

SPECIAL COMMON COUNCIL MEETING AGENDA
MONDAY, APRIL 28, 2025 at 6PM
108 N. CAPRON STREET
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR
MEETING IS OPEN TO THE PUBLIC & CITY HALL IS HANDICAPPED ACCESSIBLE
CITY MEETINGS CAN BE WATCHED LIVE OR RECORDED
ON THE CITY OF BERLIN YOUTUBE PAGE @CITYOFBERLIN5623

AGENDA

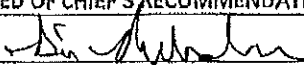
1. Call to Order
2. Roll Call
3. Public Hearing on the permit request of Thomas F. Kafer for an exception to the Sex Offender Child Safety Zone (City of Berlin Municipal Ordinance Article VI, Sec 46-170 to Sec 46-174, specifically Child safety zone exceptions) that would allow him to reside at 270 S. Brooklyn Street, Berlin WI.
 - i. **Closed session.** A portion of this public hearing may convene into closed session pursuant to Wis. Stats. §19.85(1) (f), to consider medical history of alcohol, drug, and sex offender treatment, juvenile conviction records, and other health information. At the conclusion of any such closed session, the Common Council will reconvene in open session for continuation of the public hearing.
 - ii. **Closed session.** At the conclusion of the hearing, the Common Council may convene in closed session pursuant to Wis. Stats. §19.85(1)(a) to deliberate concerning the hearing regarding the permit request of Thomas F. Kafer for an exception to the Child Safety Zone residence restrictions that would allow him to reside at 270 S. Brooklyn Street, Berlin WI.
 - iii. **Action.** At the conclusion of the closed session, if any, the Common Council will reconvene in open session for possible further deliberation before voting and making its decision on the Permit Request.
4. Adjournment

REDACTED

City of Berlin 46-173(9)	City of Berlin Child Safety Zone Exceptions – Permit Form				
Instructions – Return the completed permit form to the City of Berlin Police Department. Attach a copy for each offense: Judgement of Conviction, Criminal Complaint, and Certificate of Treatment (current and/or completed). If the address you are requesting to move to within the City's jurisdiction is a rental property, provide a letter from the landlord showing willingness to rent to you and knowledge that you are a sex offender. YOUR PERMIT WILL NOT BE CONSIDERED UNTIL ALL DOCUMENTATION IS RECEIVED. After consideration by the Chief of Police, you will be notified of the Chief's recommendation. A date and time for a permit hearing before the City of Berlin's Common Council will be provided and could be 30-45 days after submission of the permit form.					
PERMIT REQUESTOR INFORMATION					
NAME (FIRST, MIDDLE, LAST) THOMAS F. KATER					
FORMER/MAIDEN NAME/ALIAS					
CURRENT ADDRESS OSHKOSH CORRECTIONAL INSTITUTION P.O. Box 3310			CITY OSHKOSH	STATE WI	ZIP CODE 54203
TELEPHONE NUMBER 920-231-4010			DATE OF BIRTH 9/6/63		
WHAT ADDRESS DO YOU WISH TO MOVE TO? 270 S. BROOKLYN ST. (OWNED)					
IS THE ABOVE ADDRESS RENTAL PROPERTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PROVIDE A LETTER FROM THE LANDLORD WHICH SHOWS WILLINGNESS TO RENT TO YOU AND KNOWLEDGE THAT YOU ARE A REGISTERED SEX OFFENDER. YOUR PERMIT WILL NOT BE CONSIDERED UNTIL YOU PROVIDE SUCH PROOF.					
AGE/RELATIONSHIP OF THOSE WHO YOU LIVE WITH NOW AND THOSE YOU PLAN TO LIVE WITH AT THE ABOVE ADDRESS					
RELATIONSHIP		AGE	LIVE WITH NOW AT CURRENT ADDRESS		PLAN TO LIVE WITH AT ABOVE ADDRESS
JAMES STERNAT (UNCLE)		80	YES	<input checked="" type="radio"/> NO	<input checked="" type="radio"/> YES NO
			YES	NO	YES NO
			YES	NO	YES NO
			YES	NO	YES NO
			YES	NO	YES NO
			YES	NO	YES NO
SEXUAL OFFENSE(S) LIST EVERY SEXUAL OFFENSE ON YOUR CONVICTION RECORD AND ANSWER THE FOLLOWING QUESTIONS					
<input type="checkbox"/> Additional space needed check box if sheet(s) attached. Be sure to report exact information requested.					
SEXUAL OFFENSE #1	<input type="checkbox"/> ADULT <input checked="" type="checkbox"/> JUVENILE		OFFENSE DEGREE (Circle one) 1 st 2 nd 3 rd		
OFFENSE DESCRIPTION	CHILD SEXUAL ASSAULT, SEXUAL CONTACT UNDER AGE 12 - FELONY B				
OFFENSE DATE	CONVICTION DATE	COUNTY	VICTIM'S AGE	SENTENCE	TIME SERVED
7.7.2008	4.22.2010	WAUKESHA	12	10 YEARS	10 YEARS 4/19/05
ARE YOU CURRENTLY UNDER SUPERVISION WITH THE DEPARTMENT OF CORRECTIONS FOR THIS OFFENSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
HOW DO YOU FEEL THE SEXUAL CRIME AFFECTED YOUR VICTIM? (Do not identify victim) I'M SURE THIS IS VERY HUMILIATING & EMBARRASSING. NOT A VERY GOOD SELF WORTH. NOT A GOOD FEELING AT ALL.					
SEXUAL OFFENSE #2	<input type="checkbox"/> ADULT <input checked="" type="checkbox"/> JUVENILE		OFFENSE DEGREE (Circle one) 1 st 2 nd 3 rd		
OFFENSE DESCRIPTION	REPEATED SEXUAL ASSAULT SAME CHILD FELONY B				
OFFENSE DATE	CONVICTION DATE	COUNTY	VICTIM'S AGE	SENTENCE	TIME SERVED
9.10.2003	4.22.2010	WAUKESHA	12	10 YEARS	10 YEARS 4/19/05
ARE YOU CURRENTLY UNDER SUPERVISION WITH THE DEPARTMENT OF CORRECTIONS FOR THIS OFFENSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
HOW DO YOU FEEL THE SEXUAL CRIME AFFECTED YOUR VICTIM? (Do not identify victim) SAME					
SEXUAL OFFENSE #3	<input type="checkbox"/> ADULT <input checked="" type="checkbox"/> JUVENILE		OFFENSE DEGREE (Circle one) 1 st 2 nd 3 rd		
OFFENSE DESCRIPTION	CHILD ENTICEMENT SEXUAL CONTACT 4th - FELONY D				
OFFENSE DATE	CONVICTION DATE	COUNTY	VICTIM'S AGE	SENTENCE	TIME SERVED
7.04.2009	4.22.2010	WAUKESHA	15	5 YEARS	Completed
ARE YOU CURRENTLY UNDER SUPERVISION WITH THE DEPARTMENT OF CORRECTIONS FOR THIS OFFENSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
HOW DO YOU FEEL THE SEXUAL CRIME AFFECTED YOUR VICTIM? (Do not identify victim) THE ENTIRE SITUATION I'M SURE WOULD BE HARD TO UNDERSTAND & DEAL WITH, A DEPRESSED OUTLOOK ON THINGS					

