

**From:** "Lee D. Turonie" <LDT@dempseylaw.com>  
**Sent:** Wed, 20 Dec 2023 00:51:04 +0000  
**To:** "Chris Voll" <cvoll@kronenwetter.org>  
**Subject:** RE: [External] Concerns Regarding Actions of Village Board Member

Chris,

I think that Sean's policy references are helpful. I do not think that these directly reach up to a Board member though. The role of the Administrator is under that of the Board; it is not as if an Administrator can discipline a Board member. The spirit of HR-002 is helpful guidance in general though. HR-009 is to satisfy the requirement of Wis. Stat. s. 66.0509(1m). This statute is limited in scope and was established in order to help pass Act 10 that did away with many public unions. Even if you shoehorned in the present matter somehow as "workplace safety" it is again, difficult to do anything directly to a Board member under that process. So it is again most helpful in a general guidance way.

It is really a Board discussion to probably discuss what is acceptable. There have been many adjustments that most persons do not even realize. Originally I suggested the employee-only signs for a different reason e.g. But a Board could certainly decide "no Board members hanging out in the employee offices unless invited." This was not a change made explicitly for this reason. But it turned out to be a step that could be explicitly discussed. There are others. No use of the office personnel for non-Board sanctioned uses (the investigation of WEC that I heard about e.g.). No filing of professional complaints unless the Board votes on it. Paying for your records requests. No disclosure of closed session discussions and attorney-client privilege unless Board approved. No calling up ex-employees to gloat about the "ex" part. Stripping of committee posts if you sue the Village. Not discussing unnoticed topics at meetings. No defamation. Enforcement mechanism for violations, such as citations even. Then we are not dependent on outside forces like the district attorney who are certainly not focused or even well equipped for addressing these things.

It is possible to write up a whole list, there is probably more things than I have even heard about. There are also many code of conduct type ordinances out there. I indicated previously about the one I found in Green Bay. There is statutory authority to police ourselves:

Wis. Stat. s. 61.34(1) "General grant. Except as otherwise provided by law, the village board shall have the management and control of the village property, finances, highways, streets, navigable waters, and the public service, and shall have power to act for the government and good order of the village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment, and other necessary or convenient means. **The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.**"

Wis. Stat. s. 61.32 "The board has power to preserve order at its meetings, compel attendance of trustees and punish nonattendance and it shall be judge of the election and qualification of its members."

The crux of the Clerk's complaint was (1) bringing to light some of the activity, which many do not realize on both the Board and the public; and (2) addressing it. Number (1) is fair as a public discussion that has been mainly occurring if at all piecemeal, behind the scenes, and not in an organized way. If the public does not even know about any of these things they cannot possibly consider them when voting. Number (2) is likely one of these code of conduct ordinances.

You do not need a separate ethics commission to do any of these things. That was the only point that I was trying to make months ago when that came up. The Board can do things if they are ready and willing.

Lee D. Turonie, Attorney  
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Mobile: 608-334-6804  
[ldt@dempseylaw.com](mailto:ldt@dempseylaw.com)



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Forest Hills, WI 54935  
920-922-0470

De Pere  
2079 Lowmence Drive, Suite C  
De Pere, WI 54115  
920-235-7800

Wausau  
93 S. Harris Avenue, Suite 201  
Wausau, WI 54983  
920-224-9735

Wausau  
300 3rd Street, Suite 420  
Wausau, WI 54403  
715-848-2966

Oshkosh  
210 North Adams Street, Suite 100  
Oshkosh, WI 54901  
920-235-7300

Black River Falls  
132 Main Street  
Black River Falls, WI 54615  
715-670-0048

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**From:** Chris Voll <[cvoll@kronenwetter.org](mailto:cvoll@kronenwetter.org)>  
**Sent:** Tuesday, December 19, 2023 12:48 PM  
**To:** Lee D. Turonie <[LDT@dempseylaw.com](mailto:LDT@dempseylaw.com)>  
**Subject:** Fwd: Concerns Regarding Actions of Village Board Member

Sent from my iPhone

Begin forwarded message:

**From:** Sean Dumais <[sdumais@kronenwetter.org](mailto:sdumais@kronenwetter.org)>  
**Date:** December 15, 2023 at 8:02:41 AM CST  
**To:** Chris Voll <[cvoll@kronenwetter.org](mailto:cvoll@kronenwetter.org)>  
**Subject:** Re: Concerns Regarding Actions of Village Board Member

President Voll,

I believe we the board need to address these concerns sooner than later. I know we are heading into the holiday season but that doesn't absolve us of our duties as the employer to act in a

reasonable time. Regardless if the accusations are valid or not the employee as well as the accused party deserve an expedient action be initiated. Failure to address this in a timely manner would be a dereliction of duty on our part. I assume a special meeting would need to be called to address this and my opinion is we should do so expeditiously to protect all involved.

On Dec 14, 2023, at 23:21, Sean Dumais <[sdumais@kronenwetter.org](mailto:sdumais@kronenwetter.org)> wrote:

Bobbi,

In accordance with the employee handbook policies HR002 and HR009 there is a process in which needs to be followed for action. That being said in the absence of a Village Administrator there are multiple steps that are unable to be fulfilled according to the policies that refer to department head and Administrator required actions. The waters become a bit murky here. HR009 doesn't come into play, which would involve the Board unless there has been a termination, disciplinary action, or a safety issue. None of those three items have taken place as of yet so we cant move to that policy. For HR002 the Board would presumably be the reasonable "next level" in the absence of the Administrator, however your concern is with a member of the Board so the Board member you are concerned with would not be fair and objective and the Board would have to come up with some provision to address that issue. With all of this in mind your email states how you feel but doesn't really ask for action in accordance with HR002 so I would suggest you request the board act in place of the Administrator to get the issue addressed appropriately. You as an employee should not feel as though you have no option to seek help however it is my opinion that you should word your concern in a manner that is requesting action in accordance with HR002 to ensure fair and equal treatment to all parties involved and to get discussions started.

On Dec 14, 2023, at 16:03, Bobbi Birk-LaBarge  
<[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)> wrote:

Village Board Members,

I would like all of you to know Trustee Ken Charneski has been reaching out to surrounding village clerks with open records request

on topics he is separately “investigating” on his own and is directing them on how he feels they should perform their job duties. One example is his communication with the Village of Weston clerk and she is beyond frustrated with Trustee Charneski. According to the Weston Village Clerk, Mr. Charneski has resorted to telling her how she should be doing her job as a clerk for the village of Weston and is directing her to perform incorrect job duties. It is one thing to submit an open records request for answers, but when one continues the conversation and begins to direct that employee from another community on how to perform their job duties. I believe such actions are inappropriate and unacceptable. The Weston Village Clerk was in shock that Trustee Charneski took it upon himself to email her and provide his personal correction in her job duties. She stated if she had to work for Kronenwetter as a clerk, she would quit and I think that statement alone speaks volumes. I informed her to report his actions to her Administrator Jamie Gebert.

I feel Trustee Charneski’s tactics and actions are inappropriate and have reached far beyond authority as an elected trustee. I sent an email less than two weeks ago, copying the board, telling Trustee Charneski I felt he was harassing me and to stop. Those actions have not stopped. Such actions have also been directed to other staff members here at the village, former staff members, and surrounding community clerks. I feel as if Trustee Charneski’s actions towards myself alone, have been severe and pervasive and I feel as if I have been intimidated, and that his actions are hostile and abusive. And now he has carried over his actions to clerks from surrounding municipalities.

Trustee Charneski is an elected government official. I am requesting Trustee Charneski’s unwarranted harassing behavior’s be addressed immediately. As employees, we have standards of conduct we have to follow and policies we are expected to follow. I believe that the same standards hold for Village of Kronenwetter elected officials as well.

