

MINUTES
SEX OFFENDER RESIDENCE BOARD
OF THE CITY OF GREEN BAY
Thursday, August 29, 2013
Room 310, City Hall
2:30 p.m.

PRESENT: Dean Gerondale, Ben Heiman, Renee Keehan

EXCUSED: Heidi Michel, Kathy De Cremer

ALSO PRESENT: Ald. Jerry Wiezbiskie, Ald. Tom De Wane, Attorney Shane Brabazon

The meeting was called to order by Dean Gerondale.

1. Request by Dean Gerondale to reconsider/rescind the board's approval of Samuel Brandt's residence exemption regarding moving to 471 Huron Road

A motion to rescind the approval of Samuel Brandt's residence exemption regarding moving to 471 Huron Road was made by Dean Gerondale, seconded by Ben Heiman.

Renee Keehan does not agree with the motion, stating it could set a precedent. The same notification process has been in place for years. While this process could change in the future, she feels now is not the time to change it just because of the number of people present objecting to the board's previous decision. There are children in every neighborhood where a sex offender is placed and there is always a risk.

Dean pointed out that each case is different and it's the Board's responsibility to listen to the facts and circumstances and then make a decision based on the information presented. In this particular instance, Dean feels there was not enough public input. However, most of the time there is zero participation from the public. It will be up to the City Council to decide if there should be a different notification process.

Renee agrees this process could change in the future, but does not feel the Board should change their prior decision in this instance.

Two in favor, one opposed (Renee Keehan). Motion carried.

2. If Item 1 passes, discussion regarding the appeal of Samuel Brandt to move to 471 Huron Road

Samuel Brandt appeared in person. Dean Gerondale advised Samuel of his right to discuss treatment issues in closed session and informed him not to use the names of the victims.

Samuel stated he was married approximately two years, when his wife started ignoring him. The victim lived in their house and enjoyed spending time with him. She was age 11 at the time. At first it was inadvertent sexual contact but later on that was not the case. They took place every couple of months, but never involved sexual intercourse. The victim told a friend, who then told her mother. Samuel initially denied the allegations, but admitted them when he went to court. He pled no contest and spent 7-1/2 years in prison.

Samuel stated he is ashamed with himself. He knows he's hurt his family and there are days he'd like to just crawl in a hole and disappear. However, he realizes he can't let this rule his life. He needs to move on and not reoffend.

A motion is made by Dean Gerondale and seconded by Ben Heiman to move into closed session to discuss Samuel's treatment, pursuant to Section 146.82(1), Wis. Stats. All in favor. Motion carried. A motion is made by Dean Gerondale and seconded by Ben Heiman to return to open session. All in favor. Motion carried.

In closed session, Samuel's S02 treatment was discussed.

Samuel stated he will seek employment. This is a condition of his release. Samuel said he is a private person and wants to create a different life for himself. He will mostly interact with friends and family. He did not consider going to the TLP because he was told it's full and there is a waiting list.

Public comments *in support of* Mr. Brandt living at 471 S. Huron Road

(a) **Julie Cole, 471 S. Huron Road, Green Bay.** Julie is Sam's mother. She and her husband want to provide a place for Sam to get started. They were not aware of the TLP. Because her husband is retired and she works part time, they would be there to support Samuel. Due to neighbors' objections, many restrictions have now been placed on Samuel by his probation officer. Initially he did not need to wear a bracelet, but now he does wear one. He is only allowed to go 70 feet from the house, he cannot drink alcohol or use the Internet. Julie does not believe the public has anything to fear. He's a good son who did something wrong and has served his time.

(b) **Bill Cole, 471 S. Huron Road.** Bill is very emotional. He would like everyone to know that he also supports Sam. Bill is most upset with all the racket that's been raised. The idea that Sam is going to snatch someone off a bicycle as he rides down the sidewalk is not going to happen. That isn't what happened previously and will not happen now.

Public comments *against* allowing Mr. Brandt to move to 471 S. Huron Road

(a) **Glenn Rank, 508 Terrace Lake Lane.** Glenn is a resident of this neighborhood and the father of three girls. Because Mr. Brandt is required to wear a bracelet, Mr. Rank feels “they” don’t trust him and neither does he. Prior minutes indicate Mr. Brandt has had limited treatment and is in need of more treatment. As a parent, Mr. Rank feels his top priority is to protect his family. He believes his family would be less safe if Mr. Brandt moves into the neighborhood. Mr. Rank is aware of Mr. Brandt’s restrictions but asks the board to deny his request to move to 471 S. Huron Road.

