



# THE LAKELAND TIMES

MINOCQUA, WISCONSIN • FRIDAY, MARCH 11, 2022

\$1.50

"THE VOICE OF THE NORTHWOODS SINCE 1891"

WWW.LAKELANDTIMES.COM

## DON'T FORGET!

Daylight saving time begins Sunday — set your clocks ahead by one hour



### OPEN RECORDS INVESTIGATION

Last in the series of 3

## Transcript: Punzel feared higher cost for his bathroom if he had to arrest contractor

### Body cam footage conflicts with officer's testimony in OWI case

By Richard Moore  
OF THE LAKELAND TIMES

During a 2020 incident, in which a Minocqua police officer brushed aside repeated calls for help by a man who believed an acquaintance could be in immediate danger at a nearby residence, the officer cited multiple reasons why he could not investigate, but a core concern was that he could end up paying more for work on his bathroom, court records show.

That's because the owner of the residence, whom the 911 caller said was holding a woman and could be endangering her, was Minocqua police officer Kaleb Punzel's contractor for

bathroom work at his home.

Punzel ultimately arrested the 911 caller, whom he had encountered along the roadside, for operating under the influence but failed to express any urgency about investigating the appeals for help to other officers arriving on the scene or to dispatchers, as police reports, body cam footage, and dispatch recordings demonstrate.

In fact, by the time Punzel encountered the 911 caller, the contractor had already called Punzel to give his version of what was going on at the property, which was that everybody had been drinking and the female acquaintance was asleep on the couch.

That acquaintance whom the 911 caller, James Koski, was trying to help subsequently said she was sexually assaulted during the time Punzel was dismissing the seriousness of the threat, and has filed a notice of claim against the town of Minocqua, the Minocqua Police Department, Punzel, and the man she alleges to have assaulted her, Lech Maczuga.

#### The price of an arrest

During the OWI stop that night, as Koski was urging Punzel to immediately head to the property to investigate the situation, Punzel offered

"So if Lester gets bailed out, he comes back to work on my house the very next day and says, 'Oh, it was \$2,000, now it's \$6,000 because you arrested me last night.'"

Kaleb Punzel, under questioning from the presiding judge, Oneida County circuit judge Patrick O'Melia

See Case . . . page 36



TREVOR GREENE/LAKELAND TIMES

## COLD PLAY

Jeff Willoughby putts on hole 11 as his teammates, from the left, Terri Aittama, Craig Aittama and Katie Willoughby look on during the 19th Annual Lake Minocqua Ice Golf Tournament on Saturday, March 5.

## Generations loses land donation from 2018

### Nerdahl: 'It's very frustrating'

By Brian Jopek  
OF THE LAKELAND TIMES

In May of 2015, the Lakeland Senior Center in Woodruff was destroyed by fire.

In April of 2018, the Ascension Medical Group donated nearly two acres of land across from One Penny Place.

That's where a new facility with a new name — "Generations" — was to be constructed.

In the most recent edition of the newsletter for Generations, Brian Nerdahl, Lakeland Retirement Foundation (LRF) and Generations president, provided an update regarding the original donation agreement from Ascension, which "stated that they would give us three years to construct a building on the property."

"After three years and having to deal with COVID-19, we were unable to build on the property by April 2021 as the agreement stated," he said in the newsletter article.

In 2021, Howard Young Medical Center was one of several Ascension facilities purchased by the Aspirus Healthcare Group.

"The Aspirus Healthcare Group gave us an extension until December 31, 2021," Nerdahl wrote in the Generations newsletter, stating the board of directors for Generations drafted a formal request for Aspirus to grant a five-year extension Nerdahl said was submitted to Aspirus back in September of 2021.

"That letter also had a request from us for an out-right donation of the property from Aspirus to the Lakeland Retirement Foundation, free of any conditions to build

## Legislature appeals state Supreme Court's redistricting decision

### Handrick: Governor's maps unconstitutional, reduce competitiveness

By Richard Moore  
OF THE LAKELAND TIMES

The state Legislature has appealed to the U.S. Supreme Court last week's state Supreme Court decision that embraced redistricting maps by the Evers administration, the drawing and adoption of which legislative Republicans contend was dominated by race.