As a result of Trustee Charneski’s personal comments during village board meetings, I feel as if the public is experiencing less confidence in my duties as your village clerk, and frankly I feel as if I am becoming a public embarrassment. I am feel as if I am an embarrassment to our residents due to Trustee Charneski’s inappropriate comments and questioning of my duties during



recorded meetings and worse, I feel like an embarrassment to other village clerks as I represent Kronenwetter and I am embarrassed by Trustee Charneski's inappropriate communication as an elected official for the Village of Kronenwetter with our surrounding clerks.

I feel I have made the village President and village board aware of my concerns, but have received no written response from the Village Board. We have policies in place and standards of conduct for employees but those standards and policies must not be clear to Trustee Charneski because his actions continue unabated. In addition, the Village Board has taken no actions regarding Mr. Charneski's behavior. Are the standards different for elected officials? I do not see this negative conduct in any other Trustees. How will the Village Board address my concerns and how will Mr. Charneski be held accountable for his actions? Trustee Charneski should be setting a positive example on how staff interacts with committee and board members, but he has set a tone that is disrespectful, inhumane, dysfunctional and bullying. He is the only trustee or committee member at this time that displays these types of unwarranted behaviors. Trustee Charneski's actions as a public official are not standard and he is interfering with my own work performance.

I feel it is VERY important you know how I feel and where I stand as an employee of this village.

**Bobbi J. Birk-LaBarge**

Village Clerk

**Village of Kronenwetter**

(715) 692-1728

(715) 301-8326 work cell

[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)

Village Municipal Center

1582 Kronenwetter Drive Kronenwetter, WI

54455

Population: 8,539

<https://cms6.revize.com/revize/kronenwettervillage>



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**From:** "Lee D. Turonie" <LDT@dempseylaw.com>  
**Sent:** Thu, 21 Dec 2023 17:35:52 +0000  
**To:** "Chris Voll" <cvoll@kronenwetter.org>  
**Subject:** RE: [External] Concerns Regarding Actions of Village Board Member

Hi Chris,

I cannot even tell if Bobbi's original statement is about an election worker issue or not. I had actually taken it much more broadly, as if something like this is but one example. That is in part why my earlier analysis led to a code of conduct ordinance.

Regarding the libel comment, that's why I wrote that earlier email trying to explain defamation generally. This topic would probably be better assisted by a code of conduct ordinance than anything else that I could help with.

I have not previously been aware of the election inspector issue. Wis. Stat. s. 7.30 covers that. Lots of persons have had general frustrations with WEC, not a lot to be done there from the Village. I do note here though that some places have party lists and some do not and that causes some differences that could be part of the confusion here.

Lee D. Turonie, Attorney  
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Mobile: 608-334-6804  
[ldt@dempseylaw.com](mailto:ldt@dempseylaw.com)



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**From:** Ken Charneski <kcharneski@kronenwetter.org>  
**Sent:** Thursday, December 21, 2023 10:06 AM  
**To:** Chris Voll <cvoll@kronenwetter.org>  
**Cc:** cdem1@charter.net; Lee D. Turonie <LDT@dempseylaw.com>; Christopher Eiden <ceiden@kronenwetter.org>; Alex Vedvik <avedvik@kronenwetter.org>; Sean Dumais <sdumais@kronenwetter.org>; Tim Shaw <tshaw@kronenwetter.org>; Kelly Coyle <kellycoyle@kronenwetter.org>  
**Subject:** Fw: Concerns Regarding Actions of Village Board Member

Chris,

This needs to be addressed. There are numerous claims being made here, and someone needs to ask her specifically what she is talking about in her accusations and assumptions. Perhaps an information request for all of my emails to and from her in the last 30 or 60 days, even 120, or more, to see if you can find anything to justify her statements.

More importantly, it looks to me like she is using language **highlighted** in some of her statements below that look to me like a foundation for future legal action if her claims are not addressed.

I can go through her email line by line to refute or elaborate on her statements if necessary, but for now, I think Mr Turonie should ask her some questions designed to see if she can provide a valid basis for her accusations. If not, she should retract them. She seems to me to go beyond typical criticism of public figures, and into the area of libel.

I think someone also needs to get her explanation of what she thinks the roles and obligations of clerks and elected officials are, and make sure everyone is on the same page with that.

The issue with the election workers is not a small matter. I have tried since last spring to get it worked out with Bobbi, and with the WEC, and with Ms. Manley, but no luck. The attached thread (Kim Manley's 10/24 email to the Board) gives a good summary of the situation, and the lack of cooperation that I have gotten. They never did get back to me after that last email.

I can provide emails addressing the election complaint starting from last March and going into summer, to anyone interested

The WEC suggested that I file complaints in order to get any real answers, and Kim Manley seems to be suggesting the same.

I have cc'd Mr Turonie, since Bobbi has already included him in this. I assume that some fact finding will take place, and that this matter will be handled correctly and in the best interests of the Village. I don't think that ignoring Bobbi's complaint is a wise option.

Thanks,

Ken Charneski

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**From:** Bobbi Birk-LaBarge <[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)>

**Sent:** Thursday, December 14, 2023 4:03 PM

**To:** Village Board <[VillageBoard@kronenwetter.org](mailto:VillageBoard@kronenwetter.org)>

**Cc:** [cdem1@charter.net](mailto:cdem1@charter.net) <[cdem1@charter.net](mailto:cdem1@charter.net)>; Lee D. Turonie <[LDT@dempseylaw.com](mailto:LDT@dempseylaw.com)>

**Subject:** Concerns Regarding Actions of Village Board Member

Village Board Members,



I would like all of you to know Trustee Ken Charneski has been reaching out to surrounding village clerks with open records request on topics he is separately “investigating” on his own and is directing them on how he feels they should perform their job duties. One example is his communication with the Village of Weston clerk and she is beyond frustrated with Trustee Charneski. According to the Weston Village Clerk, Mr. Charneski has resorted to telling her how she should be doing her job as a clerk for the village of Weston and is directing her to perform incorrect job duties. It is one thing to submit an open records request for answers, but when one continues the conversation and begins to direct that employee from another community on how to perform their job duties. I believe such actions are inappropriate and unacceptable. The Weston Village Clerk was in shock that Trustee Charneski took it upon himself to email her and provide his personal correction in her job duties. She stated if she had to work for Kronenwetter as a clerk, she would quit and I think that statement alone speaks volumes. I informed her to report his actions to her Administrator Jamie Gebert.

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I feel I have made the village President and village board aware of my concerns, but have received no written response from the Village Board. We have policies in place and standards of

conduct for employees but those standards and policies must not be clear to Trustee Charneski because his actions continue unabated. In addition, the Village Board has **taken no actions regarding Mr. Charneski's behavior**. Are the standards different for elected officials? I do not see this negative conduct in any other Trustees. How will the Village Board **address my concerns** and how will Mr. Charneski be held accountable for his actions? Trustee Charneski should be setting a positive example on how staff interacts with committee and board members, but he has set a tone that is **disrespectful, inhumane, dysfunctional and bullying**. He is the only trustee or committee member at this time that displays these types of unwarranted behaviors. Trustee Charneski's actions as a public official are not standard and he is **interfering with my own work performance**.

I feel it is **VERY important** you know how I feel and where I stand as an employee of this village.

**Bobbi J. Birk-LaBarge**

Village Clerk

**Village of Kronenwetter**

(715) 692-1728

(715) 301-8326 work cell

[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)

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**From:** "Lee D. Turonie" <LDT@dempseylaw.com>  
**Sent:** Fri, 22 Dec 2023 16:56:16 +0000  
**To:** "Bobbi Birk-LaBarge" <bbirklabarge@kronenwetter.org>  
**Cc:** "Chris Voll" <cvoll@kronenwetter.org>  
**Subject:** RE: [External] Concerns Regarding Actions of Village Board Member

Hi Bobbi,

Chris has been hearing from people and was cc'd below. It's like Tim says below in part, need to figure out what the process even is. I left Chris a message and cc'd him here. I think just wait to hear from Chris for now. I am too. In any case, happy holidays to you.

Lee D. Turonie, Attorney  
Dempsey Law Firm, LLP  
Office: 715-848-2966  
Mobile: 608-334-6804  
[ldt@dempseylaw.com](mailto:ldt@dempseylaw.com)



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**From:** Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>  
**Sent:** Friday, December 22, 2023 10:44 AM  
**To:** Lee D. Turonie <LDT@dempseylaw.com>  
**Subject:** FW: Concerns Regarding Actions of Village Board Member

Lee,

Have you heard from President Voll on this yet? Shall I supply the information requested by Trustee Shaw? I guess I am looking for direction.

Bobbi Birk-LaBarge  
Village Clerk – Kronenwetter

**From:** "Chris Voll" <cvoll@kronenwetter.org>  
**Sent:** Fri, 22 Dec 2023 13:10:06 -0600  
**To:** "Lee D. Turonie" <LDT@dempseylaw.com>  
**Cc:** "Bobbi Birk-LaBarge" <bbirklabarge@kronenwetter.org>  
**Subject:** Re: [External] Concerns Regarding Actions of Village Board Member  
**Attachments:** image003.jpg, image004.png, image005.png

Hi Bobbi, I wanted to let you know that I have read your email and I've talk to some other trustees and they have also read your email. We want to address these concerns and will be planning a meeting to address this issue. I would recommend that you gather what information you have as examples so we may utilize those as we move forward. I'm planning to have a board meeting to discuss this after the holidays.

Thank you,

Chris

Sent from my iPhone

On Dec 22, 2023, at 10:56 AM, Lee D. Turonie <LDT@dempseylaw.com> wrote:

Hi Bobbi,

Chris has been hearing from people and was cc'd below. It's like Tim says below in part, need to figure out what the process even is. I left Chris a message and cc'd him here. I think just wait to hear from Chris for now. I am too. In any case, happy holidays to you.

Lee D. Turonie, Attorney

Dempsey Law Firm, LLP

Office: 715-848-2966

Mobile: 608-334-6804

[ldt@dempseylaw.com](mailto:ldt@dempseylaw.com)

<image003.jpg>

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**From:** Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>

**Sent:** Friday, December 22, 2023 10:44 AM

**To:** Lee D. Turonie <LDT@dempseylaw.com>

**Subject:** FW: Concerns Regarding Actions of Village Board Member

Lee,

Have you heard from President Voll on this yet? Shall I supply the information requested by Trustee Shaw? I guess I am looking for direction.

Bobbi Birk-LaBarge

**Village Clerk – Kronenwetter**

**From:** Tim Shaw <[tshaw@kronenwetter.org](mailto:tshaw@kronenwetter.org)>

**Sent:** Thursday, December 21, 2023 6:29 PM

**To:** Bobbi Birk-LaBarge <[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)>; Chris Voll <[cvoll@kronenwetter.org](mailto:cvoll@kronenwetter.org)>

**Subject:** Re: Concerns Regarding Actions of Village Board Member

Bobbi,

I appreciate your comments and would like to address them with the board members at a meeting. I'm not sure on the exact process in this situation, so I'll look to president Voll to give direction. I understand that trustee Charneski challenges and holds people accountable at times. However, I don't necessarily see that as a generally bad thing. He is usually very well read on policy, procedure, and statutorily in most of his responses/opinions.

That said, I believe the board needs to evaluate what you say is, and has been, going on. Can you please get me specific examples of what exactly is being said, or, better yet, get me written examples such as copies of emails, etc. so I/we can evaluate them, and the board can opine on them?

Please don't mistake my request for detail as a challenge to your comments/opinions, or as supporting or condoning anything that is happening in any way. And, on the other hand, I'm certainly not supporting your opinions at this time with my request either. I'm simply doing what I think is my/our due diligence to evaluate this matter since you have brought it to our attention.

Respectfully,  
Tim Shaw

**From:** "Alex Vedvik" <avedvik@kronenwetter.org>  
**Sent:** Thu, 18 Jan 2024 18:14:40 -0600  
**To:** "Chris Voll" <cvoll@kronenwetter.org>; "Lee D. Turonie" <ldt@dempseylaw.com>  
**Subject:** Re: Concerns Regarding Actions of Village Board Member

President Voll,

In regards to this email sent by Trustee Dumais, I do agree that a special meeting should be called ahead of our regularly scheduled meeting. However, I disagree with Trustee Dumais in regards to the closed vs. open session meeting, at least for large portions of the complaint.

It appears Ms. Birk-Larbage is not only comfortable with the discussion being conducted in Open Session, but she is in fact requesting that it be performed in Open Session.

I think there is other information out there in terms of interactions with staff and others that needs to be addressed in Open Session as well, however, I believe we should keep staff names out of the discussion that have not definitively stated they are comfortable with nor definitively stated a discussion should be held in Open Session.

The one way I agree with Trustee Dumais is that I believe this meeting will be quite confrontational so I would request a written record be assembled to base the discussion. In essence if a specific framework is not provided to discuss the official complaint, I am afraid it could be taken off-course quite simply.

Thus, I strongly suggest that we all have access to the same information in which to base our understanding of the situation. I think a start is a record of all written communications between Trustee Charneski and the Village Clerk. Beyond that, perhaps the Village Attorney has suggestions on what evidence should be presented and how this evidence should be presented for discussion.

If for some reason the most serious parts of the complaint are decided to be had in closed session, I believe only a small portion of the discussion should be contained in closed session. I STRONGLY believe that there is more here that does not rise to the level of being in closed session and I believe many of the communications are in fact public records and not only can be discussed in open session, but should be discussed in open session. So, if President Voll and the Attorney agree that some of this pertaining to the complaint should be in Closed Session, I believe we should have an additional item for Open Session to discuss all the pieces of the situation that are clearly public records. It would be a disservice to our citizens and staff to attempt to sweep all of this situation, as well as the repeated behavior of Trustee Charneski (and possibly others,) under the rug.

The attempt to bury all if this is nothing but an attempt by Trustees Shaw, Dumais, and Charneski to cover up their behavior towards Village staff, the citizens of Kronenwetter, and our citizens, conveniently just ahead of the April 2024 primary and general election.

I implore you Mr. President to stand strong in the face of the obstructionists looking to suppress the likely overwhelming evidence corroborating the repeated issue regarding the behavior of certain current and former elected officials towards staff!

Sincerely,

Trustee Alexander Vedvik

**From:** Sean Dumais <sdumais@kronenwetter.org>

**Sent:** Wednesday, January 17, 2024 6:20 PM

**Cc:** Village Board <VillageBoard@kronenwetter.org>; Lee D. Turonie <LDT@dempseylaw.com>

**Subject:** Re: Concerns Regarding Actions of Village Board Member

This email is being sent to the entire Board, PLEASE DO NOT REPLY ALL.

President Voll,

As you know in every situation in the past I have refrained from copying more people than just yourself on emails but the time has come that everyone needs to be involved. In the absence of a village administrator the Board as a whole, no one individual, are to act on employee concerns per HR002. Following the chain Bobbi didn't have an Admin to file the concern with so she went to us. WE THE BOARD HAVE FAILED. When an employee files a concern it needs to be acted on in a timely manner. The Board has not taken any action whatsoever, 4 weeks of inaction is not acceptable. Individual trustees have acknowledged Bobbi's email, individual trustees have requested you take action to get this on the agenda. To date the employee still hasn't received any action from the board. If there were an administrator present and they ignored an employees request for this long we the board would be on them about not doing their job. This is no different. Both the employee and the accused deserve resolution in a timely manner. I agree 100% that a special meeting should be called when she returns from vacation.

Furthermore, I implore you to place this in a closed session meeting. It is time to put political differences aside as well as personal feelings and look at this from the perspective it should be looked at, what is best for the Village, not a political ideology, not personal opinions of others, and not personal vendettas. Holding this in an open session will cause far more damage than not. If the employee is



embarrassed publicly that may lead to her leaving our employ. If the trustee is painted in a bad light then the media is going to run with another scandal story. Until we the board have all of the actual facts and can weed out all of the peripheral noise it is not in the Villages best interest to just start airing out random opinions and feelings destroying peoples reputations. The public will find out what is going on once everything is sifted through by our action/vote just as they did when action was taken with a previous trustee. We have no reason nor right to hide the truth from the public but we have an obligation to do our due diligence before creating more upheaval. Simply making an accusation doesn't make the accused guilty of anything and likewise being guilty of something doesn't make the accuser some sort of problem person. We the board need to see all of the information and then make a decision that is best for the village. We constantly avoid uncomfortable topics for some reason and our duty isn't to be comfortable, it is to do what's right for the Village.

Please call a special meeting when Bobbi returns and let's do our duty and handle this issue.

On Jan 17, 2024, at 16:49, Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org> wrote:

Village Board members:

I sent the below email on December 14, 2023. My concerns have not since been addressed. I will be on vacation January 22-24, 2024. I will return to work on January 25<sup>th</sup>. I am requesting either a special meeting prior to the next regular scheduled village board meeting in February 12, 2024 or if that is not feasible due to circumstances beyond your control, I will settle for the February 12, 2024 meeting for my concerns to be addressed.

Yesterday, after speaking with the League of Municipalities attorney, I am also requesting this subject item be conducted in OPEN session as the WI Legislature 19.85 indicates the closed session wording "may be" convened. I am requesting President Voll consult with our Village Attorney and make the final decision based on legal direction from a legal professional to avoid another delay as displayed during our January 15, 2024 Special Village Board meeting.

Thank you,

Bobbi Birk-LaBarge  
Village Clerk – Kronenwetter

**From:** Bobbi Birk-LaBarge

**Sent:** Thursday, December 14, 2023 4:04 PM



**To:** Village Board <VillageBoard@kronenwetter.org>

**Cc:** cdem1@charter.net; Lee D. Turonie <LDT@dempseylaw.com>

**Subject:** Concerns Regarding Actions of Village Board Member

Village Board Members,

I would like all of you to know Trustee Ken Charneski has been reaching out to surrounding village clerks with open records request on topics he is separately "investigating" on his own and is directing them on how he feels they should perform their job duties. One example is his communication with the Village of Weston clerk and she is beyond frustrated with Trustee Charneski. According to the Weston Village Clerk, Mr. Charneski has resorted to telling her how she should be doing her job as a clerk for the village of Weston and is directing her to perform incorrect job duties. It is one thing to submit an open records request for answers, but when one continues the conversation and begins to direct that employee from another community on how to perform their job duties. I believe such actions are inappropriate and unacceptable. The Weston Village Clerk was in shock that Trustee Charneski took it upon himself to email her and provide his personal correction in her job duties. She stated if she had to work for Kronenwetter as a clerk, she would quit and I think that statement alone speaks volumes. I informed her to report his actions to her Administrator Jamie Gebert.

I feel Trustee Charneski's tactics and actions are inappropriate and have reached far beyond authority as an elected trustee. I sent an email less than two weeks ago, copying the board, telling Trustee Charneski I felt he was harassing me and to stop. Those actions have not stopped. Such actions have also been directed to other staff members here at the village, former staff members, and surrounding community clerks. I feel as if Trustee Charneski's actions towards myself alone, have been severe and pervasive and I feel as if I have been intimidated, and that his actions are hostile and abusive. And now he has carried over his actions to clerks from surrounding municipalities.

Trustee Charneski is an elected government official. I am requesting Trustee Charneski's unwarranted harassing behavior's be addressed immediately. As employees, we have standards of conduct we have to follow and policies we are expected to follow. I believe that the same standards hold for Village of Kronenwetter elected officials as well.

As a result of Trustee Charneski's personal comments during village board meetings, I feel as if the public is experiencing less confidence in my duties as your village clerk, and frankly I feel as if I am becoming a public embarrassment. I am feel as if I am an embarrassment to our residents due to Trustee Charneski's inappropriate comments and questioning of my duties during recorded meetings and worse, I feel like an embarrassment to other village clerks as I represent Kronenwetter and I am embarrassed by Trustee Charneski's inappropriate communication as an elected official for the Village of Kronenwetter with our surrounding clerks.

I feel I have made the village President and village board aware of my concerns, but have received no written response from the Village Board. We have policies in place and standards of conduct for employees but those standards and policies must not be clear to Trustee Charneski because his actions continue unabated. In addition, the Village Board has taken no actions regarding Mr. Charneski's behavior. Are the standards different for elected officials? I do not see this negative conduct in any other Trustees. How will the Village Board address my concerns and how will Mr. Charneski be held accountable for his actions? Trustee Charneski should be setting a positive example on how staff interacts with committee and board members, but he has set a tone that is disrespectful, inhumane, dysfunctional and bullying. He is the only trustee or committee member at this time that displays these types of unwarranted behaviors. Trustee Charneski's actions as a public official are not standard and he is interfering with my own work performance.

I feel it is VERY important you know how I feel and where I stand as an employee of this village.

**Bobbi J. Birk-LaBarge**

Village Clerk

**Village of Kronenwetter**

(715) 692-1728

(715) 301-8326 work cell

[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)

Village Municipal Center

1582 Kronenwetter Drive Kronenwetter, WI 54455

Population: 8,539

<https://cms6.revize.com/revize/kronenwettervillage>



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**From:** "Lee D. Turonie" <LDT@dempseylaw.com>  
**Sent:** Thu, 18 Jan 2024 17:24:22 +0000  
**To:** "Chris Voll" <cvoll@kronenwetter.org>  
**Subject:** RE: [External] Concerns Regarding Actions of Village Board Member

Hi Chris,

I am not aware of this past instance being referenced and do not understand the expectations here. HR002 just leads to HR009, the standard and limited grievance procedure. That's partly why a code of conduct ordinance is what we have discussed. Passing an ordinance is not a closed session thing and it is not like having a hearing, unless persons want to somehow. Closed session exemptions are very limited. Maybe Wis. Stat. s. 19.85(1)(f) would apply but it's impossible to know without knowing what we are doing exactly. Are persons expecting a hearing about the Clerk? Or a trustee? Fewer exemptions possibly apply to a trustee. If we will just look at an ordinance, I am not sure that we require a hearing.

If we make a draft just listing all of the things that we want considered no-go zones, it does not have to be a production unless someone makes it one. E.g. if someone wants to go all out arguing for the right to call up neighboring clerks and argue about their work, that's up to them. If no one wants to argue for the continuation of an odious practice then there will not be any drama to pass a conduct ordinance.

