

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COUNTY BOARD OF RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS.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 virtually via WebEx on Wednesday, the 7th of April, 2021 at 7:30PM.** No in-person access will be available. The meeting will be available via live video stream by visiting kenoshacounty.org. The meeting will also be accessible for public monitoring by calling **1-408-418-9388 Access Code: 187 059 5207.** The following will be the agenda for said meeting:

- A. Call To Order By Chairman O'Day
- B. Pledge Of Allegiance
- C. Roll Call Of Supervisors
- D. Appointment And Confirmation Of Supervisor For District 23
- E. Citizen Comments

Citizens wishing to comment may do so either virtually or in writing.

- To make a comment virtually, you must register by submitting a request via email to the County Clerk at **NO LATER** than 5:00 PM on Monday, April 5, 2021, so that appropriate preparations can be made.
- To make a public comment in writing, submit such comments to before 4:30 PM on Wednesday, April 7, 2021. The comment will be provided electronically to the members of the Board and made part of the minutes.

<!--[if !supportLists]-->

- F. Announcements Of The Chairman

G. Supervisor Reports

G. Supervisor Reports

H. COUNTY EXECUTIVE APPOINTMENTS

26. Chairman John O'Day To Serve On The Southeastern Wisconsin Regional Planning Commission (SEWRPC).

Documents:

[ODAY-SEWRPC-2021.PDF](#)

I. NEW BUSINESS

J. Resolution - One Reading

K. CLAIMS

32. JAMES MENTEK - PERSONAL INJURY

Documents:

[GL-09-21 JAMES MENTEK - CB.PDF](#)

33. JAMES MENTEK - VIOLATION OF RIGHTS

Documents:

[GL-08-21 JAMES MENTEK.PDF](#)

L. Approval Of March 16, 2021 Minutes By Supervisor Yuhas

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 2020/21-26

RE: SOUTHEASTERN WISCONSIN REGIONAL PLANNING 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

County Board Chairman John O'Day
1010 56th Street
Kenosha, WI 53140

to serve on the Southeastern Wisconsin Regional Planning Commission (SEWRPC) beginning immediately upon confirmation of the County Board and continuing until the 15th day of September, 2022 or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Chairman O'Day will be eligible to receive per diem payment and mileage reimbursement from SEWRPC.

Chairman O'Day will be succeeding Steven Bostrom.

Respectfully submitted this 30th day of March, 2021.

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: john j oday
First Middle Last

Residence Address: _____

Previous Address if above less than 5 years: na

Occupation: realestate broker prime realty
Company Title

Business Address: 5300 green bay rd kenosha wi

Telephone Number: Residence _____ Business 262-657-7330

Daytime Telephone Number: _____

Mailing Address Preference: Business () Residence (✓)

Email Address: _____

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.

knights of columbus;kenosha history center chairman;brookside nursing home vice chair;kenosha county human services board chairman;kenosha county board chairman;

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

shalom center;elca outreach center;women and childrens center

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

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

Nominee's Supervisory District #9

Governmental Services: List services with any governmental unit.
county board chair;

Additional Information: List any qualifications or expertise you possess that would
benefit the Board, Committee, Commission, etc.
real estate broker kenosha since 1984

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

3-25-2021
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: _____

Corporation Counsel
Kewasha County Courthouse
912-56 1/2 Street
Kewasha, WI 53140

TIME SENSITIVE
3/2/21 (SOW)

Re: NOTICE OF CLAIM/INJURY - MENDEK VS. KEWASHA COUNTY JAIL
re: Exposure to and contracted COVID-19 in jail

Dear Corporation Counsel:

On October 29, 2020, I was arrested and booked into the Kewasha County Jail, at which point I was tested for COVID-19, and automatically "QUARANTINED" for (10) days, as was jail policy. My test came back "NEGATIVE".

