

HARTLAND VILLAGE BOARD MINUTES
Special Meeting
Tuesday, May 17, 2022
6:45 PM
VILLAGE BOARD ROOM, MUNICIPAL BUILDING
210 COTTONWOOD AVENUE, HARTLAND, WISCONSIN

Call to Order
Roll Call

Present: Trustees Truttschel, Pfeiffer, Meyers, Wallschlager, Ludtke, President Pfannerstill

Excused: Trustee Conner

Others Present: Interim Administrator Bailey, Police Chief Misko, Village Attorney de la Mora, Clerk Igl, Detective Jewell, Matthew Beardin.

1. Pursuant to Village of Hartland Ordinance Section 66-12 (e), the Village Board will hear the appeal of Matthew Beardin to be exempted from the moratorium regulating residency in the village.

Attorney de la Mora advised the applicant that it was his burden to convince the Village Board that he should be exempt from the residency restrictions which will continue to be in effect in Hartland until the ratio of sex offenders currently in the Village is more in line with that in Waukesha County. He asked Mr. Beardin whether he had an attorney or witnesses. Mr. Beardin stated that he did not. Clerk Igl swore in Mr. Beardin.

Mr. Beardin stated that he had nothing to add but that he had made an error in moving to Hartland not realizing that a sex offender moratorium was in place. He stated that he had spoken to an officer about the situation previously. He stated that he was released from prison in 2013 after being in prison for a long time. He stated that he now has a seven year old son. He stated that he is appealing to the Board's "good nature" and added that he didn't know what a character witness could do for his case.

Attorney de la Mora advised Mr. Beardin that the documentation that he had submitted had not been shared with the Village Board. Mr. Beardin read his email appealing to the Village Board into the record stating that he resides at 605 Sunnyslope Drive and had signed a one-year lease. Attorney de la Mora confirmed with Mr. Beardin that his date of birth is 5/16/1977, he was convicted in fall of 1996 of the offense of sexual assault of a child. The child was 2 years old and Mr. Beardin was 18 years old at the time. It was stated that Mr. Beardin was sentenced to 16 years in prison. He was also convicted of a battery offense while in prison and was released in 2013. It was stated that Mr. Beardin violated the sex offender registry restrictions in 2019 and served three months for that offense. Mr. Beardin was asked whether there had been any probation violations and he stated that there had been and he had served a week for the violation in November of 2013.

President Pfannerstill stated that the Village Board members were allowed to ask questions. Trustee Ludtke asked when Mr. Beardin had moved in. He stated that he had moved in in March, 2022. She asked whether his son lives with him full-time and he stated that he does not but rather has 50/50 custody. Trustee Pfeiffer asked Mr. Beardin what he had done to research whether Hartland had a sex offender moratorium. Trustee Pfeiffer stated that he simply searched Hartland WI sex offender ordinance and the information was readily available. Trustee Wallschlager asked how far away his son's mother lives and he stated that she currently lives in Kiel but has learned recently that she will be moving to Green Bay.

Attorney de la Mora asked that Chief Misko provide any information that he had relative to the matter based on materials gathered by his office. Chief Misko was sworn in by Clerk Igl.

Chief Misko stated that the department gets email notification alerts related to sex offender residency. He stated that the department received an alert on March 11 that Mr. Beardin had moved into 605 Sunnyslope Drive, #5. He stated that the alert was assigned to Detective Jewell. Detective Jewell made contact with Mr. Beardin and informed him of the Village sex offender moratorium. Mr. Beardin stated at that time that he wasn't aware of the moratorium but had read an article that someone had challenged the ordinance. Chief Misko stated that contact was made with Mr. Beardin on March 13 by Detective Jewell to inform/educate on the ordinance. He was advised on how to move forward to file an appeal. Chief Misko stated that Mr. Beardin had come in to the department, had a discussion with him in the lobby and informed him that he wanted to move an appeal forward. As of March 25 the appeal hadn't been received so Detective Jewell made contact. It was discovered that the email address Mr. Beardin was attempting to send the appeal to was incorrect. The email requesting an appeal was received on April 1.

