

Racine County Ch 980 Committee
Ives Grove Office Complex
14200 Washington Ave
Public Works and Development Services Auditorium
Sturtevant, WI 53177
Monday, February 28, 2022 – 9:00 a.m.

Meeting attended by: Principal Assistant Corporation Counsel John P. Serketich, Assistant Corporation Counsel Erika Frank Motsch, Legal Coordinator for the Office of the Corporation Counsel Nicole Jurgens, Aging and Disability Services Administrator Michelle Goggins, Racine County Real Property Lister-GIS Manager Kim Christman, Angela Serwa from Wisconsin Department of Health Services (“DHS”), and Public Works and Development Services Director Julie Anderson.

1. Convene meeting

The meeting of the Ch. 980 Committee was called to order at 9:11 a.m. by Principal Assistant Corporation Counsel John Serketich.

2. Public Comments

No members of the public were present; therefore, no public comments made.

3. Approve Agenda & Minutes

Agenda for February 28, 2022 meeting and Minutes from January 24, 2022 meeting reviewed.

Motion: Julie Anderson moved to approve both the agenda and minutes. Seconded by Michelle Goggins.

Action: All Ayes, No Nays. Unanimous. **Motion passed.**

4. Legal updates (Office of Corporation Counsel)

9:12 a.m.

Daniel Williams

Racine County Circuit Court Case No: 95-CF-1197

Wisconsin Court of Appeals District II Case No: 20-AP-2074

As discussed by the Committee previously, after Mr. Williams was placed at the residence identified by this Committee, the Town of Burlington filed a Motion to Intervene. That motion was heard and denied by the Court on January 6, 2022. The appeal related to the Court’s order requiring the County to buy or build is still pending; the deadline for the respondent to file their response has been extended to May 2, 2022. Crivello Carlson, S.C., was retained to represent the County in that action.

Hung Tran

Racine County Circuit Court Case No: 04-CI-03

U.S. District Court, Eastern District of Wisconsin, Milwaukee Division Case No: 21-CV-1061

04-CI-03: Committee continues to search for an appropriate residential option. As discussed by the Committee previously, Mr. Tran filed motions against the County to compel the County to buy or build a residence and for damages pursuant to Wis. Stat. § 51.61. Those motions were filed December 9, 2021 and December 15, 2021, respectively. Motion Hearing was held on February 7, 2022. Crivello Carlson, S.C. appeared with Attorney Serketich to represent the County. The Court entertained but denied Motion for Sanctions; noted that a separate civil action is required for Mr. Tran to seek that remedy. The Court held Mr. Tran's motion to compel County to buy or build in abeyance until May 2, 2022 to allow the Court to hear Mr. Tran's petition for discharge. The Court has scheduled a court trial on that petition on April 1, 2022.

21-CV-1061: Mr. Tran's motion challenging the constitutionality of Wis. Stat. Chapter 980 before the federal court is still pending in the Eastern District of Wisconsin; Racine County is not formally involved in that case, but counsel is tracking the case as it is relevant to the committee. Most recently, the State of Wisconsin filed a Motion to Dismiss in that case on January 28, 2022.

Dennis Yarber

Racine County Circuit Court Case No: 14-CI-02

Committee continues to search for an appropriate residential option. As discussed previously by the Committee, Mr. Yarber's counsel indicated that actions may be filed in this matter due to the delay in locating a residential option at the review hearing held in this matter on November 1, 2021; to date, however, no such actions have been filed.

Jamerrel Everett

Waukesha County Circuit Court Case No: 04-CI-01

Committee continues to search for an appropriate residential option. Mr. Everett's case related to his commitment is in Waukesha County, and that Court has scheduled a status conference on April 4, 2022. Like other commitment cases, Racine County is not a party to the action, however, counsel for the County is considering its role in that hearing. Committee has provided letter to Court regarding placement efforts.

5. Residential option updates (Racine County Human Services Department (HSD))

9:21 a.m.

Ms. Goggins provided the following updates on HSD's evaluations of the potential properties provided to HSD by Ms. Christman, and HSD's other efforts to identify suitable housing for the pending parties.

February: 465 properties were referred to HSD for evaluation, of which only 20 had not been previously evaluated by HSD for conformity with statutory criteria. Of those 20 properties, 13 met statutory criteria after HSD's preliminary evaluation using the digital mapping tool. Eleven of the 13 properties exceeded the amount of all participating vendors' preferred purchase prices for residential properties, so two properties that were within the vendors' purchase prices were sent to vendors for consideration.