4

SEXUAL OFFENSE #4		<input type="checkbox"/> ADULT <input checked="" type="checkbox"/> JUVENILE		OFFENSE DEGREE (Circle one) 1 st 2 nd 3 rd	
OFFENSE DESCRIPTION		4 th DEC. SEXUAL ASSAULT MISDEMEANOR A			
OFFENSE DATE	CONVICTION DATE	COUNTY	VICTIM'S AGE	SENTENCE	TIME SERVED
3.1.2008	9.10.2015	WAUKESHA	15	9 MONTHS	COMPLETED
ARE YOU CURRENTLY UNDER SUPERVISION WITH THE DEPARTMENT OF CORRECTIONS FOR THIS OFFENSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
HOW DO YOU FEEL THE SEXUAL CRIME AFFECTED YOUR VICTIM? (Do not identify victim)					
VERY UNCOMFORTABLE TO BE TOUCHED ANY WHERE ON THE BODY (SHOULDER) ESPECIALLY UNWANTED					
CRIMINAL HISTORY LIST ALL PREVIOUS CRIMINAL CONVICTIONS BELOW: <input type="checkbox"/> Additional space needed, check box if sheet(s) attached					
CRIME	OFFENSE YEAR	LOCATION			
N/A	N/A	N/A			

RETURN TO:	
CITY OF BERLIN POLICE CHIEF 108 N. CAPRON STREET BERLIN, WI 54923 920-361-0444	
CHIEF OF POLICE RECOMMENDATION TO COUNCIL:	APPROVE <input type="checkbox"/> DENY <input checked="" type="checkbox"/>
PERMIT REQUESTOR NOTIFIED OF CHIEF'S RECOMMENDATION	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
CHIEF'S SIGNATURE 	

Petition for Exception Permit Process

1. A Sex Offender may seek an Exception Permit from this Ordinance by petitioning to the City of Berlin Common Council.
2. The Sex Offender seeking an Exception Permit must notify the City of Berlin Police Chief of intent to petition to the Common Council and complete a Child Safety Zone Exceptions Permit Form. The Common Council shall hold a hearing on the permit request, and may review any pertinent information and accept oral or written statements from any person. The Common Council shall base its decision on factors related to the City's interest in promoting, protecting, and improving the health, safety and welfare of the community. The purpose of the Sex Offender Child Safety Zones, as stated in Article VI, Section 46-170, is "This chapter is a regulatory measure aimed at protecting the health and safety of children in Berlin from the risk that convicted sex offenders may re-offend in locations where children tend to congregate or be regularly present. The city finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders re-enter society, they are much more likely than any other type of offender to be re-arrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, day care centers and others places children frequent. The city finds and declares that in addition to schools and day care centers, children congregate or play at public parks."
3. The Common Council will hold a hearing regarding the requested Child Safety Zone Exception Permit. All properties within 300 feet of the proposed residence (permit location) will be notified of the hearing via mail at least 10 days prior to the hearing and a Class 2 Notice (published on two separate occasions prior to the scheduled hearing) will be placed in the Berlin Journal.
4. Applicable factors for the Common Council's consideration shall include, but are not limited to:
 - a. Nature of the offense that resulted in sex offender status
 - b. Date of offense
 - c. Age at time of offense
 - d. Recommendation of probation or parole officer
 - e. Recommendation of Police Department
 - f. Recommendation of any treating practitioner
 - g. Counseling, treatment and rehabilitation status of sex offender
 - h. Remorse of sex offender
 - i. Duration of time since sex offender's incarceration

- j. Support network of sex offender
- k. Relationship of sex offender and victim(s)
- l. Presence or use of force in offense(s)
- m. Adherence to terms of probation or parole
- n. Proposals for safety assurances of sex offender
- o. Conditions to be placed on any exception from the requirements of this Ordinance

5. The Common Council shall decide by majority vote whether to grant or deny an Exception Permit. A permit shall only be granted upon a determination that the permitted activities of the applicant will not lead to a disruption of the stated purpose of the ordinance (see 2. Above). An exception permit may be unconditional or limited to a certain address or time, or subject to other reasonable conditions. The Common Council's decision shall be final for purposes of appeal. A written copy of the decision shall be provided to the Sex Offender.

