

CITY OF MILWAUKEE

2003 JAN 23 AM 8:07

James P. Iaquina RONALD D. LEONHARDT
CITY CLERK
2531 North 44th Street, Milwaukee, WI 53210-2909
414-444-9313 cell:414-732-5673

Melanie R. Swank
Assistant City Attorney
Office of the City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202-3551

January 21, 2003

Dear Ms. Swank:

Pursuant to our phone conversation of January 13, 2003 I am pursuing this appeal of towing and storage charges as you said I might. As you will recall, I told you that the letter from your office dated November 26, 2003 was not delivered, for whatever reason, until shortly before Christmas and that I then had to be out of town for the holidays and work until January 10, 2003. Last week I was called out of town to deal with my parents health problems or I'd have submitted this appeal sooner. I thank you for faxing me the police and towing reports concerning this matter.

As you can see on the Milwaukee Police Dept. Auto Theft Supplement report, both of my phone numbers were accurately recorded. According to the MPD Vehicle Recovery Information Worksheet, I was supposedly notified at 1:55 am by someone named Harris and that no message was left. I beg to differ.

According to my cell phone billing statement (copy enclosed) I received no calls at that time on that date. I know for a fact that I was up working on a project until nearly 4:00 am that morning and received no call. I presume that Mr./Ms. Harris dialed the wrong number and that the number dialed had no answering service which might have notified them of their error.

Since I was in no way at fault for this mistake, I ask that the charges of \$115.00 be remitted to me as I could have had the tow arranged for under insurance I am already paying for.

Thank you for your prompt assistance in this matter,

James P. Iaquina
James P. Iaquina



Individual Charges

www.sprintpcs.com

Customer	Account Number	Invoice Period	Invoice Date	Page
JAMES P IAQUINTA	0034022583-9	Oct 23 - Nov 22	Nov. 23, 2002	4 of 9



Individual Charges for **JAMES P IAQUINTA** (continued)
414-732-5673

Call Detail

Voice Call Detail

	Date	Time	Phone Number	Call Destination	Rate/Type	Minutes Used	Airtime Charges	LD/Additional Charges	Total Charges
1	10/23	1:04 P M	262-250-7771	MenomonfIs, WI		1.0	included	0.00	0.00
2	10/23	2:53 P M	262-554-8279	Racine, WI		2.0	included	0.00	0.00
3	10/23	2:55 P M	262-554-8279	Racine, WI		2.0	included	0.00	0.00
4	10/23	3:01 P M	262-796-0877	Milwaukee, WI		2.0	included	0.00	0.00
5	10/23	3:32 P M	414-649-7101	Milwaukee, WI		2.0	included	0.00	0.00
6	10/23	3:50 P M	Incoming			5.0	included	0.00	0.00
7	10/23	4:44 P M	Incoming			7.0	included	0.00	0.00
8	10/23	4:50 P M	Incoming			2.0	included	0.00	0.00
9	10/24	11:36 A M	414-476-8984	Milwaukee, WI		1.0	included	0.00	0.00
10	10/24	11:43 A M	Incoming			3.0	included	0.00	0.00
11	10/24	12:59 P M	239-596-2004	No Naples, FL		3.0	included	0.00	0.00
12	10/24	1:02 P M	920-324-3184	Waupun, WI		2.0	included	0.00	0.00
13	10/24	3:43 P M	920-582-0170	Winneconne, WI		2.0	included	0.00	0.00
14	10/24	9:35 P M	262-796-0877	Milwaukee, WI		2.0	included	0.00	0.00
15	10/24	9:37 P M	310-396-9279	San Monica, CA		2.0	included	0.00	0.00
16	10/24	9:39 P M	310-428-9279	San Monica, CA		2.0	included	0.00	0.00
17	10/24	9:45 P M	262-250-7771	MenomonfIs, WI		4.0	included	0.00	0.00
18	10/24	9:49 P M	239-596-2004	No Naples, FL		3.0	included	0.00	0.00
19	10/24	9:51 P M	262-250-7771	MenomonfIs, WI		2.0	included	0.00	0.00
20	10/24	10:10 P M	Incoming			17.0	included	0.00	0.00
21	10/25	10:51 A M	414-732-5673	Milwaukee, WI		2.0	included	0.00	0.00
22	10/25	10:53 A M	262-560-5486	Oconomowoc, WI		2.0	included	0.00	0.00
23	10/25	11:34 A M	Incoming			38.0	included	0.00	0.00
24	10/25	1:01 P M	262-250-7771	MenomonfIs, WI		6.0	included	0.00	0.00
25	10/25	4:54 P M	920-907-8003	Fonddu Lac, WI		2.0	included	0.00	0.00
26	10/26	12:01 P M	920-582-0170	Winneconne, WI		4.0	included	0.00	0.00
27	10/26	4:07 P M	262-797-0657	Milwaukee, WI		5.0	included	0.00	0.00
28	10/27	1:39 P M	262-797-0657	Milwaukee, WI		2.0	included	0.00	0.00
29	10/28	12:18 P M	414-732-5673	Milwaukee, WI		2.0	included	0.00	0.00
30	10/28	4:25 P M	Incoming			5.0	included	0.00	0.00
31	10/29	2:08 P M	Incoming			2.0	included	0.00	0.00
32	10/29	5:15 P M	Incoming			3.0	included	0.00	0.00
33	10/29	6:27 P M	Incoming			2.0	included	0.00	0.00
34	10/29	9:34 P M	262-250-7771	MenomonfIs, WI		2.0	included	0.00	0.00
35	10/29	10:07 P M	920-467-3253	ShebognfIs, WI		5.0	included	0.00	0.00
36	10/29	10:12 P M	920-452-5077	Sheboygan, WI		3.0	included	0.00	0.00
37	10/30	10:57 A M	Incoming			4.0	included	0.00	0.00
38	10/30	11:17 A M	Incoming			15.0	included	0.00	0.00
39	10/30	11:57 A M	Incoming			2.0	included	0.00	0.00
40	10/30	2:24 P M	414-647-0204	Milwaukee, WI		3.0	included	0.00	0.00
41	10/30	2:39 P M	414-647-0204	Milwaukee, WI		3.0	included	0.00	0.00

