

Board of Police & Fire Commissioners
Human Resources Department
625 52nd St. , Room 205
Kenosha, WI 53140
Phone (262) 653-4130
Fax (262) 653-4127
E-mail: jbaltes@kenosha.org



COMMISSION MEMBERS:
Helen Schumacher - *President*
Charles Bradley - *Vice President*
James Greco - *Secretary*
Richard H. Schend - *Commissioner*
Edward Kubicki - *Commissioner*

Kenosha Police and Fire Commission
MEETING AGENDA
Tuesday, February 18, 2014
8:00 a.m.
Municipal Office Building, Room 202
625 52nd Street, Kenosha, Wisconsin

1. Call to order.
2. Roll call.
3. Approval of the minutes of the meeting held January 21, 2014. (enclosed)
4. Approval of the minutes of the *special* meeting held on January 23, 2014. (enclosed)
5. Citizen comments on matters relative to the agenda and within the jurisdiction of the Board.
6. Receive and file Police and Fire Department reports for the month of January 2014. (enclosed)
7. Receive and file Ms. Rebecca Butler's letter of appreciation regarding Police Officer Adam Martinez. (enclosed)
8. Receive and file Fire Chief John Thomsen's letter indicating Probationary Fire Fighter Joseph Kosman was dismissed due to failure to meet minimum expectations. (enclosed).
9. Receive and file the Complaint and Amended Complaints against Fire Chief John Thomsen. (enclosed)
10. Consideration of procedure going forward, regarding the Complaint against Fire Chief Thomsen, respecting responsive pleadings, interpleading, prehearing conference and hearing.
11. Receive and file Attorney Joel Aziere's letter indicating Buelow Vetter is withdrawing as legal counsel for Fire Chief John Thomsen in the complaint. (enclosed)
12. Receive and file Richard Bosanko's letter regarding the complaint against Fire Chief John Thomsen. (enclosed)
13. Receive and file Fire Chief Thomsen's response to the Amended Complaint.
14. Chiefs' Comments.
15. Commissioners' Comments.
16. Set next meeting date and agenda items.

17. Adjournment.

If you are a person with a disability, please contact the Human Resources Department at the Municipal Office Building (262-653-4130), at least seventy-two (72) hours in advance of the Commission meeting to give them time to make any necessary accommodations for you.



POLICE AND FIRE COMMISSION
MINUTES OF MEETING HELD JANUARY 21, 2014

1. This meeting was called to order by President Schumacher at 8:00 a.m. on Tuesday, January 21, 2014. The meeting was held in room 202 of the Municipal Office Building.
2. On roll call, all commission members, were present.
3. Secretary Greco made a motion to approve the minutes of the December 17, 2013 meeting. Commissioner Schend seconded the motion and it was carried unanimously.
4. Citizens' comments – None
5. Secretary Greco made a motion to receive and file Police and Fire Department reports for the month of December 2013. Commissioner Kubicki seconded the motion and it was carried unanimously.
6. Chiefs' comments:
 - Chief Morrissey:
 - 2013 Crime numbers are out. Crime is down. The official report should be out in February.
 - The January 23rd meeting is scheduled to approve the Police Department's promotions and appointment.
 - Deputy Fire Chief Poltrock
 - Mentioned that even with the extreme cold, we have had no real problems with Fire equipment or staff.
 - Explained that there are some structural problems with the concrete floor at Fire Station 5 and some of it needs to be replaced. As a result, the building is being exited from the rear.
7. Commissioners' Comments: None
8. At 8:12, the Board went into closed session under authority of Section 19.85 (1)(c) to discuss:
 - One (1) candidate for the position of Interim Police Captain,
 - One (1) candidate for the position of Interim Police Lieutenant,
 - Two (2) candidates for the position of Interim Police Sergeant,
 - Two (2) candidates for the position of Probationary Police Detective,
 - One (1) candidate for the position of Probationary Police Officer,
 - One (1) candidate for the position of Probationary Fire Captain,
 - Five (5) candidates for the position of Probationary Fire Lieutenant, and
 - Seven (7) candidates for the position of Probationary Apparatus Operator.

On a motion made by Vice president Bradley, seconded by Commissioner Schend and carried unanimously.

The Board reconvened into open session at 10:02 a.m. on a motion made by Vice President Bradley, seconded by Commissioner Kubicki and carried unanimously.

9. A *special meeting* is scheduled for 8:00 a.m. on Thursday, January 23rd.
10. The next regular meeting is scheduled for 8:00 a.m. on Tuesday, February 18, 2014.
11. The meeting adjourned at 10:03 a.m. on a motion made by Secretary Greco, seconded by Commissioner Schend, and carried unanimously.

Helen Schumacher - President

Charles Bradley - Vice President

James Greco - Secretary

Richard H. Schend - Commissioner

Edward Kubicki - Commissioner

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Richard H. Schend, *Commissioner*
Edward Kubicki, *Commissioner*

POLICE AND FIRE COMMISSION
MINUTES OF MEETING HELD JANUARY 23, 2014

1. This meeting was called to order by President Schumacher at 8:02 a.m. on Thursday, January 23, 2014. The meeting was held in room 202 of the Municipal Office Building.
2. On roll call, all commission members, were present.
3. Secretary Greco made a motion to receive and file the resignation of Police Officer Nicholas L. Tappa effective January 31, 2014. Commissioner Schend seconded the motion and it was carried unanimously.
4. Approval of the Police Department promotions to be effective February 1, 2014.
 - The appointment of Bradley E. Kemen to Interim Captain was approved on a motion made by Commissioner Schend, seconded by Secretary Greco and carried unanimously.
 - The appointment of Randy Oberst to Interim Lieutenant was approved on a motion made by Commissioner Schend, seconded by Commissioner Kubicki and carried unanimously.
 - The appointment of James Beller to Interim Sergeant was approved on a motion made by Vice President Bradley, seconded by Secretary Greco and carried unanimously.
 - The appointment of Aaron Dillhoff to Interim Sergeant was approved on a motion made by Commissioner Schend, seconded by Commissioner Kubicki and carried unanimously.
 - The promotion of Daniel Bandi to Probationary Detective was approved on a motion made by Secretary Greco, seconded by Vice President Bradley and carried unanimously.
 - The promotion of Joshua Zeller to Probationary Detective was approved on a motion made by Commissioner Schend, seconded by Secretary Greco and carried unanimously.
5. Approval of the Police Department appointment to be effective February 3, 2014.
 - Secretary Greco made a motion to approve the appointment of Ryan McDonough to Probationary Police Officer. Commissioner Kubicki seconded the motion. The motion passed with 4 in favor and 1 opposed.
6. The next regular meeting is scheduled for 8:00 a.m. on Tuesday, February 18, 2014.
7. The meeting adjourned at 8:19 a.m. on a motion made by Commissioner Kubicki, seconded by Commissioner Schend and carried unanimously.

Helen Schumacher - President

Charles Bradley - Vice President

James Greco - Secretary

Richard H. Schend - Commissioner

Edward Kubicki - Commissioner

OFF01 - Run By: JWM309

C A P S

OFFENSE ACTIVITY
BY DISPOSITION
01/01/2014 THRU 01/31/2014

OFFENSE	OFFENSES REPORTED	UNFOUNDED	ACTUAL OFFENSES	OFFENSES CLEARED -----/					TOTAL CLEARED	PERCENT CLEARED
				/---BY ARREST---/		/---BY EXCEPTION-----/				
				ADULT	JUVENILE	ADULT	JUVENILE	OTHER		
CHAP51/SUICIDE ATTEMPT	13		13					13	13	100.0
NATURAL DEATH	4		4					4	4	100.0
DEATH INV	6		6							0.0
ROBBERY/FIREARM H/S/A	1		1		1				1	100.0
ROBBERY/FIREARM RESIDENCE	1		1							0.0
ROBBERY/OTHER WEAPON H/S/	3		3	1				1	2	66.6
ROBBERY/FORCE H/S/A	1		1							0.0
ROBBERY/ATTEMPT OTHER LOC	1		1							0.0
AGG ASLT/SHARP INSTRUMENT	2		2	1				1	2	100.0
AGG ASLT/BLUNT INSTRUMENT	1		1	1					1	100.0
AGG ASLT/HANDS, FEET, ETC	5		5	3				1	4	80.0
BURG/FORCE, RESIDENCE	23		23	1				1	2	8.6
BURG/FORCE, NON-RESIDENCE	6		6	1					1	16.6
BURG/UNLAWFUL ENTRY, RESID	9		9					1	1	11.1
BURG/UNLAWFUL ENTRY, NON-R	4		4							0.0
BURG/ATTEMPT, RESIDENCE	5		5					1	1	20.0
BURG/ATTEMPT, NON-RES	2		2					1	1	50.0
THF PCKPOCK \$1-49	1		1							0.0
THF SHOPLFT 200+	6		6	5					5	83.3
THF SHOPLFT \$50-199	14		14	12					12	85.7
THF SHOPLFT \$1-49	20		20	15	2			1	18	90.0
THF FRM VEH 200+	10		10	1				3	4	40.0
THF FRM VEH \$50-199	6		6	1	1				2	33.3
THF FRM VEH \$1-49	4		4	1					1	25.0
THF FRM VEH, ATTEMPT	2		2							0.0
THF VEH ACC 200+	1		1							0.0
THF VEH ACC \$50-199	3		3	1					1	33.3
THF VEH ACC \$1-49	3		3							0.0
THF BLDG 200+	11		11			1		4	5	45.4
THF BLDG \$50-199	1		1							0.0
THF BLDG \$1-49	4		4					1	1	25.0
THF DRIVE OFF \$1-49	1	1								0.0
THF OTHER 200+	15		15					1	1	6.6
THF OTHER \$50-199	6		6	1				1	2	33.3
THF OTHER \$1-49	11	1	10	3				1	4	40.0
MV THEFT, AUTO	8		8	2				2	4	50.0
BATTERY/SIMPLE ASLT	19		19	10	6			2	18	94.7
BATTERY/DV	38		38	28	1				29	76.3
THREATS/INTIMIDATION	4		4	1				1	2	50.0
BATTERY, OTHER	2		2	1				1	2	100.0

OFF01 - Run By: JWM309

C A P S

OFFENSE ACTIVITY
BY DISPOSITION

01/01/2014 THRU 01/31/2014

OFFENSE	OFFENSES REPORTED	UNFOUNDED	ACTUAL OFFENSES	OFFENSES CLEARED					TOTAL CLEARED	PERCENT CLEARED
				/---BY ARREST---/		/-----BY EXCEPTION-----/				
				ADULT	JUVENILE	ADULT	JUVENILE	OTHER		
FORGERY/DOCUMENTS	1		1					1	1	100.0
FORGERY/PRESCRIPTION FOR	4		4	3				1	4	100.0
FRAUD/WORTHLESS CK	1		1							0.0
FRAUD/CHECK	5		5							0.0
FRAUD/CONFIDENCE	3		3					2	2	66.6
FRAUD/OTHER	5		5	2				2	4	80.0
FRAUD/IDENTITY THEFT	30		30	1				6	7	23.3
EMBEZZLEMENT	2		2	2					2	100.0
VANDALISM/RESIDENCE	4		4	1					1	25.0
VANDALISM/AUTO	18		18	1				6	7	38.8
VANDALISM/BUSINESS	1		1					1	1	100.0
VANDALISM/CHURCH	1		1							0.0
VANDALISM/PUBLIC PROPERTY	1		1		1				1	100.0
VANDALISM/PRIVATE PROPERT	1		1							0.0
WPN/DISCHRG IN CITY LIMIT	1		1							0.0
WPN/POSSESS ILLEGAL	1		1	1					1	100.0
WPN/CCW	3		3	1	1			1	3	100.0
WPN/OTHER VIO	1		1	1					1	100.0
SEX ASLT,1ST (OFFENSE)	1		1		1				1	100.0
SEX/INDECENT EXPOSURE	1		1		1				1	100.0
SEX/MATTER-LEWD/OBSCENE/I	1		1							0.0
SEX OFFENSES, OTHER	7	1	6					5	5	83.3
SEX-16 & OVER	2		2					2	2	100.0
SEX/FONDLE-16 & OVER	1		1	1					1	100.0
SEX/COMPUTER-CHILD PORNOG	1		1					1	1	100.0
DRUG/DELIVERY MARIJUANA	1		1	1					1	100.0
DRUG/DELIVERY SYN	1		1		1				1	100.0
DRUG/POSSESS HARD DRUGS	2		2	2					2	100.0
DRUG/POSSESS MARIJUANA	20		20	19	2				20	100.0
DRUG/POSSESS SYN	1		1	1					1	100.0
DRUG/PWID MARIJUANA	2		2	1	1				2	100.0
FAMILY TROUBLE	125		125	1				124	125	100.0
CHILD NEGLECT	2		2					1	1	50.0
CHILD ABUSE	9		9	2	1			3	6	66.6
RESTRAINING ORDER	6	1	5	2	1				3	60.0
CHILD CUSTODY, INTERFERE	4		4					3	3	75.0
DWI, ALCOHOL	19		19	19					19	100.0
LIQ, SELL TO MINOR	3		3	3					3	100.0
LIQ, POSSESSION BY UNDERAG	8		8	5	3				8	100.0
LIQ, DRINK IN MV	2		2	2					2	100.0

OFF01 - Run By: JWM309

C A P S

OFFENSE ACTIVITY
BY DISPOSITION

01/01/2014 THRU 01/31/2014

OFFENSE	OFFENSES REPORTED	UNFOUNDED	ACTUAL OFFENSES	OFFENSES CLEARED			TOTAL CLEARED	PERCENT CLEARED
				---BY ARREST--- ADULT	---BY ARREST--- JUVENILE	---BY EXCEPTION----- ADULT		
LIQ, MINOR LOITER IN TAVER	1		1	1			1	100.0
LIQ, INTOX IN PARK	1		1	1			1	100.0
LIQ, VIOLATION OTHER	4		4	4			4	100.0
TAVERN REPORT	23		23			22	22	95.6
DC/PERSON	23		23	11	8	2	21	91.3
DC/ANNOYING PHONE CALLS	4		4			4	4	100.0
DC/LOUD MUSIC	1		1	1			1	100.0
DC/NEIGHBOR TROUBLE	4		4			1	1	25.0
DC/FIGHT IN PUBLIC	12		12	2	6	3	11	91.6
DC/OTHER	6		6	3			3	50.0
DC/DCM ABUSE	13		13	11			11	84.6
DC/STALKING	1		1					0.0
LITTERING	1		1	1			1	100.0
OBSTRUCT FLOW OF TRAFFIC	1		1	1			1	100.0
FALSE REPORT, FILE	2		2	1			1	50.0
TRESPASSING (ADULT ONLY)	2		2	1			2	100.0
CIVIL MATTER	2		2			1	1	50.0
SMOKING VIOLATION	4		4			4	4	100.0
TAVERN WRITTEN WARNING	7		7			7	7	100.0
SUSP VEHICLE	1		1					0.0
SUSP PERSON	4		4			1	1	25.0
SUSP OTHER	1		1			1	1	100.0
JUV/CURFEW VIOLATION	1		1		1		1	100.0
RUNAWAY	20		20			19	19	95.0
CHILD, MISSING	1		1			1	1	100.0
ADULT, MISSING	3		3			2	2	66.6
CHILD, FOUND	1		1			1	1	100.0
TRF/RECKLESS DRIVING	2		2	2			2	100.0
TRF/ABANDN VEHICLE	1		1			1	1	100.0
TRF/TOW IN	28		28	3		25	28	100.0
TRF/PD ACCIDENT	9		9	5		3	8	88.8
TRF/PI ACCIDENT	3		3	2		1	3	100.0
TRF/LICENSE VIOLATION	55		55	50	1	2	53	96.3
TRF/MV VIO, OTHER	2		2	2			2	100.0
ANI/DOG BITE	2		2					0.0
ANI/CAT BITE	2		2					0.0
ANI/BARKING DOG	1		1	1			1	100.0
ANIMAL AT LARGE	2		2	1		1	2	100.0
ANIMAL CRUELTY	2		2			1	1	50.0
CONTEMPT, BAIL JUMPING	12		12	8			8	66.6

