

# Damages —

JOHN HELBER

Part of this issue is discrimination against a disabled person , who in addition numerous injuries, had just recently undergone a surgical abdominal procedure...

I have been trying for months to ascertain the value of the items listed below. I have spoken with the Chairman of the Dept. Of Architecture at U.W.Milwaukee. All to no avail except that the pieces are rare and valuable. I spoke to a very nice woman at your office who suggested that I simply file the list and still try to find a value.

A partial, but, not complete list: marble Carrarra, antique piece(it was a gift, from a realty company, value of entire piece less than 10,000US\$, piece they took about 1/3rd, cut and polished on all but the end when I had to split the stone...was a very clean split. value :cannot be replaced.

cut and dressed blocks of Indiana limestone(cutting was antique, came from building torn down on Wisconsin Ave, where the MacDonald's parking lot was. The inspector, Carter, you employ as an inspector insisted it was concrete and wouldn't hear otherwise.

cut and carved Indiana limestone(the quarries are famous, near Bloomington, don't know if they are still working. more than 20 feet carved in the design know as lambs' tongue one one piece carved as an heraldic shield , at least \$3-\$4,000.

three corner pieces(photo enclosed)(these pieces were from the Love Apartments, a complex circa 1870s(to my understanding) torn down by Marquette University in the early 1990s. at least \$2-3,000 each

terra cotta lambs tongue, several pieces, cream colored, and bluish

numerous boulders, small to medium in size some already drilled to mount sculptures(quartz, granite, other hard stones)

lannon flag stones, also smaller pieces of lannon stone

cut and polished marble or granite slabs for both exterior or interior architectural work. most were seven to twelve inches in width. The lengths varied from about 16 inches to about forty inches. One piece of granite was more than two feet wide and more than three feet long.

wrought iron chair, circa 1950

art deco sink 1940s condition no visible signs of wear

cast iron sink, excellent condition, no visible signs of wear or staining, circa 1915

two cast iron bathroom sinks circa 1930s no visible signs of wear or staining

hand push lawn mover(circa 1920-30)It had the old wooden handles.

plank, antique true 1" x true 16" x 14' feet long virgin white pine (irreplaceable, I was weathering it further to bring up the grain before using it for wood cuts, because of the thickness I would have been able to carve both sides, my intent was to get 4 blocks out of the plank, allowing me eight images)

a gate, with the hinges

19 century carved wooden columns to serve as casting molds, (they were hand turned)

wrought iron fencing circa late 1940s-early 1950s

miscellaneous wood, mush of it turned(for sculptures)

destroyed my milkweed plants(habitat for monarch butterflies).

Art deco chest of drawers, veneer was intact but need a glue injection and pressure(it was covered

I was prevented by threat of arrest from saving the carved stone, the marble and the plank....

15 gallon Redwing stoneware crock, damaged but used for plants

CITY OF MILWAUKEE

2004 DEC -8 PM 2:46

RONALD D. LEONHARDT  
CITY CLERK

CITY OF MILWAUKEE  
RECEIVED

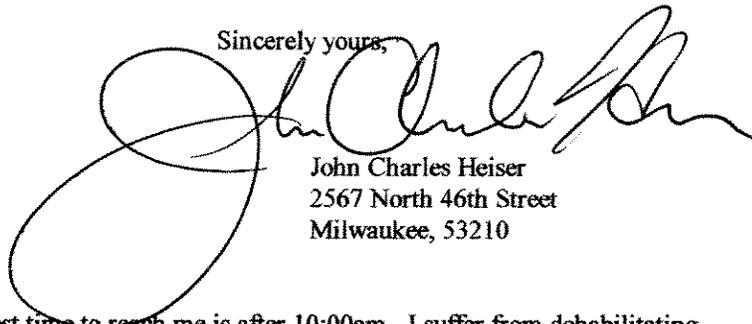
2004 DEC -9 PM 3:00

OFFICE OF  
CITY ATTORNEY

What I really want is the return of my property. At the time, I said to the inspector that the pieces they were taking were worth \$10,000 to \$15,000. Subsequent research has shown that I seriously underestimated the replacement value. I would like to discuss this with whomever is assigned my case. A more likely value is in excess of \$25, 000. Thank you for you anticipated co-operation.

In addition, the duress I underwent caused me to suffer a medium grade panic attack (serious would require hospitalization). In either case the stress is detrimental to the health of my heart and mental state. As stated in accompanying documents, I tried to speak with Mr. Carter about my health issues and my ability to comply with what appears to be a purely vindictive act on his part. All orders on the property had been abated. No answer has ever been given to our (my wife & my) questions regarding Mr. Carter's actions. My constitutional rights have been repeatedly violated. It is also my belief that procedural process at Neighborhood Services was not followed, and the Department's response to our queries have been at best, evasive., basically we have been ignored. I would ask disciplinary action be taken against both Mr. Carter and his supervisor .

