

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

February 9, 2005

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Charles Rotramel and Steven Wellens
C.I. File No. 03-S-216; EC 1895


Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Charles Rotramel and Steven Wellens. The claim is in the amount of \$391.79 including \$6.79 in disbursements for 3.50 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 a criminal investigation. No criminal charges were brought against the police officers 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. 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:enm
Enc.

90040/ 1032-2003-1633

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
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ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI
Assistant City Attorneys

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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

May 9, 2003

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

**RE: MPD Criminal Investigation of POs Charles Rotramel and Steven Wellens
Allegations Regarding Missing Inventory
Date of Incident: March 15, 2001
Location of Incident: IAD
EC No.: 1895**

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved the inventory of contraband.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Rotramel and Wellens to give statements concerning the incident after issuing PI-21s. The MPD did not bring charges after concluding that there was no evidence of a crime. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Laurie A. Eggert
Attorney at Law

*1/30/05
o.k.
JAS
Letter 2276*

JC/ldl
ROTRAMEL WELLENS

03 MAY 14 PM 3:42
CITY ATTORNEY
RECEIVED
CITY OF MILWAUKEE

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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

May 8, 2003

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

RE: MPD Criminal Investigation re: Missing Inventory
Regarding: POs Charles Rotramel and Steven Wellens
Date of Incident: March 15, 2002
Location of Incident: IAD
Professional services

	<u>Hours</u>	
3/18/02 Telephone call from PO Charles Rotrammel regarding new criminal investigation; open file; memo to file; telephone call to Det. Steve Wellens; meeting with Det. Wellens at IAD; attend Det. Wellens' PI-21; travel.	2.50	
10/18/02 Correspondence to clients; close file.	0.40	
1/9/03 Fax to DDA Reddin.	0.10	
5/8/03 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	3.50	\$385.00
Additional charges:		
5/8/03 MPD Open Records request		6.79
Total costs		<u>\$6.79</u>

Mr. Ronald D. Leonhardt

Page 2

	<u>Amount</u>
Total amount of this bill	<u>\$391.79</u>
Balance due	<u><u>\$391.79</u></u>

(Rate: \$110.00 per hour)

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

Tuesday, March 12, 2002

SUMMARY

IN THE MATTER OF: LOST AND RECOVERED NARCOTICS EVIDENCE (HASHISH)
CIU #02-065

TO: STEVEN M. SETTINGSGAARD
POLICE COMMANDER

SIR:

This report was dictated by Detective Jeffery HOOVER, of the Criminal Investigation Unit /Internal Affairs Division (CIU/IAD), day shift.

ALLEGATION

The complainant, Captain James SHEPARD, states that Detective Steven WELLENS turned over thirty vacuum packed plastic packets of hashish to I.D. Technician Mark VASQUEZ, and Document Examiner Charles ROTRAMEL, for photographs and fingerprint processing. However, when Document Examiner ROTRAMEL returned the drugs to the Vice Control Division one packet was missing.

INVESTIGATION

Detective Jeffery HOOVER and Detective Charles SHEPARD investigated this complaint, at the direction of Lieutenant Raynard E. RICHARDS.

On Saturday, March 09, 2002, Detective Charles SHEPARD interviewed Captain

James SHEPARD, and learned that on Friday, March 08, 2002, Vice Control Division detectives had recovered seventy-one individually vacuum packets of hashish from 3013 West Juneau Avenue. Later, Detective Steven WELLENS turned over thirty packets to I.D. Technician Mark VASQUEZ, who photographed the items, and Document Examiner Charles ROTRAMEL conducted finger print analysis on the packets. Furthermore, after the analysis was complete, Document Examiner ROTRAMEL returned the evidence to Detective WELLENS. Detective WELLENS turned the evidence over to Sergeant M'Johno FOSTER, and Detective Lieutenant Arron RAAP subsequently provided Sergeant FOSTER with a key and the evidence was locked inside the vault.

Captain SHEPARD further stated on Saturday, March 09, 2002, Detective WELLENS was acting under the supervision of Detective Lieutenant Robert STELTER when he removed the evidence from the vault with the assistance of Police Officer Mitchell WARD. Upon examining the evidence they discovered one package of the hashish was missing.

During further investigation Detective Charles SHEPARD interviewed Detective WELLENS, and he refused to make a statement, and requested union representation.

Detective Ivan WICK interviewed Sergeant FOSTER who stated he didn't count the evidence, nor did he remove anything from the evidence box. Additionally, Sergeant FOSTER states when Detective Lieutenant RAAP arrived, he obtained the key from the lieutenant, and he secured the drugs in the storage room.

Detective Jeffery HOOVER interviewed Document Examiner ROTRAMEL, who stated on Friday, March 08, 2002, he processed the thirty packets of evidence by utilizing the atmospheric chamber. After removing the evidence from the atmospheric chamber, he placed three of the packets into the vacuum chamber for further analysis. Once the process was complete he assumed he had removed all the evidence, and placed the

evidence into its original cardboard box. He states his analysis produced seven latent fingerprint lifts off the evidence, and he subsequently returned the evidence to Detective WELLENS.

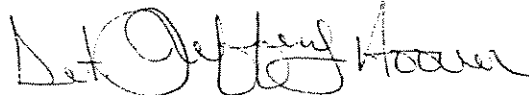
Document Examiner ROTRAMEL further states when he returned to work on Monday, March 11, 2002, he had learned from some of his co-workers that evidence that he had processed was missing. He states he retraced his steps, and found the missing evidence inside the vacuum chamber. Furthermore, he states he immediately advised his supervisor, Peter SCHIEBEIN of his findings, and the evidence was turned over to Detective Steven DETTMANN, of the Vice Control Division, under the direction of Detective Lieutenant Robert STELTER.

Detective HOOVER also interviewed Captain Michael CAMPBELL who is in charge of the Identification Division, and he stated that to avoid problems in the future, he will instruct his people to account for the evidence when it comes in, and to repeat that process before it is returned.

CONCLUSION

The investigation conducted by the Criminal Investigation Unit revealed, no evidence of a crime or criminal intent. Additionally the missing evidence was recovered and completely intact. Therefore, this investigation will be closed.

Respectfully submitted



Jeffery HOOVER
Police Detective
CIU/IAD, Early Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. CHARLES ROTRAMEL
DISTRICT: B-1

RE: Receipt of Legal Services from Law Firm of
Attorney

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 MARCH 15, 2001
- 2) A citizen's complaint made by MISSING INVENTORY
- 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: _____

Charles Rotramel

Print your name: _____

CHARLES ROTRAMEL

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

Steven M. Settingsgaard

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

KJS

SMS:kjs

RECEIVED
03 JUN 12 AM 9:34
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. STEVEN WELLENS
DISTRICT SOB VCD

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
03 JUN 11 PM 12:49
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

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 MARCH 15, 2001
- 2) A citizen's complaint made by MISSING INVENTORY
- 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: Steven M. Wellens
Print your name: Steven M. Wellens

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

Steven M. Settingsgaard KS
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs