



VILLAGE OF WHITEFISH BAY

POLICE COMMISSION MEETING AGENDA

Wednesday, May 19, 2021 – 6:00pm

Meeting will be held at: <https://global.gotomeeting.com/join/585725661>

Access Code: 585-725-661

Phone Number Log In: +1 (646) 749-3122

1. Call to Order
2. Approval of the minutes from the previous meeting held on April 14, 2021
3. The Commission will convene into Closed Session pursuant to Wisconsin State Statute §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – specifically regarding recruitment for Patrol Officer and Chief of Police.
4. The Police Commission may reconvene into open session. The Commission reserves the right to take action on any topic discussed in Closed Session.
5. Adjournment

Due to the COVID-19 pandemic, this meeting is being held via remote conference only. Members of the media and public may attend by logging onto <https://global.gotomeeting.com/join/585725661>. The access code is 585-725-661. The phone number to log in is +1 (646) 749-3122. All public participants will be muted during the meeting.

Members of the public wishing to communicate to the Commissioners should email manager@wfbvillage.org at least 24 hours prior to the meeting with "Message to Police Commissioners" in the subject line. Those messages will be provided to the Commission Members. Agendas and minutes are available on the Village website (www.wfbvillage.org)

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Contact Village Hall at (414) 962-6690. It is possible that members of and possibly a quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Village Board may be in attendance in the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website (www.wfbvillage.org)

VILLAGE OF WHITEFISH BAY POLICE COMMISSION

Minutes of April 14, 2021 Meeting

**Whitefish Bay Village Hall
5300 North Marlborough Drive
Whitefish Bay, WI 53217**

Due to the COVID-19 Pandemic (SARS-CoV-2), the meeting was held virtually, through the use of the Whitefish Bay Village's "GoToMeeting" Video Conferencing computer platform. Present virtually for the duration of the meeting were: Commissioners Harron, Gonzales, Kearns, Gilpin, and Markson. Also in attendance at Village Hall during all or parts of the meeting were Chief Michael Young, Lt. Patrick Whitaker and Village Manager Paul Boening. Also available in person at Village Hall was one applicant for the position of patrol officer, whose interview with the Police Commission was held virtually. A number of additional citizens utilized the "GoToMeeting" access permitted to observe the portions of the meeting that were held in open session.

Commission Chair Harron called the videoconference meeting to order at approximately 6:02 P.M.

The Commission considered the approval of meeting minutes from March 4, 2021. Commissioner Gilpin moved, seconded by Commissioner Kearns, to approve the meeting minutes of January 25, 2021. The motion carried 5-0.

Next, attention turned to discussion of written comments submitted by members of the public, in advance of our meeting. Per our published agenda protocol, members of the public were given notice of the opportunity to observe the open portions of our meeting virtually, and to submit written comments. Village Manager Boening confirmed that no written submissions were received prior to the Police Commission's April 14th meeting.

Commissioner Kearns moved, seconded by Commissioner Markson, to convene in closed session, pursuant to Wis. Stat. Section 19.85 (1)(c), to discuss and consider matters pertaining to employment, promotion and related issues. The motion carried 5-0. Following the motion to convene into closed session, Village Manager Boening managed the virtual meeting access so only authorized participants were in attendance during closed session discussions. The meeting convened in closed session at approximately 6:06 P.M.

In closed session, the commission conducted extensive discussions and interviewed an officer candidate. Following our discussions and further planning, Commissioner Markson moved, and Commissioner Kearns seconded the motion, to reconvene in open session. The motion carried 5-0. Once again, Village Manager Boening opened the virtual access to the meeting online. Various additional individuals joined online.

Commissioner Gilpin moved, seconded by Commissioner Kearns, to certify Mr. Robert Leon as eligible for hiring as a Police Officer for the Village of Whitefish Bay, at the timing discretion of Interim Chief Patrick Whitaker. Such certification for eligibility prevails for one year from today's date. The motion carried 5-0. It was discussed that the Department's need for a patrol officer was relatively immediate.

In open session, congratulations and thanks were offered Chief Young on his impending retirement on 4-16-21. We will gather that day to honor him. Motion to adjourn was made by Commissioner Gonzales and seconded by Commissioner Gilpin. Motion carried 5-0. Meeting adjourned 7:46 P.M.

