Kenosha County

COUNTY BOARD OF SUPERVISORS

NOTICE OF MEETING

NOTE: UNDER THE KENOSHA COUNTY BOARD OF RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SEC. 210(2) OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY ITEM SCHEDULED FOR THE FIRST OF TWO READINGS IS SUBJECT TO A MOTION TO SUSPEND THE RULES IN ORDER TO PROCEED DIRECTLY TO DEBATE AND VOTE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN.

NOTICE IS HEREBY GIVEN the **Regular County Board Meeting** of the Kenosha County Board of Supervisors will be held on **Tuesday, the 4th of February, 2020 at 7:30PM.,** in the County Board Room located in the Administration Building. The following will be the agenda for said meeting:

A. Call To Order By Chairman Esposito

B. Pledge Of Allegiance

C. Roll Call Of Supervisors

D. Citizen Comments

E. Announcements Of The Chairman

F. Supervisor Reports

G. COUNTY EXECUTIVE APPOINTMENTS

30. Thomas Santarelli To Serve On The Kenosha County Civil Service Commission

Documents:

SANTARELLI - CIVIL SERVICE 2020.PDF

31. Ellen Kupfer To Serve On The Kenosha County Human Services Board

Documents:

KUPFER - HSB 2020.PDF

H. OLD BUSINESS

Ordinance - Second Reading, Two Required

12. An Ordinance Electing To Allow Under Section 75.35(3) Wis. Stats. For Post-Redemption Date Repurchase Of Tax-Deeded Properties By A Former Owner

Documents:

12. AN ORDINANCE ELECTING TO ALLOW UNDER SECTION 75.35(3) WIS. STATS. FOR POST-REDEMPTION DATE REPURCHASE OF TAX-DEEDED.PDF

I. NEW BUSINESS

Resolution - One Reading

63. From The Finance & Administration Committee A Resolution Authorizing Conveyance Of Property Located At 11713 212th Ave., Bristol, WI To John Simmers; Parcel 37-4-121-312-0272

Documents:

RES SIMMERS.PDF

J. COMMUNICATIONS

35. Communications From The Finance & Administration Committee A Resolution Authorizing Conveyance Of Property Located At 307 Hwy. Z, Twin Lakes, WI To John Prill; Parcel 85-4-119-212-1020

Documents:

02-04-2020 FA COMT COMMUNICATIONS CONVEYANCE OF PROPERTY TO PRILL 1020.PDF

36. Communication From The Judiciary & Law Enforcement Committee Regarding Resolution: 2020 WI DOJ NCS-X Implementation Grant

Documents:

COUNTY BOARD COMMUNICATION FORM 2020_TO ANNOUNCE UPCOMING RESOLUTION_INCIDENT BASED REPORTING GRANT.PDF

37. Communication From Legislative Committee - Resolution To Prohibit Vaping Resolution Calling on the State Legislature Pass 2019 AB 491 and 2019 SB 442 to Prohibit Vaping Wherever Smoking is Prohibited

Documents:

COMMUNICATION RESOLUTION CALLING ON THE STATE LEGISLATURE PASS 2019.PDF

K. SUMMONS & COMPLAINT

19. Estate Of Vickery Fredrick Vs Brookside Care Center

Documents:

SC-03-20 ESTATE OF VICKERY FREDRICK BY SA ELIZABETH FREDRICK ET AL VS BROOKSIDE CARE CENTER ET AL.PDF

L. Approval Of The January 21, 2020 Minutes By Supervisor Nudo

M. Adjourn

COUNTY OF KENOSHA

OFFICE OF THE COUNTY EXECUTIVE
Jim Kreuser, County Executive

1010 – 56th Street, Third Floor
Kenosha, Wisconsin 53140
(262) 653-2600
Fax: (262) 653-2817

ADMINISTRATIVE PROPOSAL

COUNTY EXECUTIVE APPOINTMENT 2019/20-30

RE: KENOSHA COUNTY CIVIL SERVICE COMMISSION

TO THE HONORABLE KENOSHA COUNTY BOARD OF SUPERVISORS:

Placing special trust in his judgment and based upon his qualifications, I hereby submit to the Honorable Kenosha County Board of Supervisors for its review and approval the name of

Mr. Thomas Santarelli
Madrigrano, Aiello & Santarelli, LLC
1108 56th Street
Kenosha, WI 53140

to serve a five-year term on the Kenosha County Civil Service Commission beginning immediately upon confirmation of the County Board and continuing until the 31st day of December, 2024 or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Since his last appointment in October, 2016, Mr. Santarelli has attended 21 of the 22 meetings held. His 1 absence was excused.

