

**DECISIONS  
OF  
STEVENS POINT POLICE AND FIRE COMMISSION**

IN THE MATTER OF DISCIPLINARY  
CHARGES AGAINST FIREFIGHTER  
CASEY BIELEN

**INTRODUCTION**

This matter involves two (2) Disciplinary Charges brought against Firefighter Casey Bielen (“Bielen”), a member of the Stevens Point Fire Department (hereinafter “Fire Department” or “Department”).

The first proceeding arises from the Appeal of a Disciplinary Suspension issued by Fire Chief Robert Finn (hereinafter “Chief” or “City”) to the Stevens Point Police and Fire Commission (“Commission”) dated April 8, 2020. This Statement of Charges is marked as *Exhibit A* in the proceedings. Because of the Pandemic, an agreement was reached between the City and Bielen that this matter would be postponed until a hearing at a later date and Bielen would serve the four-day (4) suspension.

The second proceeding involves the Amended Statement of Charges filed against Bielen on August 19, 2020. This Amended Statement of Charges is marked as *Exhibit B* in the proceedings. The parties initially proceeded to schedule a Hearing on this matter but the scheduling of the Hearing was delayed due to requests from the City for postponement and the continued impact of the Pandemic.

**SUMMARY OF PROCEEDINGS**

Pre-Hearing matters were considered by the Commission. On October 5, 2020, the Commission considered a Motion to Dismiss brought by Bielen. After consideration of written briefs and oral argument, the Commission denied the Motion to Dismiss and continued with the proceedings. The Decision of the Commission and the written submittals are marked as *Exhibit C* in this matter.

The Commission considered Motions in Limine filed by the City and Bielen. The Commission issued a Decision on February 22, 2021, regarding the requests raised by both parties. A copy of the written Decision and the written submittals is marked as *Exhibit D* in this matter.

At the conclusion of the case submitted by the City on March 3, 2021, Bielen filed a written Motion to Dismiss the two (2) Charges brought against him. The Commission determined that it would continue with a Hearing because of its prior ruling regarding a Motion to Dismiss but agreed that the written submittal from Bielen would be considered as part of the deliberations by the Commission. The City was afforded an opportunity to submit a Response to the Motion to Dismiss

which was received by the Commission on March 13, 2021. Bielen submitted a Reply to the City Response on March 14, 2021, even though no provision was made for the submission of a written Reply Brief. At the start of its deliberations on March 15, the Commission decided to consider the written Reply Brief of Bielen.

Hearings were held on March 1, 2021 – March 3, 2021 and March 11 – March 12, 2021. Testimony was taken from City Witnesses during the first three days of Hearing. Testimony was taken from Bielen Witnesses during the next two days of Hearing. The Hearings were held on the Zoom platform and broadcast over the Community Media Public Telecast System. The City was represented by Attorney William Morgan and Attorney Mark Maciolek of the Stafford Rosenbaum, LLP Law Firm. The City was initially represented by City Attorney Andrew Beveridge in the proceedings. Bielen was represented by Attorney Charles Blumenfield of the Blumenfield & Shereff, LLP Law Firm. The Police and Fire Commission was represented by Attorney Dean R. Dietrich of Dietrich VanderWaal, S.C. Law Firm.

A series of exhibits were submitted by the City and Bielen. Attached as *Appendix A* to this document are the Exhibit Lists from the Hearing with indications of the Documents that were accepted into the Record by the Commission.

The Commission deliberated on March 15, 2021, March 22, 2021, and March 25, 2021. This Decision was approved by the Commission for distribution in accordance with State Statutes.

## **DISCIPLINE APPEAL OF APRIL 8, 2020**

### Background

This matter involves the Appeal of a four-day (4) Suspension without Pay issued by the Chief to Bielen along with additional conditions including a “Last Chance Letter” regarding future conduct and disciplinary proceedings. This matter was originally scheduled for Hearing in May 2020 but was postponed by agreement of the parties due to the Pandemic.

This matter involves the conduct of Bielen on the morning of January 26, 2020. There were a number of Rule violations identified in the Disciplinary Notice and a number of questions raised by Bielen regarding the appropriateness of disciplinary action that was issued.

The Commission reviewed the testimony and evidence provided by the City and Bielen and deliberated regarding the various challenges to the disciplinary action.

