



# THE LAKELAND TIMES



## SUMMER VOLLEYBALL

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# Staffing still a challenge despite state's low unemployment rate

### Local business owners frustrated with 'ghost interviews'

By Trevor Greene  
OF THE LAKELAND TIMES

Wisconsin's unemployment rate hit an astounding 14.1% in April of 2020, according to the U.S. Bureau of Labor Statistics.

The last time it was close to that number was in February of 1983 when it reached 12.8%.

Since reaching historic highs, the unemployment rate in the state has dropped significantly, according to the Bureau, with its most recent rate recorded at 2.9% in May.

As of July 9, 23,400 state unemployment insurance claims were reported by the Bureau, an increase from June 4 when the number of claims stood at 18,400 but still significantly lower than

May of 2020 when the number of claims reached a peak of 351,000.

While the numbers reported by the Bureau are encouraging, it doesn't seem to reflect the reality of some Northwoods businesses.

According to Bob Rynders, his Minocqua-based Rynders Excavating and Landscaping is short-staffed, and trouble finding help

continues to be a problem.

Some positions, he said, have been vacant for about a year now, and conducting interviews with applicants is done on a monthly basis, though they are scheduled more frequently.

"Here's what's going on is you get a couple applications weekly — two, three — and then you ask 'em to come

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## GAS WATCH

- Nat. Average: .....\$4.46
- WI Average: .....\$4.19
- Green Bay: .....\$3.76
- Janesville: .....\$3.78
- Madison: .....\$3.79
- Minocqua: .....\$4.14
- Portage: .....\$3.89
- Waukesha: .....\$3.99
- Wausau: .....\$4.11

Latest prices reported for one gallon of unleaded gasoline according to local observations and GasBuddy.com as of 4 p.m., Wednesday, July 20, 2022.



TREVOR GREENE/LAKELAND TIMES

## HISS!

Amber Flatley snaps a picture of her 12-year-old daughter Braylee as she bravely holds a Madagascar hissing cockroach while her eight-year-old brother Beckham looks on during the 53rd Annual Gem & Mineral Show on Friday, July 15, at Lakeland Union High School in Minocqua.

# Woman alleging sexual assault obtains 10-year order of protection

### Oneida County district attorney declined to prosecute alleged attacker

By Richard Moore  
OF THE LAKELAND TIMES

A Wisconsin woman who says she was sexually assaulted by a man at the 2021 Hodag Country Festival in Rhinelander has successfully obtained an uncom-

mon 10-year order of protection against the alleged attacker — the maximum amount of time that such an injunction can last, by statute.

The office of Oneida County district attorney

Michael Schiek did not bring charges in the case.

The injunction is an order of the court barring harassment of the woman for a decade. Under the statute,

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## Minocqua town board OKs improvements for Minocqua Winter Park

### Music venue request for the park reviewed

By Trevor Greene  
OF THE LAKELAND TIMES

Minocqua Winter Park is to undergo improvements for better snow storage intended to provide better parking.

Minocqua director of public works Mark Pertile told the town board at its meeting Tuesday he's been working with the park's foundation and suggested bringing in a work crew from the McNaughton Correctional Center to help eliminate trees alongside the entrance road.

"We've widened the road a little bit, but you know, when we get large snowfalls, having that snow storage where we can get it off far enough so we can have parking alongside the road coming into the parking and also the back of the parking lot," Pertile said. "When you start having snow coming in from the back we have some trees there that are preventing us from pushing the snow further in than we need to."

He said trees behind the tubing hill will be looked at as well.

"I would say do it," town supervisor John Thompson said. "It's a world-class facility."

Town supervisor Brian Fricke agreed and said he was glad the idea was brought to the

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## Rate

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### What employers can do, according to the Department of Workforce Development

In an email to the *Times*, the director of communications with the Department of Workforce Development, Jennifer Sereno, explained how employers can report “ghost interviews” or the failure of those to report to start a job at UIJobRefusal@dwd.wisconsin.gov.

