GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
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VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

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JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

January 6, 2010

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

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C. for legal fees for Police Officer Walter Tyshynsky
EC 2701

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing for Police Officer Walter Tyshynsky. The claim is in the amount of $1001.00 for 9.10 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 the filing of a citizen's complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission.

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

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.
1032-2009-1276:124764v1

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

April 16, 2009

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

RE: Citizen Complaint of Mr. Varner Mason
Against PO Walter Tyshynsky
Complaint No.: 08-93
Date of Incident: October 14, 2008

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

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, this claim is hereby made on his behalf for the indicated legal fees. This incident involved responding to a noise nuisance complaint.

The Fire and Police Commission has closed the file. Attached is a copy of the letter and an itemization of the time and services rendered.

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

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April 16, 2009

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Mr. Varner Mason
Against PO Walter Tyshynsky
FPC No: 08-93
Date of Incident: October 14, 2008
Professional services

		Hours	Amount
12/8/2008 CA	Office conference with PO Tyshynsky regarding new citizen complaint; open file; open records requests to MPD and FPC.	1.10	121.00
12/16/2008 CA	Receive and review response to Open Records request.	0.30	33.00
1/6/2009 CA	Telephone call from Mediation Center.	0.20	22.00
1/7/2009 CA	Telephone call to client.	0.20	22.00
1/9/2009 CA	Telephone call from client regarding mediation date; email to Mediator regarding same.	0.30	33.00
1/23/2009 MG	Review file; office conference with MPD witness regarding license investigation unit; telephone call to client; review Muni. and State Court records regarding complainant; review closed citizen complaint file regarding same complainant; telephone call to Mediation	1.50	165.00

			Hours	Amount
		Center regarding mediation date; correspondence to client regarding same.		
1/26/2009	JC	Review file; direction to Granitz.	0.30	33.00
	MG	Email to Mediation center seeking confirmation of 1/29/09 mediation; telephone call from mediation center; telephone call from client.	0.40	44.00
1/28/2009	MG	Prepare for mediation; receive and review correspondence from Mediation Center; telephone call from FPC; telephone call to Mediation Center.	1.10	121.00
1/29/2009	MG	Review file; travel to Milwaukee Mediation Center; meeting with client; attend mediation with client; return travel.	2.70	297.00
1/30/2009	MG	Telephone call to FPC.	0.20	22.00
2/2/2009	MG	Review file.	0.20	22.00
2/5/2009	MG	Receive and review correspondence from mediation center; memo to file.	0.20	22.00
2/10/2009	MG	Receive and review correspondence from FPC dismissing complaint; correspondence to client regarding same; close file.	0.40	44.00
		For professional services rendered	9.10	$1,001.00
		Balance due		$1,001.00

(Rate: $110.00 per hour)

City of Milwaukee

Fire and Police Commission

Michael G. Tobin
Executive Director

Richard C. Cox
Chair
Carolina M. Stark
Vice-Chair
Leonard J. Sobczak
Ernesto A. Baca
Earl A. Buford
Kathryn A. Hein
Paul X. Lor
Commissioners

February 5, 2009

Mr. Varner T. Mason
3013 West St. Paul Avenue
Milwaukee, WI 53208

RE: Complaint of Varner T. Mason v. Police Officer Walter N. Tyshynsky and Sergeant James K. Sobek
FPC Complaint No. 08-93

Dear Mr. Mason:

Pursuant to your telephone conversation this morning with Cindy Janusz of our office, you informed her that you are satisfied with the mediation that took place on January 29, 2009 with Police Officer Walter N. Tyshynsky and Sergeant James K. Sobek. Neither the police officer nor the sergeant will receive any formal discipline as it relates to your complaint. The complaint does remain on file with the Fire and Police Commission for future reference.

Your input at the mediation is very helpful to us in revising the procedures the police officers and sergeants follow while performing their jobs. The police officers and sergeants participate in yearly updates to their training wherein these procedures are implemented.

Thank you for giving us the opportunity to assist you with your complaint. Feel free to contact us in the future, should the need arise. We are closing our file on your complaint.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj

cc: Chief Edward A. Flynn
Sergeant James K. Sobek
Police Officer Walter N. Tyshynsky

MILWAUKEE POLICE DEPARTMENT

December 10, 2009

TO: P.O. WALTER TYSHYNSKY
DISTRICT: LICENSE INVESTIGATION UNIT

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: October 14, 2008
2) An incident regarding complaint of: Varner MASON
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: Walter Tyshynsky

Print your name: WALTER TYSHYNSKY

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

DENITA R. BALL
Deputy Inspector of Police
Professional Performance Division

DRB: kjs