OFF01 - Run By: JWM309

C A P S

OFFENSE ACTIVITY
BY DISPOSITION
01/01/2014 THRU 01/31/2014

OFFENSE	OFFENSES REPORTED	UNFOUNDED	ACTUAL OFFENSES	OFFENSES CLEARED					TOTAL CLEARED	PERCENT CLEARED
				/---BY ARREST---/		/----BY EXCEPTION-----/				
				ADULT	JUVENILE	ADULT	JUVENILE	OTHER		
P & P VIOLATIONS	10		10	10					10	100.0
ABDUCT/KIDNAP ATTEMPT	1		1					1	1	100.0
ESC FRM JUSTICE	1		1	1					1	100.0
JUV/TRUANT	21		21		21				21	100.0
JUV/UNCONTROLLABLE	1		1					1	1	100.0
RESIST/OBSTRUCT OFFICER	2		2	1					1	50.0
COUNTERFEIT MONEY	1		1					1	1	100.0
ALARM, FALSE	1		1					1	1	100.0
FIRE, STRUCTURE/BRUSH	1		1							0.0
FIRE, VEHICLE	1		1							0.0
CHECK WELFARE	33		33					28	28	84.8
INJ PERSON/MED RUN	14		14					13	13	92.9
OVERDOSE, ACCIDENTAL	1		1					1	1	100.0
CHAPTER 51	22		22	1				21	22	100.0
MENTAL PROBLEMS	22		22					21	21	95.4
SRV/SPECIAL ASSIGN	1		1							0.0
SRV/CITIZEN ASSIST	4		4					4	4	100.0
ASSIST OTH AGENCY	2		2					1	1	50.0
SRV/INFO ONLY	3		3					3	3	100.0
SRV/ADD PATROL	3		3							0.0
TAMPERING WITH MAIL	1		1							0.0
WAW/WARRANT, LOCAL SERVICE	1		1	1					1	100.0
INMATE MEDICAL SERVICES	1		1							0.0
PROPERTY/FOUND	12		12					10	10	83.3
PROPERTY/LOST	5		5					2	2	40.0
REPOSSESSION	29		29					29	29	100.0
HIT & RUN PD	39		39	5				29	34	87.1
AGENCY: 00TOTALS	1077	4	1073	292	61	1		471	825	

CFS01 - Run By: MORRISSEY,JOHN

C A P S

Calls For Service
Daily Summary
01/01/2014 to 01/31/2014

Incident Number	Ofcr Add Assg Unt	Complainant	Type Call	Location	Time Recd	Time Disp	Time Arvd	Time Comp	Time Spt	Disposition
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Total Calls for the Period: 7,271

REPORT GRAND TOTALS

CALL RECEIVED SUMMARY

ALARM	138
BOX ALARM	1
CELL PHONE	1,694
E-911 CALL	415
OFFICER INITIATED	1,660
PHONE	2,346
RADIO	5
TRAFFIC STOP	810
WALK-IN	147
OTHER	
ATUO CALL	5

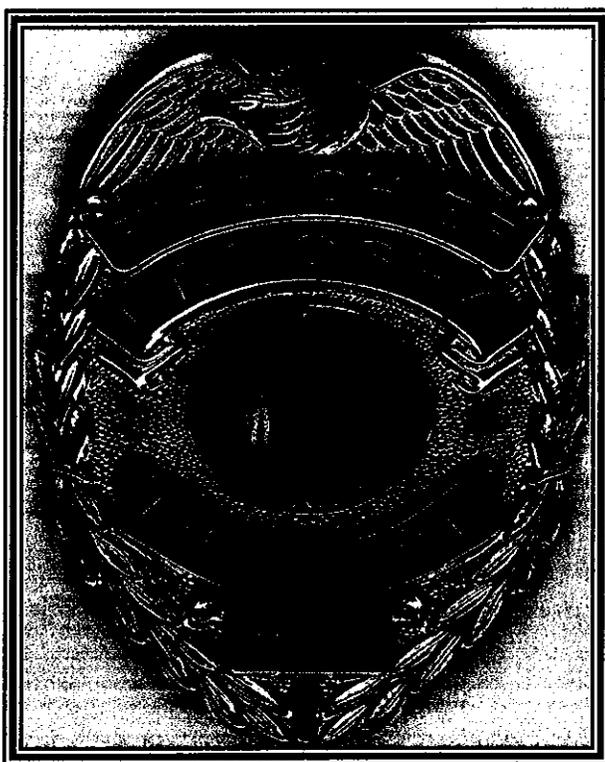
CALL DISPOSITION SUMMARY

REPORT	1,444
NO REPORT	5,716
VOID	110
CSR-CITIZEN SELF REPORT	
GOA	
WARRANT	
TRANSPORTED	1
NO TRANSPORT	
DENIAL OF INJURY (DOI)	
ASSIST CITIZEN/NO TRANSPO	
NO PATIENT	
AGAINST MEDICAL ADVICE (A	
UNIT REASSIGNED	
SAVE/REASSIGNED	

TOTAL WORK TIME 698,909

KENOSHA FIRE DEPARTMENT

MONTHLY REPORT



**JANUARY
2014**



RESPONSE BY UNITS

	MONTHLY		YEAR TO DATE		YTD COMBINED FIRE/EMS TOTALS
	EMS	FIRE	EMS	FIRE	
Engine #2	118	30	118	30	148
Engine #3	132	54	132	54	186
Engine #4	61	38	61	38	99
Engine #5	125	43	125	43	168
Engine #6	79	13	79	13	92
Engine #44	0	0	0	0	0
Engine #55	0	0	0	0	0
Truck #3	12	77	12	77	89
Truck #4	3	74	3	74	77
Truck #7	32	29	32	29	61
P-19	0	1	0	1	1
MERV #1	0	0	0	0	0
MERV #2	0	0	0	0	0
Battalion 1	11	97	11	97	108
Med Unit #2	36	2	36	2	38
Med Unit #3	302	13	302	13	315
Med Unit #4	166	17	166	17	183
Med Unit #5	261	15	261	15	276
Med Unit #7	87	9	87	9	96
Rescue #33	3	0	3	0	3
Rescue #44	0	0	0	0	0
Rescue #77	0	0	0	0	0



KENOSHA FIRE DEPARTMENT CALLS FOR SERVICE

01/01/14 THRU 01/31/14

	MONTH	YEAR TO DATE
EMS Calls for Service*	836	836
Fire Calls for Service**	191	191
Total Calls for Service	1027	1027

*Includes 12 Med 7 change of quarters occurrences and **2 T7.

APPROXIMATE LOSS/ SAVE SUMMARY

Approximate Fire Loss for January 2014	<u>\$161,222</u>	Approximate Fire Save for January 2014	<u>\$8,705,878</u>
Approximate Fire Loss to Date	<u>\$161,222</u>	Approximate Fire Save to Date	<u>\$8,705,878</u>

Respectfully Submitted,


John R. Thomsen
Fire Chief
Kenosha Fire Department

Rebecca M. Butler
5522 34th Avenue
Kenosha, WI 53144
January 24, 2014

Office of the Chief of Police
Att: Internal Affairs Unit
Kenosha Police Department
1000-55th Street
Kenosha, Wisconsin 53140

Chief of Police, John W. Morrissey,

I want to personally commend one of your officers for their outstanding level of respect and concern for my safety regarding a call to my residence on 02JAN2014. Officer A. Martinez, along with a group of supporting officers, responded quickly and professionally to a distressing call, made by my mother who called from Texas, of my own Temporal Lobe Epilepsy seizure activity which warranted a possible danger to myself.

Once on scene, all of the officers were respectful and showed a great level of concern. Officer A. Martinez quickly made himself an unforgettable asset to my safety and well-being by not only escorting me to the awaiting ambulance outside but by also staying in the hospital receiving room until I was transported for further care. During that time in the room he continued to stay positive and assist the nursing staff in my care. He demonstrated legitimate dedication on my behalf as he continued to keep me calm and also bring humor into what could have been another overstressing situation. Even as his shift approached closing he continued to keep my mind from wandering into a cycle of depression triggered by my seizure.

I will never forget what an outstanding Police Officer A. Martinez is and what he did for me. Your Police Department continues to amaze me with their dedication and quick response time.

I would greatly appreciate department recognition for the selfless service of Officer Martinez.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca M. Butler', written in a cursive style.

Rebecca M. Butler

KENOSHA FIRE DEPARTMENT

625 - 52nd Street
Kenosha, WI 53140-3480
Phone (262) 653-4100
Fax (262) 653-4107



JOHN R. THOMSEN
FIRE CHIEF

January 24, 2014

Helen Schumacher
President
Kenosha Police and Fire Commission
625 52 Street
Kenosha, WI 53140

RE: Dismissal of Probationary Fire Fighter Joseph Kosman

President Schumacher:

On November 21, 2013, Probationary Fire Fighter Joseph Kosman was advised of his failure to meet the minimum expectations of his probationary period and was given the opportunity to correct his deficiencies. Unfortunately, PFF Kosman failed to meet the minimum expectations and emergency medical standards outlined in the November email. As a result, PFF Kosman was dismissed from the Kenosha Fire Department effective immediately.

Due to Mr. Kosman's probationary status, he is not entitled to a hearing before your Commission.

If you have any questions, please feel free to call my office.

Your Servant,

A handwritten signature in black ink that reads "John R. Thomsen". The signature is fluid and cursive, with a long horizontal stroke at the end.

John R. Thomsen
Chief of the Department
Kenosha Fire Department

BLUMENFIELD & SHEREFF, LLP

Attorneys at Law

A Limited Liability Partnership



1001 West Glen Oaks Lane, Suite 110
Mequon, Wisconsin 53092
(262) 241-3400
Fax: (262) 241-3403
www.cbcsllaw.com

Charles S. Blumenfield**
blumenfield@cbcsllaw.com

*Court Commissioner
*Also admitted in New York
Certified Civil Trial Advocate

January 23, 2014

Board of Police & Fire Commissioners
Attn: Helen Schumacher, President
c/o Human Resources Department
625 52nd St., Room 205
Kenosha, WI 53140

HAND DELIVERED

Re: COMPLAINT AGAINST FIRE CHIEF JOHN THOMSEN

Dear President Schumacher:

I represent the Kenosha Professional Firefighters Local 414, IAFF. Enclosed herewith are the original and 7 copies of the Complaint Against Fire Chief John Thomsen which is being filed Pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(i). Please provide one file-stamped original for our files.

I request that the Commission set the matter for hearing and advise as to the procedures to be used in order to properly present the matters set forth therein to the PFC for its full consideration. By copy of this letter a copy of the Complaint is being personally served upon Fire Chief John Thomsen, Mayor Keith G. Bosman, and HR Director Steven Stanczak.

Thank you for your attention to this matter.

Very truly yours,

BLUMENFIELD & SHEREFF, LLP

By: _____

A handwritten signature in black ink, appearing to read 'Charles S. Blumenfield', written over a horizontal line. The signature is stylized and somewhat cursive.

Charles S. Blumenfield

CSB:cb

Enclosures

cc: Chief John Thomsen

Mayor Keith G. Bosman
HR Director Steven Stanczak
President Jeremy Ryan
Kenosha Professional Firefighters
Local 414 IAFF

**BEFORE THE CITY OF KENOSHA
BOARD OF POLICE & FIRE COMMISSIONERS**

IN RE: COMPLAINT AGAINST FIRE CHIEF JOHN THOMSEN
Pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(i)

As and for a Complaint against Fire Chief **John Thomsen** (hereinafter “**Thomsen**”), pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(i), the **Kenosha Professional Firefighters, Local 414, IAFF** (hereinafter “**Local 414**”) hereby alleges and states as follows:

RELEVANT HISTORY OF THE MATTER

1. This Complaint is presented by **Local 414 President Jeremy Ryan**, upon information and belief except as to those matters set forth which are based upon actual knowledge as noted herein, and is further supported by the affidavits of witnesses attached hereto and incorporated herein by reference.

2. **Thomsen** has served as Chief of the Kenosha Fire Department since on or about December 18, 2006. Pursuant to Wis. Stat. § 62.13 (3) **Thomsen** is only entitled to “hold office during good behavior”.

3. On August 16, 2010 the Kenosha Common Council publicly reprimanded **Thomsen** due to his failure to maintain “objectivity” which caused a Fire Department Division Chief to perceive that he was being persecuted. The Kenosha Common Council agreed to pay \$10,000 as a contribution to the legal fees of the complaining party to resolve the matter. The Council then ordered that a formal letter of reprimand be placed in **Thomsen’s** personnel file due to his mishandling of the matter, as set forth in Resolution No. 125-10, a copy of which, as excerpted from the Official Proceedings of the Common Council, is attached hereto and incorporated herein.

4. Since shortly after receiving the public reprimand for his inappropriate actions and mishandling of a personnel matter, **Thomsen** has repeatedly engaged in conduct unbecoming an officer

of the Kenosha Fire Department. By doing so he has demonstrated there is no hope for remediation, as it appears he is unable to conform his conduct in order to properly perform his duties as Fire Chief and set a proper example for all other members of the Fire Department.

5. **Thomsen's** actions demonstrate a lack of the requisite "good behavior" to continue in the role of chief of the Kenosha Fire Department. In addition, they appear to be violative of the rules of the Fire Department which require all members to "be governed by the ordinary rules of good behavior observed by law abiding citizens" and all officers to refrain from the use of "abusive or immoderate language in giving orders and directions, as well as in conversations with [subordinates]. (XVI. General Rules of the Kenosha Fire Department)

ALLEGATIONS OF MISCONDUCT

6. On or about April 1, 2011, at a retirement party for Captain Greg Galich at the Chutes and Ladders Pub, 3812 60th Street, Kenosha, Wisconsin, which was open to the public at the time, **Thomsen** asked **Local 414** President Jeremy Ryan what kind of shirt he was wearing. When told by Ryan that he was wearing a sweatshirt, **Thomsen** told Ryan, "You look like a fag." (See Ex. A, Ryan Aff., ¶ 34)

7. In or about August or September of 2012, following an officers meeting, **Thomsen** told Captain Matt Loewen, that "as long as he is fire chief he will never transfer [Apparatus Operator Jeff Weidner] out of Station 7." This comment was made in apparent retaliation for actions taken by Weidner, a former President of **Local 414**, in his collective bargaining capacity. This statement of retribution constituted a prohibited practice as that term is defined by the Wisconsin Employment Relations Commission and exposed the City of Kenosha to potential liability.