Would it be possible to ask Bobbi what she wants to see? Is prompting consideration of an ordinance acceptable? Maybe give me a call sometime. Thanks,

Lee D. Turonie, Attorney  
Dempsey Law Firm, LLP  
Office: 715-848-2966  
Mobile: 608-334-6804  
[ldt@dempseylaw.com](mailto:ldt@dempseylaw.com)



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Grand St., 2nd fl. 10 Forest Avenue, Suite 200 Grand Haven, MI 49425 920-922-6470	De Pere 2074 Lawrence Drive, Suite C De Pere, WI 54115 920-333-1700	Wausau 933 North Avenue, Suite 201 Wausau, WI 54983 920-324-7734	Wausau 500 3rd Street, Suite 400 Wausau, WI 54983 715-848-2766	Oneida 710 North Main Street, Suite 170 Oneida, WI 54901 920-235-7300	Black River Falls 132 Main Street Black River Falls, WI 54603 715-579-0048
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**From:** Sean Dumais <sdumais@kronenwetter.org>

**Sent:** Wednesday, January 17, 2024 6:21 PM

**Cc:** Village Board <VillageBoard@kronenwetter.org>; Lee D. Turonie <LDT@dempseylaw.com>

**Subject:** Re: Concerns Regarding Actions of Village Board Member

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President Voll,

As you know in every situation in the past I have refrained from copying more people than just yourself on emails but the time has come that everyone needs to be involved. In the absence of a village administrator the Board as a whole, no one individual, are to act on employee concerns per HR002. Following the chain Bobbi didn't have an Admin to file the concern with so she went to us. WE THE BOARD HAVE FAILED. When an employee files a concern it needs to be acted on in a timely manner. The Board has not taken any action whatsoever, 4 weeks of inaction is not acceptable. Individual trustees have acknowledged Bobbi's email, individual trustees have requested you take action to get this on the agenda. To date the employee still hasn't received any action from the board. If there were an administrator present and they ignored an employees request for this long we the board would be on them about not doing their job. This is no different. Both the employee and the accused deserve resolution in a timely manner. I agree 100% that a special meeting should be called when she returns from vacation.

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On Jan 17, 2024, at 16:49, Bobbi Birk-LaBarge <[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)> wrote:



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Thank you,

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**Village Clerk – Kronenwetter**

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**Sent:** Thursday, December 14, 2023 4:04 PM

**To:** Village Board <[VillageBoard@kronenwetter.org](mailto:VillageBoard@kronenwetter.org)>

**Cc:** [cdem1@charter.net](mailto:cdem1@charter.net); Lee D. Turonie <[LDT@dempseylaw.com](mailto:LDT@dempseylaw.com)>

**Subject:** Concerns Regarding Actions of Village Board Member

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I feel it is VERY important you know how I feel and where I stand as an employee of this village.



**Bobbi J. Birk-LaBarge**

Village Clerk

**Village of Kronenwetter**

(715) 692-1728

(715) 301-8326 work cell

[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)

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**JF**

Jesse Furrer <Jesse.Furrer@spectruminsgroup.com>

2024-02-02 16:00

**RE: [External] Village of Kronenwetter**

To: 'Bobbi Birk-LaBarge' <bbirklabarge@kronenwetter.org>

Attachments:  image002.jpg ;  image001.jpg ;  image005.png ;  image004.png ;  image003.png



Bobbi, I just received the following from Ginger:

Hi Jesse,

It turns out that **Stafford**'s consulting services would not be able to assist at this juncture because a claim/complaint has been filed by the Clerk against the current village board member.

Please send me a copy of the claim/complaint and loss notice form with any other documentation relevant to THIS claim (not the claim involving Kenneth Charneski) so we can set up a new and separate claim file. I will let you and the insureds know the claim number once set up, and we will retain Von Briesen, barring any conflicts.

Thank you,

**Ginger Kimpton | Senior Casualty Claims Adjuster**  
**Statewide Services Inc.**

Could you please send me a copy of the complaint (and any other documentation, if any) and I'll take care of setting up the new claim file? Please also advise who will be the point person at the village concerning this claim other than yourself.

Thank you.  
Jesse

**From:** Jesse Furrer  
**Sent:** Friday, February 2, 2024 3:14 PM  
**To:** 'Bobbi Birk-LaBarge' <bbirklabarge@kronenwetter.org>  
**Cc:** Jesse Furrer <Jesse.Furrer@spectruminsgroup.com>  
**Subject:** Village of Kronenwetter

Good afternoon Bobbi. Please see below from the LWMMI Claims Adjuster concerning appropriate steps to proceed with investigating your discrimination complaint against the village. The current or acting administrator should be making contact with this complimentary legal service (attachment included). Are you able to forward this to Leonard Ludi as appropriate? Jesse

Hi Jesse

The Village or the Village Administrator named on the Complaint (NOT the person filing the complaint) should contact **Stafford Rosenbaum** and send them a copy of the Complaint as they offer free consultation services for our municipalities. Neither you, nor I, can do this for the Village. It must be the Village who contacts **Stafford**. This would not obligate the Village to retain **Stafford Rosenbaum**. Once their consultation/review is complete, we can then determine if appropriate to open a new and separate claim file and if necessary to retain Von Briesen.

**Stafford Rosenbaum's** phone number is 608-256-0226.

**Ginger Kimpton | Senior Casualty Claims Adjuster**  
**Statewide Services Inc.**

PO Box 5555

Madison, WI 53705

**Office: 608.828.5515**

**Fax: 866.828.6613**

[gkimpton@statewidesvcs.com](mailto:gkimpton@statewidesvcs.com)



## Jesse Furrer

Account Executive/Managing Partner  
Spectrum Insurance Group

815 24<sup>th</sup> Avenue South, Suite 200, Wausau, WI 54401

Direct: 715-803-6662 / Cell: 715-573-8667/ FAX: 715-848-9034

Email: [jesse.furrer@spectruminsgroup.com](mailto:jesse.furrer@spectruminsgroup.com)



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We're Social!



**From:** "Leonard Ludi" <lludi@kronenwetter.org>  
**Sent:** Tue, 13 Feb 2024 10:16:09 -0600  
**To:** "Bob J. Simandl" <robert.simandl@vonbriesen.com>  
**Cc:** "Tania Robinette" <tania.robinette@vonbriesen.com>; "Ann Barry Hanneman" <ann.hanneman@vonbriesen.com>; "Bobbi Birk-LaBarge" <bbirklabarge@kronenwetter.org>  
**Subject:** Executed Engagement of von Briesen & Roper, s.c. for Legal Services  
**Attachments:** 2-13-24 von Briesen executed.pdf

Good morning Bob,  
See attached executed engagement letter for your records.

There will be a kick-off meeting at 12:00noon today with Ms. Ann Barry Hanneman. We look forward to working with you here at the Village of Kronenwetter.

Let me know if there are any questions,

Kind Regards,

**LeonardLudi**  
Village Administrator

  
Village of  
**Kronenwetter**  
1582 Kronenwetter Drive  
Kronenwetter, WI 54455  
Cell: 715-432-2351  
Direct: 715-693-4200 ext. 1731  
Fax: 715-693-4202  
[www.kronenwetter.org](http://www.kronenwetter.org)

**From:** Ann Barry Hanneman <ann.hanneman@vonbriesen.com>  
**Sent:** Monday, February 12, 2024 5:12 AM  
**To:** Leonard Ludi <lludi@kronenwetter.org>  
**Cc:** Bob J. Simandl <robert.simandl@vonbriesen.com>; Tania Robinette <tania.robinette@vonbriesen.com>  
**Subject:** Re: [External] Engagement of von Briesen & Roper, s.c. for Legal Services

Leonard—

Thank you. I will look for your call at 8:30, or otherwise after 11:00 AM.

Best regards, Ann

**Ann Barry Hanneman**  
**von Briesen & Roper, s.c.**  
[20975 Swenson Drive, Suite 400](#)  
[Waukesha, WI 53186](#)

---

Direct: [262-923-8652](#)  
Fax: [262-888-1789](#)  
[ahanneman@vonbriesen.com](mailto:ahanneman@vonbriesen.com) | vcard | bio  
[vonbriesen.com](http://vonbriesen.com)

Sent from my iPhone

On Feb 12, 2024, at 4:33 AM, Leonard Ludi <[lludi@kronenwetter.org](mailto:lludi@kronenwetter.org)> wrote:

Ann,  
I will try and give you a call at 8:30am before my at 9:00am. If not, it will be any time after 11:00am.  
Thanks,  
Leonard

Sent from my iPhone

On Feb 11, 2024, at 4:52 PM, Ann Barry Hanneman <[ann.hanneman@vonbriesen.com](mailto:ann.hanneman@vonbriesen.com)> wrote:

Hi Leonard—

Please let me know if you are available tomorrow morning at either 8:30 or 9:00 AM to touch base on this matter. I will set aside that time, and please feel free to call me then at (262) 923-8652.

