

CITY OF MILWAUKEE
2003 SEP 30 PM 3:55
RONALD D. LEONHARDT
CITY CLERK

Marjorie Lundquist
P. O. Box 11831
Milwaukee, WI 53211-0831

September 30, 2003

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

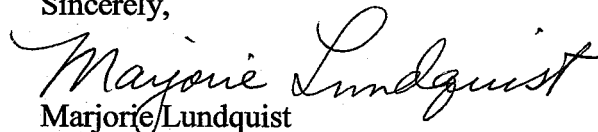
Dear Sir/Madam:

I am writing in reference to the letter dated August 20, 2003, which was sent to me by Grant F. Langley, City Attorney, regarding my claim in the amount of \$115.00 relating to towing and storage fees on my car.

I should like to appeal the negative decision made by the City Attorney's office, and I therefore request a hearing.

I received this letter on September 12, 2003. I'm not sure why I received it so long after it was written, but I am filing this appeal within the 21-day period from the date of receipt of the City Attorney's letter.

Sincerely,


Marjorie Lundquist

Enc.: copy of letter from Grant F. Langley dated August 20, 2003

CITY OF MILWAUKEE
RECEIVED
OFFICE OF
CITY ATTORNEY
03 OCT -1 PM 3:25

CITY OF MILWAUKEE
RECEIVED

Marjorie Lundquist

'03 MAY -2 PM 3: 2
Residence:
2735 N. Humboldt Blvd.
Milwaukee, WI 53212

Mail:
P. O. Box 11831
Milwaukee, WI 53211-0831

City Clerk
Attention: CLAIMS
200 E. Wells Street, Room 205
Milwaukee, WI 53202-3567

April 30, 2003
2003 MAY -2 PM 2: 28
DONALD D. LEONHARDT
CITY CLERK
CITY OF MILWAUKEE

Dear Sir/Madam:

This is a claim to recover the amount of \$115, the cost for the City to tow my car to the City Tow Lot (\$95) and the cost of storing it there for one day (\$20).

I am *not* challenging the legality of this tow. If I were, I would be following the procedure that has been established for that purpose. I am bringing this claim in this matter because I am asking to recover the \$115 I had to spend to regain possession of my car on *compassionate grounds*, not on any point of law.

Let me explain why I believe it would be appropriate, in this instance, for my claim for recovery on compassionate grounds to be granted.

Two days before my car was towed, I was the victim of what the police call a "strong-arm robbery", in the course of which I fell down and struck the back of my head on concrete pavement. I suffered a mild concussion, though I didn't lose consciousness; I ended up bleeding copiously from a scalp wound. (I don't have any direct documentation of this, but I did report the incident the following day at the Fifth District Police Station. Since then, I have received a notice from the Crisis Response Unit located in the office of District Attorney E. Michael McCann, a copy of which I enclose.)

The robbery took place on Tuesday, April 22, 2003. I began to feel ill the following day, and on Thursday, April 24—the day my car was towed—I awoke feeling *very* ill! My throat was sore, my nose was so stopped up that I couldn't breathe normally, and I used the toilet frequently. (I don't think my illness was *caused* by the injury I suffered during the robbery, but I suspect that the *stress* of the robbery and the scalp injury and concussion on April 22nd may have *triggered* the illness that I experienced on April 24th.)

Until April 24th, I had had no problem complying with the City ordinance that prohibits parking on the street for more than 24 hours at a time. However, being miserably ill on the 24th, I decided that my health should be my top priority. So, though I was aware that my car had been parked longer than was legally permitted, and needed to be moved in order to comply with the city ordinance, I did not go outside to move it until nearly 9 p.m. Thursday evening, when I had begun to feel better and judged that my health was "on the mend".

However, my car was not where I had parked it the preceding day. I guessed that it had been towed, had the police confirm this the next day, and went down to the City Tow Lot to regain possession of it.

I don't have a receipt for the \$115 I had to pay to regain possession of my car, because the folks at the City Tow Lot didn't give me one. I enclose, instead, a photocopy of the "NOTICE OF TOWED VEHICLE" that I received this week in the mail, which documents the details of the tow and lists the fees that are charged.

I am not disputing the legality of the tow because my car *was* parked in one spot for longer than 24 hours, which is forbidden by city ordinance, and there *was* at least one outstanding unpaid ticket on it (which was unpaid because I had been trying to initiate the process of disputing it). So I am not claiming that the city did anything wrong in towing my car, under the circumstances.

But it occurred to me, after I had recovered my car, that the likely connection between the robbery I was the victim of earlier in the week, and the illness I had suffered that caused me to let my car remain parked on the street longer than the permitted 24 hours, meant that the robber had relieved me of \$23, but the City of Milwaukee had relieved me of \$115!