8. In or about October or November, 2012, during a meeting to discuss staffing and budget issues with Kenosha Fire Fighters Ricardo Lebron and Ray Tessman in their capacities as duly authorized representatives of the **Local 414** bargaining unit, **Thomsen** stated that Kenosha Police Chief John W. Morrissey had gone into Mayor Keith G. Bosman's office and told the Mayor that if he would not let

Morrissey hire another three police officers, “By 5:00 P.M. tomorrow everybody in the City of Kenosha will have their throats slit and would be fucked up the ass.” (See Ex. B, Tessman Aff. ¶¶ 4-6; Ex. C, Lebron Aff. ¶¶ 2-6)

9. In early December 2012, during an employment interview, **Thomsen** asked applicant Abbie Windus whether she was “like (name withheld),” a known gay employee. Windus responded, “No, I am engaged.” Windus was ultimately offered a position and is currently a probationary firefighter with the Kenosha Fire Department. The comment suggested **Thomsen** would improperly consider sexual orientation in the hiring decision in violation of Title VII of the Civil Rights Act of 1964 and other statutory and case law precedent, thus exposing the City of Kenosha to potential liability.

10. On or about February 27, 2013, during a Step 2 grievance meeting held at the Fire Department administrative offices between Local 414 officers and Fire Department administrators, **Thomsen** refused to address the grievance, angrily terminated the meeting, and ordered Fire Fighter Ray Tessman out of the office. (See Ex. A, Ryan Aff. ¶¶2-15; Ex. B ¶¶3, 7-17) Since that time, **Local 414** has been forced to bypass the Fire Chief for all grievances in order to assure a fair and unbiased review of concerns regarding certain personnel matters and operations of the Fire Department. This has diminished the effective operation of the Fire Department and placed an increased burden on other areas of city government, including Human Resources.

11. On or about March 8, 2013 at Circa on 7th Avenue, located at 4902 7th Avenue, Kenosha, Wisconsin, during a retirement party for Captains Jeff Flasch, John Kiel and Don Howland attended by about one hundred people, including many retirees, local politicians, Mayor Keith G. Bosman, Wisconsin State Senator Robert Wirch, and many family members and friends, including children, **Thomsen** made inappropriate and personally embarrassing comments about each retiring captain. These comments included repeated references to **Thomsen** having transmitted “syphilis” to Captain Flasch on a trip to Florida, and that Captain Howland’s wife must really like his “Fu Manchu”. (See Ex. A, Ryan Aff. ¶¶

16-21) The comments demonstrated conduct unbecoming an officer of the Kenosha Fire Department and likely would have resulted in charges being brought against any other member of the Fire Department had the comments been made in the presence of **Thomsen**.

12. During the first quarter of 2013, the City of Kenosha Personnel Department presented harassment training on a department-wide scale. **Thomsen** arrived at Station 4, located at 4810 60th Street, Kenosha, Wisconsin, and stated he was there for the training.

- A. Following the training session, **Thomsen** entered the Captain's office and referred to someone as being a "mick", which is generally understood to be a derogatory term for those of Irish heritage.
- B. He then looked at a paper he was holding in his hand and stated "Let me see here, who else I can offend", or words to that substantial effect.
- C. **Thomsen** then stated that a person can feel harassed for being old, pointed to a firefighter, and said, "He is an old guy and should retire".
- D. **Thomsen** commented that, because he was the head of the Fire Department, all harassment complaints would have to be brought to him. The clear intimation was that he would dismiss any such complaints. (See Ex. C, Lebron Aff. ¶¶ 7-19)

13. On or about April 26, 2013, at the Department's graduation party for new recruits at the Chutes and Ladders Pub, 3812 60th Street, Kenosha, Wisconsin, **Thomsen** told firefighter Kristin Kaminski, "I know you. I read your psych evaluation." Upon Kaminski asking what he knew about her, **Thomsen** stated, in the presence of firefighter Paul Reget, "I know I will never confuse you with being the brightest person on our job." **Thomsen** later told a group of firefighters at the same event that he knew so much about the "guys" on the Fire Department because he reads their psychological evaluations. These comments implicate serious violations of HIPAA and other proscriptions against unauthorized disclosure of employee medical and psychological records.

14. On or about May 31, 2013, while at a blood drive the Fire Department co-sponsored with the American Red Cross and held at Gateway Technical College, 3520 30th Avenue, Kenosha, Wisconsin, **Thomsen** arrived while on duty and in uniform to donate blood. As people were beginning

to sign up near the entrance, **Thomsen** stated in a loud voice, “I just got back from the Netherlands and had sex with a Haitian boy. Can I still donate blood?” When the President of the Police and Fire Commission arrived, **Thomsen** stated: “I think [Police] Chief [John W.] Morrissey is in the Netherlands with a Haitian boy, not sure what they are doing, but I think that’s why he won’t be here. Or maybe he’s there with Michael Bell.” (See Ex. A, Ryan Aff. ¶¶22-27) These comments were offensive, inappropriate, demeaning, and had the effect of exposing the entire Kenosha Fire Department to ridicule.

15. On or about June 6, 2013, during a disciplinary hearing regarding a statement made by acting Lieutenant Paul Schlereth, who had expressed dissatisfaction with an EMS test, **Thomsen** sought to impose a 48 hour suspension for the comment, which Schlereth averred was made “in jest”. During the course of the hearing, **Thomsen** admitted he had referred to Schlereth and his crew as “pin heads”, following an investigatory meeting on May 31, 2013. (Ex. A, Ryan Aff. Paragraph 34)

16. On or about July 1, 2013, **Thomsen** walked into Fire Station 4, located at 4810 60th Street, Kenosha, Wisconsin, looked around, then stated to Firefighter Norman Hoening and other firefighters: “Fat guy, bald guy, fat guy, bald guy. Why do we have so many fat and bald guys?”

17. In 2013, **Thomsen** told Firefighter Jake Waldschmidt, then an applicant for the position of Lieutenant, “The reason you didn’t make lieutenant is because you didn’t throw enough ‘shits’ and ‘fucks’ in your responses.” This comment denigrated the entire promotional process and caused the Fire Department to be viewed as using a wholly improper promotional scheme, relying on inappropriate and offensive comments, cronyism, and favoritism in order to advance one’s career in the fire service in Kenosha.

18. During his service as Fire Chief **Thomsen** has stated on a number of occasions, to various firefighters, that he could have sex with the wife of anybody “on the job”, by which it is believed he meant the Kenosha Fire Department.

19. In or about December 2013, **Thomsen** caused the termination of African-American firefighter Henderson Darby from the Kenosha Fire Department. In so doing, **Thomsen** acted in a manner entirely inconsistent with actions taken involving other firefighters who had been on sick leave in the past. Upon information and belief, the Darby termination constituted retribution by **Thomsen** against a member of **Local 414**, involved a discriminatory application of the Fire Department sick leave policy, and may have exposed the City of Kenosha to potential liability.

20. While **Thomsen** requires all members of the Fire Department to wear their uniforms at all times while on duty, **Thomsen** frequently appears in his office in street clothes, often a polo shirt and khaki pants, during “normal business hours”, thus conveying to all members of the Fire Department that the rules he requires all others to comply with do not apply to him.

21. Upon information and belief, upon being advised of many of the above allegations by the Mayor and/or HR Director Steven Stanczak in mid-2013, **Thomsen** denied he had engaged in any of the alleged conduct (reportedly stating “I wouldn’t be so stupid to say those things”, or words to that substantial effect), which constituted untruthful behavior. Consistent with the past practice of the Kenosha Fire Department, said denials should subject **Thomsen** to discipline for any such misrepresentations.

22. **Thomsen** is currently in the process of conducting interviews for entry level firefighters. Given **Thomsen’s** unwillingness to conform his conduct to acceptable standards constituting the expected “good behavior” required of any individual serving as Chief of a Fire Department, **Thomsen** is exposing the Fire Department, as well as the City of Kenosha, to further embarrassment and potential civil claims.

PRAYER FOR RELIEF

23. This Commission should not permit the Kenosha Fire Department to be led by an individual who performs his duties in an unprofessional, discriminatory, and embarrassing manner, and who has apparently misrepresented the truth of his actions to the Mayor and others conducting the investigation.

24. **Thomsen's** inappropriate comments, together with his clearly indicated prejudice toward certain ethnic groups, minorities, the elderly, those who are overweight, and those of non-traditional sexual orientation, appear to be violative of Kenosha Ordinance 30.03(G) and should raise serious concerns for the City and this Commission.

25. **Thomsen's** actions and comments demonstrate a lack of the requisite "good behavior" required of a Fire Chief pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(i), appear to constitute a violation of Kenosha Ordinance 30.03(E) as his actions do not "promote public confidence", and would thus appear to warrant suspension, demotion, and/or discharge, as determined by the Commission.

WHEREFORE, the Kenosha Professional Firefighters, Local 414, IAFF respectfully requests that the Commission conduct a public hearing to determine whether **Thomsen** has violated Wis. Stat. § 62.13(5) and/or any other applicable policies, ordinances or statutes, and prays that the Commission take such further action as may be appropriate, including, suspension, demotion and/or removal from the office of Fire Chief for the City of Kenosha.

Dated at Kenosha, Wisconsin, this 23rd day of January, 2014.

**Kenosha Professional Firefighters
Local 414, IAFF**


By: Jeremy Ryan, President

**COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, August 16, 2010**

Keith G. Bosman, Mayor

Michael K. Higgins, City Clerk

b. RESOLUTION NO. 125-10

BY: COMMON COUNCIL

**MANAGEMENT ISSUES REGARDING JOHN R. THOMSEN, FIRE CHIEF FOR THE CITY OF
KENOSHA**

WHEREAS, John R. Thomsen has been Fire Chief for the City of Kenosha since December 16, 2006.

WHEREAS, one of Chief Thomsen's subordinates was Richard Meeker, a twenty year veteran of the department who at the time John R. Thomsen became Fire Chief was Division Chief of Emergency Medical Services for the Fire Department; and,

WHEREAS, Division Chief Meeker perceived persecution from members of the Fire Department during Chief Thomsen's tenure as Fire Chief, resulting in a claim against the City, which claim was the subject of a full and final settlement with regard to the substantive issues, which settlement included no admission of liability by the City and no damages paid to Division Chief Meeker; and,

WHEREAS, through its Finance Committee, the Common Council came to understand the basis of Division Chief Meeker's perception of persecution through the course of consideration of a request by Division Chief Meeker for reimbursement of attorney fees expended by Division Chief Meeker in regard to the perceived persecution; and,

WHEREAS, although the actions of Fire Chief Thomsen did not result in a finding by a court of law that Chief Thomsen's actions were illegal, nonetheless, in the opinion of the Common Council Chief Thomsen mishandled the situation; and,

WHEREAS, furthermore in the opinion of the Common Council Fire Chief Thomsen lost objectivity with regard to Division Chief Meeker's situation.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Kenosha, does hereby publicly reprimand John R. Thomsen, Fire Chief for the City of Kenosha for his management methods involving his subordinate, Division Chief Richard Meeker.

BE IT FURTHER RESOLVED that the Common Council does hereby direct the City Clerk to provide a copy of this Resolution to the Mayor of the City of Kenosha along with a request that a copy of this resolution be placed in the personnel file of Fire Chief John R. Thomsen and further requests the Mayor to issue a formal letter of [19] reprimand to the Fire Chief regarding the substance of this Resolution to also be placed in his personnel file.

Adopted this 16th day of August, 2010.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

**STATE OF WISCONSIN
BEFORE THE CITY OF KENOSHA
POLICE AND FIRE COMMISSION**

AFFIDAVIT OF JEREMY RYAN

STATE OF WISCONSIN)
)ss.
KENOSHA COUNTY)

I, Jeremy Ryan, being first duly sworn on oath, deposes and states as follows:

1. I am a fire fighter in the Kenosha Fire Department. I also serve as President of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2. In my role as President of Local 414, I prosecute grievances which the Local brings, pursuant to Article 21 of the Labor Agreement with the City.

3. Pursuant to Article 21.03, Step 2 of the grievance procedure is a meeting convened by the Chief with the grievant, Union representatives, and any officer involved.

4. On February 27, 2013, Chief Thomsen held a Step 2 grievance meeting which I attended with Union Vice President Ray Tessman. Deputy Chief John Poltrock and Division Chief Phillip Johnson were Department administrators who were also present at the meeting.

5. As is our duty on behalf of the Union, throughout the Step 2 meeting, Vice President Tessman and I asked numerous questions of the Department administrators.

6. Throughout the Step 2 meeting, Chief Thomsen refused to answer any of the questions that Vice President Tessman and I asked that were materially related to the grievance.

7. The Step 2 meeting lasted about thirty minutes, during which Chief Thomsen refused to address the Union's grievance and instead asked questions of me and Vice President Tessman immediately following each question we asked of the Department administrators.

8. Chief Thomsen was defensive and aggressive and consistently refused to address our grievance questions by asking questions of us.

9. Vice President Tessman asked Chief Thomsen to "stop" so that we could pursue the grievance.

10. Chief Thomsen responded by standing up, leaning over the table aggressively, pointing his finger at Vice President Tessman and yelling: "Don't you ever tell me to stop. This is my office, don't you ever tell me to stop. Pack your stuff up and get out of my office."

11. At that point I asked the chief to stop yelling and I pointed out our right to pursue the grievance at a meeting before him.

12. Chief Thomsen never acknowledged our contractual right to pursue the grievance and continued pointing at Vice President Tessman.

13. Chief Thomsen was red in the face and appeared to be shaking and told us again to "get out."

14. Vice President Tessman and I left the Step 2 grievance meeting.

15. As we left the meeting, I told Deputy Chief Poltrock that "this is the behavior the Union is concerned about." Deputy Chief Poltrock did not respond to me.

16. On March 8, 2013, I attended a retirement party for House Captain Flasch, Captain Howland and Captain Kiel.

17. The party was attended by about one hundred people, including numerous current and retired Kenosha fire fighters, local politicians, the Mayor, a State Senator, and many family members and friends of the retirees, including children.

18. During the evening, Chief Thomsen grabbed the microphone away from the event's Master of Ceremonies when it was time to give awards and commendations to the retiring captains.

19. In the course of his remarks, Chief Thomsen made comments about each retiring captain, which were crude, inappropriate, unseemly and personally embarrassing. His comments reflected badly on himself and the Department.

20. In his remarks about Captain Flasch, Chief Thomsen told a story about having transmitted syphilis to Captain Flasch early in his career. He repeated embarrassing references to this story approximately three times.

21. Additionally, in his comments about Captain Howland, Chief Thomsen stated that the Captain's wife must like his "fu manchu."

22. On May 31, 2013, the Department conducted a blood drive, in cooperation with the local Red Cross.

23. I was present along with eight volunteers and numerous members of the public waiting to donate blood when Chief Thomsen arrived.

24. Chief Thomsen was dressed in uniform and asked of no one in particular but loudly for all around to hear, "I just got back from the Netherlands and had sex with a Haitian boy, can I still donate blood?"

25. Later, I was sitting at a snack table with fire fighter Scott Krueger. Chief Thomsen came to get a snack after he had donated blood.

26. As Chief Thomsen was eating a snack, President Helen Schumacher of the Kenosha Police and Fire Commission came to our table to say “hello.” Chief Thomsen gave her a hug and stated: “I think [Police] Chief Morrissey is in the Netherlands with a Haitian boy, not sure what they are doing but I think that’s why he won’t be here. Or maybe he is there with Michael Bell.”

27. President Schumacher began to back away from Chief Thomsen, raised her hands and said to him, “I don’t want to hear anything about that.”

28. On June 6, 2013, I participated in a disciplinary hearing which addressed statements made by an acting Lieutenant in the Department who had openly expressed his dissatisfaction with an EMS test. He said “your test sucks.”