James P. Iaquinta

2531 North 44th Street, Milwaukee, WI 53210-2909 (414)444-9313

City Hall
200 East Wells Street
City Clerk, Room 205
Milwaukee, WI 53202

November 18, 2002

Dear Sir:

On the morning of Sunday, October 27, 2002 I reported to the Milwaukee Police Department that my 1987 Chevrolet Caprice Classic had been stolen from the driveway beside my home. Officer Guittierez (spelling?) informed me that if I didn't authorize the city to tow my car to the city storage lot and I could not be reached when they located it, they would have to leave it wherever they found it.

This same vehicle had been stolen several years earlier and abandoned in an area of town where it would have been subject to vandalism or worse, so I was worried that the same scenario might play out again. As I have been working in Fond du Lac recently, I was afraid that simply asking them to call me might result in the car being left unprotected for a time. On the other hand, I did not wish to have to pay for a city tow when it was unnecessary. I pointedly and repeatedly asked Officer Guttierrez if I would still be called if I authorized the tow and he repeatedly assured me that I would be called before a tow was called for.

On Wednesday, October 30, 2002, I recieved a Notice of Towed Vehicle (copy enclosed) stating that my car had been found and towed. When I arrived at the tow lot, I asked at what time the tow had occurred. I was told that it was towed at 4:00 am on Tuesday morning, October 29, 2002. I was up until that time on that date working on a project so I know that no call was placed to either my home phone nor cell phone. As a result I had to pay a \$115.00 charge (copy enclosed).

I therefore request for a tow waiver and that my expense be reimbursed, since I had been assured that I would be given the opportunity to arrange for a private tow before the city would act.

Thank you in advance for your assistance,

James P. Iaquinta, homeowner

cc: alderman Fred Gordon

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
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
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 26, 2002

Mr. James Iaquina
2531 North 44th Street
Milwaukee, Wisconsin 53210

Re: Claim of James Iaquina
Tow No. 1140436
Our File No. 02-S-387


Dear Mr. Iaquina:


Our office has received your claim relating to the towing of your car. You indicate that your vehicle was stolen and subsequently recovered by the City and towed to the City of Milwaukee Tow Lot on October 29, 2002. You further indicate that you asked to be called when your vehicle was found, but did not know that your car had been towed until you received a Notice of Towed Vehicle from the tow lot. You are asking for a refund of the towing and storage fees in the amount of \$115.00.