Sincerely yours,

A large, stylized handwritten signature in black ink, appearing to read 'John Charles Heiser'. The signature is written over the typed name and address.

John Charles Heiser  
2567 North 46th Street  
Milwaukee, 53210

The best time to reach me is after 10:00am. I suffer from debilitating headaches, but they are usually under control by then.. Again thank you.

JOAN HEUER

Appeal of Actions taken by the Dept. of Neighborhood Services against 2567 N. 46th  
Tax key #328-0703-000

On May the 4th, 2002, I encountered a City of Milwaukee Inspector (Neighborhood Services), leaving a fenced and gated, private part of my property. When I asked him what he was doing, he handed me a citation. Besides containing erroneous information, i.e., calling dressed Indiana limestone concrete, the citation also called for the destruction of the naturalistic parts of my garden which provided habitat for certain threatened species. In 1996, I received an award from the city for the same type of garden I was trying to build. It ought to stand to reason that any sane person would be confused by the conflicting messages, and that I was now to be punished for that for which I had previously been praised, not only made no sense, but went against a set precedent. (There was some clutter resulting from various ongoing projects. This was corrected and okayed by Insp. Macklin)

Part of my gardening was the inclusion of native plants. These plants were included under the general heading of brush. They included milkweed, the only plant used by the monarch butterfly for breeding purposes. Those familiar with this particular insect might recall that somewhere between 70 to 90 percent of the monarchs died a few years back as the result of a freak snowstorm in their tropical wintering grounds in southern Mexico, an event probably caused by climactic change. Because of my planting milkweed on my property, I have seen an marked increase in the number of Monarchs coming to our gardens. Lightning bugs and black swallowtails have also appeared, as well as two types of butterflies I have never seen before.

Other items Mr. D. Carter objected to included, a wrought iron chair, and an old sink being used as a planter and wood that I was stressing so that the grain would be affected and become more prominent in my woodcuts. When I tried to discuss the matter with Mr. Carter, he was implacable. He returned one phone call and then simply ignored me. Once when I called I heard him talking in the background, something to the effect of "how do you turn this damn thing on?..." I am assuming that he meant his answering machine, as I then heard a click and his message. The call was never returned.

I continued to try to reach Mr. Carter. I was also concerned that my rights as an artist to express myself in my own back yard were being trampled upon. I had a mound of stone set in a sand base he wanted removed. I considered it an alterable installation piece. Quite a bit of the stone he objected to was already carved.

I am disabled, have a number of health problems, which include chronic fatigue, sleep problems and severe PTSS, among other things, and was to undergo an abdominal surgical procedure in the near future. If I was to comply with all of his orders, most of which I do not believe were justified, I wished to arrange for a bit more time.

I do not remember exactly how Inspector Macklin became involved. Either she took one of my calls for Carter or she called me on her own volition. I was concerned about dealing with two different inspectors and asked her whose territory I lived in. She told me that there was no problem with her taking my case as it was actually her territory, although I was close to the border and they sometimes helped each other. She was succinct, friendly, and listened to what I wished to say. I agreed that my yard could use a certain amount of tidying up, and with the help of my wife(who works full time) and my children got the back yard into a condition which Inspector Macklin examined and passed. The City of Milwaukee Neighborhood Services System lists the property, 2567 North 46th Street, as complete abatement. According to the dictionary we passed inspection and there were no further actions impending: (Compliance Date, 07/21/04....Current Status, Complete Abatement....Final, Yes..., Source City of Milwaukee web site.)

Late Friday morning, July the 30th, the dog got anxious, I went outside and found Insp. Carter again prowling in my enclosed back yard. I say prowling because I had previously asked him to simply ring the bell if he wanted a look around. I do not believe I am obligated to defend my desire for privacy, nor my inclination to want strangers to refrain from prowling about my yard. I have already experienced enough theft, and it does not seem proper for an inspector to open themselves up to charges of being a "peeping Tom" or some such other accusation when the owner of the property involved has already agreed

to show the property if the Inspector simply rings the bell.

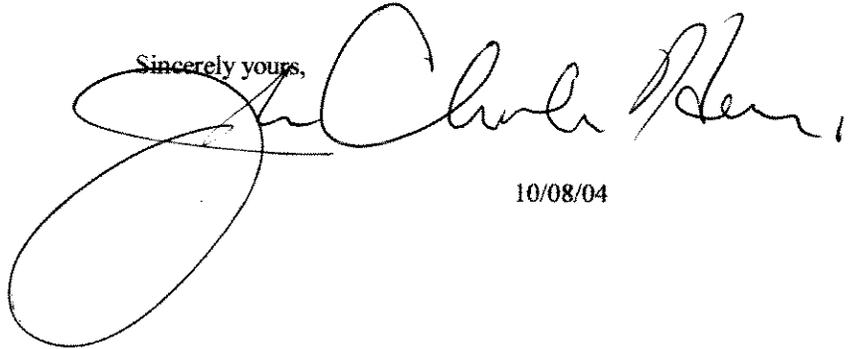
In spite of the issued abatement, I was cited again. If anything, the yard was cleaner than when it was abated. Either my wife, or both of us called Inspector Macklin to find out ( I believe I asked if Carter out ranked her - he did not- , and to inquired as to what was really going on). My wife called, and to her recollection, Insp. Macklin was unable to give a satisfactory answer as to why we were being subjected to two inspections, when we has been abated and no further record of complaint outside of Carter's exists. My wife also spoke to their supervisor, who said he would look into the matter and get back to her.

