

**BEFORE THE CITY OF KENOSHA  
BOARD OF POLICE & FIRE COMMISSIONERS**

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**IN RE: COMPLAINT AGAINST FIRE CHIEF JOHN THOMSEN**  
*Pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(i)*

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As and for a Complaint against Fire Chief **John Thomsen** (hereinafter “**Thomsen**”), pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(i), **the Kenosha Professional Firefighters, Local 414, IAFF** (hereinafter “**Local 414**”) hereby alleges and states as follows:

**RELEVANT HISTORY OF THE MATTER**

1. This Complaint is presented by **Local 414 President Jeremy Ryan**, upon information and belief except as to those matters set forth which are based upon actual knowledge as noted herein, and is further supported by the affidavits of witnesses attached hereto and incorporated herein by reference.

2. **Thomsen** has served as Chief of the Kenosha Fire Department since on or about December 18, 2006. Pursuant to Wis. Stat. § 62.13 (3) **Thomsen** is only entitled to “hold office during good behavior”.

3. On August 16, 2010 the Kenosha Common Council publicly reprimanded **Thomsen** due to his failure to maintain “objectivity” which caused a Fire Department Division Chief to perceive that he was being persecuted. The Kenosha Common Council agreed to pay \$10,000 as a contribution to the legal fees of the complaining party to resolve the matter. The Council then ordered that a formal letter of reprimand be placed in **Thomsen’s** personnel file due to his mishandling of the matter, as set forth in Resolution No. 125-10, a copy of which, as excerpted from the Official Proceedings of the Common Council, is attached hereto and incorporated herein.

4. Since shortly after receiving the public reprimand for his inappropriate actions and mishandling of a personnel matter, **Thomsen** has repeatedly engaged in conduct unbecoming an officer

of the Kenosha Fire Department. By doing so he has demonstrated there is no hope for remediation, as it appears he is unable to conform his conduct in order to properly perform his duties as Fire Chief and set a proper example for all other numbers of the Fire Department.

5. **Thomsen's** actions demonstrate a lack of the requisite "good behavior" to continue in the role of chief of the Kenosha Fire Department. In addition, they appear to be violative of the rules of the Fire Department which require all members to "be governed by the ordinary rules of good behavior observed by law abiding citizens" and all officers to refrain from the use of "abusive or immoderate language in giving orders and directions, as well as in conversations with [subordinates]. (XVI. General Rules of the Kenosha Fire Department)

### **ALLEGATIONS OF MISCONDUCT**

6. On or about April 1, 2011, at a retirement party for Captain Greg Galich at the Chutes and Ladders Pub, 3812 60th Street, Kenosha, Wisconsin, which was open to the public at the time, **Thomsen** asked **Local 414** President Jeremy Ryan what kind of shirt he was wearing. When told by Ryan that he was wearing a sweatshirt, **Thomsen** told Ryan, "You look like a fag." (See Ex. A, Ryan Aff., ¶ 34)

7. In or about August or September of 2012, following an officers meeting, **Thomsen** told Captain Matt Loewen, that "as long as he is fire chief he will never transfer [Apparatus Operator Jeff Weidner] out of Station 7." This comment was made in apparent retaliation for actions taken by Weidner, a former President of **Local 414**, in his collective bargaining capacity. This statement of retribution constituted a prohibited practice as that term is defined by the Wisconsin Employment Relations Commission and exposed the City of Kenosha to potential liability.

8. In or about October or November, 2012, during a meeting to discuss staffing and budget issues with Kenosha Fire Fighters Ricardo Lebron and Ray Tessman in their capacities as duly authorized representatives of the **Local 414** bargaining unit, **Thomsen** stated that Kenosha Police Chief John W. Morrissey had gone into Mayor Keith G. Bosman's office and told the Mayor that if he would not let

Morrissey hire another three police officers, “By 5:00 P.M. tomorrow everybody in the City of Kenosha will have their throats slit and would be fucked up the ass.” (See Ex. B, Tessman Aff. ¶¶ 4-6; Ex. C, Lebron Aff. ¶¶ 2-6)

9. In early December 2012, during an employment interview, **Thomsen** asked applicant Abbie Windus whether she was “like (name withheld),” a known gay employee. Windus responded, “No, I am engaged.” Windus was ultimately offered a position and is currently a probationary firefighter with the Kenosha Fire Department. The comment suggested **Thomsen** would improperly consider sexual orientation in the hiring decision in violation of Title VII of the Civil Rights Act of 1964 and other statutory and case law precedent, thus exposing the City of Kenosha to potential liability.

10. On or about February 27, 2013, during a Step 2 grievance meeting held at the Fire Department administrative offices between Local 414 officers and Fire Department administrators, **Thomsen** refused to address the grievance, angrily terminated the meeting, and ordered Fire Fighter Ray Tessman out of the office. (See Ex. A, Ryan Aff. ¶¶2-15; Ex. B ¶¶3, 7-17) Since that time, **Local 414** has been forced to bypass the Fire Chief for all grievances in order to assure a fair and unbiased review of concerns regarding certain personnel matters and operations of the Fire Department. This has diminished the effective operation of the Fire Department and placed an increased burden on other areas of city government, including Human Resources.

11. On or about March 8, 2013 at Circa on 7th Avenue, located at 4902 7th Avenue, Kenosha, Wisconsin, during a retirement party for Captains Jeff Flasch, John Kiel and Don Howland attended by about one hundred people, including many retirees, local politicians, Mayor Keith G. Bosman, Wisconsin State Senator Robert Wirsch, and many family members and friends, including children, **Thomsen** made inappropriate and personally embarrassing comments about each retiring captain. These comments included repeated references to **Thomsen** having transmitted “syphilis” to Captain Flasch on a trip to Florida, and that Captain Howland’s wife must really like his “Fu Manchu”. (See Ex. A, Ryan Aff. ¶¶

16-21) The comments demonstrated conduct unbecoming an officer of the Kenosha Fire Department and likely would have resulted in charges being brought against any other member of the Fire Department had the comments been made in the presence of **Thomsen**.

12. During the first quarter of 2013, the City of Kenosha Personnel Department presented harassment training on a department-wide scale. **Thomsen** arrived at Station 4, located at 4810 60<sup>th</sup> Street, Kenosha, Wisconsin, and stated he was there for the training.

- A. Following the training session, **Thomsen** entered the Captain's office and referred to someone as being a "mick", which is generally understood to be a derogatory term for those of Irish heritage.
- B. He then looked at a paper he was holding in his hand and stated "Let me see here, who else I can offend", or words to that substantial effect.
- C. **Thomsen** then stated that a person can feel harassed for being old, pointed to a firefighter, and said, "He is an old guy and should retire".
- D. **Thomsen** commented that, because he was the head of the Fire Department, all harassment complaints would have to be brought to him. The clear intimation was that he would dismiss any such complaints. (See Ex. C, Lebron Aff. ¶¶ 7-19)

13. On or about April 26, 2013, at the Department's graduation party for new recruits at the Chutes and Ladders Pub, 3812 60th Street, Kenosha, Wisconsin, **Thomsen** told firefighter Kristin Kaminski, "I know you. I read your psych evaluation." Upon Kaminski asking what he knew about her, **Thomsen** stated, in the presence of firefighter Paul Reget, "I know I will never confuse you with being the brightest person on our job." **Thomsen** later told a group of firefighters at the same event that he knew so much about the "guys" on the Fire Department because he reads their psychological evaluations. These comments implicate serious violations of HIPAA and other proscriptions against unauthorized disclosure of employee medical and psychological records.

14. On or about May 31, 2013, while at a blood drive the Fire Department co-sponsored with the American Red Cross and held at Gateway Technical College, 3520 30th Avenue, Kenosha, Wisconsin, **Thomsen** arrived while on duty and in uniform to donate blood. As people were beginning

to sign up near the entrance, **Thomsen** stated in a loud voice, “I just got back from the Netherlands and had sex with a Haitian boy. Can I still donate blood?” When the President of the Police and Fire Commission arrived, **Thomsen** stated: “I think [Police] Chief [John W.] Morrissey is in the Netherlands with a Haitian boy, not sure what they are doing, but I think that’s why he won’t be here. Or maybe he’s there with Michael Bell.” (See Ex. A, Ryan Aff. ¶¶22-27) These comments were offensive, inappropriate, demeaning, and had the effect of exposing the entire Kenosha Fire Department to ridicule.

