
**BEFORE THE VILLAGE OF KEWASKUM
POLICE AND FIRE COMMISSION**

In Re: The Discipline of Chief Thomas Bishop

**RESPONDENT CHIEF THOMAS BISHOP'S
MOTION TO DISMISS CHARGES
AND MEMORANDUM IN SUPPORT**

INTRODUCTION

Chief Thomas Bishop asks the Village of Kewaskum Police and Fire Commission to dismiss all charges filed against him by Village President Michael Martin on April 3, 2026. There are two separate and independent reasons why dismissal is the right outcome — and either one, standing alone, is enough.

First, the process that led to these charges was fundamentally unfair. The Village hired a public relations firm — a PR firm — to help prepare an investigative report about Chief Bishop. That report was never shown to Chief Bishop and asked about its facts and conclusions. He had no chance to correct mistakes or tell his side of the story before charges were filed against him. That is not how Wisconsin law works, and it is not how fair treatment works. The charges must be dismissed on this basis alone.

Second, even setting aside the unfair process, the charges themselves do not hold up. Here is what the charges actually come down to: Chief Bishop — a 19-year veteran of this Department and 14-year Chief with no disciplinary history — reviewed a background investigation report and made a professional judgment to recommend hiring a police officer applicant. The applicant himself had openly disclosed his prior

employment history. The background investigation uncovered no facts the applicant had hidden. Nothing in the investigation report was false. Chief Bishop knew what he needed to know and made a considered, deliberate decision. And the officer has served this community without a single complaint, disciplinary issue, or problem of any kind since the day he was hired.

Village President Martin simply disagrees with Chief Bishop's hiring call. That disagreement — nothing more — is not a legal basis for firing a career police chief. The charges should be dismissed.

THE FACTS

A. Chief Bishop's Career.

Chief Thomas Bishop has served the Village of Kewaskum as a law enforcement officer for approximately 19 years. He has been Police Chief for 14 of those years. In all that time, he has never been disciplined. He has never been charged before this Commission or any other disciplinary body. His record is clean. He has been an exemplary Chief of Police.

B. The Hiring Process.

In 2024, the Department was looking to hire another new police officer. Chief Bishop assigned Lt. Bryan Frank — a trained investigator — to conduct a background investigation of the applicant. Lt. Frank had received formal training in conducting background investigations.

During that process, the applicant was completely upfront about his past. He told Lt. Frank that he had been terminated from a law enforcement position in Juneau County about fifteen years earlier. Lt. Frank reported all of this to Chief Bishop. Chief Bishop reviewed the background investigation, understood the applicant's history, considered

the explanations offered, and made a professional judgment: this applicant was qualified and suitable for the job. Chief Bishop made the hire.

It is important to note what the charges do not say. They do not say the background investigation missed something the applicant was hiding. They do not say anything in Lt. Frank's report was wrong or false. Chief Bishop was not deceived. He was not kept in the dark. He had the relevant information and made a deliberate, informed decision.

C. The Officer's Performance Since Being Hired.

Since joining the Kewaskum Police Department, the officer has performed his job without any problems. The charges filed against Chief Bishop say nothing negative about this officer's performance — because there is nothing negative to say. Specifically:

- The officer has no disciplinary history with this Department.
- He has not been accused of any misconduct on the job.
- No citizen has ever filed a complaint against him.
- He has performed his duties satisfactorily in every respect.
- No one has filed independent charges against him with this Commission.

The officer hired through this process has been a good officer. That fact speaks directly to whether Chief Bishop's judgment was sound. It was.

D. The Investigation — and What Was Wrong With It.

After an anonymous tip was sent to the Village through a phone app called "TextNow," the Village commissioned an investigation into the circumstances surrounding the officer's hire. The result was a document called the "Summary of Investigation," dated February 26, 2026.

Here is the problem: that Summary was co-authored by a public relations firm — Mueller Communications — that the Village had hired. A PR firm’s job is to shape how things look and what story gets told. It is not to conduct neutral, objective fact-finding about an employee.

More importantly, Chief Bishop was never shown this report and asked about it before charges were filed. He never had the chance to say whether its facts were accurate, point out errors, or tell his side of the story. The first time he learned what was in the Summary was after the Village President threatened him with termination. That is fundamentally unfair, and it violates both Wisconsin law and basic principles of due process.

