



MINUTES OF THE POLICE AND FIRE COMMISSION

**FRIDAY, MARCH 29, 2019, 11:00 AM
CITY HALL, ROOM 310**

A. ROLL CALL.

Present: Rod Goldhahn, Nancy Schopf, Vanya Koepke, Warren Wanezek and Marian Boyle-Rohloff.

Others Present: PFC Attorney James Kalny, Police Chief Andrew Smith, Police Captain John Balza, Patrick Buckley and Doug Schneider.

B. ORDER OF BUSINESS.

Moved by Commissioner Nancy Schopf, seconded by Commissioner Warren Wanezek to approve the agenda. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

I. MOTION REVIEW

In the Matter of the Charges Filed Against Police Captain Todd LePine,
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, for the purpose of reviewing the following motions and responses:

1. Captain LePine's motion in limine and the Chief's response thereto.

2. Captain LePine's motion to adjourn the hearing and the Chief's response thereto.

The Commission may, during course of this review, 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.

The Commission may opt to reconvene at a later date to deliberate further before making a written decision on the motions.

President Rod Goldhahn called the motion review hearing to order and reported that there were two motions to consider. The first was a motion in limine by Captain LePine. This motion has six parts. The first deals with sequestering of witnesses, the second deals with a request to remove documentation from Captain LePine's personnel file, the third deals with public commentary, the fourth deals with use of transcripts during the hearing, the fifth is a challenge to the admittance of one item on the Chief's exhibit list, and the sixth is a request to voir dire the Commission at the beginning of the hearing. This motion was later amended to provide further clarification.

The second motion is a motion to adjourn the hearing to a later date and extend the number of days scheduled.

President Goldhahn reiterated that these motions were submitted by Captain LePine and that the Commission has also received responsive briefs on each by Chief Smith.

Attorney Kalny stated he had received an email from Chief Smith's attorney, withdrawing their opposition to adjourn/postpone the hearing, and that the parties were discussing a potential settlement.

President Goldhahn read the closed session statement and noted that if the Commission chose to go into closed session, there would be one closed session, but that the motions would be debated separately and the motions would be reported separately in open session.

Moved by Commissioner Warren Wanezek, seconded by Commissioner Marian Boyle-Rohloff to go into closed session. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No-None, Abstain- None

Moved by Commissioner Vanya Koepke, seconded by Commissioner Nancy Schopf to return to open session. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No-None, Abstain- None

President Goldhahn reported that while in closed session, the Commission discussed the motions and reached a decision on both. Concerning the motion in limine, the Commission will deliver a

written response to the parties and that response will then become part of the public record of the case. Regarding the second motion, to adjourn the proceedings, the Commission approved that motion and proposed a four day hearing schedule in May, 2019. The actual dates will be confirmed after consultation with the parties.

C. ADJOURNMENT.

Moved by Commissioner Warren Wanezek, seconded by Commissioner Nancy Schopf to adjourn. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None