



## **MINUTES OF THE POLICE AND FIRE COMMISSION**

**TUESDAY, JULY 9, 2019, 12:15 PM  
CITY HALL, ROOM 310**

### **A. ROLL CALL.**

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

Others present: Police Chief Andrew Smith, Police Captain Todd LePine, Green Bay Professional Police Association President Phil Scanlan and others.

### **B. ORDER OF BUSINESS.**

#### **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 motion and response:

I. Chief Smith's motion to withdraw the charges and Captain LePine's response

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 motion.

Captain Todd LePine addressed the Police and Fire Commission.

Moved by Commissioner Warren Wanezek, seconded by Commissioner Nancy Schopf to approve the withdrawal of the charges, thereby this matter is dismissed. Motion carried.

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

### **C. ADJOURNMENT.**

Meeting adjourned.

### **VERBATIM MINUTES**

- [Woman] Okay.
- [Goldhahn] All right, I'd like to call this special July 9th meeting of the Police and Fire Commission to order. We'll start with roll call. Vice President Schopf.
- [Schopf] Here.
- [Goldhahn] Commissioner Wanezek.
- [Wanezek] Here.
- [Goldhahn] Commissioner Boyle Rohloff.
- [Boyle Rohloff] Here.
- [Goldhahn] Commissioner Koepke.
- [Koepke] Present.
- [Goldhahn] And I'm President Rod Goldhahn. We have one item on the agenda, and that is a motion review in the matter of the charges filed against Police Captain Todd LePine, by Police Chief Andrew Smith. The City of Green Bay, Board of Police and Fire Commissioners, will convene the hearing in the above entitled matter pursuant to Wisconsin Statute, Section 62.13, Paragraph five 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 motion and response. Chief Smith's motion to withdraw the charges and Captain LePine's response. The Commission may, during the course of this review, adjourn to closed session for one or more of the following purposes authorized as noted by the Wisconsin Statutes, which are deliberating concerns of the case which is subject to the quasi-judicial hearing, Wisconsin Statute 19.85, paragraph one, sub-a, Or conferring with legal counsel with respect to litigation, Wisconsin Statutes 19.85, paragraph one, sub-g. The Commission may thereafter reconvene into open session and Commission may also opt to reconvene at a later date to deliberate further before making a written decision on the motion. So, what I'd like to do to start, is just kind of bring us up to date from where we were the last time the Commission met and ruled on some motions. I should also note, for the record, that Captain LePine is with us today, as well as Chief Smith. So, pursuant to a scheduling order dated March 18th of this year, this matter was scheduled for an evidentiary hearing to commence on April 4th and 5th of this year. And the order provided a scheduling order for providing motions. Consistent with that order, Captain LePine filed various motions in limine and a motion to dismiss. Those motions were briefed, and the Commission rendered a written decision on those motions in an order dated March 29th. Captain LePine also filed a motion to adjourn by e-mail March 27th. The Chief initially objected to the motion, but then joined Captain LePine's request, and stated that the parties were in settlement discussions. So the Commission granted that request on March 29th. And, they also directed myself to monitor the matter and schedule it for evidentiary hearing if there was no settlement. On May 29th, we scheduled an evidentiary hearing of this matter for July 9th through the 11th. On June 14th of this year, I received an e-mail from Captain LePine indicating that he had retired. Later that morning, I received a letter from the Chief's attorney, Kyle Gulya, also indicating that the Captain had retired, and that they would like to file a motion to withdraw the charges. I sent out e-mails to Captain LePine and his counsel, Carley Windorff, asking whether they had any objections to the withdrawal of those charges. I received a e-mail on June 25th from attorney Windorff indicating that there were no objections to that withdrawal. So, we convened this hearing then, for the commission to rule on that motion. Both parties were sent a copy of the agenda and for this. So, right now, if either party would like to make a statement, I'll open that up to them before we go into deliberations.

- [LePine] I would.

- [Goldhahn] Okay.

- [LePine] First of all, I just want to apologize to everybody on the commission for two and a half years of putting up with this. It was no picnic for me, either. There was a lot of money spent attorneys. There was a lot of time spent. There was a lot of blood, sweat and tears. There's people in this world that go through a lot more than I did. But, the last two years at the police department were absolutely horrible for me. I fought these charges and I would fight 'em again, because they aren't right. There's nothing in there that's truth. This was all fabricated. This was all put together, just with one goal in mind. One goal in mind was to tarnish me. The biggest reason why I retired, and the biggest reason why I retired at two in the morning, without telling anybody, is because my being there was having a negative effect on the employees that I supervise and the other supervisors that work with me. If people aligned themselves with me, they would put a target on their back. So I had to leave. I had to leave for the good of them. I'm not gonna sit here and talk bad about anybody, 'cause my parents told me, "If you don't have anything nice to say about somebody, don't say it at all." So I'm not gonna say anything about these individuals. But, I will tell you, and I will plead with you, to please look at this evidence. And if you look at one piece of evidence, just one piece, look at

Stephanie Dantoin's 75-page transcript of her interview, where they centered on my involvement. Read that one piece of evidence, and then come to a conclusion whether you think this was just or not. There's a whole bunch of information that I have, and I really would like to meet with somebody later on, but I'm not gonna get into that now. But, from where I stand, this was unjust, unfair, and it was done just to tarnish my name, because this gentleman over here does not get along with me. He coulda used somebody like me. He coulda used somebody like me at the Police Department. I think I had a following at the Police Department. I think I had people that listened to me. He's been trying to get me for two years. For two years he's been trying to get me, and this is the best he can come up with. This is the best he can come up with. So, that's all I have to say.

- [Goldhahn] Thank you, Captain LePine. Chief Smith, do you have any comments?

- [Smith] I don't think there's anything I need to say. I think the investigation speaks for itself.

- [Goldhahn] All right. Having heard that, we will now have a discussion ruling on the motion. Is there a desire on the Commission to go into closed session for deliberations? If there is, I'll entertain a motion to go into closed session. If there's not, then we can rule in open session. So, as I noted, as I went through the background, we received a motion to withdraw the charges from Chief Smith's attorney. And we received an indication from Captain LePine's attorney that there was no objection to the withdrawal of those charges. So, at this point, I'll entertain a motion to approve the motion.

- [Wanezek] So moved.

- [Goldhahn] Moved by Commissioner Wanezek.

- [Shaw] Second.

- [Goldhahn] Seconded by Commissioner Schopf. Is there any further discussion? Hearing none, all those in favor of granting the Chief's motion to withdraw the charges, please indicate by saying, "Aye".

- [Commissioners] Aye.

- [Goldhahn] Opposed? Nay? Let the record show that we have unanimous consent of the Commission to authorize withdrawal of the charges. At that point, that is the only item on the agenda. Is there a motion to adjourn?

- [Boyle Rohloff] So moved.

- [Goldhahn] Moved by Commissioner Rohloff. Is there a second?

- [Shaw] Second.

- [Goldhahn] Seconded by Commissioner Shaw. All those in favor?

- [Commissioners] Aye.

- [Goldhahn] Opposed? We are adjourned.

- [Commissioner] Are we meeting in the ?

- [Goldhahn] Likely, yes.