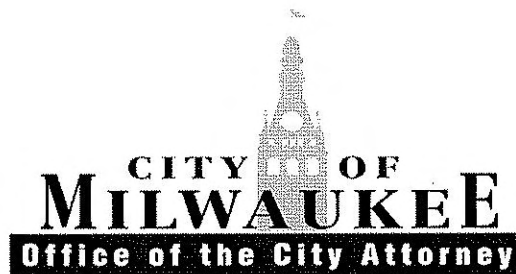


**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
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MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
KATHRYN Z. BLOCK  
MEGAN T. CRUMP  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
BETH CONRADSON CLEARY  
THOMAS D. MILLER  
HEIDI E. GALVÁN  
Assistant City Attorneys

April 20, 2009

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 Robert Brown  
C.I. File No. ; EC 2685

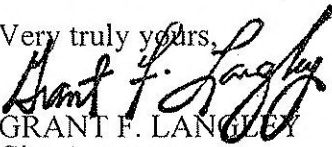
Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Robert Brown. The claim is in the amount of \$3,593.63 including \$18.63 in disbursements for 32.50 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 officer 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  
City Attorney

  
JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:amp  
Enc.

1032-2009-566:124771v1

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 25, 2009

TO: P.O. ROBERT A. BROWN II  
DISTRICT: SEVEN

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: June 9, 2006
- 2) A citizen complaint made by: Ms. Yolanda GRAHAM
- 3) A police shooting incident occurring at: N/A

Is this information correct?

YES  NO

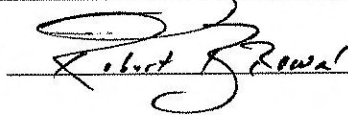
Did you receive legal representation  
in this matter?

YES  NO

Your signature: \_\_\_\_\_



Print your name: \_\_\_\_\_



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

1032-2009-566

# CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -  
WWW.CERMELELAW.COM

JONATHAN CERMELE  
MATTHEW L. GRANITZ  
SCOTT J. JESS

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

January 20, 2009

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

**RE: Citizen Complaint of Ms. Yolanda Graham  
Against PO Robert Brown  
Complaint No.: 06-27  
Date of Incident: June 9, 2006**

RECEIVED  
09 FEB 25 PM 12:19  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

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 response to a call for police services.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Thank you.

Sincerely,

GERMELE & ASSOCIATES, S.C.



Jon Cermele

/kjs  
Attachments  
BROWN

# CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

WWW.CERMELELAW.COM

JONATHAN CERMELE  
MATTHEW L. GRANITZ  
SCOTT J. JESS

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

January 20, 2009

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

RE: Citizen Complaint of Ms. Yolanda Graham  
Against PO Robert Brown  
FPC No: 06-27  
Date of Incident: June 9, 2006  
Professional services

	<u>Hours</u>
12/7/2006 Receive and review new citizen complaint; Open file; review and sign correspondence to FPC.	0.50
1/5/2007 Several telephone calls to and from client; memo to file.	0.30
1/8/2007 Review file; intra-office conference with Eggert regarding conciliation / lack of notice; telephone call to client; memo to file; telephone call from FPC regarding rescheduling conciliation.	0.30
1/9/2007 Telephone call from client regarding adjourned conciliation.	0.10
1/11/2007 Receive and review correspondence from FPC; telephone call to FPC; reschedule conciliation; correspondence to client; Open Records request.	0.30
1/22/2007 Telephone call from FPC confirming new conciliation date.	0.10
1/25/2007 Telephone call from FPC regarding conciliation; calendar same; correspondence to client regarding same.	0.30

	<u>Hours</u>
1/30/2007 Receive and review Notice of Hearing; review and sign correspondence to client with same.	0.20
2/6/2007 Telephone call from FPC adjourning conciliation; telephone call to client regarding same; memo to file.	0.20
2/12/2007 Telephone call from FPC regarding scheduling conciliation.	0.10
2/13/2007 Telephone call from and to FPC; schedule and calendar conciliation.	0.20
2/21/2007 Telephone call to FPC.	0.10
2/22/2007 Receive and review Notice of Conciliation; correspondence to client regarding same.	0.20
2/23/2007 Several telephone calls to and from client regarding conciliation; telephone call to client regarding same; receive and review Fax from client; several telephone calls to and from Fronk; correspondence to FPC confirming conciliation is on.	0.30
2/26/2007 Travel to City Hall; attend conciliation; several conferences with client and conferences with Heard; return travel; receive and review Fax from client.	3.00
2/27/2007 Review CAD; correspondence to Open Records; telephone call to and from citizen witness; memo to file regarding same.	1.00
3/2/2007 Telephone call from MPD Open Records; memo to file.	0.20
3/5/2007 Telephone call from citizen witness; memo to file.	0.20
3/14/2007 Receive and review Open Records request; correspondence to client.	0.30
5/21/2007 Receive and review correspondence from FPC regarding request for previous citizen complaints.	0.10

	<u>Hours</u>
7/20/2007 Receive and review correspondence from FPC scheduling hearing on complaint; correspondence to client.	0.20
8/29/2007 Review file; e-mail Fronk regarding scheduling.	0.20
9/28/2007 Receive and review correspondence from FPC confirming trial; receive and review FPC Scheduling Order; calendar same.	0.30
10/19/2007 Telephone call from FPC; memo to file.	0.30
11/7/2007 Receive and review complainant's Witness and Exhibit List.	0.20
11/9/2007 Review file regarding Witness and Exhibit List; prepare same; telephone call to MPD Open Records; fax to same for client's daily activity sheet.	1.10
12/14/2007 Telephone call from FPC scheduling trial; e-mail to and from FPC regarding same; telephone call to client.	0.30
12/17/2007 Correspondence to client.	0.10
1/4/2008 Telephone call from FPC; telephone call to client; review file.	0.40
1/9/2008 Telephone call from FPC regarding hearing.	0.10
1/14/2008 Telephone call from client; e-mail to FPC.	0.20
1/18/2008 Correspondence to client.	0.10
2/12/2008 Receive and review Notice of Hearing; calendar same; correspondence to client.	0.20
2/14/2008 Correspondence to client.	0.10
3/3/2008 Review file to determine necessary witnesses and defense strategy; telephone call to client; memo to file.	0.50

	<u>Hours</u>
3/7/2008 Review file; intra-office conference with Cermele; correspondence to client.	0.50
3/27/2008 Telephone call from FPC; memo to file.	0.20
3/28/2008 Telephone calls from and to PO Brown; telephone call from and to FPC; e-mail to FPC adjourning hearing; memos to file; correspondence to PO Brown.	0.50
4/25/2008 Telephone call from FPC.	0.10
5/2/2008 Telephone call to client.	0.10
5/6/2008 Review file; correspondence to client.	0.20
5/19/2008 Telephone call from and to client; schedule and calendar office conference with client.	0.20
5/20/2008 Office conference with client; memo to file; intra-office conference with Granitz.	0.50
5/22/2008 Telephone call to FPC.	0.10
5/23/2008 Telephone call from FPC; calendar hearing date/time; receive and review correspondence from FPC.	0.30
5/27/2008 Receive and review correspondence from FPC confirming hearing date/time; correspondence to client with same information.	0.20
5/29/2008 Intra-office conference with Pings; memo to file.	0.10
8/8/2008 Review file; update Witness and Exhibit List; telephone call to citizen witnesses; telephone call to client; memo to file.	0.50
8/12/2008 Telephone call to client; schedule office conference with client.	0.20



	<u>Hours</u>
8/13/2008 Intra-office conference with Allan regarding Affidavit; receive and review correspondence from FPC.	0.30
Review file; draft Affidavit of citizen witness; telephone call to same and schedule office conference; revise Affidavit; office conference with citizen witness to sign Affidavit.	1.00
8/15/2008 Draft correspondence to complainant with Affidavit to be used at hearing; review file for office conference with client on 08/18; prepare for hearing.	1.40
8/18/2008 Review file; intra-office conference with Granitz regarding hearing; prepare for office conference with client; office conference with client; prepare testimony for hearing.	1.50
8/19/2008 Prepare cross-examination of complainant and examination of client; prepare possible cross of complainant's witnesses.	1.50
8/21/2008 Prepare for hearing.	1.00
8/22/2008 Travel; attend hearing; return travel.	4.00
10/17/2008 Receive and review Decision from Fronk; review transcript.	0.80
intra-office conference with Allan regarding Decision.	0.30
10/22/2008 Correspondence to client with Fronk's Decision.	0.20
11/18/2008 Begin drafting Brief in Support of Hearing Examiner's Decision; revisions to same.	2.20
11/19/2008 Continue drafting Brief.	1.10
11/20/2008 Final revisions to Brief; correspondence to FPC; file Brief.	0.50
12/15/2008 Receive and review correspondence from FPC.	0.20

	<u>Hours</u>
12/29/2008 Receive and review FPC's decision Affirming Hearing Examiner's Decision and Dismissing Complaint; correspondence to client regarding same; close file.	0.50

	<u>Amount</u>
For professional services rendered	32.50
Additional charges:	\$3,575.00 ✓
2/26/2007 Parking	3.00
3/9/2007 MPD Open Records request	3.63
8/22/2008 Parking	8.00
Parking	4.00
Total costs	<u>\$18.63</u>
Total amount of this bill	<u>\$3,593.63</u> ✓
Balance due	<u><u>\$3,593.63</u></u>

(Rate: \$110.00 per hour)



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  
Paol X. Lor  
Commissioners

December 22, 2008

Ms. Yolanda S. Graham  
8511 West Cheyenne Street  
Milwaukee, WI 53224

Chelsie Allan, Esq.  
Cermle & Associates, S.C.  
6310 West Bluemound Road  
Suite 200  
Milwaukee, WI 53213

RECEIVED

DEC 22 2008

CERMELE & ASSOCIATES, S.C.

Re: Yolanda S. Graham v. Police Officer Robert A. Brown, II  
FPC Complaint No. 2006-27

Dear Ms. Graham and Ms. Allan:

Enclosed is a copy of the Board's decision in the above-captioned matter.

Feel free to contact the undersigned, should you have any questions.

Sincerely,

Michael G. Tobin  
Executive Director

MGT:cj

Enclosure

cc: Chief Edward A. Flynn (w/enclosure)  
Police Officer Robert A. Brown, II (w/enclosure)

BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE CITY OF MILWAUKEE

---

In the matter of the complaint of

BOARD DECISION

YALONDA GRAHAM

V.

POLICE OFFICER ROBERT A. BROWN

FPC Complaint No. 06-27

---

Having reviewed the complaint, applicable Milwaukee Police Department rules, the transcript and exhibits resulting from a hearing conducted regarding this matter, and proposed findings of fact and a recommendation from Hearing Examiner Steven Fronk, we reach the following decision:

Although we believe that Officer Brown could have done more at the onset to attempt to resolve the situation, we do not believe that this shortfall rises to the level of a rule violation. It is our unanimous decision that the evidence in this case is not sufficient to find that Police Officer Robert A. Brown failed to be zealous or attentive in the discharge of his duties or that he failed to utilize appropriate courtesy and civility in dealing with Ms. Yalonda Graham in violation of MPD Rule 4, Section 2/060.00.

We do hereby order that the complaint and charges alleging violations of MPD Rule 4, Section 2/060.00 be dismissed. We adopt the Findings of Fact and Recommendation as attached hereto and make them a part of this Decision by reference.

Board of Fire and Police Commissioners  
Of the City of Milwaukee

By:

  
Ernesto Baca, Commissioner

12.18.2008  
Date

  
Kathryn Hein, Commissioner

12-18-08  
Date

  
Earl Buford, Commissioner

12/18/08  
Date

BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE CITY OF MILWAUKEE

---

In the matter of the complaint of

YALONDA S. GRAHAM

v.

P.O. ROBERT A. BROWN II

SUMMARY OF PROCEEDINGS,  
FINDINGS OF FACT  
AND RECOMMENDATION

FPC Complaint No. 06-27

---

*Hearing Date(s): August 22, 2008*

*Conducted Before: Steven Fronk, FPC Hearing Examiner*

*Appearances: Yalonda S. Graham in person, pro se  
Robert A. Brown II in person and by Attorney Chelsie Allan*

*Allegation(s): That Officer Robert Brown, when dealing with Yalonda Graham on more than one date in June 2006, failed to be zealous and attentive in the discharge of his duties and/or failed to utilize appropriate courtesy, civility, patience and discretion in violation of MPD Rule 4, Section 2/060.00.*

SUMMARY OF PROCEEDINGS

At the hearing on August 22, 2008 testimony was received from Ms. Yalonda Graham and from Police Officer Robert Brown. A copy of the transcript of the hearing will be made available to the parties and the Commissioners who will ultimately decide this matter. An individual summary of testimony from each witness will not be provided.

*PROPOSED*  
FINDINGS OF FACT

1. At all times pertinent hereto Police Officer Robert A. Brown II was a member of the Milwaukee Police Department and bound by the rules and regulations thereof.
2. A dispute took place on June 8, 2006 at 81<sup>st</sup> Street School between Yalonda Graham and Sheila Nolte, both of whom were teachers at the school.
3. As a result of this incident, Yalonda Graham contacted the Milwaukee Police Department and the MTEA
4. On June 9, 2006 Police Officer Robert Brown was dispatched to 81<sup>st</sup> Street School and spoke to Assistant Principal Jenkins and then met with Ms. Graham.
5. Officer Brown informed Ms. Graham that the matter appeared to be one which would best be handled internally by school administrators, but Ms. Graham was not satisfied with this alternative and wanted Ms. Nolte charged with a crime or issued a municipal citation.
6. On the morning of June 12, 2006 Ms. Graham contacted the Milwaukee District Attorney and the Fire and Police Commission and went to the 7<sup>th</sup> District Police Station to speak to Officer Brown's supervisor. Lieutenant Eccher advised Ms. Graham that Officer Brown would come to the school to meet with the parties.
7. Officer Brown met with Ms. Graham, Ms. Nolte, Principal Lindsey and Assistant Principal Jenkins at 81<sup>st</sup> Street School later that morning. While at the school Officer Brown interviewed Ms. Graham, Ms. Nolte and more than one teacher who had witnessed the incident on June 8, 2006. Officer Brown also briefly reviewed statements written by students regarding the incident.
8. Based upon his investigation, Officer Brown came to believe that both Ms. Nolte and Ms. Graham had become loud and disorderly at the school on June 8, 2006. Officer Brown left the school on June 12<sup>th</sup> after speaking with Principal Lindsey and with the impression that it would be handled internally. Ms. Graham remained adamant that Ms. Nolte should be cited for her part in the incident.