15. On or about June 6, 2013, during a disciplinary hearing regarding a statement made by acting Lieutenant Paul Schlereth, who had expressed dissatisfaction with an EMS test, **Thomsen** sought to impose a 48 hour suspension for the comment, which Schlereth averred was made “in jest”. During the course of the hearing, **Thomsen** admitted he had referred to Schlereth and his crew as “pin heads”, following an investigatory meeting on May 31, 2013. (Ex. A, Ryan Aff. Paragraph 34)

16. On or about July 1, 2013, **Thomsen** walked into Fire Station 4, located at 4810 60th Street, Kenosha, Wisconsin, looked around, then stated to Firefighter Norman Hoening and other firefighters: “Fat guy, bald guy, fat guy, bald guy. Why do we have so many fat and bald guys?”

17. In 2013, **Thomsen** told Firefighter Jake Waldschmidt, then an applicant for the position of Lieutenant, “The reason you didn’t make lieutenant is because you didn’t throw enough ‘shits’ and ‘fucks’ in your responses.” This comment denigrated the entire promotional process and caused the Fire Department to be viewed as using a wholly improper promotional scheme, relying on inappropriate and offensive comments, cronyism, and favoritism in order to advance one’s career in the fire service in Kenosha.

18. During his service as Fire Chief **Thomsen** has stated on a number of occasions, to various firefighters, that he could have sex with the wife of anybody “on the job”, by which it is believed he meant the Kenosha Fire Department.

19. In or about December 2013, **Thomsen** caused the termination of African-American firefighter Henderson Darby from the Kenosha Fire Department. In so doing, **Thomsen** acted in a manner entirely inconsistent with actions taken involving other firefighters who had been on sick leave in the past. Upon information and belief, the Darby termination constituted retribution by **Thomsen** against a member of **Local 414**, involved a discriminatory application of the Fire Department sick leave policy, and may have exposed the City of Kenosha to potential liability.

20. While **Thomsen** requires all members of the Fire Department to wear their uniforms at all times while on duty, **Thomsen** frequently appears in his office in street clothes, often a polo shirt and khaki pants, during “normal business hours”, thus conveying to all members of the Fire Department that the rules he requires all others to comply with do not apply to him.

21. Upon information and belief, upon being advised of many of the above allegations by the Mayor and/or HR Director Steven Stanczak in mid-2013, **Thomsen** denied he had engaged in any of the alleged conduct (reportedly stating “I wouldn’t be so stupid to say those things”, or words to that substantial effect), which constituted untruthful behavior. Consistent with the past practice of the Kenosha Fire Department, said denials should subject **Thomsen** to discipline for any such misrepresentations.

22. **Thomsen** is currently in the process of conducting interviews for entry level firefighters. Given **Thomsen’s** unwillingness to conform his conduct to acceptable standards constituting the expected “good behavior” required of any individual serving as Chief of a Fire Department, **Thomsen** is exposing the Fire Department, as well as the City of Kenosha, to further embarrassment and potential civil claims.

### **PRAYER FOR RELIEF**

23. This Commission should not permit the Kenosha Fire Department to be led by an individual who performs his duties in an unprofessional, discriminatory, and embarrassing manner, and who has apparently misrepresented the truth of his actions to the Mayor and others conducting the investigation.

24. **Thomsen's** inappropriate comments, together with his clearly indicated prejudice toward certain ethnic groups, minorities, the elderly, those who are overweight, and those of non-traditional sexual orientation, appear to be violative of Kenosha Ordinance 30.03(G) and should raise serious concerns for the City and this Commission.

25. **Thomsen's** actions and comments demonstrate a lack of the requisite "good behavior" required of a Fire Chief pursuant to Wis. Stat. § 62.13 (3), (5)(b) and (5)(i), appear to constitute a violation of Kenosha Ordinance 30.03(E) as his actions do not "promote public confidence", and would thus appear to warrant suspension, demotion, and/or discharge, as determined by the Commission.

