

Racine County Ch 980 Committee
Ives Grove Office Complex
14200 Washington Ave
Public Works and Development Services Auditorium
Sturtevant, WI 53177
Monday, March 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”), Nancy Ahler from the Wisconsin Department of Corrections, and Public Works and Development Services Director Julie Anderson.

1. Convene meeting

The meeting of the Ch. 980 Committee was called to order at 9:08 a.m. by Assistant Corporation Counsel Erika Motsch.

2. Public Comments

Detective Christopher Schuster from the Village of Caledonia Police Department was present, but made no public comments were made.

3. Approve Agenda & Minutes

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

Motion: Julie Anderson moved to approve both the agenda and minutes. Seconded by Kimberly Christman.

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

4. Legal updates (Office of Corporation Counsel)

9:09 a.m.

Daniel Williams

Racine County Circuit Court Case No: 1995-CF-1197

Wisconsin Court of Appeals District II Case No: 2020-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: 2004-CI-03

U.S. District Court, Eastern District of Wisconsin, Milwaukee Division Case No: 2021-CV-1061

Committee continues to search for an appropriate residential option. On March 6, 2022, Mr. Tran filed a Notice of Injury and Claim against the County. That claim is being reviewed by the Office of Corporation Counsel and is similar to Mr. Tran's motion for damages that was previously filed and denied by the Circuit Court under Case No. 2004CI03.

2004-CI-03:

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. Prior to those motions, Mr. Tran had also filed a petition for discharge. On February 7, 2022, the motions were heard, and the motion for damages was denied and the motion to compel County to buy or build was ordered to be held 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 the petition for discharge on April 1, 2022.

2021-CV-1061:

As discussed by the Committee previously, 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 a party 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: 2014-CI-02

Committee continues to search for an appropriate residential option.

Jamerrel Everett

Waukesha County Circuit Court Case No: 2004-CI-01

Committee continues to search for an appropriate residential option. As discussed by the Committee previously, Mr. Everett's case related to his commitment is venued 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 the Court regarding placement efforts.

Michael Fink

Racine County Circuit Court Case No: 2006-CI-01

Mr. Fink has been on supervised release and living at a residence identified by this Committee since July 2020. On March 16, 2022, Mr. Fink filed a petition for discharge, and a hearing date for that discharge was set for May 9, 2022. However, on March 24, 2022, the State filed a petition to revoke order for supervised release, and that revocation matter is scheduled to be heard on April 21, 2022. Ms. Serwa reported that she could not provide further information on

the revocation matter at this time, but that she would update the Committee if the action resulted in a placement becoming available at Mr. Fink's current residence. The Office of Corporation Counsel will also continue to follow that case.

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

9:19 a.m.

Ms. Goggins provided that HSD prepares their reports of total properties evaluated monthly, so HSD has not finalized their report for the month of March. As previously reported to the committee: February, 465 properties were referred to HSD for evaluation, of which only twenty had not been previously evaluated by HSD for conformity with statutory criteria. Of those twenty properties, thirteen met statutory criteria after HSD's preliminary evaluation using the digital mapping tool. Eleven of the thirteen 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 March 25, 2022:

- **MLS Listings**
 - 02-28-2022: 14 single family, 1 two-family, 0 multi-family, and 0 condos (total: 15)
 - 03-01-2022: 18 single family, 1 two-family, 0 multi-family, and 0 condos (total: 19)
 - 03-02-2022: 23 single family, 1 two-family, 0 multi-family, and 3 condos (total: 27)
 - 03-03-2022: 30 single family, 4 two-family, 0 multi-family, and 5 condos (total: 39)
 - 03-04-2022: 28 single family, 4 two-family, 0 multi-family, and 7 condos (total: 39)
 - 03-07-2022: 24 single family, 2 two-family, 1 multi-family, and 7 condos (total: 34)
 - 03-08-2022: 14 single family, 4 two-family, 1 multi-family, and 3 condos (total: 22)
 - 03-09-2022: 18 single family, 2 two-family, 1 multi-family, and 4 condos (total: 25)
 - 03-10-2022: 27 single family, 2 two-family, 2 multi-family, and 5 condos (total: 36)
 - 03-11-2022: 30 single family, 1 two-family, 1 multi-family, and 1 condo (total: 33)
 - 03-14-2022: 17 single family, 2 two-family, 0 multi-family, and 2 condos (total: 21)
 - 03-15-2022: 19 single family, 1 two-family, 0 multi-family, and 1 condo (total: 21)
 - 03-16-2022: 20 single family, 3 two-family, 0 multi-family, and 1 condo (total: 24)
 - 03-17-2022: 19 single family, 2 two-family, 0 multi-family, and 3 condos (total: 24)
 - 03-18-2022: 25 single family, 4 two-family, 0 multi-family, and 2 condos (total: 31)
 - 03-21-2022: 23 single family, 3 two-family, 1 multi-family, and 2 condos (total: 29)
 - 03-22-2022: 15 single family, 1 two-family, 1 multi-family, and 2 condos (total: 19)
 - 03-23-2022: 15 single family, 1 two-family, 1 multi-family, and 2 condos (total: 19)
 - 03-24-2022: 17 single family, 2 two-family, 1 multi-family, and 6 condos (total: 26)
 - 03-25-2022: no data sent
- **Grand total: 503**
 - **396 single family**
 - **41 two-family**
 - **10 multi-family**
 - **56 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**

9:24 a.m.

Ms. Goggins reported that HSD has continued to work with the County's Performance and Analytics Division to collect data for potential properties that meet statutory criteria in Racine County. Committee discussed the ways such data may be used and managed by the Committee to better identify potential properties as well as interested property owners.

Attorney Serketich reported that the recent in-rem action was held on March 21, 2022 so the list of properties subject to that action is finalized. Committee members confirmed that the final list was provided to them by the Treasurer's Office and that the properties will be evaluated for conformance with Chapter 980.

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.**

9:30 am.

Attorney Motsch motioned to move to closed session, seconded by Julie Anderson. Roll call vote, all ayes. Committee entered closed session at 9:30 am, returned to open session at 9:49 am.

8. **Adjournment**

9:50 a.m.

Next meeting scheduled for: **Monday, April 25, 2022, at 9:00 a.m.**

Motion: Angela Serwa moved to adjourn meeting at 9:50 a.m. Seconded by Julie Anderson.

Motion passed. Meeting adjourned at 9:50 a.m.

Recorded March 28, 2022

Nicole Jurgens - Office of the Corporation Counsel