

# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

RUDOLPH M. KONRAD  
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Deputy City Attorneys



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JAN A. SMOKOWICZ  
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VINCENT J. BOBOT  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
DAWN M. BOLAND  
KATHRYN M. ZALEWSKI

Assistant City Attorneys

February 8, 2005

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.  
for legal fees for Police Officer Richard Lopez; C.I. File No. 03-S-216; EC 1890

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Richard Lopez. The claim is in the amount of \$378.06 including \$4.06 in disbursements for 3.4 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 police officer on whose behalf this claim was filed.

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). With regard to the exercise of discretion in this matter, you should be aware that while Officer Lopez was not charged criminally, the matter was also the subject of a personnel order imposing an official reprimand on Officer Lopez for failing to report immediately to a supervisor that a department vehicle was in need of repair. This action did not, however, substantiate that Officer Lopez had damaged it.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Assistant City Attorney  
JAS:enm  
Enc.

90023/ 1032-2003-1626

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
(414) 276-8750  
FAX (414) 276-8906

May 9, 2003

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

**RE: MPD Criminal Investigation of PO Richard Lopez  
Allegations Regarding Squad Damage  
Date of Incident: May 12, 2002  
Location of Incident: District #6  
EC No.: 1890**

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved damage to a squad.

The MPD initiated a criminal investigation in which the officer initially declined to give a statement without counsel. When he requested counsel, IAD compelled PO Lopez to give a statement concerning the incident after issuing a PI-21. Later, the MPD did not bring criminal charges against the officer. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert  
Attorney at Law

*1/29/05  
outcome of  
personal  
investigation  
needed.*

*3/10/09*

*O. F.*

*JWS*

*Letter 2276*

JC/ldl  
attachment  
LOPEZR

03 MAY 14 PM 3:42  
CITY OF MILWAUKEE  
RECEIVED  
CITY ATTORNEY

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

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May 8, 2003

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

RE: MPD Criminal Investigation re: Squad damage  
Regarding: PO Richard Lopez  
Date of Incident: May 12, 2002  
Location of Incident: District #6  
Professional services

	<u>Hours</u>	
7/15/02 Telephone call from PO Lopez regarding new criminal investigation; open file; telephone call to and from IAD; telephone call to and from client; re-schedule PI-21.	0.90	
7/16/02 Review of file; meeting with client at IAD; attend client's PI-21; travel; memo to file.	1.50	
1/9/03 Fax to DDA Reddin.	0.10	
1/31/03 Confirmation of criminal investigation being cleared; correspondence to client; correspondence to MPD Open Records.	0.40	
4/29/03 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	3.40	\$374.00

Mr. Ronald D. Leonhardt

Page 2

Additional charges:

	<u>Amount</u>
4/29/03 MPD Open Records request	4.06
Total costs	<u>\$4.06</u>
Total amount of this bill	<u>\$378.06</u>
Balance due	<u><u>\$378.06</u></u>

(Rate: \$110.00 per hour)

## MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

REPORT

Wednesday July 10, 2002

In the Matter of: P.O. RICHARD D. LOPEZ PAYROLL NUMBER 69169  
SIXTH DISTRICT, LATE SHIFT  
CIU NO. 02-116 IAD NO. 02-0536  
DAMAGE TO POLICE VEHICLE NO. 402

TO: STEVEN M. SETTINGSGAARD  
Police Commander

This report was dictated by Detective Charles SHEPARD Jr., of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Day Shift.

On Monday, May 13, 2002, at 1:20 P.M., the Commander of the Internal Affairs Division, Steven SETTINGSGAARD, instructed me to proceed to District Number Six for an assignment. I was advised by the commander that there was damage to one of the police vehicles at District Number Six, and that a Milwaukee Police Officer may be involved in the damage.

Upon arrival at that location, I interviewed Police Sergeant Jeanette R. WILKE-ZIARNIK, payroll number 50340, of District 6, day shift, who advised me that on Sunday at approximately 7:00 A.M. on May 12, 2002, she was doing her routine vehicle inspections at District Number Six Station. During this time she observed Police Officer Richard D. LOPEZ, Payroll Number 69169 of District Number Six, Late Shift parking one of the police vehicles in the far northeast corner of the parking lot. She observed that he was parking this vehicle into a parking space, backing said vehicle into that location. She stated that this was a marked police van, GMC, and it was vehicle number 402.

Sergeant WILKE-ZIARNIK went on to state that during her course of inspections, which is done at the beginning of each shift by a sergeant, she discovered fresh damage to the rear passenger side of police vehicle number 402. Sergeant WILKE-ZIARNIK further indicated that she checked the District Vehicle Damage Book after discovering the damage to see if this particular damage had been recorded. Upon checking the Damage Vehicle Book, she learned that the damage was not listed. Sergeant WILKE-ZIARNIK further advised me that she then checked with Police Sergeant Aimee M. OBREGON of District Number Six, Late Shift, to see if she had observed the damage during her course of vehicle inspections prior to the beginning of her tour. Sergeant WILKE-ZIARNIK went on to advise me that Sergeant OBREGON told her that she did file a Vehicle Inspection Report, however, she did not observe any damage to police vehicle number 402. Sergeant WILKE-ZIARNIK further advised me that she had trouble locating the report that was filed by Sergeant OBREGON, even though Sergeant OBREGON told her that a Vehicle Inspection Report was filed. While at this location, I too was unable to locate this particular report. Sergeant OBREGON also took three Polaroid photos of vehicle #402, which depicts the damage. While at District 6, I too took several digital photos of the parking lot and of the police van.

