

GRANT F. LANGLEY
City Attorney

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Deputy City Attorneys



THOMAS O. GARTNER
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EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
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ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVAN
Assistant City Attorneys

April 21, 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.
legal fees for Detective Scott Schmitz
EC 2680

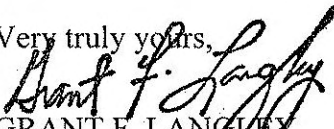
Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing for Detective Scott Schmitz. The claim is in the amount of \$330.00 for 3.00 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 the filing of a citizen's complaint against the dective with the Fire and Police Commission. The complaint was dismissed by the Commission.

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:amp
Enc.

1032-2008-3819.008:124764v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 5, 2009

TO: DET. SCOTT SCHMITZ
DISTRICT: CIB


RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: February 21, 2007
- 2) A citizen complaint made by: Mr. David Ross
- 3) A police shooting incident occurring at: N/A

Is this information correct? YES Y NO

Did you receive legal representation in this matter? YES Y NO

Your signature: 

Print your name: Scott Schmitz

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

RECEIVED
 09 JAN 13 PM 12:06
 MILWAUKEE POLICE
 INTERNAL AFFAIRS
 DIVISION

DENITA R. BALL
Deputy Inspector of Police
Professional Performance Division

DRB: kjs

C1-C-2008-0118

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
MATTHEW L. GRANITZ
CHELSIE ALLAN
SCOTT J. JESS

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

December 12, 2008

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

RE: Citizen Complaint of Mr. David Ross
Against ~~PO~~ Scott Schmitz *CS*
Complaint No.: 07-23
Date of Incident: February 21, 2007

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 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, this claim is hereby made on his behalf for the indicated legal fees. This incident involved service of a warrant.

The Fire and Police Commission closed the file. Attached is a copy of the dismissal letter and an itemization of the time and services rendered.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs
Attachments
SCHMITZ

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

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December 12, 2008

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

RE: Citizen Complaint of Mr. David Ross
Against PO Scott Schmitz
FPC No: 07-23
Date of Incident: February 21, 2007
Professional services

	<u>Hours</u>
7/24/2007 Office conference with PO Schmitz regarding new citizen complaint; review complaint; open file; CCAP and Muni. Court research; Open Records request.	1.00
7/30/2007 Receive and review correspondence from City indicating no other citizen complaints filed by complainant.	0.10
8/30/2007 Receive and review records from MPD.	0.20
7/21/2008 Review file.	0.30
9/25/2008 Telephone call to FPC; review file.	0.30
10/30/2008 Telephone call to FPC; review file; memo to file; telephone call from FPC; receive and review correspondence from FPC dismissing complaint; correspondence to client closing file; close file.	1.10
	<u>Amount</u>
For professional services rendered	3.00 \$330.00

Mr. Ronald Leonhardt

Page 2

Amount

Balance due

\$330.00

(Rate: \$110.00 per hour)



Fire and Police Commission

Michael G. Tobin
Executive Director

October 16, 2008

Leonard J. Sobczak
Chairman
Ernesto A. Baca
Vice-Chairman
Earl A. Buford
Richard C. Cox
Kathryn A. Hein
Carollna M. Stark
Commissioners

Mr. David Ross
3031 W. St. Paul Ave.
Milwaukee, WI. 53208

RE: Complaint No. 07-23
Complaint of Mr. David Ross

Dear Mr. Ross:

Your complaint has been received by the Fire and Police Commission (FPC). Upon receipt of a complaint, we conduct an intake investigation. During the intake investigation, complaints are screened according to established internal guidelines. Our review indicates that your complaint will not be processed at this time. We are not able to identify any rule violations that may have been committed and will be closing the file.

If you have any questions regarding the actions we have taken, please contact Susan Boddien of the Fire and Police Commission at (414) 286-5056.

Sincerely,

Michael G. Tobin
Executive Director

MGT:sb