Over the next 4 1/2 months, I exhibited NO SIGNS/OR SYMPTOMS of COVID-19, as I did not have it. However, on February 17, 2021, Jail staff placed me into an INFECTED HOLDING CELL down in "booking", wherein I was EXPOSED TO AND CONTRACTED COVID-19. On February 19, 2021, I was placed into "MENICAL QUARANTINE/ISOLATION" and on February 24, my test came back "POSITIVE". (See Ex. 1A Attached)

I suffered MISERABLY over the next 17 days, from Feb. 19th thru March 7th, with body aches, cough, loss of taste/smell, sick stomach, difficulty breathing, inner ear pain, fever, etc., all due to GROSS NEGLIGENCE, DELIBERATE INTERFERENCE, and CRUEL and UNUSUAL PUNISHMENTS inflicted upon my person by JAIL STAFF who directly CAUSED PHYSICAL INJURY UPON MY PERSON, as well as CIVIL AND CONSTITUTIONAL INJURY OF MY RIGHTS, which remain "UNCOMPENSATED" to the present time and date.

As a result, I am willing to "SETTLE" this claim, outside of litigation, with a FULL RELEASE OF LIABILITY for the sum of \$1,500⁰⁰ (ONE THOUSAND FIVE HUNDRED DOLLARS), provided YOU CONTACT ME DIRECTLY, by way of letter, within the next (14) days. Failure to respond or reply will be construed as a "disallowance of claim" wherein SUMMONS AND COMPLAINTS will be filed resolving in "with cause" of offer to SETTLE, and increased damages and costs, to your detriment.

Accordingly, I contacted your office on or about 11/31/21 regarding (ADMITTED) DUE PROCESS VIOLATIONS by the JAIL (See EXHIBIT 3A attached), which WITORY CLAIM has gone both "unanswered" and IGNORED by your office. Nevertheless, I believe BOTH of my CLAIMS (DUE PROCESS and COVID-19) can be "SETTLED", together, for the sum of \$2,000⁰⁰ (TWO THOUSAND DOLLARS), outside of LITIGATION. This is my FINAL and ONLY OFFER to SETTLE BOTH CLAIMS, outside of litigation, provided your office respond within (14) days of this letter as to SETTLEMENT OF BOTH CLAIMS, with FULL RELEASE OF LIABILITY for the sum of \$2,000⁰⁰ (TWO THOUSAND DOLLARS). Either way, I await YOUR PROMPT RESPONSE.

Respectfully Submitted,

JAMES A. MENTER, JR. #123210
KODASKA COUNTY JAIL
1000 - 55th STREET
KODASKA, WI 53140
CC: FILE / WUSTEN

Corporation Counsel
Kenosha Municipal Building
625 - 52nd Street
Kenosha, WI 53140

1/31/21

Re: Claim and Notice of Injury - Admitted Due Process Violations
re: MENTER vs. KENOSHA COUNTY JAIL, et. al.

Dear Counsel:

Enclosed please find my Notice of Injury and Claim for Damages
against Kenosha County Jail Staff members as follows:

1. On 1/24/21 at 3:07 a.m., I was included in a "G-Block Smokedown"
by Jail Staff, at which time I was placed into "Solitary
disciplinary confinement" as set forth in EX 2A. I was stripped
of all property, rights, and privileges, receiving Notice of Violations
and a hearing, pursuant to Due Process Standards (EX 2A attached)
2. At 10:06 pm, on 1/24/21, Corp. Dobbs came to my solitary cell and
asked me a few questions, however, I was NEVER served with
any Notice of Violations whatsoever. Corp. Dobbs said she'd
"look into it", then found me GUILTY of both violations
without Notice of ANY MEANINGFUL HEARING, a mere 5 minutes
later, at 11:11 pm, as reflected in EX 2A attached.
3. At 12:25 pm, on 1/24/21, I did receive "NOTICE of GUILTY
DISPOSITION" which indicated (8) days of Disciplinary Segregation
(See EX 2B - Violation Discipline)

4. Mentek requested Appeal forms and did not receive these Jail Forms or a PEA until 1/26/21, wherein Mentek immediately filed his APPEAL alleging MULTIPLE DUE PROCESS and NOTICE VIOLATIONS as well as DELIBERATE and WILLFUL VIOLATIONS OF POLICIES and PROCEDURES duly promulgated for the Jail, of which JAIL SUPERVISION is FULLY AWARE, and submitted my APPEAL on 1/26/21 @ 6:35 pm. (See EX 1A-1B attached).

5. At 1:39 a.m. on 1/27/21, the Appeal was assigned to Sgt. Schroeder, who came to question me at 1:54 a.m. regarding the egregious due process violations. (See EX 3A attached).

