

*****ATTACHMENTS*****

Proof of Service: By Patrick A Gillette 11/08/2021 11:02 AM
to City Clerk of Sheboygan, WI 5308
828 Center Ave
Patrick A. Gillette - Petitioner

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

CIRCUIT COURT BRANCH 1
SAMANTHA BASTIL
615 NORTH SIXTH STREET
SHEBOYGAN WI 53081

IN RE PATRICK A. GILLETTE
COUNSELOR OF CONSTITUTIONAL LAW

Petitioner

Class Code 30952

NOV 8 '21 AM 11:38

V

Case No. 21CV0444

ROBERT LETTRE, PRESIDENT
CITY OF SHEBOYGAN
BOARD OF POLICE AND FIRE COMMISSIONERS

Respondent

SHEBOYGAN COUNTY
WISCONSIN
2021 NOV - 8 A 10: 03
CLERK CIRCUIT COURT
FILED

APPLICATION FOR ALTERNATIVE WRIT

The legal residence of petitioner is:

Patrick A. Gillette, 915 North Avenue, Sheboygan, Wisconsin, 53083

The legal address for the respondent is:

Robert Lettre, President

Sheboygan Police and Fire Commission, City Hall, 828 Center Avenue,
Sheboygan, WI 53081

Petitioner: Patrick A. Gillette hereby applies to, and petitions, this Court for
an alternative writ of mandamus ordering the respondent, the President of the

2 SOUTH COURT BRANCH
1000 NORTH BATH
1000 NORTH BATH STREET
1000 NORTH BATH STREET

1000 1000

City of Sheboygan Board of Police and Fire Commissioners, to schedule a hearing, as required by SS 62.13(5) of the Wisconsin State Statutes, specific to the Plaintiff's lawful and Formal Complaint filed in accordance with said statute on October 4, 2021. The grounds for this application are set forth in the accompanying documents and are as follows:

1. Whereas the Right of the people to petition the government, or any department thereof, shall never be abridged. Wis. Const. Article I, Sec. 4

2. Whereas the victim (plaintiff) may assert and seek in any circuit court or before any other authority of competent jurisdiction, enforcement of the rights of this section. Wis. Const. Article I, Sec (9) (m) (4)

3. An alternative writ of mandamus is "a mandamus issued upon the first application for relief, commanding the defendant either to perform the act demanded or to appear before the court at a specific time to show cause for not performing it." *State ex rel. Milwaukee Police Ass'n v. Jones*, 2000 WI App 146, Par. 7, n. 7, 237 Wis. 2d 840, 615 N.W. 2d 190 (quoting Black's Law Dictionary 7th Ed. 1999)

4. "The usual practice if a prima facie case is made out by the petition or application, is to issue an alternative writ of mandamus, directed to the person claimed to be under a duty to act, requiring the person, either to act or to show cause why the person should not be compelled to do so" 9 *Wis. Pleading and Practice Forms*, sec. 85.37 (5th Ed. 2017)

5. Courts can issue alternative writs of mandamus immediately in open records cases. *See, e.g. ECO, Inc. v. City of Elkhorn*, 2002 WI App 302, 259 Wis. 2d 276, 655 N.W. 2d 510 (court issued alternative writ on same day petition was filed); *Jones*, 2000 WI App 146, Par. 7 (court issued alternative writ on same day petition was filed), *State ex rel. Richards v. Foust*, 165 Wis. 2d 429, 477 N.W. 2d 608 (1991) (“The Honorable Gerald C. Nichol issued an alternative writ of Mandamus directing Foust to furnish Richards with access to the Prosecutor’s case file or show cause why access to the files should be denied”), *State ex rel. Morke v. Donnelly*, 155 Wis. 2d 521, 455 N.W. 2d 893 (1990) (“[T]he alternative writ of mandamus commanded that Donnelly either provide Morke with access to the requested public records or show cause for withholding the records”); *Webster v. Township of Spruce*, 2013 WI App 94 (unpublished) (court issued alternative writ the same day after petition was filed).

6. The petition and supporting documents establish the prima facie claim that Respondent has failed to perform a clear duty, mandated by State Statute, SS 62.13(5), to schedule a formal hearing within the time limits specified in said statute. Petitioner filed a Formal Complaint, in accordance to SS 62.13(5), with the Respondent on October 4, 2021. On October 23, 2021, Respondent answered with a letter of procedural ordinance argument contrary to said statute (and contrary to published ordinance), and has yet to comply with the mandated statutory time limit.

7. State Statute 62.13(5) (d) is clear as to the required time for the

Board of Police and Fire Commission to set a hearing in response to the date that the Formal Complaint was filed (October 4, 2021), to wit: "Following the filing of charges in any case, a copy thereof shall be served upon the person charged. The Board shall set a date for hearing not less than 10 days nor more than 30 days following service of charges (by November 6, 2021)."

8. The Respondent is duty bound to provide a hearing within the mandated statutory period allowed. The Respondent has failed to do so.