(b) **Vickie Marquardt, 459 S. Huron Road.** Vickie lives next door to Julie and Bill Cole. Vickie has three girls, ages 7, 8 and 9. She is a single mother who works nights at a mill. She has to rely on a babysitter and feels this is a high price for a babysitter to keep her children safe. The babysitter is a UWGB student in her 20s. Vickie is not willing to put her children at risk. She will leave her home if Mr. Brandt is allowed to live there. Her children have already lost friends because they will not come over to play. Her children have stated “they don’t want to live next door to a bad guy.” Vickie pointed out that even though Mr. Brandt is on a monitor, he is allowed to leave from 9 until 2.

(c) **Ryan Johnson, 3268 Highland View Lane.** Ryan read a lengthy letter written on behalf of residents in the McAuliffe Park and Woodside Heights neighborhoods. They would like a policy put in place which notifies residents within a 200 feet radius of where a sex offender wants to live. They do not want to punish Mr. Brandt or his family any further; however, they would like Mr. Brandt placed somewhere else out of concern for the safety of their children and Mr. Brandt’s ability to rehabilitate himself.

There are hundreds of kids in this area and do not feel the Board considered the demographics of this area when they approved Mr. Brandt. This is not an older neighborhood with older residents. This area includes a bike path, a park and a golf course where junior golfers play every day. The Woods Golf Course and East High School are very upset about Mr. Brandt’s placement and both have written letters to the Board asking that he be placed elsewhere. There is also a softball diamond in this area and a school bus stop in front of this home. There are wooded hiking trails within a block of this home and also a licensed day care center. The woman next door with the three daughters is going through a divorce and trying to get shared custody of her children, but the father is using the fact they will be living next to a sex offender against her in order to get full custody of their children.

Mr. Johnson expressed concern about statements made about Mr. Brandt in his treatment reports (angry, resentful, sexually preoccupied, impulsive and exhibited reckless behavior).

The residents feel placing Mr. Brandt in their neighborhood is a violation of their right to feel secure in their homes, yards and play areas. There are better locations for Mr. Brandt to live, such as with his father or uncle. Residents also feel their home values will decline once a potential buyer becomes aware there is a sex offender in the

neighborhood. Mr. Johnson stated if Mr. Brandt is allowed to stay at this location, they are prepared to take legal action against the city.

(d) **Rebecca Westphal, 1147 Harwood Avenue.** Ms. Westphal stated she does not live in this neighborhood but is present on behalf of a friend who does. Ms. Westphal came to the meeting with an open mind, quite possibly to support Mr. Brandt. She believes everyone deserves a second chance. However, after listening to everyone, she supports the residents and believes their fears are real and there are no guarantees Mr. Brandt will not reoffend.

(e) **Ald. Tom De Wane (District 2).** Ald. De Wane lives across the street from 471 S. Huron Road. Ald. De Wane has received numerous phone calls and e-mail messages regarding this situation. Since Mr. Brandt's release, Ald. De Wane has noticed there are no children playing outside as they have in the past. The golf coach at East High School and someone from The Woods have written to him expressing their concern. Ald. De Wane does not think this is an appropriate area for Mr. Brandt to live. The kids outweigh the parents about 5 to 1. He does not want to see anything happen to this neighborhood.

(f) **Ald. Jerry Wiezbiskie (District 1).** Ald. Wiezbiskie asked the Board to "listen hard to the pleas you have heard today." He, too, is pleading with them. There was no public notice and he will work on changing this in the future. Ald. Wiezbiskie believes they would not be here today if the Board had heard these concerns previously. He also has received numerous phone calls, letters and e-mails.

Ald. Wiezbiskie attended the August 14 meeting of the Sex Offender Residency Board. At this meeting, council persons spoke up against approving several people on the agenda. Board Members stated they may have approved certain individuals, but because the council person asked that they deny it, they did so. Today Ald. Wiezbiskie is requested that the Board deny Mr. Brandt's request to live at 471 S. Huron Road.

Attorney Shane Brabazon represents Samuel Brandt. He acknowledged that the Board has a very important duty regarding the city's ordinance. However, Mr. Brandt's appeal was previously approved and Mr. Brabazon stated he does not see anything in the ordinance that allows a case to be reconsidered or repealed. No new information suggests this is an appropriate avenue to go down and certainly opens Pandora's Box for anyone else, or people in the community, who say they didn't receive proper notice or didn't know enough information about previous placements or appeals to come forward now and litigate or re-review these types of cases.

Attorney Brabazon stated this Board has guidelines to follow and they are listed in the ordinance. One is whether or not Mr. Brandt has shown remorse. He believe it's clear from the information the Board has before them that Mr. Brandt has shown remorse. Another issue is whether the person has become rehabilitated. The record is also clear that Mr. Brandt has gone through the rehabilitation process. He is accepting of the

situation and acknowledges his rehabilitation is not complete. He has been through a significant amount of rehabilitation but understands he still needs to work on his rehabilitation and there are programs that are being put in place to allow for that rehabilitation to continue. Mr. Brandt has shown very positive signs towards rehabilitation.