Mr. Santarelli will serve without pay, but will receive a per diem. Mr. Santarelli will be succeeding himself

Respectfully submitted this 30th day of January, 2020.

Jim Kreuser

Jim Kreuser
Kenosha County Executive

COUNTY OF KENOSHA
OFFICE OF THE COUNTY EXECUTIVE
JIM KREUSER

APPOINTMENT PROFILE
KENOSHA COUNTY COMMISSIONS, COMMITTEES, & BOARDS

(Please type or print)

Name: Thomas (First) M. (Middle) Santarelli (Last)

Residence Address: 4277 98th St., Pleasant Prairie, WI 53158

Previous Address if above less than 5 years: N/A

Occupation: Madrigrano, Aiello & Santarelli, LLC (Company) Attorney at Law (Title)

Business Address:

Telephone Number: Residence Business 262.657.2000

Daytime Telephone Number: 262.657.2000

Mailing Address Preference: Business ( ) Residence (X)

Email Address: ts@kenoshalaw.com

Do you or have you done business with any part of Kenosha County Government in the past 5 years? Yes ( ) No (X)

If yes, please attach a detailed document.

Affiliations: List affiliations in all service groups, public service organizations, social or charitable groups, labor, business or professional organization, and indicate if it was a board or staff affiliation.

Little Leaguers of Kenosha, Inc., St. Joseph Catholic Academy, Boys and Girls Club
All volunteer positions with the above organizations and continue to be involved.

Special Interests: Indicate organizations or activities in which you have a special interest but may not have been actively involved.

*If more space is needed, please attach another sheet.

Kenosha County Commissions, Committees, & Boards
Appointment Profile - Page 2

Nominee's Supervisory District 18 (Monica M. Yuhas)

Governmental Services: List services with any governmental unit.
N/A

Additional Information: List any qualifications or expertise you possess that would benefit the Board, Committee, Commission, etc.
I have sat on the Committee the past three years and believe that I offer a different perspective for the existing members.

Conflict Of Interest: It would be inappropriate for you, as a current or prospective appointee, to have a member of your immediate family directly involved with any action that may come under the inquiry or advice of the appointed board, commission, or committee. A committee member declared in conflict would be prohibited from voting on any motion where "direct involvement" had been declared and may result in embarrassment to you and/or Kenosha County.

Signature of Nominee

January 8, 2020
Date

Please Return To: Kenosha County Executive
1010 – 56th Street
Kenosha, WI 53140

(For Office Use Only)

Appointed To: _____
Commission/Committee/Board

Term: Beginning _____ Ending _____

Confirmed by the Kenosha County Board on: _____

New Appointment _____ Reappointment _____

Previous Terms: _____

COUNTY OF KENOSHA

OFFICE OF THE COUNTY EXECUTIVE
Jim Kreuser, County Executive

1010 – 56th Street, Third Floor
Kenosha, Wisconsin 53140
(262) 653-2600
Fax: (262) 653-2817

ADMINISTRATIVE PROPOSAL

COUNTY EXECUTIVE APPOINTMENT 2019/20-31

RE: KENOSHA COUNTY HUMAN SERVICES BOARD

TO THE HONORABLE KENOSHA COUNTY BOARD OF SUPERVISORS:

Placing special trust in her judgment and based upon her qualifications, I hereby submit to the Honorable Kenosha County Board of Supervisors for its review and approval the name of

Ms. Ellen Kupfer
3701 75th Street
Kenosha, WI 53142

to serve three-year term on the Kenosha County Human Services Board beginning immediately upon confirmation of the County Board and continuing until the 31st day of December, 2022 or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Since her last appointment, Ms. Kupfer attended 18 of the 22 meetings held. Her 4 absences were excused.

Ms. Kupfer will serve without pay. Ms. Kupfer will be succeeding herself.

Respectfully submitted this 30th day of January, 2020.

Jim Kreuser
Kenosha County Executive

COUNTY OF KENOSHA
OFFICE OF THE COUNTY EXECUTIVE
JIM KREUSER

APPOINTMENT PROFILE
KENOSHA COUNTY COMMISSIONS, COMMITTEES, & BOARDS

(Please type or print)

Name: Ellen (First) Marie (Middle) Kupfer (Last)

Residence Address: 3701 - 75 St. Kenosha 53142

Previous Address if above less than 5 years: _____

Occupation: Retired (Company) _____ (Title)

Business Address: _____

Telephone Number: Residence 262-496-7855 Business _____

Daytime Telephone Number: same

Mailing Address Preference: Business ( ) Residence (✓)

Email Address: Kupfer11e@aol.com

Do you or have you done business with any part of Kenosha County Government in the past 5 years? Yes ( ) No (✓)

If yes, please attach a detailed document.