29. The acting Lieutenant had apologized for his statement, which he contends he said in jest; however, the Department wanted to impose on the acting Lieutenant a two-day unpaid suspension for that statement.

30. During the disciplinary hearing, Chief Thomsen admitted that he referred to the acting Lieutenant and his crew as “pin heads,” following an investigatory meeting regarding this discipline on May 31, 2013.

31. I asked Chief Thomsen whether what he said “is an appropriate comment to make,” but Chief Thomsen refused to answer me.

32. Following my repeated questions, Chief Thomsen admitted that his statement was inappropriate and he apologized for it.

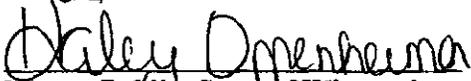
33. His remarks were contrary to the position regarding respect of others that the Department has espoused.

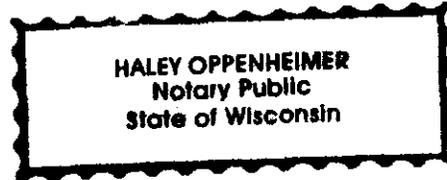
34. In 2011, I attended the Department retirement party for Captain Galich. The party was at Chutes and Ladders, a restaurant that was also open to the public at the time. Chief Thomsen approached me at the party and asked what kind of shirt I was wearing. I told him that I was wearing a sweatshirt. Chief Thomsen replied, "You look like a Fag."

35. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.


Jeremy Ryan

Subscribed and sworn to before me
this 24th day of June, 2013.


Notary Public, State of Wisconsin.
My commission expires: March 27, 2016



**STATE OF WISCONSIN
BEFORE THE CITY OF KENOSHA
FIRE AND POLICE COMMISSION**

AFFIDAVIT OF RAY TESSMANN

STATE OF WISCONSIN)
)ss.
KENOSHA COUNTY)

I, Ray Tessmann, being first duly sworn on oath, deposes and states as follows:

1. I am a fire fighter in the Kenosha Fire Department. I also serve as Vice President of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2. In my role as Vice President of Local 414, I prosecute grievances which the Local brings, pursuant to Article 21 of the Labor Agreement with the City.

3. Pursuant to Article 21.03, Step 2 of the grievance procedure is a meeting convened by the Chief with the grievant, Union representatives, and any officer involved.

4. On or about October or November, 2012, Chief Thomsen held a Step 2 grievance meeting regarding Med Unit relocation, which I attended with fire fighter Ricardo Lebron.

5. At the conclusion of the meeting, we discussed staffing and budgets. I recounted that I had read in the Kenosha News that Police Chief Morrissey was doing a great job by reorganizing his staff. I also recounted that I had learned that Chief Morrissey had been allowed to hire three additional officers although he had not requested the positions.

6. Chief Thomsen responded that that was not what happened. Chief Thomsen stated that Chief Morrissey had really gone to the Mayor's office and told the Mayor that if the Mayor would not let him hire another three police officers, "Everybody in the City of Kenosha by 5:00 p.m. tomorrow will have their throats slit and fucked up the ass."

7. On February 27, 2013, Chief Thomsen held a Step 2 grievance meeting which I attended with Union President Jeremy Ryan. Deputy Chief John Poltrock and Division Chief Phillip Johnson were Department administrators who were also present at the meeting.

8. As is our duty on behalf of the Union, throughout the Step 2 meeting, President Ryan and I asked numerous questions of the Department administrators.

9. Throughout the Step 2 meeting, Chief Thomsen refused to answer any of the questions that President Ryan and I asked that were materially related to the grievance.

10. The Step 2 meeting lasted about thirty minutes, during which Chief Thomsen refused to address the Union's grievance and instead asked questions of me and President Ryan immediately following each question we asked of the Department administrators.

11. Chief Thomsen was defensive and aggressive and consistently refused to address our grievance questions by asking questions of us.

12. I asked Chief Thomsen to "stop" so that we could pursue the grievance.

13. Chief Thomsen responded by standing up, leaning over the table aggressively, pointing his finger at me and yelling: "Don't you ever tell me to stop. This is my office, don't you ever tell me to stop. Pack your stuff up and get out of my office."

14. At that point President Ryan asked the chief to stop yelling and pointed out our right to pursue the grievance at a meeting before him.

15. Chief Thomsen never acknowledged our contractual right to pursue the grievance and continued pointing at me.

16. Chief Thomsen was red in the face and appeared to be shaking and told us again to "get out."

17. President Ryan and I left the Step 2 grievance meeting.

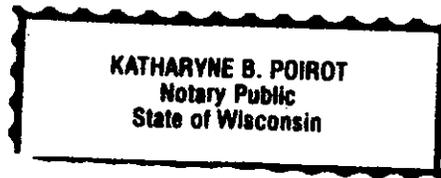
18. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.



Ray Fessmann

Subscribed and sworn to before me
this 24th day of June, 2013.

Katharyne B. Poirot
Notary Public, State of Wisconsin.
My commission expires: 3/20/16



My Commission Expires
March 20, 2016

**STATE OF WISCONSIN
BEFORE THE CITY OF KENOSHA
POLICE AND FIRE COMMISSION**

AFFIDAVIT OF RICARDO LEBRON

STATE OF WISCONSIN)
)ss.
KENOSHA COUNTY)

I, Ricardo Lebron, being first duly sworn on oath, deposes and states as follows:

1. I am a fire fighter in the Kenosha Fire Department and I am also a member of the Executive Board of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2. On or about the end of October or beginning of November, 2012, Local 414 Vice President Ray Tessman and I met with Chief Thomsen to discuss Med swapping. Our discussion lasted over an hour.

3. During the discussion about Med swapping, we also discussed Med 2 and staffing. We inquired of Chief Thomsen why he had not requested additional personnel in the Fire Department budget to cover the Department's need for a full-time Med 2.

4. Chief Thomsen told us that he had requested additional personnel but that his request was denied.

5. Vice President Tessman asked Chief Thomsen why Police Chief Morrissey gets the personnel he needs.

6. Chief Thomsen responded that Chief Morrissey gets the personnel he wants because he threatens that if the City doesn't hire more police officers immediately that bad guys will kick down our doors, slice our wives throats and ass rape our babies by the end of the day.

7. During the first quarter of 2013, the City of Kenosha Personnel Department presented harassment training Department-wide. I participated in training at Station 4.

8. The training was well done and clearly articulated how a person can experience harassment by a one-on-one conversation and by overhearing a third party's comments.

9. Chief Thomsen arrived at Station 4 and claimed he was also there for the training.

10. Following the training, Chief Thomsen entered the Captain's office. I was in the Captain's office at that time along with a handful of other Department employees, including Scott Krueger and possibly Chuck Leipzig.

11. Chief Thomsen referred to someone as being a "Mick."

12. Chief Thomsen had a paper in his hand and was laughing. He said, "Let me see here who else I can offend."

13. Chief Thomsen referenced the paper in his hand and then joked that a person can feel harassed for being old. I assumed that he was referring to age discrimination, because he immediately looked around the office and pointed to someone and said that he was an old guy and should retire.

14. Chief Thomsen referred again to the paper he was holding, flipped through it and laughed, saying that he is the Department head and all complaints are to be brought to him.

15. From all of Chief Thomsen's comments, it was clear to me that if I had a complaint based in harassment or discrimination it would not be taken seriously by the Chief because he was dismissive of such complaints.

16. Further, I have no confidence that Chief Thomsen would handle a harassment or discrimination complaint appropriately.

17. Chief Thomsen then sat in a chair with his back to the window, opposite Phil Johnson.

18. Chief Thomsen and others conversed about the old times and how blatant slurs were then and Phil Johnson remembered when he was younger a former chief referred to an African-American employee as a "Nigger" to his face.

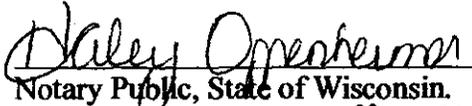
19. Chief Thomsen made a gesture as if he were looking at a watch and proclaimed that today would be a good day for golf.

20. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.

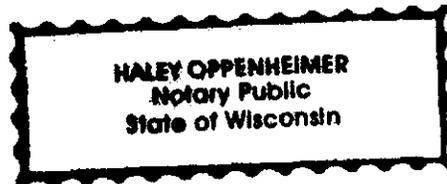


Ricardo Lebron

Subscribed and sworn to before me
this 24th day of June, 2013.


Notary Public, State of Wisconsin.

My commission expires: March 27, 2016



BLUMENFIELD & SHEREFF, LLP

Attorneys at Law

A Limited Liability Partnership



1001 West Glen Oaks Lane, Suite 110
Mequon, Wisconsin 53092
(262) 241-3400
Fax: (262) 241-3403
www.cbcsllaw.com

Charles S. Blumenfield**
blumenfield@cbcsllaw.com

*Court Commissioner
*Also admitted in New York
Certified Civil Trial Advocate

January 23, 2014

Board of Police & Fire Commissioners
Attn: Helen Schumacher, President
c/o Human Resources Department
625 52nd St., Room 205
Kenosha, WI 53140

HAND DELIVERED

Re: COMPLAINT AGAINST FIRE CHIEF JOHN THOMSEN

Dear President Schumacher:

I represent the Kenosha Professional Firefighters Local 414, IAFF. Enclosed herewith are the original and 7 copies of the Complaint Against Fire Chief John Thomsen which is now being filed in verified form, pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(i), and PFC rules. Please provide one file-stamped original for our files.

I request that the Commission set the matter for hearing and advise as to the procedures to be used in order to properly present the matters set forth therein to the PFC for its full consideration. By copy of this letter a copy of the Complaint is being personally served upon Fire Chief John Thomsen, Mayor Keith G. Bosman, and HR Director Steven Stanczak.

Thank you for your attention to this matter.

Very truly yours,

BLUMENFIELD & SHEREFF, LLP

By: _____

Charles S. Blumenfield

CSB:cb

Enclosures

cc: Chief John Thomsen

Mayor Keith G. Bosman
HR Director Steven Stanczak
President Jeremy Ryan
Kenosha Professional Firefighters
Local 414 IAFF

**BEFORE THE CITY OF KENOSHA
BOARD OF POLICE & FIRE COMMISSIONERS**

IN RE: COMPLAINT AGAINST FIRE CHIEF JOHN THOMSEN
Pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(i)

As and for a Complaint against Fire Chief **John Thomsen** (hereinafter "**Thomsen**"), pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(i), **the Kenosha Professional Firefighters, Local 414, IAFF** (hereinafter "**Local 414**") hereby alleges and states as follows:

RELEVANT HISTORY OF THE MATTER

1. This Complaint is presented by **Local 414 President Jeremy Ryan**, upon information and belief except as to those matters set forth which are based upon actual knowledge as noted herein, and is further supported by the affidavits of witnesses attached hereto and incorporated herein by reference.

2. **Thomsen** has served as Chief of the Kenosha Fire Department since on or about December 18, 2006. Pursuant to Wis. Stat. § 62.13 (3) **Thomsen** is only entitled to "hold office during good behavior".

3. On August 16, 2010 the Kenosha Common Council publicly reprimanded **Thomsen** due to his failure to maintain "objectivity" which caused a Fire Department Division Chief to perceive that he was being persecuted. The Kenosha Common Council agreed to pay \$10,000 as a contribution to the legal fees of the complaining party to resolve the matter. The Council then ordered that a formal letter of reprimand be placed in **Thomsen's** personnel file due to his mishandling of the matter, as set forth in Resolution No. 125-10, a copy of which, as excerpted from the Official Proceedings of the Common Council, is attached hereto and incorporated herein.

4. Since shortly after receiving the public reprimand for his inappropriate actions and mishandling of a personnel matter, **Thomsen** has repeatedly engaged in conduct unbecoming an officer of the Kenosha Fire Department. By doing so he has demonstrated there is no hope for remediation, as it appears he is unable to conform his conduct in order to properly perform his duties as Fire Chief and set a proper example for all other numbers of the Fire Department.

5. **Thomsen's** actions demonstrate a lack of the requisite "good behavior" to continue in the role of chief of the Kenosha Fire Department. In addition, they appear to be violative of the rules of the Fire Department which require all members to "be governed by the ordinary rules of good behavior observed by law abiding citizens" and all officers to refrain from the use of "abusive or immoderate language in giving orders and directions, as well as in conversations with [subordinates]. (XVI. General Rules of the Kenosha Fire Department)

ALLEGATIONS OF MISCONDUCT

6. On or about April 1, 2011, at a retirement party for Captain Greg Galich at the Chutes and Ladders Pub, 3812 60th Street, Kenosha, Wisconsin, which was open to the public at the time, **Thomsen** asked **Local 414** President Jeremy Ryan what kind of shirt he was wearing. When told by Ryan that he was wearing a sweatshirt, **Thomsen** told Ryan, "You look like a fag." (See Ex. A, Ryan Aff., ¶ 34)

7. In or about August or September of 2012, following an officers meeting, **Thomsen** told Captain Matt Loewen, that "as long as he is fire chief he will never transfer [Apparatus Operator Jeff Weidner] out of Station 7." This comment was made in apparent retaliation for actions taken by Weidner, a former President of **Local 414**, in his collective bargaining capacity. This statement of retribution constituted a prohibited practice as that term is

defined by the Wisconsin Employment Relations Commission and exposed the City of Kenosha to potential liability.

8. In or about October or November, 2012, during a meeting to discuss staffing and budget issues with Kenosha Fire Fighters Ricardo Lebron and Ray Tessman in their capacities as duly authorized representatives of the **Local 414** bargaining unit, **Thomsen** stated that Kenosha Police Chief John W. Morrissey had gone into Mayor Keith G. Bosman's office and told the Mayor that if he would not let Morrissey hire another three police officers, "By 5:00 P.M. tomorrow everybody in the City of Kenosha will have their throats slit and would be fucked up the ass." (See Ex. B, Tessman Aff. ¶¶ 4-6; Ex. C, Lebron Aff. ¶¶ 2-6)

9. In early December 2012, during an employment interview, **Thomsen** asked applicant Abbie Windus whether she was "like (name withheld)," a known gay employee. Windus responded, "No, I am engaged." Windus was ultimately offered a position and is currently a probationary firefighter with the Kenosha Fire Department. The comment suggested **Thomsen** would improperly consider sexual orientation in the hiring decision in violation of Title VII of the Civil Rights Act of 1964 and other statutory and case law precedent, thus exposing the City of Kenosha to potential liability.

10. On or about February 27, 2013, during a Step 2 grievance meeting held at the Fire Department administrative offices between Local 414 officers and Fire Department administrators, **Thomsen** refused to address the grievance, angrily terminated the meeting, and ordered Fire Fighter Ray Tessman out of the office. (See Ex. A, Ryan Aff. ¶¶ 2-15; Ex. B ¶¶ 3, 7-17) Since that time, **Local 414** has been forced to bypass the Fire Chief for all grievances in order to assure a fair and unbiased review of concerns regarding certain personnel matters and operations of the Fire Department. This has diminished the effective operation of the Fire

Department and placed an increased burden on other areas of city government, including Human Resources.

