



LAW & CONSULTING, S.C.

November 7, 2023

**Samantha H. Baker**  
[samantha@ovblaw.com](mailto:samantha@ovblaw.com)

[via Hand Delivery and U.S. Certified Mail]  
**Administrative Review Board of Appeals**  
**City of Milwaukee City Hall**  
200 E. Wells Street, Room 200  
Milwaukee, WI 53202

**RE: Notice of Appeal – Nuisance Premises, MCO § 80-10**  
2560 S 62<sup>nd</sup> St., Milwaukee, WI

To City Clerk,

Please find the enclosed Notice of Appeal pursuant to MCO § 80-10-5 and 320-1, appealing the determination of the Milwaukee Chief of Police that the premises located at the above-referenced address is a nuisance pursuant to MCO § 80-10.

Should you have any questions or concerns, please feel free to reach out to our office.

Very Truly Yours,

**OVB Law & Consulting, S.C.**

/s/

Samantha H. Baker, JD  
*Attorney*

SHB/*ab*  
Encls.

**ADMINISTRATIVE REVIEW BOARD OF APPEALS  
CITY OF MILWAUKEE**

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**NOTICE OF APPEAL**

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*To: Administrative Review Board  
City Hall, 200 E. Wells Street, Room 200  
Milwaukee, WI 53202*

**PLEASE TAKE NOTICE** that Ms. Christine D. Huddleston, owner and resident of 2560 S 62<sup>nd</sup> St., Milwaukee, WI 53219 submits this Notice of Appeal pursuant to Milwaukee Code of Ordinance (“MCO”) §§ 80-10-5 and 320-11 to appeal the determination of the Milwaukee Chief of Police that the premises located at 2560 S. 62<sup>nd</sup> St., Milwaukee, WI 53219 (“Premises”) is a nuisance pursuant to MCO § 80-10.

Ms. Huddleston received the Notice of Nuisance Premises dated October 20, 2023, postmarked October 26, 2023, on October 28, 2023. (*See Baker Aff., Ex. A-B*) and hereby exercises her right to appeal the determination by filing this Notice of Appeal within 10 days of receipt.

For the reasons set forth below, the property owner requests that the Administrative Review Board of Appeals dismiss the Milwaukee Chief of Police’s determination that the Premises is a nuisance pursuant to MCO § 80-10. The basis for this appeal is as follows:

**I. The Nuisance Activities**

Milwaukee County Ordinance § 80-10.3. permits the Chief of Police to notify the responsible party of a premises that the premises is a nuisance when the department has “responded to 3 or more nuisance activities that have occurred at the premises during a 30-day period or that the police department has responded to 2 or more nuisances of the types defined in sub. 2-c-1-e, i to L that have occurred on the premises within one year.”

The notice identifies three incidents upon which the Milwaukee Police Department bases its nuisance designation upon the Premises. The first incident cites sub. 2-c-1-L – Crimes involving illegal possession or use of firearms as defined in ch. 941 and s. 948.60, Wis. Stats. The second incident cites 2-c-1-I – Possession, manufacture or delivery of a controlled substance or related offenses as defined in ch. 961, Wis. Stats. The third incident cites sub. 2-c-1-L – Crimes involving illegal possession or use of firearms as defined in ch. 941 and s. 948.60, Wis. Stats.

Ms. Huddleston does not dispute the classifications of the three incidents under MCO § 80; however, Ms. Huddleston does dispute the application of the incidents to her Premises under MCO § 80-10-3.

Pursuant to MCO § 80-10-3, the incidents giving merit to a nuisance designation must have “occurred at [the] premises” subject to the nuisance designation. In this instance, the incident dated March 17, 2023 did not occur at Ms. Huddleston’s Premises, as is specifically made clear by the nuisance notice. The activities giving rise to a nuisance activity under sub. 2-c-1-L took place in an alley near the Premises, and could be attributed to any of the properties located adjacent to the alley. The incident was reported by a neighbor of Ms. Huddleston with whom a known feud has been ongoing for several months prior to March 2023, and the bases for the incident as cited in the nuisance notice is wholly based on the events as described that said neighbor. Nothing in the incident as described in the nuisance notice indicates that further investigation by the department revealed that the individual who “on foot came out into the alley from 2560 S. 62<sup>nd</sup> Street, firing towards the white vehicle” was associated with Ms. Huddleston’s Premises, exited Ms. Huddleston’s Premises or was under the authority or control of Ms. Huddleston. Further nothing in the nuisance notice indicates that further investigation was taken by the department into the identification of the white vehicle purported to be associated with the Premises.

