



County Clerk

Susi Pike
County Clerk

May 9, 2023 – Walworth County Board of Supervisors

**Report of the County Clerk Regarding
Communications Received After the Agenda Mailing**

The following items were placed on Supervisors' desks and are attached to this cover sheet:

1. CLAIM – Notice of Injury and Claim – Timothy Kane – Case No. 17-CF-298
(To be referred to the Executive Committee)
2. Report of the County Clerk Regarding Zoning Petitions – **AMENDED 5/4/23**
(To be referred to the County Zoning Agency)

These items were received after the agenda mailing before the meeting. Other items that were placed on the Supervisors' desks at the meeting are not included on this report. Please contact the County Clerk's office for information regarding those items.



RECEIVED

MAY 03 2023

STATE OF WISCONSIN
NOTICE OF INJURY AND CLAIM
Pursuant to Wis. Stat. Section 893.82

WALWORTH COUNTY CLERK

This notice must be served upon the Attorney General by certified mail within 120 days of the event giving rise to the claim for such injury, damage or death at 114 East State Capitol, Madison, Wisconsin 53707-7857.

Claimant's Name <i>Timothy Kane</i> case # <i>17-CF-298</i>	
Address <i>2909 E. Park Ave. Chippewa Falls, WI 54729</i>	Phone <i>262-818-3415</i>
Time and Date of Occurrence <i>11/29/22</i>	Location <i>Walworth County</i>
Statement of Circumstances Giving Rise to the Claim for Such Injury, Damage or Death and Names of Persons Involved, Including Name(s) of State Officer(s), Agent(s) or Employee(s). <i>On 7/2/17 I was arrested by Walworth County Sheriff's and all my possessions were taken from me and held in evidence and for by Walworth County Jail. On 7/14/17 I released property to my brother, Ryan Kane and on 7/15/17 I posted bond & received the rest of my property that was not being held due to the charges. Among the property taken from me was a gold bar weighing one troy ounce struck by Johnson Matthey. That gold bar was not among any of the property returned to my brother or me. On 3/3/22 the cases were resolved and I was instructed to write to evidence to have my seized property returned to me. I did that and had Tracy Eitts pick that property up. Upon speaking with her when she received the property she informed me the gold bar was not among that property. I had her notify my attorney, Theodore Kasiec, who in turn notified Walworth County, who then launched an investigation. (See Attached) That investigation was</i> <i>-over-</i>	

I certify and solemnly swear that the above-described injury, damage or death actually occurred, that I have read the above foregoing notice of injury and claim, and that the same is true to my own knowledge except as to those matters stated upon information and belief and as to those matters, I believe the same to be true.

Date: *Feb 27, 2023*

Timothy Kane
Signature of Claimant

State of Wisconsin
County of *Chippewa*

Subscribed and sworn to before me this *27* day of *February*, 20*23*, by _____

Amanda Newman

Amanda Newman

Notary Public, State of Wisconsin

My Commission: *1-3-2027*

concluded approximately 11/28/02, however, due to my current incarceration and movement I didn't receive the letter until Feb. 13, 2023.

It is my understanding that that gold bar is worth approximately \$2,000.00. I would like that bar replaced or a check for the value. Thank you.

Please note: the letter from the Sheriff's Dept. Captain of Investigations, Shannon Slingworth contains a typo as to the date bond was posted. Bond was posted 7/15/17.



Walworth County Sheriff's Office
1770 County Road NN - Elkhorn, Wisconsin 53121
www.co.walworth.wi.us

Kurt Picknell, Sheriff Dave Gerber, Undersheriff

11-29-22

*Received
12-2-22*

Attorney Kmiec,

You sent a letter to the Sheriff's Office in March of this year explaining that your client, Mr. Timothy Kane had a gold bar in his possession when he was taken into custody and held in our jail on 07-02-17. After Mr. Kane's case resolved in 2022, Mr. Kane's remaining property was released to a family friend, but the gold bar was not among the items returned. Your letter also included pictures of the gold bar that were taken by our deputies the night of Mr. Kane's arrest.

I have reviewed all records pertaining to Mr. Kane and his arrest on 07-02-17. I have searched every potential storage location within the Sheriff's Office and have been unable to locate the gold bar. According to the reports, the gold bar should have been entered into Mr. Kane's inmate property. On 07-14-17, Mr. Kane signed an authorization to release several personal items from his inmate property to his brother Ryan Kane. The items shown to have been released to Ryan Kane were:

- o Wallet – black tri fold
- o Black watch with round face and broken strap
- o Yellow ring with light purple cross
- o Yellow necklace with cross
- o DL – IL 5008-0471-314K
- o Discover card #7907
- o 1 open tin Copenhagen
- o Cubs lanyard with 1 key
- o Fingernail clippers

Mr. Kane posted bond on 07-15-22. The remaining items released with Mr. Kane were:

- o Belt- brown
- o Red v neck t shirt
- o Grey tennis shoes
- o Grey shorts
- o Coat- black hooded light weight

In order to ensure nothing was overlooked, Waukesha County Sheriff's Office peer-reviewed my investigation as well and agreed that I had done everything they could think of to try and locate the gold bar, other than suggesting I search inmate property by item, instead of by inmate if our system allowed.