11. On or about March 8, 2013 at Circa on 7th Avenue, located at 4902 7th Avenue, Kenosha, Wisconsin, during a retirement party for Captains Jeff Flasch, John Kiel and Don Howland attended by about one hundred people, including many retirees, local politicians, Mayor Keith G. Bosman, Wisconsin State Senator Robert Wirch, and many family members and friends, including children, **Thomsen** made inappropriate and personally embarrassing comments about each retiring captain. These comments included repeated references to **Thomsen** having transmitted “syphilis” to Captain Flasch on a trip to Florida, and that Captain Howland’s wife must really like his “Fu Manchu”. (See Ex. A, Ryan Aff. ¶¶ 16-21) The comments demonstrated conduct unbecoming an officer of the Kenosha Fire Department and likely would have resulted in charges being brought against any other member of the Fire Department had the comments been made in the presence of **Thomsen**.

12. During the first quarter of 2013, the City of Kenosha Personnel Department presented harassment training on a department-wide scale. **Thomsen** arrived at Station 4, located at 4810 60th Street, Kenosha, Wisconsin, and stated he was there for the training.

- A. Following the training session, **Thomsen** entered the Captain’s office and referred to someone as being a “mick”, which is generally understood to be a derogatory term for those of Irish heritage.
- B. He then looked at a paper he was holding in his hand and stated “Let me see here, who else I can offend”, or words to that substantial effect.
- C. **Thomsen** then stated that a person can feel harassed for being old, pointed to a firefighter, and said, “He is an old guy and should retire”.
- D. **Thomsen** commented that, because he was the head of the Fire Department, all harassment complaints would have to be brought to him. The clear intimation was that he would dismiss any such complaints. (See Ex. C, Lebron Aff. ¶¶ 7-19)

13. On or about April 26, 2013, at the Department's graduation party for new recruits at the Chutes and Ladders Pub, 3812 60th Street, Kenosha, Wisconsin, **Thomsen** told firefighter Kristin Kaminski, "I know you. I read your psych evaluation." Upon Kaminski asking what he knew about her, **Thomsen** stated, in the presence of firefighter Paul Reget, "I know I will never confuse you with being the brightest person on our job." **Thomsen** later told a group of firefighters at the same event that he knew so much about the "guys" on the Fire Department because he reads their psychological evaluations. These comments implicate serious violations of HIPAA and other proscriptions against unauthorized disclosure of employee medical and psychological records.

14. On or about May 31, 2013, while at a blood drive the Fire Department co-sponsored with the American Red Cross and held at Gateway Technical College, 3520 30th Avenue, Kenosha, Wisconsin, **Thomsen** arrived while on duty and in uniform to donate blood. As people were beginning to sign up near the entrance, **Thomsen** stated in a loud voice, "I just got back from the Netherlands and had sex with a Haitian boy. Can I still donate blood?" When the President of the Police and Fire Commission arrived, **Thomsen** stated: "I think [Police] Chief [John W.] Morrissey is in the Netherlands with a Haitian boy, not sure what they are doing, but I think that's why he won't be here. Or maybe he's there with Michael Bell." (See Ex. A, Ryan Aff. ¶¶22-27) These comments were offensive, inappropriate, demeaning, and had the effect of exposing the entire Kenosha Fire Department to ridicule.

15. On or about June 6, 2013, during a disciplinary hearing regarding a statement made by acting Lieutenant Paul Schlereth, who had expressed dissatisfaction with an EMS test, **Thomsen** sought to impose a 48 hour suspension for the comment, which Schlereth averred was made "in jest". During the course of the hearing, **Thomsen** admitted he had referred to Schlereth

and his crew as “pin heads”, following an investigatory meeting on May 31, 2013. (Ex. A, Ryan Aff. Paragraph 34)

16. On or about July 1, 2013, **Thomsen** walked into Fire Station 4, located at 4810 60th Street, Kenosha, Wisconsin, looked around, then stated to Firefighter Norman Hoening and other firefighters: “Fat guy, bald guy, fat guy, bald guy. Why do we have so many fat and bald guys?”

17. In 2013, **Thomsen** told Firefighter Jake Waldschmidt, then an applicant for the position of Lieutenant, “The reason you didn’t make lieutenant is because you didn’t throw enough ‘shits’ and ‘fucks’ in your responses.” This comment denigrated the entire promotional process and caused the Fire Department to be viewed as using a wholly improper promotional scheme, relying on inappropriate and offensive comments, cronyism, and favoritism in order to advance one’s career in the fire service in Kenosha.

18. During his service as Fire Chief **Thomsen** has stated on a number of occasions, to various firefighters, that he could have sex with the wife of anybody “on the job”, by which it is believed he meant the Kenosha Fire Department.

19. In or about December 2013, **Thomsen** caused the termination of African-American firefighter Henderson Darby from the Kenosha Fire Department. In so doing, **Thomsen** acted in a manner entirely inconsistent with actions taken involving other firefighters who had been on sick leave in the past. Upon information and belief, the Darby termination constituted retribution by **Thomsen** against a member of **Local 414**, involved a discriminatory application of the Fire Department sick leave policy, and may have exposed the City of Kenosha to potential liability.

20. While **Thomsen** requires all members of the Fire Department to wear their uniforms at all times while on duty, **Thomsen** frequently appears in his office in street clothes, often a polo shirt and khaki pants, during “normal business hours”, thus conveying to all members of the Fire Department that the rules he requires all others to comply with do not apply to him.

21. Upon information and belief, upon being advised of many of the above allegations by the Mayor and/or HR Director Steven Stanczak in mid-2013, **Thomsen** denied he had engaged in any of the alleged conduct (reportedly stating “I wouldn’t be so stupid to say those things”, or words to that substantial effect), which constituted untruthful behavior. Consistent with the past practice of the Kenosha Fire Department, said denials should subject **Thomsen** to discipline for any such misrepresentations.

22. **Thomsen** is currently in the process of conducting interviews for entry level firefighters. Given **Thomsen’s** unwillingness to conform his conduct to acceptable standards constituting the expected “good behavior” required of any individual serving as Chief of a Fire Department, **Thomsen** is exposing the Fire Department, as well as the City of Kenosha, to further embarrassment and potential civil claims.

PRAYER FOR RELIEF

23. This Commission should not permit the Kenosha Fire Department to be led by an individual who performs his duties in an unprofessional, discriminatory, and embarrassing manner, and who has apparently misrepresented the truth of his actions to the Mayor and others conducting the investigation.

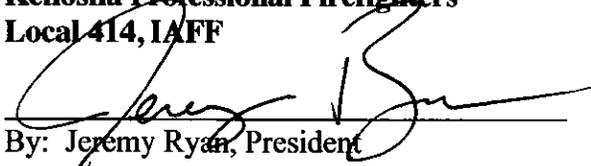
24. **Thomsen's** inappropriate comments, together with his clearly indicated prejudice toward certain ethnic groups, minorities, the elderly, those who are overweight, and those of non-traditional sexual orientation, appear to be violative of Kenosha Ordinance 30.03(G) and should raise serious concerns for the City and this Commission.

25. **Thomsen's** actions and comments demonstrate a lack of the requisite "good behavior" required of a Fire Chief pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(i), appear to constitute a violation of Kenosha Ordinance 30.03(E) as his actions do not "promote public confidence", and would thus appear to warrant suspension, demotion, and/or discharge, as determined by the Commission.

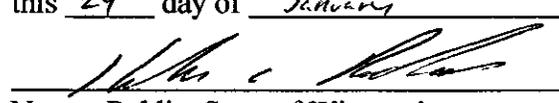
WHEREFORE, the Kenosha Professional Firefighters, Local 414, IAFF respectfully requests that the Commission conduct a public hearing to determine whether **Thomsen** has violated Wis. Stat. § 62.13(5) and/or any other applicable policies, ordinances or statutes, and prays that the Commission take such further action as may be appropriate, including, suspension, demotion and/or removal from the office of Fire Chief for the City of Kenosha.

Dated at Kenosha, Wisconsin, this 23rd day of January, 2014.

**Kenosha Professional Firefighters
Local 414, IAFF**


By: Jeremy Ryan, President

Subscribed and sworn to before me
this 24 day of January, 2014


Notary Public, State of Wisconsin

My Commission: 2-15-2015

IBRAHIM S PONDIKATI
Notary Public
State of Wisconsin

**COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, August 16, 2010**

Keith G. Bosman, Mayor

Michael K. Higgins, City Clerk

b. RESOLUTION NO. 125-10

BY: COMMON COUNCIL

**MANAGEMENT ISSUES REGARDING JOHN R. THOMSEN, FIRE CHIEF FOR THE CITY OF
KENOSHA**

WHEREAS, John R. Thomsen has been Fire Chief for the City of Kenosha since December 16, 2006.

WHEREAS, one of Chief Thomsen's subordinates was Richard Meeker, a twenty year veteran of the department who at the time John R. Thomsen became Fire Chief was Division Chief of Emergency Medical Services for the Fire Department; and,

WHEREAS, Division Chief Meeker perceived persecution from members of the Fire Department during Chief Thomsen's tenure as Fire Chief, resulting in a claim against the City, which claim was the subject of a full and final settlement with regard to the substantive issues, which settlement included no admission of liability by the City and no damages paid to Division Chief Meeker; and,

WHEREAS, through its Finance Committee, the Common Council came to understand the basis of Division Chief Meeker's perception of persecution through the course of consideration of a request by Division Chief Meeker for reimbursement of attorney fees expended by Division Chief Meeker in regard to the perceived persecution; and,

WHEREAS, although the actions of Fire Chief Thomsen did not result in a finding by a court of law that Chief Thomsen's actions were illegal, nonetheless, in the opinion of the Common Council Chief Thomsen mishandled the situation; and,

WHEREAS, furthermore in the opinion of the Common Council Fire Chief Thomsen lost objectivity with regard to Division Chief Meeker's situation.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Kenosha, does hereby publicly reprimand John R. Thomsen, Fire Chief for the City of Kenosha for his management methods involving his subordinate, Division Chief Richard Meeker.

BE IT FURTHER RESOLVED that the Common Council does hereby direct the City Clerk to provide a copy of this Resolution to the Mayor of the City of Kenosha along with a request that a copy of this resolution be placed in the personnel file of Fire Chief John R. Thomsen and further requests the Mayor to issue a formal letter of [19] reprimand to the Fire Chief regarding the substance of this Resolution to also be placed in his personnel file.

Adopted this 16th day of August, 2010.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

**STATE OF WISCONSIN
BEFORE THE CITY OF KENOSHA
POLICE AND FIRE COMMISSION**

AFFIDAVIT OF JEREMY RYAN

STATE OF WISCONSIN)
)ss.
KENOSHA COUNTY)

I, Jeremy Ryan, being first duly sworn on oath, deposes and states as follows:

1. I am a fire fighter in the Kenosha Fire Department. I also serve as President of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2. In my role as President of Local 414, I prosecute grievances which the Local brings, pursuant to Article 21 of the Labor Agreement with the City.

3. Pursuant to Article 21.03, Step 2 of the grievance procedure is a meeting convened by the Chief with the grievant, Union representatives, and any officer involved.

4. On February 27, 2013, Chief Thomsen held a Step 2 grievance meeting which I attended with Union Vice President Ray Tessman. Deputy Chief John Poltrock and Division Chief Phillip Johnson were Department administrators who were also present at the meeting.

5. As is our duty on behalf of the Union, throughout the Step 2 meeting, Vice President Tessman and I asked numerous questions of the Department administrators.

6. Throughout the Step 2 meeting, Chief Thomsen refused to answer any of the questions that Vice President Tessman and I asked that were materially related to the grievance.

7. The Step 2 meeting lasted about thirty minutes, during which Chief Thomsen refused to address the Union's grievance and instead asked questions of me and Vice President Tessman immediately following each question we asked of the Department administrators.

8. Chief Thomsen was defensive and aggressive and consistently refused to address our grievance questions by asking questions of us.

9. Vice President Tessman asked Chief Thomsen to "stop" so that we could pursue the grievance.

10. Chief Thomsen responded by standing up, leaning over the table aggressively, pointing his finger at Vice President Tessman and yelling: "Don't you ever tell me to stop. This is my office, don't you ever tell me to stop. Pack your stuff up and get out of my office."

11. At that point I asked the chief to stop yelling and I pointed out our right to pursue the grievance at a meeting before him.

12. Chief Thomsen never acknowledged our contractual right to pursue the grievance and continued pointing at Vice President Tessman.

13. Chief Thomsen was red in the face and appeared to be shaking and told us again to "get out."

14. Vice President Tessman and I left the Step 2 grievance meeting.

15. As we left the meeting, I told Deputy Chief Poltrock that "this is the behavior the Union is concerned about." Deputy Chief Poltrock did not respond to me.

16. On March 8, 2013, I attended a retirement party for House Captain Flasch, Captain Howland and Captain Kiel.

17. The party was attended by about one hundred people, including numerous current and retired Kenosha fire fighters, local politicians, the Mayor, a State Senator, and many family members and friends of the retirees, including children.

18. During the evening, Chief Thomsen grabbed the microphone away from the event's Master of Ceremonies when it was time to give awards and commendations to the retiring captains.

19. In the course of his remarks, Chief Thomsen made comments about each retiring captain, which were crude, inappropriate, unseemly and personally embarrassing. His comments reflected badly on himself and the Department.

20. In his remarks about Captain Flasch, Chief Thomsen told a story about having transmitted syphilis to Captain Flasch early in his career. He repeated embarrassing references to this story approximately three times.

21. Additionally, in his comments about Captain Howland, Chief Thomsen stated that the Captain's wife must like his "fu manchu."

22. On May 31, 2013, the Department conducted a blood drive, in cooperation with the local Red Cross.

23. I was present along with eight volunteers and numerous members of the public waiting to donate blood when Chief Thomsen arrived.

24. Chief Thomsen was dressed in uniform and asked of no one in particular but loudly for all around to hear, "I just got back from the Netherlands and had sex with a Haitian boy, can I still donate blood?"

25. Later, I was sitting at a snack table with fire fighter Scott Krueger. Chief Thomsen came to get a snack after he had donated blood.

26. As Chief Thomsen was eating a snack, President Helen Schumacher of the Kenosha Police and Fire Commission came to our table to say “hello.” Chief Thomsen gave her a hug and stated: “I think [Police] Chief Morrissey is in the Netherlands with a Haitian boy, not sure what they are doing but I think that’s why he won’t be here. Or maybe he is there with Michael Bell.”

27. President Schumacher began to back away from Chief Thomsen, raised her hands and said to him, “I don’t want to hear anything about that.”

28. On June 6, 2013, I participated in a disciplinary hearing which addressed statements made by an acting Lieutenant in the Department who had openly expressed his dissatisfaction with an EMS test. He said “your test sucks.”

29. The acting Lieutenant had apologized for his statement, which he contends he said in jest; however, the Department wanted to impose on the acting Lieutenant a two-day unpaid suspension for that statement.

30. During the disciplinary hearing, Chief Thomsen admitted that he referred to the acting Lieutenant and his crew as “pin heads,” following an investigatory meeting regarding this discipline on May 31, 2013.

31. I asked Chief Thomsen whether what he said “is an appropriate comment to make,” but Chief Thomsen refused to answer me.

32. Following my repeated questions, Chief Thomsen admitted that his statement was inappropriate and he apologized for it.

33. His remarks were contrary to the position regarding respect of others that the Department has espoused.

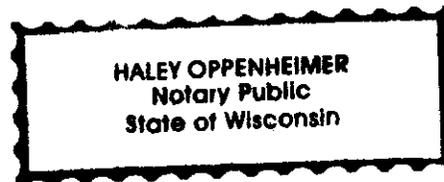
34. In 2011, I attended the Department retirement party for Captain Galich. The party was at Chutes and Ladders, a restaurant that was also open to the public at the time. Chief Thomsen approached me at the party and asked what kind of shirt I was wearing. I told him that I was wearing a sweatshirt. Chief Thomsen replied, "You look like a Fag."

35. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.


Jeremy Ryan

Subscribed and sworn to before me
this 24th day of June, 2013.


Notary Public, State of Wisconsin.
My commission expires: March 27, 2016



**STATE OF WISCONSIN
BEFORE THE CITY OF KENOSHA
FIRE AND POLICE COMMISSION**

AFFIDAVIT OF RAY TESSMANN

STATE OF WISCONSIN)
)ss.
KENOSHA COUNTY)

I, Ray Tessmann, being first duly sworn on oath, deposes and states as follows:

1. I am a fire fighter in the Kenosha Fire Department. I also serve as Vice President of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2. In my role as Vice President of Local 414, I prosecute grievances which the Local brings, pursuant to Article 21 of the Labor Agreement with the City.

3. Pursuant to Article 21.03, Step 2 of the grievance procedure is a meeting convened by the Chief with the grievant, Union representatives, and any officer involved.

4. On or about October or November, 2012, Chief Thomsen held a Step 2 grievance meeting regarding Med Unit relocation, which I attended with fire fighter Ricardo Lebron.

5. At the conclusion of the meeting, we discussed staffing and budgets. I recounted that I had read in the Kenosha News that Police Chief Morrissey was doing a great job by reorganizing his staff. I also recounted that I had learned that Chief Morrissey had been allowed to hire three additional officers although he had not requested the positions.

6. Chief Thomsen responded that that was not what happened. Chief Thomsen stated that Chief Morrissey had really gone to the Mayor's office and told the Mayor that if the Mayor would not let him hire another three police officers, "Everybody in the City of Kenosha by 5:00 p.m. tomorrow will have their throats slit and fucked up the ass."

7. On February 27, 2013, Chief Thomsen held a Step 2 grievance meeting which I attended with Union President Jeremy Ryan. Deputy Chief John Poltrock and Division Chief Phillip Johnson were Department administrators who were also present at the meeting.

8. As is our duty on behalf of the Union, throughout the Step 2 meeting, President Ryan and I asked numerous questions of the Department administrators.

9. Throughout the Step 2 meeting, Chief Thomsen refused to answer any of the questions that President Ryan and I asked that were materially related to the grievance.

10. The Step 2 meeting lasted about thirty minutes, during which Chief Thomsen refused to address the Union's grievance and instead asked questions of me and President Ryan immediately following each question we asked of the Department administrators.

11. Chief Thomsen was defensive and aggressive and consistently refused to address our grievance questions by asking questions of us.

12. I asked Chief Thomsen to "stop" so that we could pursue the grievance.

13. Chief Thomsen responded by standing up, leaning over the table aggressively, pointing his finger at me and yelling: "Don't you ever tell me to stop. This is my office, don't you ever tell me to stop. Pack your stuff up and get out of my office."

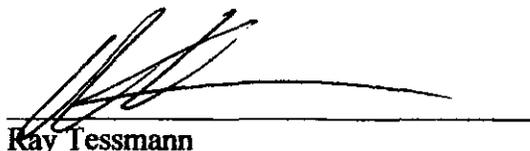
14. At that point President Ryan asked the chief to stop yelling and pointed out our right to pursue the grievance at a meeting before him.

15. Chief Thomsen never acknowledged our contractual right to pursue the grievance and continued pointing at me.

16. Chief Thomsen was red in the face and appeared to be shaking and told us again to "get out."

17. President Ryan and I left the Step 2 grievance meeting.

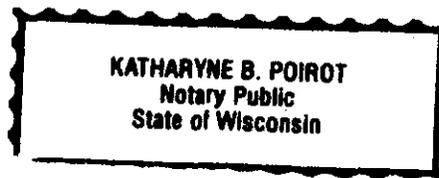
18. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.



Ray Tessmann

Subscribed and sworn to before me
this 24th day of June, 2013.

Katharyne B. Poirot
Notary Public, State of Wisconsin.
My commission expires: 3/20/16



My Commission Expires
March 20, 2016

**STATE OF WISCONSIN
BEFORE THE CITY OF KENOSHA
POLICE AND FIRE COMMISSION**

AFFIDAVIT OF RICARDO LEBRON

STATE OF WISCONSIN)
)ss.
KENOSHA COUNTY)

I, Ricardo Lebron, being first duly sworn on oath, deposes and states as follows:

1. I am a fire fighter in the Kenosha Fire Department and I am also a member of the Executive Board of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2. On or about the end of October or beginning of November, 2012, Local 414 Vice President Ray Tessman and I met with Chief Thomsen to discuss Med swapping. Our discussion lasted over an hour.

3. During the discussion about Med swapping, we also discussed Med 2 and staffing. We inquired of Chief Thomsen why he had not requested additional personnel in the Fire Department budget to cover the Department's need for a full-time Med 2.

4. Chief Thomsen told us that he had requested additional personnel but that his request was denied.

5. Vice President Tessman asked Chief Thomsen why Police Chief Morrissey gets the personnel he needs.

6. Chief Thomsen responded that Chief Morrissey gets the personnel he wants because he threatens that if the City doesn't hire more police officers immediately that bad guys will kick down our doors, slice our wives throats and ass rape our babies by the end of the day.

7. During the first quarter of 2013, the City of Kenosha Personnel Department presented harassment training Department-wide. I participated in training at Station 4.

8. The training was well done and clearly articulated how a person can experience harassment by a one-on-one conversation and by overhearing a third party's comments.

9. Chief Thomsen arrived at Station 4 and claimed he was also there for the training.

10. Following the training, Chief Thomsen entered the Captain's office. I was in the Captain's office at that time along with a handful of other Department employees, including Scott Krueger and possibly Chuck Leipzig.

11. Chief Thomsen referred to someone as being a "Mick."

12. Chief Thomsen had a paper in his hand and was laughing. He said, "Let me see here who else I can offend."

13. Chief Thomsen referenced the paper in his hand and then joked that a person can feel harassed for being old. I assumed that he was referring to age discrimination, because he immediately looked around the office and pointed to someone and said that he was an old guy and should retire.

14. Chief Thomsen referred again to the paper he was holding, flipped through it and laughed, saying that he is the Department head and all complaints are to be brought to him.

15. From all of Chief Thomsen's comments, it was clear to me that if I had a complaint based in harassment or discrimination it would not be taken seriously by the Chief because he was dismissive of such complaints.

16. Further, I have no confidence that Chief Thomsen would handle a harassment or discrimination complaint appropriately.

17. Chief Thomsen then sat in a chair with his back to the window, opposite Phil Johnson.

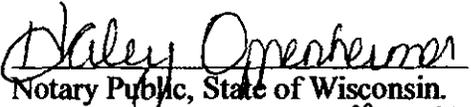
18. Chief Thomsen and others conversed about the old times and how blatant slurs were then and Phil Johnson remembered when he was younger a former chief referred to an African-American employee as a "Nigger" to his face.

19. Chief Thomsen made a gesture as if he were looking at a watch and proclaimed that today would be a good day for golf.

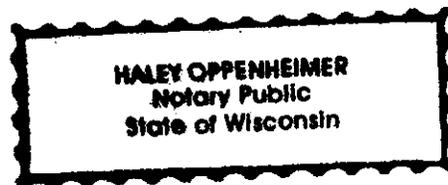
20. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.


Ricardo Lebron

Subscribed and sworn to before me
this 24th day of June, 2013.


Notary Public, State of Wisconsin.

My commission expires: March 27, 2016



BLUMENFIELD & SHEREFF, LLP

Attorneys at Law

A Limited Liability Partnership



1001 West Glen Oaks Lane, Suite 110
Mequon, Wisconsin 53092
(262) 241-3400
Fax: (262) 241-3403
www.cbcsllaw.com

Charles S. Blumenfield**
blumenfield@cbcsllaw.com

*Court Commissioner
*Also admitted in New York
Certified Civil Trial Advocate

February 5, 2014

Board of Police & Fire Commissioners
Attn: Helen Schumacher, President
c/o Human Resources Department
625 52nd St., Room 205
Kenosha, WI 53140

HAND DELIVERED

Re: AMENDED COMPLAINT AGAINST FIRE CHIEF JOHN THOMSEN

Dear President Schumacher:

Enclosed herewith are the original and 7 copies of the Amended Complaint Against Fire Chief John Thomsen which is being filed in verified form pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(j), and PFC rules. Please provide one file-stamped original for our files.

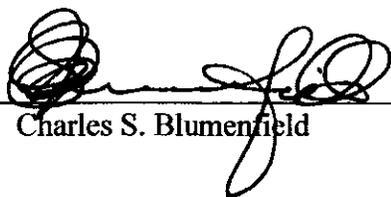
By copy of this letter a copy of the Complaint is being personally served upon Fire Chief John Thomsen, Mayor Keith G. Bosman, and HR Director Steven Stanczak.

Thank you for your attention to this matter.

Very truly yours,

BLUMENFIELD & SHEREFF, LLP

By: _____


Charles S. Blumenfield

CSB:cb

Enclosures

cc: Attorney Joel Aziere for Chief John Thomsen

Mayor Keith G. Bosman
HR Director Steven Stanczak
Jeremy Ryan

**BEFORE THE CITY OF KENOSHA
BOARD OF POLICE & FIRE COMMISSIONERS**

**IN RE: AMENDED COMPLAINT AGAINST
FIRE CHIEF JOHN THOMSEN
*Pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(j)***

As and for a Complaint against Fire Chief **John Thomsen** (hereinafter “**Thomsen**”), pursuant to *Wis. Stat. § 62.13 (3), (5)(b) and (5)(j)*, **Jeremy Ryan** (hereinafter “**Ryan**”), an adult citizen of the state of Wisconsin who serves as a City of Kenosha Firefighter, hereby alleges and states as follows:

RELEVANT HISTORY OF THE MATTER

1. This Complaint is presented upon information and belief, except as to those matters set forth which are based upon actual knowledge as noted herein, and is further supported by the affidavits of witnesses attached hereto and incorporated herein by reference.

2. **Thomsen** has served as Chief of the Kenosha Fire Department since on or about December 18, 2006.

3. Pursuant to *Wis. Stat. § 62.13 (3)* **Thomsen** is only entitled to hold office “during good behavior, subject to suspension or removal by the board for cause.”

4. **Thomsen** is also subject to discipline, removal and censure by his violation of any provision of the Kenosha Municipal Code, pursuant to Kenosha Municipal Code, General Ordinances 30.10, Code of Ethics, Removal, Suspension and Censure.

5. On August 16, 2010 the Kenosha Common Council publicly reprimanded **Thomsen** due to his failure to maintain “objectivity” which caused a Fire Department Division Chief Richard Meeker, to perceive that he was being persecuted. The Kenosha Common Council agreed to pay \$10,000 as a contribution to the legal fees incurred by Meeker to resolve

the matter. The Council then ordered that a formal letter of reprimand be placed in **Thomsen's** personnel file due to his mishandling of the matter, as set forth in Resolution No. 125-10, a copy of which, as excerpted from the Official Proceedings of the Common Council, is attached hereto and incorporated herein. To date no such letter has been placed in **Thomsen's** personnel file.

6. Since shortly after receiving the public reprimand for his inappropriate actions and mishandling of a personnel matter, **Thomsen** has repeatedly engaged in conduct unbecoming an officer of the Kenosha Fire Department. By doing so he has demonstrated there is no hope for remediation, as it appears he is unable to conform his conduct in order to properly perform his duties as Fire Chief and set a proper example for all other numbers of the Fire Department.

7. **Thomsen's** actions demonstrate a lack of the requisite "good behavior" to continue in the role of chief of the Kenosha Fire Department. In addition, they appear to be violative of Kenosha General Ordinances as well as other rules, including the rules of the Fire Department which require all members to "be governed by the ordinary rules of good behavior observed by law abiding citizens" and all officers to refrain from the use of "abusive or immoderate language in giving orders and directions, as well as in conversations with [subordinates]. (XVI. General Rules of the Kenosha Fire Department)

ALLEGATIONS OF MISCONDUCT

8. On or about April 1, 2011, at a retirement party for Captain Greg Galich at the Chutes and Ladders Pub, 3812 60th Street, Kenosha, Wisconsin, which was open to the public at the time, **Thomsen** asked **Jeremy Ryan, President of the Kenosha Professional Firefighters, Local 414, IAFF** (hereinafter "**Local 414**") what kind of shirt he was wearing. When told by

Ryan that he was wearing a sweatshirt, **Thomsen** told **Ryan**, “You look like a fag.” (See Ex. A, **Ryan** Aff., ¶ 34) This comment was unsolicited, unwarranted, and offensive.

9. In or about August and September, 2011, despite having been reprimanded by the Kenosha Common Council for his harassment of Chief Richard Meeker, **Thomsen** harassed Timothy Thompkins, who was then serving as the City of Kenosha Equal Employment Opportunity (EEO) Coordinator, ultimately causing Thompkins to resign his position and seek employment elsewhere.

10. In or about August or September of 2012, following an officers meeting, **Thomsen** told Captain Matt Loewen, that “as long as he is fire chief he will never transfer [Apparatus Operator Jeff Weidner] out of Station 7.” This comment was made in apparent retaliation for actions taken by Weidner, a former President of **Local 414**, in his collective bargaining capacity. This statement of retribution constituted a prohibited practice as that term is defined by the Wisconsin Employment Relations Commission and exposed the City of Kenosha to potential liability.

11. In or about October or November, 2012, during a meeting to discuss staffing and budget issues with Kenosha Fire Fighters Ricardo Lebron and Ray Tessman in their capacities as duly authorized representatives of the **Local 414** bargaining unit, **Thomsen** stated that Kenosha Police Chief John W. Morrissey had gone into Mayor Keith G. Bosman’s office and told the Mayor that if he would not let Morrissey hire another three police officers, “By 5:00 P.M. tomorrow everybody in the City of Kenosha will have their throats slit and would be fucked up the ass.” (See Ex. B, Tessman Aff. ¶¶ 4-6; Ex. C, Lebron Aff. ¶¶ 2-6)

12. In early December 2012, during an employment interview, **Thomsen** asked applicant Abbie Windus whether she was “like (name withheld),” a known gay employee.

Windus responded, "No, I am engaged." Windus was ultimately offered a position and is currently a probationary firefighter with the Kenosha Fire Department. The comment suggested **Thomsen** would improperly consider sexual orientation in the hiring decision in violation of Title VII of the Civil Rights Act of 1964 and other statutory and case law precedent, thus exposing the City of Kenosha to potential liability.

13. On or about February 27, 2013, during a Step 2 grievance meeting held at the Fire Department administrative offices between Local 414 officers and Fire Department administrators, **Thomsen** refused to address the grievance, angrily terminated the meeting, and ordered Fire Fighter Ray Tessman out of the office. (See Ex. A, **Ryan** Aff. ¶¶2-15; Ex. B ¶¶3, 7-17) Since that time, **Local 414** has bypassed **Thomsen** for all grievances in order to assure a fair and unbiased review of concerns regarding personnel matters and operations of the Fire Department. This has diminished the effective operation of the Fire Department and placed an increased burden on other areas of city government, including Human Resources.