This is further evidenced by the lack of police narrative or CAD report attached to the Premises. On November 6, 2023, my office submitted an open records request seeking call reports and incident reports for the above-referenced date. (*See Baker Aff., Ex. C*). No reports or information was provided for March 17, 2023. Upon further inquiry to the Milwaukee Police Department, it was confirmed that there were no calls for service to the Premises on March 17, 2023. While a report was later provided after further inquiry, it revealed the call for service was not made specifically with respect to 2560 S. 62<sup>nd</sup> Street.

Furthermore, MCO § 80-10-3 requires the department to “respond” to the nuisance-type activities. In this case, the incidents dated March 31, 2023 and October 9, 2023 were part of a planned investigation into Ms. Huddleston’s house. The basis terms of the search warrant are unknown. The “nuisance-type activities” cited by the notice indicate that the department had thoughtfully planned each search of Ms. Huddleston’s premises through the Tactical Enforcement Unit, ensuring search warrants were properly authorized and ordered by the Milwaukee County Circuit Court prior to execution. These incidents were not responses to calls for service for nuisance-type activities.

Finally, there are no known convictions resulting from the March 31, 2023 and October 9, 2023 incidents that would prove the alleged incidents of each date qualified as nuisance-type activities under law. To impair the property interests of Ms. Huddleston in her home as a result of an incident that occurred in the alley where her home is located, and two alleged “nuisance activities” that have yet to be proven in a court of law is a violation of her due process rights to be free from the deprivation of property without due process.

For the reasons stated above, the determination must be vacated.

Wherefore, the parties respectfully request that this Administrative Review Board of Appeals vacate the Milwaukee Chief of Police’s determination against 2560 S 62<sup>nd</sup> Street, Milwaukee, Wisconsin.

**OVB Law & Consulting, S.C.**  
Attorneys for Appellant

*Electronically signed by:*  
s/Samantha H. Baker  
State Bar No. 1101385

826 N Plankinton Ave., Suite 600  
Milwaukee, WI 53203  
(414) 585-0588 (office)  
(414) 255-3031 (fax)  
samantha@ovblaw.com

**ADMINISTRATIVE REVIEW BOARD OF APPEALS  
CITY OF MILWAUKEE**

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**AFFIDAVIT OF SAMANTHA H. BAKER**

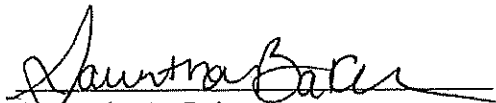
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STATE OF WISCONSIN    )  
  ) ss.  
MILWAUKEE COUNTY    )


I, Samantha H. Baker, being sworn, states as follows:

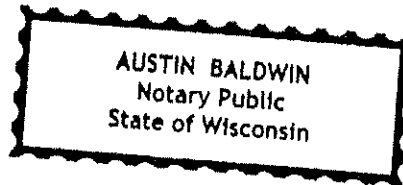
1. I am a Wisconsin licensed attorney and make this affidavit as counsel of record for Christine D. Huddleston, owner of the premises located at 2560 S 62<sup>nd</sup> St., Milwaukee, WI 53219.
2. Attached as Exhibit A is a true and correct copy of the Notice of Nuisance Premises dated October 20, 2023 for 2560 S 62<sup>nd</sup> St., Milwaukee, WI 53219.
3. Attached as Exhibit B is a true and correct copy of the certified mailing email notice receipt evidencing the receipt of the October 20, 2023 Notice of Nuisance Premises by the property owner on October 28, 2023.
4. Attached as Exhibit C is a true and correct copy of the electronic mail correspondence between my office and the Milwaukee Police Department's open records division.

Dated this 7<sup>th</sup> day of November 2023.

