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MKE COUNTY

Franklin Mayor John Nelson Sues Sheriff To Block Record Release

Seeks to keep secret internal affairs records from his time as a sheriff's deputy.

By Graham Kilmer - Nov 19th, 2024 04:26 pm

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Franklin Mayor John Nelson. Photo taken June 17, 2024 by Graham Kilmer.

The mayor of the City of Franklin, **John R. Nelson**, doesn't want the public to see records related to his time as a Milwaukee County Sheriff's Office (MCSO) deputy.

Nelson, represented by attorneys from MacGillis Weimer, is suing Milwaukee County and a handful of county officials seeking to block the release of MCSO internal affairs case files that involve him, as well as his personnel record and disciplinary records.

Nelson worked as a sheriff's deputy for nearly 18 years beginning in 1995. The circumstances of his departure are unusual. His LinkedIn page lists him as having "retired" from the job as a "Lieutenant" in the department in

March 2012 and then having taken a job as Safety, Security and Training Manager for Milwaukee County Parks, leaving that job in 2021. Meanwhile, in 2015 he took a second, part-time job as a member of the Town of Waterford Police Department, where he served until being suspended by the town in May of this year.

Adding more jobs and complications, Nelson served for two, three-year terms as an alderman on the Franklin Common Council before running successfully for mayor in 2023, defeating longtime incumbent **Steve Olson**. This would mean that for four years, he held three jobs, as a manager for county parks, Waterford police officer and Franklin alderman.

Someone is now seeking records of Nelson's work as a deputy sheriff before his departure. And Nelson seeks to stop this.

A complaint filed on Aug. 27 names Sheriff **Denita Ball**, Capt. **James Novotny** and Milwaukee County as defendants in the suit. The complaint is asking the courts to block release of nine internal affairs case files involving Nelson. The complaint notes that Novotny notified Nelson to tell him the complaints were subject to release under state open records law, which is common practice for these records.

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"The disclosure of the information could result in irreparable harm to Nelson's reputation," the complaint states.

The files in question were set to be released via an open records request from a member of the public. The complaint alleges the MCSO did not properly apply the state's "balancing test" for weighing the public interest of disclosure and failed to "fully consider the public's interest in protecting privacy and the harm that releasing the records may cause the public."

On Nov. 6, Nelson also filed a similar lawsuit against the Office of the Milwaukee County Clerk, the Milwaukee County Human Resources Officer and **Scott Pate**, Human Resources Operations

Manager. That suit sought to block the release of his county personnel file and disciplinary record. Like Novotny, Pate was the county official who determined the records are subject to release under state law.

As of Wednesday Nov. 13, no one in the clerk's office has been served a court summons, according to Deputy Clerk of Circuit Court **Stefan Dostanic**, who declined to comment further on the suit. As of Nov. 19, circuit court records do not show a summons for anyone named in the suit.

Nelson declined to comment on why he was suing Milwaukee County when reached by Urban Milwaukee. If there is any negative information in the requested internal affairs files, that could become an issue should Nelson run for reelection as mayor of Franklin.

An MCSO spokesperson declined to comment and referred Urban Milwaukee to legal counsel in the Office of Corporation Counsel.

After Nelson was suspended from his job with the Waterford Police Department, an investigation was launched by the department and

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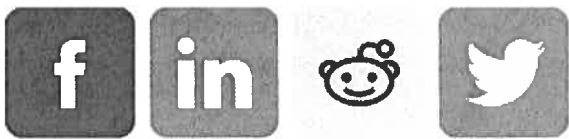


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he retired in October before it was completed, according to reporting by Erik S. Hanley.

Nelson wasn't the only Waterford police officer under investigation. A handful of officers are being investigated for violations including harassment, retaliation and discrimination, which are intertwined with the investigation into Nelson, according to a September statement released by the town board. On Nov. 15, Nelson filed yet another suit, this one against the Town of Waterford and the town's clerk Tina Mayer.

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Tue, Mar 11 - 7:30 pm

The Woman in Black
Wed, Mar 12 - 1:30 pm

Karameowke: Groove for Good
Wed, Mar 12 - 6:00 pm

Slow Silencing – Panel Discussion
Wed, Mar 12 - 6:30 pm

See the full calendar

Case Overview:

The case identified as **24-CV-6935** involves **John R. Nelson vs. County of Milwaukee**, among other parties. The case falls under the category of **Declaratory Judgment**, meaning the court was asked to issue a ruling on the legal rights and obligations of the parties involved, without necessarily requiring any enforcement actions or awarding damages.

The case was officially put into the record on **August 27, 2024**, marking the initiation of the legal proceedings.

Case Status Update:

As of **January 16, 2025**, the status of the case was recorded as a "**Stipulated Dismissal Filed.**"

This means that the parties involved in the case have come to an **agreement** outside of court, and as a result, they have filed a request to dismiss the case. A stipulated dismissal typically indicates that both sides have resolved the matter on their own, and they have agreed to end the lawsuit.

In essence, a **Stipulated Dismissal** means that no further action will be taken by the court on this case, as both parties have mutually decided to dismiss it with an agreement in place, likely avoiding any continued litigation or trial.

Implications for the Committee:

This case will no longer proceed through the court system due to the dismissal agreement. There are no further legal actions expected unless there are any breaches of the agreed terms. It is important for the committee to understand that this resolution was reached through negotiation, rather than a court judgment, and it signifies that the parties have come to a mutual understanding or settlement.

Please let me know if you require further clarification on any aspects of the case.

Conclusion:

To summarize, Case Number 24-CV-6935 has been officially dismissed as of January 16, 2025, following a stipulated agreement between the involved parties. The case will no longer move forward in court.

	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
62	<i>Kleos Capital Partners LP v. Giovanni Bozzacchi, et al.</i>	24-CV-428	OCC	Foreclosure of Mortgage	<ul style="list-style-type: none"> 01/17/2024: Summons and Complaint filed; 05/10/2024: Answer and counterclaim filed; 08/20/2024: Judgment for foreclosure; redemption period set at three and six months, respectively; 11/11/2024: Motion hearing held on Defendant Giovanni Bozzacchi's motion to reopen case; redemption periods stayed pending outcome of motion; 03/13/2025: Motion hearing.
63	<i>John R. Nelson v. County of Milwaukee, et al.</i>	24-CV-6935	OCC	Declaratory Judgment	<ul style="list-style-type: none"> 08/27/2024: Summons and Complaint filed; 01/16/2025: Stipulated dismissal filed.
64	<i>Wright Way Capital v. Miguel Saldivar</i>	24-CV-8758	OCC	Garnishment	<ul style="list-style-type: none"> 11/04/2024: Summons and Complaint filed; 12/19/2024: Case is dismissed without prejudice for plaintiff's failure to diligently prosecute;
	<u>Case Name</u>	<u>Case Number</u>	<u>Firm</u>	<u>Description</u>	<u>Case Status</u>
					<ul style="list-style-type: none"> Case concluded.
65	<i>John R. Nelson v. County of Milwaukee, County Clerk, et al.</i>	24-CV-8887	OCC	Declaratory Judgment	<ul style="list-style-type: none"> 11/06/2024: Summons and Complaint filed; 03/06/2025: Status conference.
66	<i>John R. Nelson v. County of Milwaukee, et al.</i>	24-CV-9449	OCC	Declaratory Judgment	11/21/2024: Summons and Complaint filed.