

1. Call to Order

Attorney Helsel called the meeting to order at 2:36 p.m., at the Caledonia Village Hall, 5043 Chester Lane, Racine, Wisconsin. Present were

Members: Ted Schlitz, Kenneth Rusch, John Barnes

Village Staff: Clerk Karie Pope, Police Chief Christopher Botsch, Detective Melissa Stardy. Also present was Attorney Tyler Helsel.

2. Appointment of Chair

Motion by Barnes to nominate Rusch as Chairperson. Seconded by Schlitz. Motion carried unanimously.

3. Approval of Sex Offender Appeals Board Meeting Minutes of June 20, 2018

Motion by Rusch to approve minutes from the June 20, 2018 meeting. Motion Seconded by Barnes. Motion carried unanimously.

4. Hearing on request from Nicholas Provost 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 7202 Linwood Road in the Village of Caledonia

Helsel overviewed the appeal process and what to expect during and after the hearing. Helsel introduced Exhibits A-H into the record:

Exhibit A. The application for the appeal.

Exhibit B. Mental and supplemental information provided by the applicant.

Exhibit C. West Allis police report.

Exhibit D. Criminal complaint that was filed related to the charges.

Exhibit E. Background check provided by the Village.

Exhibit F. Child safety map that shows the address in proximity to child safety zones.

Exhibit G. Communication of letters and the agenda sent to Provost.

Exhibit H. Police report provided by Detective Melissa Stardy

Nicholas Provost did receive a copy of the police report. Rusch explained what Provost should expect during the hearing, Provost's father and wife were present for moral support. Provost's father spoke on behalf of his son often. As of today, Provost is no longer required to register as a sex offender but still must seek an exemption with the Village of Caledonia.

Provost was interviewed by the Board members and Attorney Helsel. Provost explained the treatment he received and that he completed all requirements.

In this case, Mr. Provost 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 a protected location. The Board discussed the safety zone is the Root River Parkway.

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

Moved to item 6 because there was no medical history of alcohol, drug, and sex offender treatment, juvenile conviction records, and other health information was submitted for consideration.

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 Nicholas Provost for an exemption to the residency restrictions that would allow him to reside at 7202 Linwood 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 Rusch to go into CLOSED SESSION pursuant to Section 19.85(1)(a) of the Wisconsin Statutes to deliberate concerning the quasi-judicial hearing regarding the appeal of Nicholas Provost for an exemption to the residency restrictions that would allow him to reside at 7202 Linwood Road. Seconded by Barnes.

Ted Schlitz – aye
John Barnes – aye
Kenneth Rusch – aye

Motion carried unanimously.

Motion by Schlitz to go back into OPEN SESSION to announce its decision and move to the remaining items on the agenda as posted. Seconded by Rusch.

Ted Schlitz – aye
John Barnes – aye
Kenneth Rusch – aye

Motion carried unanimously.

Motion by Rusch to grant the exemption under 11-2-16(g) of the Village Ordinances for the following reasons:

1. The applicant has no other residential options, as he recently purchased the home located at 7202 Linwood Rd.
2. The offense occurred 20 years ago.
3. The applicant has committed no other sex related offenses since the first offense.
4. The applicant's relative closeness in age to the victim.
5. The applicant has had no contact with the victim since the offense. The applicant has had no contact with any other witnesses since the offense.
6. The applicant has a job.
7. The applicant is married and his family lives in Southeastern Wisconsin.
8. The applicant is no longer required to register with the State of Wisconsin.
9. The applicant completed Alcohol and Other Drug Abuse Treatment and Sex Offender Treatment after the offense occurred.
10. The applicant is not related to the victim.
11. The applicant has committed no other major criminal offenses since the offense.

Seconded by Barnes. **Motion carried unanimously.**

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

7. Adjournment

Motion by Barnes to adjourn. Seconded by Schlitz. Motion carried unanimously.
Meeting adjourned at 3:48 p.m.

Respectfully submitted,

Joslyn Hoeffert
Deputy Clerk