Mr. Brandt would not be the only person in this community who is a registered sex offender. However, he certainly is now the most high profile individual. According to available websites, there are other sex offenders in this general vicinity.

The logistics of the house on Huron Street provides some additional stability and appropriate factors for the board to consider. This is a relatively large parcel of land (3/4 acre). He is on electronic monitoring and this is something the Board was not aware of previously when they agreed to grant his appeal and allow him to live on Huron Road. This is now an additional protection that's in place. The fact that the back yard is a golf course, a public place, is less concerning than if there were seven or eight houses behind this residence. Huron Road is a well-travel road. This amount of traffic also provides supervision of Mr. Brandt's whereabouts.

When you look at the facts of Mr. Brandt's case, it involved a victim that was close to him. There is nothing before the Board, as far as history, that would suggest any type of inappropriate activity towards someone he was not close to. His history involved a grooming behavior.

Mr. Brabazon believes, based upon the evidence before the Board, Mr. Brandt is a very low risk to reoffend. Mr. Brabazon, from his experience, knows the significant restrictions placed on sex offenders by the Department of Corrections. Community Police Officers will also have information about Mr. Brandt. Another important factor is that Mr. Brandt will not be living by himself. He will be living at his parents' home. They will serve as additional sources of supervision.

Mr. Brandt stated he does not see this as a long term placement, but as transitional placement. His goal is to get a job. Prior to this, he worked 16 years at the same job. He will continue with treatment. He does not have a vehicle. Living on Huron Road gives him the opportunity to live close to his treatment. His goal is to get out on his own.

The Department of Correction's website's slogan is: "Awareness Is Your Best Defense." Mr. Brabazon believes that's what this is all about.

Mr. Brabazon stated he doesn't believe there is any Green Bay community that's going to be coming here saying they want sex offenders living in their neighborhood. That's clearly not going to happen. That's why the Board is here, to hear each case on an individual basis – specifically rehabilitation, remorse and the risk to reoffend.

Mr. Brandt is not an outgoing person looking to shake hands and meet people in the community. Reuniting with the community is going to take time. This should be viewed as a positive thing. Mr. Brandt's parole agent specializes in sex offenders and thus Mr. Brandt cannot get into a relationship without getting permission from his agent first.

Mr. Brabazan stated the fact the community is here is important, but it's not the overriding factor for this Board decision. The community does not have the experience or wealth of information this Board has. It's up to the Board to weigh the factors of each individual case. The TLP is more appropriate for people who don't have a support system or other resources to lean on.

Based upon the ordinance and the factors this Board has to consider (i.e., remorse, rehabilitation, low risk to reoffend), this appeal should be granted and Mr. Brandt should be allowed to reside at the Huron Road residence because of all the protections that are already in place and the continued protections that would be in place with this placement.

Ald. Tom De Wane stated (1) because this is heavily populated, he goes undetected (2) he's a low risk but a risk is a risk. (3) the fact that he has support at home, but they don't believe he's a sexual offender, tells Ald. De Wane that's a problem right there alone (4) he's still being rehabilitated which tells Ald. De Wane there's a chance he could reoffend.

Dean Gerondale stated this Board is a citizen board. They are not elected but asked to serve. The Mayor has stated, it's the toughest board to be on. The Board is trying to do the right thing based upon the information they have. They take it seriously and try to balance the rights of the citizens, the person who comes before them and the victim.

Mr. Brandt was first approved because of his support system. At the time, Dean felt Mr. Brandt needed more time to go through the rehabilitation process before entering an area of the city where children are present. Dean feels it won't help his situation living where people will treat him as an outcast. Even though he's on a bracelet, there is a period of time he can be out on his own.

Renee Keehan stated she stands by her previous vote because every vote they make is for the best of Green Bay. There are children in every neighborhood. The Board is always looking at family support. They look to see if there are sex offenders in the area. There is only one other person in this area. Renee stated she made a clear, conscious vote previously. They all did and she doesn't think it's right to change it now. If Mr. Brandt wishes to move to a different address, that's a different story.

Ben Heiman agrees.

Dean Gerondale feels it would be best for Mr. Brandt to be at the TLP for a certain amount of time and also seek treatment with Jim Drake. The Board and community would then have information on his progress. Renee Keehan stated he would be living alone at the TLP, whereas if he lived with his parents, he could talk to them and get the support he needs 24/7.

Ben Heiman stated he agreed with Renee because he didn't want her to change her vote. At this time, he will not change his vote.

A motion to approve the appeal of Samuel Brandt to move to 471 S. Huron Road was made by Renee Keehan. No second. Motion failed.

A motion to DENY the appeal of Samuel Brandt to move to 471 S. Huron Road was made by Dean Gerondale, seconded by Ben Heiman. Two in favor, one opposed (Renee Keehan). Motion carried.

A motion adjourn was made by Ben Heiman, seconded by Renee Keehan. All in favor. Motion carried.