

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

In Re: The Discipline of Chief Thomas Bishop and
Lieutenant Bryan Frank, Village of Kewaskum Police Department,
Respondents.

**RESPONDENTS' JOINT EMERGENCY MOTION TO DISMISS
ALL CHARGES WITH PREJUDICE BASED ON VILLAGE PRESIDENT MARTIN'S
DEFAMATORY STATEMENTS**

INTRODUCTION

Chief Thomas Bishop and Lieutenant Bryan Frank file this Joint Emergency Motion to Dismiss in direct response to a recent, deliberate, and highly public act of misconduct by Village President Michael Martin — the official who initiated these charges.

On or about May 16–17, 2026, while both proceedings were actively pending before this Commission, Martin published statements on the Kewaskum Wisconsin Neighbors Facebook account characterizing Chief Bishop — and anyone who supports him — as members of the “pro hiring-pedophiles camp.” Respondents request that the Commission entertain this Joint Motion as a matter of urgency. Martin’s conduct has rendered any fair hearing before this body constitutionally impossible. Continued proceedings would compound the violation. Dismissal with prejudice is the only available remedy.

FACTS

On May 16–17, 2026, Village President Martin posted a public comment on the “Kewaskum Wisconsin Neighbors” Facebook group in response to a statement of support made by former Village Trustee Sarah Severance on behalf of Chief Bishop. Martin’s comment stated, in full:

Sarah, who neither lives nor pays taxes here, has made it very clear that she is in the pro hiring-pedophiles camp. If having integrity and holding leaders accountable when the easier thing would be to look the other way makes me a part of the ‘old boys club,’ so be it. I stand firmly that a man — of whom a court said there was credible evidence to have had sex with a minor who was seven years younger than him and was fired from another department because of it (as well as other charges) — should NOT be a police officer in our village and should NOT be in charge of investigating crimes against children. Those who chose to bring him to our community — just three months after Rosales was arrested — should answer for their decisions. If you want to be mad at me for that, fine. That’s on you.

(Emphasis added).

Martin posted these defamatory statements publicly, under his own name, while serving as Village President and while the disciplinary proceedings against Chief Bishop and Lt. Frank were actively pending before this Commission. A true and correct copy of Martin’s Facebook post is attached hereto as Exhibit A and incorporated herein by reference.

Martin’s characterization of Chief Bishop, Lt. Frank, and their supporters as being in the “pro hiring-pedophiles camp” is factually false, legally defamatory, and constitutionally disqualifying. The term “pedophile” has a specific clinical and legal meaning. The *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5) defines pedophilic disorder as a psychiatric condition characterized by recurrent, intense sexual attraction to *prepubescent children, generally age 13 or younger*. Clinically and legally, the term does not apply to conduct involving a 17-year-old. Under Wisconsin law, sexual contact with a 17-year-old is not defined as pedophilia.

The officer at the center of this case was never charged with any crime. No criminal conviction exists. No court made a finding of guilt. The only “finding” Martin references is a statement by an unspecified court that there was “credible evidence” of sexual contact with a person seven years younger than the officer — a person who, according to the charges in this proceeding, was 17 years old. That allegation, even taken at face value, does not meet the definition of pedophilia under any clinical, legal, or commonly understood standard.

Martin nonetheless intentionally chose the word “pedophile” — and then extended that label to Chief Bishop, Lt. Frank, and every community member who supports them. That was not a mistake. It was a deliberate choice of the most inflammatory, reputation-destroying term in the public lexicon, deployed by the charging authority against the accused officers while their cases were actively pending before the Commission. The term “pedophile,” falsely applied to a person without any criminal conviction for such conduct, constitutes defamation per se under Wisconsin law. It is the kind of statement that destroys reputations, ends careers, and — in a small community like Kewaskum — cannot be undone by any instruction, admonition, or passage of time. The defamatory bell cannot be un-rung.

ARGUMENT

I. Martin’s Public Statements Have Made a Fair Hearing Constitutionally Impossible.

The Due Process Clause of the Fourteenth Amendment guarantees not merely a hearing, but a fair hearing before an impartial tribunal. *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 546 (1985). Wisconsin law independently demands the same protection. Wis. Stat. § 62.13(5). That guarantee cannot be satisfied here.

Martin is not a bystander. He is the charging authority. He filed the charges against both Respondents, selected the investigative team, and commissioned the public relations firm that co-authored the investigation report. While both proceedings were actively pending, he publicly branded Chief Bishop, Lt. Frank, and their supporters as pro-pedophile — using a term that does not even accurately describe the underlying allegation.