State of Wisconsin

Circuit Court

Waukesha County

STATE OF WISCONSIN

-vs-

Thomas F Kafer
6083 Linnie Lac Drive
New Berlin, WI 5315
DOB: 09/06/1963
Sex/Race: M/W
Eye Color: Blue
Hair Color: Brown
Height: 5 ft 11 in
Weight: 210 lbs
Alias:

Plaintiff,

DA Case No.: 2009WK005653

Assigned DA/ADA:

Agency Case No.: 09NBPD0002301

Court Case No.: 09CF 812

ATN: 680410000357

FILED
CRIMINAL/TRAFFIC
DIVISION

JUL 17 2009

WAUKESHA CO., WISCONSIN
Criminal Complaint

Defendant,

Officer Rhonda Eisold, of the New Berlin Police Department, being first duly sworn on oath, upon information and belief, states that:

Count 1: 1ST DEGREE CHILD SEXUAL ASSAULT - CONTACT WITH A CHILD UNDER AGE 13

The above-named defendant on or about Wednesday, July 02, 2008, at 6083 Linnie Lac Drive, in the City of New Berlin, Waukesha County, Wisconsin, did have sexual contact with a person who has not attained the age of thirteen, [REDACTED] contrary to sec. 948.02(1)(e), 939.50(3)(b) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

Count 2: REPEATED SEXUAL ASSAULT OF A CHILD

The above-named defendant between September 10, 2003 and September 10, 2005, at 6083 Linnie Lac Drive, in the City of New Berlin, Waukesha County, Wisconsin, did commit repeated sexual assaults involving the same child, [REDACTED] where at least three of the assaults were violations of sec. 948.02 (1) Wis. Stats., contrary to sec. 948.025(1)(a), 939.50(3)(b) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

Count 3: CHILD ENTICEMENT

The above-named defendant on or about July 4, 2009, at 6083 Linnie Lac Drive, in the City of New Berlin, Waukesha County, Wisconsin, with intent to have sexual intercourse with the child, did attempt to cause a child, [REDACTED] who had not attained the age of 16 years to go into a building, contrary to sec. 948.07(1), 939.50(3)(d) Wis. Stats., a Class D Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

STATE OF WISCONSIN - VS - Thomas F Kafer

PROBABLE CAUSE:

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: Based upon a review of the investigative reports of Detective Dietzler and other officers of the New Berlin Police Department, whom your complainant believes to be truthful and reliable.

Said reports indicate that on July 5, 2009, [REDACTED] came to the New Berlin Police Department with his parents. [REDACTED] a common ordinary citizen victim believed in this instance to be truthful, and his parents are common ordinary citizens believed to be truthful and reliable in this instance. [REDACTED] father gave some background information in which he explained that he and Thomas F Kafer, the above-named defendant, have been friends for approximately 31 years. He said that his children refer to the defendant as "Uncle Tom," and he had been in the children's lives since they were all born. The father reported that in the early morning hours of July 5, 2009, he saw [REDACTED] cell phone on the living room floor, and he picked it up to check what kind of text messages was on it. He became very concerned when he saw a number of text messages from the defendant with discussions about "blow jobs," and "massages."

Said reports further indicate that the father provided copies of photographs that he and his wife took of the screens on the phone reflecting the text messages. They are as follows:

7/4/09 at 2:01 p.m. "Do u think u can stay over sun nite? im off work on mon"

7/4/09 at 2:06 p.m. "Do u think u might want a massage again?"

7/4/09 at 2:09 p.m. "Wat bout just a bj"

7/4/09 at 11:34 p.m. "From a guy or girl or both"

7/4/09 at 11:56 p.m. "Ever give 1?"

7/5/09 at 12:00 a.m. "There is a bet at work some of us if we wud do that i said i wud do it but dont want to to anyone"

7/5/09 at 12:05 a.m. "I know it cud b in the dark kinda like the massage thing"

7/5/09 at 12:07 a.m. "U dont have 2 do anything 2 me"

7/5/09 at 12:08 a.m. "I win a bet and u feel gud"

7/5/09 at 12:43 a.m. "O wat if i give u my fone?"

Said reports further indicate that the father reported that [REDACTED] would sleep overnight at the defendant's residence many times over the years. The father said that a few years ago, a person approached him and told him that the defendant and [REDACTED] were sleeping in the same bed in a camper while they were up north. The father said he confronted the defendant about that, and the defendant denied that anything inappropriate happened. He just said they would fall asleep. The father said that he told the defendant that if he found out anything was happening, the defendant would be in big trouble. The father said that he was concerned, because after [REDACTED] would be at the defendant's residence, he behaved like a different child and would be very upset and not want to talk

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about things. After confronting the defendant, the family moved to Tennessee in 2006. They returned back to Wisconsin in March 2007.

Said reports further indicate that [REDACTED] stated that it was common for him and his siblings to sleep over at the defendant's house, because the defendant had off road vehicles and three acres of land on which they could play. He said that at night, they would go inside to watch TV and play video games. He said that on at least four or five occasions in a period of four to six months while he was 10 or 11 years old, the defendant fondled his genitals and penis. He said that he and the defendant would watch TV, and the defendant would start to massage his back outside of his shirt. The defendant would gradually move his hand underneath [REDACTED] shirt and massage and stomach area. He would then lower his hand under [REDACTED] pants and underwear and fondle his genitals and penis. He said this would go on for about 10 or 15 minutes. [REDACTED] felt extremely uncomfortable during this, but he did not know what to do. He never told anyone about it, because he was ashamed and embarrassed, and because he looked up to the defendant, who was like an uncle to him. [REDACTED] said that after his father confronted the defendant about the incident up north, the sexual abuse stopped.

Said reports further indicate that [REDACTED] stated that when the defendant was at his family's residence for the Fourth of July celebration, the defendant spoke with [REDACTED] and asked [REDACTED] to come over to his house to help with some yard work on Sunday night and stay over into Monday. Before the defendant came to the residence that day, he had sent a number of the text messages that are referenced above. The defendant arrived at the residence at approximately 4:30. After he left at approximately 11:00 p.m., he sent the additional text messages to [REDACTED] that are outlined above.

Said reports further indicate that [REDACTED] reported that there were some occasions in which the defendant would touch [REDACTED] penis, and [REDACTED] penis would feel wet. [REDACTED] said that he believed that on those occasions, the defendant had performed oral sex on him, but he would not look. He said the first two times, it did not feel wet, but the last three times that the defendant touched his penis, it felt wet. He said that the defendant asked him to do the same type of things to the defendant, but he said no, and the defendant never physically forced him to perform any sexual acts on the defendant.

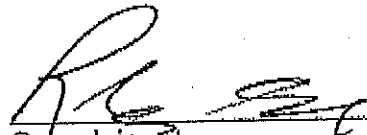
Said reports further indicate that a statement was taken from the defendant, which statement is believed to be reliable inasmuch as it was made contrary to his penal interests. The detective explained that he was investigating allegations of improper, and the defendant said that he knew the detective was talking about [REDACTED]. He said that on one particular occasion, when [REDACTED] was at the defendant's home, [REDACTED] told the defendant that he had been practicing masturbating. The defendant said that prior to that, he and [REDACTED] had discussed masturbating when [REDACTED] brought up questions about it. He said that after [REDACTED] told him he was practicing it, he asked [REDACTED] to "pull it out." [REDACTED] took his penis out of his pants, and the defendant said he saw sores on his penis. The defendant said he told [REDACTED] that he needed to use lubrication. The defendant admitted that he touched [REDACTED] penis on this occasion, and he said he believed [REDACTED] was 13 years of age. The defendant said that the first time he and [REDACTED] discussed masturbation was when [REDACTED] was 11 or 12. He said he was prompted to start discussing sexuality with [REDACTED], because [REDACTED] father picked on [REDACTED] a lot and questioned whether [REDACTED] was gay. The defendant said he had sexual conversations with [REDACTED], because he was trying to determine whether [REDACTED] was a homosexual or not. He said that he gave massages to both [REDACTED] and [REDACTED] brother, [REDACTED]. The defendant said that there were times that [REDACTED] would ask for a massage, and the defendant would give him a "whole body massage inclusive of private parts." He said this probably happened two or three times, the defendant acknowledged that at one point his own sexual gratification was, in part, the reason for fondling [REDACTED] genitals. The defendant admitted that he had sent the text messages to [REDACTED] inquiring if [REDACTED] wanted to receive a "blow job" from the defendant on July 4, 2009.

STATE OF WISCONSIN - VS - Thomas F Kafer

Said reports further indicate that the defendant admitted that he had given massages to [REDACTED], and when asked if it was possible that he had touched [REDACTED] penis, the defendant said, "It's possible, yeah. It could of, yeah. I guess he could say that."

Said reports further indicate that a statement was taken from [REDACTED], a common ordinary citizen believed to be truthful and reliable in this instance, who stated that on the Wednesday before July 4, 2008, which would have been July 2, 2008, he was at the defendant's residence, and the defendant touched him inappropriately. [REDACTED] said that he was 12 years old, and the defendant took off all of his clothing and touched his penis, testicles, and buttocks.

Based on the foregoing, the complainant believes this complaint to be true and correct.


Complainant

Subscribed and sworn to before me,
and approved for filing on:

this 17th day of July, 2009


Assistant/Deputy/District Attorney
State Bar # 1056437

BDS:mav

MAR/19/2025/WED 03:56 PM

REDACTED

FAX No. 2625487546

P. 007

STATE OF WISCONSIN

CIRCUIT COURT BRANCH II

WAUKESHA COUNTY

For Official Use Only

State of Wisconsin vs. Thomas F Kafer

Judgment of ConvictionSentence to Wisconsin State
Prisons and Extended
Supervision

Case No. 2009CF000812

FILED

06-29-2010

Clerk of Circuit Court
Waukesha County

Date of Birth: 09-06-1963

The defendant was found guilty of the following crime(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To	Date(s) Convicted
1	1st Degree Child Sex Assault - Sexual Contact with Person under Age of 13	948.02(1)(e)	Not Guilty	Felony B	07-02-2008	July	04-22-2010
2	Repeated 1st Deg. Sex.Assault-Same Child	948.025(1)(a)	Not Guilty	Felony B	09-10-2003 between September 10, 2003 and September 10, 2005	July	04-22-2010
3	Child Enticement-Sexual Contact	948.07(1)	Not Guilty	Felony D	07-04-2009 on or about July 4, 2009	July	04-22-2010