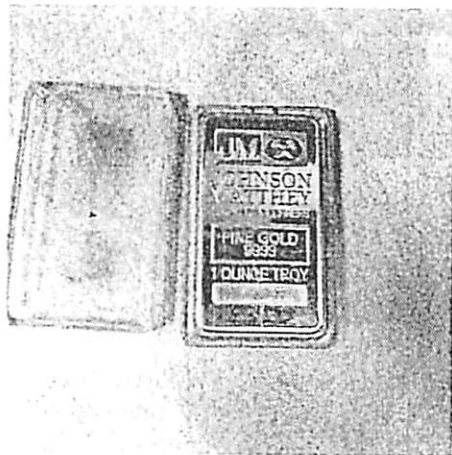


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Kurt Picknell, Sheriff Dave Gerber, Undersheriff

Our records management system does not allow for me to search by item in inmate property, but I did go back and search numerous other inmates' property histories who were booked in during the same timeframe as Mr. Kane to determine if the gold bar could have been mistakenly entered under another name, but was still unable to locate it.


Given the amount of time that has passed since Mr. Kane was arrested (5 years), I was unable to view any video footage from within the facility and our deputies did not start wearing body cameras until November of 2017, so reviewing video was not an option in this investigation.



I was very much hoping I would be able to locate the gold bar and return it to your client which is part of ~~the reason this investigation took as long as it did, but I have been unable to do so and for that, I~~ apologize. My investigation will be reviewed internally as well to determine what safeguards can be put in place to avoid this ever happening again.

Mr. Kane can submit a claim to the Walworth County Clerk for the loss and I have included the instructions on how to do so, along with this letter.

Respectfully,


Shannan Illingworth
Captain of Investigations
Walworth County Sheriff's Office

**REFERRAL AND NOTICE OF PETITION TO
WALWORTH COUNTY ZONING AGENCY, COUNTY SUPERVISORS OF AFFECTED
DISTRICTS AND COUNTY BOARD**

WHEREAS the following petitions have been filed with the County Clerk requesting that the County Zoning Ordinance and Shoreland Zoning Ordinance and County Land Use Plan 2050 be amended as specified:

**REPORT OF PETITIONS REFERRED TO
WALWORTH COUNTY ZONING AGENCY**

The undersigned County Clerk hereby reports that the following petitions for rezone of lands in Walworth County as specified were referred to the County Zoning Agency for public hearing:

NAME	TOWN	CHANGE REQUESTED	DATE REFERRED
Walworth County	All Townships	Walworth County - Amendment to sections 74-55, 74,-64, 74-74, and 74-131 of the Walworth County Code of Ordinances – Zoning and sections 74-182, 74-191, 74-203, and 74-263 of the Walworth County Code of Ordinances - Shoreland Zoning to provide an option for a conditional use permit in the B-5 zone district allowing up to 8 occupants in a dwelling unit for temporary seasonal employees when the housing is located on the same site as the employment.	May 9, 2023
Walworth County	All Townships	Walworth County - Amendment to Section 74-174 of the Walworth County Code of Ordinances - Shoreland Zoning to incorporate 2021 Wisconsin Act 200 language and to clarify the intent and interpretation of existing language.	May 9, 2023
Sunset Investment Holdings LLC C/O Roberta Wagner	Lyons Township Tax Key Parcels N LY 300006A, N LY 300007, NA376300001, and NA24400004.	Rezone approximately 6.01 acres of M-1 Industrial District and A-2 Agricultural Land District to C-2 Upland Resource Conservation District and 2.07 acres of M-1 Industrial District and A-1 Prime Agricultural Land District to A-2 Agricultural Land District in order to create a new C-2 Upland Resource Conservation District 6 acre lot with shared access, provide an access point in the rezoned A-2 area for an existing lot, and build a single-family residence.	May 9, 2023

Said petition/s is/are hereby referred to the County Zoning Agency as the Zoning Agency of this County, which is hereby directed to hold one or more public hearings on the changes proposed in said petition/s, pursuant to Section 59.69(5) (e) Wisconsin Statutes. Copies of said petitions are available for review on the Walworth County Website at (www.co.walworth.wi.us).

Dated this 9th day of May, 2023.

County Clerk

cc. All County Board Supervisors
Supervisor Joseph H. Schaefer II