

1. Call to Order

Attorney Ekes called the meeting to order at 3:07 p.m., at the Caledonia Village Hall, 5043 Chester Lane, Racine, Wisconsin. Present were

Members: Ted Schlitz, Kenneth Rusch, Timothy Just

Absent: Francis Petrick

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

2. Hearing on request from James Herwig requesting an exemption to the residency restrictions under Sec. 11-2-16(c)4 of the Village Code of Ordinances that would allow him to reside at 7623 Highway V in the Village of Caledonia.

James Herwig was interviewed by the members.

Mr. Herwig chose to not submit any further documents for the Board to review in consideration of his exemption.

Attorney Ekes asked that the record show a summary report was provided by the Caledonia Police Department that provided the background information related to police reports, criminal complaints regarding the incidents discussed here today. James Herwig did receive a copy of the police report dated 06/20/2018 and was provided to the Board members as well.

In this case Mr. Herwig is seeking one exemption 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.

Mr. Herwig had no support present to speak on his behalf.

3. 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. Herwig did not have any medical history of alcohol, drug, and sex offender treatment, juvenile conviction records, and other health information to submit, and so the Board did not go into CLOSED SESSION.

No other testimony was received.

4. 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 James Herwig for an exemption to the residency restrictions that would allow him to reside at 7623 Highway V, 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 Kenneth Rusch to go into CLOSED SESSION. Seconded by Timothy Just.

Roll Call:

Ted Schlitz – aye

Kenneth Rusch – aye

Timothy Just– aye

Motion carried unanimously.

Motion by Kenneth Rusch to go back into OPEN SESSION. Seconded by Timothy Just.

Roll Call:

Ted Schlitz – aye

Kenneth Rusch – aye

Timothy Just– aye

Motion carried unanimously.

The appellant was requested to provide the letter that shows the request of employment from SORP. Mr. Herwig did not have the letter on his persons for consideration.

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

Roll Call:

Ted Schlitz – aye

Kenneth Rusch – aye

Timothy Just– aye

Motion carried unanimously.

Motion by Kenneth Rusch to go back into OPEN SESSION. Seconded by Timothy Just.

Roll Call:

Ted Schlitz – aye

Kenneth Rusch – aye

Timothy Just– aye

Motion carried unanimously.

Ted Schlitz motioned to grant the exemption to 11-2-16(c)4, for the following reasons:

1. *The residence is not in a protected zone.*
2. *Mr. Herwig does not have a history of being a sex predator of children.*
3. *Mr. Herwig served his period of incarceration and successfully completed his parole and does not have a history of any other sexual offenses.*
4. *While it appears that Mr. Herwig failed to timely report his change of employment which is a sex offender registry rule violation, we don't believe this puts him at increased risk of recurring sexual offenses.*
5. *Mr. Herwig is employed.*
6. *Mr. Herwig has a support system that lives within 20 minutes.*
7. *Mr. Herwig is married but is separated and has relationships with his older children.*

8. *There has been significant amount of time since the passing of Mr. Herwig's offense – that being 26 years.*
9. *The offense was an isolated incident, so Mr. Herwig does not appear to be a threat.*
10. *Mr. Herwig does not appear at risk for being a repeat offender to the neighbors and surrounding community.*
11. *Mr. Herwig is in discussions to purchase the property and he has invested a significant amount of his own money into the rehabilitation of the Property.*
12. *Because Mr. Herwig is a lifetime registrant, he does not appear to meet the criteria for an exception under Sec. 11-2-16(c)(6)(f) even though he was under the age of 19 at the time of commission of the offense.*

Seconded by Kenneth Rusch.

Roll Call:

Ted Schlitz – aye

Kenneth Rusch – aye

Timothy Just– aye

Motion carried unanimously.

Attorney Ekes explained this decision would be reduced to writing and he would be mailed a copy. She reiterated that if he wanted to move elsewhere in the Village of Caledonia he would need to reapply. This decision may be appealed

5. Adjournment

Motion by Kenneth Rusch to adjourn. Seconded by Timothy Just. Motion carried unanimously. Meeting adjourned at 4:00 p.m.

Respectfully submitted,

Joslyn Hoeffert

Deputy Clerk