

# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

RUDOLPH M. KONRAD  
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LINDA ULISS BURKE  
Deputy City Attorneys



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MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
DAWN M. BOLAND  
KATHRYN M. ZALEWSKI

Assistant City Attorneys

January 20, 2005

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.  
for legal fees for Police Officers Andrew Gebhardt, Kevin Clark and  
Charles Seelo; Claim File No. 01-S-107/23; EC No. 1843

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Andrew Gebhardt, Kevin Clark and Charles Seelo. The claim is in the amount of \$1,435.29, including \$8.29 in disbursements for 12.90 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).

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:enm  
Enc.

89395/1032-2003-779

**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

February 24, 2003

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

**RE: MPD Criminal Investigation of POs Andrew Gebhardt, Kevin Clark  
and Charles Seelo  
Allegations Regarding Ms. Joan Questell  
Date of Incident: May 5, 2002  
Location of Incident: 2305 North 57<sup>th</sup> Street  
EC No.: 1843**

03 FEB 27 5:17 25  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

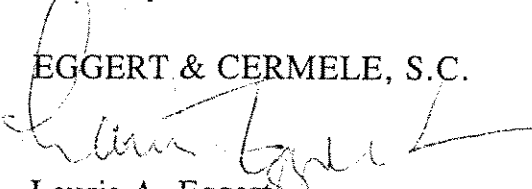
Dear Mr. Leonhardt:

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, the claim is hereby made on their behalf for the indicated legal fees. This incident involved an arrest for Disorderly Conduct.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Gebhardt, Clark and Seelo to give statements concerning the incident after issuing PI-21s. Later, the MPD decided not to issue criminal charges against the officers. 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

RECEIVED  
03 MAR 11 PM 1:49  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

9/23/04  
O.K.  
JAS  
Letter 2276

JC/ldl  
attachment  
GEBCLARSEE

**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

February 18, 2003

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

RE: MPD Criminal Investigation re: Ms. Joan Questell  
Regarding: POs Andrew Gebhardt, Kevin Clark and Charles Seelo  
Date of Incident: May 5, 2002  
Location of Incident: 2305 North 57th Street

Professional services

	<u>Hours</u>
7/19/02 Telephone call from PO Clark regarding new criminal investigation; open file; memo to file; review PO Gebhardt's statement to IAD.	1.10
7/26/02 Review of file; meeting with IAD; meeting with PO Clark; attend Clark's PI-21 statement; travel; memo to file.	1.90
7/29/02 Several telephone calls to and from PO Seelo; meeting with IAD.	0.50
7/30/02 Telephone call to and from PO Seelo; telephone call to and from PO Clark.	0.40
7/31/02 Telephone call to and from PO Seelo; telephone call from PO Clark; memo to file; telephone call from ADA McAdams; memo to file.	0.50
8/1/02 Telephone call to IAD; telephone call to and from PO Clark; telephone call to and from PO Gebhardt; telephone call to and from PO Seelo.	0.50

	<u>Hours</u>	
8/5/02 Telephone call from PO Seelo; review of file; meeting with PO Seelo at IAD; attend PO Seelo's PI-21; travel; memo to file.	2.10	
8/28/02 Review of file; meeting with POs Gebhardt, Seelo and Clark at DA's office; attend PO Clark's statement to DA; attend PO Seelo's statement to DA; attend PO Gebhardt's statement to DA; conference with clients; travel; memos to file.	2.90	
9/3/02 Discussion with ADA McAdams; receive and review CAD reports regarding 911 call; telephone calls to and from all clients; review Jury Instructions.	0.90	
9/4/02 Telephone call to and from PO Gebhardt.	0.40	
9/5/02 Telephone call from PO Gebhardt.	0.30	
9/13/02 Telephone call from PO Gebhardt; memo to file.	0.40	
10/2/02 Receive and review ADA's letter declining to issue; correspondence to clients; MPD Open Records request.	0.50	
1/27/03 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
	<hr/>	<u>Amount</u>
For professional services rendered	12.90	\$1,419.00
Additional charges:		
8/28/02 Parking		8.00
1/27/03 MPD Open Records request		8.29
Total costs		<hr/> \$16.29

Mr. Ronald D. Leonhardt

Page 3

Amount

Total amount of this bill

\$1,435.29

Balance due

\$1,435.29

(Rate: \$110.00 per hour)

WARRANT REPORT  
PAGE 2

INVESTIGATIVE NARRATIVE:

This report is written by Detective Joe Groce Of the Criminal Investigation Unit / Internal Affairs Division (CIU/IAD), early power shift.

