

December 20, 2005

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

Re: Communication from Precious Badran  
C.I. File No. 05-L-114

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, Precious Badran, Post Office Box 250821, Milwaukee, WI 53225, alleges that on January 9, 2004 her vehicle was towed and subsequently recycled improperly since the citations were for license plates which she claims were stolen from her sometime in 2003. She had the plates cancelled on October 14, 2003. The citations were released on July 12, 2005. She claims damages in the amount of \$104,100.00.

Our investigation reveals that this claim was filed on July 12, 2005. Wisconsin Statute §893.80(1) (a) requires that a claim must be filed within 120 days after the happening of the event giving rise to the claim. This claim was not filed timely.

In addition, her vehicle was towed on January 9, 2004 for Illegal parking/Unpaid Citations. There were two outstanding tickets issued based upon the Vehicle Identification Number, rather than any license plate, and the vehicle was tow eligible. There were no license plates on the vehicle for these prior tickets or at the time of the tow and thus any cancellation of any plates is irrelevant. On January 9, 2004 a letter was sent to her at 1414 West Concordia Avenue, Milwaukee, WI 53206, the address at which the Vehicle Identification Number was registered to with the Department of Transportation, advising her that the vehicle had been towed and

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indicating where she could pick it up. On January 23, 2004 a certified letter was sent to her at this address, advising her that if the vehicle was not retrieved by February 23, 2004 it would be sold or destroyed after that date. The certified letter was returned, as unclaimed, from the United States Postal Service on or about March 4, 2004. The vehicle was sold on March 29, 2004.

The citations which were released on July 12, 2005 were issued on October 5 and October 12, 2004. They had nothing to do with the tow on January 9, 2004.

The City followed proper procedure. As such, the City would not be liable. Therefore, we recommend that his claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure  
1044-2005-1949:96882