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January 29, 2008

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

Re: Resolution relating to the claim of Sanford Parsons  
C.I. File No. 07-L-104

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Sanford Parsons, 2857 North Shepard Avenue, Milwaukee, WI 53211 alleges that the City illegally issued orders to cancel the occupancy permit for his property located at 2944-46 North Maryland Avenue. He claims damages in the amount of \$24,873.00.

Our investigation reveals that on December 18, 2006 the Department of Neighborhood Services verified an illegal rooming house operation involving the second and third floor units. They issued an order revoking the occupancy permit; the claimant appealed to the Board of Zoning Appeals. The order was held in abeyance until the case could be scheduled. During that period, the occupants vacated the premises. Once the unit was vacant, the revocation became unnecessary, so the department dismissed the order and asked that the appeal fee be returned.

The claimant filed an action in Circuit Court alleging a lease violation, claiming that the tenants misrepresented their relationship to one another. The Circuit Court ruled in favor of the tenants. The decision did not address the department's right to enforce the illegal occupancy.

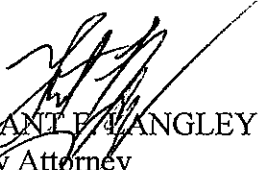
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January 29, 2008  
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There is no evidence that the City acted improperly in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,



GRANT F. HANGLEY  
City Attorney



PATRICIA A. FRICKER  
Assistant City Attorney

PAF:beg  
enclosure  
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