It was wryly amusing to think that I had a greater need of protection against the City of Milwaukee than of protection against a strong-arm robber!

That is when it occurred to me to file this claim.

I suppose I should tell you that I have tried hard to obtain off-street parking, so that I wouldn't be subject to the 24-hour limit of the city ordinance. When I first came to Milwaukee in 1967, I had no difficulty in finding off-street parking for my car. However, in recent years, the availability of garages for rent in the neighborhood has declined, as elderly property owners willing to rent a garage have died, and young families who need the garage for their own use have replaced them. I spoke to a neighbor several years ago who had parking space off the alley that wasn't being used; but I was told that parked cars attract vandals, and so were not wanted on the property.

I have had no choice but to park on the street. And, because I live alone, I am not in a position to ask someone else to move the car when I myself am ill.

The car would not have been towed if there had been no unpaid tickets on it, of course. The procedure for contesting a ticket requires that it remain unpaid. So the price anyone must pay who intends to contest a parking ticket is the risk of having the car towed before the contest procedure can be initiated. I had been trying to initiate the contest procedure on all unpaid tickets, but had been told that I could not get a July hearing date in the City Attorney's office because the City Violations Bureau was only taking June appointments. So I had to wait for two or three weeks, and try again, when the City Violations Bureau was taking July appointments. That is why there was a parking ticket outstanding on the car that made it tow-eligible on August 24th.

On August 25th I phoned the City Violations Bureau and initiated the contest procedure for at least one of the outstanding tickets, although some confusion arose because the City Violations Bureau didn't seem to have complete information on all the outstanding tickets that I wanted to contest. This discrepancy still remains to be resolved.

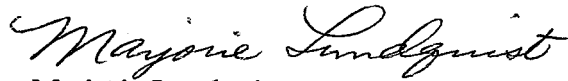
City Clerk
April 30, 2003
Page 3

I am trying to show that I have haven't been negligent, just unlucky, in having my car towed on the day I was so ill..

I believe the combination of circumstances in my situation is most unusual, and justifies the City granting the relief I seek in this claim.

If I am successful in this claim, I ask that a check made out to me be mailed to me at my Post Office Box address at the head of this letter.

Sincerely,



Marjorie Lundquist

xc: photocopy of a notice mailed to me from the office of District Attorney E. Michael McCann
dated April 24, 2003
photocopy of a NOTICE OF TOWED VEHICLE dated April 26, 2003



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

April 24, 2003

Marjorie Lundquist
2735 N. Humboldt Blvd.
Milwaukee, WI 53212

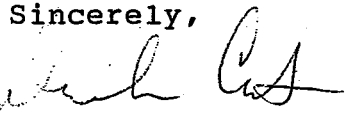
Dear Ms. Lundquist,

Our records indicate that you are the victim of a recent crime. Crisis Response Unit (CRU) specialists are available to answer any questions or address any concerns that you may have regarding this crime, or to just talk about how you are doing and how things have been going. No questions or concerns are unimportant. In addition to our services, we can also assist by providing you with information or directing you to resources that you may be in need of or eligible for.

Enclosed is our brochure, which explains some common physical and emotional reactions, and suggestions for coping during the aftermath of a crime. Please read this brochure, as most victims find the information helpful. Please be assured that you are not alone.

Do not hesitate to contact me or Specialist Joe Bova at 935-7806. We are available from 11:00 AM until late into the evening. If we are not in when you call, please leave a message with a convenient time for us to return your call or follow the recorded instructions to page us.

Sincerely,


Deborah Curtis, Specialist
Victim/Witness Services
Crisis Response Unit

enc.