6. At 4:52 pm on 1/27/21, Sgt. Schroeder ruled "I was able to verify the inmate did not receive his intended notification", "I am thereby dismissing the 309A violation and releasing the inmate from Segregation". (See EX 3A attached)

7. This ADMISSION OF DUE PROCESS VIOLATIONS also appears in EX 2B which indicates "based on an Appeal decision the 309A violation was dismissed due to a due process issue. Inmate was released from segregation being served for the one 202A violation (See EX 2B attached hereto).

8. While the "Release" from Segregation was the ONLY immediate remedy the jail could provide, the ADMITTED DUE PROCESS VIOLATIONS now require compensatory and stiff punitive damages as this is NOT an isolated incident between Mentek and Jail Staff. Accordingly


As the Jail is not only SO FAMILIAR with DUE PROCESS SAFEGUARDS under State and Federal Law, as well as PREVENTIONAL RULES PROMULGATED FOR THE JAIL, but also works with these PREVENTIONAL DISCIPLINARY SAFEGUARDS on a daily basis, they have NO EXCUSES, whatsoever, for the willful and deliberate violations thereof as in the case of Mentele. These violations may also be construed as RETALIATORY IN NATURE as this is indeed NOT the first entanglement of this nature that Mentele has had with the Penasco County Jail.

9. As a direct result, Mentele has incurred loss of his Constitutional Rights as well as his LIBERTY and PROPERTY for a total of (4) days, from 1/24/21 through 1/27/21, said loss requiring compensatory and punitive damages combined at \$2,500 (two thousand five hundred DOLLARS) per DAY, for these (4) days, totalling \$10,000⁰⁰ (ten thousand DOLLARS) in damages being sought, out of Court, at this time.

10. That Mentele both expects and welcomes Counsel's "OFFER/COUNTEROFFER" that is usually tendered in a case such as this. Please be mindful that these violations must be construed as DELIBERATE and INTENTIONAL as they have been ADMITTED; in writing, by Supervisory Staff, thus NO DEFENSE IS AVAILABLE, only a judgment by the Court or a selected Jury.

I therefore thank you for your anticipated complete assistance and PROMPT written response in these regards.

Respectfully Submitted,


Thomas A. Mentek, Jr.
PLAINTIFF PRO SE

- Incident Report -

2021-0434

File # _____

Grievance _____

Appeal ☒

☐ Kenosha County Pre-Trial Detention Center

and

☐ Kenosha County Detention Center

Inmate Grievance Form

Print Name JAMES A. MENTEK ID# 03210 Dorm _____

Date of Occurrence 1/24/21
(month/day/year)

You are required to talk to a staff member to resolve your problem informally. The following rules will govern the processing of complaints:

1. An "Inmate Grievance Form" must be filed within seven days of the occurrence giving rise to the complaint. The reviewing officer may accept a late complaint due to unforeseen circumstances.
2. Every effort will be made to return grievances within 7 days of receipt of the grievance by the reviewing officer.
3. The complaint should address only one issue.
4. Complaints should be printed.
5. Unsigned complaints will not be accepted.
6. Profanity and/or threats will be cause for rejection of any inmate grievance.

NOTE: You will not be disciplined for the legitimate use of the inmate grievance process. However, making a threat or false statement about or to a staff member is a rule violation and will be treated accordingly.

To complete this form:

1. Print a description of the incident or action that the grievance is based upon. Be specific on dates, times and locations.
2. Specify what policy, rule, law, etc. is being violated.
3. Suggest a solution to the problem.

Appeal

① Violations of Morrissey v. Brewer, by Corp. Ddbs on 1/24/21 and other due process protections by

② Failing to serve me copy of violations within 24 hours of said violations. Violation report was served AFTER Corp. Ddbs was attempting a hearing, before any charges were issued, on 1/24/21

③ Due process requires a minimum of 24 hours between notice of violation service and hearing to prepare for hearing which includes assistance of staff advocate, and opportunity to call witnesses, and present evidence. Mentek

EXHIBIT 1A

was denied any form of advocacy or time in which to prepare a defense as due process timelines were violated by Dohbs.

(C) Mentek was never issued any "Rule Book" and no Rules regarding canteen items are posted in any housing unit Mentek has been assigned to. At such, cannot enforce "rules" that Mentek had no adequate notice of, which violates due process of law.