IT IS ADJUDGED that the defendant is guilty as convicted and sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Agency	Comments
1	06-28-2010	State prison	10 YR		Credit For Time Served 69 Days. Defendant IS NOT eligible for the Challenge Incarceration NOR the Earned Release Programs. Court orders this as a Risk Reduction Sentence and defendant agrees to participate in assessment and programming.
2	06-28-2010	State prison	10 YR		Credit For Time Served 69 Days. Defendant IS NOT eligible for the Challenge Incarceration NOR Earned Release Programs. Court orders this as a Risk Reduction Sentence and defendant agrees to participate in assessment and programming.
3	06-28-2010	State prison	5 YR		Defendant IS NOT eligible for the Challenge Incarceration NOR the Earned Release Programs. Court orders this as a Risk Reduction Sentence and defendant agrees to participate in assessment and programming.

Total Bifurcated Sentence Time

Confinement Period					Extended Supervision			Total Length of Sentence		
Ct.	Years	Months	Days	Comments	Years	Months	Days	Years	Months	Days
1	10	0	0		5	0	0	15	0	0
2	10	0	0		5	0	0	15	0	0
3	5	0	0		5	0	0	10	0	0

Sentence Concurrent With/Consecutive Information:

Ct.	Sentence	Type	Concurrent with/Consecutive To Comments
2	State prison	Concurrent	Count #1.
2	Extended Supervision	Concurrent	Count #1.
3	State prison	Consecutive	Counts #1 and #2.
3	Extended Supervision	Consecutive	Counts #1 and #2.

STATE OF WISCONSIN

CIRCUIT COURT BRANCH 11

WAUKESHA COUNTY

For Official Use Only

State of Wisconsin vs. Thomas F Kafer

Judgment of ConvictionSentence to Wisconsin State
Prisons and Extended
Supervision

Case No. 2009CF000812

FILED

06-29-2010

Clerk of Circuit Court

Waukesha County

Date of Birth: 09-06-1963

Conditions of Extended Supervision:

Obligations: (Total amounts only)

Fine	Court Costs	Attorney Fees	<input type="checkbox"/> Joint and Several Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
	60.00		TBD	28.00	247.00		250.00

Ct.	Condition	Agency/Program	Comments
1	Costs		Cash Bail Applied. Paid In Full.
1	Psych Treatment		Cooperate with any Mental Health Evaluations and/or treatments recommended.
1	Other		Defendant to have no contact with anyone under the age of 18 years including family members without approval of the Department of Corrections. Defendant to have no contact with the victims, [REDACTED] and [REDACTED] or their family. Attend and participate in Sex Offender Treatment. ABSOLUTE SOBRIETY. Compliance with the Wisconsin Sex Offender Registry. Submit DNA Sample. Comply with any other conditions by the Agent.
1	Restitution		Remaining bail to be held until Restitution Hearing on July 21, 2010 at 2:00 pm.
2	Costs		Cash Bail Applied. Paid In Full.
2	Psych Treatment		Same as Count #1.
2	Other		Same as Count #1.
3	Costs		Cash Bail Applied. Paid In Full.
3	Psych Treatment		Same as Count #1.
3	Other		Same as Count #1.

Conditions of Sentence or Probation

Obligations: (Total amounts only)

Fine	Court Costs	Attorney Fees	<input type="checkbox"/> Joint and Several Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
			TBD				

Pursuant to §973.01(3g) and (3m) Wisconsin Statutes, the court determines the following:

The Defendant is ☐ is not ☒ eligible for the Challenge Incarceration Program.The Defendant is ☐ is not ☒ eligible for the Earned Release Program.

IT IS ADJUDGED that 69 days sentence credit are due pursuant to § 973.155, Wisconsin Statutes

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department.

MAR/19/2025/WED 03:56 PM

FAX No. 2625487546

P. 009

STATE OF WISCONSIN CIRCUIT COURT BRANCH II WAUKESHA COUNTY

For Official Use Only

State of Wisconsin vs. Thomas F Kafer

Judgment of Conviction

Sentence to Wisconsin State
Prisons and Extended
Supervision

FILED

06-29-2010

Clerk of Circuit Court

Waukesha County

Date of Birth: 09-06-1963

Case No. 2009CF000812

Distribution:

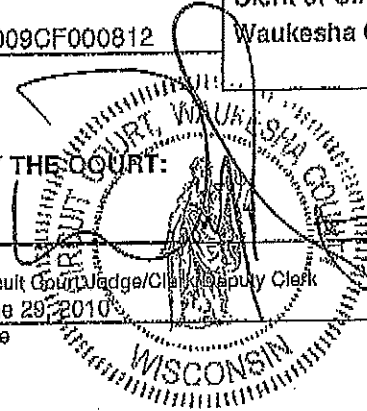
William J. Domina, Judge
Brad D. Schimel, District Attorney
Jonathan C. Smith, Defense Attorney
Jail
Dept. of Corrections
Jail Transport

BY THE COURT:

Circuit Court Judge/Clerk or Deputy Clerk

June 29, 2010

Date



STATE OF WISCONSIN

CIRCUIT COURT BRANCH 11

WAUKESHA COUNTY

For Official Use Only

State of Wisconsin vs. Thomas F Kafer

Judgment of Conviction

Amended

Sentence to Wisconsin State
Prisons and Extended
Supervision

Date of Birth: 09-06-1963

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1	06-28-2010	State prison	10 YR		Credit For Time Served 69 Days. Defendant IS NOT eligible for the Challenge Incarceration NOR the Earned Release Programs. Court orders this as a Risk Reduction Sentence and defendant agrees to participate in assessment and programming.
2	06-28-2010	State prison	10 YR		Credit For Time Served 69 Days. Defendant IS NOT eligible for the Challenge Incarceration NOR Earned Release Programs. Court orders this as a Risk Reduction Sentence and defendant agrees to participate in assessment and programming.
3	06-28-2010	State prison	5 YR		Defendant IS NOT eligible for the Challenge Incarceration NOR the Earned Release Programs. Court orders this as a Risk Reduction Sentence and defendant agrees to participate in assessment and programming.