Nearly two months later there has yet to be a response from him. I believe that my rights to due process, not to be subjected to illegal search and seizure, the exercise of free expression, as well as not having to be placed in a situation of double jeopardy have all been violated. I also believe that I am not receiving fair and equal treatment before the law, and that I am being singled out for reasons not at all clear to me. I was told the initial complaint came out of the alderman's office. I made an appointment and inquired. The aide claimed that no one from that office had made a complaint. When I replied that an Inspector from Neighborhood Services insisted that this was the case, he said that he would look into the matter and get back to me. More than a month later, no response.

Mr. Carter claimed to me that he is empowered to enter secured areas without having to show cause or warrant. He further claimed that he is empowered to override any decision made by Insp. Macklin. When I asked him why no citation was issued for a tank of propane gas on an upper porch beneath the eaves, his response was to turn his head and grunt. He also told me that the truck would have been sent out on Tuesday, the 7th of August, 2004, but no bid out had been made . I asked the City Attorney's Office when bids are made. I was told that this occurs on Mondays. How was it then bid? Further, the notice handed me by Mr. Carter, and the one rolled and rubber banded to my door were not filled out in their entirety and were for the most part illegible, in contrast to what I received from Ms. Macklin. Somehow the actions of Mr. Carter and the absence of action by his supervisor can only lead one to question what is actually going on.

My wife says that this should be

Sincerely yours,



10/08/04

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Sincerely yours,

*[Handwritten Signature]*  
10/08/04 orig. Jeff  
12/07/04

*These dates may be incorrect*

*My wife's work records show she took off on the 20th of Aug. '04 - I had previously thought this all happened on the 13th of that month*

*Jeff*  
12/07/04



~~Ray Roberts~~

### City of Milwaukee Neighborhood Services System

<b>Violation History</b>	Address: 2567 N 46TH ST
	Taxkey: 328-0703-000

THEY CAME ON A FRIDAY

I believe Friday

Curr Distr	Section	Record Type	Serial #	# Orig Viols	Original Inspect Date	Compliance Date	Current Status	Yes
407	Nuis/Env/Nuisance	Nuisance	4632451	1	07/30/04	08/11/04	Referred for Contractor Abatement	Yes
404	Nuis/Env/Nuisance	Letter	4587251	2	07/01/04	07/21/04	Complete abatement	Yes
407	Nuis/Env/Nuisance	Nuisance	4498181	1	05/04/04	06/18/04	Notice dismissed	Yes

my wife's records show the 20th

my wife's records show the 20th

put me on extended hold 11.12 -> 11.15

500 - contractor 5799

**CITY OF MILWAUKEE**  
**DEPARTMENT OF NEIGHBORHOOD SERVICES**

Nuisance Section  
4001 S. 6th St.  
Milwaukee, WI 53221  
September 15 , 2004

JOHN CHARLES HEISER  
ZARINA MOHD SHAH  
2567 N 46TH ST  
MILWAUKEE, WI 53210-0000

Premise Address: **2567-2567 N 46TH ST**  
Taxkey #: 328-0703-000

Order #: 4632451

You were notified by the Department of Neighborhood Services to correct a **garbage and litter nuisance** code violation at 2567-2567 N 46TH ST. You failed to do so within the time prescribed in the order so the City corrected the violation.

**The cost to correct the nuisance was \$600.00.** As indicated in the original order, this charge if unpaid will be placed on the property tax bill. If you wish to pay this amount rather than to have it appear on your tax bill, you may do so before September 15, 2005 at this address:

Department of Neighborhood Services  
Attn: Cashier  
841 N. Broadway, Room 105  
Milwaukee, WI 53202

Checks should be made payable to the **City of Milwaukee** for the amount listed above. Please enclose a copy of this notice with your payment.

If you wish to formally appeal this charge you must file that appeal within 30 days of the date of this letter. It must be filed with the: Administrative Review and Appeals Board, Office of the City Clerk, Room 205 City Hall, 200 E Wells Street, Milwaukee Wisconsin 53202, 414-286-2221.

If you feel the garbage or litter was not on your property or feel this letter was issued in error, please call 414-286-5771 to have this matter reviewed. A review does not extend the time to appeal.

Recipients:

JOHN CHARLES HEISER, ZARINA MOHD SHAH, 2567 N 46TH ST, MILWAUKEE, WI 53210-0000