  
Samantha H. Baker  
SBN 1101385

Signed and sworn to before me  
on this 7<sup>th</sup> day of November 2023.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission: 5/13/2023



# EXHIBIT A



Milwaukee Police Department  
Police Administration Building  
749 West State Street  
Milwaukee, Wisconsin 53233  
<http://www.milwaukee.gov/police>

Jeffrey B. Norman  
Chief of Police

(414) 933-4444

October 20, 2023

Christine D. Huddleston  
2560 South 62<sup>nd</sup> Street  
Milwaukee, WI 53219

Re: Notice of Nuisance Premises

Dear Christine D. Huddleston:

This letter is notice to you that the Milwaukee Chief of Police, by the chief's designee, the district commander, has determined that the premises located at **2560 South 62<sup>nd</sup> Street** ("the premises") is a nuisance pursuant to Milwaukee Code of Ordinances ("MCO") § 80-10, Chronic Nuisance Premises. As an individual or entity that is licensed or subject to a license in the operation of a business upon the premises, you are a responsible party for abating the nuisance activities occurring at the premises.

The Milwaukee Police Department has responded to the following described nuisance activities at the premises on the corresponding dates, which qualify the premises as a nuisance:

1. On Friday, March 17, 2023, at 2:22 pm, a complaint of a "Shots fired" was reported to the Milwaukee Police Department. The caller stated that they heard 5-6 shots fired from two different guns. The caller stated they observed a black Charger type vehicle, squeal away after the shots fired but was unknown if the vehicle was involved. The caller described the vehicle as a black in color, Charger style vehicle with red rims, last seen headed eastbound on Cleveland. At 2:44 pm, Officers on scene indicated, that in the 6100-blk of W. Harrison Ave, officers have multiple casings recovered. At 2:50 pm, an additional caller reported that his 26 year old step-daughter called the caller reporting gunfire. The caller stated that he reviewed his Blink camera and observed shooting from his alleyway camera. The caller stated that his video shows a white vehicle, similar to that of neighbors at 2560 S. 62<sup>nd</sup> Street, park then take off down the alley, then a subject on foot came out into the alley from 2560 S. 62<sup>nd</sup> Street, firing towards the white vehicle. On Friday, March 17, 2023, at 2:24 pm, an additional call of "shots fired" was reported to the Milwaukee Police Department. The caller stated that they heard 5-10 shots fired. The caller stated it sounded like more than one gun, in the alley. The caller indicated that incident may be on video, and caller is unsure of injuries. On Friday, March 17, 2023, at 2:30 pm, an additional call of "shots fired" was reported to the Milwaukee Police Department. The caller stated there was a car that just drove down the alley firing shots, 15-20 shots possible and multiple guns involved. Caller stated that they were unsure if anyone was "hit." The caller also indicated the alley between 61 and 62. The caller stated

that there are shell casings on the ground near the entrance to the alley and holes in garages and garbage cans. Caller stated that they have video capturing the shooter and states the shooter is back on scene wearing a red hoodie. Investigating Officers did file reports regarding and arrests were made regarding this incident. (See MCO § 80-10-2-c-1-L).

2. On Friday, March 31, 2023, at 2:40 pm, Milwaukee Police Department, Tactical Enforcement Unit, along with Milwaukee Police Department District 6 Officers, executed a residential search warrant of 2560 South 62<sup>nd</sup> Street. During the search of the residence a clear vacuum sealed bag filled with a green leafy substance suspected to be marijuana was recovered. Also recovered from the residence was a clear plastic baggie, which contained a white powdery substance suspected to be cocaine, which was located inside of a black shoe with a white sole inside one of the bedrooms. The suspected marijuana was tested by Officers using a Nark II 05 field testing pouch, which tested positive for the presence of THC with a total weight of 449.22 grams. The suspected cocaine was tested by Officers using a Nark II 07 field testing pouch, which tested positive for the presence of cocaine with a total weight of 7.43 grams. Charges filed regarding this incident were possession with intent/cocaine, possession with intent/THC, and maintain drug trafficking place. Investigating officers filed reports regarding and multiple arrest were made. (See MCO § 80-10-2-c-1-i).
3. On Monday, October 9, 2023, at 1:31 pm, Milwaukee Police Department, Tactical Enforcement Unit, along with Milwaukee Police Department District 6 Officers, executed a residential search warrant of 2560 S. 62<sup>nd</sup> Street. During the search of the residence revealed a Palmetto Armory AR-15 short barreled rifle, a firearm suppressor, and various unfired firearm cartridges. Charges were filed regarding this incident. Investigating officers filed reports and a temporary felony warrant was issued regarding. (See MCO § 80-10-2-c-1-L).