Affiliations: List affiliations in all service groups, public service organizations, social or charitable groups, labor, business or professional organization, and indicate if it was a board or staff affiliation.

Democratic party, Unity Coalition, Opiod Task force, Mental Health Task force, Shalom Center Board

Special Interests: Indicate organizations or activities in which you have a special interest but may not have been actively involved.

Forward Kenosha

*If more space is needed, please attach another sheet.

Kenosha County Commissions, Committees, & Boards
Appointment Profile - Page 2

Nominee's Supervisory District John O'Day

Governmental Services: List services with any governmental unit.
See front. Opiod + Mental Health Task
Current member of Human Services Board. Since 2015

Additional Information: List any qualifications or expertise you possess that would benefit the Board, Committee, Commission, etc.
Knowledge of Community resources. Current member of
Human Services Board.

Conflict Of Interest: It would be inappropriate for you, as a current or prospective appointee, to have a member of your immediate family directly involved with any action that may come under the inquiry or advice of the appointed board, commission, or committee. A committee member declared in conflict would be prohibited from voting on any motion where "direct involvement" had been declared and may result in embarrassment to you and/or Kenosha County.

Ellen M. Kupfer
Signature of Nominee

1-14-2020
Date

Please Return To: Kenosha County Executive
1010 – 56th Street
Kenosha, WI 53140

(For Office Use Only)

Appointed To: _____
Commission/Committee/Board

Term: Beginning _____ Ending _____

Confirmed by the Kenosha County Board on: _____

New Appointment _____ Reappointment _____

Previous Terms: _____
_____

RECEIVED
JAN 14 2020

Kenosha County

BOARD OF SUPERVISORS

ORDINANCE NO. 3.635 12

Subject: **An Ordinance Electing to Allow Under Section 75.35(3) Wis. Stats. for Post-Redemption Date Repurchase Of Tax-Deeded Properties By a Former Owner**			
Original ☒ 12/9/19	Corrected ☐	2nd Correction ☐	Resubmitted ☐
Date Submitted		Dated Resubmitted	
Submitted By: Finance & Administration Committee			
Fiscal Note Attached ☐		Legal Note Attached ☐	
Prepared By: John Moyer Sr. Assistant Corporation Counsel		Signature:	

The Kenosha County Board of Supervisors does hereby ordain that Chapter 3 of the Municipal Code of Kenosha County be, and hereby is, amended by creation of ordinance 3.63 to read as follows:

3.63 TAX DEED LANDS

(1) Purchase Preference to Former Owner to Repurchase.
   (a) Subsequent to a tax deed being recorded to Kenosha County upon application of the County Clerk, the Kenosha County Board may, at its option, and by authority of this ordinance enacted pursuant to the authority granted in sec. 75.35(3) Wis. Stats, give preference to the former owner or his or her heirs who lost title through delinquent tax collection enforcement.
   (b) This option may be exercised by a former owner immediately precedent to the tax deed taking or his or her heirs by written request of the same received by the Kenosha County Clerk within thirty (30) days of the date on which the deed is recorded to the County.
   (c) Such exercise by the former owner or heirs shall require that, once rescission of the tax deed is offered by the Kenosha County Board, the requesting party shall tender to Kenosha County or to its proper officers all taxes, interest, special assessments and special charges and penalties levied, due and owing against such lands plus the actual costs as determined by the County Clerk, inclusive of publication fees, recording fees, work time to execute the tax deed process, postal expense, service fees and costs, title search fees and all other costs to bring the parcel current as of the date of the County Board decision to rescind. This time period includes the time between the recording of the deed to the County and the date of rescission by the County Board. This payment in full must be made within 10 County business days of the County Board decision to offer this remedy.
   (d) This ordinance, when followed, removes the need to proceed under sec. 75.69 to public auction after appraisal and sale.
   (e) This section shall not apply to tax deeded lands which have been taken in rem.
   (f) This section shall not apply to tax deeded lands which have been improved for or dedicated to a public use by a municipality subsequent to its acquisition, nor shall it apply to a parcel taken in rem by prior agreement with a municipality for transfer thereto.
   (g) This section applies only to homestead property.
   (h) No former owner shall be eligible under this ordinance if they had any mortgages, tax liens, judgments or other encumbrances against the property at the time of the tax deed taking unless

satisfactory proof in writing is provided of satisfaction or reinstatement of all such encumbrances during the thirty (30) day period commencing from the date of written request for rescission of the tax deed.