14. On or about March 8, 2013 at *Circa on 7th Avenue*, located at 4902 7th Avenue, Kenosha, Wisconsin, during a retirement party for Captains Jeff Flasch, John Kiel and Don Howland attended by about one hundred people, including many retirees, local politicians, Mayor Keith G. Bosman, Wisconsin State Senator Robert Wirch, and many family members and friends, including children, **Thomsen** made inappropriate and personally embarrassing comments about each retiring captain. These comments included repeated references to **Thomsen** having transmitted "syphilis" to Captain Flasch on a trip to Florida, and that Captain Howland's wife must really like his "Fu Manchu". (See Ex. A, **Ryan** Aff. ¶¶ 16-21) The comments demonstrated conduct unbecoming an officer of the Kenosha Fire Department and

likely would have resulted in charges being brought against any other member of the Fire Department had the comments been made in the presence of **Thomsen**.

15. During the first quarter of 2013, the City of Kenosha Personnel Department presented harassment training on a department-wide scale. **Thomsen** arrived at Station 4, located at 4810 60th Street, Kenosha, Wisconsin, and stated he was there for the training.

- A. Following the training session, **Thomsen** entered the Captain's office and referred to someone as being a "mick", which is generally understood to be a derogatory term for those of Irish heritage.
- B. He then looked at a paper he was holding in his hand and stated "Let me see here, who else I can offend", or words to that substantial effect.
- C. **Thomsen** then stated that a person can feel harassed for being old, pointed to a firefighter, and said, "He is an old guy and should retire".
- D. **Thomsen** commented that, because he was the head of the Fire Department, all harassment complaints would have to be brought to him. The clear intimation was that he would dismiss any such complaints. (See Ex. C, **Lebron** Aff. ¶¶ 7-19)

16. On or about April 26, 2013, at the Department's graduation party for new recruits at the Chutes and Ladders Pub, 3812 60th Street, Kenosha, Wisconsin, **Thomsen** told firefighter Kristin Kaminski, "I know you. I read your psych evaluation." Upon Kaminski asking what he knew about her, **Thomsen** stated, in the presence of firefighter Paul Reget, "I know I will never confuse you with being the brightest person on our job." **Thomsen** later told a group of firefighters at the same event that he knew so much about the "guys" on the Fire Department because he reads their psychological evaluations. These comments implicate serious violations of privacy, including the improper oral publication of private employee medical and psychological records, and further demonstrate **Thomsen** lacks the necessary good judgment required to serve as Fire Chief in the City of Kenosha.

17. On or about May 31, 2013, while at a blood drive the Fire Department co-sponsored with the American Red Cross and held at Gateway Technical College, 3520 30th Avenue, Kenosha, Wisconsin, **Thomsen** arrived while on duty and in uniform to donate blood. As people were beginning to sign up near the entrance, **Thomsen** stated in a loud voice, "I just got back from the Netherlands and had sex with a Haitian boy. Can I still donate blood?" When the President of the Police and Fire Commission arrived, **Thomsen** stated: "I think [Police] Chief [John W.] Morrissey is in the Netherlands with a Haitian boy, not sure what they are doing, but I think that's why he won't be here. Or maybe he's there with Michael Bell." (See Ex. A, **Ryan Aff.** ¶¶22-27) These comments were offensive, inappropriate, demeaning, and had the effect of exposing the entire Kenosha Fire Department to ridicule.

18. On or about June 6, 2013, during a disciplinary hearing regarding a statement made by acting Lieutenant Paul Schlereth, who had expressed dissatisfaction with an EMS test, **Thomsen** sought to impose a 48 hour suspension for the comment, which Schlereth averred was made "in jest". During the course of the hearing, **Thomsen** admitted he had referred to Schlereth and his crew as "pin heads", following an investigatory meeting on May 31, 2013. (Ex. A, **Ryan Aff.** Paragraph 34)

19. On or about July 1, 2013, **Thomsen** walked into Fire Station 4, located at 4810 60th Street, Kenosha, Wisconsin, looked around, then stated to Firefighter Norman Hoening and other firefighters: "Fat guy, bald guy, fat guy, bald guy. Why do we have so many fat and bald guys?"

20. In 2013, **Thomsen** told Firefighter Jake Waldschmidt, then an applicant for the position of Lieutenant, "The reason you didn't make lieutenant is because you didn't throw enough 'shits' and 'fucks' in your responses." This comment denigrated the entire promotional

process and caused the Fire Department to be viewed as using a wholly improper promotional scheme, relying on inappropriate and offensive comments, cronyism, and favoritism in order to advance one's career in the fire service in Kenosha.

21. During his service as Fire Chief **Thomsen** has stated on a number of occasions, to various firefighters, that he could have sex with the wife of anybody "on the job", by which it is believed he meant the Kenosha Fire Department.

22. In or about December 2013, **Thomsen** caused the termination of African-American firefighter Henderson Darby from the Kenosha Fire Department. In so doing, **Thomsen** acted in a manner entirely inconsistent with actions taken involving other firefighters who had been on sick leave in the past. Upon information and belief, the Darby termination constituted retribution by **Thomsen** against a member of **Local 414**, involved a discriminatory application of the Fire Department sick leave policy, and may have exposed the City of Kenosha to potential liability.

23. While **Thomsen** requires all members of the Fire Department to wear their uniforms at all times while on duty, **Thomsen** frequently appears in his office in street clothes, often a polo shirt and khaki pants, during "normal business hours", thus conveying to all members of the Fire Department that the rules he requires all others to comply with do not apply to him.

24. Upon information and belief, upon being advised of many of the above allegations by the Mayor and/or HR Director Steven Stanczak in mid-2013, **Thomsen** denied he had engaged in any of the alleged conduct (reportedly stating "I wouldn't be so stupid to say those things", or words to that substantial effect), which constituted untruthful behavior. When questioned by the City's investigator he has persisted in his denials, or indicated a lack of

recollection. Consistent with the past practice of the Kenosha Fire Department, said denials should subject **Thomsen** to discipline for any such misrepresentations.

25. **Thomsen** has recently conducted interviews for entry level firefighters. Given **Thomsen's** unwillingness to conform his conduct to acceptable standards constituting the expected "good behavior" required of any individual serving as Chief of a Fire Department, **Thomsen** is exposing the Fire Department, as well as the City of Kenosha, to further embarrassment and potential civil claims.

26. On January 24, 2014, the day after the original Complaint against **Thomsen** was filed, the City of Kenosha issued a document it has referred to as a "Memo of Discipline", by which it imposed a two week unpaid suspension, one week of which is being held in abeyance for one year and may be imposed at the Mayor's discretion if **Thomsen** "engage[s] in any similar misconduct...". The limited investigation on which the discipline was based, however, failed to consider the requirement of "good behavior" as set forth in *Wis. Stat.* § 62.13 (3). Neither the Meeker nor Thompkins matters were reviewed by the investigator, despite each being indicative of the negative work environment created by **Thomsen**. Rather, the discipline was imposed, in regard to unspecified conduct, for **Thomsen's** violation of two "Department rules", as follows:

In matters of general conduct, not within the scope of department rules, personnel shall be governed by ordinary rules of good behavior observed by law abiding citizens.

Officers shall be just, dignified and firm in their dealings with subordinates, being careful to refrain from violent, abusive or immoderate language in giving orders and directions, as well as in conversation with them.

Although no specific incidents were referenced, the City noted **Thomsen** had failed "to meet the City's expectations with regard to [his] conduct as Fire Chief."

27. **Thomsen** has totally refused to accept responsibility for his actions according to the Memo of Discipline, instead, maintaining his absolute denial that he has done anything wrong. **Thomsen** has further persisted in his position that none of his conduct violated any City ordinances or Department rules.

PRAYER FOR RELIEF

28. This Board should not permit the Kenosha Fire Department to be led by an individual who performs his duties in an unprofessional, discriminatory, and embarrassing manner, and who has apparently misrepresented the truth of his actions to the Mayor and others conducting the investigation.

29. **Thomsen's** inappropriate comments, together with his clearly indicated prejudice toward certain ethnic groups, minorities, the elderly, those who are overweight, and those of non-traditional sexual orientation, appear to be violative of Kenosha Ordinance 30.03(G), and should raise serious concerns for the City and this Board.

30. By his conduct described above, **Thomsen** has engaged in a pattern of crude, derogatory, vulgar, and unwelcome jokes, slurs, epithets, insults, and innuendoes, some of which contained negative sexual and national origin stereotyping, and other harassing statements and conduct both in the workplace and at Department-sponsored and other public gatherings.

31. **Thomsen's** actions and comments demonstrate a lack of the requisite "good behavior" required of a Fire Chief pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(j), appear to constitute a violation of Kenosha Ordinance 30.03(E) as his actions do not "promote public confidence", and warrant suspension, demotion, and/or discharge, as determined by the Board.

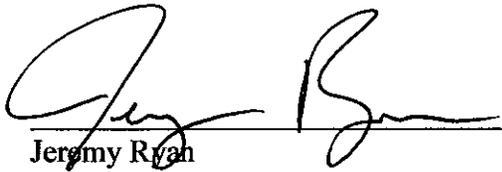
32. Consistent with all of the above, there is sufficient evidence to warrant a hearing

to determine the following:

- A. Whether by the totality of his conduct in the workplace and in the community, **Thomsen** has created a hostile and offensive working environment and has violated Kenosha Municipal Code, General Ordinances 1.29, Harassment Policy & Procedure; the City of Kenosha Harassment Policy & Procedure 9.23; and the City of Kenosha Work Rules, Prohibited Conduct J(30), thereby obstructing the City's vision of a diverse workforce and impairing the operation and efficiency of the Department and his performance of his responsibilities as Chief;
- B. Whether by the totality of his conduct in the workplace and in the community, **Thomsen** has violated Kenosha Municipal Code, General Ordinances 30.03(E), Code of Ethics, or Fire Department rules, thereby impairing the operation and efficiency of the Department, his performance of his responsibilities as Chief, and public confidence in the integrity of the Chief and in the Department;
- C. Whether by the totality of his conduct in the workplace and in the community, **Thomsen** has rendered the Department and the City of Kenosha potentially vulnerable to legal action by any employee challenging action by the Department as discriminatory;
- D. Whether **Thomsen** has treated members of the Department and other City employees in an unprofessional manner, including losing his temper, and using vulgar, homophobic, discriminatory, offensive and hostile language directed at members of the Department and other City employees in meetings and public events;
- E. Whether a sufficient degree of trust and confidence in **Thomsen** exists to warrant his continued effectiveness as Chief of the City of Kenosha Fire Department.
- F. Whether by the totality of **Thomsen's** conduct, he has frustrated and obstructed the formal grievance process long-agreed to by the Department and Local 414, thereby impairing the operation and efficiency of the Department, and his performance of his responsibilities as Chief.

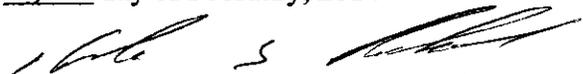
WHEREFORE, Ryan respectfully requests that the Kenosha Board of Police and Fire Commissioners conduct a public hearing to determine whether **Thomsen's** conduct demonstrates a lack of the required "good behavior", pursuant to *Wis. Stat.* § 62.13(3), (5)(b) and (5)(j), justifying suspension or removal by the Board for cause.

Dated at Kenosha, Wisconsin, this 5th day of February, 2014.

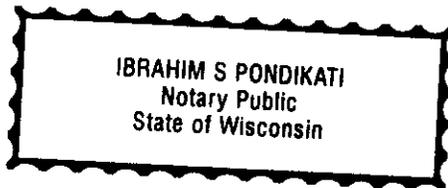


Jeremy Ryan

Subscribed and sworn to before me
this 5 day of February, 2014



Notary Public, State of Wisconsin
My Commission: 2-15-2015



COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, August 16, 2010

Keith G. Bosman, Mayor

Michael K. Higgins, City Clerk

**b. RESOLUTION NO. 125-10
BY: COMMON COUNCIL**

**MANAGEMENT ISSUES REGARDING JOHN R. THOMSEN, FIRE CHIEF FOR THE CITY OF
KENOSHA**

WHEREAS, John R. Thomsen has been Fire Chief for the City of Kenosha since December 16, 2006.

WHEREAS, one of Chief Thomsen's subordinates was Richard Meeker, a twenty year veteran of the department who at the time John R. Thomsen became Fire Chief was Division Chief of Emergency Medical Services for the Fire Department; and,

WHEREAS, Division Chief Meeker perceived persecution from members of the Fire Department during Chief Thomsen's tenure as Fire Chief, resulting in a claim against the City, which claim was the subject of a full and final settlement with regard to the substantive issues, which settlement included no admission of liability by the City and no damages paid to Division Chief Meeker; and,

WHEREAS, through its Finance Committee, the Common Council came to understand the basis of Division Chief Meeker's perception of persecution through the course of consideration of a request by Division Chief Meeker for reimbursement of attorney fees expended by Division Chief Meeker in regard to the perceived persecution; and,

WHEREAS, although the actions of Fire Chief Thomsen did not result in a finding by a court of law that Chief Thomsen's actions were illegal, nonetheless, in the opinion of the Common Council Chief Thomsen mishandled the situation; and,

WHEREAS, furthermore in the opinion of the Common Council Fire Chief Thomsen lost objectivity with regard to Division Chief Meeker's situation.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Kenosha, does hereby publicly reprimand John R. Thomsen, Fire Chief for the City of Kenosha for his management methods involving his subordinate, Division Chief Richard Meeker.

BE IT FURTHER RESOLVED that the Common Council does hereby direct the City Clerk to provide a copy of this Resolution to the Mayor of the City of Kenosha along with a request that a copy of this resolution be placed in the personnel file of Fire Chief John R. Thomsen and further requests the Mayor to issue a formal letter of [19] reprimand to the Fire Chief regarding the substance of this Resolution to also be placed in his personnel file. Adopted this 16th day of August, 2010.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

**STATE OF WISCONSIN
BEFORE THE CITY OF KENOSHA
POLICE AND FIRE COMMISSION**

AFFIDAVIT OF JEREMY RYAN

STATE OF WISCONSIN)
)ss.
KENOSHA COUNTY)

I, Jeremy Ryan, being first duly sworn on oath, deposes and states as follows:

1. I am a fire fighter in the Kenosha Fire Department. I also serve as President of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2. In my role as President of Local 414, I prosecute grievances which the Local brings, pursuant to Article 21 of the Labor Agreement with the City.

3. Pursuant to Article 21.03, Step 2 of the grievance procedure is a meeting convened by the Chief with the grievant, Union representatives, and any officer involved.

4. On February 27, 2013, Chief Thomsen held a Step 2 grievance meeting which I attended with Union Vice President Ray Tessman. Deputy Chief John Poltrock and Division Chief Phillip Johnson were Department administrators who were also present at the meeting.

5. As is our duty on behalf of the Union, throughout the Step 2 meeting, Vice President Tessman and I asked numerous questions of the Department administrators.

6. Throughout the Step 2 meeting, Chief Thomsen refused to answer any of the questions that Vice President Tessman and I asked that were materially related to the grievance.

7. The Step 2 meeting lasted about thirty minutes, during which Chief Thomsen refused to address the Union's grievance and instead asked questions of me and Vice President Tessman immediately following each question we asked of the Department administrators.

8. Chief Thomsen was defensive and aggressive and consistently refused to address our grievance questions by asking questions of us.

9. Vice President Tessman asked Chief Thomsen to "stop" so that we could pursue the grievance.

10. Chief Thomsen responded by standing up, leaning over the table aggressively, pointing his finger at Vice President Tessman and yelling: "Don't you ever tell me to stop. This is my office, don't you ever tell me to stop. Pack your stuff up and get out of my office."

