

VILLAGE OF MCFARLAND  
**Police & Fire Commission Minutes**

*Tuesday, February 18, 2020 - 3:00 PM*

**1. CALL TO ORDER, ROLL CALL.**

Police and Fire Commission President Stransky called the meeting of the Police and Fire Commission to order at 3:00 PM in Conference Room C at the McFarland Municipal Center.

Members present: Commission President John Stransky; Citizen Members Gerald Mullen, Kathy Krusiec, Vincent Wagner, and Jim McKay.

Members not present: None.

Staff Present: Legal Counsel Kyle Gulya and Village Administrator Matt Schuenke.

Also Present: Lieutenant Brian Redman and Cory McDonnell.

**2. PUBLIC APPEARANCES.**

None.

**3. APPROVAL OF MINUTES.**

*a. Discussion and action regarding minutes of the meeting held November 4, 2019.*

A motion was made by McKay, seconded by Mullen, and unanimously carried by the Police and Fire Commission to approve the minutes of the meeting held November 4, 2019.

It was noted that the Village Administrator would be taking minutes for the meeting held February 18, 2020.

**4. BUSINESS.**

*a. Discussion and action to accept the appointment of von Briesen & Roper to serve as legal counsel for the Police and Fire Commission.*

Following discussion, a motion was made by Wagner, seconded by McKay, and unanimously carried by the Police and Fire Commission to appoint von Briesen & Roper to serve as legal counsel for the Police and Fire Commission.

- b. In re Charges Against Lieutenant Brian Redman by Mr. Cory McDonnell. Discussion and action to (1) receive charges pursuant to Section 11.03 of the Rules and Regulations for the Police and Fire Commission; (2) docket Charges in accordance with Section 12.02 of the Rules and Regulations for the Police and Fire Commission; (3) determine jurisdiction over the Charges filed pursuant to Section 12.03, subject to further argument by the parties during the pre-hearing process; (4) authorize President Stransky and Attorneys for the Commission to administer pre-hearing process and to "set date for hearing" as required by Section 12.04 and Wis. Stat. § 62.13(5); and (5) address the pre-hearing and hearing processes regarding the Charges. Neither party to these Charges is required or expected to attend this meeting of the Police and Fire Commission.

Attorney Gulya stated that von Briesen & Roper does not represent members personally but represents the Police and Fire Commission ("Commission") as a whole. He further stated that the charges were originally filed with him and he has been working with President Stransky in advance of this meeting to facilitate the process to address the charges in accordance with State Statutes and the Rules and Regulations of the Commission. Attorney Gulya stated that this meeting is not an evidentiary hearing and that the focus of today's meeting is procedural in nature to prepare for a future hearing as might be applicable.

Attorney Gulya stated that Lieutenant Redman is appointed by the Chief of Police and based upon the charges filed with the Commission that the Commission will have to determine whether or not they rise to the level of suspension, demotion, and/or termination which may only occur after a hearing before this Commission. Lieutenant Redman is to be afforded constitutional due process as part of the Commission making that determination and in doing so the Commission will be required to hold a fair hearing consistent with statutory requirements and due process principles.

Commissioners were instructed not to discuss this case, including the merits of it, outside of any meeting with one another and with any other persons.

Attorney Gulya asked the Commissioners a series of questions to rule out actual or risk of impermissible bias:

- Each Commission member was asked whether or not they had any financial interests or personal relationships between themselves and the parties named in the Charges? All Commission members answered that they do not have any financial interests or relationship with either party named in the Charges or that would render the Commissioner unable to fairly decide this matter.
- Each Commission member was asked whether or not they personally know either of parties named in the Charges and are otherwise conflicted in order to hear the case? President Stransky stated that he has known Lieutenant Redman for 20 plus years in a former professional capacity. Otherwise, all Commission members answered that they do not personally know either of the parties named in the Charges nor are they otherwise conflicted in order to hear the case.
- Each Commission member was asked if they were involved in the drafting of the charges? All Commission members answered that they were not involved in the drafted of the charges.

- Each Commission member was asked whether or not they were so psychologically wedded to the Charges to the point it would prevent them from hearing the case? All Commission members answered that they were not so psychologically wedded to the Charges to the point it would prevent them from hearing the case.

Attorney Gulya stated that the Charging Party filed the Charges with him on February 10, 2020 by email, and such filing was based on previous communication with him and Mr. McDonnell in lieu of Mr. McDonnell filing the charges with President Stransky. Attorney Gulya received the charges on behalf of President Stransky.

Attorney Gulya further stated that the Charges were served on the Respondent on February 4, 2020. This service requires the Commission to set date for hearing between 10-30 days from February 4, 2020. Legal Counsel representing the Respondent have notified Attorney Gulya that they waive the requirement to schedule the hearing between 10 and 30 days from service on February 4, 2020. Attorney Gulya asked the Charging Party if they would also waive holding the hearing between 10 and 30 days from service. The Charging Party stated they did not object and waived the scheduling requirement deadline.

The following took place for each item listed on the agenda:

(1) A motion was made by McKay, seconded by Mullen, for the Commission to receive the charges filed by Cory McDonnell ("Charging Party") against Lieutenant Brian Redman ("Respondent") pursuant to Section 11.03 of the Rules and Regulations for the Commission. Motion carried 5 - 0.

(2) It was stated without objection that the Charges filed and received would be docketed as In re Charges against Lieutenant Brian Redman by Mr. Cory McDonnell 2020-01 (02102020) in accordance with Section 12.02 of the Rules and Regulations for the Commission.

(3) Attorney Gulya stated that legal counsel representing the Respondent had filed a Motion to Dismiss with him and Mr. McDonnell on February 17, 2020. A copy of this motion will be provided to the Charging Party and Mr. McDonnell will be allowed the opportunity to respond. The Commission will need to address the motion to dismiss at a future meeting prior to determination of jurisdiction. No action was taken to determine jurisdiction over the Charges.

(4) A motion was made by Krusiec, seconded by McKay, for the Commission to authorize President Stransky and Attorneys representing the Commission to administer the pre-hearing process and to set date for hearing as required by Section 12.04 and Wis. Stat. § 62.13(5). Motion carried 5 - 0. Attorney Gulya summarized for the Commission the pre-hearing conference including but not limited to the process, timelines, collection of evidence, witnesses, etc. This pre-hearing conference will also need to address within the process how the Commission will address the motion to dismiss, finalize the jurisdiction over the charges, and finally as applicable set date for actual hearing.

(5) President Stransky and Attorney Gulya will prepare to address the Charging Party and Respondent for the pre-hearing conference. No further action was needed on this item.

**5. CLOSED SESSION.**

- a. Discussion and action in order to convene into Closed Session in accordance with Wis. Stats. 19.85(1)(c), (g) for considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; and to confer with legal counsel for the government body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, specifically regarding Charges filed against Lieutenant Brian Redman by Mr. Cory McDonnell.

No action was taken on this item. The Commission did not enter into Closed Session.

- b. Discussion and action to reconvene into Open Session.

Not applicable.

**6. SCHEDULE NEXT MEETING DATE.**

- a. To be determined.

Attorney Gulya instructed the Commission to provide dates to the Village Administrator as to their availability for future meetings through the end of April 30, 2020.

**7. ADJOURNMENT.**

A motion was made by Wagner, seconded by McKay, for the Commission to adjourn the meeting at 3:27 pm.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,  
Matthew G. Schuenke  
Village Administrator