

\* \* \* \* \*  
 MARY SOUTHWICK,  
                   Appellant,  
 v.  
 Secretary, DEPARTMENT OF  
 HEALTH AND SOCIAL SERVICES,  
                   Respondent.  
 Case No. 85-0151-PC  
 \* \* \* \* \*

ORDER

This is an appeal pursuant to §230.44(1)(c), stats., and §ER-Pers. 30.10(2), Wis. Adm. Code, of a career executive reassignment. This matter is before the Commission on appellant's "Motion for Sanctions Pursuant to Section 804.12(2), Wisconsin Statutes" filed January 29, 1987. The parties have filed briefs with respect to said motion, and the Commission conducted a hearing on the motion on February 12, 1987. The Commission enters the following order, and will issue a memorandum decision setting forth in detail its basis therefor at a later point in this proceeding.

ORDER

1. Respondent will not be allowed to offer any evidence in support of its position that is related to the subject matter inquired into by those of appellant's first set of interrogatories which the Commission on April 16, 1986, ordered respondent to answer, and which respondent had not answered as of February 5, 1987, to wit: 3b, 5, 6, 16-24, 28 (as limited by the Commission in its April 16, 1986, order), 31-32, 36, 37, 42 (as limited by the Commission in its April 16, 1986, order).

2. Pursuant to §804.12(2)(b), stats., the Commission finds that respondent's failure to comply with the Commission's April 16, 1986, order was not substantially justified, and that there are no other circumstances which make an award of expenses unjust, and respondent is ordered to pay the reasonable expenses, including attorney's fees, caused by the failure to comply with said order. The procedure for determination of said expenses will be determined at a further point in this proceeding.

Dated: February 13, 1987

STATE PERSONNEL COMMISSION

  
DENNIS P. MCGILLIGAN, Chairperson

  
DONALD R. MURPHY, Commissioner

BAJ1/1

  
LAURIE R. McCALLUM, Commissioner

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