

VI

R. C. No. 272 - 21 - 22. By FINANCE AND PERSONNEL COMMITTEE.
April 18, 2022.

Your Committee to whom was referred R. O. No. 137-21-22 by City Clerk submitting a Petition for Hearing in the matter of Patrick A. Gillette v Board of Police and Fire Commission; recommends referring to the Finance and Personnel Committee of the 2022-2023 Council.

F+P
2022-2023 Council

_____	_____
_____	_____
_____	_____
	Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk
Approved _____ 20____. _____, Mayor

R. O. No. 137 - 21 - 22. By CITY CLERK. April 6, 2022.

Submitting a Petition for Hearing in the matter of Patrick A. Gillette
v Board of Police and Fire Commission.

CITY CLERK

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

IN RE:

PATRICK A. GILLETTE, PRO SE

915 North Avenue

Sheboygan, WI 53083

920-452-9914

Class Code: 30107

Personal Injury - Other

In excess of \$10,000

Petitioner

V

Filed:

Case No.

Jointly and severally,

Board of Police and Fire Commissioners

For the City of Sheboygan, WI:

ROBERT LETTRE, PRESIDENT

CITY OF SHEBOYGAN

BOARD OF POLICE AND FIRE COMMISSIONERS:

AND

GERALD JONES, MEMBER of the PFC:

JEANNE KLIEJUNAS, MEMBER of the PFC:

LARRY SAMET, MEMBER of the PFC:

ANDREW HOPP, MEMBER of the PFC:

AGENT ADDRESS: SHEBOYGAN CITY HALL

828 CENTER AVENUE

SHEBOYGAN, WI 53081

Respondent(S)

PETITION FOR HEARING PURSUANT TO
42 USC 1983

Jurisdiction, venue, and subject matter established: SS 801.04, SS 801.50, SS 893.80

Parties:

1. Plaintiff is a citizen of the United States of America, a resident of the City of Sheboygan, a resident of the County of Sheboygan, and resident therefore of the State of Wisconsin. Plaintiff resides at 915 North Avenue, Sheboygan, Wisconsin, 53083
 2. Defendants (Respondents) are all members of the City of Sheboygan Board of Police and Fire Commissioners. The Agent Address of the PFC Board, and all members thereof, is City Hall, 828 Center Avenue, Sheboygan, Wisconsin 53081
 - a. Board of Police and Fire Commissioners
 - b. Robert Lettre, president of the PFC Board
 - c. Gerald Jones, Member of the PFC Board
 - d. Jeanne Kliejunas, Member of the PFC Board
 - e. Larry Samet, Member of the PFC Board
 - f. Andrew Hopp, Member of the PFC Board
1. The Plaintiff proceeds as Pro Se, and petitions the Court for relief under “In Forma Pauperis” and Constitutional protections regarding his right to due process and equal protection. Plaintiff reserves all Rights without prejudice.
 2. Circuit Court form CV-410A has been submitted along with this petition.

A-1. Whereas the Respondents owed a duty to the Plaintiff under the United States Constitution, the Constitution of the State of Wisconsin, and under Wisconsin Statute SS 62.13 and 62.13(5), Wisconsin Statutes Chapter 68, and under Wisconsin Statutes Chapter 227, and under the Municipal Code of the City of Sheboygan.

A-2. Whereas the Respondents breached that duty owed to Plaintiff by neglecting to perform, or performing in excess of authority or jurisdiction, their responsibilities under the contract of the United States Constitution, the contract of the Constitution of the State of Wisconsin, and lawful and legal statutory and municipal ordinance requirements thereof.

A-3. Whereas the Respondents, acting under color of law in their official capacities, conspired to use disinformation and malfeasance, and acted autonomously, to obtain their means, causing great injury to the Plaintiff.

Statement of Claims:

(a) Defendant Robert Lettre:

Whereas On October 4, 2021, Plaintiff did file a written formal complaint, pursuant to SS 62.13(b), with the defendant.

Whereas the defendant acted under color of law.

Whereas the above defendant did not respond to his obligation under SS 62.13(d) within the legal and lawfully mandated period of time.

