison, Wisconsin this 14 day of December, 1983.

BY THE COURT:

  
WILLIAM EICH  
CIRCUIT JUDGE

cc: Noreen G. Bengston  
Robert J. Vergeront