GRANT F. LANGLEY
City Attorney

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CITY OF MILWAUKEE
Office of the City Attorney

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ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

November 18, 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 Detective Thomas Dineen
EC 2592

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Detective Thomas Dineen. The claim is in the amount of $264.00 for 2.40 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.

1032-2008-2037:152063

Smokowicz, Jan

From: Jonathan Cermele [jon@cermelelaw.com]

Sent: Tuesday, January 13, 2009 7:57 AM

To: Smokowicz, Jan

Subject: RE: Claim on behalf of Det. Tom Dineen, EC 2592

THE DATE OF INCIDENT IS AS STATED (2/25/04). IT WAS ORIGINALLY INVESTIGATED & CLEARED. THEN, IN 2007, WHEN THE JOURNAL LOOKED INTO MUCHA, A SERIES OF INVESTIGATION WERE RE-OPENED – THIS THE 2007 FILE NUMBER. PPD CAN CONFIRM.

From: Smokowicz, Jan [mailto:jsmoko@milwaukee.gov]
Sent: Monday, January 12, 2009 10:06 AM
To: Jonathan Cermele
Subject: Claim on behalf of Det. Tom Dineen, EC 2592

Jon,

Your claim reflects an incident date of February 25, 2004. Your bill reflects an initial conference date of February 7, 2008. This is a criminal investigation. PPD's record attached to your claim reflects a CIS No. of 07-0161 and a PPD No. of 07-0746, indicating a 2007 incident date. Please resolve these apparent discrepancies.

Sincerely,

Jan Smokowicz

PLEASE NOTE: The information contained in or attached to this message is inten
It may contain privileged and/or confidential material and should not be distr
This message is a public record that may be subject to disclosure, unless priv

1032-2008-2037

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
MATTHEW L. GRANITZ
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LAURIE A. EGGERT
- OF COUNSEL -

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

June 12, 2008

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

RE: MPD Criminal Investigation of Det. Tom Dineen
Allegations Regarding Mr. Lemar Barnes
Date of Incident: February 25, 2004
Location of Incident: 23rd Street and Vine Street

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 detective 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 an arrest.

According to correspondence from Acting Captain Leibold, the warrant was refused. As such, no charges were issued against the detective. Attached is a copy of the letter along with status of the CIS Investigatory file and an itemization of the time and services rendered.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs
Attachments
DINEEN

CERMELE & ASSOCIATES, S.C.

– ATTORNEYS AT LAW –

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June 12, 2008

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

RE: MPD Criminal Investigation of Det. Tom Dineen
Allegations Regarding Mr. Lemar Barnes
Date of Incident: February 25, 2004
Location of Incident: 23rd Street and Vine Street
Professional services

		Hours
2/7/2008	Initial office conference with Det. Dineen regarding new criminal investigation; review CCAP for relevant court documents on complainant; open file.	1.00
2/11/2008	Telephone call to PPD; correspondence to client.	0.20
3/5/2008	Calendar PPD status update.	0.10
3/19/2008	Telephone call to PPD; memo to file; calendar follow-up with PPD.	0.30
3/24/2008	Intra-office conference with Pings regarding case status.	0.10
4/3/2008	Telephone call to PPD; fax to PPD; memo to file.	0.30
4/28/2008	Calendar PPD follow-up.	0.10
5/22/2008	Receive and review correspondence from PPD confirming investigation was cleared; correspondence to client indicating file closure; close file.	0.30

	Hours	Amount
For professional services rendered	2.40	$264.00
Balance due		$264.00

(Rate: $110.00 per hour)

City of Milwaukee

MAY 2 2008

Police Department

Edward A. Flynn
Chief of Police

Monday, May 19, 2008

Rachel L. Pings
Attorney At Law
6310 West Bluemound Road
Suite 200
Milwaukee, WI 53213

Dear Ms. PINGS:

This letter is in response to your inquiries regarding the status of CIS Investigatory Files.

Attached please find the requested information. If further assistance is needed Lieutenant of Detectives Karen Dubis can be contacted at 935-3540.

Sincerely,

KURT LEIBOLD
ACTING CAPTAIN OF POLICE

CIS FILE NO.	PPD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
08-0019	08-0170	BURTON, OMAR	THEFT	SUSPENDED-PENDING NEW INFORMATION
07-0168	07-0745	HEWING, DEREK	C.D.T.P.	UNFOUNDED
07-0179	07-0779	SCHROEDER, JAMES	THEFT	SUSPENDED-PENDING NEW INFORMATION
07-0200	07-0924	HARRIS, KEVIN	THEFT	SUSPENDED-PENDING NEW INFORMATION
07-0159	07-0790	BENNETTE-GREEN, RICHARD	MISCONDUCT IN PUBLIC OFFICE	SUSPENDED-PENDING NEW INFORMATION
07-0148	07-0697	WILSON, ALMONYONNA	PHYSICAL ABUSE OF A CHILD	BASELESS
07-0198	07-0911	BLANKENHEIM, ROBERT	BATTERY	WARRANT REFUSED
07-0161	07-0746	BARNES, LEMAR	MISCONDUCT IN PUBLIC OFFICE	WARRANT REFUSED
08-0035	08-0122	PARR-CHESSER, WHITNEY	BATTERY	UNFOUNDED