

**BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE**

In the matter of the appeal of

**DETECTIVE
PHILIP T. SLIWINSKI
from**

**SUMMARY OF PROCEEDINGS,
FINDINGS OF FACT
AND DECISION**

MPD Personnel Order Number 2002-437

SUMMARY OF PROCEEDINGS

A hearing was held on April 22, 2009 regarding this appeal before Commissioners Richard Cox, Paoi Lor and Carolina Stark with Steven Fronk acting as Hearing Examiner on behalf of the Board. Philip Sliwinski appeared in person and by Attorneys Scott Jess and Jonathan Cermele. Assistant City Attorney Heidi Galván and MPD Inspector Denita Ball appeared on behalf of the Milwaukee Police Department.

Philip Sliwinski was discharged from employment pursuant to MPD Personnel Order No. 2002-437 for violation of MPD Rule 4, Section 2/015.00 (failure to obey laws and ordinances), and suspended for five days without pay by former Chief of Police Arthur Jones for violation of MPD Rule 4, Section 2/090.00 (purchase of alcoholic beverage while on duty). The Board conducted hearings on March 10, 2004 and March 18, 2004 and issued a written decision on March 26, 2004. The Board's decision was appealed to Milwaukee County Circuit Court and affirmed. The Wisconsin Court of Appeals, in an order dated January 24, 2006, remanded to the Board for the purpose of receiving additional evidence. The Board conducted the remand hearing on April 22, 2009 pursuant to that Order.

At the Board hearing testimony was received from Federal Bureau of Investigation Special Agent John Klugiewicz. Additional documents were also received.

FINDINGS OF FACT: COUNT 1

Based upon the totality of the evidence received as to Count 1 alleging a violation of MPD Rule 4, Section 2/015.00 (failure to obey laws and ordinances), there is insufficient evidence in the record to sustain the charge.

FINDINGS OF FACT: COUNT 2

Based upon the totality of the evidence received as to Count 2 alleging a violation of MPD Rule 4, Section 2/090.00 (purchase of alcoholic beverage while on duty), the preponderance of the evidence supports a finding of just cause and we therefore sustain this charge. Philip Sliwinski has stipulated to and accepted the five day suspension. We find this disposition to be just and proper.

DECISION and ORDER

The Board of Fire and Police Commissioners does hereby Order as follows:

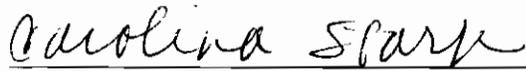
1. As to Count 1, the charge is dismissed and,
2. As to Count 2, Philip Sliwinski shall serve a suspension of five (5) working days without pay and,
3. Philip Sliwinski shall be returned to service as a Detective with the Milwaukee Police Department as soon as practicable.

Board of Fire and Police Commissioners
Of the City of Milwaukee

By:


Richard Cox, Chairperson

5-7-09
Date


Carolina Stark, Vice-Chairperson

05-07-09
Date


Paul Lor, Commissioner

5/07/09
Date