The state high court vote was 4-3, with justice Brian Hagedorn joining the court's three liberals to choose the governor's maps over those

submitted by the GOP-controlled Legislature.

After the appeal was filed, state Senate majority leader Devin LeMahieu (R-Oostburg) said the objection to Evers's maps was not a question of partisan outcome but rather one of law, especially what Republicans say is a racial gerrymander that creates a new minority-majority district but which they and other critics, including some black lawmakers, say actually di-

See Maps . . . page 35

See Loss . . . page 43

Print Run 5,500  
Vol. 131 - Issue 06  
1 Section, 48 Pages





# Case

From page 1

multiple reasons why he could not do so.

In one exchange with Koski, captured on body cam footage, Punzel offered up that he knew there was no emergency because Maczuga had told him personally what was going on at the house. A second reason Punzel gave was that he couldn't leave Koski alone at the OWI scene.

A third reason — given in testimony at a motion hearing in March 2021 concerning Koski's OWI — was that he didn't want to go without backup to a remote property with poor radio reception.

"Why is it that you didn't go to Lester's house?" Minocqua town attorney Greg Harold asked at the hearing, according to the transcript. Punzel knew Maczuga as "Lester."

"... I did not feel safe not only, one, leaving Koski, but I didn't feel safe if there was a disturbance going on going into an area of Minocqua that I know has poor radio service on my portable radio," Punzel replied. "It's not a safe location to go. And protocol of Minocqua Police Department is if you go to a disturbance with more than one person, a backup officer needs to be there for safety."

Later in that testimony, however, under questioning from the presiding judge, Oneida County circuit judge Patrick O'Melia, Punzel explained his angst about the bathroom costs. Put simply, Punzel testified that he was afraid the contractor would raise the price of his bathroom construction if Punzel investigated and ended up arresting him.

At one point, for instance, O'Melia questioned Punzel about the conflict of interest that Punzel repeatedly told Koski and other officers he had because he knew Maczuga.

Punzel said Maczuga was a contractor on his house, and at that time he was completing work and Punzel owed him money.

So what was the conflict? O'Melia asked.

"The conflict is that if I need to take enforcement action based on the situation, I don't believe I could have done that unbiasedly as he is currently working on my house and I owe him money for work that he was completing on my house," Punzel said.

O'Melia wanted to know how such a conflict would keep him from going to the house.

"But you didn't believe Koski because you said it [his story] didn't make any sense and that was the person that left the house, so what was the conflict of going up to the house?" the judge asked.

The conflict was that he was already out with Koski, Punzel replied.

"I had clues of impairment immediately with Koski," he said. "And I did not feel safe not only going to the house alone in a location in Minocqua where we have poor radio reception, but also I would have to leave somebody who is impaired who was observed operating a motor vehicle by themselves. From past experience I have

had individuals that have failed to tell the truth that were impaired while driving attempt to mislead my investigation with the attempt to I guess not be prosecuted for operating under the influence or obstructing."

So did Punzel get that impression from Koski, that he was lying to get out of an OWI, O'Melia asked.

"No," was Punzel's response.

Then, in startling testimony later in the hearing, Punzel said he was afraid that if he investigated and had to arrest Maczuga, Maczuga might raise the cost of the work on his bathroom.

That acknowledgement came after O'Melia established that Punzel had received a call from Maczuga, who told Punzel said they were drinking, and the woman's acquaintance (Koski) didn't want to leave the house.

"I guess my bias for Lester would be that if I had to take enforcement action and it would be on Lester, he could come back and raise the price of what this bathroom costs in turn bringing into another court proceeding," Punzel told the judge.

O'Melia tried to clarify whether it was the cost of a bathroom or the fact that Punzel knew Maczuga that constituted a conflict.

Punzel said it was the fact that he knew Maczuga, but he added "[b]ut that he was performing work on my house."

O'Melia asked Punzel if he thought he could get a deal by arresting Koski for the OWI, but Punzel said that wasn't the case. He then proceeded to explain what he meant.