The members of this Commission are citizens of the Village of Kewaskum. They live, work, and participate in civic life in this community. They have been exposed to the Village President’s public declaration that the Respondents belong in the “pro hiring-pedophiles camp.” No admonition from a Hearing Officer and no instruction to decide on the evidence can fully erase the effect of that characterization on Commission members who must return to this community after they vote. The pressure to conform to the Village President’s public position — or face personal shame and ostracism in their own community — is real, tangible, and constitutionally disqualifying. A Commission exposed to this kind of public prejudgment by the charging authority cannot provide the impartial tribunal the Constitution requires.

II. Martin’s Statements Prove These Charges Serve No Legitimate Employment Purpose and lack Objectivity, Good Faith, and Statutory Just Cause.

Wisconsin’s just-cause framework requires more than the mere filing of disciplinary charges. Under Wis. Stat. § 62.13(5)(em), the Commission must determine whether the charging authority acted fairly, objectively, and without discrimination before discipline may be sustained. Specifically, the statute requires consideration of: “Whether the effort [to determine whether a violation occurred] was fair and objective,” Wis. Stat. § 62.13(5)(em)4., and “[w]hether the chief is applying the rule or order fairly and without discrimination against the subordinate,” Wis. Stat. § 62.13(5)(em)6.

Martin's conduct destroys any claim that these proceedings satisfy those standards.

A charging authority acting fairly and objectively does not publicly accuse the accused officers — and their supporters — of belonging to the “pro hiring-pedophiles camp” while disciplinary proceedings are actively pending. Such conduct is not evidence of neutrality, professionalism, or good-faith enforcement of departmental rules. It is evidence of personal animus, prejudgment, and an intent to publicly vilify the Respondents outside the confines of the statutory disciplinary process.

Martin's statements are especially revealing because they bear no reasonable relationship to the actual charges pending before this Commission. The charges concern alleged policy violations, supervision, and administrative decision-making. Yet Martin elected to publicly invoke one of the most inflammatory accusations imaginable — “pedophile” — despite the absence of any criminal conviction and despite the fact that the underlying allegation does not meet the clinical or commonly understood definition of pedophilia. That decision was not necessary to explain the charges, protect the public, or advance any legitimate employment purpose. It was calculated to inflame public opinion and stigmatize the Respondents personally and professionally.

Martin's conduct also directly undermines the statutory just-cause factor set forth in Wis. Stat. § 62.13(5)(em)1., which asks “[w]hether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.” Nothing in the record supports the proposition that Chief Bishop or Lt. Frank could reasonably have foreseen that the probable consequence of their alleged conduct would be that they would be publicly branded “pro-pedophile” by the Village President in a community Facebook forum. Such rhetoric falls entirely outside the realm of ordinary

employment discipline and confirms that these proceedings have departed from legitimate personnel enforcement into the realm of political and personal retaliation.

Martin's Facebook post confirms what the procedural history already strongly suggested: these charges are not being pursued through a fair, objective, and even-handed disciplinary process as required by Wis. Stat. § 62.13(5)(em). They are instead being driven by personal hostility and a public campaign to destroy the reputations and careers of Chief Bishop and Lt. Frank. Discipline imposed under such circumstances cannot satisfy Wisconsin's statutory just-cause requirements.

III. Dismissal With Prejudice Is the Only Appropriate Remedy.

Martin made his defamatory statements after charges were filed and after Chief Bishop and Lt. Frank moved to dismiss — while both proceedings were actively pending. Allowing the cases to continue would reward Martin's misconduct and signal to future charging authorities that they may publicly smear accused employees mid-proceeding without consequence. Because the Commission's ability to act as a fair and impartial tribunal has been irreparably compromised by the misconduct of the charging authority himself, dismissal with prejudice is the only remedy that vindicates Respondents' constitutional rights and preserves the integrity of this Commission.

CONCLUSION

Village President Martin labeled Chief Bishop, Lt. Frank, and their supporters as pro-pedophile — a term that is clinically inapplicable to the underlying allegation, legally defamatory, and deliberately chosen for maximum destructive effect in a small, close-knit community. He did so while both proceedings were pending, and without a single criminal conviction to support it. That conduct has made a fair hearing impossible and has exposed the true nature of these charges.

Chief Bishop and Lieutenant Frank respectfully request that this Commission entertain this Joint Motion on an expedited basis and dismiss all charges against both Respondents with prejudice.

Dated this 19th of May 2026.

Respectfully submitted,

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Reply



Fuzz Martin · 32m · ★ Rising contributor

Sarah, who neither lives nor pays taxes here, has made it very clear that she is in the pro-hiring pedophiles camp. If having integrity and holding leaders accountable when the easier thing would be to look the other way makes me a part of the "old boys club," so be it.

I stand firmly that a man—of whom a court said there was credible evidence to have had sex with a minor who was seven years younger than him and was fired from another department because of it (as well as other charges)—should NOT be a police officer in our village and should NOT be in charge of investigating crimes against children. Those who chose to bring him to our community—just three months after Rosales was arrested—should answer for their decisions. If you want to be mad at me for that, fine. That's on you.

Reply



EXHIBIT A