If those times do not work, please let me know what time is most convenient for you, and I will make that work so that we can connect.

I look forward to our call.

Best regards, Ann

**Ann Barry Hanneman** | **von Briesen & Roper, s.c.**  
Direct: 262-923-8652 | [ann.hanneman@vonbriesen.com](mailto:ann.hanneman@vonbriesen.com)

**From:** Bob J. Simandl <[robert.simandl@vonbriesen.com](mailto:robert.simandl@vonbriesen.com)>  
**Sent:** Sunday, February 11, 2024 3:53 PM  
**To:** Leonard Ludi <[lludi@kronenwetter.org](mailto:lludi@kronenwetter.org)>  
**Cc:** Ann Barry Hanneman <[ann.hanneman@vonbriesen.com](mailto:ann.hanneman@vonbriesen.com)>; Tania Robinette <[tania.robinette@vonbriesen.com](mailto:tania.robinette@vonbriesen.com)>  
**Subject:** Re: [External] Engagement of von Briesen & Roper, s.c. for Legal Services

Dear Leonard - apologies - I was in contract negotiations last week. So we do not miss a discussion, I will ask that Ann reach out to you tomorrow morning. I can also be reached before 8:30 if you have time to talk (414-315-4649)

Bob Simandl

Sent from my iPhone

On Feb 11, 2024, at 3:38 PM, Leonard Ludi <[lludi@kronenwetter.org](mailto:lludi@kronenwetter.org)> wrote:

Bob,  
Hope your weekend is going well. On Monday evening I will report to our Village Board that we will be moving forward with the von Briesen & Roper letter of engagement. I've left a few messages requesting a quick catch up discussion last week. I hope all is well and I hope we can find some time on Monday.  
Thanks and have good Sunday.

**Leonard Ludi**

Village Administrator  
1582 Kronenwetter Drive  
Kronenwetter, WI 54455  
Cell: 715-432-2351  
Direct: 715-693-4200 ext. 1731

Fax: 715-693-4202  
[www.kronenwetter.org](http://www.kronenwetter.org)

Sent from my iPhone



On Jan 30, 2024, at 7:31 AM, Ann Barry Hanneman  
<[ann.hanneman@vonbriesen.com](mailto:ann.hanneman@vonbriesen.com)> wrote:

Bob—

Yes, 10:30 is fine. I will send out a call-in number for our use at  
10:30.

Best regards, Ann

**Ann Barry Hanneman**  
**von Briesen & Roper, s.c.**  
[20975 Swenson Drive, Suite 400](#)  
[Waukesha, WI 53186](#)

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Direct: [262-923-8652](tel:262-923-8652)  
Fax: [262-888-1789](tel:262-888-1789)  
[ahanneman@vonbriesen.com](mailto:ahanneman@vonbriesen.com) | vcard | bio  
[vonbriesen.com](http://vonbriesen.com)

Sent from my iPhone

On Jan 30, 2024, at 7:17 AM, Bob J. Simandl  
<[robert.simandl@vonbriesen.com](mailto:robert.simandl@vonbriesen.com)> wrote:

Ann - are you available for a call at 10:30?

Bob Simandl  
414-315-4649

Sent from my iPhone

On Jan 30, 2024, at 7:12 AM, Leonard Ludi  
<[lludi@kronenwetter.org](mailto:lludi@kronenwetter.org)> wrote:

I have a 9:00am to 10:00 meeting. The rest of the day is clear.

Leonard

Sent from my iPhone

On Jan 30, 2024, at 7:08 AM, Bob J. Simandl

<[robert.simandl@vonbriesen.com](mailto:robert.simandl@vonbriesen.com)>

wrote:

Dear Leonard - could we arrange for a call at 9:30 or 10 this morning to go over the information shared? If these times work, my partner Ann will send a call in number so we can talk through the issues and process.

Please let me know

Bob Simandl

414-315-4649

Sent from my iPhone

On Jan 29, 2024, at

11:00 AM, Leonard Ludi

<[lludi@kronenwetter.org](mailto:lludi@kronenwetter.org)

> wrote:

Bob,

We appreciate the quick turnaround.

Note, the current deliverable is being guided by section 2.2 of the Village Board approved HR Handbook of 2-13-2023, stating "Every reported incident of employee harassment will be thoroughly investigated by a third party selected by the Village Board with respect to the confidence and sensitivities of the situation."

Questions: I believe an estimate dollar amount will be needed for Village Board approval. Would you consider a "not-to-exceed" cost for a preliminary investigation & a final draft preliminary report? If more work is needed, it would be mutually agreed to in writing (?)... Also, could you provide your firm's rate schedule?

Please let me know your thoughts or give me a call at your convenience. .  
Thank you,

**Leonard Ludi**  
Incoming Village  
Administrator

1582 Kronenwetter  
Drive  
Kronenwetter, WI  
54455  
Cell: 715-432-2351  
Direct: 715-693-4200  
ext. 1731  
Fax: 715-693-4202  
[www.kronenwetter.org](http://www.kronenwetter.org)

**From:** Tania Robinette  
<[tania.robinette@vonbriesen.com](mailto:tania.robinette@vonbriesen.com)> **On Behalf Of**  
Bob J. Simandl  
**Sent:** Monday, January  
29, 2024 10:32 AM  
**To:** Leonard Ludi  
<[lludi@kronenwetter.org](mailto:lludi@kronenwetter.org)>  
>  
**Cc:** Bob J. Simandl  
<[robert.simandl@vonbriesen.com](mailto:robert.simandl@vonbriesen.com)>; Ann Barry  
Hanneman  
<[ann.hanneman@vonbriesen.com](mailto:ann.hanneman@vonbriesen.com)>  
**Subject:** [External]  
Engagement of von  
Briesen & Roper, s.c. for  
Legal Services

Attached please find  
attorney Simandl's cover  
letter and attachment  
regarding the  
above. Please call if you  
have any questions.



Thank you.

**Tania Robinette | Legal**

**Assistant**

**von Briesen & Roper, s.c.**

20975 Swenson Drive, Suite

400

Waukesha, WI 53186

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Direct: 262-923-8657

Fax: 262-888-1793

[tania.robinette@vonbriesen.co](mailto:tania.robinette@vonbriesen.com)

[m](#)

[vonbriesen.com](http://vonbriesen.com)

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<[Cleaned]image001.jpg>

<[Cleaned]L. Ludi Letter.pdf>

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TAGLaw International Lawyers

Robert J. Simandl  
Direct Telephone  
262-292-8651  
rsimandl@vonbriesen.com

January 29, 2024

**VIA E-MAIL**

Mr. Leonard Ludi  
Village of Kronenwetter  
1582 Kronenwetter Drive  
Kronenwetter, Wisconsin 54455

Re: Engagement of von Briesen & Roper, s.c. for Legal Services

Dear Mr. Ludi:

Thank you for asking von Briesen & Roper, s.c. to represent the Village of Kronenwetter. We look forward to working with you. We thought it best to set out in writing the terms and conditions upon which we will provide legal services. The purpose of this letter is to articulate and confirm these terms and conditions.

**SCOPE OF SERVICES**

You asked us to consult with and assist the Village of Kronenwetter ("Kronenwetter") with personnel evaluation issues and concerns.

**RESPONSIBILITIES**

In reliance upon information and guidance provided by you, we will provide legal counsel and assistance in accordance with this letter, keep you reasonably informed of progress and developments, and respond to your inquiries.

**POTENTIAL CONFLICTS OF INTEREST**

We are a relatively large law firm and we represent many companies and individuals. It is possible that some of our present and future clients will have business relationships and potential or actual disputes with Kronenwetter and its affiliates. We will not knowingly represent clients in matters that are actually adverse to the interests of Kronenwetter without your permission and your informed consent. We would ask that you consent, on a case by case basis, to our representation of other clients whose interests are, or maybe adverse to, the interests of Kronenwetter in circumstances where Kronenwetter has selected other counsel and where we have requested a written conflict waiver from you after we have advised you of the circumstances of the potential or actual conflict and you have given us your informed consent.