"Because it's a direct affection [sic] of that individual," Punzel testified. "It's directly affecting Lester if I arrest Lester. So if Lester gets bailed out, he comes back to work on my house the very next day and says, 'Oh, it was \$2,000, now it's \$6,000 because you arrested me last night.' I believe that's a direct reflection of what occurred, a direct indication of what occurred."

## Challenges to Punzel story

During his testimony at the March motion hearing, the transcripts show that Punzel made a number of statements that were subjected to close questioning, especially by O'Melia. He also made statements that were not accurate.

Most significantly, Punzel testified that he and Koski waited for a second officer to arrive in order to ask Koski to take a field sobriety test. When Woodruff officer Brian Czlapinski arrived, Punzel said Koski refused to take the test, and so Punzel arrested him.

"I asked Mr. Koski again if he would submit to standardized field sobriety testing, he stated he would not which I deemed as a refusal, and he was advised he was being placed under arrest for operating under the influence," he testified.

For his part, Koski says he was never asked to take a field sobriety test after Czlapinski arrived — not by Punzel, not by Czlapinski — and, according to the police cam footage, Koski's version is correct.

"You know what, we'll wait until the other officer shows up," Koski told Punzel just prior to Czlapinski's arrival, Punzel's body cam shows.

"That's fine," Punzel said. "If you feel comfortable doing that, we can conduct the test when they get here."

Koski again asked Punzel to call 911 and continued to ask why Punzel did not want to "go up the street." Punzel told Koski he never said he didn't want to investigate. The conversation continued in the same vein — back and forth, with Koski at one point asking Punzel to help him understand why he wouldn't investigate, and Punzel saying he could not.

Punzel then asked Koski if he was going to consent to the field sobriety testing, and Koski said he would "in my due time." Koski then accused Punzel of trying to avoid the situation, and Punzel said he was not.

"But if you continue to do that, I am going to place you under arrest for operating under the influence," he told Koski. "I'm going to place you in the back of my squad car and from there it will be dealt with accordingly."

It is not clear what 'continue to do that' referred to, though Koski was recording Punzel with his phone at the time. At that point, Czlapinski arrived, and Koski said "great" and "wonderful."

As the other officer began to approach the two, Punzel asked Koski to step to the front of his truck.

"I need you to place your phone up here for me," Punzel said. "Place your phone up there for me, sir. Place your phone up there for me, sir. Sir, can you please place your phone there. ... James, can you please place your phone on the truck for me. James, I'm asking one last time, would you please place your phone on the truck for me. If you do not consent to what I'm doing, I am going to place you under arrest for operating under the influence. Do you understand? Do you understand, James?"

By that time Czlapinski had walked up to the two, and Koski tried to tell the other officer he had been recording the conversation. Punzel stopped him.

"James, place your phone .. all right, you're being placed under arrest for operating under the influence," he said. "Nope, place your hands behind your back."

At the motion hearing, O'Melia questioned that sequence of events.

"And the point was made by Mr. Koski that he'll wait until the other officer gets there, remember that?" O'Melia asked. "... There was discussion that Koski was worried about your bias incident and said — he referenced it a couple times, that you shouldn't be doing this and I'll wait until the other officer arrives, right?"

Punzel said 'yes' and that it would have been okay for another officer to conduct the test.

"And within seconds after Czlapinski getting into the field of view, you place Koski under arrest," O'Melia said.

"Yes. I asked Koski if he would submit to standardized field sobriety," Punzel replied. "Once officer Czlapinski arrived, he refused, at which

time he was placed under arrest."

O'Melia pressed on: "Why not let Czlapinski do the field tests?"

"Because after — I was completing the investigation at that point," Punzel replied. "Could he have done it? Yes."

"So when Czlapinski was there you asked him to do field sobriety tests?" O'Melia asked.

Yes, Punzel said.

"And then you asked him to set down his phone," O'Melia said, and Punzel said that was accurate.

"It seems like you're arresting him because he wouldn't put his phone down or was obstructing," O'Melia said.

