

Board of Police & Fire Commissioners
Human Resources Department
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Kenosha, WI 53140
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COMMISSION MEMBERS:
Helen Schumacher - *President*
Charles Bradley - *Vice President*
James Greco - *Secretary*
Richard H. Schend - *Commissioner*
Edward Kubicki - *Commissioner*

Kenosha Police and Fire Commission
SPECIAL MEETING AGENDA
Tuesday, March 18, 2014
8:15 a.m.
Municipal Office Building, Room 202
625 52nd Street, Kenosha, Wisconsin

1. Call to order.
2. Roll call.
3. Receive and file Attorney Charles Blumenfield's March 10, 2014 letter. (enclosed)
4. Receive and file additional briefs from parties on the motion of the City and the Chief to dismiss.
5. Oral arguments by the attorneys for the parties on the motion of the City and the Chief to dismiss.
6. Motion to go into closed session. (action)

The Board of Police & Fire Commissioners will go into closed session under authority of Section 19.85 (1)(a) to:

- Deliberate with respect to the motion of the City and the Chief to dismiss.
- Consider and execute decision on Motion to Intervene.

The Board will reconvene into open session. (action)

7. Decision on the motion of the City and the Chief to dismiss. (action)
8. Authorization for prehearing conference, if motions to dismiss are denied. (action)
9. Set next meeting date and agenda items.
10. 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.

BLUMENFIELD & SHEREFF, LLP

Attorneys at Law

A Limited Liability Partnership



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Charles S. Blumenfield**
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*Court Commissioner
*Also admitted in New York
Certified Civil Trial Advocate

March 10, 2014

VIA EMAIL DELIVERY

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

IN RE THE MATTER OF: DISCIPLINARY COMPLAINT AGAINST FIRE CHIEF JOHN THOMSEN

Dear President Schumacher:

The city has made certain claims about the completeness of the investigation conducted by Joseph Alvarado, contending all charges were “fully and thoroughly investigated”. Complainant has recently become aware of an email exchange between Mr. Alvarado and HR Director Steven Stanczak dated August 13, 2013, copy attached, in which the city, with the stated approval of the lawyer supervising the investigation, agreed to limit the investigation as proposed by Mr. Alvarado.

This is significant in that the city (currently being represented by a different attorney from the same law firm) has alleged the investigation was complete, thorough, and dealt with all of the allegations with finality. As has previously been seen (See Exhibit D, “Table of Allegations”) that claim is inaccurate. This email exchange provides further proof the investigation was not complete, confirms the Chief’s threats of litigation are baseless, and further demonstrates the lack of any basis for the city’s request to intervene in this matter.

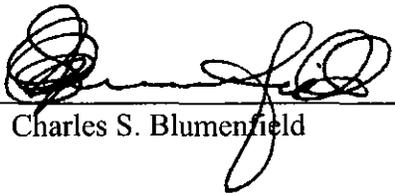
The city’s failure to disclose the limitations it agreed to, despite offering sworn affidavits from both Mr. Stanczak and Attorney Vliet, while arguing the contrary position in filings with this Board, would seem to require an explanation. This is especially true given the city’s references to its “unique” or “special” knowledge regarding this matter, taken together with its recent refusal to provide copies of any of the witness notes compiled by Mr. Alvarado. All such documentation should be provided to both the Accused and the Complainant immediately. There can be no reason for withholding these documents.

President Helen Schumacher
Board of Police & Fire Commissioners
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By copy of this letter, all counsel of record are being served with a copy of the same.

Very truly yours,

BLUMENFIELD & SHEREFF, LLP

By: 

Charles S. Blumenfield

CSB:cb

Enclosure

cc: Attorney Eugene Brookhouse (via e-mail)
Attorney Nicholas Infusino (via e-mail)
Attorney Joel S. Aziere (via e-mail)
Mr. Jeremy Ryan (via e-mail)

Subject: Re: Per Your Request
From: Steve Stanczak (sstanczak@kenosha.org)
To: stjoe@sbglobal.net;
Date: Tuesday, August 13, 2013 11:28 AM

Joe -

In discussion with Dan Vliet, the scope of the conditions of your investigation (as noted in your email) are acceptable.

Steve

From: "Joseph Alvarado" <stjoe@sbglobal.net>
To: "Steve Stanczak" <sstanczak@kenosha.org>
Sent: Tuesday, August 13, 2013 12:02:14 AM
Subject: Re: Fwd: Per Your Request

Steve,

Thank you. I am treating and investigating this matter as an allegation of violations of the Harassment Policy and Ordinance and/or the Rules and Regulations of the Fire Department. It is my understanding that the Rules and Regulations governing employee conduct are those set forth in Supplement No. 1 of Local 414 labor agreement, which you have provided me. My experience and expertise is limited to investigations of these types of allegations.

The unsigned charges that the union has threatened to file before the Police and Fire Commission refer to other matters such as the Chief's failure to follow the labor contract and possible violations of the code of ethics. I will not address those allegations specifically as they relate to matters outside my area of expertise and should be dealt with before the proper bodies - WERC and/or your ethics board.

Are these conditions agreeable to you and the City?

Joe Alvarado

From: Steve Stanczak <sstanczak@kenosha.org>
To: Joseph Alvarado <stjoe@sbglobal.net>
Sent: Monday, August 12, 2013 7:38 PM
Subject: Fwd: Per Your Request

Joe -