9. This Alternate Writ of Mandamus is necessary to prevent irreparable prejudices.

10. Relief sought is that the court orders the respondent, the President of the Board of Police and Fire Commissioners, to schedule an immediate hearing, pursuant to his required duties to schedule a hearing as prescribed by SS 62.13(5 (d)).

Appendix to petition:

1. Letter of Intent: Memorandum of Understanding to Complaint
2. Complaint filed with the Board of Police and Fire Commissioners dated October 4, 2021
3. Letter received from PFC, dated October 20, 2021
4. Response, dated October 23, 2021, to PFC.

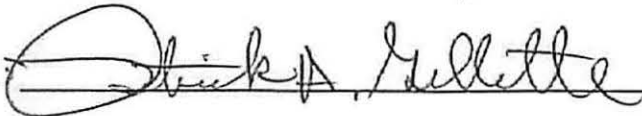
5. City of Sheboygan, Municipal Code Ordinance regarding PFC, online content updated on October 12, 2021.

Respectfully submitted

Petitioner

Patrick A. Gillette

Dated this 7 day of November 2021

Signed:  _____

6. 10. 1911. 6-10-11.

Received
10/4/21 HR-PW

LETTER OF INTENT

SPFC10042021

Patrick A. Gillette, Counsellor of Law
915 North Avenue
Sheboygan, WI 53083

Home 920-452-9914
Mobile 920-946-3403
patrickgillette@att.net

RE: Complaint to Board, dated October 4, 2021

Mr. Robert Lettre, President
Board of Police and Fire Commissions
City of Sheboygan
C/O City Clerk
807 Center Avenue
Sheboygan, WI 53081

HR Department
FAX 920-459-0232

CITY OF SHEBOYGAN BOARD OF POLICE AND FIRE COMMISSIONERS

This Letter of Intent is in-fact a Memorandum of Understanding. The United States of America is a nation established on Law. There is a contractual and systematic procedure to which the application of "fiction of law" is regulated by the contract of Constitutional Law. Therefore, it is paramount that there be a clear understanding of what the Laws are before there can be a clear understanding as to what Laws were violated.

The Constitution of the United States of America

Preamble to the United States Constitution

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

The Supremacy Clause:

The United States Constitution, in Article VI: Clause 2, clearly states, "This Constitution and the laws of the United States which shall be made in pursuance thereof...shall be the supreme law of the land; and the judges in every state shall be bound thereby, any Thing in the constitution or laws of any state to the contrary notwithstanding."

The United States Constitution, Article I, Section 9, Clause 3 restricts congress, "No Bill of Attainder or Ex Post Facto law shall be passed."

Contract Clause

The United States Constitution, Article I, Section 10 restricts States, "No state shall...pass any Bill of Attainder, Ex Post Facto law, or law impairing the obligation of contracts..."

The United States Constitution, Article VI, Clause 3, clearly states, "...all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution;..."

The First Amendment to the United States Constitution states, "Congress shall make no laws...abridging...the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The Fourth Amendment to the United States Constitution states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon Probable Cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Fifth Amendment to the United States Constitution states, "No person shall... be deprived of life, liberty, or property, without Due Process of law; nor shall private property be taken for public use, without just compensation."

The Sixth Amendment to the United States Constitution, Right to Counsel Clause, makes clear that the accused has the right to counsel. Reciprocally, the victim has the right to counsel. Counsel, defined by Black's Law Dictionary is as, "Advise and assistance given by one person to another in regard to a legal matter, proposed line of conduct, claim, or contention."

The Rule of Law

The Fourteenth Amendment to the United States Constitution, Section 1, is clear, "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are Citizens of the United States and (residents) of the State wherein they (reside). No State shall make or enforce any law which shall abridge the privileges or immunities of Citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without Due Process of law; nor deny to any person within its jurisdiction the Equal Protection of the laws." [emphasis added]

Federal Law: Violation of Civil Rights (Civil Actions)

Title 42 – The Public Health and Welfare

Section 1983 – Civil action for deprivation of rights:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State...subjects, or causes to be subjected, any Citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress..."

Section 1985 – Conspiracy to interfere with civil rights:

"...In any case of conspiracy set forth in this section (see Sub 3), if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a Citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators."

Section 1986 – Action for neglect to prevent:

“Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in the prevention the commission of the same, neglects or refuses to do so, if such wrongful act be committed, shall be liable to the party injured...”

Federal Law: Violation of civil rights (Criminal Action)

Title 18 Crimes and Criminal Procedure:

Section 241 Conspiracy against rights:

“If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State...in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same...shall be fined under this title or imprisoned not more than 10 years...”

Section 242. Deprivation of Rights under color of law:

“Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any state...to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States...shall be fined under this title or imprisoned not more than one year, or both...”

The Constitution of the State of Wisconsin

Preamble

“We, the people of Wisconsin, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquility and promote the general welfare, do establish this constitution.”

Article I, Equality; Inherent Rights, Section 1 of the Wisconsin Constitution states, “All people are born equally free and independent, and have certain inherent rights; among these are life, liberty, and the pursuit of happiness; to secure these rights, governments are instituted, deriving their just powers from the consent of the governed.”

Article I, Right to Assemble and Petition, Section 4 of the Wisconsin Constitution states in part, “The right of the people...to petition the government, or any department thereof shall never be abridged.”

Article I, Remedy for wrongs, Section 9 of the Wisconsin Constitution states, “Every person is entitled to a certain remedy in the laws for all injuries, or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the law.”

Article I, Victims of crime, Section 9m (1) of the Wisconsin Constitution states, “In this section, notwithstanding any statutory right, privilege or protection, “victim” means...

1. A person against whom an act is committed that would constitute a crime if committed by a competent adult.

Article I, Section 9m (2) “In order to preserve and protect victims’ rights to justice and Due Process throughout the criminal and juvenile justice process, victims shall be entitled to all of the following

rights, which shall vest at the time of victimization and be protected by law in a manner no less vigorous than the protections afforded to the accused.”: See Subsections (a) through (p)

Article I, Section 9m (4) (a) “...the victim, the victim’s attorney, or other Lawful representative ...may assert and seek in any circuit court or before any other authority of competent jurisdiction, enforcement of the rights in this section...”

Article I, Section 12: Attainder, Ex Post Facto; Contracts: “No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed...”

Article I, Section 22 Maintenance of Free Government: “The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.”

Article IV, Section 22: Oath of Office: Members of the legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall before they enter upon duties of their respective offices, take and subscribe an oath or affirmation to support the Constitution of the United States and the constitution of the state of Wisconsin, and faithfully to discharge the duties of their respective offices to the best of their abilities.”

Wisconsin State Statutes

940.43, whoever knowingly and maliciously prevents or dissuades, or who attempts to so prevent or dissuade any witness from attending or giving testimony at any trial, proceeding or inquiry authorized by law, is guilty of a Class A misdemeanor. (Also see USC 18 Sec 242, Federal Civil Rights Crime)

943 Crimes against Property: Theft

943.20(1) Acts. Whoever does any of the following may be penalized as provided in sub. (3):
(1)(a) Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.

(1)(c) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property

(1)(d) Obtains title to property of another person by intentionally deceiving the person with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.

946.32 False swearing.

(1) Whoever does either of the following is guilty of a Class H felony:

- (a)** Under oath or affirmation or upon signing a statement pursuant to s. 887.015 makes or subscribes a false statement which he or she does not believe is true, when such oath, affirmation, or statement is authorized or required by law or is required by any public officer or governmental agency as a prerequisite to such officer or agency taking some official action.

946.12 Misconduct in public office. Any public officer or public employee who does any of the following is guilty of a Class I felony:

- (1) Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the officer's or employee's office or employment within the time or in the manner required by law; or
- (2) In the officer's or employee's capacity as such officer or employee, does an act which the officer or employee knows is in excess of the officer's or employee's lawful authority or which the officer or employee knows the officer or employee is forbidden by law to do in the officer's or employee's official capacity; or
- (3) Whether by act of commission or omission, in the officer's or employee's capacity as such officer or employee exercises a discretionary power in a manner inconsistent with the duties of the officer's or employee's office or employment or the rights of others and with intent to obtain a dishonest advantage for the officer or employee or another;

Wisconsin Vehicle and Anti-Theft laws (Statutory)

342.31 (Mandatory Duty)

(1) Each sheriff and police department in the state shall immediately report to the department of justice each motor vehicle reported stolen or recovered within its jurisdiction.

342.05 When certificate of title required.

(1) The owner of a vehicle subject to registration in this state, whether or not such vehicle is operated on any highway of this state, shall make application for certificate of title for the vehicle under the following circumstances:

- (a) If the owner has newly acquired the vehicle, he or she shall make application under s. 342.15.
- (b) If the owner applies for registration of a vehicle without holding a valid certificate of title previously issued to that owner by the department for the vehicle, he or she shall at the same time apply for a certificate of title.

342.05(2) (2) Except as provided in sub. (3), an applicant's eligibility for a certificate of title is a prerequisite to registration of the vehicle. If the applicant for registration holds a valid certificate of title previously issued to the applicant by the department for the vehicle, that is prima facie evidence of ownership of the vehicle and the applicant need not apply for a new certificate of title on application for registration.

342.15 Transfer of interest in a vehicle.

- (2) Except as provided in s. 342.16, the transferee shall, promptly after delivery to him or her of the vehicle, execute the application for a new certificate of title in the space provided on the certificate or as the department prescribes, and deliver or mail the certificate and application to the department.
- (3) Except as provided in s. 342.16 and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with. An owner who has delivered possession of the vehicle to the transferee and has complied with the provisions of this section is not liable as owner for any damages thereafter resulting from operation of the vehicle.