The Milwaukee Police Department Vehicle Theft Report indicates that you authorized the City of Milwaukee to tow your car to the tow lot if it was recovered. The MPD Vehicle Recovery Information Sheet indicates that you were notified of your vehicle's recovery on October 29, 2002 at 1:55 a.m. The police department could have left your car on the street, and you would have had to arrange (and pay for) a tow. Because you authorized the tow, the City followed proper procedure and accordingly, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202.

Very truly yours,


GRANT F. LANGLEY
City Attorney


MELANIE R. SWANK
Assistant City Attorney
1047-2002-3629:60806

PV-20 07/01

MILWAUKEE POLICE DEPARTMENT VEHICLE RECOVERY INFORMATION WORKSHEET

OFFENSE NUMBER: 02-300-1017
 RECOVERY INFO. DATE: 10/29/02 TIME: 1:50AM SQD: 70 PR # 68499
 ADDRESS VEHICLE RECOVERED: 2831 N. 25th SQD AREA 70
 (CIRCLE APPLICABLE ITEM) ALLEY STREET LOT KEYS: YES NO
 OWNER RECOVERED VEHICLE: YES NO OWNER CLAIMED VEHICLE AT SCENE: YES NO
 TOW INFO.: TOW NUMBER: 1140436 TOWED TO: CTA
 APPEARS DRIVEABLE: YES NO VEHICLE TOWABLE: YES NO FLATBED NEEDED: YES NO
 VEHICLE DAMAGES: (CIRCLE APPLICABLE ITEMS)

INTERIOR:

Column/Ignition
Peeled/Damaged
 Involved in Accident Yes No
 Other: _____

EXTERIOR:

Fit End Dmg
 Window Damage _____
 Right: Front Side Rear
 Left: Front Side Rear
 Tires Flat 1 2 3 4 5
 Fire Damage: Yes No Trunk Lock Punched Yes No

PARTS MISSING: (CIRCLE APPLICABLE ITEMS)

INTERIOR:

Radio
 Speakers
 Radiator
 Seats LF RF LR RR
 Personal Property

EXTERIOR:

Battery Hood Grille Trunk Engine Engine Parts
 Tires 1 2 3 4 5
 Fender RF RR LF LR Wheels
 Bumper Front Rear
 Transmission Plates 1 2

OWNER NOTIFIED: YES NO AT: HOME/BUSINESS LEFT MESSAGE ON MACHINE: YES NO

MESSAGE LEFT WITH: _____

RELATIONSHIP TO OWNER: _____

ORG

SQUAD SENT: YES NO

***** WHEN OUTSIDE AGENCY RECOVERS OUR STEAL, WE NOTIFY THE OWNER *****

1st attempt: Date: 10/29/02 Time: 1:55am By: OPAT-Davis PR# 68668

2nd attempt: Date: _____ Time: _____ By: _____ PR# _____

ARREST(S): YES NO ADULT/JUVENILE NUMBER IN CUSTODY: 0

CLEARANCE FILED PROPERTY RECOVERED: YES NO

CANCELLATION INFORMATION

LOCAL RECOVERY INFO. ENTERED: Date: 10/29/02 By: P.A. Miller PR# 70249

NCIC/CIB CANCELLED: Date: 10/29/02 By: P.A. Underwood PR# 70050

******* OUTSIDE JURISDICTION STOLEN RECOVERY (COMPLETE POSITIVE WORKSHEET) *******

NAME OF OUTSIDE JURISDICTION: _____

"HIT" VERIFIED BY OUTSIDE JURISDICTION: YES NO

TELETYPE SENT WITH PERTINENT INFO. TO REQUESTING JURISDICTION? YES NO

DATE: _____ TIME: _____ BY: _____ PR# _____

LOCATE MESSAGE SENT TO TIME SYSTEM: YES NO

TELETYPE MUST STATE THAT IT WILL BE THEIR (OUTSIDE JURISDICTION) RESPONSIBILITY TO NOTIFY THE OWNER

PT-37 Rev. 01/01

MILWAUKEE POLICE DEPARTMENT AUTO THEFT SUPPLEMENT

DATE OF REPORT

10-27-02

INCIDENT NO.

02-3001017

I have not given consent for anyone to take and drive my motor vehicle or cause damage or remove parts from it. I am willing to prosecute the person or persons responsible for the theft or operation of my vehicle and/or removal of parts. I will appear in court to testify as needed. I understand that failure to be truthful and/or providing false information in this complaint can result in my own arrest and prosecution.