(i) An individual or his or her heirs may exercise this option once only. Any subsequent action under this section by said individual or his heirs shall be denied summarily.

FINANCE/ADMINISTRATION COMMITTEE	Aye	No	Abstain	Excused
Terry Rose, Chair	☒	☐	☐	☐
Ron Frederick, Vice Chair	☒	☐	☐	☐
John O'Day	☒	☐	☐	☐
Jeffrey Gentz	☑	☐	☐	☐
Jeff Wamboldt	☒	☐	☐	☐
Edward Kubicki	☒	☐	☐	☐
John Poole	☒	☐	☐	☐

Kenosha County
Administrative Proposal Form

1. Proposal Overview

Division: _____ Department: Corporation Counsel

Proposal Summary (attach explanation and required documents):
This proposal requests authorization to offer, by operation of a new ordinance, to transfer a tax deeded parcel to the prior owner by quit claim deed upon payment of past due taxes, interest, penalties and costs. This parcel was owned by John Prill who is requesting the post-tax deed redemption.

Dept./Division Head Signature: John F. Moyer Date: 1/31/20

2. Department Head Review

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature: [signature] Date: 1/31/2020

3. Finance Division Review

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: Patricia Merrill Date: 1/30/20

4. County Executive Review

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: [signature] Date: 1/31/20

Revised 01/11/2001

KENOSHA COUNTY

BOARD OF SUPERVISORS

RESOLUTION NO.

Subject: RESOLUTION AUTHORIZING CONVEYANCE OF PROPERTY LOCATED AT 11713 212TH Ave., BRISTOL, WI TO JOHN SIMMERS; PARCEL 37-4-121-312-0272	
Original X Corrected ☐ 2nd Correction ☐ Resubmitted ☐	
Date Submitted:	Date Resubmitted:
Submitted By: Finance Committee	
Fiscal Note Attached ☐	Legal Note Attached ☐
Prepared By: John F. Moyer Senior Assistant Corporation Counsel	Signature:

WHEREAS, Kenosha County acquired title to property formerly owned by John Simmers that is located at 11713 212th Ave. (parcel in the Village of Bristol, Wisconsin through a tax deed issued on August 26, 2019; and

WHEREAS, Kenosha County served a 28 Day Notice To Vacate Premises on the occupant of the property on September 4, 2019 and initiated eviction proceedings on October 29, 2019; and

WHEREAS, John Simmers has objected to the issuance of a tax deed against his property stating that there is a defect in the groundwork of the tax, and his representatives have signed affidavits stating that his assessment is faulty and based upon a renovation which could not be completed due to health issues which precluded the use of funds toward the renovation; and

WHEREAS, Colonel Robert H. Hashimoto, one of those representatives, indicated during citizen's comments at a Finance Meeting held November 12, 2019, that John Simmers is willing and able to pay all delinquent taxes, interest, penalties, and costs associated with the foreclosure and eviction actions; and

WHEREAS, The eviction proceedings against John Simmers have not yet been concluded, with the result that John Simmers continues to reside at the property; and

WHEREAS, John Simmers will suffer a financial loss from the taking of his property pursuant to the tax deed.

NOW THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors pursuant to Kenosha County Ordinance 3.635 authorizes the conveyance of the property located at 11713 212th Ave, Bristol, Wisconsin to John Simmers by quit claim deed upon payment of the delinquent taxes, interest, penalties and costs incurred by the County in connection with the acquisition and disposal of the property; and

Resolution Re: authorization for transfer of tax deeded land by quit claim deed to John Simmers.

BE IT FURTHER RESOLVED that the County Clerk, the County Treasurer, the Corporation Counsel, and such other county employees and officials as may be necessary are directed to take the steps necessary to convey the property to John Simmers by quit claim deed.

Respectfully submitted by:

FINANCE COMMITTEE	Aye	No	Abstain	Excused
_____ Terry Rose, Chairman	☐	☐	☐	☐
_____ Ron Frederick, Vice Chair	☐	☐	☐	☐
_____ Jeffrey Gentz	☐	☐	☐	☐
_____ Jeff Wamboldt	☐	☐	☐	☐
_____ John O'Day	☐	☐	☐	☐
_____ Edward Kubicki	☐	☐	☐	☐
_____ John Poole	☐	☐	☐	☐

Resolution # 1-2020

66.0413 * Resolution and order to raze building.