## **FEES FOR LEGAL SERVICES**

Our fees for legal services rendered to Kronenwetter will be primarily based on the amount of time required and the hourly rates of the attorneys and paralegals who render the services. These rates are periodically adjusted to reflect increased efficiency, skills and cost increases. The adjusted rates will apply to all services performed thereafter.

Our current billing rates for the attorneys and paralegals we anticipate will be working on behalf of Kronenwetter range from \$ 250 to \$ 400. Rates for specialty work areas, *i.e.*, employee benefits, patent/trademark, will be billed at our standard rates for such work. As we proceed, we will use personnel with lower billing rates to the extent practical to work on your matters. These rates will not be adjusted prior to January 1, 2025.

## **LIMITED LIABILITY**

von Briesen & Roper, s.c., is a limited liability entity under Wisconsin law. This means that if we fail to perform our duties in our representation of Kronenwetter, and that failure causes Kronenwetter damages, our firm and the shareholder(s) directly involved in the representation may be responsible to Kronenwetter for those damages, but the firm's other shareholders will not be personally responsible. Our professional liability insurance exceeds the minimum amounts required by the Wisconsin Supreme Court for limited liability entities of our size.

## **COMMUNICATION BY E-MAIL**

Our firm primarily communicates with its clients via unencrypted internet e-mail, and this will be the way in which we communicate with you. While unencrypted e-mail is convenient and fast, there is risk of interception, not only within our internal networks and the systems used by internet service providers, but elsewhere on the internet and in the systems of our clients and their internet service providers.

## **FILE RETENTION AND DESTRUCTION**

In accordance with our records retention policy, most paper and electronic records that we maintain are subject to a 10-year retention period from the last matter activity date or whatever date we deem appropriate. Extended retention periods may apply to certain types of matters or pursuant to your specific directives.

After the expiration of the applicable retention period, we will destroy your records without further notice to you, unless you notify us otherwise. At the conclusion of your matter, you may opt to retrieve your records from our firm. We are happy to accommodate you in this regard.

## **GENERAL PROVISIONS**

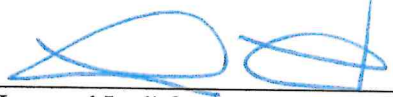
Enclosed is a statement entitled "General Provisions" setting forth additional terms and conditions which are incorporated into this letter and apply to our representation to the extent they are not inconsistent with the terms of this letter.



We are pleased to have this opportunity to be of service to the Village of Kronenwetter. If at any time during the course of our representation you have any questions or comments about our costs, services, or any aspect of how we provide services, please don't hesitate to call me.

The Village of Kronenwetter agrees to retain the services of von Briesen & Roper, s.c. under the terms and conditions specified above.

Date: 2-13, 2024

By:   
Leonard Ludi for the Village of Kronenwetter

Very truly yours,

von BRIESEN & ROPER, s.c.



Robert J. Simandl

RJS:tr

Enclosure

**von Briesen & Roper, s.c.**

**GENERAL PROVISIONS**

Except as modified by the accompanying engagement letter, the following provisions will apply to the relationship between von Briesen & Roper, s.c., and our clients:

- (1) The time for which a client will be charged will include, but will not be limited to, telephone and office conferences with a client and counsel, witnesses, consultants, court personnel, and others; conferences among our personnel; factual investigation; legal research; responding to clients' requests to provide information to auditors in connection with reviews or audits of financial statements; drafting of letters, pleadings, briefs, and other documents; travel time; waiting time in court or elsewhere; and time in depositions and other discovery proceedings.
- (2) Clients are responsible for payment to reimburse us for costs incurred in performing services such as large volume photocopying, messenger and delivery, air freight, videotape recording, travel (including mileage, parking, airfare, lodging, meals, and ground transportation), court costs, and filing fees. To the extent we directly provide any of these services, we will charge for our direct costs and overhead allocable to the services. Unless special arrangements are made, fees and expenses of others (such as experts, investigators, witnesses, consultants, and court reporters) and other large disbursements will not be paid by our firm and will be the responsibility of, and billed directly to, the client.
- (3) We may, on occasion, furnish estimates of fees or charges we anticipate will be incurred on a client's behalf. These estimates are by their nature inexact. We are not bound by any estimates except as expressly set forth in the engagement letter or otherwise agreed to by us in writing.
- (4) Fees, disbursements, and other charges will be billed monthly and are payable upon presentation. We expect prompt payment.
- (5) A client shall have the right at any time to terminate our services and representation upon written notice to the firm. Such termination shall not, however, relieve the client of the obligation to pay for all services rendered and disbursements and other charges made or incurred on behalf of the client prior to the date of termination.
- (6) We reserve the right to withdraw from our representation with the client's consent or for good cause. Good cause may include the client's failure to honor the terms of the engagement letter, the client's failure to pay amounts billed in a timely manner, the client's failure to cooperate or follow our advice on a material matter, or any fact or circumstance that would, in our view, impair an effective attorney-client relationship or would render our continuing representation unlawful or unethical. If we elect to do so, the client will take all steps necessary to free us of any obligation to perform further, including the execution of any documents (including forms for substitution of counsel) necessary to complete our withdrawal, and we will be entitled to be paid for all services rendered and disbursements and other charges made or incurred on behalf of the client prior to the date of withdrawal.



February 14, 2024

Dear Ms. Berk-Labarge,

Pertinent to your February 6, 2024 written complaint containing your feelings of being harassed by Trustee Ken Charneski. The documents have been reviewed and this communication is to let you know the next steps in the process of addressing these concerns.

Due to the sensitive and confidential nature of your complaint, your case will be passed on to a third investigator to gather all facts and provide a finding report. Once the information of the report is finalized, both myself and the Village Board will respond to your claim appropriate. The investigation is expected to take approximately two months. Until that time, please let me know immediately if any harassment behavior continues to make you feel uncomfortable.

Thank you for your patience as this process moves forward.

Respectfully,

Leonard Ludi, Village Administrator  
Village of Kronenwetter

CC: Chris Voll, President.

**LD****"Lee D. Turonie" <ldt@dempseylaw.com>**

2024-09-12 16:40

**response for Charneski VB request ready**

To: Chris Voll &lt;cvoll@kronenwetter.org&gt;

**Attachments:**

Records Request Response VB materials for Charneski.DOC

Chris, you need to read and sign the attached, then scan in and send. This is something to consider cc'ing the Board on. Thanks,

Lee D. Turonie, Attorney  
Dempsey Law Firm, LLP  
Office: 715-848-2966  
Mobile: 608-334-6804  
[ldt@dempseylaw.com](mailto:ldt@dempseylaw.com)



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Fond du Lac	De Pere	Wausau	Wausau	Oshkosh	Black River Falls
10 Forest Avenue, Suite 200	2278 Lawrence Drive, Suite C	93 S. Main Avenue, Suite 201	520 3rd Street, Suite 400	210 North Main Street, Suite 100	132 Main Street
Fond du Lac, WI 54935	De Pere, WI 54115	Wausau, WI 54983	Wausau, WI 54483	Oshkosh, WI 54901	Black River Falls, WI 54615
920-922-0470	920-235-7000	920-254-9738	715-848-2966	920-235-7300	715-575-3048

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September 12, 2024

TO: Kenneth M. Charneski, Trustee  
kcharneski@kronenwetter.org

RE: Response to public records requests sent via email to President Voll August 15, 2024 at 9:27 a.m. and August 16, 2024 at 7:17 a.m.

Dear Mr. Charneski:

I received via email your public records requests identified above. The response to your various requests is as follows:

Itemized requests:

1. "the emails between Leonard and von Briesen regarding the scope of work, and who their client is."

