

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE O. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN O. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOREN
JOHN J. HEINEN
MICHAEL G. TOBIN
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
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA OE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEAR
THOMAS D. MILLER
Assistant City Attorneys

February 27, 2008

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

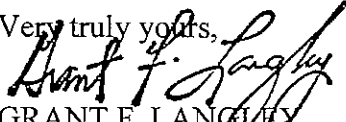
Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office,
S.C. for legal fees for Police Officers Jovan Petkovich, Edward Ciano,
and James Peterson
C.I. File No. 06-S-371 EC 2396

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Jovan Petkovich, Edward Ciano, and James Peterson. The claim is in the amount of \$1,548.00 including \$8.00 in disbursements for 14.00 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 officers on whose behalf this claim was filed.

Pursuant to Wis. Stat. § 895.35 (2), the Common Council no longer has discretion with regard to this claim as all fees and expense were incurred after the effective date (January 7, 2006) of the amendment to the statute, and because all of the requirements of the statute have been met in this case.

Very truly yours,

GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.

1032-2006-3325:129227v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 31, 2007

TO: P.O. JOVAN PETKOVICH
DISTRICT: SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

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

- 1) A death in custody incident occurring JULY 7, 2006
- 2) A criminal investigation involving GLEN KELLY
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO

Did you receive legal representation in this matter?

YES X NO

Your signature: Jovan Petkovich

Print your name: Jovan PETKOVICH

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

Mary K. Hoerig
MARY K. HOERIG
Deputy Inspector
Professional Performance Division

MKH: kjs

07 FEB -5 PM 3:06

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 31, 2007

TO: P.O. EDWARD CIANO
DISTRICT: FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

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

- 1) A death in custody incident occurring on JULY 7, 2006
- 2) A criminal investigation involving GLEN KELLY
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature:



Print your name:

Edward Ciano

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


MARY K. HOERIG
Deputy Inspector
Professional Performance Division

MKH: kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 31, 2007

TO: P.O. JAMES PETERSON
DISTRICT: IDENTIFICATION DIVISION

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

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

- 1) A death in custody incident occurring on JULY 7, 2006
- 2) A criminal investigation involving GLEN KELLY
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO


Your signature:



Print your name:

James Peterson

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


MARY K. HOERIG
Deputy Inspector
Professional Performance Division

MKH: kjs

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

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

November 27, 2006

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

CITY OF MILWAUKEE
2006 DEC -1 PM 12:09
RONALD D. LEONHARDT
CITY CLERK

**RE: MPD Criminal Investigation of PO's Jovan Petkovich, Edward Ciano and James Peterson
Allegations Regarding Death in Custody
Date of Incident: July 7, 2006**

Dear Mr. Leonhardt:

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 the issuance of a citation for disorderly conduct, and a criminal investigation under Chapter 979, WIS. STATS.

This claim is being submitted under §895.35(2), WIS. STATS., which provides that:

Notwithstanding sub (1), the City . . . shall reimburse a protective services officer for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties, unless, in relation to that conduct, any of the following applies:

- a. The officer is convicted of a crime;
- b. The officer's employment is terminated for cause;
- c. The officer resigned for reasons other than retirement before the attorneys fees are incurred;
- d. The officer is demoted or reduced in rank

CITY OF MILWAUKEE
2006 DEC -1 PM 4:12
OFFICE OF
CITY ATTORNEY

- e. The officer is suspended without pay for 10 or more working days. **§895.35(2), WIS. STATS.**

Officer's Petkovich, Ciano and Peterson are considered "protective services officer" under the statute. They have incurred the fees compiled in this claim as a direct result of their being investigated for actions taken within their official capacity, and in the performance of their duties, in connection with the use of deadly force. None of the "exceptions" to mandatory payment under §895.35(2) WIS. STATS. apply.¹

The incident resulted in the District Attorney's Office conducting a criminal investigation into the death of Mr. Glen Kelly, under Chapter 979, WIS. STATS. That investigation qualifies as a "proceeding" which mandates payment under §895.35(2), WIS. STATS.

Deputy District Attorney Johnson reviewed the matter and did not issue charges against the officers. Attached is a copy of Deputy District Attorney Johnson's letter and an itemization of the time and services rendered.

Sincerely,

CERMELE & ASSOCIATES, S.C.

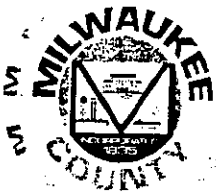
Jon Cermele

/kjs

Attachments

PETKOVICH, CIANO and PETERSON

¹ Neither officer was convicted of a crime, terminated for cause, resigned prior to incurring the fees associated with this claim, demoted, or suspended without pay for more than 10 days. *See §895.35(2)(b), WIS. STATS.*