Information she said an employer should include: the claimant’s name and social security number, the type of

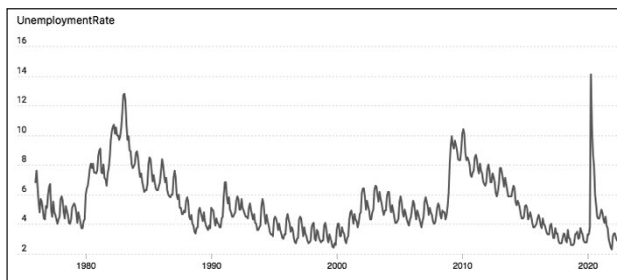
work offered, the rate of pay and hours the job included, the date on which the refusal occurred, the date on which the claimant could have begun work and the reason the claimant gave, if any, for refusing the offered work.

“If it is determined that a claimant refused a bona fide offer of suitable work from (an employer) without good cause and the wages, hours and other conditions of the job were substantially less favorable than those prevailing for similar work in the locality, benefits will be denied,” Sereno said. “If benefits have been

received, then they will (be) considered overpaid and require repayment.”

She added that random audits are conducted by the state’s unemployment insurance division, and if a claimant listed an employer they “ghosted” then weekly benefits would potentially be denied if there is not “another work search action to replace it.”

Besides addressing businesses being ghosted, Sereno also noted that currently approximately 0.7% of the state covered workforce is applying for benefits, which is approximately 25-30% of



CONTRIBUTED GRAPHIC

Wisconsin’s seasonally unadjusted unemployment rate from January of 1976 to May of 2022. Data source Bureau of Labor Statistics.

the overall number of unemployed workers in Wisconsin.

“The majority of those who are unemployed in Wisconsin are not applying for or receiving (unemployment) benefits,” she said.

Sereno also mentioned Wisconsin’s near record low unemployment rate, describing the competition among employers as “fierce.”

She then highlighted Gov. Tony Ever’s efforts to address the state’s workforce needs by approving an investment of \$150 million with funds provided by the American Rescue Plan Act to do so.

“The groundbreaking investment builds on Wisconsin’s leadership in workforce development and advances the state’s economic com-

petitiveness,” Sereno said. “(The investment) is delivering regional solutions to address the labor force challenges and workforce constraints exacerbated by the pandemic so that Wisconsin’s economy can continue to grow post-pandemic.”

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## Protection

From page 1

harassment means striking, shoving, kicking or otherwise subjecting another person to physical contact, including abuse, felony sexual assault, and stalking. Such orders of protection are generally limited by statute to a maximum of four years and are ordered only when a judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner.

However, there is one instance in which the length of the injunction can be imposed for up to 10 years, as in this case: According to the statute, a judge or circuit court commissioner may impose that length of time if the court finds, “by a preponderance of the evidence stated on the record,” that there is a substantial risk that the respondent may commit 1st-degree intentional or 2nd-degree intentional homicide, or commit sexual assault against the petitioner.

An injunction is issued only after a full court hearing where the petitioner and respondent both get a chance to tell their sides of the story. In this case, the alleged offender’s lawyer appeared in court. In the order, the court commissioner ordered the alleged attacker to avoid contact that harasses or intimidates the petitioner, including contact at home, work, school, and public places.

Even so, and despite corroborating witness accounts attesting to the woman’s mental state as she fled the camper where she says the attack occurred, despite the man’s arrest, despite a rape kit showing physical injury, and despite established medical

conditions that made even consensual sexual intercourse painful for the woman, the Oneida County district attorney’s office declined to prosecute the case after the Oneida County sheriff’s department referred the matter for review.

The alleged attacker contended the sexual contact was consensual.

The injunction, filed in court on June 7, 2022, is in effect until June 6, 2032. The *Times* reached out to district attorney Michael Schiek for comment but received no response.

### The timeline and the accounts

The alleged assault took place on July 8, 2021, in the overflow camping area of the Hodag Country Festival. The *Times* emphasizes that the alleged assault did not occur at this year’s Hodag Festival but at last year’s 2021 festival.

The woman did not call the sheriff’s department to report an assault until the following morning.

According to the July 9, 2021, sheriff’s department’s report of their investigation that day, the events of July 8 started when several female friends, including the woman, began having camper problems, specifically a power outage, and asked neighboring campers, of which the alleged assailant was one, for help. That was about 10:30 in the morning, the woman told the officer, and they had a drink with their neighbors before the neighbors fixed the problem.

After that and throughout the afternoon, the report states, they all played games and drank alcohol.