(D) Dohbs and KCS are in direct violation of their own procedural policies that have been promulgated far from by due process Administrative Rule / Code, and both state and federal statutes regarding procedure to follow in due process hearings, as you CANNOT DEPRIVE ME OF LIFE, LIBERTY, OR PROPERTY WITHOUT ADEQUATE DUE PROCESS OF LAW. See Harlow v. Fitzgerald

(E) There was NO EVIDENCE (Scientific or otherwise) to prove the existence of "alcohol / fermented beverage" by any party. Nothing more than opinion or belief which does not meet definition of evidence. And fruit punch did not meet visual observations of "hard" or fermented beverage as alleged. As for compensation for violations of due process I am seeking the sum of \$3,800 per day for a total of \$15,000 in damages which I intend to pursue in court as soon as this appeal is decided by SOF on a charge.

Inmate Signature: _____

Date: 1/26/21
(month/day/year)

Received by Officer / Unit #: _____

Date: 1-26-21 Time: 1835

Assigned to Officer / Unit #: _____

Date: _____ Time: _____

EXHIBIT 1 B



Incident Report

Incident: 2021-00000434

INMATE
COPY

Print Date/Time: 01/28/2021 12:27
Login ID: kcad\ldjarvela
Report Template: Prisoner Notification

Kenosha County Sheriff's Department
ORI Number: WI0300000

Details

Incident Type: Discipline Reporting Officer: 12135 - Rairie Assigned To:
Incident Date/Time: 01/24/2021 03:07 AM Reported Date/Time: 01/24/2021 05:17 AM Assigned Date:
Incident Location: PTF - G-BLOCK
Description: Inmates Dukes, Rojas, Garcia, Mentek, and Luitze were all found to have an unauthorized fermented beverage in their cells in G Block during a security inspection.

Violations

Seq Number: 5 Violator: MENTEK, JAMES ALLEN Violation: 309A POSS/MANUF UNAUTH BEVERAGE
Location: Requires Reclassification: N
Seq Number: 6 Violator: MENTEK, JAMES ALLEN Violation: 202A REMOVE I.D. BRACELET
Location: Requires Reclassification: N

Violation Notification

Seq Number: 5 Violator: MENTEK, JAMES ALLEN
Notification Type Notification Date/Time Notified By
Verbal 01/24/2021 04:00 AM 12135 - Rairie
Seq Number: 6 Violator: MENTEK, JAMES ALLEN
Notification Type Notification Date/Time Notified By
Verbal 01/24/2021 04:00 AM 12135 - Rairie

Violation Investigation

Seq Number: 5 Violator: MENTEK, JAMES ALLEN Investigation Date/Time: 01/24/2021 11:06 PM
Prehearing Segregation: No
Inmate's Statement: MENTEK STATED THE LIQUID IN HIS BOTTLE WAS NOT ALCOHOL. HE SAID IT WAS LEMONADE, APPLE JUICE AND FRUIT PUNCH. MENTEK SAID HE DOES NOT WEAR HIS WRIST BAND AT NIGHT BECAUSE IT SCRATCHES HIS FACE.

Violation Hearing

Seq Number: 5 Violator: MENTEK, JAMES ALLEN Hearing Officer: 1439 - Dobbs
Hearing Date/Time: 01/24/2021 11:11 PM End Date/Time: Inmate Plea: Not Guilty
Hearing Subject Subject Type Recorded By
Seq Number: 6 Violator: MENTEK, JAMES ALLEN Hearing Officer: 1439 - Dobbs
Hearing Date/Time: 01/24/2021 11:11 PM End Date/Time: Inmate Plea: Guilty
Hearing Subject Subject Type Recorded By

EXHIBIT 2A

INMATE COPY



Incident Report

Incident: 2021-00000434

Print Date/Time: 01/28/2021 12:27
Login ID: kcad\ldjarvela
Report Template: Prisoner Notification

Kenosha County Sheriff's Department
ORI Number: WI0300000

Violation Discipline

Discipline Type: DISMISSED Start Date/Time: 01/27/2021 04:00 PM End Date/Time:
Violator: MENTEK, JAMES ALLEN Event Type: Disposition: DISMISSED Officer: 1517 - Schroeder

Comments: Violation dismissed as part of an appeal decision.

