



STATE OF WISCONSIN
Law Enforcement Standards Board

In the Matter of the Law Enforcement
Certification of Joshua Pawlosky

PROPOSED DECISION
Case No. LESB-23-0004

PRELIMINARY RECITALS

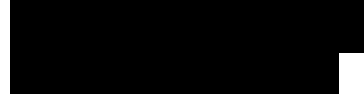
On August 8, 2023, the State of Wisconsin Law Enforcement Standards Board (the “Board”) denied Joshua Pawlosky’s request for an extension of time to regain law enforcement employment beyond the April 1, 2023, deadline that the Board set on March 7, 2023. Specifically, Pawlosky requested that the Board consider extending the deadline from April 1, 2023, to May 26, 2023. The Board’s Executive Committee denied his request on August 8, 2023, and Pawlosky appealed that decision.

Pawlosky 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 November 14, 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

Joshua Pawlosky



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

FINDINGS OF FACT

1. Joshua Pawlosky graduated from a law enforcement academy on May 1, 2011, within a Criminal Justice associate degree program at Fox Valley Technical College. (Appeal Hearing Exhibits, Meeting of the Board’s Executive Committee (“Ex. ___:___”), Ex. 2:3.)

2. Pawlosky was a part-time law enforcement officer employed by various law enforcement agencies as follows: Waupaca County Sheriff’s Office from May 16, 2012, to November 1, 2014; Fremont Police Department from May 3, 2013, to October 31, 2014; Weyauwega Police Department from October 12, 2014, to February 1, 2020; Marshfield Police Department from February 21, 2022, to March 5, 2022; New Holstein Police Department from May 31, 2022, to July 15, 2022; and Weyauwega Police Department from August 8, 2022, to November 11, 2022. (Ex. 2:3.)

3. Pawlosky worked an average of 30 hours per week while employed by the Weyauwega Police Department. (Ex. 4:15.)

4. Pawlosky resigned in good standing from the Weyauwega Police Department on November 11, 2022. (Ex. 4:15.)

5. On February 8, 2023, Pawlosky filed an Application for Extension of the Timeframe to Regain Officer Employment (DJ-LE-342) with the Training and Standards Bureau (the “Bureau”) of the Division of Law Enforcement Services at the Wisconsin Department of Justice. (Exs. 3:5, 6:23, 11:42.)

6. The Board considered Pawlosky’s extension request at its March 7, 2023, quarterly board meeting. (Ex. 4:15–16.)

7. The Board’s staff recommended approval of Pawlosky’s extension request. (Ex. 4:15.)

8. On March 7, 2023, the Board approved Pawlosky’s request for a waiver of the three-year time frame to regain law enforcement employment. (Exs. 4:16, 5:20.)

9. The Board approved a motion “to accept staff recommendations for waiver requests [by Pawlosky] to include explanations by Jerry Mullen.” (Ex. 4:16.)

10. The Board required Pawlosky to regain law enforcement employment by April 1, 2023, and to complete the law enforcement reciprocity exam by August 1, 2023. (Ex. 5:20.)

11. Pawlosky received a conditional offer of employment with the University of Wisconsin-Oshkosh Police Department effective April 17, 2023, but the offer was later rescinded on April 12, 2023. (Ex. 6:21, 24; Hearing Transcript (“Tr. ___”), Tr. 56.)

12. Pawlosky was hired as a part-time law enforcement officer with the Winneconne Police Department on May 26, 2023. (Ex. 2:3.)

13. On June 23, 2023, Pawlosky requested of the Board in writing a second waiver of the time to regain law enforcement employment. (Ex. 6:23–25.)

14. The Board’s Executive Committee considered Pawlosky’s second extension request at its August 8, 2023, meeting. (Ex. 7:33.)

15. The Board’s staff recommended that Pawlosky be granted an extension to May 26, 2023, to regain law enforcement employment, which was the date he was hired by the Winneconne Police Department. (Ex. 7:33; Tr. 23.)

16. The Board’s staff also recommended that, if the second extension request was approved, that Pawlosky be required to successfully complete the law enforcement reciprocity exam by December 31, 2023. (Ex. 7:33.)

17. On August 8, 2023, the Board’s Executive Committee denied Pawlosky’s second extension request unanimously. (Ex. 7:33.)

18. On August 10, 2023, Dana Vike, Program and Policy Supervisor with the Bureau, sent Pawlosky a letter and an e-mail explaining that the Board’s Executive Committee had, on August 8, 2023, denied his second request for an extension of time to regain law enforcement employment. (Ex. 8:36–37.)