### Findings of Fact

After review of the testimony, exhibits and arguments presented by the parties, the Commission makes the following findings of fact:

- Bielen did not report to work at his regular start time on January 26, 2020, and was under the influence of alcohol while driving to work that morning at such a level that he was impaired and should not have reported for duty on that work day because of his impaired condition;
- Bielen did not have a pre-arranged “trade” with another firefighter approved by the Department to perform his duties as firefighter/paramedic on the morning of January 26, 2020;
- The Department has a “tradition” of a firefighter deciding to stay over to work if another firefighter calls in to the Department and advises that the firefighter is running late for reporting to work; however, the phone call from Bielen indicating that he was late for work occurred after the start time for his work shift and after he was contacted by another firefighter;
- The firefighter on duty that had the alleged pre-arranged trade did not know if Bielen was going to report for work and went looking for him at the station and by phone calls and text messages because he did not have contact from Bielen to arrange for him to “cover” for Bielen;
- The firefighter did not remain on duty to “cover” for Bielen because minimum staffing existed for the shift coming on duty that day;
- Bielen knew of Department Rules which provided that if he was impaired, he should not be reporting for duty in the Fire Department and that reporting for work impaired was a violation of the Department Rules;
- Bielen did not provide truthful information to members of the Department or to Shift Supervisors asking for his whereabouts before reporting to work and who were seeking to determine whether he was reporting for work;
- Bielen intentionally misinformed law enforcement officials and Department Staff about his location with the intended desire to mislead law enforcement officials as to his location and to avoid a meeting with law enforcement officials or Department Staff to avoid a determination whether he was impaired or unable to perform his regular duties;
- Bielen was reporting for work while under the influence of alcohol as evidenced by his behavior, the PBT test results (.089), and the number of clues detected by the deputy sheriff when engaging in field sobriety tests;
- Bielen appeared at the scene of the accident to be fully comprehending the situation and the questions from law enforcement, the dispatcher, and the Department. It is noted that the airbags in the vehicle did not deploy and that law enforcement did not feel it necessary to contact an ambulance to report to the scene;

- Bielen was the only person at the scene of the accident that suggested he was impaired by a concussion due to the crash and appeared to only remember certain aspects of the events surrounding the crash that supported his version of the incident;
- Bielen did not call in to the Department to indicate he was not reporting for work due to sickness and therefore the requirements for sick leave usage contained in the Labor Agreement do not apply.

### Conclusions

Based upon these considerations, the Commission has reached the following conclusions:

- The Chief properly applied the Department Rules in a fair and reasonable manner to the conduct of Bielen;
- The issuance of a four-day (4) suspension with other conditions by the Chief was reasonable and appropriate under the circumstances presented by the conduct of Bielen on January 26, 2020;
- The requirements of the Department for a firefighter to present themselves for duty in an acceptable condition to be able to properly perform the duties of firefighter/paramedic is a reasonable Rule for operation of the Fire Department and a firefighter/paramedic could reasonably understand that a failure to report to work in an acceptable condition to perform duties would result in disciplinary action;
- The Chief conducted a reasonable effort to determine whether or not Bielen violated the Rules of the Department and the process used by the Chief was fair and objective as it considered all of the background information as part of the investigation process;
- Substantial evidence existed that Bielen violated the Rules and Regulations of the Fire Department by attempting to come to work while impaired and trying to avoid detection of his condition;
- The Commission would have applied more serious disciplinary action including possible termination against Bielen for his conduct on January 26, 2020, but acknowledges the record of service of Bielen considered by the Chief and accepts the discipline imposed by the Chief. Namely a four-day (4) suspension and the “Last Chance Letter.”

## Discussion

The Commission has reviewed the evidence and testimony presented by the City and the testimony and evidence provided by Bielen. While questions were raised by Bielen regarding the appropriateness of the investigation, the Commission, after considering the testimony of all parties, concludes that Bielen was in an impaired state at the time that he was trying to report for work even though he was approximately 30 – 40 minutes late for work. The Commission concludes that the PBT results and the testimony of the deputy sheriff regarding clues observed during the field sobriety tests are valid proof of Bielen’s condition at the time of reporting to work. The Commission concludes that Bielen would have commenced work in an impaired state if there had not been the accident of driving off of the road. The Commission does not accept the argument presented by Bielen that he suffered a concussion that inhibited or impaired his ability to respond accurately to questions or to provide information to the Department regarding his reporting for work. The evidence provided by the City shows Bielen responding to questions from law enforcement and engaging in conversations with law enforcement. The evidence provided by Bielen also shows his ability to remember certain things that allegedly occurred on January 26, 2020, but unable to remember other things that allegedly occurred on that date. The Commission concludes that there was no documented trade between Bielen and another firefighter to provide that the other firefighter would work for Bielen on the morning of January 26, 2020, and that the timeline with which Bielen contacted the Department was not consistent with the so-called “tradition” of one firefighter agreeing to stay over and work a short period of time when another firefighter is late in arriving to the Fire Station for the start of work.

