

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 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
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKERL
HEIDI WICK SPOERL
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
DAWN M. BOLAND
KATHRYN M. ZALEWSKI
Assistant City Attorneys

December 13, 2004

Marith Duworko
507 East Locust
Milwaukee, WI 53212

RE: Marith Duworko
C.I. File No: 04-S-436

Dear Ms. Duworko:

We have received your claim in the amount of \$1,713.00, relating to damage sustained to your property and board-up charges arising from a November 9, 2004 incident at 507 East Locust when the Milwaukee Police Department (MPD) made forced entry.

Our investigation reveals the MPD exercised appropriate action in this forced entry in search of a suspect in a felony hit and run accident. Since the police were not negligent in this matter, the City would not be liable, as such; we are denying this portion of the claim. In addition, the MPD ordered the premises secured by means of a board-up by the Department of Public Works. If you wish to appeal the board-up charges you must contact the City Clerk's office relative to the appeal process to the Administrative Review-Appeals Board, and the fees involved with these types of matters.

If you wish to appeal the police damage portion of your claim, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

ROBERT M. OVERTON
Investigator Adjutor

NOV 9, 2004
935 - 7502
Linda Budzinski
811
2343 N 49th

RMO:beg 10:21 PM 11 NOV 2004
1032-2004-3449:88271

RECEIVED
CITY OF MILWAUKEE

Jan 11 2005
I wish to appeal this
MDworko

507 East Locust St
Milwaukee, WI 53212
January 7, 2005

Milwaukee city clerk
200 E. Wells Street
Milwaukee, WI 53202

CITY OF MILWAUKEE
05 JAN 11 AM 9:21
RONALD D. LEONETTI
CITY CLERK

Dear city clerk,

I received the response to the claim filed for damages done on my property at 507 East Locust street by the police on November 11, 2004.

I am disappointed with the denial response and I would like to appeal. The suspect would not be in the building due to the fact that nobody else lives here besides me and anybody entering would have to get the key from me which was not possible since I was at work at that hour.

In addition, I would like to appeal the board up charges which were created by the police action.

Sincerely yours,
Martha Dauwoko

PD-43 03 / 01

MILWAUKEE POLICE DEPARTMENT DAMAGE NOTICE

(SUPERVISOR TO LEAVE IN PROMINENT PLACE AT SCENE)

The Milwaukee Police Department received a call for

service on: 11-9 2004 at: 11:10 a.m./(p.m.)
(DATE) (TIME)

at: 507 E. Locust
(ADDRESS) saturday

to: confirm welfare of occupant(s)
 make an arrest
 execute a search warrant
 recover evidence of crime
 other (describe) _____
9:30
miller

The following damage to premises or vehicle occurred:

DRIVER of A Felony Hit
AND RUN VEHICLE WAS
OBSERVED RUNNING INTO
RESIDENCE. DOORS WERE
FORCED OPEN TO MAKE
ARREST + POSSIBLE EVIDENCE

Supervisor's Name: SET BRAUNRITZ
(PRINT)
52 EACH 53394
(DIST. / WORK LOC.) (SHIFT) (PAYROLL #)

SEE NOTICE ON REVERSE SIDE

MILWAUKEE POLICE DEPARTMENT

7

Loc: District Five

Date: 11-09-04

14

REPORT

In the matter of: FORCED ENTRY TO 507 E. Locust St.

To: James C. SHEPARD

Captain of Police

DATE/TIME: November 9, 2004 / 11:10 PM.

LOCATION: 507 E. Locust St.

OWNER/OCCUPANT: DUWORKO, Marith

ADDRESS/PHONE: 507 E. Locust St. / Unknown phone

OFFICER(S) AT SCENE: Po. Steven ROBBINS

SUPERVISOR(S) AT SCENE: Sgt. Steven BRAUNREITER

ENTRY MADE BY: PO. Steven ROBBINS

REASON FOR ENTRY: A witness to a Felony Hit and Run accident observed the suspect enter the residence after parking the suspect vehicle in a lot behind the residence. The front doors were forced open in a fresh pursuit situation in an effort to arrest the felony suspect and retrieve any possible evidence. The suspect must have exited the residence before officers had it completely contained and could not be located inside. The suspect was arrested as he was observed walking away from the area.

