



STATE OF WISCONSIN  
Law Enforcement Standards Board

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In the Matter of the Law Enforcement  
Certification of Matthew J. Wierzchowski

**FINAL DECISION AND ORDER**  
Case No. LESB-23-0001

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On June 6, 2023, the State of Wisconsin Law Enforcement Standards Board (the "Board") rescinded the law enforcement certification of Matthew J. Wierzchowski for failure to obtain either a two-year associate degree or 60 college-level credits within the first five years of law enforcement employment, as is required by Wis. Admin. Code LES § 2.01(1)(e).

Wierzchowski filed a written request for a hearing on the Board's decision before the Executive Committee of the Board pursuant to Wis. Stat. § 227.42. The hearing was held on August 8, 2023, via Zoom videoconferencing. Assistant Attorney General Clayton P. Kawski served as hearing examiner pursuant to Wis. Stat. § 227.46(1) and the Board's written policies and procedures.

After receiving and deliberating on all the evidence, the Board's Executive Committee voted to affirm the Board's June 6, 2023, decision. Pursuant to Wis. Stat. § 227.46(2), the hearing examiner then prepared a proposed written decision containing the findings of fact, conclusions of law, discussion, and a decision.

The proposed decision was served on the parties via e-mail. The parties were given the opportunity, under Wis. Stat. § 227.46(2), to present written objections. The Board considered the written objections that were submitted.

On September 6, 2023, the Board convened and voted to adopt the proposed written decision as the final decision of the Board in this matter.

WHEREFORE, it is ordered that the attached proposed decision is hereby incorporated by reference into this final decision and order and is formally adopted as the final written decision and order of the Board in this matter, in accordance with Wis. Stat. §§ 227.46(2) and 227.47(1).

## NOTICE OF APPEAL RIGHTS

Set out below are the alternative methods by which a person may request review of the Board's final decision and order in this matter. This notice is provided pursuant to Wis. Stat. § 227.48(2).

Any person aggrieved by the Board's final decision and order may petition for rehearing as provided in Wis. Stat. § 227.49. A petition for rehearing must be filed with the Board within 20 days after service of the final decision and order. The petition must specify in detail the grounds for the relief sought and supporting authorities. Rehearing may only be granted for the reasons set out in Wis. Stat. § 227.49(3). A petition for rehearing is not a prerequisite to judicial review under Wis. Stat. §§ 227.52 and 227.53.

Any person aggrieved by the final decision and order has a right to petition for judicial review in circuit court, as provided in Wis. Stat. §§ 227.52 and 227.53. The petition for judicial review must be filed in circuit court and must be served, either in person or by certified mail, on all parties designated as such in the final decision and order. The petition for judicial review must be served and filed within 30 days after service of the final decision and order. If a rehearing is requested as noted in the preceding paragraph, any party seeking judicial review must serve and file a petition for judicial review within 30 days after service of the order disposing of the rehearing application or within 30 days after final disposition by operation of law of the rehearing application. Persons wishing to petition for judicial review are advised to closely examine and strictly comply with all the requirements of Wis. Stat. §§ 227.52 and 227.53.

Dated this 6th day of September 2023.

STATE OF WISCONSIN  
LAW ENFORCEMENT STANDARDS BOARD

By: Todd J. Delain  
TODD DELAIN/  
Chairperson

17 West Main Street  
Madison, WI 53703  
Telephone: (608) 266-8800



STATE OF WISCONSIN  
Law Enforcement Standards Board

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In the Matter of the Law Enforcement  
Certification of Matthew J. Wierzchowski

**PROPOSED DECISION**  
Case No. LESB-23-0001

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**PRELIMINARY RECITALS**

On June 6, 2023, the State of Wisconsin Law Enforcement Standards Board (the “Board”) rescinded the law enforcement certification of Matthew J. Wierzchowski for failure to obtain either a two-year associate degree or 60 college-level credits within his first five years of law enforcement employment, as is required by Wis. Admin. Code LES § 2.01(1)(e).

Wierzchowski filed a written request for a hearing on the Board’s decision pursuant to Wis. Stat. § 227.42. The hearing was held before the Board’s Executive Committee on August 8, 2023, via Zoom videoconferencing. Assistant Attorney General Clayton P. Kawski served as hearing examiner pursuant to Wis. Stat. § 227.46(1) and the Board’s policies and procedures.

Pursuant to Wis. Stat. § 227.47(1), the parties to this proceeding are certified as follows:

State of Wisconsin  
Law Enforcement Standards Board  
17 West Main Street  
Madison, WI 53703

Matthew J. Wierzchowski

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████████████████████

Wisconsin Department of Justice  
Division of Law Enforcement Services  
Training and Standards Bureau  
17 West Main Street  
Madison, WI 53703

## FINDINGS OF FACT

1. Matthew J. Wierzchowski was a law enforcement officer with the Milwaukee Police Department from March 26, 2018, until the Board rescinded his law enforcement certification. (Appeal Hearing Exhibits, Meeting of the Board's Executive Committee ("Ex. \_\_\_:\_\_\_"), Ex. 6:21–22; Hearing Transcript ("Tr. \_\_\_"), Tr. 13.)

2. Wierzchowski had until March 26, 2023, to meet the requirement in Wis. Admin. Code LES § 2.01(1)(e) that he obtain a two-year associate degree or 60 college-level credits. (Tr. 13.)

3. Wierzchowski failed to meet the associate-degree or 60-credit requirement in Wis. Admin. Code LES § 2.01(1)(e) by March 26, 2023. (Ex. 1:9–10, 15; Tr. 13–16.)

4. Annual notices were sent to Wierzchowski reminding him that he had until March 26, 2023, to meet the requirement in Wis. Admin. Code LES § 2.01(1)(e). (Ex. 1:9.)

5. Wierzchowski reached out to the Training and Standards Bureau (the "Bureau") of the Division of Law Enforcement Services at the Wisconsin Department of Justice in April 2023 to inquire about obtaining an extension of the five-year time limit to meet the credit requirement. (Ex. 1:9.) Wierzchowski's contact seeking an extension occurred after the March 26, 2023, deadline for him to complete the required credits. (Ex. 1:9.)

6. Wierzchowski provided the Bureau with an unofficial transcript from Marian University indicating that the university is awarding him 55 college credits, including six credits for prior learning, 16 credits for training in the military, and 33 credits for his completion of the law enforcement academy. (Ex. 1:9.)

7. Wierzchowski enrolled in two three-credit college courses to be completed through Marian University between May 8 and June 25, 2023. (Ex. 1:12–13.)

8. On June 6, 2023, the Board rescinded Wierzchowski's law enforcement certification for failure to obtain a two-year associate degree or 60 college credits within his first five years of law enforcement employment, as is required by Wis. Admin. Code LES § 2.01(1)(e). (Ex. 2:15.)

9. On June 8, 2023, Dana Vike, Certification & Curriculum Program Supervisor with the Bureau, sent a letter to Milwaukee Police Chief Jeffrey Norman notifying him of the Board's decision to rescind Wierzchowski's law enforcement certification. (Ex. 2:15.)

10. Wierzchowski was served with the June 8 decertification-notification letter on June 15, 2023. (Ex. 3:17.)

11. On June 27, 2023, Wierzchowski submitted an appeal request regarding the Board's decision to decertify. (Ex. 4:18.)

12. On June 28, 2023, Wierzchowski submitted to the Bureau an official academic transcript from Marian University showing that he has completed 61 credits. (Ex. 5:19; Tr. 15–16.)

13. On July 10, 2023, Chief Norman sent a letter to Dana Vike indicating that Wierzchowski has been removed from his public office. (Ex. 7:23.) The letter explained that Chief Norman was made aware that Wierzchowski obtained the required 60 college credits. (Ex. 7:23.) Chief Norman supported Wierzchowski's recertification and return to law enforcement employment with the Milwaukee Police Department. (Ex. 7:23.)

14. The parties stipulated to the admissibility of numbered exhibits that were then admitted into the record at the August 8, 2023, hearing. (Tr. 11–12; Exs. 1–7:8–23.)

## DISCUSSION

Considering the August 8, 2023, hearing testimony and the exhibits admitted into the record, the Board AFFIRMS the June 6, 2023, decision rescinding Wierzchowski's law enforcement certification.

The Board is a state agency charged by statute with the responsibility of establishing and enforcing educational and training standards for law enforcement officers in Wisconsin and certifying and decertifying individuals as qualified to be employed as law enforcement officers. Wis. Stat. § 165.85(3)(b), (cm), (4)(a). Under Wis. Stat. § 165.85(3)(cm), the Board may decertify law enforcement officers who fail to comply with certain educational requirements. Specifically, the Board established in Wis. Admin. Code LES § 2.01(1)(e) a requirement that an individual who desires to maintain certification and continue serving as a law enforcement officer must obtain

either a two-year associate degree or complete 60 college-level credits within his first five years of law enforcement employment.

Wierzchowski had until March 26, 2023, to complete the 60 college credits. By March 26, 2023, he had not provided proof that he completed the required credits. (Ex. 1:9–10, 15; Tr. 13–16.)

In April 2023, Wierzchowski provided the Bureau with an unofficial transcript from Marian University indicating that the university is awarding him 55 college credits, including six credits for prior learning, 16 credits for training in the military, and 33 credits for his completion of the law enforcement academy. (Ex. 1:9.) Wierzchowski had enrolled in two three-credit college courses to be completed through Marian University, but he was not going to complete them until between May 8 and June 25, 2023. (Ex. 1:12–13.) Therefore, at the time the Board considered his request for an extension on June 6, 2023, Wierzchowski had not completed these courses and had not earned the required 60 college credits.

