

R.L. McNEELY, PH.D, J.D.

Attorney at Law

3909 N. Sherman Blvd.
Milwaukee, WI 53216-2448
Tele: (414) 442-3775
Fax: (414) 442-5522
E-mail: rlmatty@ticon.net

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Mr. Roy Evans, Chair
Administrative Review Appeals Board
Milwaukee City Hall
200 E. Wells St.
Milwaukee, WI 53202

Re: Langley/Lappen 1/27/05 Correspondence to Milwaukee Aldermanic Council
McNeely v. McNulty, Case No. 03-C-0823

Dear Chairman Evans:

I am writing because I am uncertain as to whether the above-captioned matter is an appropriate matter for review by the Administrative Review Appeals Board. Allow me to briefly indicate the nature of the matter.

I received five traffic-related citations (including citations for obstruction and drunken driving) on July 9, 2003. All five of the citations were dismissed, outright, by Municipal Court and the Office of the District Attorney. Among other things, the results of my breathalyzer test immediately following my arrest was .00 percent. Nonetheless, despite the breathalyzer reading, I was charged with drunken driving and I spent a night in county jail. An on-the-scene MPD officer subsequently testified that the citations, in his view, were groundless. The multiple citations, arrest, and detention, all flowed from the arresting officer's anger in regard to my position that there was no statutory basis requiring me to submit to on-the-scene fingerprinting. You may recall that I appeared, unsuccessfully, before the Administrative Review Appeals Board, on 7/30/04, seeking reimbursement of \$200.00 for a damaged fog light resulting from my automobile having been towed from the scene. However, a suit was brought in federal court, asserting that there was no probable cause for my having been stopped, and that I had been wrongfully arrested and detained. The matter was resolved by the City agreeing to pay \$20,000.00, which brings me to my instant concern. A 1/27/05 City Attorney's correspondence to the Aldermanic Council, encouraging payment of the \$20,000.00, which appears on the Internet, contains the following language:

This case stems from the arrest of plaintiff R.L. McNeely, which occurred on July 9, 2003. Mr. McNeely was the subject of a traffic stop by Officer McNulty, at approximately 8:30 a.m. on that date. The officer summarily arrested Mr. McNeely, and processed him for traffic citations, obstructing an officer and drunken driving, and held him at the district station until 4:00 p.m., while related paperwork was being prepared. Mr. McNeely was then transferred to the CJF.

I believe that the language, suggesting as it does that I was drunk and obstructionist, is injurious to my reputation as a person who performs significant community service. I have corresponded with City Attorney Grant Langley who drafted a 2/7/06 correspondence in which he stated: "To clarify the record, we acknowledge that both citations were subsequently dismissed." But this does nothing to delete, modify, or add to the Internet language which makes it appear that I was drunk and obstructionist. I am hopeful that the offensive Internet language can be deleted or modified, or that a clarifying addendum can be posted to the Internet language. Is this a matter appropriate for your committee's review?

Respectfully,
R.L. McNeely 
R.L. McNeely, Ph.D., J.D.

C: Ald. Willie L. Hines, Jr., Council President
C: Ald. Joe Davis, Sr.
C: Ald. Willie Wade