## **ORDER**

Based upon all of the above, the Commission hereby issues the following Order:

- The Statement of Charges issued by the City should be upheld in its entirety, including the issuance of a “Last Chance Letter” to Bielen for his conduct on January 26, 2020;
- The disciplinary action in the form of a four-day (4) Suspension without Pay and other requirements shall be implemented and the Disciplinary Notice shall be placed in the personnel file of Bielen.

## **AMENDED STATEMENT OF CHARGES DATED AUGUST 19, 2020**

### Background

This matter involves the Amended Statement of Charges filed by the City on August 19, 2020. The Amended Statement of Charges includes a recommendation from the Chief that Bielen be dismissed from the Department for the following:

- An incident of alleged failure to follow directives from the Department regarding transportation/travel to St. Michael's Hospital on June 11, 2020, and the resulting occurrence of the ambulance being out of service for approximately 15 – 20 minutes;
- Allegations of inappropriate conduct by Bielen both on duty and off duty involving the use of social media to communicate with females on multiple occasions and using social media to send non-consensual pictures of his genitalia to females.

The Commission heard testimony from certain females regarding communications sent by Bielen and also heard testimony from a Police Department Officer and Bielen himself regarding the use of social media for communications with females.

Arguments were presented to the Commission regarding the process used by the Fire Department to investigate the allegations of inappropriate conduct as a firefighter. These arguments were considered by the Commission in its deliberations. The Commission also considered the effect of the employee counseling memo issued to Bielen as a result of the June 2020 incident and its impact upon the issuance of disciplinary action to Bielen for his conduct.

#### Findings of Fact

Based upon the evidence and testimony provided to the Commission, the Commission makes the following findings of fact:

- Bielen was aware of the Department Policies regarding the conduct of a member of the Department;
- Bielen did not take the route identified by Fire Department Officials when transporting a patient to the Hospital;
- Bielen and his co-worker were not responsible for the defect in the operation of the garage door that struck the top of the ambulance;
- Bielen admitted to using social media to engage in communications with numerous females and sending inappropriate communications including pictures of his genitals to various individuals by his own admission;
- Bielen voluntarily gave information to the Stevens Point Police Department regarding his conduct and the use of social media as identified in the Police Report submitted to the Chief;
- Witness Burke was credible in her testimony that she received unwanted social media communications from Bielen and attempted to stop the continued communication from Bielen;

- Witness Burke was credible in her testimony that she received a picture from Bielen of his genitals and a reference to \$200;
- Witness Karpinski was credible in her testimony of receiving videos sent to her by Bielen and Bielen admitted to sending videos with pictures of male genitals;
- There is insufficient proof that Assistant Chief Moody engaged in conduct to “get even” with Bielen or retaliate against Bielen. Evidence was provided that AC Moody provided substantial financial support on two occasions to Bielen during his employment.

### Conclusions

Based upon the above considerations and the evidence and testimony provided to the Commission, the Commission makes the following conclusions:

- The failure to follow the directions identified by Department Leadership for entering/exiting the Hospital property and ambulance bay does not rise to the level of consideration as a violation of the Last Chance Letter and therefore the Commission does not impose the requirements of the Last Chance Letter as part of its review of the Charges;
- The conduct of Bielen, as admitted, constitutes a violation of the Rules of the Fire Department as conduct unbecoming to a firefighter and supports the Charges brought by the City;
- Bielen should understand the necessity that a firefighter/paramedic be trustworthy and beyond reproach as to conduct that would inhibit the ability of a firefighter/paramedic to properly perform his duties and be trusted by members of the public in the performance of his duties;
- The testimony of Witness Burke and Witness Karpinski supports the conclusions by the City of inappropriate conduct by Bielen;
- The conduct of Bielen which occurred both on duty and off duty, reflects poorly upon the image of the Fire Department and inhibits the ability of Bielen to perform his duties as a firefighter/paramedic;
- Bielen’s behavior brought discredit to the Fire Department particularly by the taking of pictures in the Fire Department vehicles and communicating with the female after observing the female in certain locations while on duty;

- The Department conducted a reasonable effort to determine whether Bielen violated the Rules of the Department in the manner in which the Department involved the Stevens Point Police Department and the manner in which the Department reviewed the information provided by the Police Department;
- There have been no other documented incidents of similar behavior that would support a conclusion that the Department has inappropriately applied the Department Rules for a firefighter/paramedic in the performance of duties and in the impact on the reputation of the Department;
- The failure to provide an opportunity for Bielen to respond to the reasons before being placed on administrative leave and receiving the Statement of Charges did not inhibit the ability of Bielen to present information to the Commission.