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
James J. Martin

Thomas A. Schulz
Alexander G. Sklenarz
Fredric E. Matestic
Robert E. Kraemer
William J. Molitor
Gerald R. Falk
Patrick J. Kenney
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahkorn
David Robies
Deborah Daley
Fern S. Siegel
Peg Tarrant
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
George N. Prietz, III
Alice E. Read
Stephanie Gineris Rothstein
Carol E. Stauder
Steven H. Glamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Stoiber
Thomas L. Potter
David Feiss
Karen E. Christenson
Rayann Chandler Szychiński
Elisa Castellon
Carole Manchester
Kenneth R. Berg
Benbow P. Cheesman, Jr.
Lovell Johnson, Jr.
Warren D. Zier
Timothy J. Cotter
Carol Berry Crowley
Steven V. Licata
Brad Vorpahl
Jane Carroll
Paul Tiffin
Miriam S. Falk
Phyllis M. DeCarvalho
Dennis P. Murphy
Christopher Ford
Christine M. Kraus
Phillip A. Arief
Bruce J. Landgraf
Mary K. McCann
Denis J. Stingl
David M. Lerman
Janet C. Madden
DeAnn L. Heard
Debra M. Sciano, SSND
Patricia A. McGowan
Irene Parthum
Karen A. Loebel
Nancy Ettenheim
Marcella DePeters
Ronald S. Dague
JoAnn M. Hornak
Laura G. Arbuckle
Karine O'Byrne
Maria Dixon
James W. Frisch
Kurt B. Benkley
James C. Griffin
William P. Pipp
Audrey Skwierawski
Joanne L. Hardtke
John T. Chisholm
Megan P. Carmody
Laura A. Crivello
Derek C. Mosley
Shawn Pompe
Brian J. Resler
Karen A. Lynch
Jayne Davis Dewire
Allison M. Ritter
Kevin R. Shomin
Rebecca F. Dallet
Kelly L. Hedge
Jennifer Rypel
Beth D. Schoenwetter
Shannon Carrick Schmidt
Susan Kwon Suh
Mark A. Sanders
Paul C. Dedinsky
David T. Malone
Catherine B. Scherer
Julius Kim
Jeffrey J. Altenburg
Rachael Gossens
Michael Brennan
Deborah L. Mills
Mia Cafaro Giampietro
Patti Wabitsch
Kent L. Lovem
Paul R. Sander
Roy L. Williams
Nelson W. Phillips III



DEPARTMENT OF PUBLIC WORKS - TOW LOT
3811 West Lincoln Avenue - Milwaukee, WI 53215
Ph: (414) 286-2700 - Fax: (414) 286-5093
TDD: (414) 286-2025

LUNDQUIST MARJORIE A
2735 N HUMBOLDT BLVD

MILWAUKEE, WI 53212

NOTICE DATE: 04/26/2003
TOW NUMBER: 1156548
DATE OF TOW: 04/24/2003
LICENSE NUMBER: WI 832AFZ
VEHICLE YEAR AND MAKE: 84 PONT
VIN NUMBER: 1G2AL69H5EX209759
OFFENSE REPORT FILE NO:
REASON FOR TOW: 30 ILLEGAL

TOW ADDRESS: 2803 N WEIL ST

PARKING/UNPAID CI

NOTICE OF TOWED VEHICLE

The vehicle listed above has been towed and impounded and may be reclaimed at the City of Milwaukee Tow Lot located at 3811 W. Lincoln Avenue, Milwaukee Wisconsin.

If this vehicle is not claimed within 15 days from the above NOTICE DATE, it may be sold or destroyed by the City of Milwaukee. (If the 15th day is a Sunday or a holiday, you have until the close of the next business day to reclaim your vehicle.) PLEASE ACT PROMPTLY!

You may obtain your vehicle at 3811 W. Lincoln Avenue any time during regular business hours.

The Tow Lot hours of operation are 8:00 a.m. to 6:00 p.m., Monday through Friday, and Saturday from 8:00 a.m. to Noon. The Tow Lot is closed on the following holidays: January 1st, Martin Luther King Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TO RECLAIM YOUR VEHICLE, YOU MUST BRING THE FOLLOWING TO THE TOW LOT:

- A) Vehicle title (must be in owner's name).
- B) A valid driver's license (if you are driving the vehicle from the lot). If you do not have a driver's license, you must have a photo ID and be accompanied by someone with a valid driver's license.
- C) To retrieve a vehicle on behalf of an owner, you must have the vehicle title, a driver's license or photo ID and be accompanied by someone with a valid license and have a signed, notarized letter or release form from the vehicle owner authorizing you to pick up the vehicle. The notarized letter and release form must identify the vehicle by color, make, model, VIN, license plate number and tow number. Insurance companies and tow companies must have a notarized letter or signed release form.
- D) Cash, cashier's check, money order, VISA or Mastercard are accepted for payment. The vehicle reclamation fee is \$95 plus \$20 per-day for storage. **You are not required to pay for open citations in order to reclaim our vehicle.**

You may reclaim loose or personal property from within the vehicle by presenting proof of ownership and a valid picture ID at the tow lot. Personal property in the vehicle will be returned free of charge during posted business hours, but will be destroyed if your vehicle is unclaimed. If you do not claim your vehicle within 15 days of this notice date, your vehicle could be destroyed or sold by the city.

TO DISPUTE THE LEGALITY OF YOUR TOW, YOU MAY OBTAIN A REVIEW BY THE CITY ATTORNEY AT 749 WEST STATE STREET, ROOM 205.

If you are no longer the owner of this vehicle, or have any questions about this notice, please contact the City of Milwaukee Tow Lot at (414) 286-2700 during the business hours listed above.

DPWTOW-500-0