Total Bifurcated Sentence Time

Confinement Period					Extended Supervision			Total Length of Sentence		
Ct.	Years	Months	Days	Comments	Years	Months	Days	Years	Months	Days
1	10	0	0		5	0	0	15	0	0
2	10	0	0		5	0	0	15	0	0
3	5	0	0		5	0	0	10	0	0

Sentence Concurrent With/Consecutive Information:

Ct.	Sentence	Type	Concurrent with/Consecutive To	Comments
2	State prison	Concurrent	Count #1.	
2	Extended Supervision	Concurrent	Count #1.	
3	State prison	Consecutive	Counts #1 and #2.	
3	Extended Supervision	Consecutive	Counts #1 and #2.	

MAR/19/2025/WED 03:57 PM

FAX No. 2625487546

P. 011

STATE OF WISCONSIN

CIRCUIT COURT BRANCH 11

WAUKESHA COUNTY

For Official Use Only

State of Wisconsin vs. Thomas F Kafer

Judgment of Conviction

Amended

Sentence to Wisconsin State

Prisons and Extended

Supervision

Case No.: 2009CF000812

Date of Birth: 09-06-1983

Conditions of Extended Supervision:**Obligations:** (Total amounts only)

Fine	Court Costs	Attorney Fees	<input type="checkbox"/> Joint and Several Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
	60.00		2,754.82	28.00	247.00		250.00
Ct.	Condition	Agency/Program		Comments			
1	Costs			Cash Bail Applied. Paid In Full.			
1	Psych Treatment			Cooperate with any Mental Health Evaluations and/or treatments recommended.			
1	Other			Defendant to have no contact with anyone under the age of 18 years including family members without approval of the Department of Corrections. Defendant to have no contact with the victims, [REDACTED] and [REDACTED] or their family. Attend and participate in Sex Offender Treatment. ABSOLUTE SOBRIETY. Compliance with the Wisconsin Sex Offender Registry. Submit DNA Sample. Comply with any other conditions by the Agent.			
1	Restitution			Cash Bail Applied. Paid In Full. The remaining bail to be refunded to poster.			
2	Costs			Cash Bail Applied. Paid In Full.			
2	Psych Treatment			Same as Count #1.			
2	Other			Same as Count #1.			
3	Costs			Cash Bail Applied. Paid In Full.			
3	Psych Treatment			Same as Count #1.			
3	Other			Same as Count #1.			

Pursuant to §973.01(3g) and (3m) Wisconsin Statutes, the court determines the following:The Defendant is ☐ is not ☒ eligible for the Challenge Incarceration Program.The Defendant is ☐ is not ☒ eligible for the Earned Release Program.**IT IS ADJUDGED** that 69 days sentence credit are due pursuant to § 973.155, Wisconsin Statutes.**IT IS ORDERED** that the Sheriff shall deliver the defendant into the custody of the Department of Corrections.**Distribution:**

William J. Domina, Judge
 Brad D Schimel, District Attorney
 Jonathan C Smith, Defense Attorney
 Dept. of Corrections
 Dodge Correctional Institution

FILED
 CRIMINAL/TRAFFIC
 DIVISION

AUG 12 2010

WAUKESHA CO., WI

BY THE COURT:

Circuit Court Judge/Clerk/Deputy Clerk

August 11, 2010

Date

State of Wisconsin

Circuit Court

Waukesha County

STATE OF WISCONSIN

Plaintiff,

-vs-

Thomas F Kafer
Oshkosh Correctional
PO Box 3530
Oshkosh, WI 54903-3530
DOB: 09/06/1963
Sex/Race: M/W
Eye Color: Blue
Hair Color: Brown
Height: 5 ft 11 in
Weight: 210 lbs
Alias:

DA Case No.: 2013WK005510
Assigned DA/ADA: Brad D. Schimel
Agency Case No.: 13-010850
Court Case No.: 14CF1487
ATN: 68061000007311

FILED
CRIMINAL/TRAFFIC
DIVISION

DEC 11 2014

WAUKESHA CO., WI

Criminal Complaint

2014 DEC 11 PM 2:33
CRIMINAL/TRAFFIC DIV

Defendant,

STEPHEN WESTPHAL of the Muskego Police Department, being first duly sworn on oath, upon information and belief, states that:

Count 1: SEXUAL ASSAULT OF A CHILD UNDER 16 YEARS OF AGE

The above-named defendant between March, 2008, and June, 2010, at S77 W12929 McShane Drive, in the City of Muskego, Waukesha County, Wisconsin, did have sexual intercourse with a child under the age of sixteen, a male victim, [REDACTED], contrary to sec. 948.02(2), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

PROBABLE CAUSE:

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: Based upon the reports of Detective Westphal of the City of Muskego Police Department, believed to be truthful and reliable in this instance.