341.04 Penalty for operating unregistered or improperly registered vehicle.

(1) It is unlawful for any person to operate or for an owner to consent to being operated on any highway of this state any motor vehicle, recreational vehicle, trailer, or semitrailer, or any other vehicle for which a registration fee is specifically prescribed, unless at the time of operation the vehicle in question either is registered in this state, or, except for registration under s. 341.30 or 341.305, a complete application for registration, including evidence of any inspection under s. 110.20 when required, accompanied by the required fee has been delivered to the department, submitted to a dealer under s. 341.09 (2m) for transmittal to the department or deposited in the mail properly addressed with postage prepaid and, if the vehicle is an automobile or motor truck having a registered weight of 8,000 pounds or less, the vehicle displays a temporary operation plate issued for the vehicle unless the operator or owner of the vehicle produces proof that operation of the vehicle is within 2 business days of the vehicle's sale or transfer, or the vehicle in question is exempt from registration.

(3) (a) Any person who violates sub. (1) or (2), where the vehicle used is an automobile or any other vehicle having a gross vehicle weight rating of 10,000 pounds or less, as determined by the manufacturer of the vehicle, may be required to forfeit not more than \$200.

342.15 Transfer of interest in a vehicle.

(2) Except as provided in s. 342.16, the transferee shall, promptly after delivery to him or her of the vehicle, execute the application for a new certificate of title in the space provided on the certificate or as the department prescribes, and deliver or mail the certificate and application to the department. A salvage vehicle purchaser shall comply with s. 342.065 (1) (a).

3) Except as provided in s. 342.16 and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with. An owner who has delivered possession of the vehicle to the transferee and has complied with the provisions of this section is not liable as owner for any damages thereafter resulting from operation of the vehicle.

344.62 Motor vehicle liability insurance required.

(1) Except as provided in s. 344.63, no person may operate a motor vehicle upon a highway in this state unless the owner or operator of the vehicle has in effect a motor vehicle liability policy with respect to the vehicle being operated.

(2) Except as provided in s. 344.63, no person may operate a motor vehicle upon a highway in this state unless the person, while operating the vehicle, has in his or her immediate possession proof that he or she is in compliance with sub. (1). The operator of the motor vehicle shall display the proof required under this subsection upon demand from any traffic officer. The proof required under this subsection may be produced in either printed or electronic format, including by display of electronic images on a cellular telephone or other electronic device. If this proof is displayed in electronic format on any cellular telephone or other electronic device, the traffic officer may not view, and producing proof in electronic format is not considered consent for the traffic officer to view, any content on the telephone or other device except the proof required under this subsection.

(3) Nothing in this subchapter prohibits a person who violates this section from also being subject to any provision in subchs. I to IV of this chapter.

Ordinances of the City of Sheboygan:
Division 3 Police and Fire Commissioners

Section 491 Duties: The Board of Police and Fire Commissioners shall have the powers and duties prescribed in Wisconsin Statutes – Chapter 62 – Stat 62.13 [Note: No other procedural policies stated in this ordinance.]

Wis Stat 62.13 (5)

(b) Charges may be filed against a subordinate by the chief, by a member of the board, by the board as a body, or by any aggrieved person. Such charges shall be in writing and shall be filed with the President of the Board...

(c) A subordinate may be suspended (or removed) for just cause as described in para (3m) ... by the chief or the board...

(d) Following the filing of charges in any case, a copy thereof shall be served upon the person(s) charged. The Board shall set a date for hearing not less than 10 days nor more than 30 days following service for charges. The hearing on the charges shall be public, and both the accused and the complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas which shall be issued by the president of the board on request and be served as are subpoenas under ch. 885.

(em) No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the board...unless the board determines there is just cause as described in this paragraph, to sustain the charges...the board shall apply the following standards, to the extent applicable:

1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
2. Whether the rule or order (or law) that the subordinate allegedly violated is reasonable.
3. Whether the chief, before filing the charges against the subordinate, made a reasonable effort to discover whether the subordinate did in-fact violate a rule or order (or law).
4. Whether the effort described under sub 3 was fair and objective.
5. Whether the chief discovered substantial evidence that the subordinate violated the rule or order (or law) as described in the charges filed against the subordinate.
6. Whether the chief is applying the rule or order fairly and without discrimination against the subordinate.
7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the chief's department.

The "INFORMATION REGARDING FILING A COMPLAINT" statement received from the President of the Board of Police and Fire Commissioners states that making a "formal" complaint under oath, is subject to penalties under SS 946.32, if the statement is intentionally false. One might consider that violating an oath of office might also suffer these same pains and penalties. The federal criminal charge for violating an oath of office is Title 18, Code 1621 "Perjury generally".

The purpose and intent of this Memorandum is to come to a reasonable understanding that the "person" of the Citizen, the person of "We the People" of the United States of America is the Principle; and the executive, legislative, and judicial branches are the Agent servants of the people. The questions to be considered are: "Can the Agent subvert the will of the Principle: Are all persons equally subject to and responsible to the law: Who must set the example of the principles of THE RULE OF LAW?"

Therefore, this Memorandum is the understanding of the federal and state laws (Laws) pursuant to the Constitution of the United States and the Constitution of the State of Wisconsin, identified in their

priority of understanding, that will be presented in this Complaint to the City of Sheboygan Board of Police and Fire Commissioners.