“[The woman] stated that at one point, a subject by the name of [redacted] was not feeling well and was in the camper lying on the couch,” the police re-

port states. “[The woman] stated she went into the camper to see if she could help [redacted].”

In an August 18, 2021, statement to county officials, the woman elaborated on what happened when she entered the camper. She asked the man who was sick if he was okay, and the man said he would be fine, a short interaction of 5-8 seconds.

“I was about to turn around and head back out of the camper when I felt an aggressive/physical push in my torso/back,” the woman wrote. “That was the last thing I remembered because whatever [the alleged attacker] forced upon me made me black out.”

When she came to, the woman wrote, she was laying on her back naked from her waist down on top of the bedding in a bedroom with the door closed.

“[The alleged attacker] was on top of me trying [to penetrate me],” she wrote. “I repeatedly told him to ‘stop,’ ‘no,’ and that ‘I needed to find my friends,’ but he ignored my request. I began trying to roll off the bed as I was coming more into awareness and he kept pulling me back and trying to spread my legs apart.”

As she continued to resist and try to roll away, the woman wrote, the alleged attacker kept attempting to have intercourse and would not give up. Ultimately, he became frustrated and stood up, and she was able to roll off to the side of the bed and find her clothes. The man was still naked and sexually aroused, she wrote.

“I quickly dressed myself, put on my shoes and ran out of the bedroom and camper at high speed,” she wrote. “I was crying uncontrollably as I was running back to our campsite to find

my friends. Once I reached the back of our camper I tripped and fell face first into the sod. There I laid crying as my friends helped me up to get back into our camper.”

On July 9, 2021, during the police visit to the campsites, the alleged assailant had a different story. In his version, he and his friends were partying with the neighboring campers, and he started messing around with the woman.

“[The alleged attacker] stated [the

woman] came into the camper with him voluntarily and went into the back bedroom,” the police report stated. “[The alleged attacker] stated [the woman] helped [the alleged attacker] take off [the woman’s] shorts and underwear. [The alleged attacker] admitted to attempting to have sex with [the woman], but could not [achieve intercourse].”

The officer noted that the alleged attacker changed his story at least once — first saying he had been kissing the

woman outside the camper in front of other people, but then changing it to say that, after a drinking game, “people just hugged each other.”

The alleged attacker also told police that he recalled the woman stating that “it hurt” when he attempted intercourse, but that she never said “no,” or “stop,” or “let me out.”

After speaking with the woman and the alleged assailant, and taking other witness statements, sheriff’s of-

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# Protection

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Officers arrested the alleged assailant and took him to the county jail, where he was placed on a \$1,000 cash/\$4,000 signature bond for second degree felony sexual assault. Judge Patrick O'Melia set an initial appearance for August 2, 2021.

Again, that court date never occurred because the office of district attorney Michael Schiek decided against prosecuting the case.

## Witness statements

While there were no direct witnesses to what occurred in the bedroom of the camper, multiple corroborating witness statements — friends who were camping with the woman — did add vivid context to the story, particularly about the reaction and mental state of the woman as she fled the camper.

While one sheriff's officer was interviewing the woman and the alleged assailant, another was taking statements of the woman's three friends. He had them write individual, separate statements of what had taken place, the police report states. They were strikingly similar to each other and to the woman's own statement.

According to the statement of Friend #1, who had arrived a little later after the partying had started, the atmosphere was very friendly — lots of drinks, "lots of sexual jokes from them, with zipper pull-downs, touching of waist, hugs, ..." and she also wrote that the woman "was very very drunk," and that her and another friend "had been falling over for a while."

After a time, Friend #1 noticed that the woman had disappeared. She was told that the woman was passed out in the camper where the man who did not feel well had gone to lay down.

Later, Friend #1 wrote, she was bringing food back to the women's camper with another of the friends (Friend #2) and with one of the men in the party with the alleged assailant "when [Friend #2] asked while putting the food away where [the woman was]." Friend #1 told Friend #2 that she was told the woman was passed out in the men's camper.

"[The man with them] said, 'In my camper?'" Friend #1 wrote. "I said yes. He took off running for his camper saying he was going to go get her right now so she can sleep in our camper. Next thing I knew [the man] is back at our

camper door, panicky, saying we need to come get our friend, get our friend right now, he means right now."

Friend #1 stayed in the camper, she wrote, but Friend #2 took off, yelling for the woman, and then the woman came stumbling into the camper, saying "he hurt me."

