

STATE OF WISCONSIN: CIRCUIT COURT: KENOSHA COUNTY:

JUANITA KOTTEN,
Petitioner,

CASE NO. 83-CV-197

v.

STATE OF WISCONSIN
PERSONELL COMMISSION,
Respondent.

This matter comes before the Court on a Motion to Dismiss for lack of subject matter jurisdiction.

The facts are undisputed. The Petitioner brought an action before the Respondent, which was dismissed. An appeal was taken pursuant to Chapter 227, and it appears without question that the Petitioner failed to serve a copy of the appeal on the Secretary of the Commission. Section 227.15(1)(c) of the Statutes requires such service. It does appear that the Petitioner did serve on the attorney for the Commission and now contends that this is substantial compliance, and that service on the Secretary is not required.

The Court has carefully reviewed the file, the briefs and the law in this matter, and the Court is satisfied that this is a Statute that must be strictly complied with. The law in this regard is well settled, and service on the attorney is not sufficient.

For this reason, the motion to dismiss must be granted and is hereby granted.

Dated this 3rd day of February, 1984,

at Elkhorn, Wisconsin.

BY THE COURT:


ROBERT H. GOLLMAR
Reserve Circuit Court Judge

copy to: Mr. Edward C. Hales
Mr. Robert J. Vergeront
Ms. Maureen McGlynn

414-271-4723