"Just Cause" for Disciplinary action is established by the Board of PFC, under SS 62.13(5). This Letter of Intent sets forth and established Probable Cause that crimes were committed by certain persons within the Sheboygan Police Department. Subpoenas duce tecum were requested by Plaintiff so that the Board can make the determination as to what Department Rules were violated in addition to the Plaintiffs allegations that crimes were committed against the State, the Federal Government, and the Citizen.

SEE ATTACHED FORMAL COMPLAINT TO THE CITY OF SHEBOYGAN BOARD OF POLICE AND FIRE COMMISSIONERS SUBMITTED THIS 4TH DAY OF OCTOBER 2021

COMPLAINT

CITY OF SHEBOYGAN BOARD OF POLICE AND FIRE COMMISSIONERS

OCTOBER 4, 2021

Mr. Robert Lettre, President
City of Sheboygan
C/O City Clerk & Department of Human Resources
807 Center Avenue
Sheboygan, WI 53081

COMPLAINT:

This is a Formal Complaint, filed pursuant to 62.13 (5) (b), Wisconsin Statutes, under adopted City Ordinance, Division 3, Police and Fire Commissioners, Section 491 Duties, permitting charges to be filed against a Police Officer, or Police Chief, of the City of Sheboygan Police Department. These charges are being filed by an "aggrieved person(s)" as permitted by said ordinance and state statute.

PERSON FILING COMPLAINT:

Patrick A. Gillette
915 North Avenue
Sheboygan, WI 53083

Home Phone: 920-452-9914
Mobile Phone 920-946-3403
patrickgillette@att.net

Complainant/Plaintiff can be reached by phone between 9:00 AM and 8:00 PM, any day of the week. Messages can be sent via email.

Co-Complainants:

James J. Anderson: Original Complainant RE: Ownership and Theft of Vehicle/ Denial of Civil Rights
355 Mark Street, Mishicot, WI 54228-9773 920-755-3151

Chad Wagner: Original Complainant RE: Theft of Motor Vehicle from Private Property/ Denial of Civil Rights
1620 Cooper Avenue, Sheboygan, WI 53083 920—207-6215

The quantity of the number of co-plaintiff's, regarding this complaint, is relevant only to the fact that the co-plaintiffs are witnesses represented by a lawful representative presenting this claim, as a Citizen of the United States of America, a resident of the jurisdiction involved, and a Lawful Counselor to the co-plaintiffs. As an aggrieved party, according to Wisconsin State Statute 62.13 (5), the prerequisite of who can file a complaint is met. Any questions as to the status of "Lawful representation" are clearly addressed in the Letter of Intent".

INFORMATION ABOUT PERSON(S) NAMED IN THE COMPLAINT:

City of Sheboygan Police Department Personnel

1. Chief Christopher Domagalski, Chief of Police
2. Capt. Kurt Zempel, Captain of the Patrol Division
3. Lt. Michael Stelter, Supervisor of 2nd shift patrol
4. Off. Kendra Zipperer, 2nd shift patrol officer

STATEMENT OF CHARGES:

#1 It is understood that the responsibility of the Police Chief is to command and direct the members of the Sheboygan Police Department. It is understood that there is a chain of command through which the Chief directs these personnel to perform to the standards of the Department and the direction he lays out for them. In this complaint, that chain of command consists of:

- a) The Chief, Christopher Domagalski, to the Captain of Patrol (Supervisor)
- b) The Captain of Patrol, Captain Kurt Zempel, to the Lt. of the 2nd shift patrol (Supervisor)
- c) The Lt. of the 2nd shift patrol, Lt. Michael Stelter, to Officers of the 2nd shift patrol
- d) The Officer of 2nd shift patrol, Off. Kendra Zipperer, the Officer that will be addressed as having committed additional violations of State law (Statutes).

It is further understood that an Officer, on duty, has a duty to report complaints received by an aggrieved party, by matter of record of complaint, and report to his/her supervisor. That said Supervisor would review the disposition of that complaint and review the complaint with his Supervisor. And when that complaint involves consultation with the Assistant District Attorney would pass that information, by his report, to the Chief of Police. The above chain of command, established in the first paragraph, is the "Conspiratorial" group I will establish as denying my Constitutional Rights, under the US Constitution and the State Constitution; both civil actions and criminal actions.

TO WIT: As a Lawful Counsel for two persons I accompanied them to the Sheboygan Police Department to file two separate complaints for theft of a motor vehicle. This contact occurred on Wednesday, August 4, 2021. I was approached by Lt. Michael Stelter, SPD, and he informed us that he was aware of the theft, but refused to initiate a motor vehicle theft complaint for further investigation as he had decided that no crime had been committed. He was quite insistent that he wanted to interview one of my "clients" alone. As counsel for my "client" I informed Lt. Stelter of my client's right to counsel, and my right to be there for any interview. My client concurred. Lt. Stelter said he would be right back, but soon thereafter, Officer Zipperer arrived and said she was assigned to handle this complaint. It was explained to Officer Zipperer that there were two separate incidents of Motor vehicle theft, and two separate complainants, and that there were 4 witnesses to the second complaint. The second theft occurred from private property. Off. Zipperer said that she would discuss our "concerns" with Lt. Stelter and get back to us. I made it very clear to Off. Zipperer that I was to be contacted directly and she was not to make any contact with either of my clients without my prior knowledge. This Officer did not afford us the opportunity to make out written complaints, nor had us review or sign any written report she had made out. Off. Zipperer stated that she would consult with the Assistant District Attorney and get back to me. On Monday, August 9, 2021, I received a call from Off. Zipperer that she had conferred with the ADA and that no charges would be filed for the thefts and no attempt to recover the motor vehicle, but she would issue a citation for trespassing.

Between August 4, 2021 and August 9, 2021, it is alleged that the following violations of Law were committed by the above chain of command:

1. Violation of Wis Stat. 342.31 Failure to Report Stolen Motor Vehicle to Justice Dept.
2. Violation of 1st Amend to the US Constitution: Right to Petition
3. Violation of Article I, Section 4 of the Wis Constitution: Right to Petition
4. Violation of the 5th and 14th Amendment to the US Constitution: Right to Due Process

5. Violation of Article I, Section 9 of the Wis Constitution: Remedy for wrongs
6. Violation of Article I, Section 9m (2) of the Wisconsin Constitution: Right to Justice and Due Process.
7. Violation of Article 1, Section 9m (4) (a) of the Wis Constitution: Lawful Representative may seek and assert rights of this section before authority of competent jurisdiction.
8. Violation of Article IV, Section 22 of the Wis Constitution: Oath of Office
9. Violation of Wis Stat. 946.32 and US Code Title 18 Sec 1621: False Swearing/Perjury
10. Violation of 14th Amendment to the US Constitution: Equal Protection Under the Law
11. Wis Stat. SS 946.47 (1)(a) Aiding a Felon
12. Wis Stat. SS 939,05 (1) (b) and (1) (c) Party to the Crime.
13. Wis Stat. SS 946.12 sub (1) sb (2) and sub (3) Misconduct in Public Office

Besides for destroying the concept of the "Rule of Law", Federal Codes were violated and actions denying Civil Rights to a United States Citizen were committed:

Civil Remedies

1. Title 42, Sec 1983 – Civil Action for Deprivation of Rights
2. Title 42, Sec 1985 – Conspiracy to interfere with Civil Rights
3. Title 42, Sec 1986 – Action for Neglect to Prevent

Criminal Remedies

4. Title 18, Sec 241 - Conspiracy Against Rights
5. Title 18, Sec 242 - Deprivation of Rights Under Color of Law to Lt. Stelter, of the Sheboygan Police Department (SPD),

#2 July 27, 2021 Theft of Motor Vehicle and location of Motor Vehicle was reported to Lt. Stelter, of the Sheboygan Police Department (SPD), and a request for assistance to recover Motor Vehicle, was made by several calls to the SPD. The failure to accept the report of the theft of a Motor Vehicle and the failure to send SPD assistance to mitigate the on-site situation for recovery was denied by Lt. Stelter. This attempt to recover this Motor Vehicle was made by James Andersen, a co-plaintiff in this complaint.

July 27, 2021 The above, James Andersen, the current legal and Lawful registered owner of said vehicle contracted a local towing service to tow the Motor Vehicle, legally recovered from a public street, to the property of his friend, Chad Wagner, who was with him during the original contacts with the SPD mention above. The Motor Vehicle was placed on the Private Property belonging to Chad Wagner. The legal and Lawful owner of said Motor Vehicle, James Andersen, entrusted the custodial care of said vehicle to Chad Wagner.

#3 July 27, 2021 The above, Chad Wagner, left his premise for about a half hour and returned to find that the Motor Vehicle, in his charge, was missing and in-fact had been stolen from his property. He informed SPD that there were 4 witnesses to this theft. The co-plaintiff in this complaint, Chad Wagner, did immediately call the SPD to file a complaint of this theft. He was informed by this dispatcher from the SPD that the SPD would not respond nor initiate a stolen vehicle report.

#4 July 27, 2021 Both co-plaintiffs in this complaint drove to a location in the City of Sheboygan and identified the location of said vehicle and again requested the assistance of the SPD to aid in the recovery, but again were denied assistance. The vehicle was not recovered.

#5 During the period of time from August 9, 2021, and after Lt. Stelter and Officer Zipperer were both informed that they were not to make contact with the co-plaintiffs without my prior knowledge, Officer Zipperer did make phone contact with co-plaintiff James Andersen, with the intent to intimidate him and dissuade him from pursuing his complaint for the SPD to file a Stolen Vehicle Report. Officer Zipperer allegedly violated SS 940.43 "Prevent or Dissuade a Witness, in addition to other alleged misconduct mentioned as violations of the SPD administration.

#6 It is alleged that Lt. Stelter, and Officer Zipperer after her meeting with the ADA, conspired to aid the alleged theft suspect to fraudulently, and with intent to deny equal protection under the law, to alter the original title of vehicle, which was not registered in the suspects name, to arrange for the title to be registered in another's (third party) name.