"She was red-eyed, confused, rambling," Friend #1 wrote. "Talking about being grabbed and pulled into the back room and trying to get back to her friends."

The man who had just run to get the woman came back, too, Friend #1 wrote, and was very apologetic.

"He kept saying he was sorry over and over and wanted to hug [the woman]," Friend #1 wrote. "Saying it was alcohol-induced and that anything that happened was under the influence & he was sorry."

The next morning, the woman decided to report a rape, Friend #1 stated.

In her statement, Friend #2's version was only slightly different than Friend #1's. She too stated that the man helping her clean up "took off to his camper" when she said that someone had told her the woman was in the men's camper.

"[The man] came back to my camper yelling your friend needs you now!" Friend #2 wrote. "Right, right, right now! I ran out of the camper to see [the woman] laying face down on the ground behind my camper. She was crying and shaking. She said, 'He attacked me.'"

Friend #2 wrote that they tried to ask the woman what happened: "She said, 'He forced himself on me.'"

The woman would not call police then, but Friend #2 wrote that the woman suffered a horrible night.

"That night she did not sleep," Friend #2 wrote. "She cried a lot."

By the next morning, the woman was able to tell Friend #2 some more details about what happened when the man who ran from the friends' camper to the one she was in arrived, Friend #2 wrote.

"She was yelling for help when [the man helping clean up] ran into their camper and took her out of the situation inside," Friend #2 wrote. "[The woman] said she was not wanting sex nor was her body ready for sex. [The woman] said she was hurting down there."

Finally, Friend #2 wrote, she agreed to call police.

Friend #3 provided similar details. The day went according to

other statements, and she and another woman were eating dinner when they realized they had not seen the woman for a while.

"Shortly after realizing she wasn't outside with us, she had come running out of [the men's] camper faster than I had ever seen her run before," Friend #3 wrote. "She had fallen face down. I got up and went running for her because she had not gotten up after falling. She was crying and very shook up and upset."

After returning the woman to the camper, and the woman relating that the alleged attacker had forced himself on her, Friend #3 also said the man who had helped clean up returned and was very apologetic.

"[He] then came into our camper and kept apologizing to us for what [the alleged assailant] had done to [the woman]," she wrote.

## The men's version

The next morning after the woman reported the incident, sheriff's department officers also interviewed the men in the party with the alleged assailant. Their statements were decidedly shorter than those the women gave.

One of them said he saw the alleged attacker and the woman "walking into the camper together and holding hands." He provided no other information, the police report states.

The man who had been sick and in the camper where the alleged assault took place told police he was sick and intoxicated, and in and out of consciousness. At one point he said he saw the alleged attacker and the woman walk into the bedroom area of the camper. Later he saw the man who had been helping clean walk into the camper, too.

"[A]t that time, [the woman] seemed to be kind of in a hurry, was drunk and stumbling, and he saw [the woman] whisper something to [the man who had entered the camper]," the man told police.

As for the man who had helped clean and had run back to the camper, he played down the frantic nature of his check-up that the women had described, telling police he had not left the area where the females were for any particular reason, other than to check on the sick man and the woman.

"He stated that when he walked into the camper, both [the woman] and the [alleged attacker] were in the kitchen area," the police report states. "I

[the police officer] asked what was said to him by [the woman]. [He] stated [the woman] stated, 'Can you get me out of here?' or something to that effect, then she left the camper."

After comparing all their notes and statements, officers arrested the alleged assailant. A referral for review for 2nd degree sexual assault by the use/threat of force/violence was sent to the district attorney's office and court date and bond was set.

Again, the court date went away when Schiek decided not to prosecute.

## Injuries

In addition to witness statements, a sexual assault forensic examination documented multiple injuries, including to the woman's vaginal area. The woman shared the examination with *The Lakeland Times*.

In the examination, the woman reported that she was experiencing pain in her vaginal area and that it hurt to urinate and wipe. She also had a swollen hand and thumb, purplish in color, as well as an abrasion to the shin area, but those were sustained when she fell running from the camper.

More significantly, there were injuries in the genital area. The examination documented a crease between the Labia majora and Labia minora and reddened/pink abrasions, as well as an abnormality noted in the posterior fourchette.