Said reports indicate that in June of 2013, Detective Westphal received a report from the Dane County Department of Health and Human Services regarding a report they received from then 17 year old [REDACTED], hereinafter referred to as the victim. The victim had reported to a Dane County social worker that he had been sexually assaulted by a maintenance worker at a retirement community in Muskego while visiting his grandfather. The victim knew the suspect only as "Tom" and indicated that Tom performed anal intercourse on the victim.

Said reports further indicate that Detective Westphal made contact with the victim's mother, who confirmed that the victim had just recently revealed to her that "Tom" had sexually assaulted him while he was visiting his grandfather at the retirement community. The mother of the victim also stated that the victim routinely visited his grandfather at the retirement community, and the two of them were befriended by the maintenance worker named Tom. She became aware that the person named Tom was Thomas Kafer, the above-named defendant, when her father read a newspaper article about the defendant's arrest for sexual assault of a child. When she learned of this, she asked the victim about any inappropriate relationships or contact with Kafer, and the victim denied anything

STATE OF WISCONSIN - VS - Thomas F Kafer

inappropriate. The victim's mother stated that she did not know any of the victims or witnesses in the prior case.

Said reports further indicate that Detective Westphal confirmed through employment records that Thomas Kafer, the above-named defendant, was employed as a maintenance person for the retirement community from March 3, 2008, through June 28, 2010, when his employment was terminated. The management at the retirement community also confirmed that the defendant's duties would include routinely checking in at the individual residences of some of the individuals living at the retirement community.

Said reports further indicate that the victim gave a statement to Detective Westphal in which he reported that he would often visit his grandfather at the retirement community and would sometimes sleep over. He said they would often watch Milwaukee Brewer baseball games and hang out. He said that his grandfather befriended a person that he knew was a maintenance worker, because he had a blue maintenance uniform and an identification badge with his first and last name, along with his photograph. He said that the maintenance worker was Thomas Kafer, the defendant, and the defendant became close with the victim and his grandfather. The defendant would watch Brewer games with the victim and his grandfather. The defendant would also take the victim on golf cart rides around the retirement community grounds, and also took the victim and his grandfather to Stone Fire Pizza in New Berlin, where the defendant would pay for the victim's food and games. The victim stated that he trusted the defendant and believed that he was "one of the nicest guys he had ever met".


Said reports further indicate that the victim described an evening during the summer months when he was watching the Milwaukee Brewers play the Pittsburgh Pirates with the defendant in his grandfather's apartment. His grandfather was tired and went to bed early. The defendant started giving the victim a back massage and when the Brewers won the game, the defendant stated "We finally won this game, we should celebrate". The defendant removed the victim's pants and underwear, and then removed his own pants and underwear. The victim recalled seeing the defendant's erect penis and described it as hairy. He said that the defendant "molested" him. When asked to explain what he meant by that term, the victim stated that the defendant told him to "remember all the things I have done for you", and then covered the victim's mouth with the defendant's hand and the defendant inserted his erect penis into the victim's anus. The defendant moved in a back and forth motion for several minutes and then gently squeezed the victim's penis. The defendant then abruptly stopped, withdrew his penis and said he had to go back to work. The victim described this as feeling like he had a very large bowel movement. The defendant told the victim "Don't say anything, keep this a secret".

Said reports further indicate that the victim described later crying and feeling weak and worthless as a result of what had happened. He never told anyone about the incident until July of 2013 when he divulged to his mother "Tom fucked me". The victim stated that he did not become aware of the defendant's previous arrest for sexual assault of a child until after he disclosed the abuse to his mother. He did recall his mother asking him earlier if he had ever been inappropriately touched by Kafer, but at that time he denied anything, because he was embarrassed.

Said reports further indicate that a statement was taken from the defendant, which statement is believed to be reliable inasmuch as it was made contrary to his penal interest. The defendant confirmed that he had worked for the retirement community on McShane Drive in Muskego and he had befriended a resident who was the victim's grandfather and the victim. He confirmed that he accompanied the two of them to Stone Fire Pizza and would drive, since the victim's grandfather


STATE OF WISCONSIN - VS - Thomas F Kafer
could not drive. He said he would routinely visit the victim's grandfather during his security checks,
but claimed that he had never been alone with the victim at any time.

Based on the foregoing, the complainant believes this complaint to be true and correct.


Complainant

Subscribed and sworn to before me,
and approved for filing on:

this 5th day of December, 2014


Assistant/Deputy/District Attorney
State Bar # 1086437

BDS:jad

EXT=CODE 1

MAR/19/2025/WED 03:58 PM

REDACTED

FAX No. 2625487546

P. 015

STATE OF WISCONSIN

CIRCUIT COURT BRANCH 8

WAUKESHA COUNTY

For Official Use Only

State of Wisconsin vs. Thomas F Kafer

Judgment of Conviction

and Sentence to the
County Jail/Fine/Forfeiture

FILED

09-11-2015

Clerk of Circuit Court
Waukesha County

Date of Birth: 09-06-1963

Case No. 2014CF001487

The defendant was found guilty of the following offense(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To	Date(s) Convicted
1	4th Degree Sexual Assault	940.225(3m)	No Contest	Misd. A	03-01-2008		09-10-2015

The defendant is guilty as convicted and sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Begin date	Begin time	Agency	Comments
1	09-10-2015	Costs					Costs to be paid from his prison wages.
1	09-10-2015	Local jail	9 MO	09-10-2015			

Sentence Concurrent With/Consecutive Information:

Ct.	Sentence	Concurrent With/Consecutive To	Comments
1	Local jail	Concurrent	present sentence

Obligation Detail:

Ct.	Schedule	Amount	Days to Pay	Due Date	Failure to Pay Action	Victim
1	Criminal court costs	88.00		01-01-2099		

Obligation Summary:

Ct.	Fine & Forfeiture	Court Costs	Attorney Fees	<input type="checkbox"/> Joint and Several Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge	Totals
1	10.00	20.00			13.00	45.00			88.00

Total Obligations: 88.00

It is adjudged that 0 days sentence credit are due pursuant to §973.155, Wisconsin Statutes.