(CONTINUE ON ADDITIONAL REPORT IF NECESSARY)

WAS COMPLAINANT NOTIFIED OF CLAIM PROCEDURES? YES NO

POINT OF ENTRY: Two front doors

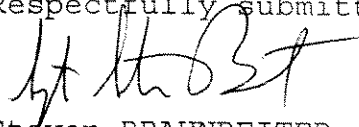
DAMAGE: Primary door jamb/Door knob(lock) on 2nd door

PHOTOS TAKEN BY: Sgt. Steven BRAUNREITER

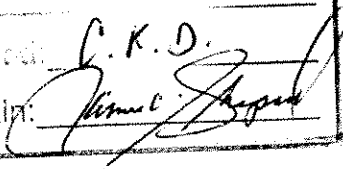
NUMBER OF PHOTOS: Four

LOCATION RESECURED (HOW): City board up

Respectfully submitted,



Steven BRAUNREITER
Police Sergeant
District Five Early Shift

5th DISTRICT
RECEIVED
Date: NOV 12 2004
Referred: C. K. D.
Captain: 

507 East Locust St
Milwaukee, WI 53212
January 7, 2005

Milwaukee city clerk
200 E. Wells Street
Milwaukee, WI 53202

Dear city clerk,

I received the response to the claim filed for damages done on my property at 507 East Locust street by the police on November 11, 2004.

I am disappointed with the denial response and I would like to appeal. The suspect would not be in the building due to the fact that nobody else lives here besides me and anybody entering would have to get the key from me which was not possible since I was at work at that hour.

In addition, I would like to appeal the board up charges which were created by the police action.

Sincerely yours,
Marith Duworko

ON Tuesday night Nov 9th while I was at work the police were chasing somebody who ran thru the fence to the backyard and they thought he went into my house so they forced my doors open and went thru searching for him. My door was boarded up ~~and~~ ^{and} when I got home Wednesday night I had to call police who called public works to open up my house. They had also deadboard locked my back door so I could not get in. They also opened up the attic and insulation materials were all over the floor. It was very annoying coming home not even knowing why my door was boarded up. When I called the claim office I was told to get two estimates. I did stay home from work to get the estimates which I have attached to this.

I want Miller builders to do the work and they are ready to put the doors in.

CITY OF MILWAUKEE
NOV 29 AM 9:25
RONALD E. BROWN

CITY OF MILWAUKEE
RECEIVED
2009 NOV 29 PM 3:50
OFFICE OF
CITY ATTORNEY

481-1742
At work

PD-43 03/01

**MILWAUKEE POLICE DEPARTMENT
DAMAGE NOTICE**

(SUPERVISOR TO LEAVE IN PROMINENT PLACE AT SCENE)

The Milwaukee Police Department received a call for

service on: 11-09 2004 at: 11:10 a.m./p.m.
(DATE) (TIME)

at: 507 E. Locust saturday
(ADDRESS) Miller

- to: confirm welfare of occupant(s)
 make an arrest
 execute a search warrant
 recover evidence of crime
 other (describe) _____

9:30

The following damage to premises or vehicle occurred:

Driver of a Felony Hit
and said vehicle was
observed running into
residence. Doors were
forced open to make
arrest + possible evidence

Supervisor's Name: Set Braumertal
(PRINT)

52 EARLY 583364
(DIST. / WORK LOC.) (SHIFT) (PAYROLL #)

SEE NOTICE ON REVERSE SIDE



Department of Public Works

Mariano A. Schifalacqua
Commissioner of Public Works

James P. Purko
Director of Operations

November 17, 2004

MARITH K DUWORKO
507 E LOCUST ST
MILWAUKEE, WI 53212

RE: Board-up Number 360

Dear Property Owner:

In accordance with City of Milwaukee Ordinance No. 218-7, the Milwaukee Police Department ordered the premises (listed below) be secured, and the Department of Public Works carpentry staff in response to their request performed the necessary work to secure the following structure:

<u>Address</u>	<u>Tax Key</u>	<u>Date of Board-up</u>	<u>Charge</u>
507 E LOCUST ST	314-0423-000	11/10/2004	\$177.00

You have thirty (30) days from the date of this notice to appeal the necessity of and/or the amount of the special charge to the Administrative Review Appeals Board under the provisions of City Ordinance Section 309-72. Upon the expiration of the appeal period or the affirmation of the charge by the Administrative Review Appeals Board, the amount shown above shall be due. Failure to pay for this special charge shall result in this charge being placed on your property's tax statement for next year. If you choose to pay for this charge prior to it being placed on the tax roll, please make your check payable to 'City of Milwaukee' and mail with the attached coupon. If you have any questions regarding these charges or the appeal process, please contact Mr. David Lewis, Department of Public Works, at (414)286-3315

Please detach and return this portion with payment for
City of Milwaukee - DPW Board-up Charge

Bill To: **MARITH K DUWORKO**

Board-up Number: **360**

Make check payable to: **City of Milwaukee**

Amount Due: **\$\$177.00**

Mail to: **Dept. of Public Works**

Attn: Jason Nygard

841 N. Broadway, Room 712

Milwaukee, WI 53202



Department of Public Works

Mariano A. Schifaiacqua
Commissioner of Public Works
James P. Purko
Director of Operations
November 17, 2004

MARITH K DUWORKO
507 E LOCUST ST
MILWAUKEE, WI 53212

RE: Board-up Number 363

Dear Property Owner:

In accordance with City of Milwaukee Ordinance No. 218-7, the Milwaukee Police Department ordered the premises (listed below) be secured, and the Department of Public Works carpentry staff in response to their request performed the necessary work to secure the following structure:

<u>Address</u>	<u>Tax Key</u>	<u>Date of Board-up</u>	<u>Charge</u>
507 E LOCUST ST	314-0423-000	11/10/2004	\$156.00

You have thirty (30) days from the date of this notice to appeal the necessity of and/or the amount of the special charge to the Administrative Review Appeals Board under the provisions of City Ordinance Section 309-72. Upon the expiration of the appeal period or the affirmation of the charge by the Administrative Review Appeals Board, the amount shown above shall be due. Failure to pay for this special charge shall result in this charge being placed on your property's tax statement for next year. If you choose to pay for this charge prior to it being placed on the tax roll, please make your check payable to 'City of Milwaukee' and mail with the attached coupon. If you have any questions regarding these charges or the appeal process, please contact Mr. David Lewis, Department of Public Works, at (414)286-3315

Please detach and return this portion with payment for
City of Milwaukee - DPW Board-up Charge

Bill To: **MARITH K DUWORKO**

Board-up Number: **363**

Make check payable to: **City of Milwaukee**

Amount Due: **\$\$156.00**

Mail to: **Dept. of Public Works**
Attn: Jason Nygard
841 N. Broadway, Room 712
Milwaukee, WI 53202

RP CONTRACTORS INC.

Roofing • Masonry • Flashing

Serving Satisfied Customers For Over 39 Years

5317 W. Burnham St.

Milwaukee, WI 53219

Phone: 414-466-8047

Fax: 414-389-5645

Proposal

Name MARITH DUWORSKO Proposal Submitted to: Street 507 EAST LOCUST Work Performed At:
 Address 507 EAST LOCUST
 City MILWAUKEE
 State WISCONSIN Zip 53212 Contact Person SAME
 Home Phone 414-562-0683 Phone Number _____
 Work Phone _____

We hereby propose to furnish all materials and perform all the labor necessary for the completion of:

DUE TO BREAK IN: REMOVE OLD DOORS AND FRAMES,
CONTRACTOR TO INSTALL (2) TWO PREHUNG INSULATED
FRONT DOORS, WITH ALL NEW HARDWARE - DOORS TO BE
WOOD, WITH MAIL SLOT IN FRONT DOOR - STAIN DOORS.
TAKE AWAY OLD DOORS AND FRAMES.