Whereas this defendant, along with the Board Member listed defendants:

1. Gerald Jones
2. Jeanne Kliejunas
3. Larry Samet
4. Andrew Hopp

All acted in concert to violate the federally guaranteed civil rights of the Plaintiff:

- (b) The Plaintiff therefore asserts that the defendants violated Plaintiff's federal and state civil rights to contact, US Constitution Article I Sec. 10 Clause 1, impairing the obligation of contract, the Wisconsin Constitution Article I Sec. 12 impairing the obligation of contracts.
- (c) The Plaintiff therefore asserts that the defendants violated the Plaintiff's federal and state right to petition the government, First Amendment to the US Constitution, the right of the people to petition the government for redress of grievances, the Wisconsin Constitution Article I Sec. 4 The right of the people to petition the government, or any department thereof, and the Wisconsin Constitution Article I Sec. 9 Every person is entitled to a certain remedy in the laws.
- (d) The Plaintiff asserts that the defendants, in all proceedings post filing of the Complaint, violated Plaintiff's federal rights of Liberty and Due Process as defined in the 5th and 14th Amendments to the US Constitution
- (e) Plaintiff asserts that All rights under WI Chapter 62.13 and Chapter 68, were denied to Plaintiff. All statutory remedies were exhausted. There is no other remedy available to Plaintiff but to petition for hearing under 42 USC 1983.
- (f) The evidence will show that defendants failed to respond to the Original Complaint of Plaintiff, under SS 6213(5), filed Oct 4, 2021) and have failed to respond to Motions of Discovery and Sequestration submitted to the Board,
- (g) The evidence will show that the defendants relied on bias, prejudice, and disinformation while acting under color of law
- (h) The evidence will show that the defendants' performance, or failure to perform, in accordance with the provisions of law, resulted in injury to the Plaintiff and to his rights to liberty, to contract, to petition the government, to due process, and any remedy afforded by statutory law.
- (i) The evidence will show that the defendants disinformation and failure to act violated both procedural and substantive due process rights of Plaintiff.

- (j) The evidence will show that the defendants' actions were purported to be actionable under Wis Stat 62.13 and specific to SS 62.13(5) and under the auspices of performing under that statute, did act under color of law, while doing so in violation of the law and therefore injuring the Plaintiff.
- (k) The evidence will show that the defendants' operating under color of law was not in accordance with the legislative intent of performance in compliance to matters of statewide concern pursuant to SS 62.13(12), therefore denying the Plaintiff's Rights of equal protection under the law.
- (l) The evidence will show that the defendants acted under color of law and acted outside the legal provisions of SS 62.13 and SS 62,13(12) regarding the legal and lawful enactment of the provisions of the City of Sheboygan Municipal Code.
- (m) The evidence will show that the defendants disinformed the general public and the Plaintiff that rules they operated under were promulgated and published in accordance with the requirements of Chapter 227 of the Wisconsin State Statutes.
- (n) The evidence will show that the defendants disinformed the Plaintiff that they complied with, and were all operating under the required oath of office, pursuant to the US Constitution Article I Sec VI, the Wisconsin Constitution Article IV Sec. 28, Wisconsin Statutes as defined in Chapters 19.01, and 62.09.
- (o) The evidence will show that the defendants disinformed the Plaintiff that they had not vacated their official appointments, pursuant to Wisconsin State Statute Chapter 17.03.
- (p) The evidence will show that the defendants were responsible for the knowledge of the law but placed their faith and confidence in the fact that the Plaintiff was Pro Se, 100 percent disabled, and believed to be incompetent in pursuing his legal and lawful Rights to pursue his claim and subsequent court proceedings.
- (q) The evidence will show that the defendants deferred their statutory requirements to illegal and unlawful and unauthorized legal representation, and disinformed the Plaintiff that the Sheboygan City Attorney had the authorization of the City Council, and was authorized to represent the Board in all their business, statutory obligations, and hearings.
- (r) The evidence will show that the defendants disinformed the Plaintiff that in having the City Attorney present at, and acting as counsel for the Board at their hearings would in-fact nullify the decisions of the Board.
- (s) The evidence will show that the defendants acted under color of law as a political operative of an elected City Official, and without the statutory authority of law.
- (t) The evidence will show that the defendants cooperatively violated Plaintiff's civil rights by total disregard, and with intent to deprive Plaintiff of his Rights, under the United States Constitution, the Wisconsin Constitution, the Statutory provisions thereof, as well as their total disregard for compliance with the Municipal Code for the City of Sheboygan.
- (u) The evidence will show that the defendants disinformed the Plaintiff on the presumption that they acted in an official capacity as a Board, and as individual members of said Board, of the Sheboygan Police and Fire Commission.