**WHEREFORE, the Kenosha Professional Firefighters, Local 414, IAFF** respectfully requests that the Commission conduct a public hearing to determine whether **Thomsen** has violated Wis. Stat. § 62.13(5) and/or any other applicable policies, ordinances or statutes, and prays that the Commission take such further action as may be appropriate, including, suspension, demotion and/or removal from the office of Fire Chief for the City of Kenosha.

Dated at Kenosha, Wisconsin, this 23rd day of January, 2014.

**Kenosha Professional Firefighters  
Local 414, IAFF**

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By: Jeremy Ryan, President

**COMMON COUNCIL  
OFFICIAL PROCEEDINGS  
Monday, August 16, 2010**

**Keith G. Bosman, Mayor**

**Michael K. Higgins, City Clerk**

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**b. RESOLUTION NO. 125-10**

**BY: COMMON COUNCIL**

**MANAGEMENT ISSUES REGARDING JOHN R. THOMSEN, FIRE CHIEF FOR THE CITY OF  
KENOSHA**

WHEREAS, John R. Thomsen has been Fire Chief for the City of Kenosha since December 16, 2006.

WHEREAS, one of Chief Thomsen's subordinates was Richard Meeker, a twenty year veteran of the department who at the time John R. Thomsen became Fire Chief was Division Chief of Emergency Medical Services for the Fire Department; and,

WHEREAS, Division Chief Meeker perceived persecution from members of the Fire Department during Chief Thomsen's tenure as Fire Chief, resulting in a claim against the City, which claim was the subject of a full and final settlement with regard to the substantive issues, which settlement included no admission of liability by the City and no damages paid to Division Chief Meeker; and,

WHEREAS, through its Finance Committee, the Common Council came to understand the basis of Division Chief Meeker's perception of persecution through the course of consideration of a request by Division Chief Meeker for reimbursement of attorney fees expended by Division Chief Meeker in regard to the perceived persecution; and,

WHEREAS, although the actions of Fire Chief Thomsen did not result in a finding by a court of law that Chief Thomsen's actions were illegal, nonetheless, in the opinion of the Common Council Chief Thomsen mishandled the situation; and,

WHEREAS, furthermore in the opinion of the Common Council Fire Chief Thomsen lost objectivity with regard to Division Chief Meeker's situation.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Kenosha, does hereby publicly reprimand John R. Thomsen, Fire Chief for the City of Kenosha for his management methods involving his subordinate, Division Chief Richard Meeker.

BE IT FURTHER RESOLVED that the Common Council does hereby direct the City Clerk to provide a copy of this Resolution to the Mayor of the City of Kenosha along with a request that a copy of this resolution be placed in the personnel file of Fire Chief John R. Thomsen and further requests the Mayor to issue a formal letter of [19] reprimand to the Fire Chief regarding the substance of this Resolution to also be placed in his personnel file. Adopted this 16th day of August, 2010.

**APPROVED:**

**KEITH G. BOSMAN, MAYOR**

**ATTEST:**

**DEBRA L. SALAS, DEPUTY CITY CLERK**



**STATE OF WISCONSIN  
BEFORE THE CITY OF KENOSHA  
POLICE AND FIRE COMMISSION**

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**AFFIDAVIT OF JEREMY RYAN**

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STATE OF WISCONSIN     )  
                                      )ss.  
KENOSHA COUNTY         )

I, Jeremy Ryan, being first duly sworn on oath, deposes and states as follows:

1.     I am a fire fighter in the Kenosha Fire Department. I also serve as President of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2.     In my role as President of Local 414, I prosecute grievances which the Local brings, pursuant to Article 21 of the Labor Agreement with the City.

3.     Pursuant to Article 21.03, Step 2 of the grievance procedure is a meeting convened by the Chief with the grievant, Union representatives, and any officer involved.

4.     On February 27, 2013, Chief Thomsen held a Step 2 grievance meeting which I attended with Union Vice President Ray Tessman. Deputy Chief John Poltrock and Division Chief Phillip Johnson were Department administrators who were also present at the meeting.