Signature Required

James P. Laquinta

(If not signed by complainant, no Motor Vehicle Theft report shall be filed) File PO-27A Baseless Offense Summary.

If my vehicle is located: 1) and I cannot be immediately located and/or the vehicle is inoperable, I request that my vehicle be towed. I understand that I will be liable for all towing and storage charges for my vehicle. 2) **Do not tow my vehicle.** I request notification as to the location of my vehicle. I understand that the vehicle will be left at that location and that neither the City of Milwaukee nor the Milwaukee Police Department are liable for or obligated to safeguard my vehicle.

DO YOU WANT YOUR VEHICLE TOWED if we are unable to notify you of its recovery?

Yes

No

Signature *James P. Laquinta*

Date 10-27-02

Yes No Have you ever refused to prosecute for a similar previous offense?

Date of Incident

10-27-02

Location of Incident

2531 N. 44TH ST

Victim

LAQUINTA, JAMES P.

M/W 05-20-47

Last name

First name

MI

Sex/Race

DOB

Reported by:

SAME

Last name

First name

MI

Sex/Race

DOB

Address

2531 N. 44TH ST

Home Telephone No.

444-9313

Work Telephone No.

732-5873

Drivers License No.

F253-4554-7180-04

Vehicle

87 CHEV CAP

4DR

LGHT BLU

Year

Make

Model

Type (2/4 door, Truck, etc.)

Color (Top/Bottom)

Vin #

1G1513N151111614911617161814

Tow File Checked?

Yes No

Payroll No.

5838

(1981 or newer models have 17 digits)

Personal Identification Points

left rear tail light broken, covered w/ tape, WRE SPOKE NUB CAPS

Previous Accident Damage

If any answer below is yes, a PO-15A Supplemental Report must be filed, explaining each "yes" answer.

1. Yes No Does owner suspect anyone of taking vehicle?
2. Yes No Are there any witnesses to the theft?
3. Yes No Are witnesses ordered to view photos?
4. Yes No Was the vehicle title in the car when taken?
5. Yes No Is the title in a name other than the person reporting the theft?
6. Yes No Was a weapon in the vehicle when taken?
7. Yes No Are there items of apparent value in the vehicle?
8. Yes No Was there broken glass at the location of the theft?
9. Yes No Are any of the vehicle's keys unaccounted for or missing?
10. Yes No Was the vehicle given to another person voluntarily?
11. Yes No Did someone other than the person reporting the vehicle stolen possess it at the time of theft?
12. Yes No Is this a rental vehicle? (If so, a certified letter must be sent by rental agency when the vehicle is 10 days past return date.)

Victim ordered to DA for prosecution.

Date

Time

Officer handling

Liaison Case? Yes No

PO MARIO GUTIERREZ

5838 31

[Signature]

Reporting Officer

Payroll No.

Loc.

Supervisor Signature

Distribution: Original (White) to Stolen Vehicle Desk at Central Records Div.

Copy (Yellow) - Attach to District Copy

Note: If Baseless - Attach White Copy of PO-27A to Original (White) PT-37

If Baseless - Attach Pink Copy of PO-27A to Copy (Yellow) PT-37 (District Copy)

FAX

TO: Ms. Melanie R. SWANK, ASS'T CITY ATTORNEY
FROM: JAMES P. IAQUINTA
DATE: January 21, 2003
RE: TOWING CHARGES REIMBURSEMENT APPEAL
PAGES INCLUDING THIS ONE: 7

James P. Iaquinta

2531 North 44th Street, Milwaukee, WI 53210-2909 (414)444-9313

City Hall
200 East Wells Street
City Clerk, Room 205
Milwaukee, WI 53202

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I therefore request for a tow waiver and that my expense be reimbursed, since I had been assured that I would be given the opportunity to arrange for a private tow before the city would act.