E. The Charges.

On April 3, 2026, Village President Martin filed charges against Chief Bishop. As explained in detail below, those charges are legally deficient in multiple ways: they do not identify specific rules that were violated, they do not describe specific failures with enough detail for Chief Bishop to defend himself, and they make no effort to explain why any of the alleged shortcomings would justify firing a career chief with an unblemished record.

WHY THE CHARGES SHOULD BE DISMISSED

I. THE CHARGES MUST BE DISMISSED BECAUSE THE PROCESS WAS UNFAIR

A. Wisconsin Law Requires That an Employee Know What He Is Accused of Before Charges Are Filed.

Wisconsin Statute § 62.13(5) protects police chiefs from being disciplined without just cause. But the law requires more than just cause — it also requires a fair process. That means the employee must be given notice of what he is accused of and a genuine opportunity to respond before the disciplinary machinery is set in motion. The United

States Supreme Court has made clear that this is not just a statutory requirement — it is a constitutional one. See *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 546 (1985). That basic protection was not provided to Chief Bishop.

B. Chief Bishop Was Never Given the Opportunity to Refute the Investigation Report Before Charges Were Filed.

Every charge filed against Chief Bishop traces back to the Carroll/Mueller Communications Summary of Investigation. That report is the foundation of this entire case. Yet Chief Bishop was never given a copy of it and allowed an opportunity to refute it before the charges were filed. He was never sat down and asked: “Here is what the investigation found — what do you have to say?” He had no opportunity to identify factual errors, provide context, or respond to the conclusions drawn about him.

This is not a technicality. This goes to the heart of fairness. When an employee is about to be charged with misconduct serious enough to end his career, he has the right to know what the investigation concluded and to respond to it — before charges are filed. That right was intentionally denied to Chief Bishop.

C. A PR Firm Helped Write the Investigation Report.

The investigation report upon which all of these charges are based was co-authored by Mueller Communications, a public relations firm hired by the Village. This is deeply problematic. A PR firm is not an investigator. Its job is not to find the truth — its job is to spin a narrative and shape public perception. Having a PR firm help write the foundational document in a disciplinary proceeding against an employee raises serious questions about whether the investigation was objective and complete.

Chief Bishop had the right to respond to a report co-authored by a PR firm and to challenge its conclusions before it was used to end his career. He was denied that right. The charges should be dismissed.

II. THE CHARGES THEMSELVES DO NOT HOLD UP

Even if the Commission sets aside the procedural problems entirely and looks only at the substance of the charges, the charges still fail. Wisconsin law requires that disciplinary charges meet specific standards. The Hearing Officer for this matter has explained those standards clearly: a charge must give the employee enough information to prepare a defense; it must be evaluated against seven “just cause” factors; and it must identify the specific rule allegedly broken, describe the investigation, and set out the facts supporting the charge.

These are not suggestions. They are requirements. The charges against Chief Bishop fall short of these requirements in multiple, independent ways.

A. The Charges Are Too Vague to Be Valid.

For a disciplinary charge to be fair and legally valid, it has to tell the accused person specifically what he did wrong. Vague accusations — “you violated policy” or “you should have done better” — without specifics are not charges. They are conclusions. Several of the charges against Chief Bishop fall into this category.

1. Paragraph 14 — The Central Charge — Does Not Say What Rule Was Broken or How.

Paragraph 14 is described as the core allegation in this case. It says that the written background investigation report “did not adhere to the Department policy.” That sounds serious — but when you look more closely, the charge falls apart.

What specific policy was violated? Paragraph 14 does not say. The Department's Background Investigation Policy, Policy 3.01, has many sections and requirements. Paragraph 14 points to none of them. It does not tell Chief Bishop — or this Commission — which specific requirement was not met.

What exactly was wrong with the report? Paragraph 14 does not say. Was a required section missing? Was a required contact not made that was actually vital to the hiring decision? Was the report in the wrong format? The charge does not identify the specific gap between what the report contained and what it was supposed to contain. Chief Bishop is left to guess at what he is actually accused of doing wrong.

