

**STATE OF WISCONSIN    CIRCUIT COURT                    WAUKESHA COUNTY**

WISCONSIN CARRY, INC.,

Civil Action No.

Plaintiff

v.

J.B. VAN HOLLEN,  
In his official capacity as  
Attorney General of the  
State of Wisconsin  
Defendant

Case Classification 30701 – Declaratory Judgment

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**Complaint**

1. Plaintiff brings this action seeking an injunction and declaratory relief , pursuant to Wis.Stats. §§ 227.40 and 806.04 against Defendant for promulgation of regulations that are not authorized by law and that are *ultra vires*, deny Plaintiff the equal protection of the law, and are arbitrary and capricious. Plaintiff seeks declaratory and injunctive relief barring enforcement of the regulations.
2. Plaintiff Wisconsin Carry, Inc. (“WCI”) is a non-profit corporation organized under the laws of the State of Wisconsin, whose mission is to foster the rights of its members to keep and bear arms.
3. Defendant J.B. Van Hollen is the Attorney General of the State of Wisconsin and the head of the Wisconsin Department of Justice (“DOJ”).

4. In 2011, the legislature passed Senate Bill 93, which was signed by the governor and enacted as 2011 Wisconsin Act 35.
5. Among other things, Act 35 created for the first time in Wisconsin a provision for citizens to obtain licenses to carry concealed weapons.
6. DOJ has the responsibility and authority to process applications for licenses and issue licenses.
7. In order to obtain a license, a citizen must show proof of training in firearm safety.
8. Under Act 35 (Wis.Stats. 175.60(4)(a)(1)), training can be accomplished by one of five ways: a) the hunter education program (i.e., a “hunter’s safety” class); b) a course conducted by a “national or state organization that certifies firearms instructors; c) a course available to the public offered by a law enforcement agency; d) a course offered to law enforcement officers or private detective agencies; or e) a course conducted by an instructor who is “certified by a national or state organization that certifies firearm instructors.”
9. Defendant promulgated regulations, effective June 1, 2013, that define training programs that are acceptable for the “proof of training” requirement (the “Regulations.”)

10. Pursuant to JUS 17.05, an applicant may submit 1) proof of completion of a hunter's safety course, 2) a "DD-214" showing honorable discharge or general discharge under honorable conditions from the U.S. armed forces after completion of basic or officer training or a certificate showing a service record with successful completion of small arms training, or 3) certification of having taken any of several classes (generally the classes described in Paragraph 8(b) through 8(e) above (the "Classes").
11. Pursuant to JUS 17.03(7) and (8), the Classes must include, *inter alia*, a student teacher ratio less than or equal to 50:1.
12. There is no requirement that hunter's safety classes or military small arms training have any particular student teacher ratio.
13. WCI is a "state organization that certifies firearm instructors."
14. WCI regularly offers to the public, free of charge and at various locations around the State, a course that satisfies the provisions described in Paragraph 7(b) and 7(e) above.
15. WCI does not restrict its class sizes to any preset number, nor impose any particular student teacher ratios.
16. WCI routinely conducts classes that exceed a student teacher ratio of 50:1.
17. WCI has taught its course to over 6,000 people.

18. WCI's course meets all the requirements contained in the Regulations, except for the student teacher ratio limitation.
19. It would unnecessarily and wastefully consume WCI's resources if a student teacher ratio were imposed on its classes.
20. WCI is being harmed by the imposition of the Regulations.
21. WCI is having to refrain from holding classes that would exceed the student teacher ratio because of the Regulations.

**Count 1 – Violations of Wis.Stats. § 175.60(2)(b)**

22. Wis.Stats. § 175.60(2)(b) states, "The department may not impose conditions, limitations, or requirements that are not expressly provided for in this section on the issuance, scope, effect, or content of a license."
23. Pursuant to Wis.Stats. § 175.60(1)(b), "department" means the DOJ.
24. By imposing student teacher ratios on the Classes, DOJ is violating the prohibition contained in Wis.Stats. § 175.60(2)(b).

**Count 2 – Violations of Wis.Stats. § 227.11(2)(a)**

25. Defendant relies on Wis.Stats. § 227.11(2)(a) as its authority for promulgating the Regulations.
26. By promulgating the regulations, Defendant exceeded whatever authority it may have under Wis.Stats. § 227.11(2)(a) to do so.

27. By requiring certain student teacher ratios for the Classes but not for other training requirements, Defendant has acted arbitrarily and capriciously.

**Count 3 – Violation of 14<sup>th</sup> Amendment (42 U.S.C. § 1983)**

28. By promulgating Regulations for student teacher ratios that apply to the Classes but not to hunter's safety and military training, Defendant has denied WCI the equal protection of the laws in violation of the 14<sup>th</sup> Amendment.

**Prayer for Relief**

Petitioner demands the following relief:

29. A declaration that the student teacher ratio requirement is illegal, void, *ultra vires*, and unenforceable.
30. An injunction prohibiting enforcement of the student teacher ratio requirement.
31. Reasonable costs and attorney's fees.
32. Any other relief the Court deems proper.

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