STATE OF WISCONSIN
Village of Bristol
Kenosha County

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, by this resolution, adopted by a majority of the Village board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The Village board has found that the following described building is old, dilapidated, or out of repair, and, consequently, dangerous, unsafe, unsanitary, or otherwise unfit for human habitation and that repair of the building is unreasonable, and has specifically found that the building inspector [or other designated officer] has determined that the cost of repairs to the building would exceed 50% of the assessed value of the building divided by the ratio of the assessed value to the recommended value as last published by the State of Wisconsin, Department of Revenue for the Village.

Upon the above findings, Kenosha County, the owner of the following-described real property, is ordered to raze the building in the Village of Bristol located upon the following described real property by not later than March 2nd , 2020, described as Residence and located at: 11713 212th Avenue Bristol Wisconsin.

The building inspector shall post a placard on the premises containing the following notice:

"This Building May Not Be Used for Human Habitation, Occupancy, or Use."

The building inspector shall prohibit use of the building for human habitation, occupancy, or use until necessary repairs have been made.

If the owner of the above-described real property fails or refuses to comply with this order within the time prescribed above, the building inspector shall, subject to s. 66.0413 (1) (h) and (j), Wis. stats., relating to salvage and personal property, proceed to raze the building through any available public agency or by contract or arrangement with private persons, or to secure the building and, if necessary, the property on which the building is located if unfit for human habitation. The cost of razing or securing the building may be charged in full or in part against the real estate upon which the building is located, and if that cost is so charged it is a lien upon the real estate and may be assessed and collected as a special charge.

Notice of the raze order of the Village board shall be served as follows:

1. On the owner of record of the building that is subject to the order, or on the owner's agent if the agent is in charge of the building, in the same manner as a summons is served in circuit court.
2. On the holder of each encumbrance of record by 1st class mail at the holder's last-known address and by publication as a class 1 notice under chapter 985, Wis. stats.

If the owner, and the owner's agent, if any, cannot be found, or if the owner is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the building and by publishing it as a class 1 notice under chapter 985, Wis. stats., before the time limited in the order begins to run.

The Village clerk shall file or have filed by the Village attorney a Notice of Lis Pendens in the Office of the Register of Deeds for Kenosha County, Wisconsin, on the tract of the above-described real property to provide notice of this resolution and raze order of the Village.

The Village clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this 27th day of January, 2020

President Mike Farrell

Attest: Clerk Amy Klemko

Kenosha *County*

MEMORANDUM

Communication to Kenosha County Board of Supervisors
(For Informational Purposes Only)

***COMMUNICATION TO APPEAR ON COUNTY BOARD MEETING AGENDA*: 02/04/2020**

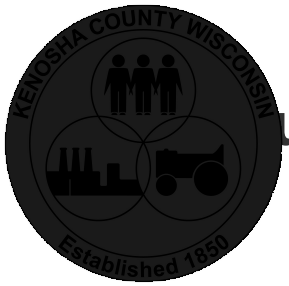
***SUBJECT*:**
- Resolution Authorizing Conveyance of Property Located at 307 Hwy. Z, Twin Lakes, WI to John Prill; Parcel 85-7-119-212-1020

***COMMITTEE*: Finance/Administration**

***SUBMITTED BY*: Patricia Merrill, Finance Director**

***RESOLUTION TO BE PRESENTED AT* Finance/Administration *COMMITTEE ON* 02/13/2020**

***ADDITIONAL INFORMATION (optional)*:**

Kenosha  **unty**

MEMORANDUM

Communication to Kenosha County Board of Supervisors
(For Informational Purposes Only)

COMMUNICATION TO APPEAR ON COUNTY BOARD MEETING AGENDA: 02/04/2020

SUBJECT: Resolution – 2020 WI DOJ NCS-X Implementation Grant; funds to support costs to implement a new crime reporting statistics method

COMMITTEE: Judiciary and Law Enforcement Committee

SUBMITTED BY: Robert E. Hallisy, Captain of Operations

RESOLUTION TO BE PRESENTED AT Judiciary and Law Enforcement **COMMITTEE ON 02/05/2020**

ADDITIONAL INFORMATION (optional):

Kenosha *County*

MEMORANDUM

Communication to Kenosha County Board of Supervisors
(For Informational Purposes Only)

