

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
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Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
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
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

April 21, 2010

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

Re: Communication from Attorney Jon Cermele
for legal fees for Police Officers Todd Bohlen, Dennis Justus,
Allen Groszczyk and Marc Moore

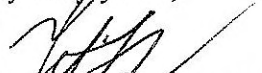
Dear Council Members:


Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officers Todd Bohlen, Dennis Justus, Allen Groszczyk and Marc Moore. The claim is in the amount of \$1,909.04, including \$72.04 in disbursements for 16.70 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 the filing of a citizen's complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission.

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. Wis. Stat. § 895.35, *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.
1032-2009-1414/157195

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

April 27, 2009

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

**Re: Citizen Complaint of Ms. Carol Valeriano, Mr. Matthew Valeriano and
Mr. Ralph Valeriano
Against PO's Todd Bohlen, Dennis Justus, Allen Groszczyk and
Marc Moore
FPC No.'s: 07-94, 08-01 and 08-03
Date of Incident: December 5, 2007**

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

The above-named police officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them and, as they were performing the duties of their office at the time of the events giving rise to the incident, this claim is hereby made on their behalf for the indicated legal fees. This incident involved executing a search warrant.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the letter and an itemization of the time and services rendered.

4/20/10
O. K.
JMS
Letter # 2295

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs

Attachments

BOHLEN, et al

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
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April 27, 2009

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Ms. Carol Valeriano, Mr. Matthew Valeriano and
Mr. Ralph Valeriano
Against PO's Todd Bohlen, Dennis Justus, Allen Groszczyk, and Marc
Moore
FPC No: 07-94, 08-01 and 08-03
Date of Incident: December 5, 2007
Professional services

		<u>Hours</u>	<u>Amount</u>
6/23/2008	MG	Receive and review correspondence from FPC regarding new citizen complaint; open file.	0.40 44.00
7/17/2008	CA	Office conference with PO Justus regarding citizen complaint; office conference with PO Groszczyk regarding citizen complaint; research MPD Policies and Procedures; Open Records request.	2.10 231.00
7/18/2008	CA	Draft Open Records requests for each complainant.	0.30 33.00
7/21/2008	CA	Telephone call to FPC regarding conciliation.	0.20 22.00
7/23/2008	CA	Office conference with PO Bohlen; draft Open Records request for pictures taken of property at scene.	1.60 176.00

			<u>Hours</u>	<u>Amount</u>
8/4/2008	CA	Telephone call from and to FPC regarding retainer; fax copy of same to FPC; telephone call from FPC.	0.40	44.00
8/20/2008	CA	Telephone call from FPC; telephone call to PO Moore.	0.30	33.00
8/22/2008	CA	Telephone call from PO Moore; add PO Moore to file; telephone call to FPC.	0.20	22.00
8/25/2008	CA	Correspondence to FPC confirming representation of PO Moore.	0.20	22.00
8/29/2008	CA	Telephone call from FPC.	0.10	11.00
9/8/2008	CA	Receive and review MPD Open Records requests for complainants and police reports from incident.	0.30	33.00
10/6/2008	CA	Telephone call from FPC.	0.10	11.00
10/13/2008	CA	Telephone call from FPC regarding scheduling mediation.	0.20	22.00
10/14/2008	CA	Receive and review correspondence from Mediator; telephone call to same.	0.20	22.00
12/2/2008	CA	Telephone call from FPC.	0.20	22.00
12/4/2008	CA	Receive and review additional complaint.	0.30	33.00
12/9/2008	CA	Office conference with PO Groszcyk.	0.40	44.00
1/26/2009	MG	Reviewed e-mail correspondence from Milwaukee Mediation Center; calendared possible mediation date/time; instruction to KS.	0.20	22.00

		<u>Hours</u>	<u>Amount</u>
2/10/2009	MG	Review file; e-mail to mediation center.	0.20 22.00
2/11/2009	MG	Receive and review correspondence from mediation center confirming mediation date and time; correspondence to clients regarding same; calendar same; intra-office conference with Jess regarding case status.	0.80 88.00
2/16/2009	MG	Office conference with PO Justus regarding mediation; intra-office conference with Jess regarding same.	0.50 55.00
2/19/2009	SJJ	Review file.	0.60 66.00
2/26/2009	SJJ	Prepare for mediation.	1.20 132.00
2/27/2009	SJJ	Prepare for mediation; travel; attend mediation with officers; return travel.	3.80 418.00
3/2/2009	SJJ	Memo to Cermele; research FPC citizen complaint rules; intra-office conference with Cermele.	1.30 143.00
3/12/2009	SJJ	Receive and review letter from Milwaukee Mediation Center on mediation session.	0.10 11.00
3/25/2009	SJJ	Receive and review FPC's confirmation of dismissal of citizen complaint.	0.10 11.00
3/27/2009	SJJ	Correspondence to clients regarding dismissal of citizen complaint; close file.	0.40 44.00
For professional services rendered			<hr/> 16.70 \$1,837.00

Additional charges:

	<u>Amount</u>
8/29/2008 CA MPD Open Records request	32.68
9/26/2008 CA MPD Open Records request	39.36
	<hr/>
Total costs	\$72.04
	<hr/>
Total amount of this bill	\$1,909.04
	<hr/>
Balance due	<u>\$1,909.04</u>

(Rate: \$110.00 per hour)



MAR 26 2009

Fire and Police Commission

Michael G. Tobin
Executive Director

Richard C. Cox
Chair
Carolina M. Stark
Vice-Chair
Ernesto A. Baca
Kathryn A. Hein
Paoi X. Lor
Commissioners

March 25, 2009

Ms. Carol L. Valeriano
2348 South 11th Street
Milwaukee, WI 53215

Mr. Matthew B. Valeriano
2348 South 11th Street
Milwaukee, WI 53215

Mr. Ralph Valeriano
2348 South 11th Street
Milwaukee, WI 53215

Mr. Sonny D. Valeriano
2348 South 11th Street
Milwaukee, WI 53215

RE: Complaint of Carol L. Valeriano, Matthew B. Valeriano, Ralph Valeriano and Sonny D. Valeriano v. Police Officers Todd Bohlen, Dennis Justus, Allen Groszczyk and Marc Moore
FPC Complaint Nos. 07-94, 08-01, 08-03 and 08-106

Dear Ms. and Messrs. Valeriano:

We have been informed by the Milwaukee Mediation Center that mediation, which was held on February 27, 2009 with the above-referenced police officers, was unsuccessful because you left before it was completed.

Numerous telephone messages had been left for Carol Valeriano by Cindy Janusz to discuss why the family left mediation, but a telephone call was not returned. Due to your unwillingness to complete mediation, or discuss why you left, your complaint has been dismissed.

If you have any questions, please contact Cindy Janusz at (414) 286-5055.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj

cc: Milwaukee Mediation Center
Chief Edward A. Flynn
Scott J. Jess, Esq.
Police Officers Involved