Discipline Type: SEGREGATION Start Date/Time: 01/24/2021 03:07 AM End Date/Time: 01/27/2021 03:07 AM

Violator: MENTEK, JAMES ALLEN Event Type: Disposition: SUSTAINED Officer: 1439 - Dobbs

Comments: MENTEK WAS AFFORDED A DISCIPLINARY HEARING. BASED ON THE INMATES STATEMENTS AND THE OFFICERS REPORT, VIOLATIONS 309 A AND 202A SUSTAINED. 8 DAYS OF DISCIPLINARY CONFINEMENT IMPOSED WITH THE LOSS OF ALL AFFORDED PRIVILEGES. Based on an appeal decision the 309A violation was dismissed due to a due process issue. Inmate has been released from segregation time served for the one 202A violation.

Violation Appeals

Seq Number: 5 Violator: MENTEK, JAMES ALLEN

Appeal Reason	Appeal Date/Time	Entered By	Hearing Date/Time	Heard By
Inmate Request	01/27/2021 11:07 AM	1517 - Schroeder		

Review History

Date/Time:	Level:	Type:	Reviewer's ID:	Comments:
01/24/2021 06:26 PM	1	1 - SUBMITTED FOR APPROVAL	kcad\lmrairie	
01/24/2021 07:21 PM	2	2 - APPROVED	kcad\ldobbs	
01/24/2021 11:25 PM	3	3 - COMPLETED	kcad\ldobbs	
01/27/2021 05:00 PM	3	3 - COMPLETED	kcad\jschroed	

If this is a discipline, grievances must be submitted within seven (7) days of the precipitating incident. You may appeal grievance results within seventy-two (72) hours of a disposition to the grievance appeal committee. Disciplinary appeals must be submitted within ten (10) days of the hearing officer's decision. Disciplinary appeals will be addressed by the grievance appeal committee. See your handbook or electronic postings for details. This shall also serve as a written order for administrative segregation placement pending a due process hearing.

EXHIBIT 2B

Request Report - CLOSED

Printed: 01/27/2021 4:53:23PM

Request Number: 26516

Submitted: 1/27/21 1:39 am

Inmate Number: 123210

Type: GRIEVANCES

Inmate Secondary Number:

Sub Type: PTF DISCIPLINE GRII

Inmate Name: MENTEK, JAMES ALLEN

Initial Location: PT ZONE 13 W-BLOCK 03 LOWER 3

Current Location: PT ZONE 04 A-BLOCK 06 LOWER 3

Stamp

Action

Detail

User

01/27/2021 1:39:32AM

SHIFTSGT

[MANUAL ENTRY] ORIGINAL REQUEST:

Inmate James Mentek #123210 is appealing the procedural handling and an alleged violation of due process related to the disciplinary hearing completed by Corporal Dobbs on January 24, 2021 for a violation of facility rules, as listed in Incident Report #2021-00000434. Inmate Mentek has handwritten a lengthy appeal that has been scanned and attached to this disciplinary appeal. See attached document for further information.

01/27/2021 1:54:10AM

SHIFTSGT

USER ASSIGNED CHANGED

FROM <UNASSIGNED> TO [jschroeder] Schroeder, Jason

01/27/2021 4:52:38PM

jschroeder

CLOSED:

Appeal status: Sustained

During my appeal hearing regarding incident 2021-434 Inmate admitted to violation 202A for removal of his issued ID bracelet. Inmate disputed the 309A violation claiming that the beverage in his possession was commissary items and not a fermented unauthorized beverage as was alleged.

Additionally, the inmate also claims a due process violation in that he was not provided his initial notification within 24 hours and was forced to participate in a disciplinary hearing unprepared.

I was able to verify that the inmate did not receive his intended notification for the violations he was being alleged to have violated. I am therefore dismissing the 309A violation and releasing the inmate from segregation. The 202A violation was sustained and the inmate has served his disciplinary time for that violation already.

The inmate will be released from disciplinary segregation time served.

This is the final decision on the discipline appeal.

Corr. Sgt. Schroeder #1517

Corr. Cpl. Jarvela #1407

Lt. Gilley #200

EXHIBIT 3A

