

**MINUTES
POLICE AND FIRE COMMISSION HEARING
Superior, Wisconsin**

The meeting of the Board of the Police and Fire Commission for the City of Superior was called to order Friday, November 4, 2011, at 8:00 AM in Room 201 of the Government Center, Superior, Wisconsin.

ROLL CALL

Commissioners present: Charlie Glazman, Dean Hecht, Tom Fennessey, Dennis Dalbec, Toby Marcovich

Also present: Council Representative Mike Herrick, Kirk Babic, Debbie Bergstrom, Rick Gondik, Floyd Peters, Frog Prell, James Korom

There being a quorum present, the meeting was in order.

RECOGNITION OF NOTICE OF THE PUBLIC

The Human Resources Administrator mailed and/or delivered agendas and agenda packets to persons or organizations listed, and the meeting was legally noticed in accordance with Wisconsin State Statutes open meeting law.

**APPROVAL OF MINUTES OF PRE-HEARING CONFERENCE
MEETING OCTOBER 6, 2011**

MOTION by Commissioner Glazman, seconded by Commissioner Fennessey and carried to approve the pre-hearing conference minutes.

**HEARING TO REVIEW DISCIPLINARY CHARGES TO REMOVE
OFFICER KIRK M. BABIC**

Dan Hannula will be the PFC Hearing Officer. He has been a past PFC President and participated in developing the PFC hearing rules.

Attorney Gondik requested a continuance of the hearing due to the following:

- 1) Witnesses Hawkin and Esler will not be able to attend today's hearing in person.
- 2) Babic has a pending job offer. If he is hired elsewhere, the hearing will not be necessary.

Attorney Korom did not agree to a continuation and explained several reasons:

- 1) The two witnesses could provide testimony by phone.
- 2) The hearing is already beyond the timelines set by PFC rules in 62.13.
- 3) The Police Department has put a lot of time and effort into preparing for today's hearing; and there is a financial obligation to pay at least a 3 hour minimum to the Officers required to be here to testify today.

Hannula said that the continuation would be a matter of convenience for Babic, however, the PFC has a statutory obligation to hold the hearing today.

City Attorney Prell stated that the PFC hearing will be recorded by the City Clerk and video recorded by PEGA.

Opening statements were given by Attorney's Korom and Gondik.

The following witnesses were called to testify by Attorney Korom:

Officer Kirk Babic
Detective Michael Jaszcak
Captain Chad LaLor
Chief Floyd Peters
Sergeant Derrick Thomas (Eau Claire Police Department)
Mayor Bruce Hagen
Officer Erick Flood

The hearing was called to recess at 4:30 pm, and will resume Monday, November 7th, 2011 at 10:30 am.

PFC members were directed to leave all exhibits with City Staff upon recess of today's hearing; and ordered to have no communication between PFC members, Attorney's Korom and Gondik, or any witnesses.

The PFC Hearing was called back to order at 10:30 am, Monday, November 7th, 2011.

The following witnesses were called to testify by Attorney Gondik:

Detective William Braman
Officer Christopher Moe
Detective Jack Curphy
Detective Kirk Hill
Officer Bradley Esler
Officer Ross Magnuson
Officer Daniel Hawkin
Detective Joseph Krieg
Officer Kirk Babic

Closing arguments were given by Attorney's Korom and Gondik.

The PFC will provide a written decision to both parties.

MOTION by Commissioner Glazman, seconded by Commissioner Dalbec and carried to move into Closed Session at 5:00 PM.

*Submitted by: Debbie Bergstrom
HR Administrative Assistant*