5.     As is our duty on behalf of the Union, throughout the Step 2 meeting, Vice President Tessman and I asked numerous questions of the Department administrators.

6. Throughout the Step 2 meeting, Chief Thomsen refused to answer any of the questions that Vice President Tessman and I asked that were materially related to the grievance.

7. The Step 2 meeting lasted about thirty minutes, during which Chief Thomsen refused to address the Union's grievance and instead asked questions of me and Vice President Tessman immediately following each question we asked of the Department administrators.

8. Chief Thomsen was defensive and aggressive and consistently refused to address our grievance questions by asking questions of us.

9. Vice President Tessman asked Chief Thomsen to "stop" so that we could pursue the grievance.

10. Chief Thomsen responded by standing up, leaning over the table aggressively, pointing his finger at Vice President Tessman and yelling: "Don't you ever tell me to stop. This is my office, don't you ever tell me to stop. Pack your stuff up and get out of my office."

11. At that point I asked the chief to stop yelling and I pointed out our right to pursue the grievance at a meeting before him.

12. Chief Thomsen never acknowledged our contractual right to pursue the grievance and continued pointing at Vice President Tessman.

13. Chief Thomsen was red in the face and appeared to be shaking and told us again to "get out."

14. Vice President Tessman and I left the Step 2 grievance meeting.

15. As we left the meeting, I told Deputy Chief Poltrock that "this is the behavior the Union is concerned about." Deputy Chief Poltrock did not respond to me.

16. On March 8, 2013, I attended a retirement party for House Captain Flasch, Captain Howland and Captain Kiel.

17. The party was attended by about one hundred people, including numerous current and retired Kenosha fire fighters, local politicians, the Mayor, a State Senator, and many family members and friends of the retirees, including children.

18. During the evening, Chief Thomsen grabbed the microphone away from the event's Master of Ceremonies when it was time to give awards and commendations to the retiring captains.

19. In the course of his remarks, Chief Thomsen made comments about each retiring captain, which were crude, inappropriate, unseemly and personally embarrassing. His comments reflected badly on himself and the Department.

20. In his remarks about Captain Flasch, Chief Thomsen told a story about having transmitted syphilis to Captain Flasch early in his career. He repeated embarrassing references to this story approximately three times.

21. Additionally, in his comments about Captain Howland, Chief Thomsen stated that the Captain's wife must like his "fu manchu."

22. On May 31, 2013, the Department conducted a blood drive, in cooperation with the local Red Cross.

23. I was present along with eight volunteers and numerous members of the public waiting to donate blood when Chief Thomsen arrived.

24. Chief Thomsen was dressed in uniform and asked of no one in particular but loudly for all around to hear, "I just got back from the Netherlands and had sex with a Haitian boy, can I still donate blood?"

25. Later, I was sitting at a snack table with fire fighter Scott Krueger. Chief Thomsen came to get a snack after he had donated blood.

26. As Chief Thomsen was eating a snack, President Helen Schumacher of the Kenosha Police and Fire Commission came to our table to say “hello.” Chief Thomsen gave her a hug and stated: “I think [Police] Chief Morrissey is in the Netherlands with a Haitian boy, not sure what they are doing but I think that’s why he won’t be here. Or maybe he is there with Michael Bell.”

27. President Schumacher began to back away from Chief Thomsen, raised her hands and said to him, “I don’t want to hear anything about that.”

28. On June 6, 2013, I participated in a disciplinary hearing which addressed statements made by an acting Lieutenant in the Department who had openly expressed his dissatisfaction with an EMS test. He said “your test sucks.”

29. The acting Lieutenant had apologized for his statement, which he contends he said in jest; however, the Department wanted to impose on the acting Lieutenant a two-day unpaid suspension for that statement.

30. During the disciplinary hearing, Chief Thomsen admitted that he referred to the acting Lieutenant and his crew as “pin heads,” following an investigatory meeting regarding this discipline on May 31, 2013.

31. I asked Chief Thomsen whether what he said “is an appropriate comment to make,” but Chief Thomsen refused to answer me.

32. Following my repeated questions, Chief Thomsen admitted that his statement was inappropriate and he apologized for it.

