

1. Call to Order

Attorney Ekes called the meeting to order at 3:16 p.m., at the Caledonia Village Hall, 5043 Chester Lane, Racine, Wisconsin. Present were

Members: Ted Schlitz, Kenneth Rusch, Francis Petrick

Village Staff: Clerk Karie Torkilsen, Captain Brian Wall, Detective Melissa Stardy.
Also present was Attorney Elaine Attorney Ekes

2. Appointment of Chair

Attorney Ekes explained that the last chair resigned and that the position needs to be re-appointed.

Motion by Ted Schlitz to nominate Kenneth Rusch as Chair Person. Seconded by Francis Petrick. Motion carried unanimously.

3. Approval of Sex Offender Appeals Board Meeting Minutes of October 31, 2017

Motion by Petrick to approve minutes from the October 31, 2017 meeting. Motion Seconded by Schlitz. Motion carried unanimously.

4. Hearing on request from Paul Davidson requesting an exemption to the residency restrictions under Sec. 11-2-16(g) of the Village Code of Ordinances that would allow him to reside at 3406 Highway 38 in the Village of Caledonia

Paul Davidson was interviewed by the members. He submitted additional documents that were not included at the time of his application submittal. For the purpose of the record, he submitted a "HELDT" document entitled "Thinking for a Change"; ADOA Assessment; a Deed of the house from his deceased father; psychological evaluation; and letter from his wife. Attorney Ekes read the letter.

Paul Davidson did receive a copy of the police report. In this case Mr. Davidson is seeking two exemptions 11-2-16(c)4 which is the original domicile restriction which reads:

That a designated offender should comply with the following unless granted an exemption and only if that person is legally domiciled during that conviction under the designated offender. The second exemption he is seeking is to live within the designated safe zone and is again 1,065 feet from the protected location.

Mr. Davidson had support present who also spoke on his behalf.

5. A portion of this public hearing may convene into CLOSED SESSION pursuant to Wis. Stat. Sec.19.85(1)(f), to consider any medical history of alcohol, drug, and sex offender treatment, juvenile conviction records, and other health information. The Board will RECONVENE INTO OPEN SESSION to conclude the hearing as posted

Motion by Francis Petrick to go into CLOSED SESSION. Seconded by Kenneth Rusch.

Ted Schlitz – aye
Francis Petrick – aye
Kenneth Rusch – aye

Motion carried unanimously.

Motion by Ted Schlitz to go back into OPEN SESSION. Seconded by Kenneth Rusch.

Ted Schlitz – aye
Francis Petrick – aye
Kenneth Rusch – aye

Motion carried unanimously.

No other testimony was received.

6. At the conclusion of the hearing, it is intended that the Board will convene in CLOSED SESSION pursuant to Section 19.85(1)(a) of the Wisconsin Statutes to deliberate concerning the quasi-judicial hearing regarding the appeal of Paul Davidson for an exemption to the residency restrictions that would allow him to reside at 3406 Highway 38, and that the Board will RECONVENE IN OPEN SESSION to announce its decision and move to the remaining items on the agenda as posted

Motion by Ted Schlitz to go into CLOSED SESSION. Seconded by Kenneth Rusch.

Ted Schlitz – aye
Francis Petrick – aye
Kenneth Rusch – aye

Motion carried unanimously.

Motion by Francis Petrick to go back into OPEN SESSION. Seconded by Ted Schlitz.

Ted Schlitz – aye
Francis Petrick – aye
Kenneth Rusch – aye

Motion carried unanimously.

Francis Petrick motioned to grant the exemption to 11-2-16(g), 1065 feet from the protected location for the following reasons:

1. *Mr. Davidson is not at risk for being a repeat offender to the neighbors and surrounding community.*
2. *Mr. Davidson has a support system.*
3. *Mr. Davidson had an issue with alcohol and has addressed this through counseling.*
4. *Mr. Davidson recognizes alcohol is a trigger and avoided use.*
5. *Mr. Davidson did grow up in this home so this is similar to his home community.*
6. *Mr. Davidson is in compliance with his terms and conditions of probation.*
7. *Mr. Davidson demonstrates remorse.*
8. *Mr. Davidson complied and completed counseling and treatment.*
9. *It was an isolated incident so Mr. Davidson does not appear to be a threat.*
10. *While Mr. Davidson has alternative housing options, he wants to live in the house that has been willed to him and where he grew up.*

Seconded by Kenneth Rusch. **Motion carried unanimously.**

Attorney Ekes explained this decision would be reduced to writing. She reiterated that if he wanted to move elsewhere in the Village of Caledonia he would need to reapply.