Include:
 Shingles _____ Brand _____ Color _____
 Flashing _____ Misc. _____ Misc. _____

- All permits and taxes included
- All work done to local code
- Tearoff shingles
- Replace existing decking
- Vent replacement or addition
- Flashing
- Ice Shield
- Reroof over existing shingles
- Repair gutters
- Replace gutters
- Remove old equipment from premises
- Tuckpointing
- Shingle warranty _____ years
- Labor warranty _____ years
- Metal edging on eaves
- Lead pipe replacement
- Dumpster
- Misc
- Misc
- Misc

All materials is guaranteed to be as specified and the above work to be performed in accordance with the drawings as specifications submitted for above work and completed in a substantial workmanlike manner for sum of:

ONE THOUSAND, THREE HUNDRED, EIGHTY AND ²⁰/₁₀₀ dollars (\$ 1380.⁰⁰)
 with terms as follows: 1/3 down with balance due at completion.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance upon above work. Workmen's compensation and liability insurance to be taken out of RP Contractors, Inc.

As required by the Wisconsin Construction Lien Law, RP Contractors, Inc. hereby notifies buyer that RP Contractors Inc. and/or other persons or companies furnishing labor or materials for the construction of buyer's land and buildings may have lien rights if not paid. those entitled to lien rights, in addition to undersigned RP Contractors Inc., are those who contract directly with buyer, or those who give the owner notice sixty (60) days after they first furnish labor or materials for construction. Accordingly, buyer probably will receive notices from those who furnish labor or materials for the construction, and should give a copy of each notice received to his mortgage lender, if any, to see that all potential lien claimants are duly paid. RP Contractors Inc., agrees to cooperate with the owner and the owner's lender, if any, to see that all potential lien claimants are paid.

A finance charge of 1-1/2% per month (18% annually) is charged on all accounts not paid within 30 days of installed date.
NOTE: prices are subject to change if not accepted within 90 days.

Submitted by VIKAS K. CHOPRA
 Date NOVEMBER 11, 2004

Acceptance of Proposal: the above prices, specifications and conditions are satisfactory and here hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. All contracts accepted, pending approval from corporate officers.
 Accepted by _____
 Date _____

CONTRACT FOR BREAK-IN DAMAGE: MILLER BUILDERS

325 WEST SILVER SPRING DRIVE • P.O. BOX 170934 • MILWAUKEE, WISCONSIN 53217-8081
(414) 961-2440

READ CAREFULLY BEFORE SIGNING

Miller-Builders will not be responsible for any promises or representations made by the representative, relating to commissions, rebates, rewards or bonuses or prizes, manufacture or quality of material, financing commitments, date of commencement, or completion of work, or any other oral commitments, unless in writing and made part of this contract.

Agreement made in TRIPLICATE this 12th day of Nov, 2004 between
MILLER BUILDERS, Contractor, and MARITHA DWORKO
hereinafter called OWNER, residing at 507 E LOCUST Phone 562-0683

Witnesseth:

Contractor agrees to furnish all materials and perform all labor according to the following SPECIFICATIONS on the premises known and described as 507 E LOCUST

City of MILWAUKEE State of WIS 53212
Builder to remove 2 ENTRY FRONT DOORS & REMOVE FRAMES.
Builder to FURNISH & INSTALL 2 PAIRED STEEL FRONT ENTRY DOORS WITH MANSLOT ON FRONT DOOR DOORS TO HAVE NEW LOCKS & DOBS & NEW FRAMES & TILLS.
LOWER FRONT HEIGHT OF DOOR.

CLEAN-UP WHEN WORK IS COMPLETED.
DOORS TO BE COLOR WHITE & PAIRED.

OWNER AGREES TO PAY for said materials and labor the sum of:

Twelve Hundred Thirty Five Dollars (\$ 1235⁰⁰) as follows:
Twelve Hundred Thirty Five Dollars (\$ 1235⁰⁰) on date of this Contract,
Twelve Hundred Thirty Five Dollars (\$ 1235⁰⁰) on Completion, and the
Balance of _____ Dollars (\$ _____) to be paid in _____