You have asked for and received these repeatedly. They are once again enclosed.

2. "The complete transcripts or recordings of the interviews"

There are no records that are responsive to your request.

3. "all of the documentation that Bobbi sent them"

Such records are prohibited from release for the reasons identified below.

4. "the list of people that she suggested they contact"

There are no records that are responsive to your request.

5. "how Ms Hanneman decided who to interview and who not to"

There are no records that are responsive to your request. Such determinations are privileged and protected work product prohibited from release for the reasons identified below.



6. “a copy of the complaint itself, that von Briesen says they were investigating.”

Such records are prohibited from release for the reasons identified below.

Reasons:

Wisconsin’s Public Records Law requires that a government entity provide the public access to its records. The Public Records Law and other statutory, common law and public policy principles may prohibit the Village from disclosing or fully disclosing certain records or certain information within those records. After analyzing your request and the Public Records Law, I have determined that I am legally prohibited from releasing certain records you requested identified above for the following reasons.

The Village authorized an investigation conducted under privilege and as work-product by attorneys for the Village. The Village has not waived privilege. Any report prepared or information gathered or created by an attorney retained by the Village constitutes an attorney-client privileged communication or attorney work product.

Under Wisconsin’s Public Records Law, Wisconsin has long recognized a client’s right to protect confidential communications with its legal counsel and attorney work product. *Seifert v. Sch. Dist. of Sheboygan Falls*, 2007 WI App 207 ¶27 (“We conclude that the recognized statutory and common-law exception for attorney work product and the balancing test under Wis. Stat. § 19.35(1)(a) solidly support our affirmance of the circuit court’s order”); *see also Wisconsin Newspress v Sheboygan Falls Sch. Dist.*, 199 Wis. 2d 768, 782–83, 546 N.W.2d 143 (1996); *Armada Broadcasting, Inc. v. Stirn*, 177 Wis. 2d 272, 279 n.3, 501 N.W.2d 889 (Ct. App. 1993); *George v. Record Custodian*, 169 Wis. 2d 573, 582, 485 N.W.2d 460 (Ct. App. 1992); *GPS v. Town of St. Germain*, 2003 WI App 162, 266 Wis. 2d 694, 667 N.W.2d 377.

Overall, principles of common law and statutory privilege and attorney work product support the prohibition of the release of such records. Wis. Stat. §§ 804.02(1)(c)1 & 905.03; *Seifert v. Sch. Dist. of Sheboygan Falls*, 2007 WI App 207, 305 Wis. 2d 582, 740 N.W.2d 177. *See George v. Record Custodian*, 169 Wis. 2d 573, 582, 485 N.W.2d 460 (Ct. App. 1992) & *Wis. Newspress, Inc. v. Sch. Dist. of Sheboygan Falls*, 199 Wis. 2d 768, 782–83, 546 N.W.2d 143 (1996). Wisconsin statutes provide that the “client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client.” WIS. STATS. § 905.03; *see also Upjohn v. United States*, 449 U.S. 383, 394–95 (1981). According to the State Supreme Court:

One of the fundamental policies of our law, and one which dominates in the absence of a special policy arising in particular types of situations, is that the judicial system and rules of procedure should provide litigants with full access to all reasonable means of determining the truth. Secrecy of communication between one person and his attorney is one of the exceptions. It is based upon recognition of the value of legal advice and assistance based upon full information of the facts and the corollary that full disclosure to counsel will often be unlikely if there is fear that others will be able to compel a breach of the confidence.

*Jacobi v. Podevels*, 23 Wis. 2d 152, 156, 127 N.W.2d 73 (1964). Here, the client has not authorized release.

In addition to the statutory and common law prohibitions preserving the confidentiality of attorney-client privileged communications and work product, Wisconsin's Public Records Law respects the Village's ability to engage in risk management and to defend itself and to protect its strategic interests. Specifically, Wisconsin Statute § 19.35(1)(am)1 allows the Village to withhold access to information collected or maintained in connection with a complaint and investigation that may lead to a court proceeding or administrative proceeding. The public policy interests of this statute favoring protection of the strategic interests of the government entity also favor nondisclosure.

In addition to statutory and common law prohibitions, Wisconsin courts require government entities to conduct a balancing analysis to determine whether permitting inspection would result in harm to the public interest which outweighs the legislative policy recognizing the strong public interest in allowing inspection. Even though these records are prohibited from release for other reasons, I have conducted this balancing analysis and concluded likewise that the public's interest in nondisclosure overwhelmingly outweighs the public's strong interest in release for the following reasons.

First, the public has a strong interest in public sector employers maintaining their ability to aggressively manage risk and defend their interests in any that may lead to litigation or even a threat of litigation, as threats can themselves cause expenditure of massive costs and creation of discord undermining the entity. Wisconsin's Public Records Law respects the public's interest in preserving the Village's ability to defend itself and to protect its strategic interests, which is demonstrated by Wis. Stat. § 19.35(1)(am)1, Wis. Stat. § 103.13(6)(g), closed session provisions of Wisconsin's Open Meetings Law, and various other Wisconsin Statutes. Specifically, Wis. Stat. § 19.35(1)(am)1 provides that the right to inspect or copy information in a record under Wisconsin's Public Records Law does not apply to "[a]ny record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration, or court proceeding." This statutory provision recognizes the public's strong interest in ensuring that any such matters be allowed to be addressed by the governmental entity in a strategic manner. In other words, the public's strong interest in favor of safeguarding thorough and effective risk management strategies favors nondisclosure.

Second, the public has very strong interests in the Village protecting the interests of the taxpayers through sound use of legal counsel and strategic risk management and litigation defense so as to promote the careful, judicious, and protective use of Village resources. Protecting this public interest necessitates that the Village not provide access to information that would undermine the Village's ability to engage in use of legal counsel, in conducting confidential investigations by its attorneys, or from developing and modifying methodical legal strategies. The release of information may improperly prejudice the Village's ability to protect and defend itself, to act in the affirmative to further its interests, or to adequately manage risk.

Third, the public has a strong interest in protecting Village employees from retaliation, retribution, or needless ridicule that has the effect of undermining the morale of the workforce, undermining productivity, undermining our ability to attract and retain high quality employees, and exposing the Village to additional liability risk. To be blunt, you hold a position of authority as an individual elected Village Board Member. To avoid retaliation and retribution against Village employees from you or from others, which is a documented subject matter of concern, and to avoid further loss of employee morale by further conduct by you or others, the public has a strong interest in nondisclosure of these records. Wisconsin courts have long taken positions to protect our employees from retaliation, to protect obtaining candid and frank information, to protect our ability to recruit and retain high quality employees and to protect our ability to maintain morale. *Hempel v. City of Baraboo*, 2005 WI 120, 284 Wis. 2d 162, 699 N.W.2d 551. The public also has a strong interest in encouraging full, candid, and complete cooperation by Village employees and officeholders with attorneys for the Village when the Village is engaging in efforts to protect its interests. Nondisclosure is also necessary to protect the Village's ability to attract quality candidates in such a difficult hiring market and when the Village has experienced turnover. The Village also needs to make sincere assessments and difficult decisions when addressing matters requiring the attention of the Village's attorneys, and candid and frank communications by our employees and officials to the attorneys are necessary in order to conduct the appropriate analysis to make those difficult strategic decisions. To the extent release would undermine the ability to obtain or would have a chilling effect on obtaining information to make those decisions, and to avoid any chilling effects on potential future witnesses and complainants, the public's interest favors nondisclosure.

I am prohibited from releasing the requested records. You may challenge my decision by contacting the local District Attorney or Wisconsin Department of Justice or you may file an action for mandamus under Wis. Stat. § 19.37(1).

Sincerely,

---

Chris Voll, President & Acting Interim Administrator

Enclosure(s)