

**MINUTES
POLICE AND FIRE COMMISSION
SPECIAL MEETING
Monday, April 9, 2018
City Hall, Room 310
8:30 a.m.**

MEMBERS PRESENT: Commissioners Rod Goldhahn, Nancy Schopf, Marian Boyle Rohloff

OTHERS PRESENT: Attorney James Kalny, HR Operations Manager Melanie Falk, IT Administrator Mike Hronek,

IN ATTENDANCE BY PHONE: Attorney Bill Rettko, Attorney Kyle Gulya

1. Roll Call.

The meeting was called to order by President Rod Goldhahn at 8:40 a.m. Roll call was taken as noted above. Comm. Wanezek was absent.

2. Notice of Hearing.

In the Matter of the Charges Filed Against Officer Paul Spoerl, Respondent

By Police Chief Andrew Smith, Complainant

The City of Green Bay Board of Police and Fire Commissioners will convene the hearing in the above-entitled matter pursuant to Wis. Stat. Section 62.13(5), and the City of Green Bay Board of Police and Fire Commissioners Rules of Procedures for Disciplinary Hearings, and may adjourn or reconvene as may be necessary on that day.

At this hearing session, the Board will address scheduling matters, setting times for the filing of stipulations and motions, addressing evidentiary issues and such other administrative procedural matters as may be appropriate.

Prior to this hearing session, the Board by its President and legal counsel, may conduct one or more pre-hearing conferences by telephone or as otherwise provided by rule. Matters not resolved during such conferences shall be addressed in the hearing session.

The Commission may, during course of this hearing, adjourn to closed session for one or more of the following purposes, authorized as noted by the Wisconsin Statutes: Deliberating concerns of the case which is the subject of the quasi-judicial hearing, Wis. Stat. 19.85(1) (a); Conferring with legal counsel with respect to litigation, Wis. Stat. 19.85(1) (g).

The Commission may thereafter reconvene into open session.

Comm. Goldhahn stated for the record this hearing is an open meeting and due to the nature of the proceedings there may be times the Commission will entertain motions to go into closed session as allowed by Wisconsin statutes. When this occurs, Comm. Goldhahn will read the closed session notice and conduct a vote. The Commission is convening now pursuant to Wis. Statute 62.13(5) (b) (d) to set the matter for hearing. Comm. Goldhahn reviewed the status of actions to date noting that Chief Andrew Smith delivered charges concerning Officer Spoerl on March 14, 2018 and Attorney Cermele accepted service of charges on behalf of Officer Spoerl on March 22, 2018. On March 26, 2018, Attorney Cermele informed Comm. Goldhahn via email that he would no longer be counsel for Officer Spoerl and that Attorney Rettko would be representing Officer Spoerl moving forward. On March 28, 2018, a phone conference pursuant to PFC rule 1.07 was held with Attorney Gulya representing Chief Andrew Smith, Attorney Bill Rettko representing Officer Spoerl, Attorney Jim Kalny representing the Police and Fire Commission, and Commission President Rod Goldhahn to begin the scheduling process. A scheduling order was provided to all parties later that date. On or prior to April 6, 2018, Attorney Gulya provided Attorney Rettko with witness and exhibit lists, as well as other discovery materials and documents. Comm. Goldhahn asked for confirmation from all parties that he had captured all actions done to date. Attorney Gulya added that a flash drive containing larger files was being sent to Attorney Rettko. Comm. Goldhahn reported that documents to be received in the record of these proceedings to date include the statement of charges in the matter of Officer Spoerl, confirmation of service charges, notices of respective representations by Attorneys Rettko and Gulya, the March 28 scheduling order, and the April 9 notice of hearing. Comm. Goldhahn asked for confirmation of all official documents on records to date. Attorney Gulya inquired whether the submission of the exhibit list and witness list will be considered part of the record. Comm. Goldhahn stated those items would be made part of the official record at the actual hearing. Attorney Kalny added that it should be noted that Attorney Gulya has already filed his list of witnesses and exhibits. Comm. Goldhahn stated items to be discussed during this hearing will include the date for the submission of the respondent witness and exhibit list by Attorney Rettko, motion dates and any related briefings, setting hearing dates, and submission dates for stipulation between parties and whether any subpoenas may be needed.