**RULES AND REGULATIONS
BOARD OF POLICE COMMISSIONERS
VILLAGE OF WHITEFISH BAY**

Adopted May 10, 2004 unless noted otherwise

**CHAPTER I
SCOPE OF AUTHORITY**

Section 1. These rules shall apply to all sworn positions in the police department of the village of Whitefish Bay, appointment to which is under the jurisdiction of the police commission.

Section 2. All rules and regulations adopted, except as otherwise provided by law, shall be subject to modification or repeal by the commission at any time.

Section 3. The Whitefish Bay Board of Police Commissioners is established by authority of s. 61.65(1)(b)2, Wis. Stats.

**CHAPTER II
POWERS OF THE COMMISSION**

Section 1. The police commission exercises the powers specified in s. 62.13, Wis. Stats., but it does not exercise the “optional powers” specified in s. 62.13(6), Wis. Stats.

Section 2. The police commission may establish its own operating rules and hearing procedures, which may be amended at any time.

**CHAPTER III
APPOINTMENT OF COMMISSIONERS / TERMS**

Section 1. The police commission is comprised of five (5) members, three (3) of whom shall constitute a quorum for the transaction of any business at a meeting of the commission, with the village president having the power to appoint the members in conformity with s. 62.13(1), Wis. Stats.

Section 2. Police commissioners shall serve a term of five (5) years.

Section 3. Subsequent terms of office shall be five (5) years, but no police commissioner may serve more than three consecutive, full five (5) year terms of office.

Section 4. Whenever a vacancy occurs on the police commission, the village president shall appoint a new commissioner to complete the previous commissioner's term of office. This appointment shall not be considered a full term for purposes of section 3 above, but no person so appointed may serve more than 15 years as a police commissioner.

Section 5. A police commissioner shall be a resident of Whitefish Bay at the time of his or her appointment and must remain a resident of the village during the term of office.

Section 6. There are no alternate members of the police commission.

CHAPTER IV OFFICERS OF THE POLICE COMMISSION

Section 1. The police commission shall elect a chairperson at the first meeting of the commission that occurs after January 1st of each year. The chairperson shall hold the office until his or her replacement is duly elected by the commission.

Section 2. The chairperson shall have the responsibility to set the agenda for commission meetings, to preside over commission meetings and disciplinary hearings, to serve as the public spokesperson for the commission, and to take such other action as is necessary to ensure that the duties of the commission are discharged as provided by law.

Section 3. The police commission shall elect a vice chairperson at the first meeting of the commission that occurs after January 1st of each year. The vice chairperson shall hold the office until his or her replacement is duly elected by the commission.

Section 4. The vice chairperson shall preside at commission meetings when the chairperson is absent.

Section 5. The ex officio recording secretary of the police commission shall be the village manager or a designee of the village manager. The secretary shall legally notice and attend meetings, prepare the minutes, maintain official copies of the minutes after they are approved, and serve as the commission's agent to receive legal process required by law to be filed with the commission.

CHAPTER V MEETINGS OF THE POLICE COMMISSION

Section 1. The police commission meets at the Whitefish Bay Village Hall, 5300 N. Marlborough Dr., Whitefish Bay, WI 53217, and at such other locations as specified in the commission's public meeting notices.

Section 2. The chairperson shall set the agenda for each meeting and cause it to be included in the notice of meeting. In setting the agenda, the chairperson shall include any item requested by any member of the commission.

Section 3. Public notice of every meeting shall be given pursuant to s. 19.84, Wis. Stats. The notice shall set forth the time, date, place, and subject matter of the meeting, including that intended for consideration at any contemplated closed session.

Section 4. Meetings of the police commission are open to the public and all business of the commission shall be conducted in open session, except that the commission may meet in closed session when authorized to do so pursuant to s. 19.85(1), Wis. Stats. The commission may convene in closed session only after approval by majority vote of a motion that specifies the subject matter of the closed session.

Section 5. The deliberations of the commission while in session shall generally be governed by the current manual of parliamentary procedure, commonly known as "Robert's Rules of Order."

Section 6. Only duly appointed members of the commission may vote on matters at a commission meeting. Proxy voting is not permitted at meetings of the commission.

Section 7. Members of the commission can meet by telephone conference during deliberations of the board, pursuant to ss. 19.83 and 19.85, Wis. Stats.

CHAPTER VI APPOINTMENT OF THE POLICE CHIEF

Section 1. The police commission shall appoint the police chief, who shall hold office during good behavior, subject to suspension or removal by the commission for cause, pursuant to s. 62.13(3), Wis. Stats.

