



STATE OF WISCONSIN  
Law Enforcement Standards Board

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In the Matter of the Law Enforcement  
Certification of Bryan Tolan

**FINAL DECISION AND ORDER**  
Case No. LESB-24-0004

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On May 14, 2024, the State of Wisconsin Law Enforcement Standards Board (the "Board"), through its Executive Committee, denied Bryan Tolan's request to extend the time period for Tolan to regain law enforcement employment.

Tolan 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 December 3, 2024, 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.

After receiving and deliberating on all the evidence, the Board's Executive Committee voted to affirm the Board's May 14, 2024, 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. None were submitted.

On March 4, 2025, 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 4th day of March 2025.

STATE OF WISCONSIN  
LAW ENFORCEMENT STANDARDS BOARD

By:   
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 Bryan Tolan

**PROPOSED DECISION**  
Case No. LESB-24-0004

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**PRELIMINARY RECITALS**

On May 14, 2024, the State of Wisconsin Law Enforcement Standards Board (the "Board"), through its Executive Committee, denied Bryan Tolan's request to extend the time period for Tolan to regain law enforcement employment.

Tolan 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 December 3, 2024, via Zoom videoconferencing. Assistant Attorney General Clayton P. Kowski 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

Bryan Tolan  
N58W39591 Sunnyfield Drive  
Oconomowoc, WI 53066

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

## FINDINGS OF FACT

1. Bryan Tolan was a law enforcement officer with the Jefferson County Sheriff's Office, full-time, from August 13, 2018, through March 20, 2019; with the Rio/Fall River Police Department, part-time, from May 30, 2018, through August 29, 2018; and with Troy Township Water Patrol, part-time, from May 1, 2019, through August 24, 2023. (Appeal Hearing Exhibits ("Ex.") 2:6–8; 4:11; Hearing Transcript ("Tr.") 13, 16.)

2. Tolan 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. (Ex. 3:9.)

3. The Board's Executive Committee considered Tolan's extension request at a May 14, 2024, meeting that Tolan attended. (Ex. 5:12, 19.)

4. The Board's staff recommended against approving Tolan's request. (Ex. 4:11.) Staff noted that Tolan "completed the academy on 12/21/2018, more than five years ago" and "has not presented any mitigating factors in favor of the waiver request." (Ex. 4:11.)

5. On May 14, 2024, the Board's Executive Committee denied Tolan's extension request. (Ex. 5:19; 6:21.)

6. On May 16, 2024, Gerald Mullen, Compliance Officer with the Bureau, sent Tolan a letter explaining that the Board's Executive Committee had, on May 14, 2024, denied his extension request. (Ex. 6:21.)

7. On October 15, 2024, Tolan submitted an appeal request regarding the Board's May 14, 2024, decision denying his extension request. (Ex. 7:22.)

8. The parties stipulated to the admissibility of numbered exhibits that were then admitted into the record at the December 3, 2024, hearing. (Tr. 10–11; Ex. 1–10.)

## DISCUSSION

Considering the December 3, 2024, hearing testimony and the exhibits admitted into the record, the Board AFFIRMS the May 14, 2024, decision denying Tolan's request to extend the time period for him to regain law enforcement employment.

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") provided from March 2, 2021, to June 3, 2024, that:

A law enforcement or tribal law enforcement officer who holds law enforcement or tribal law enforcement employment for at least one (1) consecutive year full-time prior to termination of employment, has three (3) years from their last date of employment to regain employment as a law enforcement or tribal law enforcement officer. After three (3) years of unemployment, law enforcement and tribal law enforcement officers must repeat the entire preparatory law enforcement officer training program to regain eligibility for certification as a law enforcement or tribal law enforcement officer.

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.

(Ex. 1:1.) The Manual also provided that: "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.*” (Ex. 1:1 (emphasis added).) This same language was quoted in the May 16, 2024, letter Tolan received recounting the Board’s May 14, 2024, decision that is on appeal. (Ex. 6:21.)

On May 14, 2024, the Board’s Executive Committee properly exercised its discretion when it denied Tolan’s extension request. The witness testimony and evidence presented at the December 3, 2024, hearing in this case does not persuade the Board to change course.

At the hearing, Tolan presented his own testimony and the testimony of two witnesses: (1) Village of Oconomowoc Lake Chief of Police Jason Janicsek and (2) Village of Oconomowoc Lake Lieutenant Brendon Vrchota. (Tr. 17–37.) While some of the testimony addressed Tolan’s character, experience, and qualifications to serve as a law enforcement officer, much of the testimony was irrelevant to the issue at hand, namely, whether Tolan has shown good cause for an exception to the Board’s required timeframe to regain law enforcement employment.

Similarly, Tolan’s testimony addressing whether he resigned in lieu of termination from the Troy Township Water Patrol was not relevant to establishing a basis for an extension. (Tr. 26–34.) As Tolan’s Acadis record shows, he resigned in lieu of termination from the Troy Township Water Patrol in August 2023. (Ex. 2:6; *see also* Ex. 8:29 (letter confirming Tolan resigned in lieu of termination).) Further, payroll records from the Town of Troy showed that, from 2020 through 2023, Tolan worked only 348.50 hours. (Ex. 7:27; *see also* Tr. 36–37.) This limited amount of work does not support the requested extension.

In sum, the Board is not persuaded by the evidence presented that Tolan should be entitled to the extension he requested. Accordingly, for the reasons stated in this decision, the Board **AFFIRMS** the May 14, 2024, decision denying Tolan’s extension request.

## 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 Board’s Manual provided from March 2, 2021, to June 3, 2024, that:

A law enforcement or tribal law enforcement officer who holds law enforcement or tribal law enforcement employment for at least one (1) consecutive year full-time prior to termination of employment, has three (3) years from their last date of employment to regain employment as a law enforcement or tribal law enforcement officer. After three (3) years of unemployment, law enforcement and tribal law enforcement officers must repeat the entire preparatory law enforcement officer training program to regain eligibility for certification as a law enforcement or tribal law enforcement officer.

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.

(Ex. 1:1.)

3. The Manual also provided that: “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.” (Ex. 1:1.)

4. On May 14, 2024, the Board’s Executive Committee properly exercised its discretion, consistent with the Manual and its policies, to deny Tolan an extension of time to regain law enforcement employment.

5. Tolan has not met his burden to show that an extension of the time frame to gain law enforcement employment is warranted.

6. Accordingly, the Board's May 14, 2024, decision denying Tolan's extension request is AFFIRMED.

### **DECISION**

The Board's May 14, 2024, decision denying Tolan's extension request 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 email to [kawskicp@doj.state.wi.us](mailto:kawskicp@doj.state.wi.us). All written objections and arguments must be received no later than **January 10, 2025**.

At its meeting on **March 4, 2025**, 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 20th day of December 2024.

STATE OF WISCONSIN  
LAW ENFORCEMENT STANDARDS BOARD

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