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July 31, 2007

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

Re: Resolution relating to the claim of Miriam Porush
C.I. File No. 07-L-56

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, Miriam Porush, 3287 North Shepard Avenue, Milwaukee, WI 53211 alleges that the City was negligent in issuing orders of revocation of occupancy and in supervision of its employees, placed multiple notices and warnings on the property without legal authority and conducted a media campaign against the claimant. She claims damages in the amount of \$651,500.00.

Our investigation reveals that the Department of Neighborhood Services records indicate that on October 18, 2005 they verified an illegal rooming house operation involving the second and third floor units. They issued citations and the owners were convicted in Municipal Court for the violations.

After the citations and the failure of the owners and occupants to vacate the illegal use, the department issued an order revoking the occupancy permit. The Board of Zoning Appeals upheld the order. The decision was reversed by the Circuit Court but the decision did not address the department's right to enforce the illegal occupancy.

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There is no evidence that the City was negligent or 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. LANGLEY
City Attorney

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Assistant City Attorney

MGT:beg
Enclosure
1053-2007-1499:121761