Section 2. Whenever there is a vacancy in the office of police chief, the commission may appoint an acting police chief who shall perform the duties of the police chief until such time as he is removed by the commission or until a new, permanent police chief is appointed and takes office.

Section 3. Whenever there is a vacancy in the office of police chief, the commission shall devise and implement a search process to recruit, evaluate and appoint a new police chief. The steps in the search process are within the sole discretion of the commission, subject to all applicable state and federal law.

Section 4, relating to residency of Police Chief, repealed March 25, 2014.

**CHAPTER VII
REQUIREMENTS FOR POLICE CHIEF**

Section 1. The minimum requirements for police chief of the village follow:

- A. Master's degree from an accredited college or university preferred; bachelor's degree required.
- B. A valid Wisconsin driver's license or its equivalent from another state.
- C. Fifteen years of prior law enforcement experience, with at least five years in a management position preferred.
- D. No conviction of a felony, a misdemeanor crime of domestic violence, or other state or federal law that results in prohibition of possession of a firearm.
- E. Excellent moral character as determined from the results of a thorough background investigation.
- F. Free of any physical, emotional or mental condition that might adversely affect performance as a law enforcement officer and executive.
- G. Certification as a Wisconsin law enforcement officer by the Law Enforcement Standards Board or eligible for such certification.
- H. Compliance with all of the qualifications for recruitment in Chapter LES 2 of the Wisconsin Administrative Code.

Section 2. An offer of appointment as police chief by the commission shall be conditioned on the successful completion of a pre-employment drug test and a medical examination, as required by Chapter LES 2.02 of the Wisconsin Administrative Code, and by the successful completion of a psychological examination if deemed appropriate by the commission in its sole discretion.

**CHAPTER VIII
REQUIREMENTS FOR POLICE OFFICER**

Section 1. The police commission shall prepare and approve an eligibility list of candidates whenever a vacancy occurs in the position of police officer. The police chief shall appoint a police officer from the eligibility list approved by the commission. Such eligibility lists shall expire twelve (12) months from the date of the written examination for the position, unless continued in force for an additional period of time by order of the commission.

Section 2. The minimum requirements for police officer of the village follow:

- A. Associate's degree from an accredited college or university or a minimum of 60 fully accredited college level credits; bachelor's degree preferred.
- B. 21 years of age.
- C. A valid Wisconsin driver's license or its equivalent from another state.

- D. No conviction of a felony, a misdemeanor crime of domestic violence, or other state or federal law that results in prohibition of possession of a firearm.
- E. Excellent moral character as determined from the results of a thorough background investigation.
- F. Free of any physical, emotional or mental condition that might adversely affect performance as a law enforcement officer.
- G. Certification as a Wisconsin law enforcement officer by the Law Enforcement Standards Board or eligible for such certification.
- H. Compliance with all of the qualifications for recruitment in Chapter LES 2 of the Wisconsin Administrative Code.

Section 2. An offer of appointment as police officer shall be conditioned on the successful completion of a pre-employment drug test and a medical examination, as required by Chapter LES 2.02 of the Wisconsin Administrative Code, and by the successful completion of a psychological examination if deemed appropriate by the police chief or the commission.

Section 4. All newly appointed police officers shall serve an eighteen (18)-month period of probation unless otherwise prescribed by the labor agreement between the village and the police association. A termination during a period of probation, for any reason, is not subject to the just cause standard of s. 62.13(5)(em), Wis. Stats.

Adopted November 18, 2018.

CHAPTER IX PROMOTIONS

Section 1. The police chief shall appoint subordinates, after interview or written examination, or both, in the discretion of the police chief, subject to approval by the commission. Such appointments shall be made by promotion from within when this can be done with advantage, otherwise from an eligible list provided by examination and approved by the commission.

Section 2. The minimum requirements for sergeant of the village police department follow:

- A. Bachelor's degree from an accredited college or university.
- B. Two (2) years' experience as a village police officer or equivalent experience in another law enforcement agency, with five (5) years' experience preferred.
- C. No conviction of a felony, a misdemeanor crime of domestic violence, or other state or federal law that results in prohibition of possession of a firearm.
- D. Maintenance of certification as a law enforcement officer by the Law Enforcement Standards Board and compliance with all of the board's and the police department's rules for continuing education and professional standards.

E. Excellent moral character, and free of any physical, emotional or mental condition that might adversely affect performance as a supervisory law enforcement officer.

Section 3. The minimum requirements for lieutenant of the village police department follow:

- A. Bachelor's degree from an accredited college or university.
- B. Two (2) years' experience as a village sergeant or detective, or both, or equivalent supervisory experience in another law enforcement agency.
- C. No conviction of a felony, a misdemeanor crime of domestic violence, or other state or federal law that results in prohibition of possession of a firearm.
- D. Maintenance of certification as a law enforcement officer by the Law Enforcement Standards Board and compliance with all of the board's and the police department's rules for continuing education and professional standards.
- E. Excellent moral character, and free of any physical, emotional or mental condition that might adversely affect performance as a supervisory law enforcement officer.

Section 4. The minimum requirements for captain of the village police department follow:

- A. Bachelor's degree from an accredited college or university.
- B. Five (5) years' experience as a village sergeant, detective, or lieutenant, or combined experience, or equivalent supervisory experience in another law enforcement agency.
- C. No conviction of a felony, a misdemeanor crime of domestic violence, or other state or federal law that results in prohibition of possession of a firearm.
- D. Maintenance of certification as a law enforcement officer by the Law Enforcement Standards Board and compliance with all of the board's and the police department's rules for continuing education and professional standards.
- E. Excellent moral character, and free of any physical, emotional or mental condition that might adversely affect performance as a supervisory law enforcement officer.

Section 5. An offer of promotion or appointment to sergeant or lieutenant or captain may be conditioned on the successful completion of a psychological examination if deemed appropriate by the police chief or the commission.

Section 6. Any officer promoted to sergeant or lieutenant or captain shall successfully complete a twelve (12)-month period of probation in the new position. If during the term of probation the promoted person proves unsatisfactory for the position, the police chief may dismiss the person from the position and reduce the person in rank to the position held before the promotion. A demotion during a term of probation is not subject to the just cause standard of s. 62.13(5)(em), Wis. Stats., unless the demotion is for disciplinary reasons.

Section 7. The eligibility list for a promotional position shall be maintained for one year after a promotion is made.

Adopted April 16, 2013

**CHAPTER X
DISCHARGE, SUSPENSION AND OTHER DISCIPLINE**

Section 1. The police commission may suspend, reduce in rank, suspend and reduce in rank, or remove a member of the police department, pursuant to s. 62.13(5), Wis. Stats., and the rules prescribed in Appendix A, which may be amended by the commission at any time.

**CHAPTER XI
HEARING PROCEDURES**

Section 1. The police commission will conduct a public hearing pursuant to s. 62.13(5)(d), Wis. Stats., and the hearing procedures prescribed in Appendix B, which may be amended by the commission at any time.

Adopted as Revised on April 16, 2013

Appendix A

1. The police chief shall hold office during good behavior, subject to suspension or removal by the commission for just cause, in accordance with s. 62.13(3), Wis. Stats. Written charges against the police chief for suspension or removal may be filed with the president of the commission by the village president, a member of the commission or the commission as a body, or by any aggrieved person. The commission, in the exercise of discretion, may suspend the police chief pending a hearing and decision on the charges.
2. If the commission finds just cause and sustains the charges after a hearing, the commission may suspend or remove the police chief, as the good of the service requires. If the commission dismisses the charges, the police chief, if suspended, shall be immediately reinstated as police chief and all lost pay restored.
3. A subordinate may be suspended or removed from the service for just cause in accordance with s. 62.13(5), Wis. Stats. Written charges against a subordinate for suspension or removal may be filed with the president of the commission by the police chief, a member of the commission or the commission as a body, or by any aggrieved person. The commission, in the exercise of discretion, may suspend the subordinate pending a hearing and decision on the charges.
4. The police chief may suspend a subordinate for just cause as defined in s. 62.13(5)(em), Wis. Stats. The police chief shall file a report of the suspension with the commission when the suspension is issued as required by s. 62.13(5)(c), Wis. Stats. No hearing shall be held on such suspension unless the subordinate files, within 30 days of the suspension, a written request with the president of the commission for a hearing on the suspension. In that event, the police chief shall be required to file written charges with the president of the commission against the subordinate.
5. If the commission finds just cause for the suspension after a hearing, the subordinate, by order of the commission, may be suspended or reduced in rank, or suspended and reduced in rank, or removed, as the good of the service may require, in accordance with s. 62.13(5)(e) & (em), Wis. Stats. If the commission does not sustain the charges and uphold the police chief's suspension of the subordinate after a hearing, the subordinate, if suspended, shall be immediately reinstated in the service and all lost pay restored.
6. The police department's citizen complaint procedure provides an aggrieved person with a fair and effective means to resolve grievances against police department personnel. An aggrieved person is encouraged, but not required, to file a complaint under the police department's citizen complaint procedure instead of filing charges with the commission. If an aggrieved person bypasses the police department's citizen complaint procedure and files charges against department personnel with the commission, and the commission determines the charges to be legally sufficient, the commission may, with the consent of the complainant, refer the charges to the police department for investigation and disposition under the department's citizen complaint procedure. The commission retains jurisdiction in the event of such referral, and the commission will conduct a hearing on