7. Hearing on request from Clifford Johnson requesting an exemption to the residency restrictions under Sec. 11-2-16(g) of the Village Code of Ordinances that would allow him to reside at 5015 Old Farm Road in the Village of Caledonia.

Clifford Johnson was interviewed by the members.

Clifford Johnson did receive a copy of the police report. In this case Mr. Johnson is seeking two exemptions 11-2-16(c)4 which is the original domicile restriction which reads:

That a designated offender should comply with the following unless granted an exemption and only if that person is legally domiciled during that conviction under the designated offender. The second exemption he is seeking is to live within the designated safe zone and is again 1,080 feet from the protected location.

There was no one present to speak on his behalf.

8. A portion of this public hearing may convene into CLOSED SESSION pursuant to Wis. Stat. Sec.19.85(1)(f), to consider any medical history of alcohol, drug, and sex offender treatment, juvenile conviction records, and other health information. The Board will RECONVENE INTO OPEN SESSION to conclude the hearing as posted.

Mr. Johnson did not have any medical or other health information for review, so the members did not move to go into closed session.

9. At the conclusion of the hearing, it is intended that the Board will convene in CLOSED SESSION pursuant to Section 19.85(1)(a) of the Wisconsin Statutes to deliberate concerning the quasi-judicial hearing regarding the appeal of Clifford Johnson for an exemption to the residency restrictions that would allow him to reside at 5015 Old Farm Road, and that the Board will RECONVENE IN OPEN SESSION to announce its decision and move to the remaining items on the agenda as posted.

Motion by Ted Schlitz to go into CLOSED SESSION. Seconded by Francis Petrick.

Ted Schlitz – aye
Francis Petrick – aye
Kenneth Rusch – aye

Motion carried unanimously.

Motion by Francis Petrick to go back into OPEN SESSION. Seconded by Ted Schlitz.

Ted Schlitz – aye
Francis Petrick – aye
Kenneth Rusch – aye

Motion carried unanimously.

Francis Petrick motioned to deny the exemption to 11-2-16(g), 1,080 feet from the protected location for the following reasons:

Motion by Petrick to deny the request as the residence is 1,080 feet from the protected location for the following reason:

1. *Mr. Johnson had a lack of knowledge as to his criminal history or perhaps selective knowledge or recall of his own criminal history.*
2. *While Mr. Johnson does show remorse for his actions, he minimizes his actions on the victims and the level of molestation that occurred.*

3. *No significant support system in the Village has been demonstrated other than Mr. Johnson's friend's letter and no supporters appeared on his behalf.*
4. *Mr. Johnson verbalized and acknowledged that children can be a trigger and that he tries to self-restrict his presence around children because he knows this could be a trigger.*
5. *Mr. Johnson's roommate at the proposed residence has a serious girlfriend who has a four-year old daughter, who may be present in the home.*
6. *Mr. Johnson has on occasion politely declined invitations to other parties when minor children would be present.*
7. *Mr. Johnson has not demonstrated why he needs to live in this location in the Village.*
8. *There are likely alternative options for housing given Mr. Johnson's employment and resources.*
9. *While Mr. Johnson has had some counseling and treatment, he has had some indicators of recidivism for rule violations and need for reassessment.*
10. *Mr. Johnson omitted one of the victims and minimized the behaviors for which he was convicted for the sexual offenses on his appeal application*
11. *Mr. Johnson omitted other criminal convictions on his appeal application.*
12. *Mr. Johnson has a demonstrated history of not following the laws and rules imposed on him given his criminal record.*

Seconded by Ted Schlitz. **Motion carried unanimously.**

Attorney Ekes explained this decision would be reduced to writing and that he has 30 days to appeal.

10. Adjournment

Motion by Kenneth Rusch to adjourn. Seconded by Ted Schlitz. Motion carried unanimously. Meeting adjourned at 5:59 p.m.

Respectfully submitted,

Joslyn Hoeffert
Deputy Clerk