As a consequence, you may be subject to a collections action for the cost of future enforcement for any of the nuisance activities listed in MCO § 80-10-2-c that occur at the premises.

You are directed to respond to my office within 10 days of receipt of this notice with an acceptable, written course of action that you will undertake to abate the nuisance activities occurring at the premises, or file an appeal. You may appeal this nuisance determination to the Administrative Review Appeals Board. Any appeal must be in writing and a processing fee will be charged. Please contact the Office of the City Clerk at (414) 286-2231 for additional information.

If you elect to provide a written course of action, I shall evaluate it to determine if it is a reasonable attempt at abating the nuisance activity.

Prior to responding with a written course of action, it is highly recommended that you obtain records relating to police responses regarding the premises. You may obtain these records from the Computer Aided Dispatch System (CADS) at the Open Records Section of the Milwaukee

Police Department (District Three Station, 2333 North 49<sup>th</sup> Street, Second Floor) between 8:00 AM and 3:45 PM. There is a cost of 25 cents per page for these records.

Once you are able to determine the type of nuisance activity occurring at the premises, please review the following examples of nuisance abatement measures that you may include in your written course of action to abate the nuisance activity. These suggestions are not exclusive, may not apply to the particular premises, and you may propose other nuisance abatement measures that would be appropriate under your particular circumstances.

- Exchange names and telephone numbers with the owners and operators of neighboring premises.
- Participate in a local block watch, neighborhood association, and business association.
- Attend the monthly crime prevention meetings conducted by the local Milwaukee Police District Community Liaison Officer who can be contacted at **414-935-7198**.
- Monitor the property for evidence of drug activity. This may include observation of clear corner cuts of baggies strewn about, excessive quantities of plastic sandwich baggies found in odd places, presence of numerous weight scales or communication devices and drug paraphernalia such as unusual pipes, empty cigar wrappers, burned hollow tubes, etc.
- Install "No Loitering" signs in the front and rear of the exterior of the premises. This signage permits police to cite loitering individuals in the yard and sidewalk area.
- Install "No Trespassing" signs in the front and rear of the exterior of the premises. This signage permits police to cite trespassers in commercial properties.
- Participate in the E-Notify system for email updates regarding the premises.
- Regularly file open records requests for Milwaukee Police Department Computer Aided Dispatch System (CADS) reports regarding the property.
- Institute a standing complaint with the local Milwaukee Police district station that will allow the police department to remove any individuals loitering on the property.
- Draft and serve a no trespassing order against identified nuisance persons and provide the local police district station a copy of the served order.
- Install and maintain a digital security surveillance system.
- Employ security personnel.
- Enroll in Respect 21 or MARTS program (contact CLO for more information)

If you propose a course of action which is rejected by me or fail to timely respond to this request, and a subsequent nuisance activity occurs on or after 13 days after receipt of this notice, you will be subject a collections action for the cost of any police services and enforcement.

Once you have been billed for the costs of police services and enforcement for three or more separate nuisance activities within one year of the date of this notice of nuisance premises, the premises may be designated a chronic nuisance, pursuant to MCO § 80-10-6, and each and every subsequent incident of nuisance activity at the premises may be deemed a separate violation and result in a citation being issued to you for failure to abate the nuisance activity. Each citation would subject you to a forfeiture of not less than \$1,000.00 or more than \$5,000.00. Upon default of payment of a chronic nuisance citation you would be subject to imprisonment in the



county jail or house of correction for a period of not less than 40 days or more than 90 days for each violation.

Please contact **Police Officer Fabian Garcia** at 414-935-7198 with any questions, and I look forward to hearing from you.

Best regards,

JEFFREY B. NORMAN  
CHIEF OF POLICE



ERIC PFEIFFER  
DISTRICT COMMANDER

Attachment: Notice of Nuisance Premises  
CC: Department of Neighborhood Service, Lake Tower 1st Floor – Pete Laritson  
City Hall Common Council  
Building owner

v. 9/19

11:58

EXHIBIT B

5G E



# Your Daily Digest for Sat, Oct 28



Inbox



USPS Informed Delivery Oct 28



to me v

You have mail and packages arriving soon.