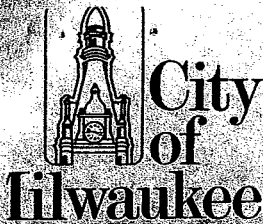
Thank you in advance for your assistance,

James P. Iaquinta Nov. 18, 2002
James P. Iaquinta, homeowner

cc: alderman Fred Gordon

3
CITY OF MILWAUKEE
2002 NOV 18 PM 3:10
RONALD D. LEONHARD
CITY CLERK

CITY OF MILWAUKEE
RECEIVED
OFFICE OF
CITY ATTORNEY
2002 NOV 18 PM 3:39



LAQUENTA JAMES P
2531 N 44TH ST

MILWAUKEE, WI 53210

DEPARTMENT OF PUBLIC WORKS - TOW LOT
3811 West Lincoln Avenue - Milwaukee, WI 53215
Ph: (414) 286-2700 - Fax: (414) 286-5093
TDD: (414) 286-2025

NOTICE DATE: 10/29/02
TOW NUMBER: 1140436
DATE OF TOW: 10/29/2002
LICENSE NUMBER:
VEHICLE YEAR AND MAKE: 87 CHEV
VIN NUMBER: 1G1BN51H6H9167684
OFFENSE REPORT FILE NO: 023001017
TOW CATEGORY: 21 RECOVERED STOLEN
TOW ADDRESS: 2831 N 25TH ST

NOTICE OF TOWED VEHICLE

Vehicle listed above has been towed and impounded and may be reclaimed at the City of Milwaukee Tow Lot located at 3811 W. Lincoln Avenue, Milwaukee Wisconsin.

If vehicle is not claimed within 15 days from the above NOTICE DATE, it may be sold or destroyed by the City of Milwaukee. (If the 15th day is a day or a holiday, you have until the close of the next business day to reclaim your vehicle.) **PLEASE ACT PROMPTLY!**

You may obtain your vehicle at 3811 W. Lincoln Avenue any time during regular business hours.

Tow Lot hours of operation are 8:00 a.m. to 6:00 p.m., Monday through Friday, and Saturday from 8:00 a.m. to Noon. The Tow Lot is closed on the following holidays: January 1st, Martin Luther King Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TO RECLAIM YOUR VEHICLE, YOU MUST BRING THE FOLLOWING TO THE TOW LOT:

Vehicle title (must be in owner's name).

A valid driver's license (if you are driving the vehicle from the lot). If you do not have a driver's license, you must have a photo ID and be accompanied by someone with a valid driver's license.

To retrieve a vehicle on behalf of an owner, you must have the vehicle title, a driver's license or photo ID and be accompanied by someone with a valid license and have a signed, notarized letter or release form from the vehicle owner authorizing you to pick up the vehicle. The notarized letter and release form must identify the vehicle by color, make, model, VIN, license plate number and tow number. Insurance companies and tow companies must have a notarized letter or signed release form.

Cash, cashier's check, money order, VISA or Mastercard are accepted for payment. The vehicle reclamation fee is \$95 plus \$20 per-day for storage. You are not required to pay for open citations in order to reclaim our vehicle.

You may reclaim loose or personal property from within the vehicle by presenting proof of ownership and a valid picture ID at the tow lot. Personal property in vehicle will be returned free of charge during posted business hours, but will be destroyed if your vehicle is unclaimed. If you do not claim your vehicle within 15 days of this notice date, your vehicle could be destroyed or sold by the city.

DISPUTE THE LEGALITY OF YOUR TOW - YOU MAY OBTAIN A REVIEW BY THE CITY ATTORNEY AT 749 WEST STATE STREET, ROOM 1000

If you are no longer the owner of this vehicle, or have any questions about this notice, please contact the City of Milwaukee Tow Lot at (414) 286-2700 during the business hours listed above.

TOW-501-V

TERMINAL ID. 000227033184502
 MERCHANT MILW DFW TOW LOT
 3811 W LINCOLN AVE
 MILWAUKEE, WI 53215
 00478950
 000227033184502
 MASTERCARD TRACE
 5490990761396348
 AUTH. NO. 04/03
 SALE 0000001808
 OCT 30, 02 15:30 035514
 TOTAL \$115.00
 CUSTOMER SIGNATURE
Xavier P. Siqueira
 I hereby acknowledge receipt of goods and/or services in the amount of \$115.00 and I agree to pay for them from the obligations of my credit card account.

City Attorney's Office/Ordinance Enforcement Division
Towing/Walk-In Review
Waiver Denied

Tow Number: <u>1140436</u>	Vehicle Location: City Tow Lot 3811 West Lincoln Avenue Milwaukee, WI 53215 Phone: 414/286-2700 Fax: 414/286-5093	Review Date: <u>10-31-02</u> Reviewed By: <i>C. Galson</i>
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Note: All claimants must provide the City Tow Lot with a Certificate of Title showing the claimant as the titleholder of record and a valid photo ID/driver's license.

Comment:
TOW AUTHORIZED