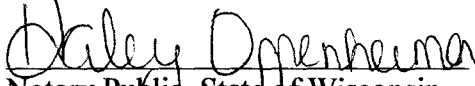
33. His remarks were contrary to the position regarding respect of others that the Department has espoused.

34. In 2011, I attended the Department retirement party for Captain Galich. The party was at Chutes and Ladders, a restaurant that was also open to the public at the time. Chief Thomsen approached me at the party and asked what kind of shirt I was wearing. I told him that I was wearing a sweatshirt. Chief Thomsen replied, "You look like a Fag."

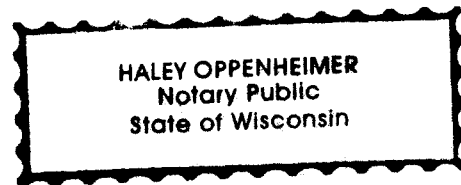
35. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.

  
Jeremy Ryan

Subscribed and sworn to before me  
this 24<sup>th</sup> day of June, 2013.

  
Notary Public, State of Wisconsin.

My commission expires: March 27, 2014



**STATE OF WISCONSIN  
BEFORE THE CITY OF KENOSHA  
FIRE AND POLICE COMMISSION**

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**AFFIDAVIT OF RAY TESSMANN**

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STATE OF WISCONSIN     )  
                                      )ss.  
KENOSHA COUNTY         )

I, Ray Tessmann, being first duly sworn on oath, deposes and states as follows:

1.     I am a fire fighter in the Kenosha Fire Department. I also serve as Vice President of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2.     In my role as Vice President of Local 414, I prosecute grievances which the Local brings, pursuant to Article 21 of the Labor Agreement with the City.

3.     Pursuant to Article 21.03, Step 2 of the grievance procedure is a meeting convened by the Chief with the grievant, Union representatives, and any officer involved.

4.     On or about October or November, 2012, Chief Thomsen held a Step 2 grievance meeting regarding Med Unit relocation, which I attended with fire fighter Ricardo Lebron.

5.     At the conclusion of the meeting, we discussed staffing and budgets. I recounted that I had read in the Kenosha News that Police Chief Morrissey was doing a great job by reorganizing his staff. I also recounted that I had learned that Chief Morrissey had been allowed to hire three additional officers although he had not requested the positions.

6. Chief Thomsen responded that that was not what happened. Chief Thomsen stated that Chief Morrissey had really gone to the Mayor's office and told the Mayor that if the Mayor would not let him hire another three police officers, "Everybody in the City of Kenosha by 5:00 p.m. tomorrow will have their throats slit and fucked up the ass."

7. On February 27, 2013, Chief Thomsen held a Step 2 grievance meeting which I attended with Union President Jeremy Ryan. Deputy Chief John Poltrock and Division Chief Phillip Johnson were Department administrators who were also present at the meeting.

8. As is our duty on behalf of the Union, throughout the Step 2 meeting, President Ryan and I asked numerous questions of the Department administrators.

9. Throughout the Step 2 meeting, Chief Thomsen refused to answer any of the questions that President Ryan and I asked that were materially related to the grievance.

10. The Step 2 meeting lasted about thirty minutes, during which Chief Thomsen refused to address the Union's grievance and instead asked questions of me and President Ryan immediately following each question we asked of the Department administrators.

11. Chief Thomsen was defensive and aggressive and consistently refused to address our grievance questions by asking questions of us.

12. I asked Chief Thomsen to "stop" so that we could pursue the grievance.

13. Chief Thomsen responded by standing up, leaning over the table aggressively, pointing his finger at me and yelling: "Don't you ever tell me to stop. This is my office, don't you ever tell me to stop. Pack your stuff up and get out of my office."


14. At that point President Ryan asked the chief to stop yelling and pointed out our right to pursue the grievance at a meeting before him.

15. Chief Thomsen never acknowledged our contractual right to pursue the grievance and continued pointing at me.


16. Chief Thomsen was red in the face and appeared to be shaking and told us again to "get out."

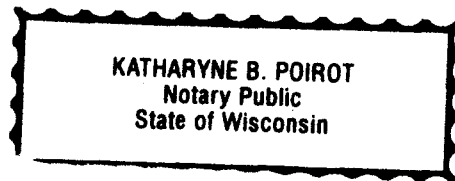
17. President Ryan and I left the Step 2 grievance meeting.

18. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.

  
Ray Tessmann

Subscribed and sworn to before me  
this 24<sup>th</sup> day of June, 2013.

  
Katharyne B. Poirot  
Notary Public, State of Wisconsin.  
My commission expires: 3/20/16



My Commission Expires  
March 20, 2016



**STATE OF WISCONSIN  
BEFORE THE CITY OF KENOSHA  
POLICE AND FIRE COMMISSION**

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**AFFIDAVIT OF RICARDO LEBRON**

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STATE OF WISCONSIN     )  
                                      )ss.  
KENOSHA COUNTY         )

I, Ricardo Lebron, being first duly sworn on oath, deposes and states as follows:

1.       I am a fire fighter in the Kenosha Fire Department and I am also a member of the Executive Board of the Kenosha Professional Fire Fighters Union, Local 414 (Local 414). I make this affidavit on my personal knowledge in support of the Statement of Charges Against Chief John R. Thomsen of the Kenosha Fire Department.

2.       On or about the end of October or beginning of November, 2012, Local 414 Vice President Ray Tessman and I met with Chief Thomsen to discuss Med swapping. Our discussion lasted over an hour.

3.       During the discussion about Med swapping, we also discussed Med 2 and staffing. We inquired of Chief Thomsen why he had not requested additional personnel in the Fire Department budget to cover the Department's need for a full-time Med 2.

4.       Chief Thomsen told us that he had requested additional personnel but that his request was denied.

5.       Vice President Tessman asked Chief Thomsen why Police Chief Morrissey gets the personnel he needs.

6. Chief Thomsen responded that Chief Morrissey gets the personnel he wants because he threatens that if the City doesn't hire more police officers immediately that bad guys will kick down our doors, slice our wives throats and ass rape our babies by the end of the day.

7. During the first quarter of 2013, the City of Kenosha Personnel Department presented harassment training Department-wide. I participated in training at Station 4.

8. The training was well done and clearly articulated how a person can experience harassment by a one-on-one conversation and by overhearing a third party's comments.

9. Chief Thomsen arrived at Station 4 and claimed he was also there for the training.

10. Following the training, Chief Thomsen entered the Captain's office. I was in the Captain's office at that time along with a handful of other Department employees, including Scott Krueger and possibly Chuck Leipzig.

11. Chief Thomsen referred to someone as being a "Mick."

12. Chief Thomsen had a paper in his hand and was laughing. He said, "Let me see here who else I can offend."

13. Chief Thomsen referenced the paper in his hand and then joked that a person can feel harassed for being old. I assumed that he was referring to age discrimination, because he immediately looked around the office and pointed to someone and said that he was an old guy and should retire.

14. Chief Thomsen referred again to the paper he was holding, flipped through it and laughed, saying that he is the Department head and all complaints are to be brought to him.

15. From all of Chief Thomsen's comments, it was clear to me that if I had a complaint based in harassment or discrimination it would not be taken seriously by the Chief because he was dismissive of such complaints.

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16. Further, I have no confidence that Chief Thomsen would handle a harassment or discrimination complaint appropriately.

17. Chief Thomsen then sat in a chair with his back to the window, opposite Phil Johnson.

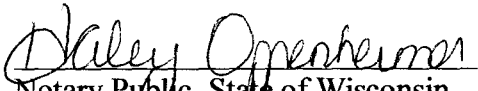
18. Chief Thomsen and others conversed about the old times and how blatant slurs were then and Phil Johnson remembered when he was younger a former chief referred to an African-American employee as a "Nigger" to his face.

19. Chief Thomsen made a gesture as if he were looking at a watch and proclaimed that today would be a good day for golf.

20. I have read the foregoing and state under oath that I have reason to believe and do believe it to be true and accurate.

  
Ricardo Lebron

Subscribed and sworn to before me  
this 24<sup>th</sup> day of June, 2013.

  
Notary Public, State of Wisconsin.  
My commission expires: March 27, 2016

