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OPEN RECORDS INVESTIGATION

District attorney won't prosecute Minocqua 911 sexual assault case

Minocqua police officer recommended second degree sexual assault charges

By Richard Moore
OF THE LAKELAND TIMES

The Oneida County district attorney says he won't file charges in an incident from 2020 in which a woman says she was sexually assaulted during a period of more than 90 min-

utes that it took police to respond to repeated 911 calls and requests for police to help her.

After reviewing the sexual assault complaint and case, district attorney Michael Schiek says there was no evidence of a crime,

no evidence of sexual contact or intercourse, and whatever may have happened was, "by all accounts," consensual.

However, those conclusions conflict with those of Minocqua police officer Jazmin Sol-

berg, who conducted an investigation of the incident. Solberg recommended charging the alleged assailant with second degree sexual assault of an intoxicated person.

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Punzel suspended pending investigation

By Richard Moore
OF THE LAKELAND TIMES

Minocqua police officer Kaleb Punzel has been placed on paid administrative leave pending the outcome of an investigation into an incident in the summer of 2020 in which the officer brushed aside repeated pleas for help by a man who had been calling 911 to report that a woman acquaintance could be in immediate danger, the Minocqua chief of police confirmed this week.

The suspension comes after *The Lakeland Times* published the first in a series of investigatory articles about the incident. Police

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BRETT LABORE/LAKELAND TIMES

Minocqua town board approves CUP, OKs liquor license

Class B liquor license application contingent on ARP approval by plan commission

By Brian Jopek
OF THE LAKELAND TIMES

For the second meeting in a row, the Minocqua town board on Tuesday heard some good news, as it relates to incoming businesses.

Earlier that day, the town's plan commission approved a conditional use permit (CUP) for a new Taco Bell restaurant that, if ultimately approved by the Oneida County planning and development committee, would be constructed on a vacant lot at 8660 U.S. Highway 51 "directly north of the former Popov's property," as town chairman Mark Hartzheim described it at the town board meeting.

It took the town board just a few minutes to also approve the CUP for the Taco Bell restaurant, CUP applicant Zachary Zrelickson of Border Foods of Wisconsin telling the town board the goal is to have the business open by the end of the year.

With the plan commission and then the town board approving the CUP, it will be on the agenda for the April 6 meeting of the county's planning and zoning committee meeting.

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SEND-OFF TO STATE

Cooper Fink, left, and Teag Wagner hold the "Walk of Champions" banner and sectional championship plaque as they lead the Lakeland boys' hockey team into the Lakeland Union High School fieldhouse for a state send-off on Wednesday, March 2, in Minocqua.

LUHS adopts Sept. 1 school start date

By Kelly Holm
OF THE LAKELAND TIMES

After area business owners spoke out last month against the possibility of Lakeland Union High School requesting state approval for a pre-Sept. 1 start date to the 2022-2023 academic year, the school board voted on Feb. 28 to begin school Sept. 1.

Opposition to an earlier start date was largely based around the need for teenage workers during the tourism-heavy Labor Day weekend.

"We ask that you priori-

tize the health of our community as a whole in relation to our student workforce, as they're a huge factor in how well our community thrives," Northfork Fin & Filet owner Christie Terkelson, who gave a similar message at last month's meeting, said. "We rely so heavily on those high school students to be part of our workforce."

The calendar the district ended up approving was one of two possibilities assistant principal Levi Massey presented to the board. This plan, Version

B, was about \$9,000 costlier than the other option with regards to transportation, due to more inconsistencies with other consortium schools' calendars.

The rejected proposal, Version A, would have made Aug. 30 the first day of school for freshmen and transfer students, with Aug. 31 being the first day for all others.

As an olive branch to businesses, this calendar would also have made Sept. 2 — the Friday of

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Board

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Forestry Tap & Axe

The town board gave conditional approval for issuance of a Class B liquor license to Forestry Tap & Axe, owned by Kim and John Sylla.

The business will be in a former medical equipment building at 9871 State Highway 70 on Minocqua's west side.

The couple is planning on a May opening for the business, which will feature, aside from craft beers and specialty cocktails, an axe throwing room.

The Syllas have begun the administrative review permit (ARP) process with Oneida County and Minocqua town secretary Lynn Wildes said Wednesday she antici-

pates the ARP application to be on the agenda for the March 29 Minocqua plan commission meeting.

Other matters

The town board also:

- Heard an update from Minocqua Public Works Director Mark Pertile on plans for construction work at Torpy Park this summer.