- (v) That in November, 2021, the Board held a public meeting, without the presence of the Plaintiff and the President of the Board, the Police Chief, and the unlawful legal representative of the board did publicly libel and cause slander to the Plaintiff
- (w) The evidence will show that the Respondents were not a legal and lawful Police and Fire Commission, adopted legally and lawfully by City Ordinance.
- (x) The evidence will show that the Respondents failed to take and file their oaths of office.
- (y) The evidence will show that, by law, the Respondents had vacated their appointments to the Board of Police and Fire Commissioners.
- (z) The evidence will show that the Respondents performed as the Board of Police and Fire Commission under the contrivance of their own rules.

The defendants acted in such an egregious, arbitrary, and capricious manner as to astound the imagination of any reasonable person.

A-4. This suit contends that the President of the Board of the Sheboygan Police and Fire Commission, and each of its respective members, violated the following Constitutional Rights of the Petitioner:

1. Plaintiff's Right to contract
2. Plaintiff's Right to petition
3. Plaintiff's Right to Liberty
4. Plaintiff's Right to certain remedies in the law
5. Plaintiff's Right to prosecute or defend his case in court
6. Plaintiff's Right to substantive and procedural due process
7. Plaintiff's Right to obtain judicial relief by imposing unjustified restrictions on his personal Rights, and doing so under the color of law.
8. Plaintiff's Right to file a complaint and appear before a legal and lawful tribunal as prescribed by SS 62.13(5)
9. Plaintiff's Right to privacy (Right not to be libeled or slandered)

Whereas the defendants all acted under color of law:

1. Acted without regard to Plaintiff's Constitutional Rights
2. Acted outside of the provisions of State Law
3. Acted outside the provisions of the Sheboygan Municipal Code
4. Acted without the provisions of the required oath of office
5. Acted after their appointments were vacated
6. Acted by promulgating rules outside of the provisions of law
7. Acted under the auspices of unauthorized legal representation

Whereas the defendants not only acted under the color of law pursuant to the provisions of 42 USC 1983:

1. The defendants violated 18 U.S.C Sec 241 and Sec 242 under the criminal sanctions for violating 42 U.S.C 1983.
2. The defendants violated Wisconsin criminal statute for Misconduct in Public Office, pursuant to SS 946.12 (1-3).

Whereas the defendants all acted with such intentional recklessness, deceit, malice, and contempt against the Plaintiff (and the public interest)

Whereas the defendants extreme conduct caused great harm and injury to the Plaintiff (and to the City of Sheboygan, and to the matters of Statewide concern)

The Plaintiff now comes before the court and pleads the court for relief and damages caused the Plaintiff by the defendants:

1. The Plaintiff petitions the court to take notice that the Sheboygan Police and Fire Commission did not, and does not, legally, and lawfully exist under the provisions of State law and the City of Sheboygan Municipal Code.
2. That the defendants did act as such Board, and members thereof, without any lawful provisions allowing them to do so
3. That the defendants did act under color of law
4. That the defendants violated the civil rights of the Plaintiff
5. That the defendants did libel and slander the Plaintiff

The Plaintiff respectfully petitions the court to award damages to the Plaintiff, as follows (and any other damages the court might find necessary to discourage the furtherance of this type of conduct from occurring again):

The Plaintiff respectfully requests the court to award the Plaintiff the following monetary relief:

Compensatory damages:

1. In the amount of \$500.00 for costs
2. Injurious compensatory damage: Damage to reputation and character, and personal humiliation, evidenced by defendants' predicate conduct and independent acts of the judicial process observed by others: Libel and slander; Loss of Liberty, the right to petition a lawful and constitutionally established government agency. The loss of Due Process. Amount sought is \$75,000.00
3. Any other costs the Court finds is compensable.

Punitive Damages: The defendants acted with recklessness, malice, and deceit. I respectfully petition the court to award punitive damages to deter defendants and others from acting in similar extreme conduct, as they acted in violation of Plaintiff's civil Rights, but to prevent further such actions, by the defendants and others, that damage the public goal of Legislative Intent of Statewide Concern. To serve a public concern Plaintiff respectfully request punitive costs in the amount of \$100,000.00.

The Plaintiff request a jury to hear this case.

I, Plaintiff in this matter, declare under penalty of perjury that the forgoing is true and correct to my knowledge.

I further declare that copies of this petition were delivered, separate copy for each, to the defendants in this matter, on March 30, 2022, to the Agent Address of each of the defendants: At the Office of City Clerk, City Hall 828 Center Avenue, Sheboygan, WI, 53081

Signed this 30th day of March 2022

Respectfully Submitted:  sig.

920-452-9914

patrickgillette@att.net

915 North Avenue

Sheboygan, WI 53083