9. Later that same day Ms. Graham again contacted Lieutenant Eccher and advised him that she was not satisfied with the outcome of Officer Brown's investigation. Lieutenant Eccher advised Ms. Graham that Officer Brown had reported to him that Nolte had a cross-complaint against Graham, and that if a citation was to be issued to Ms. Nolte that one would be issued to Ms. Graham as well.
10. Ms. Graham told Lieutenant Eccher "fine ...then issue the tickets ..." and Lieutenant Eccher advised Ms. Graham that Officer Brown would call her back and arrange for issuing her a citation.
11. Officer Brown contacted Ms. Graham by telephone and advised her that both women would receive citations. Graham continued to argue and Officer Brown did "get short" with her and his tone changed but he did not act rudely toward her.
12. Officer Brown issued a citation to Sheila Nolte at 81<sup>st</sup> Street School on June 13, 2006 and then attempted to hand deliver a citation to Ms. Graham at her home on Cheyenne Avenue.
13. Computer Aided Dispatch (CAD) records (Exhibit 4) confirm that on June 13, 2006 Officer Brown did, in fact, issue a citation at 81<sup>st</sup> Street School and that he left a reference card at Graham's Cheyenne Avenue residence.
14. Officer Brown returned to Ms. Graham's Cheyenne Avenue residence on a subsequent date and, when no one answered the door, left a citation for Ms. Graham wedged in the door.
15. Computer Aided Dispatch (CAD) records (Exhibit 4) confirm that on June 15, 2006, Officer Brown again went to Ms. Graham's Cheyenne Avenue residence.

## APPLICABLE LEGAL STANDARDS & CONCLUSIONS OF LAW

1. In order to prevail, a complainant must show and the Board of Fire and Police Commissioners must find that a preponderance of the evidence supports a finding of just cause as defined in section 62.50 (17)(b) and that the member violated Department rules and/or standard operating procedures as alleged in the complaint.
2. The complaint in this case alleges that Police Officer Robert Brown II failed to be zealous and attentive in the discharge of his duties and that he failed to utilize appropriate courtesy, civility, patience and discretion in dealing with Ms. Yalonda Graham. Such actions, if proven, would constitute one or more violations of MPD Rule 4, Section 2/060.00.
3. The record in this case does not contain sufficient evidence to support a finding that Police Officer Robert A. Brown II failed to be zealous and attentive in his duties in dealing with Ms. Yalonda Graham.
4. The record in this case does not contain sufficient evidence to show that Officer Robert Brown failed to utilize appropriate courtesy, civility, patience and discretion in dealing with Ms. Yalonda Graham.



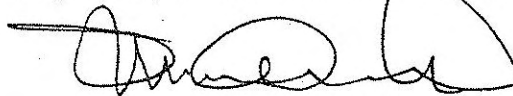
RECOMMENDATION OF HEARING EXAMINER

Officer Brown made a number of trips to 81<sup>st</sup> Street School and spent a significant amount of time on an incident involving a dispute between two MPS teachers which everyone other than Ms. Graham believed would best be dealt with internally by MPS administrators. There is no evidence to support the allegation that Officer Brown failed to be zealous and attentive to his duties.

As to the allegation that Officer Brown was less than professional toward Ms. Graham, such allegation can only be based upon Graham's assertion that Brown was "yelling and acting very unprofessional" during a phone call to her. Officer Brown denies that he was yelling or unprofessional, while admitting that he may have been "short" with her and that his "tone may have changed" during the conversation due to Ms. Graham's continued arguments. Police officers are human and cannot always be expected to respond to a citizen's ongoing arguments with a meek "yes ma'am" or "no ma'am." In this instance there is no allegation or evidence to indicate that Officer Brown was profane or threatening or abusive toward Ms. Graham, and I therefore fail to see sufficient reason to find that Officer Brown was less than appropriately courteous and civil as required by Milwaukee Police Department rules.

I would respectfully recommend that the Board of Fire and Police Commissioners determine that just cause does not exist to find a violation of Milwaukee Police Department Rule 4, Section 2/060.00, and that this complaint be dismissed.

Respectfully submitted this 15<sup>th</sup> day of October, 2008.



Steven Fronk  
Hearing Examiner