19. On September 26, 2023, Pawlosky submitted an appeal request regarding the Board’s August 8, 2023, decision denying his second extension request. (Ex. 10:40–41.)

20. The parties stipulated to the admissibility of numbered exhibits that were then admitted into the record at the November 14, 2023, hearing. (Tr. 13–15; Exs. 1–11:2–44, A–C:45–50.)

DISCUSSION

Considering the November 14, 2023, hearing testimony and the exhibits admitted into the record, the Board AFFIRMS the August 8, 2023, decision.

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.

Consistent with the Board’s authority to establish qualifications for and to decertify law enforcement officers, the Board’s Policy & Procedures Manual (“Manual”) provides:

A law enforcement or tribal law enforcement officer who holds law enforcement or tribal law enforcement employment for less than one (1) consecutive year full-time prior to termination of employment, has three (3) years from the date they successfully completed preparatory law enforcement officer training, or three (3) years from the date they last held law enforcement employment for at least one (1) consecutive year full-time, to regain employment as a law enforcement or tribal law enforcement officer. Failure to gain or regain employment within the time frames specified will require re-completion of the entire preparatory law enforcement officer training program to regain eligibility for certification as a law enforcement or tribal law enforcement officer.

(Manual at 46.)The Manual also provides: “The LESB *may* establish other requirements it deems appropriate on an individual case-by-case basis. An application for an extension or waiver of LESB policy *must be approved by the LESB.*” (*Id.* at 47 (emphasis added).)

The evidence admitted at the November 14, 2023, hearing in this case does not persuade the Board that it should change course. Pawlosky failed to meet his burden to show any error or improper exercise of discretion by the Board’s Executive Committee in denying him a second extension.

On August 8, 2023, the Board's Executive Committee properly exercised its discretion, consistent with the Manual, when it denied Pawlosky an additional extension of time to regain law enforcement employment. The Board had already granted Pawlosky an extension to April 1, 2023, to regain law enforcement employment. He failed to do so by that deadline. There were not mitigating factors present on August 8, 2023, nor shown through the evidence at the November 14, 2023, hearing that would have justified granting Pawlosky another extension of time to regain law enforcement employment.

Ultimately, it was incumbent upon Pawlosky to take personal responsibility to regain law enforcement employment by the April 1, 2023, deadline that the Board had imposed. He could not speculate and rely upon the mere possibility that the Board or its Executive Committee would again exercise its discretion to grant him another waiver or extension of the time for him to regain law enforcement employment. He plainly failed to meet his obligation.

In sum, the November 14, 2023, hearing evidence does not persuade the Board that the August 8, 2023, decision was incorrect. Accordingly, for the reasons stated in this decision, the Board AFFIRMS the August 8, 2023, decision.

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. The Manual provides that:

A law enforcement or tribal law enforcement officer who holds law enforcement or tribal law enforcement employment for less than one (1) consecutive year full-time prior to termination of employment, has three (3) years from the date they successfully completed preparatory law enforcement officer training, or three (3) years from the date they last held law enforcement employment for at least one (1) consecutive year full-time, to regain employment as a law enforcement or tribal law enforcement officer. Failure to gain or regain employment within the time frames specified will require re-completion of the entire preparatory law enforcement officer training program to regain eligibility for certification as a law enforcement or tribal law enforcement officer.

(Manual at 46.)

3. The Manual also provides: “The LESB may establish other requirements it deems appropriate on an individual case-by-case basis. An application for an extension or waiver of LESB policy must be approved by the LESB.” (*Id.* at 47.)

4. On August 8, 2023, the Board’s Executive Committee properly exercised its discretion, consistent with the Manual, to deny an extension of time for Pawlosky to regain law enforcement employment beyond the extension to April 1, 2023, that the Board had already granted him on March 7, 2023.

5. Accordingly, the Board’s August 8, 2023, decision is AFFIRMED.

DECISION

The Board’s August 8, 2023, decision 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. Kawski, 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. All written objections and arguments must be received no later than **Noon on November 29, 2023**.

At its meeting on **December 5, 2023**, the Board will consider the proposed decision and any objections that have been submitted and will thereafter issue a final decision. The final 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 22nd day of November 2023.

STATE OF WISCONSIN
LAW ENFORCEMENT STANDARDS BOARD

By: 

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