

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:
Charles Bradley - President
James Greco - Vice President
Richard H. Schend - Secretary
Edward Kubicki - Commissioneer
Christine Schwartz - Commissioner

Kenosha Police and Fire Commission
SPECIAL MEETING AGENDA
Thursday, July 10, 2014
8:00 a.m.
Municipal Office Building, Room 202
625 52nd Street, Kenosha, Wisconsin

1. Call to order.
2. Roll call.
3. Receive and file minutes of the June 17, 2014 meeting. (enclosed)
4. Receive and file minutes of the July 2, 2014 *special* meeting. (enclosed)
5. Receive and file Attorney Daniel Vliet's July 2, 2014 letter to Attorney Eugene Brookhouse, which includes Chief Thomsen's Witness List. (enclosed)
6. Receive and file Attorney Eugene Brookhouse's July 3, 2014 letter to Matthew Spidell. (enclosed)
7. 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 JUNE 17, 2014

1. President Bradley called the meeting to order at 8:00 a.m.
2. On roll call, all commission members were present.
3. Secretary Schend made a motion to receive and file the minutes of the meeting held May 20, 2014. Commissioner Kubicki seconded the motion and it was carried unanimously.
4. Citizens' Comments: None
5. Commissioner Kubicki made a motion to receive and file the Police and Fire Department reports for the month of May 2014. Secretary Schend seconded the motion and it was carried unanimously.
6. Vice President Greco made a motion to receive and file the Summons and Complaint for Review in the Jeremy Ryan et al v. City of Kenosha Board of Police & Fire Commissioners matter. Secretary Schend seconded the motion and it was carried unanimously.
7. Secretary Schend made a motion to receive and file Attorney Brookhouse's Notice of Retainer. Vice President Greco seconded the motion and it was carried unanimously.
8. Secretary Schend made a motion to receive and file Police Chief Morrissey's notification of Police Officer Berghuis's 2 day unpaid suspension. Commissioner Kubicki seconded the motion and it was carried unanimously.
9. Secretary Schend made a motion to receive and file Police Chief Morrissey's disciplinary charges against Officer Casey Apker. Commissioner Schwartz seconded the motion and it was carried unanimously.
10. Secretary Schend made a motion to receive and file Fire Chief Thomsen's disciplinary charges against Firefighter Matthew Spidell. Vice President Greco seconded the motion and it was carried unanimously.
11. Police Chief Morrissey presented Life Saving Awards to Police Officers Mike Madsen, Michael Rivera, Jon Luellen and Ben Antaramian, Sergeant Cynthia Fredericksen and Citizens Cole Beaudin, Bob Schiess Jr. and Ralph Sustaita.
12. At 8:20 a.m., the Board of Police & Fire Commissioners went into closed session under authority of Section 19.85 (1)(c) to discuss:
 - Three (3) candidates for the position of Probationary Police Officer, and

- One (1) candidate for promotion from Police Officer to Detective.

And under authority of Section 19.85 (1)(b) to discuss:

- Disciplinary charges filed against Police Officer Casey Apker, and
- Disciplinary charges filed against Firefighter Matthew Spidell.

On a motion made by Secretary Schend, seconded by Commissioner Kubicki and carried unanimously.

The Board reconvened into open session at 9:12 a.m. on a motion made by Secretary Schend, seconded by Commissioner Schwartz and carried unanimously.

Regarding the Apker Complaint:

- Secretary Schend made a motion that the Affidavit of Service, Charges and Affidavit of Chief John Morrissey in the Casey Apker complaint be received and filed. Commissioner Kubicki seconded the motion and it was carried unanimously.
- Secretary Schend made a motion that Officer Casey Apker be given until the close of business today to answer the charges. Commissioner Kubicki seconded the motion and it was carried unanimously.
- Secretary Schend made a motion that Attorney Eugene Brookhouse hold a prehearing telephone conference on June 18, 2014 at 2:00 p.m., which will include scheduling the hearing within 30 days of June 3, 2014, unless the 30 day requirement is waived by both parties. Vice President Greco seconded the motion and it was carried unanimously.

Regarding the Spidell Complaint:

- Secretary Schend made a motion to receive and file the Affidavits of Service and Charges in the Matthew Spidell complaint. Vice President Greco seconded the motion and it was carried unanimously.
- Commissioner Kubicki made a motion that if Matthew Spidell answers the charges, Attorney Brookhouse shall hold a prehearing telephone conference which will include scheduling the hearing within 30 days of June 11, 2014, unless the 30 day requirement is waived by both parties. Secretary Schend seconded the motion and it was carried unanimously.

13. Comments:

- Fire Chief Thomsen congratulated the recipients of the Lifesaving Award.
- Police Chief Morrissey also congratulated award recipients and indicated the awards were well deserved.
- Commissioner Schwartz is looking forward to her service on the commission.
- Commissioner Kubicki welcomed Commissioner Schwartz and thanked award recipients.
- Secretary Schend welcomed Commissioner Schwartz and also thanked award recipients. Good judgment shown in the hiring done by both the Police and Fire Departments.
- Vice President Greco welcomed Commissioner Schwartz, congratulated award recipients and agreed with Secretary Schend on the hiring decisions.
- President Bradley thanked the award recipients for their actions and welcomed new Commissioner Chris Schwartz.

14. The next meeting is scheduled for 8:00 a.m. on Tuesday, July 17, 2014.
15. The meeting adjourned at 9:22 a.m. on a motion made by Secretary Schend, seconded by Vice President Greco and carried unanimously.

Charles Bradley - President

James Greco - Vice President

Richard H. Schend - Secretary

Edward Kubicki - Commissioner

Christine Schwartz - Commissioner



POLICE AND FIRE COMMISSION
MINUTES OF MEETING HELD JULY 2, 2014

1. President Bradley called the meeting to order at 8:00 a.m.
2. On roll call, all commission members were present.
3. Secretary Schend made a motion to receive and file Fire Chief Thomsen's Disciplinary Charges against Firefighter James D. Adams. Commissioner Kubicki seconded the motion and it was carried unanimously.
4. Secretary Schend made a motion to receive and file Casey Apker's Answer, Prehearing Conference Order and other filings of the parties. Vice President Greco seconded the motion and it was carried unanimously.
5. Commissioner Kubicki made a motion to receive and file Attorney Eugene Brookhouse's June 25, 2014 letter to Matthew Spidell. Secretary Schend seconded the motion and it was carried unanimously.
6. Vice President Greco made a motion to receive and file Firefighter James Adams' Answer. Secretary Schend seconded the motion and it was carried unanimously.
7. Commissioner Kubicki made a motion to receive and file Attorney Eugene Brookhouse's June 27, 2014 letter and Spidell Prehearing Conference Order. Secretary Schend seconded the motion and it was carried unanimously.
8. At 8:05 a.m., the Board of Police & Fire Commissioners went into closed session under authority of Section 19.85 (1)(b) to discuss:
 - Disciplinary charges filed against Firefighter Matthew Spidell, and
 - Disciplinary charges filed against Firefighter James D. Adams.

On a motion made by Vice President Greco, seconded by Commissioner Kubicki and carried unanimously. On roll call, all Commissioners were present.

The Board reconvened into open session at 8:23 a.m. on a motion made by Secretary Schend, seconded by Commissioner Kubicki and carried unanimously.

- Secretary Schend made a motion that the Affidavit of Service, Charges and Affidavit of Chief Thomsen dated June 16, 2014, and the answer of Firefighter James D. Adams dated June 26, 2014, shall be received and filed. Vice President Greco seconded the motion and it was carried unanimously.

- Commissioner Kubicki made a motion that Attorney Eugene J. Brookhouse hold a prehearing conference by telephone, and on behalf of the Board shall set the matter for hearing within 30 days of June 16, 2014 (unless the 30 day requirement is waived by both parties). Secretary Schend seconded the motion and it was carried unanimously.
9. Hearing dates in the Adams matter have yet to be determined.
10. The meeting adjourned at 8:25 a.m. on a motion made by Secretary Schend, seconded by Commissioner Kubicki and carried unanimously.

Charles Bradley - President

James Greco - Vice President

Richard H. Schend - Secretary

Edward Kubicki - Commissioner

Christine Schwartz - Commissioner



July 2, 20014

VIA E-MAIL AND MESSENGER

Eugene Brookhouse, Esq.
Brookhouse & Hemsing Law Office
5455 Sheridan Road, Suite 202
Kenosha, WI 53140-3752

Re: Disciplinary Charges Against Firefighter Matthew Spidell

Dear Mr. Brookhouse:

Pursuant to the Prehearing Order, enclosed is Chief Thomsen's Witness List and six binders of exhibits for the Commission. The binders will contain an exhibit list followed by pre-numbered exhibits to be offered by Chief Thomsen at the hearing which begins on July 10th. We will also bring to the hearing one extra binder of exhibits for the witnesses to use during their testimony.

By overnight delivery, I am sending a copy of the Witness List and an identical binder of exhibits to Firefighter Spidell.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Buelow Vetter Buikema Olson & Vliet, LLC

Daniel G. Vliet
DGV:knh
Enclosures

cc: Chief John Thomsen (w/o encls.)
Firefighter Matthew Spidell (w/encls.)

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

In the Matter of the Disciplinary
Charges Filed Against

FIREFIGHTER MATTHEW SPIDELL

**WITNESS LIST SUBMITTED BY CHIEF THOMSEN
AND THE KENOSHA FIRE DEPARTMENT**

In accordance with Rule 6.6.4 of the Bylaws of the Kenosha Police & Fire Commission and the procedures established at the pre-hearing conference on June 27, 2014, the Chief offers the following list of witnesses that he intends to call in support of the disciplinary charges filed on June 11, 2014:

Deputy Fire Chief John Poltrock 625 – 52 nd Street Kenosha, WI 53140	Gary Staudacher Proulx Professional Research, Inc. P.O. Box 525 Brookfield, WI 53008
House Captain Matt Loewen 2121 Roosevelt Road Kenosha, WI 53140	Chief John Thomsen Kenosha Fire Department 626 – 52 nd Street Kenosha, WI 53140
Natalie Spidell 4012 W. Anthony Drive Franklin, WI 53132	Steve Stanczak Director of Human Resources 625 – 52 nd Street Kenosha, WI 53140
Firefighter Matthew Spidell 3602 N. 92nd Street Milwaukee, WI 53222	

In addition, the Chief reserves the right to call any witnesses identified by Firefighter Spidell on his witness list.

Respectfully submitted this 2nd day of July, 2014.

Buelow Vetter Buikema Olson & Vliet, LLC

By: 
Daniel G. Vliet
Attorneys for Chief John Thomsen and
the Kenosha Fire Department

Mailing Address

20855 Watertown Road, Suite 200
Waukesha, WI 53186
Phone: (262) 364-0259
Fax: (262) 364-0279
E-mail: dvliet@buelowvetter.com

BROOKHOUSE & HEMSING LAW OFFICES

ATTORNEYS AND COUNSELORS

5455 SHERIDAN ROAD, SUITE 202
KENOSHA, WISCONSIN 53140

EUGENE J. BROOKHOUSE, S.C.
COURT COMMISSIONER
JUSTIN R. HEMSING

E Mail: ebrookhouse@brookhouselaw.com
website: www.brookhouselaw.com
TELEPHONE NUMBER: (262) 658-3571
FAX: (262) 658-8485

July 3, 2014

Mr. Matthew Spidell
Firefighter Matthew Spidell
5008 Emstan Hills Road
Racine WI 53406

Via U.S. Mail and e-mail to
mattspidell3473@gmail.com

Re: *Disciplinary Charges Filed Against Firefighter Matthew Spidell*

Dear Firefighter Spidell:

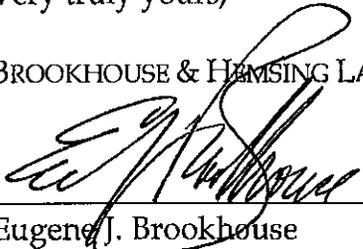
Yesterday, we received from Attorney Vliet, on behalf of the City of Kenosha Fire Chief, all of the various exhibits that the Chief intends to submit at the hearing on July 10, 2014. We understand that these have been provided to you as well by overnight mail.

We have not yet received your answer nor contact from an attorney representing you. Notwithstanding that fact, the hearing will proceed as scheduled.

Please accept this as an additional notice of the hearing set for 8:00 a.m. on July 10, 2014, at the Municipal Office Building, Room 202, 625 - 52nd Street, Kenosha, Wisconsin.

Very truly yours,

BROOKHOUSE & HEMSING LAW OFFICES

By 
Eugene J. Brookhouse

EJB/sjr

cc via email: Kenosha Police & Fire Commission President and Members
Attorney Daniel G. Vliet
Jo Baltes, Commission Clerk