It should be noted that evidence was examined in the state crime lab and that male DNA was found on an external genitalia wipe, but the sheriff's department did not submit the alleged assailant's DNA to the lab for a possible match because the alleged assailant had already acknowledged attempted intercourse.

Oneida County sheriff's department captain Terri Hook said the man's DNA was taken on arrest and sent to the state.

"The crime lab processes it and places the DNA profile in a separate database until the person is actually charged," Hook described to *The Times*. "When the person is charged or has charges pending, the DNA profile is placed into the CODIS database. Wisconsin requires 'probable cause' to place the DNA profile into CODIS. The suspect in this case was never charged and thus his DNA was not put into CODIS. It stays in the separate database for a year. After the year, the sample is destroyed."

Hook said the sample of his DNA was taken

at arrest because that is the requirement by law.

"We did not take it as part of the investigation because both parties had admitted sexual contact," she said. "As with many cases, the issue in this case was not who did it but if there was consent."

Another important aspect of the case are two gynecological medical conditions that cause the woman to have vaginal dryness and pain with intercourse, which the woman's gynecologist attested to in a letter. The woman has been the doctor's patient since 2018.

"[The woman] has a condition called vaginal atrophy which causes the vagina and tissues near the vagina to get dry, thin, and inflamed due to lack of estrogen after going through menopause," the doctor wrote. "She also has a condition called lichen sclerosus which causes the labial tissue to become thin leading to tearing of the tissue and sometimes bleeding and scarring which can make the vaginal opening very small."

Both atrophy and lichen sclerosus cause discomfort with normal daily activities and commonly pain and bleeding with intercourse, the doctor wrote. Indeed, the doctor added, the woman is unable to be intimate without the use of a lubricant.

"I documented in 2019 that when she attempted intercourse she is 'unable to proceed with vaginal penetration' due to the pain and she 'feels like the vagina is closed off,'" the doctor wrote. "Pelvic exams in clinic are extremely uncomfortable for [the woman] due to the vaginal atrophy and lichen sclerosus."

A 2014 study by the University of Michigan found that women with lichen sclerosus engage in much less frequent sexual activity and find sex to be much less satisfying. According to the Mayo Clinic, for many women, vaginal atrophy not only makes intercourse painful but also leads to distressing urinary symptoms.

In a two-page statement submitted to Oneida County officials August 18, 2001, the woman said her medical conditions and the abrasions documented in the forensic exam prove she did not go to the Hodag Festival to have sex with anyone.

"I am [xx] years old, way past menopause, and do not have the ability to have sexual intercourse due to the lack of lubrication in my vagina," she wrote. "For me to have sexual intercourse after

menopause would be uncomfortable, extremely painful and impossible in my case."

The woman wrote that she did not even have any interest in having sexual intercourse due to her body's condition.

"Furthermore, I haven't had sexual intercourse in years and I definitely wasn't looking to have it on July 8 in [the alleged assailant's] camper," she wrote.

The woman's pleas for the case to be charged were in vain, however, as the district attorney never filed charges. Unable to convince the district attorney to do so, the woman turned to the Hodag Festival to try and get the alleged assailant banned from attending this year's festival. That effort, too, was unsuccessful, and the festival's attorney, Daniel Varline, pointed to the lack of charges as the reason why.

"As I understand it, there was an incident between you and another festival attendee at least year's event," Varline wrote. "That incident was investigated by the local law enforcement agencies which resulted in 'no criminal charges' being filed against that individual. As I understand it, the matter is now closed."

As such, Varline wrote, Hodag could not honor her request. The attorney suggested that the woman take the "appropriate legal steps" to obtain a restraining order against that person.

"If you are successful in obtaining a restraining order against this individual, the local law enforcement agencies may be able to provide you with assistance in enforcing it at the music festival or at any other locations," he wrote.

That's exactly what the woman did, obtaining the maximum 10-year injunction against contact.

As for the woman at the center of this case, despite the pain she says it has caused, and despite the frustration of having the district attorney refuse to bring charges, she says she is not abandoning her fight.

"This has been one of the most difficult things I've ever had to deal with, and it only makes it worse having to go above and beyond to be heard and strive for justice," she said. "It feels like most people in society don't care about the victims of sexual assault. What will it take to open everyone's eyes?"

*Richard Moore is the author of "Dark State" and can be reached at richardd3d.substack.com.*