11. At that point I asked the chief to stop yelling and I pointed out our right to pursue the grievance at a meeting before him.

12. Chief Thomsen never acknowledged our contractual right to pursue the grievance and continued pointing at Vice President Tessman.

13. Chief Thomsen was red in the face and appeared to be shaking and told us again to "get out."

14. Vice President Tessman and I left the Step 2 grievance meeting.

15. As we left the meeting, I told Deputy Chief Poltrock that "this is the behavior the Union is concerned about." Deputy Chief Poltrock did not respond to me.

16. On March 8, 2013, I attended a retirement party for House Captain Flasch, Captain Howland and Captain Kiel.

17. The party was attended by about one hundred people, including numerous current and retired Kenosha fire fighters, local politicians, the Mayor, a State Senator, and many family members and friends of the retirees, including children.

18. During the evening, Chief Thomsen grabbed the microphone away from the event's Master of Ceremonies when it was time to give awards and commendations to the retiring captains.

19. In the course of his remarks, Chief Thomsen made comments about each retiring captain, which were crude, inappropriate, unseemly and personally embarrassing. His comments reflected badly on himself and the Department.

20. In his remarks about Captain Flasch, Chief Thomsen told a story about having transmitted syphilis to Captain Flasch early in his career. He repeated embarrassing references to this story approximately three times.

21. Additionally, in his comments about Captain Howland, Chief Thomsen stated that the Captain's wife must like his "fu manchu."

22. On May 31, 2013, the Department conducted a blood drive, in cooperation with the local Red Cross.

23. I was present along with eight volunteers and numerous members of the public waiting to donate blood when Chief Thomsen arrived.

24. Chief Thomsen was dressed in uniform and asked of no one in particular but loudly for all around to hear, "I just got back from the Netherlands and had sex with a Haitian boy, can I still donate blood?"

25. Later, I was sitting at a snack table with fire fighter Scott Krueger. Chief Thomsen came to get a snack after he had donated blood.

26. As Chief Thomsen was eating a snack, President Helen Schumacher of the Kenosha Police and Fire Commission came to our table to say "hello." Chief Thomsen gave her a hug and stated: "I think [Police] Chief Morrissey is in the Netherlands with a Haitian boy, not sure what they are doing but I think that's why he won't be here. Or maybe he is there with Michael Bell."

27. President Schumacher began to back away from Chief Thomsen, raised her hands and said to him, "I don't want to hear anything about that."

28. On June 6, 2013, I participated in a disciplinary hearing which addressed statements made by an acting Lieutenant in the Department who had openly expressed his dissatisfaction with an EMS test. He said "your test sucks."

29. The acting Lieutenant had apologized for his statement, which he contends he said in jest; however, the Department wanted to impose on the acting Lieutenant a two-day unpaid suspension for that statement.

30. During the disciplinary hearing, Chief Thomsen admitted that he referred to the acting Lieutenant and his crew as "pin heads," following an investigatory meeting regarding this discipline on May 31, 2013.

31. I asked Chief Thomsen whether what he said "is an appropriate comment to make," but Chief Thomsen refused to answer me.

32. Following my repeated questions, Chief Thomsen admitted that his statement was inappropriate and he apologized for it.

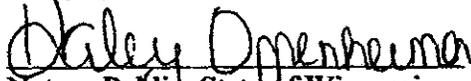
33. His remarks were contrary to the position regarding respect of others that the Department has espoused.

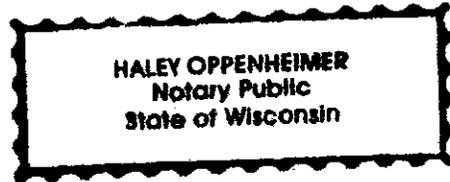
34. In 2011, I attended the Department retirement party for Captain Galich. The party was at Chutes and Ladders, a restaurant that was also open to the public at the time. Chief Thomsen approached me at the party and asked what kind of shirt I was wearing. I told him that I was wearing a sweatshirt. Chief Thomsen replied, "You look like a Fag."

35. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.


Jeremy Ryan

Subscribed and sworn to before me
this 24th day of June, 2013.


Notary Public, State of Wisconsin.
My commission expires: March 27, 2016



**STATE OF WISCONSIN
BEFORE THE CITY OF KENOSHA
FIRE AND POLICE COMMISSION**

AFFIDAVIT OF RAY TESSMANN

STATE OF WISCONSIN)
)ss.
KENOSHA COUNTY)

I, Ray Tessmann, being first duly sworn on oath, deposes and states as follows:

1. I am a fire fighter in the Kenosha Fire Department. I also serve as Vice President of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2. In my role as Vice President of Local 414, I prosecute grievances which the Local brings, pursuant to Article 21 of the Labor Agreement with the City.

3. Pursuant to Article 21.03, Step 2 of the grievance procedure is a meeting convened by the Chief with the grievant, Union representatives, and any officer involved.

4. On or about October or November, 2012, Chief Thomsen held a Step 2 grievance meeting regarding Med Unit relocation, which I attended with fire fighter Ricardo Lebron.

5. At the conclusion of the meeting, we discussed staffing and budgets. I recounted that I had read in the Kenosha News that Police Chief Morrissey was doing a great job by reorganizing his staff. I also recounted that I had learned that Chief Morrissey had been allowed to hire three additional officers although he had not requested the positions.

6. Chief Thomsen responded that that was not what happened. Chief Thomsen stated that Chief Morrissey had really gone to the Mayor's office and told the Mayor that if the Mayor would not let him hire another three police officers, "Everybody in the City of Kenosha by 5:00 p.m. tomorrow will have their throats slit and fucked up the ass."

7. On February 27, 2013, Chief Thomsen held a Step 2 grievance meeting which I attended with Union President Jeremy Ryan. Deputy Chief John Poltrock and Division Chief Phillip Johnson were Department administrators who were also present at the meeting.

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10. The Step 2 meeting lasted about thirty minutes, during which Chief Thomsen refused to address the Union's grievance and instead asked questions of me and President Ryan immediately following each question we asked of the Department administrators.

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12. I asked Chief Thomsen to "stop" so that we could pursue the grievance.

13. Chief Thomsen responded by standing up, leaning over the table aggressively, pointing his finger at me and yelling: "Don't you ever tell me to stop. This is my office, don't you ever tell me to stop. Pack your stuff up and get out of my office."

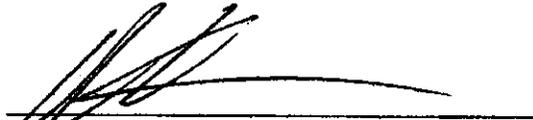
14. At that point President Ryan asked the chief to stop yelling and pointed out our right to pursue the grievance at a meeting before him.

15. Chief Thomsen never acknowledged our contractual right to pursue the grievance and continued pointing at me.

16. Chief Thomsen was red in the face and appeared to be shaking and told us again to "get out."

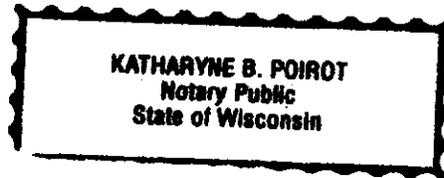
17. President Ryan and I left the Step 2 grievance meeting.

18. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.


Ray Tessmann

Subscribed and sworn to before me
this 24th day of June, 2013.

Katharyne B. Poirot
Notary Public, State of Wisconsin.
My commission expires: 3/20/16



My Commission Expires
March 20, 2016

**STATE OF WISCONSIN
BEFORE THE CITY OF KENOSHA
POLICE AND FIRE COMMISSION**

AFFIDAVIT OF RICARDO LEBRON

STATE OF WISCONSIN)
)ss.
KENOSHA COUNTY)

I, Ricardo Lebron, being first duly sworn on oath, deposes and states as follows:

1. I am a fire fighter in the Kenosha Fire Department and I am also a member of the Executive Board of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2. On or about the end of October or beginning of November, 2012, Local 414 Vice President Ray Tessman and I met with Chief Thomsen to discuss Med swapping. Our discussion lasted over an hour.

3. During the discussion about Med swapping, we also discussed Med 2 and staffing. We inquired of Chief Thomsen why he had not requested additional personnel in the Fire Department budget to cover the Department's need for a full-time Med 2.

4. Chief Thomsen told us that he had requested additional personnel but that his request was denied.

5. Vice President Tessman asked Chief Thomsen why Police Chief Morrissey gets the personnel he needs.

6. Chief Thomsen responded that Chief Morrissey gets the personnel he wants because he threatens that if the City doesn't hire more police officers immediately that bad guys will kick down our doors, slice our wives throats and ass rape our babies by the end of the day.

7. During the first quarter of 2013, the City of Kenosha Personnel Department presented harassment training Department-wide. I participated in training at Station 4.

8. The training was well done and clearly articulated how a person can experience harassment by a one-on-one conversation and by overhearing a third party's comments.

9. Chief Thomsen arrived at Station 4 and claimed he was also there for the training.

10. Following the training, Chief Thomsen entered the Captain's office. I was in the Captain's office at that time along with a handful of other Department employees, including Scott Krueger and possibly Chuck Leipzig.

11. Chief Thomsen referred to someone as being a "Mick."

12. Chief Thomsen had a paper in his hand and was laughing. He said, "Let me see here who else I can offend."

13. Chief Thomsen referenced the paper in his hand and then joked that a person can feel harassed for being old. I assumed that he was referring to age discrimination, because he immediately looked around the office and pointed to someone and said that he was an old guy and should retire.

14. Chief Thomsen referred again to the paper he was holding, flipped through it and laughed, saying that he is the Department head and all complaints are to be brought to him.

15. From all of Chief Thomsen's comments, it was clear to me that if I had a complaint based in harassment or discrimination it would not be taken seriously by the Chief because he was dismissive of such complaints.

16. Further, I have no confidence that Chief Thomsen would handle a harassment or discrimination complaint appropriately.

17. Chief Thomsen then sat in a chair with his back to the window, opposite Phil Johnson.

18. Chief Thomsen and others conversed about the old times and how blatant slurs were then and Phil Johnson remembered when he was younger a former chief referred to an African-American employee as a "Nigger" to his face.

19. Chief Thomsen made a gesture as if he were looking at a watch and proclaimed that today would be a good day for golf.

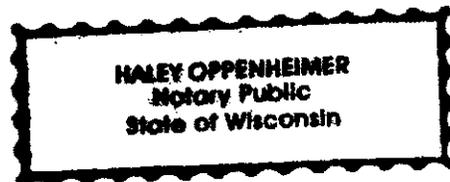
20. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.



Ricardo Lebron

Subscribed and sworn to before me
this 24th day of June, 2013.


Notary Public, State of Wisconsin.
My commission expires: March 27, 2016





Buelow Vetter
Buikema Olson & Vliet, LLC

Waukesha, WI 53186 • F 262.364.0300 • F 262.364.0320
www.buelowvetter.com

February 6, 2014

Board of Police & Fire Commissioners
Attn: Helen Schumacher, President
c/o Human Resources Department
625 52nd Street, Room 205
Kenosha, Wisconsin 53140

Re: COMPLAINT AGAINST FIRE CHIEF JOHN THOMSEN

Dear President Schumacher:

Effective immediately we withdraw as legal counsel for Fire Chief John Thomsen in the complaint filed with the Police & Fire Commission. We continue to represent the City of Kenosha in this matter. Therefore, please direct any and all correspondence and/or communications that involve the City of Kenosha to the undersigned.

Please feel free to contact me with any questions or concerns.

Very truly yours,

Buelow Vetter Buikema Olson & Vliet, LLC

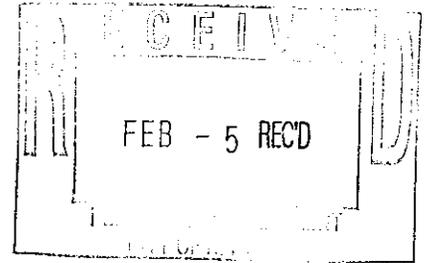
Joel S. Aziere

JSA/dh

Cc: Attorney Eugene J. Brookhouse, Counsel for Kenosha PFC
Attorney Charles S. Blumenfield, Counsel for Local 414
~~Fire Chief John Thomsen~~
HR Director Steven Stanczak

February 2, 2014

Board of Police & Fire Commissioners
Human Resources Department
625-52nd Street Room 205
Kenosha, WI 53140



Police and Fire Commission:

You have a very difficult job ahead of you as you prepare to handle the complaints that have been filed against Fire Chief John Thomsen. While the Fire Chief is certainly "innocent until proven guilty", myself as well as many other people in the community have some major concerns. I will only address mine.

1. The Fire Chief has denied any wrong doing and making any of the "alleged" comments listed in the complaints. I can personally attest that I was present at the March 2013 retirement party where he made repeated lewd comments. There were probably 200 people in attendance. Mayor Bosman was there, they shared the podium together while making presentations. The "allegations" that Thomsen denies were CLEARLY HEARD by everyone in the crowd. To say we were flabbergasted would be an understatement.
2. If the Fire Chief is innocent of all of the complaints levied against him, as he so claims, then WHY would the city suspend him for 2 weeks without pay? What is he being suspended for? For something he did not do?
3. Imagine the consternation that the female applicant, who was "allegedly" asked her sexual orientation by the Fire Chief during a job interview, and subsequently hired, felt when she picked up the Kenosha News and read that, not only is the Fire Chief DENYING that it ever happened, the city maintains these are only "allegations" and the will DEFEND Thomsen. I can't fathom what that firefighter is thinking right now. Fear, trepidation, and reprisal come to the top of my mind.
4. The May 2013 blood drive event, where "allegedly" the Police and Fire Commission President witnessed the Fire Chief make inappropriate comments of a sexual nature, including mocking the Kenosha Police Chief, are very disconcerting. Remember, the Fire Chief DENIES any of this ever happened.
5. During my 28 years on the Kenosha Fire Department, there was an "unwritten rule"....discussing family members was OFF LIMITS!!!! If anyone started to talk inappropriately about another firefighter's wife or children, immediately somebody would say "STOP....change the subject". You did not "trash talk" about another firefighter's family. The "allegation" that Thomsen said "I can have sex with any firefighter's wife on the job" is pretty much "legend" on the KFD. He can deny it all he wants. He still has to look his firefighters in the face when he walks into a fire station. And their wives.
6. Particularly galling throughout all of this is that the Fire Chief continues to maintain that he did NONE of the complaints that have been filed against him. We have not heard "In hindsight, I

can now see that perhaps some of my comments may have been in poor taste, and I offended some people. I apologize for that". Nope. "It never happened" is the official mantra.

In conclusion, I am a retired Kenosha Fire Department Battalion Chief, with 28 years experience. I've "walked the walk", I can "talk the talk". Ask yourself the last time you were in a Kenosha fire station? The Kenosha Fire Department has a strong history and tradition of PRIDE, DEDICATION, and COURAGE. The men and women of the KFD should not be subject to the type of behavior that the Fire Chief has "allegedly" displayed towards them and indeed, the community. As far as I am concerned, he has "tarnished the badge" with his RUDE, CRUDE, and LEWD attitude. He has no credibility with his troops, and the fear of reprisal looms large. I don't feel that can be "denied".

Respectfully,

A handwritten signature in black ink that reads "Richard A. Bosanko". The signature is written in a cursive, flowing style.

Richard A. Bosanko
Kenosha Fire Department Battalion Chief-Retired
20602-82nd Street
Bristol, WI 53104