Punzel said that wasn't accurate.

"The reason why I asked him to put down his phone is because he could be placed in handcuffs, and if he wanted to resist, he was going to drop the phone," he said. "So I asked him to place what was in his hand down before he was going to be placed in handcuffs."

The problem with that testimony is that Punzel assured Koski he could take the field test when another officer arrived, and he told O'Melia that Koski refused after Czlapinski arrived, and then he arrested him. However the body cam footage shows that Punzel never asked Koski to take a field test after Czlapinski arrived but, as O'Melia pointed out, arrested him within seconds.

What's more, Punzel's own testimony was contradictory, undermining his claim that he had asked Koski to do a test after Czlapinski arrived: When that officer arrived, Punzel was in the middle of repeatedly asking Koski to put his phone down, which he was demanding, he told the judge, because he was "completing the investigation" and was asking him to put his phone down so he could handcuff Koski.

Since Punzel was asking Koski to put his phone down before Czlapinski joined them, he apparently had already made the decision to arrest Koski without offering a field sobriety test when Czlapinski arrived.

## Why not take Koski to investigate

O'Melia also questioned Punzel over his decision not to take Koski with him to investigate — as Koski had suggested multiple times — since he said he could not leave the suspected OWI driver alone.

For one thing, O'Melia wondered, why didn't Punzel just go straight to the house initially, since he had already received a call from Maczuga.

"[M]y thought process is I came across an individual that was potentially involved," Punzel replied. "I have impairment from this individual. I did not feel safe leaving that individual... I was on my way to go to the house and I came across Koski in the middle of the road operating the vehicle. So until I had that contact I could not confirm that he was involved in this incident. I had reasonable suspicion to believe based on the totality of information I had to that point he was potentially in-

involved, but I did not know that until contact and verbal communication was made."

Earlier, O'Melia had summed up what he believed Punzel to be saying.

"You were talking about a person in custody and you didn't want to put him in the back of your squad to go up to the residence for safety reasons," O'Melia said.

Punzel pointed out that, at that time, Koski was not in custody.

"To that point I have reasonable suspicion to believe that he was drinking, but I did not feel safe putting somebody in the rear vehicle [sic] of my squad, secure, to go to an unknown residence where I had unknown danger," Punzel said.

O'Melia took issue that the residence was unknown. In fact, Punzel had already testified that he had visited it once.

"Well, it was a known residence, right?" O'Melia asked.

"It was a known that it was Lester's residence, but it was an unknown of what I was going into if he asked him to leave," Punzel replied.

O'Melia then asked Punzel if he had ever put someone in the back of a squad to head to another location where a field test is performed, like other officers do.

"Have you ever put — like in foul weather, I'm familiar with officers sometimes not doing field tests at the scene but actually putting them in the back of the squad and going either to the squad — or the department or some other location," the judge said.

Punzel replied that he had never done that.

Finally, O'Melia questioned Punzel about how much of a threat or flight risk Koski might really have posed if Punzel had investigated.

Within minutes of talking to Koski, O'Melia confirmed that Punzel could have arrested him, so O'Melia asked why he didn't do that.

"Safety concern," Punzel answered.

In that case, O'Melia asked, wouldn't it have been safer to handcuff him and put him in the back of the squad car.

"At that time I didn't believe so," Punzel said. "If Koski would have made any flight movement, would have attempted to fight me I —"

O'Melia interrupted Punzel. "The last thing he wanted to do on the video is take off from you, right?" the judge asked.

Punzel said he had no idea within that first few minutes and needed more time to gauge that.

"I can't just come up to somebody, 'Hey, you've been drinking. Are you going to run, are you going to fight, or are you going to want to try to mislead me?'" he said. "I have to take my investigation, develop it the best I can. I felt it was safest ..."

"Did he make any threatening moves to you in 30 minutes of discussion?" O'Melia asked.

"No, he did not," Punzel replied.

"So ..."

Punzel replied: "Safety concern."

*Richard Moore is the author of the forthcoming "Storyfinding: From the Journey to the Story" and can be reached at richardmoorebooks.com.*