Wierzchowski failed to meet the requirement in Wis. Admin. Code LES § 2.01(1)(e), which justified the Board rescinding his law enforcement certification. Wis. Stat. § 165.85(3)(cm)2. He had five years to complete the required 60 college credits, but he failed to timely do so. Based upon a straightforward application of the Board's administrative rules and the statutes, he did not meet the minimum requirements to continue as a certified law enforcement officer and was therefore properly decertified.

Wierzchowski testified that he took two leaves of absence during his time as a law enforcement officer from June 3 to August 24, 2022, and from April 4 to May 16, 2023. (Tr. 21–22; *see also* Exs. 4, 6:18, 21–22.) But these leaves of absence do not mean that Wierzchowski was not employed as a law enforcement officer or that he was excused from mandatory training requirements to maintain his certification. Wisconsin Admin. Code LES § 2.01(1)(e) includes no exception or extension for a leave of absence.

Wierzchowski did not contact the Bureau until April 2023 about seeking an extension of the five-year time limit to complete 60 college credits. (Ex. 1:9.) This was after the March 26, 2023, deadline to complete 60 credits had passed. (Ex. 1:9.) Annual notices had been sent to him reminding him that he had until March 26, 2023, to meet the requirement. (Ex. 1:9.) Wierzchowski did not show foresight or personal responsibility to timely meet the requirement.

Ultimately, it was Wierzchowski's responsibility to meet the requirement in Wis. Admin. Code LES § 2.01(1)(e). His failure to do so was not excusable under the circumstances. Therefore, it was appropriate to rescind his law enforcement certification.

## CONCLUSIONS OF LAW

1. Under Wis. Stat. § 165.85(3)(cm)2., the Board may decertify a law enforcement officer who “[v]iolate[s] or fail[s] to comply with a rule, policy, or order of the board relating to curriculum, training, or recruitment.”

2. Wisconsin Admin. Code LES § 2.01 establishes the minimum qualifications for recruitment of a law enforcement officer.

3. Under Wis. Admin. Code LES § 2.01(1), “[b]efore an individual may commence employment on a probationary, temporary, part-time or full-time basis as a law enforcement, tribal law enforcement, jail or secure detention officer, that individual must have met recruit qualifications established by” the Board.

4. The “minimum qualifications for recruitment” include that “[a]n applicant for employment as a law enforcement or tribal law enforcement officer shall possess either a 2 year associate degree from a Wisconsin technical college system district or its accredited equivalent from another state or a minimum of 60 fully accredited college level credits.” Wis. Admin. Code LES § 2.01(1), (e).

5. “An applicant who has not met this standard at the time of employment shall meet this standard as a requirement of recertification by the board at the end of his or her fifth year of employment as a law enforcement or tribal law enforcement officer.” Wis. Admin. Code LES § 2.01(1)(e).

6. Wierzchowski failed to comply with Wis. Admin. Code LES § 2.01(1)(e) when he did not obtain a two-year associate degree or 60 fully accredited college level credits by the end of his fifth year of employment as a law enforcement officer.

7. Based upon the requirements in Wis. Admin. Code LES § 2.01(1)(e), the Board was within its authority under Wis. Stat. § 165.85(3)(cm)2. to rescind Wierzchowski's law enforcement certification for

his failure to meet the minimum qualifications for certification required by law.

8. Accordingly, the Board's June 6, 2023, decision rescinding Wierzchowski's law enforcement certification is AFFIRMED.

### **DECISION**

The Board's June 6, 2023, decision rescinding Wierzchowski's law enforcement certification is AFFIRMED.




## NOTICE OF RIGHT TO FILE OBJECTIONS

Any party adversely affected by the attached proposed decision may file objections to it with the Board as provided in Wis. Stat. § 227.46(2). The objections must be submitted in writing and must briefly state the reasons and authorities for each objection. The objections may be accompanied by written argument. The written objections and any accompanying argument must be submitted to Assistant Attorney General Clayton P. Kowski, Wisconsin Department of Justice, 17 West Main Street, Madison, Wisconsin 53703. Objections and arguments may also be submitted via e-mail to [kawskicp@doj.state.wi.us](mailto:kawskicp@doj.state.wi.us). All written objections and arguments must be received no later than **August 23, 2023**.

At its meeting on **September 6, 2023**, the Board will consider the proposed decision and any objections that may have been submitted and will thereafter issue a final written decision. The final written decision will be accompanied by a notice of appeal rights setting out the alternative methods by which a person may request administrative or judicial review of that decision.

Dated this 16th day of August 2023.

STATE OF WISCONSIN  
LAW ENFORCEMENT STANDARDS BOARD

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