

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

---

WISCONSIN PROFESSIONAL POLICE ASSOCIATION, Complainant,

vs.

MACGILLIS WIEMER, LLC, CHRISTOPHER MACGILLIS, and  
TIMOTHY WHITSTONE, Respondents.

Case ID: 567.0000  
Case Type: COMP\_MP

DECISION NO. 37788-B

---

**Appearances:**

Andrew D. Schauer, Staff Attorney, Wisconsin Professional Police Association, 660 John Nolen Drive, Suite 300, Madison, Wisconsin, appearing on behalf of the Wisconsin Professional Police Association.

Graham P. Wiemer, Attorney, MacGillis Wiemer, LLC, 11040 W. Bluemound Road, Suite 100, Wauwatosa, Wisconsin, appearing on behalf of MacGillis Wiemer, LLC, and Christopher MacGillis and Christopher MacGillis, Attorney, appearing on behalf of Timothy Whitstone.

**DECISION ON PETITION FOR REVIEW**

On October 18, 2018, the Wisconsin Professional Police Association (WPPA) filed a complaint with the Wisconsin Employment Relations Commission alleging that MacGillis Wiemer, LLC, Christopher MacGillis, and Timothy Whitstone had committed prohibited practices within the meaning of §§ 111.70(3)(b)1 and (3), Stats. On November 21, 2018, the Commission appointed Peter G. Davis to serve as Examiner in the matter. On December 3, 2018, Examiner Davis issued an Order Denying Motion to Dismiss.

A hearing was held on February 14, 2019, in Waukesha, Wisconsin. Waukesha County elected not to appear or otherwise participate in the proceedings. Whitstone did not appear at the hearing but was represented by counsel. A hearing transcript was received on February 20, 2019, and the parties thereafter filed written argument by April 19, 2019. At the request of Examiner Davis the record was supplemented on May 13, 2019, with information from WPPA as to its request for attorney fees and costs. The Respondents filed a response to that supplemental information on May 17, 2019.

On May 23, 2019, Examiner Davis issued a Findings of Fact, Conclusions of Law, and Order finding a violation of § 111.70(3)(b)1, Stats., by Whitstone and dismissing the complaint against MacGillis Wiemer, LLC, and Christopher MacGillis. Whitstone filed a Petition for Review on June 11, 2019. WPPA filed a Cross-Petition for Review on June 12, 2019. On July 1, 2019, WPPA filed a brief in support of its Cross-Petition for Review and MacGillis filed a brief in support of their Petition for Review. WPPA filed a response brief on July 22, 2019. WPPA filed a Reply Brief in Support of its Cross-Petition for Review on August 2, 2019.

The Commission has considered the matter and concludes the May 23, 2019 decision does not contain any errors of fact or law.<sup>1</sup>

As such, Examiner Davis' reasoning is sound.

NOW, THEREFORE, it is:

**ORDERED**

The Examiner's Findings of Fact, Conclusions of Law, and Order are affirmed.

Dated at Madison, Wisconsin, this 19th day of September, 2019.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

---

James J. Daley, Chairman

---

<sup>1</sup> WPPA provided an additional email by Whitstone, dated June 3, 2019, as evidence of non-compliance with Examiner Davis' order and requested it be entered into the record. The Commission declines to do so as the issue of compliance did not become ripe for Commission consideration until the Commission itself ruled on Examiner Davis' order. Having now affirmed Examiner Davis' order, the issue of compliance in the context of the pending Petition for Election is now a question for the parties to present any relevant evidence and argument.