

# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

RUDOLPH M. KONRAD  
Deputy City Attorney

PATRICK B. McDONNELL  
LINDA ULISS BURKE  
Special Deputy City Attorneys

CITY OF MILWAUKEE  
RECEIVED

'03 MAY 27 PM 3:17

CITY OF  
CITY ATTORNEY



## 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. SCHRIFER  
EDWARD M. EHRlich  
LEONARD A. TOKUS  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
DAWN M. BOLAND

Assistant City Attorneys

RONALD D. LEONHARDT  
CITY CLERK

CITY OF MILWAUKEE

2003 MAY 27 AM 9:27

May 8, 2003

Cedric A. Johnson  
1122 East Russell Avenue, # 205  
Milwaukee, WI 53207

RE: 03-S-165

Dear Mr. Johnson:

This office is in receipt of your claim in the amount of \$146.00, relating to towing fees you incurred on April 3, 2003 when you allege your vehicle was illegally ticketed and towed after your arrest.

Our investigation reveals that your vehicle was towed on April 3, 2003 as prisoner's property. It had been left in a No Parking Zone. The City followed proper procedures 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 the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

STEVEN M. CARINI  
Investigator Adjuster

SMC:beg  
1047-2003-1233:66966

5/22/03.

TO WHOM IT MAY CONCERN:

I, CEDRIC ANTHONY JOHNSON (8/13/63), DO  
WISH TO FORMALLY REQUEST A HEARING (APPEAL) OF  
THE DECISION MADE IN REGARDS TO THE CLAIM  
MENTIONED IN THIS LETTER-(03-S-165). MY ADDRESS  
IS STATED CORRECTLY IN THE LETTER, AND MY  
PHONE # IS (414) 969-1231 OR (414) 640-2086.

SINCERELY,

April 8, 2003

CITY OF MILWAUKEE  
RECEIVED

2003 APR -9 PM 3:37

CITY OF MILWAUKEE  
CITY ATTORNEY

CITY OF MILWAUKEE

2003 APR -9 PM 2:43

RONALD D. LEONHARDT  
CITY CLERK

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

Dear Mr. Leonhardt:

This document is being submitted in order to officially file a claim against the **City of Milwaukee** in accordance with *Sec. 893.80, Stats. I, Cedric Anthony Johnson*, (08/13/63), do hereby swear to the following statement of facts in this matter:

On April 3, 2003, at approximately 10:45pm, I was pulled over by a Sgt. James Baier of Milwaukee Police District 2, as I drove southbound on S.Kinnickinnick Ave. Sgt. Baier accused me of speeding. I then told Sgt. Baier that I was not speeding, and that I was only following the flow of the traffic. Sgt. Baier then said okay, and asked me for my driver's license, which I gave to him. After a period of about 30 minutes, Sgt. Baier began to approach my car. Sgt. Baier first stopped and tampered with my license plate lightbulb, then came to the window of my car and asked me for my date of birth, and my address. After giving Sgt. Baier the information he requested, Sgt. Baier then told me that he was going to need me to step out of the car in order to take my fingerprints. I then asked Sgt. Baier why it was necessary to get my fingerprints. Sgt. Baier said he needed the fingerprints for identification purposes. I then asked Sgt. Baier why he wasn't able to identify me by the picture on my drivers license. Sgt. Baier only responded by saying "We need the fingerprints for identification purposes". After I told Sgt. Baier that he was lying, and that he didn't need any fingerprints to identify me for a traffic violation when he already had my valid driver's license, he became angry and put me in handcuffs and arrested me as I attempted to get out of the car to give him the fingerprints. As I was being put inside a police squadcar, I told Sgt. Baier to be sure and lock my car, which was now parked about 80-100 ft. to the west of the intersection of S. Kinnickinnick Ave. and W. Becher St., on W. Becher St.

The place where my car was parked on W. Becher St., was marked by a "No Parking" sign, but it was not a "Tow Away Zone", and my car was not obstructing the flow of traffic on the street in any way. As I was released from the District 2 police station, at approximately 1:30am, on April 4, 2003, after just finally being told the reason for my arrest in the first place, and having never been read my rights by anyone all night, Sgt. Baier said to me, "Oh by the way, your car was towed; you know where the tow lot is don't you?"

I had repeatedly asked the officers handling my arrest, for my right to make one phone call so I could have someone go and pick-up my car for me. By the time that I was finally allowed my phone call, and I believe the reason for the delay, Sgt. Baier already had my car towed for no apparent reason, except to harass me some more.

I was arrested at approximately 11:15pm on April 3, 2003, and according to the City of Milwaukee Tow Desk records, Sgt. Baier called to have my car towed at approximately 11:20pm on April 3, 2003. The car was never issued a ticket for illegal parking, nor was it allowed the appropriate period of time from the receipt of the requisite ticket, to be removed before being towed. Also, the car was never intentionally parked in the illegal area in the first place, it was only left there because that is where I was illegally stopped by Sgt. Baier. Finally, Sgt. Baier knew that I was only going to be under arrest for a few hours at best, and could easily go and move the car myself after being released, especially since the car was parked in walking distance of the District 2 Police Station.

Taking into consideration all of the facts of this statement, I contend that during the incident in question, my car was towed illegally by the **City of Milwaukee**.

I have submitted a copy of the receipt I received from the City of Milwaukee Tow Lot for payment in order to recover my vehicle. In relief of the monetary damages I suffered as a result of the aforementioned incident, I am seeking the reimbursement of the same amount, specifically \$95.00. In relief of the damages suffered as a result of the loss of use of my vehicle while at the City of Milwaukee Tow Lot, a time period of approximately 10 hours, I am seeking an amount equal to the federal minimum wage of \$5.15 per hour, times 10 hours, specifically \$51.50. In order to settle this claim, I am seeking a prompt monetary award in the sum amount of \$146.50.

My address is: 1122 East Russell Avenue, #205; Milwaukee, WI 53207. My home phone number is: 414/769-1231; an alternate phone number to reach me at is: 414/640-2086. If I am not available at the time of your call, please feel free to leave a message at either phone number, and I will return your call if necessary.

Sincerely,



Cedric A. Johnson

City of Milwaukee  
Tow Lot

Workstation ID : towlotreg04  
Drawer ID : TOMCD4

Workstation  
Session No. : 14985  
Drawer  
Session No. : 18453

Receipt Number : 1103961  
Payment Date : 04/04/2003  
Payment Time : 11:40 AM

Item Description : Tow  
Issue # : 1154923  
Amount Due : \$95.00  
Amount Paid : \$95.00  
Balance Due : \$0.00

Paid by : CASH  
Amount Due : \$95.00  
Amount Paid : \$95.00  
Amount Tendered : \$100.00  
Amount Change : \$5.00  
Cashier ID : OF07

Thank You For Your Payment