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

- Robert D. Dorshdo
Jon N. Reddin
Patrick J. Kenney
Lovell Johnson, Jr.
James J. Martin
Thomas A. Schulz
Alexander G. Sklarz
William J. Monitor
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahkom
David Robles
Peg Tarrant
Douglas J. Sirdson
Cynthia G. Brown
Norman A. Gahn
Stephanie Gienens Rothst
Carol E. Janick
Steven H. Glamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Stober
Thomas L. Potter
David Fass
Rayann Chandler Szyndler
Carol Manchester
Kenneth R. Berg
Warren D. Zier
Timothy J. Coner
Carol Betty Crowley
Steven V. Licata
Brad Vorpahl
Jane Carroll
Paul Tiffin
Muniam S. Falk
Phyllis M. DeCarvalho
Cecilia F. Murphy
Constance M. Kraus
Philid A. Arnett
Thomas J. McAdams
Bruce J. Landgrat
Denis J. Singl
David M. Lerman
Janet C. Protasiewicz
DeAnn L. Heard
Patricia A. McGowan
Irene E. Panhum
Karen A. Loebel
Nancy Eitenheim
Ronald S. Dague
Lori S. Kornblum
Karinne O'Byrne
Mana Dorsey
James W. Fnsch
Kurt B. Benkley
James C. Griffin
William P. Pipp
Audrey Skwerawski
Joanne L. Hardike
John T. Chsholm
Christopher A. Liegel
Megan P. Carmody
Laura A. Cuvellio
Shawn Pompe
Kevin R. Shomin
Jennifer Marlock
Beth D. Zigibet
Karen A. Vespaiec
Rebecca F. Dallet
Mark A. Sanders
Paul C. Dedinsky
David T. Malone
Kelly L. Hudge
Jeffrey J. Aitenburg
Rachael Siencel
Pati Wabitsch
Kent L. Lovern
Bruce W. Becke
Michael T. Mahoney
Mary M. Sowsnik
Kathryn K. Samer
Jeannette Cordeir
Jeffrey P. Grepp
David Maas
Jeremy L. Resar
Daniel J. Gabler
Sara P. Scullen
T. Christodher Dee
Katharine Kucharski
Lisa P. Fricke
Tiffany J. Harris
Daniel R. Humble
Jacob D. Carr
Jcy Hammond
Trevor A. Sisk
Andrew J. Maier
Heidi E. Galvan
Nancy A. Noet
Elisabeth Muetter
Megan J. Thomas
Grant I. Huebner
Stephan Eduard Nollen
Christine M. Quinn
Michelle Ackerman Haus
Adam J. Lewn
Jenniter K. Rhodes
Claire Starling
Zach Whiney
Rebecca A. Kieler
Matthew J. Torzenson
Katrnya L. Childs
Jason M. Kreckhefer
Carah Helwig
Gilbert Ufer
Jenna Merten
Anthony Vihle
Antoni Apollo
Julia Driscoll
Nicole Dondinger
Ern Karshen
Lucy Kronlorst
William Anthony Bell, Jr.
Erin Dineen
Maureen A. Bracken
Monica J. Awe
Michael J. Lonski
Paul M. Hauer

October 24, 2006

Attorney Rachel L. Pings
Cermele & Associates S.C.
6310 West Bluemound Road, Suite 200
Milwaukee, WI 53213

Re: Death of Glen Kelly
Incident date: July 7, 2006

Dear Attorney Pings:

I have enclosed with this letter copies of the reports generated by our office in regards to the above incident. I have completed our office's investigation of this incident and have determined that there is no basis for any criminal charges in regards to the action of Officer Jovan Petkovich or any other persons involved in the above incident. I have notified Chief Nannette H. Hegerty by letter of my decision.

I have also sent copies of the same reports to the attorney for the victim's family, Jeffrey A. Pitman, as your letter of October 20, 2006 stated you had no objection to that being done.

Please contact me if you have any questions.

Sincerely yours,

[Signature]
Lovell Johnson, Deputy District Attorney
Milwaukee County District Attorney's Office

LJ/cwe
Enclosures

cc: File

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

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

November 27, 2006

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

RE: MPD Criminal Investigation re: Death
Regarding: PO's Jovan Petkovich, Edward Ciano and James Peterson
Date of Incident: July 7, 2006
Location of Incident: Miller Park
Professional services

	<u>Hours</u>
7/9/2006 Several telephone calls from and to Cermele regarding critical incident; several telephone calls to Balcerzak; travel to PAB; meeting with PO Petkovich; meeting with PO Ciano; attend statements of PO's Petkovich and Ciano to Detectives; return travel; open file; memos to file.	4.50
7/13/2006 Conference with DA Investigator Budde and DDA Donohoo; correspondence to clients.	0.50
7/21/2006 Review JS article and print same for file; telephone call from client; telephone call from PO Peterson; memo to file; intra-office conference with Cermele.	0.60
7/24/2006 Telephone call to CIB; memo to file; telephone call from CIB; telephone call to client; calendar statement.	0.20
7/25/2006 Travel to CIB; conference with PO Peterson; attend statement of PO Peterson to CIB; return travel; memo to file.	2.50
7/26/2006 Receive and review e-mail from CIB regarding PO Peterson's statement; send response e-mail; telephone call from client.	0.50

	<u>Hours</u>	
9/5/2006 Telephone call from client; calendar PI-21; conference with Cermele regarding statements.	0.30	
9/6/2006 Intra-office conference with Cermele; telephone calls to and from PPD regarding rescheduling same; telephone call to client; calendar new PI-21 date.	0.50	
9/7/2006 Receive and review statement; travel to CIB and perform PI-21; return travel.	2.00	
10/12/2006 Telephone call from and to client; review citizen's municipal citation status; print and file same.	0.30	
10/13/2006 Telephone call from and to client; telephone call from client; memo to file.	0.40	
10/16/2006 Telephone call to DDA Johnson; memo to file; correspondence to PO's Petkovich, Peterson and Ciano.	0.30	
10/20/2006 Telephone call from and to DDA; correspondence to client; correspondence to DDA.	0.50	
10/25/2006 Receive and review correspondence from DDA Johnson.	0.50	
10/27/2006 Finish reviewing DA's letter confirming that no criminal charges are appropriate and enclosures; correspondence to PO's Petkovich, Ciano and Peterson; close file.	0.40	
	<u>Amount</u>	
For professional services rendered	14.00	\$1,540.00
Additional charges:		
7/25/2006 Parking		8.00

Mr. Ronald Leonhardt

Page 3

	<u>Amount</u>
Total costs	\$8.00
Total amount of this bill	\$1,548.00
Balance due	<u>\$1,548.00</u>

(Rate: \$110.00 per hour)