### Discussion

The behavior of Bielen, as admitted to by his own testimony, is inappropriate and supports a conclusion that he should be removed from service as a firefighter/paramedic for the City of Stevens Point. A firefighter/paramedic must maintain proper decorum in order to be trusted by citizens in the performance of their duties at a time when a citizen is in a challenging medical condition considering the various types of service that a firefighter/paramedic may provide. The conduct of Bielen, by communicating with a female in the manner testified to and engaging in communication with a female while on duty, is a failure to properly perform his duties as a firefighter/paramedic. This constitutes conduct unbecoming a member of the Department and conduct prejudicial to the Department, requiring his removal from the Department.

Bielen objects to the bringing forward of these Charges on the grounds that a proper investigation was not conducted by the Department. Bielen was, however, given an extensive opportunity to present facts and information to the Commission in response to the Charges regarding his conduct. The decision to not ask Bielen for his response before the filing of Charges did not interfere with the opportunity to provide information to the Commission to respond to the Charges. The Commission concludes that the providing of a full due process hearing before the Commission satisfies the obligation to afford Bielen the opportunity to respond regarding the conduct identified in the Statement of Charges. Bielen suggests that the investigation of this matter did not follow the other types of investigations conducted by the Department; however, the Commission concludes that the investigation process was reasonable and appropriate under the circumstances of a potential criminal matter involving the conduct of Bielen.

The Commission has also considered whether the employee counseling memo of June 2020 would support implementation of the “Last Chance Letter” and require the removal of Bielen from the Fire Department. The Commission concludes that the conduct of Bielen on June 11, 2020, warrants the issuance of the employee counseling memo but as a non-disciplinary communication and that such conduct does not rise to the level to warrant implementation of the conditions of the “Last Chance Letter” for such conduct. The Commission acknowledges that the communication from Fire Department Officials does not create a clear directive to follow a certain path for



entrance/exit of the Hospital property and therefore concludes that the portion of the Statement of Charges regarding the receipt of an employee counselling memo was not considered in the determination of the appropriateness of the discipline issued.

**ORDER**

Having considered all of the evidence, testimony and arguments presented by the parties, the Commission issues the following Order:

Casey Bielen is hereby removed from the service of the Stevens Point Fire Department for violation of the Department Rules and Regulations and Standard Operating Procedures effective immediately.

Dated this 29<sup>th</sup> day of March 2021.