Ms. Christman provided the following updates regarding the total number of properties that were sent to HSD for evaluation since the last committee meeting and as of February 25, 2022:

- **MLS Listings**
 - 01-24-2022: 17 single family, 5 two-family, 1 multi-family, and 5 condos (total: 28)
 - 01-25-2022: 16 single family, 6 two-family, 1 multi-family, and 5 condos (total: 28)
 - 01-26-2022: 19 single family, 3 two-family, 1 multi-family, and 3 condos (total: 26)
 - 01-27-2022: 24 single family, 2 two-family, 0 multi-family, and 2 condos (total: 28)
 - 01-31-2022: 19 single family, 1 two-family, 1 multi-family, and 3 condos (total: 24)
 - 02-01-2022: 18 single family, 5 two-family, 1 multi-family, and 2 condos (total: 26)
 - 02-02-2022: 18 single family, 4 two-family, 0 multi-family, and 4 condos (total: 26)
 - 02-03-2022: 16 single family, 3 two-family, 0 multi-family, and 5 condos (total: 24)
 - 02-04-2022: 18 single family, 4 two-family, 1 multi-family, and 4 condos (total: 27)
 - 02-07-2022: 17 single family, 2 two-family, 1 multi-family, and 2 condos (total: 22)
 - 02-08-2022: 19 single family, 1 two-family, 0 multi-family, and 1 condo (total: 21)
 - 02-09-2022: 20 single family, 3 two-family, 1 multi-family, and 1 condo (total: 25)
 - 02-10-2022: 19 single family, 2 two-family, 1 multi-family, and 2 condos (total: 24)
 - 02-14-2022: 19 single family, 2 two-family, 1 multi-family, and 1 condo (total: 23)
 - 02-15-2022: 20 single family, 2 two-family, 1 multi-family, and 2 condos (total: 25)
 - 02-16-2022: 20 single family, 3 two-family, 1 multi-family, and 4 condos (total: 28)
 - 02-17-2022: 19 single family, 5 two-family, 1 multi-family, and 6 condos (total: 31)
 - 02-18-2022: 21 single family, 5 two-family, 0 multi-family, and 6 condos (total: 32)
 - 02-21-2022: 17 single family, 3 two-family, 0 multi-family, and 3 condos (total: 23)
 - 02-22-2022: 15 single family, 3 two-family, 0 multi-family, and 2 condos (total: 20)
 - 02-23-2022: 15 single family, 3 two-family, 0 multi-family, and 2 condos (total: 20)
 - 02-24-2022: 18 single family, 4 two-family, 0 multi-family, and 1 condo (total: 23)
 - 02-25-2022: 22 single family, 6 two-family, 0 multi-family, and 2 condos (total: 30)
- **Grand total: 584**
 - **426 single family**
 - **77 two-family**
 - **13 multi-family**
 - **68 condos**
- **GIS Mapping Tool**
 - There were no updates to the GIS mapping tool.

6. **Discuss-consider process for making recommendation to DHS and Court for Chapter 980 sex offender placement**

9:23 a.m.

Discussed options and orders to buy or build. Attorney Serketich asked about the best way to identify potential land properties that meet the criteria. Ms. Goggins explained that HSD has run every property in Racine County and has a list of properties that appear to meet the statutory

requirements, but any potential properties will need to be further reviewed since the community can change (e.g. new daycares are established, flood plains change, etc.). Ms. Christman explained ownership of the data in the GIS mapping tool and how and when updates to the tool are made. Committee discussed mass mailings to property owners that own property that meets the statutory criteria for residential options, including larger parcels with outbuildings that may be converted to residential use.

Attorney Serketich also discussed upcoming in-rem action scheduled for the end of March; there may be potential properties available to the Committee from that action. Properties included in that action will be provided to HSD for evaluation. Committee is still reviewing properties already owned by the County that may be suitable for building a residential property for Chapter 980 committed persons.

7. **Closed Session pursuant to section 19.85(1)(d), (e), and (f) of the Wisconsin State Statutes to discuss confidential offender information under Wis. Stats § 980.06.**

No items for closed session.

8. **Adjournment**

9:36 a.m.

Next meeting scheduled for: **Monday, March 28, 2022, at 9:00 a.m.**

Motion: Michelle Goggins moved to adjourn meeting at 9:37 a.m. Seconded by Julie Anderson.

Motion passed. Meeting adjourned at 9:37 a.m.

Recorded February 28, 2022

Nicole Jurgens - Office of the Corporation Counsel