

GRANT F. LANGLEY
City Attorney

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

June 24, 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 Kevin Klemstein
EC 2255

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Kevin Klemstein. The claim is in the amount of \$1,012.00 for 9.20 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 a criminal investigation. No criminal charges were brought against the officer on whose behalf this claim was filed.

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. Sec. 895.35, Stats., 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
Enc.
1032-2008-3509.002:147318

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2005

TO: DET. KEVIN KLEMSTEIN
DISTRICT: VCD

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

Attorney Laurie Eggert 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 APRIL 8, 2005
- 2) A citizen's complaint made by RAYMOND TRUSS SR.
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO _____

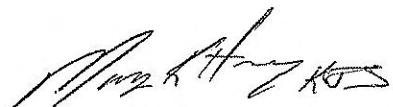
Did you receive legal representation
in this matter?

YES X NO _____

Your signature: Kevin Klemstein

Print your name: Kevin Klemstein

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


MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

November 10, 2005

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

**RE: MPD Criminal Investigation of PO Kevin Klemstein
Allegations Regarding Mr. Raymond Truss, Sr.
Date of Incident: April 8, 2005
Location of Incident: 3836/38 North 5th Street
EC No.: 2255**

Dear Mr. Leonhardt:

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, the claim is hereby made on his behalf for the indicated legal fees. This incident involved the search of a residence.

According to correspondence from Captain Hoerig, the allegation is unfounded. As such, no charges were issued against the officers. Attached is a copy of the letter along with status of the CIS Investigatory file and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jon Cermele

JC/ldl
attachment
KLEMSTEIN

EGGERT & CERMELE, S.C.

Attorneys at Law

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November 10, 2005

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

RE: MPD Criminal Investigation re: Mr. Raymond Truss, Sr.
Regarding: Det. Kevin Klemstein
Date of Incident: April 8, 2005
Location of Incident: 3836/38 North 5th Street
Professional services

	<u>Hours</u>
6/16/2005 Telephone call from IAD regarding new criminal investigation; telephone call from and to Det. Klemstein; open file; memo to file.	0.70
7/20/2005 Telephone call to and from IAD; memo to file; determine witnesses.	0.70
7/21/2005 Telephone call to client; telephone call to witness; memo to file.	0.60
7/22/2005 Several telephone calls to and from witnesses; memo to file.	0.60
7/26/2005 Telephone call from witness; memo to file.	0.40
7/27/2005 Telephone call to client.	0.20
7/28/2005 Lengthy telephone call from client; memo to file.	1.10
7/29/2005 Telephone call to IAD.	0.10
8/1/2005 Telephone call to client; telephone call from IAD; memo to file.	0.70
8/3/2005 Conference with MPD officers; telephone call to IAD; telephone call to client; memo to file.	0.80

	<u>Hours</u>
8/5/2005 Telephone call to and from IAD.	0.30
8/8/2005 Review of file; attend client's statement to IAD; travel; conference with client; memo to file.	2.20
10/21/2005 Draft letter and Fax to Capt. Hoerig.	0.30
10/24/2005 Receive and review Fax from IAD confirming that the complaint was "unfounded"; correspondence to client; close file.	0.50

	<u>Amount</u>
For professional services rendered	9.20 \$1,040.00
Balance due	<u>\$1,040.00</u>

(Rate: \$110.00 per hour)

*Total
should
be
\$1012.
@
\$110.00/
hour
- JRS*

PI-43 03-01

MILWAUKEE POLICE DEPARTMENT**Professional Performance Division****TO: CAPTAIN EDWARD LIEBRECHT
VICE CONTROL DIVISION****SUBJECT: NOTIFICATION RE: CONCLUSION OF CRIMINAL INVESTIGATION****MEMBER TO BE NOTIFIED: DETECTIVE KEVIN K. KLEMSTEIN
PAYROLL NO. 59974****DATE: SEP 29 2005**

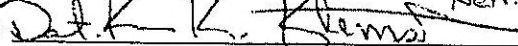
This memo is to serve as official notification that the criminal investigation in which you were involved stemming from a complaint filed by Raymond C. Truss PPD File No. 05-0302/CIS File No. 05-102 has been concluded with a finding of Unfounded pending new information

This criminal matter is now closed. However, the investigation may be reopened if pertinent new information regarding this matter is brought to the attention of the Department.

This matter will now be turned over to the Internal Affairs Section of the Professional Performance Division for review and appropriate action.

Your commanding officer will have you sign and date this memo. This notification will then be forwarded to the Professional Performance Division where it will be made a part of the aforementioned investigative file.


CAPTAIN MARY HOERIG
Captain of Police
Professional Performance Division

SIGNATURE:  Klemstein DATE: 09-29-05