Subpoena duces tecum Request: Regarding any contacts, dispatches or conversations concerning myself, James Andersen or Chad Wagner, from July 1, 2021 through October 4, 2021. All similar contacts with the alleged suspect regarding this complaint.
All records requested to include personal contacts, emails, department records, text messages, phone conversations, dispatch records, personal notes, contacts with or replies from ADA or District Attorney:
A copy of the Original Motor Vehicle Title that was used to transfer ownership to third party: Any correspondence with the Department of Justice, Department of Transportation and District 3 of the Wisconsin State Patrol: Citation issued for Trespassing allegedly written to suspect in theft from private property, by Officer Zipperer.

From the Sheboygan Police Department.

Christopher Domagalski, Chief of Police
Kurt Zempel, Captain of the Patrol Division
Lt. Michael Stelter, Supervisor of 2nd shift patrol
Off. Kendra Zipperer, 2nd shift patrol officer

From the Sheboygan County District Attorney's Office:

The ADA who, and (or) DA Joel Urmanski, that had contact with the SPD regarding the information as stated above.

From the Wisconsin State Patrol, District 3 Commander,

Captain Ryan Chaffee
851 Rolling Meadows Drive
Fond Du Lac, WI 54937-9902

From the Sheboygan County Sheriff's Department

Sheriff Cory Roeseler
Deputy Steve Wimmer



October 20, 2021

Mr. Patrick A. Gillette
915 North Avenue
Sheboygan, WI 53083

Dear Mr. Gillette:

You filed a complaint with the Board of Police and Fire Commissioners ("PFC") alleging that Police Chief Christopher Domagalski and three subordinates have violated a department rule, city ordinance, state or federal law, or standard of acceptable conduct, or permitted such violations by officers under his command.

Pursuant to the written policies and procedures of the PFC, you must first file a written complaint directly with the Chief before filing a formal complaint with the Board. You have not yet done so. I have enclosed a copy of the form the department uses for this purpose. You also may wish to consult an attorney before filing a complaint with the Chief.

We will keep your PFC complaint on file. Once the complaint process with the Chief has been completed, which could take 30 days unless extended by the Chief where there are extenuating circumstances, you may choose either to reinstate that complaint (in which case you need merely to inform us that you wish to do so), update the complaint, or file a new complaint.

Thank you,

Robert Lettre, Chair
Board of Sheboygan Police and Fire Commissioners

BOARD OF SHEBOYGAN
POLICE AND FIRE
COMMISSIONERS

CITY HALL
28 CENTER AVENUE
SHEBOYGAN, WI 53081

www.sheboyganwi.gov



NOTICE TO PUBLIC

SPD 396 rev. 06/09

ATTACHMENT A

THIS NOTICE EXPLAINS HOW TO REGISTER A COMPLAINT AGAINST THE DEPARTMENT OR ANY OF ITS EMPLOYEES:

All complaints made against the Department or its employees shall be investigated, including anonymous complaints. Anonymous complaints will be investigated to the degree possible. If no corroborative information or evidence results from the investigation and the complainant cannot be contacted for an interview, the complaint will be considered invalid.

PROCEDURE

1. Attempt to see or make arrangements to see the employee's immediate supervisor. If the complaint does not concern any individual employee, but instead addresses a particular departmental policy or procedure, ask to see the Chief of Police.
2. If the complaint cannot be resolved by the employee's immediate supervisor, you will be asked to complete a report form which identifies the circumstances, nature, and extent of your complaint. The report form requests specific information which the Department needs in order to make a thorough investigation.
3. Persons who initiate written complaints shall receive written acknowledgement from the Chief of Police or the Chief's designee.
4. The status of the investigation shall be communicated to the complainant periodically and at its conclusion.
5. Investigations shall be completed within thirty (30) days from the time the written complaint is registered. Exceptions shall only be granted by the Chief of Police when extenuating circumstances are present.
6. Persons making false statements in their complaints may be in violation of WI Stat. 946.32 and/or 946.41, and could be criminally prosecuted.

DEPARTMENT OF POLICE

1315 N. 23rd STREET
SUITE 101
SHEBOYGAN, WI
53081-3180

920/459-3333
FAX 920/459-0205

www.sheboyganpolice.com

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10232021 Response to PFC

October 23, 2021

Patrick A. Gillette, Counselor of Constitutional Law
915 North Avenue
Sheboygan, WI 53083

Robert Lettre, President and Chair
City of Sheboygan Board of Police and Fire Commissioners
City Hall
828 Center Avenue
Sheboygan, WI 53081

Dear Chairman Lettre,

I received your letter (dated 10/20/21 and received 10/22/21) regarding my complaint against the Sheboygan Police Department. This letter from you, was dated **16 days after you were in receipt of my complaint**. You erroneously made claim that my complaint must be filed in accordance with "written policies and procedures of the PFC". This is incorrect.