10/28/2023



COMING TO YOUR MAILBOX SOON.



MAIL

[View all mail on dashboard](#)



Do more with your mail



Set a Reminder



### Do more with your mail



Set a Reminder



### Do more with your mail



Set a Reminder



### Do more with your mail



Set a Reminder

# EXHIBIT C

## Austin Baldwin

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**From:** Records, Open <mpdopenrecords@milwaukee.gov>  
**Sent:** Monday, November 6, 2023 10:59 AM  
**To:** Austin Baldwin  
**Subject:** Re: Open Records Request - 2560 S 62nd St.

I sent you the summary because I did not locate any calls on the dates you had in your request.

Officer GM

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**From:** Austin Baldwin <austin@ovblaw.com>  
**Sent:** Monday, November 6, 2023 10:50 AM  
**To:** Records, Open <mpdopenrecords@milwaukee.gov>  
**Subject:** RE: Open Records Request - 2560 S 62nd St.

Thank you.

Are there no calls for service concerning this address for March 17, 2023?

**Austin Baldwin**  
Firm Administrator/Paralegal

**OVB Law & Consulting S.C.**  
826 N Plankinton Ave.  
Suite 600  
Milwaukee, WI 53203  
414. 585. 0588 (office)  
414. 255. 3031 (fax)



**LAW & CONSULTING, S.C.**

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**From:** Records, Open <mpdopenrecords@milwaukee.gov>  
**Sent:** Monday, November 6, 2023 10:39 AM  
**To:** Austin Baldwin <austin@ovblaw.com>  
**Subject:** Re: Open Records Request - 2560 S 62nd St.

Please see attached PDF file(s) of the records you have requested under ORS reference number 2324554.

The records that the Milwaukee Police Department (MPD) Open Record Section (ORS) believes to be responsive records to your request are attached. With the transmission of these records to you, the records custodian will consider your request closed.

Officer Gina Metz  
Open Records Section  
Milwaukee Police Department

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**From:** Austin Baldwin <[austin@ovblaw.com](mailto:austin@ovblaw.com)>  
**Sent:** Monday, November 6, 2023 10:07 AM  
**To:** Records, Open <[mpdopenrecords@milwaukee.gov](mailto:mpdopenrecords@milwaukee.gov)>  
**Subject:** Open Records Request - 2560 S 62nd St.

Good Morning,

Please see the attached open records request for the property located at 2560 S 62<sup>nd</sup> St. Please feel free to let me know if you have any questions regarding this request.

Thank you,

**Austin Baldwin**  
Firm Administrator/Paralegal

**OVB Law & Consulting S.C.**  
826 N Plankinton Ave.  
Suite 600  
Milwaukee, WI 53203  
414. 585. 0588 (office)  
414. 255. 3031 (fax)



**LAW & CONSULTING, S.C.**

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The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of Milwaukee e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of Milwaukee full e-mail disclaimer at [www.milwaukee.gov/email\\_disclaimer](http://www.milwaukee.gov/email_disclaimer)



**IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.**

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

**IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK**

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

**IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED.**

**TO:** Administrative Review Board of Appeals  
City Hall, Rm. 205  
200 E. Wells St.  
Milwaukee, WI 53202  
(414) 286-2231

**DATE:** \_\_\_\_\_

**RE:** \_\_\_\_\_  
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by \_\_\_\_\_  
(Name of City Department)

Amount of the charges \$ \_\_\_\_\_

Charge relative to: \_\_\_\_\_

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Mailing address and zip code

\_\_\_\_\_  
Daytime phone number

\_\_\_\_\_  
E-Mail Address(es)

## Receipt of ARBA Fee

Date:	11/8/23
Received Of:	Atty. Samantha Baker
Property at:	2560 S. 62nd St.
Received By:	LME
Check # (If Applicable):	6338
Amount:	\$25.00

CITY OF MILWAUKEE  
2023 NOV - 8 P 2: 27  
CITY CLERK'S OFFICE