***COMMUNICATION TO APPEAR ON COUNTY BOARD MEETING AGENDA*: 02/04/2020**

***SUBJECT*: Resolution Calling on the State Legislature Pass 2019 AB 491 and 2019 SB 442 to Prohibit Vaping Wherever Smoking is Prohibited**

***COMMITTEE*:** Choose a Committee Click here to enter text. **Legislative**

***SUBMITTED BY*: Supervisor Andy Berg**

***RESOLUTION TO BE PRESENTED AT* Legislative *COMMITTEE ON* 02/19/2020**

***ADDITIONAL INFORMATION (optional)*:**

FILED
01-07-2020
Clerk of Circuit Court
Kenosha County
2020CV000028
Honorable Anthony Milisauskas
Branch 4

STATE OF WISCONSIN **CIRCUIT COURT** **KENOSHA**

Estate of Vickery Fredrick by SA Elizabeth Fredrick et al
vs. Brookside Care Center et al

Electronic Filing Notice

Case No. 2020CV000028
Class Code: Other-Personal Injury

SC-03-20

RECEIVED
JAN 21 2020
MARY T. KUSICKI
COUNTY CLERK

BROOKSIDE CARE CENTER
3506 WASHINGTON ROAD
KENOSHA WI 53144

Case number 2020CV000028 was electronically filed with/converted by the Kenosha County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at **http://efiling.wicourts.gov/** and may withdraw as an electronic party at any time. There is a $20.00 fee to register as an electronic party.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 0aa656

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 262-653-2664.

Kenosha County Circuit Court
Date: January 7, 2020

UNREDACTED

FILED
01-07-2020
Clerk of Circuit Court
Kenosha County
2020CV000028
Honorable Anthony Milisauskas
Branch 4

STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

ESTATE OF VICKERY FREDRICK, *by special administrator* ELIZABETH FREDRICK
5924 83rd Place
Kenosha, WI 53142

Plaintiff,

UNITEDHEALTHCARE INSURANCE COMPANY
c/o Registered Agent
CT Corporation System
301 S. Bedford Street, Suite 1
Madison, WI 53703

Case No.: _____
Case Code: 30107
JURY TRIAL DEMANDED

Involuntary Plaintiff,

v.

BROOKSIDE CARE CENTER
3506 Washington Road
Kenosha, WI 53144

ABC INSURANCE COMPANY
A fictitious insurance company,

Defendants.

SUMMONS

THE STATE OF WISCONSIN

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within (45) days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes.

The answer must be sent or delivered to the **Clerk** for the **CIRCUIT COURT OF KENOSHA COUNTY, WI**, whose address is **912 56TH STREET, KENOSHA, WI 53140**; and, to **JAMES M. PAYNE, RIZZO & DIERSEN, S.C.**, Plaintiff's attorneys, whose address is **3505 30TH AVENUE, KENOSHA, WI 53144**. You may have an attorney help or represent you.

If you do not provide a proper answer within (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint.

A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated in Kenosha, Wisconsin, this /d/ 7th day of January 2020.

Respectfully submitted,
RIZZO & DIERSEN, SC

Electronically signed by James M. Payne

BY: _____
JAMES PAYNE
State Bar No. 1105889
Attorneys for Plaintiff the Estate of Vickery Fredrick

Mailing Address
3505 30th Avenue
Kenosha, WI 53144
T: 262/652-5050
F: 262/652-5053

FILED
01-07-2020
Clerk of Circuit Court
Kenosha County
2020CV000028
Honorable Anthony Milisauskas
Branch 4

STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

ESTATE OF VICKERY FREDRICK, *by special administrator* ELIZABETH FREDRICK
5924 83rd Place
Kenosha, WI 53142

Plaintiff,

UNITEDHEALTHCARE INSURANCE COMPANY
c/o Registered Agent
CT Corporation System
301 S. Bedford Street, Suite 1
Madison, WI 53703

Case No.: _____
Case Code: 30107
JURY TRIAL DEMANDED

Involuntary Plaintiff,

v.

BROOKSIDE CARE CENTER
3506 Washington Road
Kenosha, WI 53144

ABC INSURANCE COMPANY
A fictitious insurance company,

Defendants.

COMPLAINT

NOW COMES Plaintiff, The Estate of Vickery Fredrick, by authority of special administrator to the Estate, Elizabeth Fredrick, and by counsel, Rizzo & Diersen, S.C., James M. Payne, and as for its Complaint against Defendants Brookside Care Center and ABC Insurance Company states and avers as follows:

INTRODUCTION

1. This is a survivorship civil negligence action seeking monetary damages against Defendants for committing acts of negligence against Plaintiff.

