

**CITY OF SHEBOYGAN**  
**BOARD OF POLICE AND FIRE COMMISSIONERS MINUTES**

**JANUARY 19, 2022**

President Lettre called the meeting to order at 12:58 p.m. The Pledge of Allegiance followed.

**MEMBERS PRESENT:** Gerald Jones, Jeanne Kliejunas, Robert Lettre, and Larry Samet.

**MEMBERS EXCUSED:** Andy Hopp

**STAFF / OFFICIALS PRESENT:** City Attorney Chuck Adams, Police Chief Christopher Domagalski, Fire Chief Eric Montellano, Administrative Coordinator Karley Campbell, Captain Kurt Zempel, Lieutenant Michael Stelter, Officer Kendra Zipperer.

**OTHERS:** Patrick Gillette and Attorney Joseph J. Voelkner.

**MINUTES**

Motion by Commissioner Kliejunas, seconded by Commissioner Jones to approve the minutes of the Board of Police and Fire Commissioners meeting from November 17, 2021. Motion carried.

**ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

**FIRE DEPARTMENT - COMMISSION APPROVAL OF PROMOTION TO THE RANK OF ASSISTANT CHIEF**

Motion by Commissioner Samet, seconded by Commissioner Kliejunas to promote Battalion Chief Michael Lubbert to the rank of Assistant Chief effective Monday, February 28, 2022. Motion carried.

**FIRE DEPARTMENT - FIREFIGHTER/PARAMEDIC ELIGIBILITY LIST EXTENSION**

Motion by Commissioner Kliejunas, seconded by Commissioner Samet to extend the Fire Department's hiring eligibility list through March 31, 2022.

**HEARING**

**PROCEEDING BEFORE THE BOARD OF POLICE AND FIRE COMMISSIONERS RELATED TO COMPLAINT FILED BY PATRICK GILLETTE**

Complainant and Respondents appeared before the Board for the scheduled hearing. Attorney Joseph Voelkner appeared on behalf of the Respondents; Complainant acted on his own behalf. Four of the five members of the Board were present: Board President Robert Lettre, Commissioner Gerald Jones, Commissioner Jeanne Kliejunas, and Commissioner Larry Samet. Commissioner Andrew Hopp was absent with prior notice. The hearing was open to the public pursuant to statute, and both parties were provided the opportunity to testify and present witnesses and submit exhibits on their behalf.

Prior to the evidentiary portion of the hearing, Respondents' attorney raised three procedural issues:

First, he noted that Complainant failed to file with the Board, and provide to the Respondents, a list of all intended witnesses, including names and addresses, as required in Section 9 of the Board's Policies and Procedures. After hearing from all parties, the Board decided to allow the matter to move forward, noting it could consider each potential witness individually and determine whether allowing testimony from any particular witness without notice would be detrimental to the Respondents, and what the remedy should be.

Second, he noted the Complainant failed to provide the Respondents with copies of or access to any documents or exhibits Complainant intended to use at the hearing at least one day prior to the hearing, as required in Section 13 of the Board's Policies and Procedures. After hearing from all parties, the Board decided to allow the matter to move forward, noting it could consider each document or exhibit individually and determine whether allowing use of such documents and exhibits without notice would be detrimental to the Respondents, and what the remedy should be.

Third, he noted concerns about the use of hearsay evidence, noting that Section 18 of the Board's Policies and Procedures provides for the use of Civil Rules of Evidence. After hearing from all parties, the Board decided that concerns about hearsay were not ripe and could be dealt with during the course of the hearing.

Complainant raised one procedural matter prior to the evidentiary portion of the hearing. He filed with the Board a written "Motion to Dismiss the Board of Police and Fire Commissioners" in which he alleged that the failure of the Commissioners to file their oaths of office with the City Clerk prior to the filing of his Complaint precludes the Board from acting on his Complaint. After receiving advice from their attorney, noting that the oaths have since been filed, and clarifying with Complainant that he was not moving to dismiss the Complaint, the Board denied Complainant's motion.

The Board then called upon Complainant to present his case. The Complainant immediately rested his case, choosing to provide no testimony or evidence. The Respondents, by counsel, moved that the Board dismiss the Complaint.

Motion by Commissioner Kliejunas, seconded by Commissioner Samet to dismiss the case. The dismissal came with the following findings:

The Board finds that the Complainant, having provided no testimony or evidence, did not establish that any of the Respondents violated any law, rule, policy, or order. As such, the Complainant's charges, as set forth in his Complaint, are not sustained, and the Complaint is dismissed.

All ayes, motion carried.

#### **ADJOURN**

Motion by Commissioner Jones, seconded by Commissioner Kliejunas to adjourn at 1:54 p.m. Motion carried.