And most importantly: even if the report format had some shortcoming, why does that justify firing the Chief of Police? Paragraph 14 makes no attempt to answer that question. A paperwork or formatting issue in a background investigation report — even a genuine one — is the kind of thing that gets addressed with a conversation, a memo, or additional training. It is not the kind of thing that ends a 19-year career. The charge as written makes no effort to explain that connection, because no such explanation exists. Paragraph 14 should be dismissed on its own, separate from everything else, because it does not provide enough information to constitute a valid charge.

2. Paragraph 17 – Also Deficient.

The charges contain two paragraphs both labeled “¶ 17” — an apparent numbering error. Paragraph 17, on page 4 of the charges, alleges that because of deficiencies in Lt. Frank's investigation and Chief Bishop's own follow-up, Chief Bishop failed to inform the Commission that the applicant had been terminated on substantiated charges in 2010, that those findings were upheld by a circuit court, and that the applicant had been found to have lied under oath.

This charge fails for three reasons. First, it identifies no specific rule, policy, or law that required Chief Bishop to disclose this information to the Commission. If there is a rule requiring such disclosure, the charge must say what it is. Without one, there is no charge — just a complaint.

Second, it does not describe Chief Bishop’s failure with enough specificity to allow him to defend himself. What specifically was he supposed to do that he did not do? When? Under what authority?

Third — and most significantly — this allegation is really about what information the Commission itself receives before approving a hire. That is a question about the Commission’s own processes and procedures. If the Commission believes it should receive more detailed information about applicants before the Chief makes a hiring decision, the answer is for the Commission to change its own procedures going forward — not to terminate the Chief of Police for a judgment call about what to present. This is a Commission process issue, not a basis for discipline.

3. Paragraph 23 Is Equally Vague.

Paragraph 23 alleges that Chief Bishop’s hiring practices have led to problems by referencing concerns from “several officers.” It names no officer. It gives no dates. It describes no specific incident. Chief Bishop cannot defend himself against an accusation this vague, and the Commission cannot evaluate it. It should be dismissed.

B. The Investigation Did Not Miss Anything — Chief Bishop Knew the Full Picture.

The theory behind these charges is that the background investigation was so inadequate that a problematic officer slipped through the hiring process. But that theory has a fatal flaw: the charges themselves prove it wrong.

The applicant was not hiding anything. He told Lt. Frank about his prior termination. He explained the circumstances. The investigation did not fail to find these facts — the applicant volunteered them. And nothing in Lt. Frank’s investigation turned out to be false. Chief Bishop had accurate information. He made an informed decision.

What Village President Martin (who has no law enforcement or PFC experience) is really saying is that Chief Bishop should have reached a different conclusion from the same set of facts. That is a disagreement about professional judgment — not evidence of misconduct. Wisconsin law does not allow a supervisory official to fire a subordinate simply because he would have made a different call. If it did, every hiring decision a chief ever made could be second-guessed into a termination charge. That is not what the just cause standard permits.

C. The Officer Has Been an Excellent Employee — The Premise of These Charges Has Not Come True.

These charges are built on the idea that Chief Bishop made a terrible hiring decision — that he hired someone who should never have been hired. But the only thing that ultimately tells us whether a hiring decision was sound is how the employee performs on the job. And on that measure, Chief Bishop was right.

The officer hired through this process has served without incident. No discipline. No misconduct. No citizen complaints. No charges before this Commission. Nothing. The theoretical danger that Village President Martin is worried about has simply not materialized or it certainly would have (and should have been) included in the Charge.

This Commission cannot justify terminating a career chief for a hiring decision that — by every objective measure — worked out. The hired officer is doing his job well. The harm that these charges assume has never happened. Without harm, there is no basis for discipline.

D. The Commission Guides The Hiring Process. The Right Response Is Better Procedures — Not Termination.

There is one more important fact: this Commission was involved in this hiring process, as it has been for all prior hires. If the Commission believes that it should receive more detailed background information before voting on future hires, it has the authority to require exactly that going forward. It can update Policy 3.01. It can require that specific background findings be presented to it before any final hiring decision. It can set whatever standards it believes are appropriate. That is the right and proportionate response to the concerns raised here.