Chief Misko stated that Mr. Beardin had been convicted of sexual assault of a child which took place in 1996 in Lake Mills while he was living with a girlfriend and her child. The child was just under 3 at the time of the assault. The conviction took place on Jan. 16 of 1997, he was sentenced to 16 years in the Dodge Correctional Institution and released from prison in July of 2013. He stated that Mr. Beardin was convicted of battery by a prisoner in 2013. Additionally, he stated that there was a charge of possession of marijuana in 2017 and a sex offender registry violation in 2018. Mr. Beardin did four months in jail with Huber provisions for the sex offender registry violation.

Chief Misko stated that the saturation level was last run in June 2021 and the Village was at 5.13% with 29 sex offenders living in the Village. In 2018 when the moratorium went into effect, the Village was at 6.75% with 35 sex offenders residing in the Village.

Mr. Beardin stated that he is not on supervision but is a lifetime registrant on the sex offender registry.

President Pfannerstill asked for clarification from Chief Misko whether there were any other charges. Chief Misko responded that there were no other charges filed, however,

there appeared to potentially be other sexual assaults. Mr. Beardin commented that he was underage at the time of another event but was older than the other party. No charges were filed related to that event.

Attorney de la Mora asked whether the Village Board members had questions for Chief Misko. He also asked Chief Misko whether there has been any contact with the landlord regarding the lease. Chief Misko stated that the landlord indicated they will work with Mr. Beardin if he is not allowed to stay. He stated that there has been an owner/management change and they were not aware of the moratorium.

Trustee Ludtke asked whether Detective Jewell reached out to Mr. Beardin first or whether Mr. Beardin reached out to the department. Chief Misko stated that Detective Jewell reached out to Mr. Beardin based on the alert received. President Pfannerstill explained the ratio to Mr. Beardin and that the Village's per capita of registered sex offenders is five times higher than the rest of the county. Trustee Meyers asked why Mr. Beardin would want to live in Hartland if the child is moving to Green Bay with the mother. Attorney de la Mora stated that questions are to be based on whether Mr. Beardin has made a case. Mr. Beardin stated that he is employed here and is hoping to improve his credit by renting here. He stated that he has been working on his goal to get full-time custody of his child but just learned of the intended move in court the previous day. Trustee Truttschel asked where Mr. Beardin works and what shift. Mr. Beardin stated that he works at Great Lakes Carpet Service first shift. Trustee Truttschel asked if there was a reason why Mr. Beardin almost missed the meeting today. Mr. Beardin responded that he was preparing mentally.

President Pfannerstill closed the hearing at 7:29 p.m.

2. Following the submission of testimony under oath/evidence, the Village Board will deliberate in open session and render a decision regarding the appeal.

President Pfannerstill stated that Mr. Beardin has proven that he would like this situation to be different, however, the Village Board has to do what is best for public safety. He stated that he felt Mr. Beardin had not convinced him that his "filter" is strong enough yet to stop actions. He stated that he credits Mr. Beardin for coming to the meeting to appeal the ruling.

Trustee Pfeiffer stated that the moratorium was put in place to protect the Village and the Village's ratio is still considerably higher than the county. He stated that the Board is here to represent the people in the Village and felt that the board has to honor the moratorium until the goals are reached.

Trustee Ludtke stated that the facts are the facts and urged the board to come together to respect that. Trustee Truttschel commented that the moratorium is in place and that based on the current ratio he would agree the moratorium should be upheld. Trustee Meyers stated that he felt the moratorium should be supported. Trustee Wallschlager stated to Mr. Beardin that she appreciated him coming in, however, it is their purpose to

protect the citizens and believes the moratorium is the cornerstone for making the decision.

Motion (Ludtke/Pfeiffer) to deny Mr. Beardin's appeal for residency in the Village.
Motion carried.

3. Adjournment

Motion (Ludtke/Meyers) to adjourn at 7:38 p.m.

Respectfully submitted,

Darlene Igl
Village Clerk