Attorney Rettko gave a target date of April 30 for the submission of the respondent witness and exhibit list. Attorney Gulya stated the target date of submission would be acceptable dependent upon the scheduled hearing date. Comm. Goldhahn asked if either party expected to be filing any motions. Attorney Gulya responded he did not expect to file any motions, but would like to cover some items with Attorney Rettko which include paring down large document sizes and redacting Officer Spoerl's personal information such as home address. Attorney Kalny inquired if that would come by way of stipulation and Attorney Gulya confirmed. Attorney Kalny stated there should be care in what information is released as public record and encouraged Attorney Rettko and Attorney Gulya to work together in that regard.

Comm. Goldhahn stated that Comm. Wanezek had not yet arrived and he would attempt to contact Comm. Wanezek's assistant in order to move on to scheduling hearing dates.

Attorney Kalny asked Attorney Gulya how much time would be needed after receiving the witness and exhibit list to be prepared to go to hearing or to file motions. Attorney Gulya responded he did not anticipate any motions as of now or much new information

to be presented. Attorney Gulya estimated 7 to 10 days after submission would be sufficient. Attorney Kalny asked Attorney Rettko if he had any plans to file motions at this point in time. Attorney Rettko responded he did not believe so and that the 7 to 10 days suggested by Attorney Gulya would be fine as long as hearings occur on May 7 and 8 as he is booked with other matters on May 9-11. Attorney Rettko added that May 17 was another date on which he would be unavailable.

The assistant for Comm. Wanezek phoned in to assist with scheduling hearing dates. Comm. Goldhahn suggested that consecutive days for hearings would be ideal. Attorney Rettko agreed with the sentiment regarding consecutive days for hearings. Attorney Kalny stated he would be out for almost the entire month of May and that Attorney Bob Burns from his office would handle any hearings during that timeframe. Attorney Kalny and Comm. Goldhahn suggested May 7 as the deadline date for filing motions. Attorney Rettko agreed to May 7 as a deadline date to file motions. June 6, 7, & 8 were designated by all parties as scheduled hearing dates.

Attorney Jim Kalny suggested that May 11 be set as the deadline date of stipulation between parties and that all motions be filed with a brief by May 11 as well. Attorney Kalny also stated the Commission President will schedule a response date upon receipt of any motions. Attorney Gulya asked for clarification on the deadline date for filing motions. Attorney Kalny suggested that both the deadline for filing motions and the stipulation deadline date be set for May 11 to simplify. Attorney Kalny stated if a motion is filed the Commission will immediately schedule a response date and deal with any necessary hearings. Attorney Gulya responded the timeline Attorney Kalny laid out was fine. Comm. Goldhahn asked if Attorney Rettko or Attorney Gulya anticipate needing any subpoenas. Attorney Gulya stated he may need up to 4 subpoenas and he would contact Attorney Kalny to have the subpoenas signed by Comm. Goldhahn. Attorney Rettko stated he had one potential witness that would need to testify via telephone and inquired if the Commission would be open to hearing testimony outside of the hearing dates already established on June 6, 7, & 8. Comm. Goldhahn suggested the parties wait until it is known for certain that the witness will be testifying and address any scheduling problems at that time. Attorney Rettko agreed.

Comm. Goldhahn asked if there were any outstanding issues to address from Attorney Rettko and Attorney Gulya. No issues were raised by Attorney Rettko or Attorney Gulya. Comm. Goldhahn stated a schedule order would be sent out following the conclusion of the meeting and dismissed Attorney Rettko and Attorney Gulya from the meeting. Comm. Goldhahn asked Attorney Kalny if there was any need for the Commission to go into closed session for discussion. Attorney Kalny responded there was no need for closed session at this point.

With no other items on the agenda, Comm. Goldhahn requested a motion to adjourn the meeting until June 6 or any prior date scheduled for motions. Motion made by Comm. Boyle Rohloff, seconded by Comm. Schopf to adjourn. Motion carried. The meeting adjourned at 9:03 a.m.

Respectfully submitted,

Adam Reidinger, Recording Secretary

APPROVED: _____
Rod Goldhahn, President