the charges if the complainant is dissatisfied with the police department's decision under the citizen complaint procedure.

7. Charges filed by an aggrieved person against the police chief or a subordinate shall be in writing, on a form prescribed by the commission, and filed with the village manager. The written charges shall identify the person against whom the charges are filed; the date and place of the incident and a statement of the essential facts of the charges, including the names, addresses, and telephone numbers of the complainant and any witnesses with personal knowledge of the charges; the law or department rule of conduct violated, if known; and be sworn to under oath before a notary public.

8. Police commission hearings are quasi-judicial proceedings. Commissioners are prohibited from engaging in an *ex parte* communication with a party to charges pending a hearing before the commission, unless authorized to do so by law or for scheduling purposes.

9. Following the filing of charges in any case, the commission shall serve a copy of the charges on the person charged and determine at a meeting whether the charges are legally sufficient. The commission may, in determining legal sufficiency, consult with the police department for the limited purpose of determining whether the conduct complained of violates any department rule of conduct. If the commission determines that the charges are legally insufficient, the commission shall dismiss the charges and notify the complainant in writing of the dismissal. If the commission determines that the charges are legally sufficient, the commission shall schedule the charges for a hearing not less than 10 days nor more than 30 days following service of the charges, in accordance with s. 62.13(5)(d), Wis. Stats. The commission may extend the statutory time limits for good cause shown or with the consent of the parties.

10. The hearing on any charge shall be public, in accordance with s. 62.13(5)(d). The president of the commission, or the vice president in the president's absence, presides at the hearing. The parties may be represented by counsel and may compel the attendance of witnesses by subpoenas, which shall be prepared by the requesting party, issued by the president of the commission, and served as subpoenas under chapter 885 of the Wisconsin Statutes at the parties' expense.

11. The rules of evidence in chapters 901 to 911 of the Wisconsin Statutes, except with respect to privileges in chapter 905, are inapplicable to police commission hearings under s. 62.13(5), Wis. Stats. In accordance with the rules for administrative hearings under s. 227.45, Wis. Stats., the commission shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony. The president of the commission, or the vice president in the president's absence, rules on objections and determines the admissibility of testimony.

12. The commission may hold a pretrial hearing to hear and decide procedural issues and motions, to simplify the issues and accept stipulations between the parties, to issue subpoenas, to determine the number and order of witnesses, and to establish the hearing

rules and procedures authorized in the Model Hearing Procedures in Chapter XI, Appendix B, of the commission's rules. The president of the commission, or the vice president in the president's absence, presides at the pretrial hearing.

13. The commission conducts bifurcated hearings. In the first phase, the commission determines if there is just cause to sustain the charges under s. 62.13(5)(em), Wis. Stats. The complainant as the moving party has the burden of proving just cause by a preponderance of the evidence. The commission meets in closed session, pursuant to s. 19.85(1)(a), Wis. Stats., to deliberate and reach a verdict. The commission dismisses the charges if the moving party does not prove just cause to sustain the charges. If just cause is shown to sustain the charges, the commission determines the appropriate discipline in the second phase of the hearing. The commission meets in closed session, pursuant to s. 19.85(1)(a), Wis. Stats., to determine the appropriate penalty and discipline.

14. The commission's findings and orders of suspension, reduction, suspension and reduction, or removal from the service, shall be in writing and filed with the village manager within three days following the conclusion of the hearing, in accordance with s. 62.13(5)(f), Wis. Stats.

15. Any person suspended, reduced, suspended and reduced, or removed from the service by order of the commission, may appeal from the order of the commission to the circuit court by filing written notice of appeal with the village manager within five days of the filing of the commission's findings and order with the village manager, in accordance with s. 62.13(5)(i).