- Approved an ordinance amendment establishing a speed reduction on Cedar Falls Road. Pertile said signage wouldn't be installed until the snow melts, but Minocqua Police Chief Dave Jaeger said with the speed limit change "on the books," it's enforceable.

- Approved amendments to the town ordinance pertaining to the depositing of snow, ice and/or water onto a public right-of-way.

- Denied a request from Foley's



BRIAN JOPEK/LAKELAND TIMES

The future site of Forestry Tap & Axe in Minocqua.

Tree Service for an annual permit for an oversized and overweight crane to travel on town roads.

Pertile said the piece of equipment

in question weighs at least 60 tons.

Brian Jopek may be reached via email at bjopek@lakelandtimes.com.

Case

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In Solberg's supplemental narrative report referring charges to the district attorney, the officer cited the woman's .23-alcohol breath test and other statements and evidence to find reasonable belief that "[the woman] had been too intoxicated to be able to give consent for sexual contact or sexual intercourse."

Solberg also said she reasonably believed that sexual contact or sexual intercourse may have occurred, citing DNA testing that showed moderate support for the alleged assailant's DNA on the woman's underwear, and she observed that, in separate interviews, the alleged assailant had changed his story.

The woman complainant has filed a notice of claim against the town of Minocqua, the Minocqua Police Department, Minocqua police officer Kaleb Punzel, and the man whom she alleges to have assaulted her.

As previously reported, an acquaintance of the woman that night called 911 multiple times to seek immediate assistance for the complainant, whom he said was being held at a nearby residence and was in immediate danger.

Instead, while driving to the scene to investigate after being called on his personal cell by the alleged assailant, whom Punzel knew because the caller was his contractor, Punzel encountered the complainant's acquaintance on the roadside, brushed aside his pleas that police help the woman, and arrested him for drunken driving. It took police more than 90 minutes after the first 911 call to get to the property.

Enjoyable evening, until it wasn't

The police officer's and district attorney's conflicting conclusions about whether charges should have been filed — they disagreed about whether sexual contact likely occurred, and, if it did, whether it was consensual — emerged from a night of drinking, all sides agree.

According to police reports, the alleged assailant was selling his property, and on the day of the incident, James Koski, a prospective buyer, with an acquaintance arrived at the property to take a look.

In the complainant's version of events, as told to and reported by Solberg in her supplemental narrative, it took two hours to show the property, and drinking had started before the tour ended. The complainant said she had two Miller Lites and followed that with three or four "Polish shots," which had a red liquid with vodka poured on top of it.

The complainant told Solberg she knew she was "extremely intoxicated." Before they could leave, according to the police report, the complainant said the alleged assailant made them a pizza and kept telling them to "eat, eat, eat, eat, eat," though the complainant said she did not think the alleged assailant ate any of the pizza himself.

"[The complainant] stated 'I remember talking for maybe a minute more, and I vaguely, vaguely remember being on the couch and not being able to get up,'" Solberg wrote of her interview with the complainant. "[The complainant] told me that she remembered not being able to move at all. [The complainant] stated she did not remember being carried anywhere by [the alleged assailant] nor did she remember walking upstairs."

What she did remember, Solberg wrote, was feeling "flesh against [her]." She told Solberg she believed she was "completely naked," remembered "an elderly man's flesh" pushed against her, and that "there was a naked body on top of me."

"[The complainant] told me that she thought at one point she had been dreaming," Solberg wrote. "[The complainant] told me, 'I can't say I remember penetration, but I remember pushing.'"

The next thing she remembered, Solberg reported, was an officer telling her that she was naked and to put her clothes on.

"[The complainant] told me, 'I know I woke up in the upstairs bedroom,'" Solberg wrote. "She remembered the officer asking her if she was okay and if she wanted to call somebody. In a shaky voice she told me, 'I basically woke up, a police officer was waking me up saying 'you're naked.'"

Solberg reported that she could see that the complainant was trying to hold back tears as she recounted the events during the interview. The complainant also told Solberg she had not known when the police arrived where Koski was and

thought maybe something had happened with him because they had been drinking — in fact, he had been trying to get her help — and she was confused and wanted to go home. Police finally dropped her at The Waters — it was 4 a.m. — where she spent the rest of the night.

In his interview with Solberg, Koski's memory of the evening dovetailed with that of the complainant's. They arrived, toured the property, had two beers and "at least three" shots, and the alleged assailant made them food, which the alleged assailant did not eat, Koski told Solberg.