PARTIES

2. The Plaintiff is Vickery Fredrick, now deceased, who sustained injuries due to the negligence of the Defendants. This action is brought on behalf of his estate by his surviving spouse and special administrator Elizabeth Fredrick.

3. Involuntary Plaintiff, UnitedHealthcare Insurance Company (hereinafter "UHC"), is a foreign corporation engaged in the business of providing health insurance in the State of Wisconsin with an address for service as provided in the caption. UHC may be a necessary party by virtue of having provided insurance coverage to Plaintiff as a result of the events alleged hereinafter resulting in payment of medical expenses or other amounts. As a result of said coverage, UHC may have a right of subrogation, reimbursement, and/or lien interest. Plaintiff affirmatively alleges that any such right is subject to the "made whole" doctrine, the "common fund doctrine," and any and all laws that may reduce or preclude recovery by UHC.

4. Defendant, Brookside Care Center ("Brookside"), is a municipally run nursing home center with a business address as stated in the caption.

5. Defendant ABC Insurance Company ("ABCCO") is a fictitious insurance company providing a policy of applicable insurance to one or more of the defendants. By virtue of the existence of said policy of insurance, Defendant ABCCO is directly liable to Plaintiff in an amount to be determined for personal injuries as stated at length below.

FACTUAL BACKGROUND

6. Plaintiff repeats, re-alleges, and incorporates by reference the allegations contained in paragraphs 1-5 above with the same force and effect if set forth at length herein.

7. In the fall of 2016, Vickery Fredrick sustained a severe stroke resulting in in-patient hospitalization at Froedert from November 7 until December 16, 2016.

8. Due to the severe and substantial nature of the injuries, and the deficits resulting from the stroke, Vickery Fredrick was transferred to Brookside for long term assisted living.

9. Mr. Fredrick's status post stroke was severely deficient requiring assistance with walking, eating, drinking, and most activities of daily living.

10. Particularly, Mr. Fredrick had strength and coordination deficits in his arms and upper body including but not limited to shaky hands. Family of Mr. Fredrick had often noticed he could not hold glasses and required assistance with drinking such as holding a soda can for him.

11. The stroke also impaired Mr. Fredrick's cognitive abilities.

12. On February 10, 2017, at around approximately 9:30 AM, Vickery Fredrick was at breakfast in the dining hall at Brookside.

13. On that day, Mr. Fredrick was placed at a table for "self feed" meaning the residents at that table did not require help with eating or drinking.

14. Typically, Mr. Fredrick was sat at a table which was coded to require aid and supervision for eating and drinking.

15. At the "self feed" table, a Brookside employee asked Mr. Fredrick what he would like to drink and he stated hot tea.

16. The Brookside employee brought hot tea in a mug and set it in front of Mr. Fredrick.

17. The Brookside employee did not assist or help Mr. Fredrick with the beverage.

18. When Mr. Fredrick picked up the beverage and attempted to drink from it, he dropped the mug into his lap spilling the hot beverage on his legs, thighs, pelvis, and groin area.

19. The liquid burned the affected areas causing a mix of second and third degree burns and resulting in skin breakage, blistering, and significant pain.

20. Upon information and belief, the hot tea provided to Mr. Fredrick came from a machine leased or otherwise obtained by Brookside from S&D Coffee.

21. Upon information and belief, at all relevant times hereto, Brookside maintained control and operation of the hot beverage machines and regularly operated them to provide beverages to the residents.

22. Upon information and belief, the unit which dispensed the hot tea as described above was set to a dispensing temperature of 190 degrees Fahrenheit.

23. 190 degrees Fahrenheit is dangerously high and had the machine been set to a lower temperature Mr. Fredrick would have sustained less severe injuries.

24. Subsequent to the incident, the hot beverage units were set to dispense liquid at a lower temperature.

25. Over the next 21 days, Mr. Fredrick suffered from the severe burns from the hot tea incident.

26. Mr. Fredrick died on February 21, 2017.

FIRST CAUSE OF ACTION: NEGLIGENCE OF DEFENDANT BROOKSIDE

27. Plaintiff repeats, re-alleges, and incorporates by reference the allegations contained in paragraphs 1-26 above with the same force and effect if set forth at length herein.

28. At all relevant times hereto, Defendant Brookside owed Plaintiff Vickery Fredrick a duty of care to operate its nursing home with a standard of care and attention to the needs of its residents to keep them safe and to specifically provide care and assistance to Plaintiff to ensure that his needs were met.