On Wednesday, August 28, 2002, at 8:30am, this matter was reviewed at the District Attorney's Office by Assistant District Attorney Tom McAdams. Police Officers Andrew GEBHARDT, Charles SEELOW, Keviv CLARK appeared with Attorney Jon CERMELE. Lieutenant Raynard RICHARDS and I were also present, however we did not attend the conference when each officer was interviewed by Assistant District Attorney McAdams. After reviewing this case, Assistant District Attorney McAdams adjourned this matter to a later date.

On Wednesday, September 11, 2002, at 9:00am, this matter was again reviewed by Assistant District Attorney Jon McAdams. After further review of the circumstances surrounding this matter, Assistant District Attorney McAdams stated there was not enough evidence to support that Officers GEBHARDT or SEELOW battered Ms. QUESTELL. In addition, Assistant District Attorney McAdams stated there was also not enough evidence to support, beyond a reasonable doubt, that Officer GEBHARDT intentionally presented inaccurate information to the Municipal Court regarding the misuse of 9-1-1 citation that he issued to Ms. QUESTELL. Based on these findings, the criminal complaint against Officers GEBHARDT and SEELOW will be closed at this time.

02-121

REVIEWING D.A. <i>TOM McADAMS</i>	P.O./DET. ASSIGNED JOE GROCE	COURT CASE NUMBER
FINAL CHARGE <i>WARRANT refused</i>	DISPOSITION/DATE 09-12-02	VICTIM NOTIFIED BY <i>Det. Groce</i>
INCIDENT STATUS	<ul style="list-style-type: none"> <li>• CLEARED BY ARREST 18 OR OVER</li> <li>• PARTIAL CLEARANCE BY ARREST</li> <li>• UNFOUNDED/BASELESS</li> <li>• NO PROSECUTION DESIRED</li> </ul>	<ul style="list-style-type: none"> <li>• PROPERTY RECOVERED</li> <li>• WARRANT REFUSED</li> <li>• ARREST UNDER 18</li> <li>• A. Detained at MCCC</li> <li>• B. Ordered in to MCCC DATE: _____</li> <li>• WAIVED AS AN ADULT</li> </ul>
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<ul style="list-style-type: none"> <li>• A. Death of Offender</li> <li>• B. Prosecution Declined</li> </ul>	<ul style="list-style-type: none"> <li>• C. Extradition Denied</li> <li>• D. Refused to Cooperate</li> <li>• E. Juvenile, no custody</li> <li>• F. Not Applicable</li> </ul>
JUSTIFIABLE HOMICIDE INFORMATION	<ul style="list-style-type: none"> <li>• A. SUSP ATTKCD PO AND SAME PO KILLED SUSP</li> <li>• B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP</li> <li>• C. SUSP ATTKCD CIVILIAN</li> <li>• D. SUSP ATTEMPTED FLIGHT FROM CRIME</li> </ul>	<ul style="list-style-type: none"> <li>• E. SUSP KILLED IN COMMISSION OF CRIME</li> <li>• F. SUSP RESISTED ARREST</li> <li>• G. UNABLE TO DETERMINE/NOT ENOUGH</li> <li>• H. SUSPECT KILLED BY PRIVATE CITIZEN</li> <li>• I. SUSPECT KILLED BY POLICE OFFICER</li> </ul>

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. ANDREW GEBHARDT  
DISTRICT THREE

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 5, 2002
- 2) A citizen's complaint made by JOAN QUESTELL
- 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 

Print your name: ANDREW M. GEBHARDT

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

 KJS

Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

03 MAR 27 AM 10:04

RECEIVED

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. KEVIN CLARK  
DISTRICT THREE

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 5, 2002
- 2) A citizen's complaint made by JOAN QUESTELL
- 3) A police shooting incident occurring on N/A

Is this information correct? YES yes NO \_\_\_\_\_

Did you receive legal representation in this matter? YES yes NO \_\_\_\_\_

Your signature: *Kevin Clark* <sup>Kevin CLARK</sup>

Print your name: KEVIN CLARK

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

*Steve Settingsgaard*  
KJS

Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

03 MAR 27 AM 10:04

RECEIVED



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. CHARLES SEELO  
DISTRICT THREE WEED & SEED

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 5, 2002
- 2) A citizen's complaint made by JOAN QUESTELL
- 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: \_\_\_\_\_

Print your name: CHARLES K. SEELOW

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

  
Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

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03 MAR 27 AM 10:03  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION