

**POLICE AND FIRE COMMISSION AGENDA**

May 8, 2025

4:00 PM

Room A/B

City/County Building  
Fond du Lac, Wisconsin

**I. OPENING CEREMONIES**

**A. Attendance**

**B. Declaration Quorum Present**

**II. CONSENT AGENDA**

**A. Virtual Instructions**

Dial-in Info: +1 (920) 322-8829

Participant Code: 175-9540

**B. Approve minutes of April 10, 2025**

**III. INPUT**

**A. Review PFC rules**

**IV. ACTION**

**A. Approve Matthew Kissinger to Fire Engineer**

**B. Approve appointment of Mason Walters to FF/Paramedic**

**V. ADJOURN**

**POLICE AND FIRE COMMISSION AGENDA**  
**CITY OF FOND DU LAC, WISCONSIN**  
Approve minutes of April 10, 2025

Subject:

Effect:

Initiator:

Location:

Recommendation:

**ATTACHMENTS:**

**File Name**

Minutes\_4.10.25.pdf

## POLICE AND FIRE COMMISSION MINUTES

April 10, 2025

4:00 PM

Room A/B

City-County Government Center

City/County Building

Fond du Lac, Wisconsin

### OPENING CEREMONIES

#### Attendance

Present:

Martin Ryan

Daniel Hebel

Mark Jurgella

Laurice Snyder via phone

Ted Miller

Administrative Staff:

Erick Gerritson, Fire Chief via phone

Aaron Goldstein, Police Chief

Jackie Braatz, HR Manager

#### Declaration Quorum Present

#### CONSENT AGENDA

Virtual Instructions

Dial-in Info: (920) 322-8829

Participant Code: 510-9256

Approve minutes of March 13, 2025

A Motion was made by Daniel Hebel to Approve minutes and seconded by Laurice Snyder, and the motion was **Passed**.

#### ELECTION OF OFFICERS

Election of Board President

Martin Ryan

A Motion was made by Ted Miller to Approve Board President and seconded by Mark Jurgella, and the motion was **Passed**.

Vote taken - Martin Ryan elected for Board President

Ayes: Jurgella, Miller, Ryan

Abstain: Hebel, Snyder

#### Election of Board Vice President

Laurice Snyder

A Motion was made by Daniel Hebel to Approve Board Vice President and seconded by Mark Jurgella, and the motion was **Passed**.

Vote taken - Laurice Snyder elected for Board Vice President

Ayes: Hebel, Jurgella, Miller, Ryan, Snyder

#### Election of Board Secretary

Daniel Hebel

A Motion was made by Ted Miller to Approve Board Secretary and seconded by Mark Jurgella, and the motion was **Passed**.

Vote taken - Daniel Hebel elected for Board Secretary

Ayes: Hebel, Jurgella, Miller, Ryan, Snyder

#### **ACTION**

##### Approve eligibility list for Patrol Officer

A Motion was made by Mark Jurgella to Approve eligibility list and seconded by Laurice Snyder, and the motion was **Passed**.

Chief Goldstein discussed the latest process and requested approval of eligibility list names: Steve Mustang, Charles Nelson III, Pedro Serrano, Jackson Wagner, KayLee Warnecke.

Ayes: Hebel, Jurgella, Miller, Ryan, Snyder

##### Approve eligibility list for FF/Paramedic

A Motion was made by Daniel Hebel to Approve eligibility list and seconded by Mark Jurgella, and the motion was **Passed**.

Chief Gerritson discussed the latest process and requested the following names be added to the list: Makenna Krim, Briar Wirtz

Ayes: Hebel, Jurgella, Miller, Ryan, Snyder

#### **ADJOURN**

A Motion was made by Daniel Hebel to adjourn and seconded by Ted Miller, and the motion was **Passed**.

Adjourn - 4:08 p.m.

Ayes: Hebel, Jurgella, Miller, Ryan, Snyder

**POLICE AND FIRE COMMISSION AGENDA**  
**CITY OF FOND DU LAC, WISCONSIN**  
Review PFC rules

Subject:

Effect:

Initiator:

Location:

Recommendation:

**ATTACHMENTS:**

**File Name**

Rules\_for\_PF\_Commission\_Mtg\_5.8.25.pdf

# **RULES FOR POLICE AND FIRE COMMISSION CITY OF FOND DU LAC**

**June 10, 2021**

## **SCOPES**

### **Rule 1**

These rules are adopted pursuant to Wis. Stats., 62.13(4) and Wis. Stats., 62.13(5) to guide the Commission of Police and Fire Commissioners of the City of Fond du Lac ("Commission") in the course of its statutory responsibilities. Except as may be specifically noted, rules apply without distinction to both the Police and Fire Departments ("Department").

No provision of these rules and regulations shall be applied or construed in a manner contrary to any provision of Wis. Stats., 62.13 nor otherwise contrary to law.

## **MEETINGS**

### **Rule 2**

The Commission will meet per their schedule, with the annual reorganization meeting to be held during the first meeting after the April appointments at which time officers will be elected. The President will chair all meetings. In the absence of the President, the Vice President will chair the meeting. In the absence of both the President and Vice President, the Secretary shall chair the meeting.

## **OFFICERS**

### **Rule 3**

President, Vice President and Secretary. Elected by majority of members present and voting at the reorganization meeting.

#### **President:**

The President shall: preside over meetings of the Commission; call special meetings of the Commission when necessary; preside over hearings conducted by the Commission or see that they are properly conducted; receive written charges filed against chief officers or subordinates; and issue subpoenas as may be appropriate in disciplinary proceedings, provide for the taking and recording of testimony and other evidence received at hearing; preserve such evidence in a permanent record, and certify such record to the Circuit Court when required by law; receive service of written notice of appeal to the Circuit Court from order of the Commission; keep a minute book, showing all important facts pertaining to each meeting and hearing; sign the minutes of each meeting.

#### Vice President:

The Vice President will act as President in the absence of the President and Secretary in the absence of the Secretary.

#### Secretary:

The Secretary will be responsible for keeping the minutes of the meeting and attesting to actions of the Commission; and provide for the taking and recording of testimony and other evidence received at hearing; preserve such evidence in a permanent record, and certify such record to the Circuit Court when required by law; receive service of written notice of appeal to the Circuit Court from order of the Commission. The Secretary will act as Vice President in the absence of the Vice President.

### **RULES/QUORUM**

#### **Rule 4**

Roberts Rules of Order and any special rules are adopted by the Commission.

Three members of the Commission shall constitute a quorum in order to transact business, but a lesser number may adjourn to a time certain. All determinations of the Commission shall be made by a majority of all members present. Commission members may participate in a meeting by telephone or electronic media or virtually so long as the meeting is conducted in conformance with Wisconsin's open meeting laws or hearings.

Delivery to the President, the Secretary, or the Commission of any item not required by law to be served upon the Secretary may be accomplished by delivery to the office of the Commission's legal counsel.

### **VOTING**

#### **Rule 5**

A roll call shall be recorded upon the direction of the President. If a Commissioner has a conflict of interest or other valid reason and wishes to abstain from voting she/he may state the reason and abstain from voting, and may leave the meeting to preclude his/her discussion on the matter.

### **AGENDA**

#### **Rule 6**

A copy of the proposed agenda, together with copies of reports, recommendations, and minutes are furnished each Commissioner before the Commission meeting.

### **PUBLIC MEETINGS**

#### **Rule 7**

All meetings of the Commission, its committees, whether regular or special, are open to the public, as indicated by State Statute (Open Meetings Law as revised), except as provided for by Wis. Stat. 19.85(1).

## **SPECIAL MEETINGS**

### **Rule 8**

Special meetings of the Commission may be called at any time by the President, or by any two members, with legal notice and with actual notice to Commissioners to the extent possible.

## **APPOINTMENT TO THE POSITION OF FIRE CHIEF OR POLICE CHIEF**

### **Rule 9**

For the position of Chief, the Commission shall appoint a suitable person in its discretion, who need not be a member of the Department or a resident of the City. The appointee shall establish residence within 15 miles of the jurisdictional boundaries of the City within 60 days after appointment.

The Commission shall plan and implement arrangements for appointment to the position of Chief promptly upon determining that a vacancy will occur.

If a vacancy in the position of Chief occurs, the Commission shall promptly designate a Department officer to act as Chief during the pendency of the appointment process.

## **REORGANIZATION MEETING**

### **Rule 10**

The purpose of the reorganization meeting will be to elect the President, Vice president and Secretary of the Commission and adopt rules of procedure.

## **WAIVER AND AMENDMENT OF RULES**

### **Rule 11**

By a majority vote of a quorum of the Commission, these rules may be waived and/or amended. Special rules of procedure may be adopted for conducting business of the Commission.

## **DISCHARGE, SUSPENSION, AND DISCIPLINARY ACTION**

### **Rule 12**

12.01 Discharges, suspensions and disciplinary actions against members of the Police and Fire Department follow the rules and procedures outlined in Wis. Stat § 62.13 and as set forth herein.

12.02 Filing of Complaint/Charges.

- a. A complaint setting forth charges may be filed by the Chief, or by a member of the Commission, or by the Commission as a body, or by any aggrieved person ("Complainant") against any member of the police or fire department who is subject to discipline under Wis. Stat § 62.13(5) ("Respondent"). The complaint



shall identify the person complained about, specify the date and place of the alleged offense and specify the rule or other provision of law violated. Pending disposition of such charges, the Commission or chief may suspend the department member(s) who are the subject of the Complaint.

The complaint shall be in writing, shall be signed by the Complainant, and shall be sworn under oath to be on the knowledge of the Complainant, except as to those matters stated on information and belief, and as to those matters Complainant shall state that the Complainant believes the charges to be true. If a complaint is made in whole or in part upon information and belief, the source of such information and belief shall be stated, including the names and addresses of witnesses having knowledge. Such information, including names and addresses of witnesses, may be embodied in a separate statement and filed with the charges. The complaint shall be filed with the President of the Commission personally or to the President's attention at the office of the Commission's legal counsel.

- b. Following the filing of the complaint in any case, the President shall arrange service of a copy of the complaint upon the person charged. The Commission shall set a date for the Initial Hearing not less than 10 days nor more than 30 days following service of the Complaint. The Respondent and the Complainant may represent themselves, or may be represented by an attorney, or with the Commission's permission may be represented by a lay advocate acting as the party's agent. Both the Respondent and Complainant may compel the attendance of witnesses by subpoenas which shall be issued by the President of the Commission on request and be served as are subpoenas under chapter 885, Wis. Stats.
- c. From time to time, the Commission may publish a standard complaint in blank form, but the Commission shall not refuse unreasonably to accept a complaint which conforms to the requirements of law and this Rule solely because the complaint is not submitted on such a form.
- d. The Commission may promulgate instructional guidelines for preparing and filing disciplinary complaints which shall not be construed in a manner contrary to any statutory provision of the Wisconsin Statutes including § 62.13 thereof or contrary to any provisions of these rules and regulations.

#### 12.03 Preliminary Review.

Upon the filing of charges and prior to the Initial Hearing, the Commission may conduct, or the President may direct, a preliminary investigation as to the jurisdiction of the Commission, the standing of the complainant, or such other preliminary issues as the Commission may identify. In the course of such an investigation, the Commission or its agent may require the cooperation of the parties, and may compel such cooperation by subpoena. If in the judgement of the Commission following such investigation the charges do not appear to come within the jurisdiction of the Commission, the complainant lacks standing, or other formal defects bar the complaint, the charges may be dismissed at the Initial Hearing without evidentiary hearing.

#### 12.04 Pre hearing conference.

At the request of the parties or on the Commission's own initiative, a pre hearing conference may be scheduled to deal with pre hearing motions and other business needed to be addressed before the hearing. All pre hearing motions or requests for subpoenas must be directed to the Commission in writing, with a copy to the opposing party via the same method of delivery.

#### 12.05 Exhibits and Witnesses and Evidence.

All exhibits which either party intends to use for its presentation in chief <sup>1</sup> must be submitted to the Commission and opposing counsel 5 days before the hearing (unless the Commission establishes a different schedule). The only other exhibits which will be utilized are rebuttal exhibits which have a direct relationship to the issue. Both counsels are requested to mark the proposed exhibits in numerical order, with an appropriate designation, such as "Administration, Employer or Employee Exhibit 1." Further, parties are requested to provide to the Commission the requisite number of sets of exhibits for the number of Commission members, one set to opposing counsel and one set to the Commissions' counsel. A list of witnesses must also be submitted by both parties to the Commission and opposing counsel 5 days before the hearing (unless the Commission establishes a different schedule). All documents referred to by a witness during the course of the hearing will be marked as an exhibit and made a part of the record.

To expedite the hearing and the Commission's consideration of the evidence, each party is encouraged to prepare a list of exhibits which that party expects to offer in evidence, identifying each document by a reasonably descriptive short name or title. These lists should be filed with the Commission no less than 48 hours prior to the scheduled commencement of evidentiary proceedings. These lists and a copy of each document should be exchanged by the parties not less than 48 hours prior to the scheduled commencement of evidentiary proceedings. A unified joint list of exhibits filed not less than 48 hours prior to the commencement of evidentiary proceedings will fulfill the requirements of this rule if the parties can reach agreement on such a list.

Parties should exchange and file notice of any objections to such proposed exhibits not less than 24 hours prior to the scheduled commencement of evidentiary proceedings. This notice of objection shall state concisely the grounds for objection but need not present argument or legal authority.

Unless excused by the Commission, each party shall file with the Commission the original and six photocopies of each documentary exhibit offered in evidence. Each party offering a documentary exhibit in evidence or using a documentary exhibit for purposes of questioning a witness other than refreshing recollection shall provide at least one photocopy to each other party to the proceeding.

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\*In chief – refers to the main text of the complaint

Evidence: Commission proceedings are quasi-judicial in nature and are not subject to the statutory rules of evidence. Generally, any witness may testify regarding matters about which the witness has personal knowledge under usual administrative evidentiary procedure. Hearsay is not itself a valid grounds of objection to evidence in Commission proceedings. Witnesses may be asked questions intended to show whether or not they should be believed.

#### 12.06 Subpoenas.

Counsel may request specific subpoenas from the Commission Legal Counsel no later than 5 days before the hearing (unless the Commission establishes a different schedule). Subpoenas must follow requirements and procedures established in Wis. Stat. Ch. 885 regarding Service of Subpoenas. Copies of the subpoenas issued will also be served on opposing counsel and Commission Counsel no later than 3 days before the hearing.

#### 12.07 Hearing.

A public hearing under Wisconsin Statute §62.13(5) will be conducted by a quorum of the Commission with the Chairperson presiding. The Commission will consider charges which result in suspension, reduction in rank, suspension and reduction in rank, and removal under Wis. Statutes §62.13.

Members of the Commission may question any witness at any time, but generally shall adhere to the following procedure:

- (1) Commissioners may reserve their questions of the witness until the parties have completed all direct and cross examination.
- (2) Before the witness is excused, commissioners may briefly confer in order to identify areas of interest for further inquiry.
- (3) Questions on behalf of the Commission may be posed by the Commission's legal counsel or by the President.
- (4) The parties may state objections to the questions posed by or on behalf of the Commission.
- (5) At the conclusion of such inquiry, the party who did not call the witness may conduct one round of cross-examination, limited in scope to the questions and responses of the Commission's inquiry, following which the party who called the witness may conduct one round of re-direct examination also so limited.
- (6) The Commission may initiate additional cycles of this process for a witness.
- (7) The witness shall be excused when the Commission is satisfied that its inquiry of the witness has been completed.

- (8) The Commission may defer its questioning of a witness until both parties have rested and for that purpose may continue a subpoena.
- (9) In any proceeding the Commission may modify this process.
- (10) Witnesses may appear through electronic media/virtually at Commission hearings.

A Chief or Commissioner Complainant shall not be permitted to call the Respondent adversely, but may cross-examine the Respondent when the Respondent becomes a witness voluntarily. An aggrieved person or the Commission by majority vote may call the Respondent at hearing.

The Commission may deliberate in closed session as required during the course of its hearings to act on motions, objections, or similar administrative matters.

The Commission may invite written briefs or memoranda following the conclusion of testimony in lieu of closing statements or oral argument, formally continuing hearing for the receipt of the briefs or memoranda and for deliberations, and shall then issue a written decision as soon as possible following receipt of final briefs or memoranda.

