

# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

RUDOLPH M. KONRAD  
Deputy City Attorney

THOMAS E. HAYES  
PATRICK B. McDONNELL  
LINDA ULISS BURKE  
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY  
800 CITY HALL  
200 EAST WELLS STREET  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD 286-2025  
FAX (414) 286-8550

BEVERLY A. TEMPLE  
THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
HARRY A. STEIN  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
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DAVID J. STANOSZ  
SUSAN E. LAPPEN  
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KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
MELANIE R. SWANK  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRlich  
LEONARD A. TOKUS  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

December 6, 2002

To the Honorable Common Council  
of the City of Milwaukee  
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C. for legal fees for Police Officer Justin Sebestyen  
C.I. File No. 00-S-260; ELO No. 1427

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Justin Sebestyen. The claim is in the amount of \$1,084.74 including \$6.74 in disbursements for 9.80 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the Police Officer on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:enm  
Enc.

2276

# CITY OF MILWAUKEE

Form CA-43

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August 18, 2000

BEVERLY A. TEMPLE  
THOMAS O. GARTNER  
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MARYNELL REGAN

Assistant City Attorney

Commander Dale Schunk  
Milwaukee Police Department  
Internal Affairs Division  
6680 North Teutonia Avenue, Rm 325  
Milwaukee, WI 53209

Re: C.I. File No. 00-S-260  
Communication from EGGERT LAW OFFICE

Dear Commander Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers:

Baisley/Lugo  
Driebel et al.  
Jones et al.  
Jozwiak/monreal  
Ososki/Newport & Eyre  
Sikora  
Virchow/Klabacheck

Pfau/Johnson  
Pierce  
Ruiz  
Sebestyen  
Sgrignuoli  
Sulluivan/Baldwin

*See attached  
for problem*

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officers verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

*[Signature]*  
JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure

*See next page*

RECEIVED  
00 AUG 24 AM 7:00  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

**EGGERT LAW OFFICE, S.C.**

**Attorneys at Law**

Laurie A. Eggert  
Jonathan Cermele

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
(414) 276-8750  
FAX (414) 276-8906

August 1, 2000

Mr. Ronald D. Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202

RE: MPD Criminal Investigation of PO Justin Sebestyen  
Allegations Regarding a Squad accident  
Date of Incident: July 7, 1999  
Location of Incident: Safety Building  
ELO No.: 1427

CITY OF MILWAUKEE  
'00 AUG -7 PM 4:38  
RONALD D. LEONHARDT  
CITY CLERK

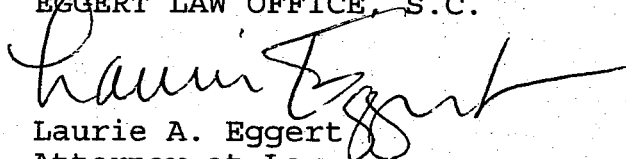
Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved a squad accident. Charges will not be issued against the officer. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

  
Laurie A. Eggert  
Attorney at Law

JC/ldl  
SEBESTYEN

CITY OF MILWAUKEE  
RECEIVED  
'00 AUG -8 PM 3:23  
OFFICE OF  
CITY ATTORNEY

12/6/02  
O.K.  
JDS  
Letter  
2276  
4/11/2001  
Looks like "client" =  
Witness, not subj. of  
invest. (actually Hensel)

**EGGERT LAW OFFICE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
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FAX(414)276-8906

August 1, 2000

Mr. Ronald D. Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee WI 53202

RE: MPD Criminal Investigation  
Regarding: PO Justin Sebestyen  
Date of Incident: July 7, 1999  
Location of Incident: Safety Building

Professional services

	<u>Hours</u>
8/25/99 Telephone call from and to client; open file; memo to file.	0.70
8/26/99 Intra-office conference; telephone call from IAD.	0.70
8/27/99 Telephone call from IAD.	0.10
8/30/99 Telephone call to IAD.	0.40
9/1/99 Telephone calls to client; office conference with client; discussion with IAD.	1.40
9/2/99 Telephone call to client; discussion with IAD.	0.30
9/7/99 Meeting with client at IAD; attend client's statement to IAD; travel.	2.20
9/15/99 Telephone call from PO witness; telephone call to IAD.	0.30

	<u>Hours</u>	
9/17/99 Several telephone calls to and from witness.	0.30	
9/20/99 Meeting with IAD; conference with witness at IAD; attend witness's statement to IAD; travel; memo to file.	2.40	
1/28/00 Discussion with IAD; correspondence to MPD Open Records.	0.50	
6/19/00 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	9.80	\$1,078.00
Additional charges:		
6/19/00 MPD Open Records request		6.74
Total costs		<u>\$6.74</u>
Total amount of this bill		<u>\$1,084.74</u>
Balance due		<u><u>\$1,084.74</u></u>

(Rate: \$110.00 per hour)

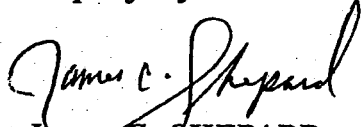
*The body shop as reported by Probationary Officer SEBESTYEN through investigation was determined to be Quinn's Auto Body, 5710 W. National Avenue, West Allis, WI.*

*Interviewed at said location by Criminal Investigation Unit investigators was that of Timothy J. QUINN. Mr. QUINN reported that sometime during the recent past his father and the owner of Quinn's Auto Body, who he identifies as Patrick QUINN, did tell him to retrieve rubbing compound and to buff out a scratch on a dark green Ford Crown Victoria squad car that Sgt. Richard MENZEL had brought into the body shop. Timothy QUINN reported that Sgt. MENZEL was in uniform and that there was a second officer who remained seated in the passenger seat. He states that by using that of an electric buffer he did remove a scrape from the left rear bumper of the Crown Victoria. He states he was able to entirely eliminate the scrape and made the damage now non-observable. Timothy QUINN further offered that he has known Sgt. Richard MENZEL all of his life and reports that he is a friend of his father. He further stated that his mother is related to Sgt. MENZEL'S wife and that he believes that they are cousins.*

**CONCLUSION:**

*During this investigation a request of Sgt. MENZEL to make a statement relative to this incident was declined. A determination of who authored the anonymous letter was not revealed throughout this investigation. Although this investigation appears to have substantiated Sgt. MENZEL'S involvement in an accident while operating vehicle number 788 on July 7, 1999, said accident due to the lack of substantial damage to property and/or injury failed to meet the elements of a criminal offense. It is for the stated reasons that this criminal investigation will be cleared as baseless.*

Respectfully submitted:

  
James C. SHEPARD  
Lieutenant of Detectives  
CIU/IAD, Day Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

AUGUST 30, 2000

TO: PO JUSTIN SEBESTYN  
DISTRICT SIX

RE: Receipt of Legal Services from Law Firm of  
Attorney

Attorney LAURIE EGGERT has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on JULY 7, 1999
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES ☒ NO ☐

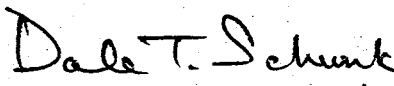

Did you receive legal representation  
in this matter?

YES ☒ NO ☐

Your signature: 

Print your name: JUSTIN J. SEBESTYN

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

  
DALE T. SCHUNK   
Commander of Police  
Internal Affairs Division

DTS:dnp

# CITY OF MILWAUKEE

Form CA-43

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**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**

Assistant City Attorneys

May 16, 2001

Attorney Laurie A. Eggert  
Eggert Law Office, S.C.  
1840 North Farwell Avenue  
Milwaukee, WI 53202

**Re: MPD Criminal Investigation of P.O. Justin Sebestyen**  
**ELO No. 1427**  
**C.I. File No. 00-S-260**

Dear Ms. Eggert:

With respect to the above-noted matter, it appears that your client, P.O. Justin Sebestyen, was a witness, rather than the subject of a criminal investigation. I am basing that conclusion upon the one page of the CIU Report which appears to indicate that it was Sgt. Richard J. Menzel rather than Officer Sebestyen who was the subject of the investigation. If that is the case, I do not see that you are entitled to any compensation for the representation of a witness in matter. If it is not the case that he was merely a witness, please provide me with further substantiation of that assertion.

Very truly yours,

A handwritten signature in cursive script, reading 'Jan A. Smokowicz'.

Jan A. Smokowicz  
Assistant City Attorney

JAS:kmm  
41089

**OFFICE COPY**



**EGGERT LAW OFFICE, S.C.**

---

***Attorneys at Law***

Laurie A. Eggert  
Jonathan Cermele

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
(414) 276-8750  
FAX (414) 276-8906

May 25, 2001

Mr. Jan Smokowicz  
Assistant City Attorney  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202

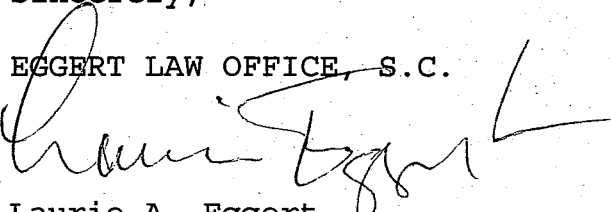
**RE: MPD Criminal Investigation of P.O. Justin Sebestyen  
ELO No. 1427  
C.I. File No. 00-S-260**

Dear Mr. Smokowicz:

Your letter of May 16, 2001, indicates that Officer Sebestyen had no need for counsel since he was merely a witness. While Sgt. Menzel was the primary target for Misconduct in Public Office, Officer Sebestyen was not interviewed as a witness, but rather as to his direct involvement in the acts for which Sgt. Menzel was also being investigated. Officer Sebestyen therefore had criminal exposure under the same sub-sections of 946.12, STATS., as well as "party to a crime" under §939.05, STATS., -- whether he 1) intentionally aided Sgt. Menzel in the commission of the crime of Misconduct in Public Office or 2) was a party to a conspiracy with Sgt. Menzel to commit same.

Sincerely,

EGGERT LAW OFFICE, S.C.

  
Laurie A. Eggert  
Attorney at Law

LAE/ldl  
SMO52500