Koski also said the alleged assailant had been making innuendos toward the complainant all evening, and at one point Koski said he began to have "a bad feeling about the situation" and knew something was wrong.

"James told me that he had felt disoriented and believed he had been 'roofied,'" Solberg wrote in the report. "He told me several times that he believed he had been drugged. James told me [the complainant] had fallen asleep on the couch and he tried waking her up."

Koski then told Solberg he remembered seeing the alleged assailant carrying the complainant.

"[The alleged assailant] had carried [the complainant] into the house and upstairs to the second floor," Solberg wrote in her report.

"James stated he followed [the alleged assailant] up the stairs and saw him put [the complainant] on the bed. James said he tried waking [the complainant] up again, telling her '.... no, no. Come on, come on we gotta go.' [The alleged assailant] then grabbed James and said, 'she's staying here, you get out of here.'"

Solberg said Koski made a forward pushing motion to demonstrate how the alleged assailant pushed him away. Koski told Solberg he felt useless because he couldn't help the woman when she was in danger, she wrote in her report.

At that point, Solberg reported, Koski left the residence and began to call 911.

As the story changes

Solberg also interviewed the alleged assailant, who said he was worried about the complainant's safety if she left with Koski.

The alleged assailant's nar-

ration of the early portion of the night was about the same as the others — they toured the property, they sat around outside drinking, and "that is when it started, you know, one beer, second beer, and a couple shots," he told Solberg, as she wrote in her report.

"He told me that [the complainant] 'was so much drunk' and that she had fallen on the floor a couple times," she wrote in her report.

The alleged assailant said he had one beer and two shots, and the others maybe had five or six shots of vodka with syrup, according to Solberg's report. He told Solberg that Koski seemed OK, but the complainant was drunk. After it got to the point that Koski and the complainant had obviously had too much to drink, the alleged assailant said he made them a pizza, Solberg wrote.

Around midnight, [the alleged assailant] told Solberg, he began to worry.

"[The alleged assailant] explained that [the complainant] and James were friendly together, but that he became worried when he realized that [the complainant] and James did not know each other that well," Solberg wrote in the report. "[The alleged assailant] stated he felt that James was standing too close to [the complainant] and had hugged her at one point. He stated that he was mostly worried about [the complainant] because 'she probably don't know what she was doing.'"

According to Solberg's report, the alleged assailant offered to let them both stay over because they were drunk. Both Koski and he were not happy about the situation, the alleged assailant told Solberg. He said at that point, about 12:33 in the morning, he called Punzel on his personal cell to explain the situation and to tell him he did not want Koski at the residence anymore.

"[The alleged assailant] stated that he was scared and did not know how James was going to react, which is why he called an officer," Solberg wrote.

The alleged assailant told Solberg that he did not feel comfortable letting the two leave together, since he had served them the drinks, and that he told Koski "to go home, she can't go with you."

The alleged assailant told

Solberg [the complainant] was "okay to stay," according to the police report. He called Punzel a second time to see if any officers were coming, and he told Solberg, that he then carried the complainant up the stairs because she could not walk on her own and put her in a spare bedroom. Koski had left when the alleged assailant returned downstairs, and so the alleged assailant said he called Punzel to tell him the issue was resolved and he did not need assistance.

"[The alleged assailant] stated [the complainant] stayed in the spare bedroom until officers arrived at his residence," Solberg wrote in her report.

During the time between Koski's departure and the arrival of the officers — more than 90 minutes — the alleged assailant said he checked on the complainant, talked with her some, and then went downstairs to make her some tea, at which point the police arrived, Solberg wrote.

The alleged assailant told Solberg nothing happened between the two, and he agreed to a DNA test.

In a follow-up phone interview, the alleged assailant changed his story, according to Solberg's report. For one thing, he clarified, he had not put the complainant in a spare bedroom but in his own bedroom, Solberg wrote.

The alleged assailant told Solberg he could not remember if the complainant had taken her pants off; she had been covered by a blanket. He also told Solberg he had not taken his clothes off.

"I told [the alleged assailant] that after reviewing the body camera footage from one of the officers on scene, that I observed him wearing only a t-shirt and underwear," Solberg wrote. "He told me he took his pants off when he went to bed."

He also told Solberg he slept on the downstairs couch, but he went upstairs when he heard the complainant wake up. He then told Solberg he got into bed next to the complainant and did not have pants on.

"While lying in bed with [the complainant], [the alleged assailant] stated they began to talk and started kissing," Solberg wrote in the report. "I asked [the alleged assailant] how many

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