The Commission may modify the order of testimony or make such additional rules at each hearing as it deems necessary for the conduct of the hearing.

a. General Rules

- i. During the hearing, all members of the public and media will be required to refrain from in any way interfering with or disturbing the hearing.
- ii. Anyone interfering with or disturbing the hearing will be removed from the premises.
- iii. All questions shall be directed to the Commission exclusively through the Chairman or Commission Counsel.
- iv. All witnesses will be sworn. The formal rules of evidence will not apply.
- v. A court reporter will be present to record and transcribe all testimony.
- vi. The parties may be represented by an attorney.

b. Presentation. The order of presentation will be as follows:

- i. Each side, if they choose, may make an opening and closing statement. (Limited to 5 minutes for each statement.)
- ii. Any appropriate stipulation as to facts agreed to by the parties will be accepted by the Commission and made a part of the record.

- iii. The complaining party will have the burden of proceeding first at the hearing in disciplinary matters under Wisconsin Statutes §62.13. The moving party shall proceed first in all other matters.
  - iv. Each witness will be subject to cross-examination by the opposing party or their attorney at the conclusion of his/her testimony.
  - v. After the conclusion of the examination of each witness by each of the attorneys, the Chairperson will ask whether any Commission member or legal counsel to the Commission has any questions of that witness. If there are questions, the Chairperson will recognize each person until there are no questions remaining.
  - vi. The opposing party may then call witnesses for his/her case in chief related to the issue in this proceeding. Thereafter, subsections 13.07 b. iv. and v. will be repeated.
  - vii. Rebuttal witnesses as necessary.
- c. Time limitations. The parties will each be limited to a time certain (typically 1 hour) which will be established by the Commission to introduce their primary case in chief including opening statements, cross-examination and motions. Rebuttal may be allowed up to fifteen minutes by each side. Timelines can be extended at the sole discretion of the Commission and only if there are compelling reasons for the extension.
- d. The Commission may, in its discretion, modify the order of testimony or make such additional rules at each hearing, as it deems necessary for the conduct of the hearing.

#### 12.08 Decision.

After all of the evidence has been presented concerning the charge(s), the Commission will adjourn to deliberate in closed session to attempt to reach a decision. Thereafter, the Commission may reconvene in open session to announce its decision. The Commission must also issue a written decision within the time limits (three days) and/or reconvene on another date to continue its deliberations.

#### 12.09 Multiple Complaints.

Separate Complaints shall be made against each commissioned officer involved in the alleged misconduct resulting from the same event. The Complaints may be consolidated for hearing but if either party requests a separate hearing on one or more of the Complaints, the Commission may allow the Complaints to be heard separately.

#### 12.10 Charges Against Chiefs.

The provisions of Rule 13, and as outlined in Wis. Stat. § 62.13, shall also apply to disciplinary actions against Chiefs. In addition thereto, the Commission may suspend a Chief with pay pending disposition of charges filed by the Commission or by the City Manager.

#### 12.11 Effects of Rules.

Failure of a Complainant to comply with these rules may be grounds in the discretion of the Commission to dismiss the Complaint either with or without prejudice that is, with or without the right to re-file the complaint. The Commission on its own motion or the motion of a party may modify, extend, waive, or excuse performance of these rules and may promulgate additional rules or procedures as appropriate to a case before it.

#### 12.12 Hearing Examiner.

The Commission may engage a Hearing Examiner to conduct the Initial Hearing and the continuing evidentiary hearings.

The Hearing Examiner shall conduct and preside at proceedings in conformity with these rules and in consultation with Commission counsel. References to the Commission in this rule shall be construed to refer to a Hearing Examiner as context requires.

All evidentiary proceedings conducted by a Hearing Examiners shall be videotaped and a certified transcript shall be prepared.

Promptly following completion of the evidentiary proceedings and receipt of briefs, the Hearing Examiner shall forward the complete record to the Commission and shall prepare a comprehensive report including an evaluation of witness credibility and demeanor for review by the Commission and including the recommendations of the Hearing Examiner regarding disposition of the charges. The report of the Hearing Examiner shall be included in the record of Commission proceedings.

Promptly following receipt of the Hearing Examiner's report the Commission shall convene for deliberations. The Commission may require further proceeding before the Hearing Examiner or before the Hearing Examiner or before the Commission. Following the close of any such further proceeding and deliberations the Commission shall issue its decision in the matter.