My Complaint was filed on October 4, 2021, according to the Law, and date stamped, as received, by the City Clerk's Office and the Office of Human Resources. The PFC has until November 6, 2021 to comply with the Law and schedule a hearing.

I direct you to read the attached copy of my **Memorandum of Understanding (Letter of Intent)** submitted with my complaint on 10/4/21, and welcome you to further research the Law. **No contest to my Memorandum of Understanding (Letter of Intent) was received within the allotted lawful period of time.**

Wisconsin Statute 62.13(5) (b)...Such charges shall be in writing and shall be filed with the President of the Board...

Note: To file a complaint with a party specifically party to the complaint would be without merit.

Wisconsin Statute 62.13(5) (d) "Following the filing of charges in any case, a copy thereof shall be served upon the person(s) charged. The Board shall set a date for hearing not less than 10 days nor more than 30 days following service for the charges" ...

Any Thing to the contrary notwithstanding.

Since the City of Sheboygan adopted only SS 62.13 (1-5) and did not adopt any procedure for rules, then the rules in the Constitution of the State of Wisconsin, Article I (9) and (9m) would apply.

The Board of Police and Fire Commissioners is an autonomous legislatively regulated "commission" of Citizens. Hearings under the commission's purview, are NOT under the auspices of the City of Sheboygan, nor the City Attorney. Please refer to the League of Wisconsin Municipalities publication in the Municipal Magazine (7/30/04) in which they make clear, in their Note #158, "City Council member's mere presence as non-voting members of police and fire commission panel establish sufficient appearance of impropriety to taint entire disciplinary proceedings...and require such proceedings to be

voided and circuit court may consider such legal issue by way of certiorari review before addressing just cause issues under SS 62.13(5) statutory appeal. See Supreme Court Decision: State ex rel. Heil v. Green Bay Police and Fire Commission" ...

The City of Sheboygan PFC is an independent commission of Citizens and is required by law to **not be biased by politics or government involvement or interventions.**

You made reference that I might seek the consultation of an attorney. I would strongly advise the PFC Board to seek independent counsel as it appears that you may be erroring against yourselves. The City Attorney, as he represents the City of Sheboygan, should not be an influence on the direction of the PFC...The Law should be your guide.

I will hold the City of Sheboygan Board of Police and Fire Commissioners to the Law and expect a hearing to be set within the statutorily required amount of time.

Sincerely,

Patrick A. Gillette, Counselor of Constitutional Law.

VERSION: OCT 12, 2021 (CUI)

Code of Ordinances

MUNICIPAL CODE  ↔

Supplement 29

CITY OF SHEBOYGAN,
WISCONSIN

Online content

SUPPLEMENT
HISTORY TABLE

updated on

October 12, 2021

MUNICIPAL CODE City of SHEBOYGAN, WISCONSIN

➤ Chapter 1 - GENERAL
PROVISIONS

Codified through Ordinance No. 23-21-22, enacted

September 20, 2021. (Supp. No. 29)

➤ Chapter 2 -
ADMINISTRATION
Article V Division 3

This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality.

➤ Chapter 6 -
ADVERTISING

➤ Chapter 10 -
ALCOHOL BEVERAGES

➤ Chapter 14 -
AMUSEMENTS AND
ENTERTAINMENT

➤ Chapter 18 - ANIMALS

➤ Chapter 22 -
AVIATION

➤ Chapter 26 -
BUILDINGS AND
BUILDING
REGULATIONS

➤ Chapter 30 -
BUSINESSES

➤ Chapter 34 -



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DIVISION 3. - POLICE AND FIRE COMMISSIONERS^[11]

Footnotes:

--- (11) ---

Cross reference— Fire protection and prevention, ch. 50; law enforcement, ch. 54.

State Law reference— Police and fire departments generally, Wis. Stats., § 62.13.

Sec. 2-486. - Composition.

The board of police and fire commissioners shall consist of five citizens of the city.

(Code 1975, § 2-236)

Sec. 2-487. - Appointment.

The mayor shall annually, between the last Monday of April and the first Monday in May, appoint a member of the board of police and fire commissioners. Such appointment shall be in writing and filed with the secretary of the board.

(Code 1975, § 2-237)

Sec. 2-488. - Political party representation.

No appointment shall be made to the board of police and fire commissioners which will result in more than three members of the board belonging to the same political party.

(Code 1975, § 2-238)

Sec. 2-489. - Terms.

Each member of the board of police and fire commissioners shall be appointed for a term of five years, provided that the term of one member shall expire each year.

(Code 1975, § 2-239)

Sec. 2-490. - Quorum.

Three members of the board of police and fire commissioners shall constitute a quorum for the transaction of business.

(Code 1975, § 2-240)

Sec. 2-491. - Duties.

The board of police and fire commissioners shall have the powers and duties prescribed in Wis. Stats., § 62.13.

(Code 1975, § 2-241)

Sec. 2-492. - Records.

The board of police and fire commissioners shall keep a record of its proceedings.

(Code 1975, § 2-242)

Secs. 2-493—2-520. - Reserved.

DIVISION 3. - POLICE AND FIRE COMMISSIONERS^[11]

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