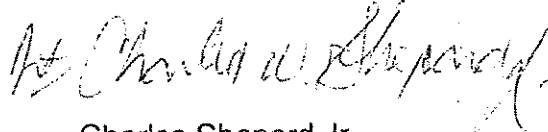
Sergeant WILKE-ZIARNIK went on to indicate that Police Sergeant OBREGON never mentioned anything about damage to any of the police vehicles to her, just prior to her (Sergeant WILKE-ZIARNIK) during her own inspections. It should be noted that I did observe the Vehicle Sign-out Sheet at the District Station, and it does show that Police Officer Richard LOPEZ did, in fact, sign-out police vehicle number 402 at the beginning of his tour at 12:00 A.M. on 05-12-02. It further indicates that he was the only operator and occupant of the vehicle during his tour of duty. It should also be noted that Police Sergeant WILKE-ZIARNIK filed a Wisconsin Motor Vehicle Accident Report, Number 7158451, investigating this accident as a hit and run.

It should be noted that follow-up was conducted in this investigation by Detective William C. SMITH of the Internal Affairs Division, Criminal Investigation Unit at my request.

RE: P.O. RICHARD D. LOPEZ  
CRIMINAL INVESTIGATION NO. 02-116  
PAGE 3 OF 3

Detective SMITH did interview Sergeant Aimee M. OBREGON as well as Police Officer Richard D. LOPEZ. Detective SMITH did file separate reports on those interviews, and the reports are attached to this Matter Of Report. It should also be noted that the investigation into this matter was discussed with Lieutenant of Detectives Raynard E. RICHARDS of the Criminal Investigation Unit of the Internal Affairs Division. After advising Lieutenant RICHARDS of all of the facts involved in this matter he, at this time, discussed the matter with the Commander of the Internal Affairs Division, Steven M. SETTINGSGAARD. Upon doing so, Lieutenant RICHARDS advised me that Commander SETTINGSGAARD wanted this matter turned over to the Personnel Investigation Unit for further investigation. The criminal investigation into this matter is now terminated.

Respectfully submitted,



Charles Shepard Jr.  
Police Detective  
CIU/IAD Day Shift

CS:js

01-116 WILKE-ZSTNRK MO

448

MILWAUKEE POLICE DEPARTMENT

June 5, 2003

MEMORANDUM

TO: P.O. RICHARD LOPEZ  
DISTRICT SIX

RE: Receipt of Legal Services from Law Firm of  
Attorney

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

- 1) An incident occurring on MAY 12, 2002
- 2) A citizen's complaint made by SQUAD DAMAGE
- 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: P.O. Richard D. Lopez

Print your name: Richard D. LOPEZ

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

*Steven M. Settingsgaard*  
RJS

Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

RECEIVED  
03 JUN 17 PM 1:27  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION



**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

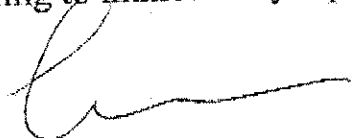
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FAX

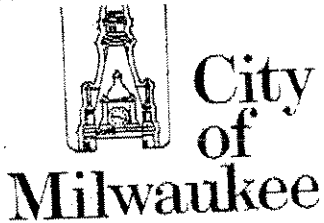
TO: Jan Smokowicz  
FROM: Laurie Eggert  
RE: Richard Lopez  
DATE: January 31, 2005

I am sending yo a copy of personnel order 2003-253 which imposed an official reprimand on Officer Lopez for failing to immediately report that a vehicle was in need of repair.



Laurie Eggert

\*\*\*\*\*  
*The information contained in this message is confidential for the named recipient only. If you have received this message in error, or have had transmission problems in receiving it, please contact this office immediately at (414) 276-8750.*



Police Department

Arthur L. Jones  
Chief of Police


PERSONNEL ORDER 2003 -253

July 7, 2003

RE: DISCIPLINARY ACTION

POLICE OFFICER RICHARD D. LOPEZ (69169), Sixth District, charged with violation of Department Rules and Procedures [Rule 4, Section 2/010.00, referencing Standard Operating Procedures relating to Department Owned Property and Vehicles, Section 3/1000.10(B)] as follows: Failing to immediately report to a supervisor a vehicle that was in need of repair.

The charge having been substantiated, he is found guilty as charged and it is hereby ordered that POLICE OFFICER RICHARD D. LOPEZ receive an Official Reprimand.



ARTHUR L. JONES  
CHIEF OF POLICE

ALJ:blm