29. In breach thereof, Defendant Brookside committed the following negligent acts or omissions:

    a. Failed to properly place Mr. Fredrick at the correct dining table and improperly placed him at a table where residents do not require assistance with eating or drinking;

    b. Failed to properly supervise dining room employees to make sure that residents were seated properly at the correct dining room table for each resident's specific medical needs;

    c. Alternatively, failed to properly and adequately evaluate Mr. Fredrick's medical status and code him for requiring assistance with eating and drinking;

    d. Failed to properly provide post-burn care causing additional pain and suffering;

    e. Failed to properly maintain and operate the hot beverage machines to dispense liquid at a reasonable temperature for consumption to protect its residents from harm, many of whom had substantial physical impairments;

    f. Failed to follow or meet Federal and State regulations for the administration of a nursing home including, but not limited to, setting the proper standards for temperature of liquids; and

    g. All other negligence not currently known to Plaintiff, but which may become known through further discovery.

30. As a direct and proximate result of one of the aforesaid negligent and careless acts or omissions of the Defendant Brookside, the Plaintiff sustained serious, painful, and permanent bodily injuries, significant physical and mental pain and anguish, severe and substantial emotional pain, disfigurement, and medical expenses.

31. The medical incident occurred as a result of Defendant Brookside's aforesaid negligent acts or omissions. As a result, Brookside is liable to Plaintiff in an amount to be determined for past pain and suffering, past medical expenses, mental pain and anguish, emotional pain, and out-of-pocket expenses.

WHEREFORE, Plaintiff demands judgement against the above-named Defendants, jointly and severally, as follows:

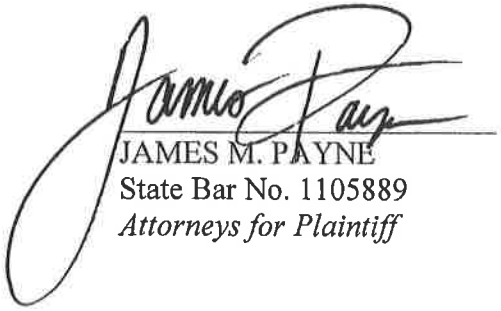
A. For damages suffered by Plaintiff in an amount to be determined for personal injuries, past medical expenses, past pain and suffering, disfigurement, loss of enjoyment of life, emotional distress, and mental anguish; and

B. For court costs, service fees, pre- and post-judgment interest, disbursements, and any other relief the Court deems just and equitable.

TRIAL BY JURY OF TWELVE (12) IS HEREBY DEMANDED

Dated at Kenosha, Wisconsin, this 7th day of January, 2020.

Respectfully submitted,
RIZZO & DIERSEN, S.C.

BY: 

JAMES M. PAYNE
State Bar No. 1105889
Attorneys for Plaintiff

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STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

For Official Use

Estate of Vickery Fredrick by SA Elizabeth Fredrick et al
Plaintiff(s)

vs.

Brookside Care Center et al
Defendant(s)

CONFERENCE ORDER AND NOTICE OF SCHEDULING CONFERENCE

Case No. 2020CV 000028
Judge Anthony Milisauskas

FILED

JAN - 7 2020

REBECCA MATOSKA-MENTINK
CLERK OF CIRCUIT COURT

This case is scheduled for:	**Scheduling Conference pursuant to Sec. 802.10(3) Stats.**
DATE:	**Thursday, May 7th, 2020**
TIME:	**8:45 AM**
COURT OFFICIAL:	**Anthony Milisauskas**
LOCATION:	**Room: 117 Kenosha County Courthouse** **912 56th Street, Kenosha, WI 53140**

THE COURT ORDERS:

1. The plaintiff shall serve this notice upon all defendants to this action and provide proof of service to the court. Any party in this case who causes another party to be joined shall serve this notice upon the joined party and provide proof of service to the court.

2. **All plaintiffs and defendants named in this case shall appear either in person OR by attorney of record; unless otherwise authorized by the court.**

3. Any party who fails to comply with this order may have the court enter an order pursuant to Sec. 805.03 and 804.12, Stats. which may include a finding of contempt of court and entry of a default judgment against the offending party.

4. If you intend to challenge the allegations by the plaintiff in the complaint, you must file a written Answer within the number of days specified on the summons. If you do not file such an Answer you do not have to appear at the above date and time.

Dated : **January 7, 2020**

☒ **JUDGE ANTHONY MILISAUSKAS**
Circuit Court Judge, Branch 4