III. THE CHARGES FAIL THE SEVEN “JUST CAUSE” STANDARDS

Wisconsin law requires that disciplinary charges be evaluated against seven established “just cause” standards. These standards exist to ensure that discipline is fair, proportionate, and grounded in a legitimate employment-related purpose. The charges against Chief Bishop fail to satisfy these standards:

1. Prior Notice: Chief Bishop was never warned, counseled, or told that his background investigation practices were inadequate before these charges were filed. Wisconsin law requires that an employee have fair warning that his conduct could lead to discipline. There was none here.

2. Reasonableness of the Rule: The charges acknowledge that Policy 3.01(V) was “outdated” at the time of the investigation — meaning the Village’s own policy was not current. The charges do not explain which specific provisions were outdated, what effect that had on the hiring decision, or why Chief Bishop should be fired for failing to update a provision in the hiring policy.

3. Fair Investigation: The investigation was conducted in part by a public relations firm, and its findings were never shared with Chief Bishop in a meaningful way before charges were filed. That is not a fair, objective investigation.

4. Sufficient Proof: The charges rely on a report that Chief Bishop was never allowed to review or respond to. He has never had the chance to test the accuracy of its conclusions or present contrary evidence.

5. Equal Treatment: The charges make no showing that any other supervisor in a comparable situation has been treated the same way. Without that showing, there is no basis to conclude that Chief Bishop is being treated fairly and consistently.

6. Proportionality: Termination is the harshest sanction available under Wisconsin law — the equivalent of a professional death sentence. It is reserved for misconduct so serious that no lesser response will protect the public or the Department. The conduct alleged here — a report format deficiency, an outdated policy, and a supervision gap with a new lieutenant — does not come close to that standard.

Chief Bishop has 19 years of service and a spotless disciplinary record. The charges allege no dishonesty, no corruption, no intentional wrongdoing, and no harm to any member of the public. The officer at the center of this case has performed his duties well. There is no victim.

Progressive discipline exists for exactly this kind of situation: a conversation, a written directive, additional training. Village President Martin skipped all of that and went straight to career termination. That is not proportionate, and it does not satisfy the just cause standard.

The charges are also completely silent about Chief Bishop's service record. They say nothing about his 19 years of contributions to this Department. A charging document

that asks for the harshest possible sanction without even acknowledging the employee's record has not made the showing that proportionality requires.

7. Relationship to Employment: The charges do not allege that Chief Bishop's conduct has harmed his ability to lead the Department, damaged the Department's standing in the community, or affected the fitness of any officer currently serving the Village.

IV. EVEN IF THE COMMISSION DOES NOT DISMISS OUTRIGHT, IT SHOULD DISMISS AT INITIAL PROCESSING.

The Hearing Officer has explained that at the initial processing stage, the Commission reviews the charges to determine whether, even if everything alleged were proven true, the conduct described would warrant termination or a reduction in rank. If the answer is no, the Commission can either consider lesser discipline or dismiss the charges entirely.

The answer here is no. Even if every allegation in the charges were accepted as true — the outdated policy, the training gap, the supervision of Lt. Frank, the report format — none of it adds up to conduct serious enough to justify firing a 19-year law enforcement veteran who has never been disciplined in his career, for a hiring decision that has caused no harm to anyone.

The Commission should find at initial processing that these charges do not support termination or reduction in rank, and should dismiss them.

CONCLUSION

Chief Thomas Bishop spent 19 years serving the Village of Kewaskum, including 14 years as its Police Chief, without a single mark against his record. In 2024, he reviewed a background investigation, considered all the information available to him, and made a professional judgment to recommend hiring a police officer. The applicant had been completely transparent about his history. And the officer has performed his job well ever since.

Now, based on an investigation report co-authored by a PR firm — a report Chief Bishop was never given the chance to respond to before charges were filed — Village President Martin is asking this Commission to end Chief Bishop's career.

The charges are procedurally defective. They are substantively insufficient. They are disproportionate. And they are built on a premise — that a dangerous officer was hired through a fatally flawed process — that the officer's own unblemished service record disproves. Chief Bishop respectfully asks the Commission to dismiss all charges in their entirety.

Dated this 15th day of May 2026.

Respectfully submitted,

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