☐ It is ordered that the Sheriff take the defendant into custody.

THIS IS A FINAL ORDER/JUDGMENT FOR PURPOSES OF APPEAL.

BY THE COURT:

Distribution:

Michael P. Maxwell, Judge
Brian J. Juech, District Attorney
Thomas G. Halloran, Defense Attorney
County Sheriff
Jail
DOC-prison

Electronically signed by Michael P. Maxwell

☒ Circuit Court Judge ☐ Clerk ☐ Deputy Clerk

September 11, 2015

Date

REDACTED - REPORT OF POLICE CHIEF

- 4) Applicable factors for the Common Council's consideration shall include, but are not limited to:

a. **Nature of the offense that resulted in sex offender status**

Mr. Kafer was charged in Waukesha County as follows:

2009CF812

- 1st Degree Child Sexual Assault (under 13y) §948.02(1)(e)
Convicted of class B Felony
- Repeated Sexual Assault of a Child §948.025(1)(a)
Convicted of class B Felony
- Child Enticement §948.07(1)
Convicted of class D Felony

2014CF1487

- 1st Degree Child Sexual Assault (under 16y) §948.02(2)
Charged as Class C Felony and plead into 4th Degree Sexual Assault §940.225(3m)
a class A Misdemeanor

The reports which initiated the criminal prosecutions were delayed, likely due to the embarrassment of the juvenile victims. The criminal complaints specified two juvenile male victims and suspected at least one other. Mr. Kafer was familiar with each of the victims after having had contact with them (many times) either through his employment or friendship with the victims' families. Mr. Kafer ultimately engaged in conversations about sexual things and repeatedly had physical contact with at least one of the victims. The contact is said to have included "massages" touching of genitals and oral sex "on at least 4-5 occasions" with at least one of the victims. Another victim was said to have been anally penetrated by Mr. Kafer.

Ultimately Mr. Kafer has been incarcerated since 2010 with a potential release date of April 19, 2025. He is a lifetime registrant in the Wisconsin Sex Offender Registry.

b. **Date of offense**

The four criminal charges appear to have taken place between 2003 and 2010. The Repeated Sexual Assault spans from 2003 to 2005, 1st Degree Sexual Assault and Child Enticement in 2009, The Sexual Assault of Child under 16y which was plead down to 4th Degree Misdemeanor appears to have happened between 2008 and 2010.

c. **Age at time of offense**

This person is currently 61yoa and the offenses appear to have taken place when he was about 44yoa. Based on the date range of the offenses, the victims appear to have been in the area of 10-14yoa.

d. Recommendation of probation or parole officer

Unknown—not provided (may not have much experience or time on Parole) with anticipated release date of 04-19-25 and the City of Berlin hearing scheduled for 04-28-25

e. Recommendation of Police Department

The Police Department recommends Mr. Kafer's request be denied. Mr. Kafer's convictions demonstrate his actions were not a single lapse in judgement with a single victim. They instead show a pattern of behavior with several incidents and at least two victims. All four of his charges are specifically listed in the Berlin Ordinance (46-171) as "crimes against children". Three of those charges are criminal convictions and one was amended by plea bargain to a misdemeanor not specified in ordinance 46-171. It is the amended charge that causes me the most hesitation since Mr. Kafer is described in the criminal complaint as having penetrated the child with his penis. On the exception request form, Mr. Kafer is asked to describe how he thinks he made the victim feel in that incident, his response was "very uncomfortable to be touched anywhere on the body (shoulder) especially unwanted". The disparity between the criminal complaint and Mr. Kafer's statement leads me to believe he may be minimizing or failing to take ownership of his actions.

Mr. Kafer has not maintained the property as detailed in ordinance 46-173(5). Since our ordinance pre-dates Mr. Kafer's convictions, I also considered that he did not maintain the residence as his own, since prior to the convictions. This location is about 186ft from the Mound St Park and falls well within the 300ft safety zone specified in ordinance 46-172. I would request any variance of distance not be provided, since that variance would need to be specifically considered for a single offender and potential enforcement action could become difficult and incongruent with other offenders.

f. Recommendation of any treating practitioner

[REDACTED]

g. Counseling, treatment and rehabilitation status of sex offender

[REDACTED]

h. Remorse of sex offender

Unknown

i. Duration of time since sex offender's incarceration

None? (I understand Mr. Kafer to be seeking a residence upon his release from prison, which according to his application is scheduled for 04-19-25.)

j. Support network of sex offender

Unknown

k. Relationship of sex offender and victim(s)

"Friends" either with the victim's family or through contact at his former place of employment.

l. Presence or use of force in offense(s)

None that I am aware of.

m. Adherence to terms of probation or parole

He is still incarcerated.

n. Proposals for safety assurances of sex offender

Unknown

o. Conditions to be placed on any exception from the requirements of this Ordinance

TBD