Adopted November 15, 2011

WITNESSES/OTHERS INVOLVED

Last Name: _____ First Name: _____ Middle Initial: _____

Birth Date: _____ Involvement: _____

Address: _____ City: _____ State: _____ Zip: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Last Name: _____ First Name: _____ Middle Initial: _____

Birth Date: _____ Involvement: _____

Address: _____ City: _____ State: _____ Zip: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

(You may use additional sheets if necessary to list other involved persons).

DESIRED OUTCOME

What would you hope to have happen as a result of filing this complaint? _____

SIGNATURE

State law requires you to sign below in the presence of a Notary Public. A Notary Public may be available to assist you in Village Hall during business hours. Please bring a photo ID.

It is important to note that making a statement, which you know to be untrue, may subject you to criminal charges and/or a civil lawsuit. Wisconsin State Statute Section 946.66 states, "Whoever knowingly makes a FALSE complaint regarding the conduct of a Law Enforcement Officer is subject to a Class "A" forfeiture." (Arrest)

STATE OF WISCONSIN:

Village of Whitefish Bay

I certify that I am an adult resident of the City/Village of _____, and have read and understand the information contained in this complaint, which is true and correct to the best of my knowledge and belief. I further understand that filling out the Citizen Complaint Form and swearing to its truthfulness are both necessary to be done before the Whitefish Bay Police Department carries out an official investigation into the complaint. By signing below I agree to cooperate fully with any investigation concerning this complaint, and to appear in person to assist by answering further questions, including my appearance and testimony at a formal hearing if requested to do so by the Whitefish Bay Police Department or the Whitefish Bay Police Commission.

Subscribed and sworn to before me, _____

This _____ day of _____, 20 ____.

Complainant

Notary Public, Milwaukee County, State of Wisconsin

My commission expires: (date) ____ / ____ / ____ (or) is permanent.



Village of Whitefish Bay

5300 N. Marlborough Drive • Whitefish Bay, Wisconsin 53217 • (414) 962-6690

APPENDIX "B"

Village of Whitefish Bay Police Commission Model Hearing Procedures

1. A public hearing under Wisconsin Statute §62.13(5)(d) will be conducted by a quorum of the Commission with the Chairperson presiding.
2. During the conduct of the hearing, all members of the public and media will be required to refrain from in any way of interfering with or disturbing the hearing. Anyone interfering with or disturbing the hearing will be removed from the premises.
3. All questions shall be directed to the Commission exclusively through the Chairman or Commission counsel.
4. All witnesses will be sworn. The formal rules of evidence will not apply. A court reporter will be present to record and transcribe all testimony.
5. The Commission will consider charges which result in suspension, reduction in rank, suspension and reduction in rank, and removal under Wisconsin Statutes §62.13.
6. The order of presentation will be as follows:
 - (a) Each side, if they choose, may make an opening and closing statement (Limited to 5 minutes for each statement.)
 - (b) Any appropriate stipulation as to facts agreed to by the parties will be accepted by the Commission and made a part of the record.
 - (c) The Administration 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.
 - (d) Each witness will be subject to cross-examination by opposing counsel at the conclusion of his/her testimony.
 - (e) 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.
 - (f) The opposing party may then call witnesses for his/her case in chief related to the issue in this proceeding. Thereafter, subsections 6.(d) and (e) will be repeated.
 - (g) Rebuttal witnesses as necessary.



Village of Whitefish Bay

5300 N. Marlborough Drive • Whitefish Bay, Wisconsin 53217 • (414) 962-6690

7. All exhibits which either party intends to use for its presentation in chief must be submitted to the Commission and opposing counsel on or before (date). 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, both 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. A list of witnesses much also be submitted by both parties to the Commission and opposing counsel on or before (date).
8. 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.
9. The parties will each be limited to a time certain 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 a time certain as established by the Commission minutes by each side. Time limits may be expanded at the discretion of the Commission.
10. After all the evidence has been presented concerning the charge(s), the Commission will adjourn to deliberate in closed session to attempt to reach decision. Thereafter, the Commission may reconvene in open session to announce its decision. The Commission must also issue a written decision with in the time limits (three days) and/or reconvene on another date to continue its deliberations.
11. Counsel may request specific subpoenas from the Commission Legal Counsel no later than (date). Copies of the subpoenas issues will also be served on opposing counsel and Commission counsel no later than _____ at ____ p.m. (3-5 days before the Hearing).
12. All prehearing motions must be directed to the Commission in writing, with a copy to the opposing party at least five days in advance of the first day of hearing.

Approved: April 29, 2003

Revised April 7, 2006

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