BY ORDER OF THE STEVENS POINT  
POLICE AND FIRE COMMISSION

*/s/ Gary Wescott*

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Gary Wescott

*/s/ Jerry R. Moore*

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Jerry R. Moore

*/s/ Joseph Kirschling*

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Joseph Kirschling

*/s/ Robert F. Ostrowski*

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Robert F. Ostrowski

# APPENDIX

City Exhibits

Exhibit list

Commission Exhibits

A Appeal & Change

B Request Change

C. Motions to Dismiss decisions + Briefs

D Motions in limine decisions and Briefs

- ✓ 1. January 26, 2020 Crash Report
- ✓ 2. Notification of Internal Investigation – January 26 Incident
- ✓ 3. Return to Duty During Investigation - January 26 Incident
- ✓ 4. Notice of Investigatory Interview – 2/5/2020
- ✓ 5. Garrity Warning – 2/6/2020
- ✓ 6. Captain Dennis Zvara Statement – 1/28/2020
- ✓ 7. Ascension Evaluation – 1/26/2020
- ✓ 8. Ascension Hospital Return to Work Form – 1/30/2020
- ✓ 9. Stevens Point Restrictions Evaluation – 1/30/2020
- ✓ 10. Fact Finding Notes– January 26 Incident
- ✓ 11. Memorandum – Ass. Chief Moody
- ✓ 12. Charge #1 - Suspension Letter and Charges, Jan. 26 Incident – 4/8/2020
- ✓ 13. Notice of Internal Investigation – June 11, 2020
- ✓ 14. Garrity Warning – 6-18-2020
- ✓ 15. Employee Counseling Notice Packet
- ✓ 16. June Fact Finding Notes
- ✓ 17. Memorandum – July 14, 2020
- ✓ 18. Garrity Warning – 7-6-2020
- ✓ 19. Incident Report – Stevens Point Police Department – Report Date 7/10/2020
- ✓ 20. Charge #2 - Amended Letter of Charges, Termination – 8/19/2020
- ✓ 21. Call Log – S20-00659
- ✓ 22. Audio File - 01 S20-00659.911 January 26 Incident, Time 8:03
- ✓ 23. Audio File - 03 S20-00659.C1 January 26 Incident, Time 8:06
- ✓ 24. Audio File - 10 S20-00659.C3 January 26 Incident, Time 8:16
- ✓ 25. Audio File - 12 S20-00659.R8 January 26 Incident, Time 8:17
- ✓ 26. Audio File - 14 S20-00659.C5 January 26 Incident, Time 8:17 23
- ✓ 27. Audio File - 16 S20-00659.R10 January 26 Incident, Time 8:28
- ✓ 28. Audio File - 17 S20-00659.R11 January 26 Incident, Time 8:30
- ✓ 29. Audio File - 20 S20-00659.R14 January 26 Incident, Time 8:26 [8:36]
- ✓ 30. Squad Video with Audio
- ✓ 31. Incident Photos – 24 total
- 32. Audio File – C20-04873 – Casey Bielen Interview – July 13, 2020
- ✓ 33. SPFD – Standard Operating Procedures – Doc. 109
- ✓ 34. Stevens Point Code of Ordinances – Article 6, Fire Department & Regulations
- ✓ 35. Stevens Point Code of Ordinances – Article 7, Hours of Work
- ✓ 36. Position Description
- 37. Facebook messenger screenshots

Rejected

**EXHIBIT LIST of Firefighter  
C Bielen Hearing  
March 1 - 2, 2021**

Exhibit	Date	Description
1.	02/13/2007	Collision Analysis & Reconstruction Report
F 2.	2015	Stevens Point L484 Calendar
3.	11/17/2017	Ron Heibler's Employee Counseling Notice - Non Disciplinary
P 4.		Picture and audio clip of Vuvuzela <a href="https://www.youtube.com/watch?v=UnkKISn-DvQ">https://www.youtube.com/watch?v=UnkKISn-DvQ</a>
5.	04/12/2019	E-mails from Quinn Warner
F 6.	04/17/2019	Wastart's Meeting Notes
7.	01/26/2020	Portage County Sheriff's Department Incident Report
8. *		Medical records or other documents relating to the injuries suffered by FF Bielen on 01/26/2020 provided to the SPFD
9.	03/31/2020	Letter of Suspension
10.	05/07/2020	Petition for Temporary Restraining Order (Mark Schoeberle)
11.	06/11/2020	Employee Counseling Notice - non disciplinary (Joseph Gemza III)
12. *		Complaint e-mail from Alicia Burke to Chief Finn
13.	July 2020	Voice message from Alicia Burke to Chief Finn
14. *		Call logs between Alicia Burke and SPFD from June 1, 2020 - September 11, 2020
15. *		Records relating to the allegations made by Alicia Burke

16. *		Communications between Chief Robert Finn and any member of the Stevens Point Police Department relating to allegations made by Alicia Burke regarding Casey Bielen
17.	07/09/2020	Audio of interview between Alicia Burke and Detective Brooks
18.	07/10/2020	Audio of interview between Amy Karpinski and Detective Brooks
19.	07/13/2020	J. Duston Holton letter to Chief Finn
20.	07/30/2020	Voice message from Chief Finn to Casey Bielen
21.	07/30/2020	Second voice message from Chief Finn to Casey Bielen
22.	07/30/2020	Letter of Charges
23.	07/31/2020	Audio of termination meeting
24.	08/10/2020	Text message from Alicia Burke to Chief Finn
25.	01/01/2019 - 12/31/2021	Agreement Between City of Stevens Point and International Association of Firefighters Local 484, AFL- CIO

AR - 26

*Job description for Captain*

Each of the items marked with an asterisk has been requested but not yet produced. They are believed to be in the possession of either the Stevens Point Fire Department or the Office of the City Attorney, or perhaps both.