

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



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

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 26, 2002

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

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C. for legal fees
for Detectives Mark Walton and Kim Stein
ELO No. 1463

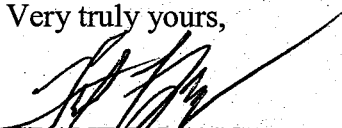
Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Detectives Mark Walton and Kim Stein. The claim is in the amount of \$2,931.06 including \$38.06 in disbursements for 26.30 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 Detectives 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:enm

Enc.

2276

EGGERT LAW OFFICE, 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

August 23, 2000

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

**RE: MPD Criminal Investigation of Detectives Mark Walton
and Kim Stein
Allegations Regarding John Mullarkey and Banyon Burkes
Date of Incident: October 30, 1999
Location of Incident: 2661 N. 44th St.
ELO No.: 1463**

Dear Mr. Leonhardt:

The above-named detectives 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 a motor vehicle accident. Charges will not be issued against the detectives. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert
Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE
RECEIVED
JUL 28 PM 3:33
JUL 28
OFFICE OF
CITY ATTORNEY

4/17/2001

? re entry for 3/8/00 → call to
Re: HKS → is this to help on
Morales / Kolatske?

11/25/02

O. K.

JMS

Letter

(2276)

EGGERT LAW OFFICE, 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

August 23, 2000

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

RE: MPD Criminal Investigation
Regarding: Detectives Mark Walton and Kim Stein
Date of Incident: October 30, 1999
Location of Incident: 2661 N. 44th St.

Professional services

	<u>Hours</u>
12/8/99 Telephone call from PO Walton; intra-office conference; open file; telephone call to and from IAD; meeting with IAD; memo to file; travel.	1.80
12/9/99 Intra-office conference; telephone call to Det. Walton; telephone call from and to witness; telephone call from IAD.	0.60
12/10/99 Office conference with Det. Walton; office conference with witness; telephone call to witness; memo to file.	3.80
12/28/99 Several telephone calls to IAD; telephone call to IAD; memo to file.	1.10
12/29/99 Telephone call to IAD; meeting with IAD; telephone call to Det. Walton; telephone call to Atty. Boyle.	1.70
1/5/00 Telephone call to and from Det. Stein.	0.40

	<u>Hours</u>
1/6/00 Meeting with witness.	0.30
1/7/00 Review document from Det. Walton; telephone call to witness; travel to meet with witness; several telephone calls to and from client.	1.80
1/10/00 Telephone call from Det. Walton; telephone call to witness.	0.30
1/12/00 Several telephone calls to and from Det. Walton; telephone call to and from IAD; telephone call to and from DA Donohoo.	0.60
1/13/00 Telephone call to and from witness and Det. Walton.	0.40
1/14/00 Discussion with IAD.	0.40
1/17/00 Review of file; meeting with Det. Stein at DA's office; attend Det Stein's statement to DA; travel; intra-office conference; telephone call to PO Walton.	2.10
1/28/00 Telephone call to and from IAD; correspondence to and from witness; telephone call to client; review of file; meeting with witness.	2.20
1/31/00 Review file; meeting with Det. Walton at Safety Building; meeting with DA Donohoo; meeting with Det. Walton; travel.	1.70
2/2/00 Several telephone calls to and from IAD; telephone call to client.	0.50

	<u>Hours</u>
2/3/00 Review file; meeting with witness at IAD; attend witness's statement to IAD; travel.	2.30
2/7/00 Review of file; meeting with Det. Walton at DA's office; attend Det. Walton's statement to DA; travel; memo to file.	2.40
2/16/00 Several telephone calls to and from Atty. Mike Guerin.	0.40
3/8/00 Telephone call to and from DDA Donohoo; telephone call to clients; correspondence to clients; correspondence to MPD Open Records; correspondence to Atty. Rettko.	0.60
7/27/00 Review of correspondence from DA Donohoo; correspondence to clients.	0.30
8/10/00 Review of correspondence from MPD Open Records; correspondence to clients.	0.50
8/18/00 Telephone call from Det. Stein; close file.	0.20

0.5
per Atty.
Eggen
letter
5/25/01

	<u>Amount</u>
For professional services rendered	26.40 \$2,904.00
Additional charges:	26.3 2893.00 <i>JR</i>
1/17/00 Parking	5.00
1/31/00 Parking	4.00
2/7/00 Parking	5.86

Mr. Ronald D. Leonhardt

Page 4

Amount

8/10/00 MPD Open Records request

23.20

Total costs

\$38.06

Total amount of this bill

~~\$2,942.06~~

2931.⁰⁶

Balance due

\$2,942.06

JNS

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

July 25, 2000

E. MICHAEL McCANN • District Attorney

Chief Arthur L. Jones
Chief of Police
City of Milwaukee Police Department
Milwaukee, WI

JUL 27 2000

**Re: REVIEW OF AN INCIDENT ON NOVEMBER 30, 1999
INVOLVING BANYON BURKES AND JOHN MULLARKEY AND THE
HANDLING OF THAT MATTER BY SEVERAL CITY OF MILWAUKEE
POLICE OFFICERS**

Dear Chief Jones:

Since the middle of December of 1999, I have been reviewing an incident that occurred on November 30, 1999 involving Banyon Burkes and John Mullarkey. The incident report numbers are 99-335-3002 and 99-342-3107. The incident was referred to the Milwaukee County District Attorney's Office for two reasons. First, to determine whether John Mullarkey should be charged with any criminal charges in relation to the incident. Second, to determine whether any City of Milwaukee police officer should be charged with a crime in relation to their actions undertaken while investigating the incident.

I have now completed a thorough and exhaustive investigation of the above incident, both from the viewpoint of possible criminal charges against John Mullarkey and the viewpoint of possible criminal misconduct on the part of City of Milwaukee police officers. In relation to possible criminal charges against John Mullarkey, I have concluded that no criminal charges will be issued against John Mullarkey. See the attached letter dated July 25, 2000. As to any criminal misconduct on the part of any City of Milwaukee police officer, I do not believe that the evidence supports any such charges.

In view of the above conclusions, I now consider the review of the above incident by the Milwaukee County District Attorney's Office to be closed.

Sincerely,

ROBERT D. DONOHOO
Chief Deputy District Attorney

RDD/kl

Enc.

cc: Attorney John Cermele, 1840 N. Farwell Ave., #303, Milwaukee, WI

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

Thomas A. Schutz
Alexander G. Sidenaz
Fredric E. Matestic
William J. Moitor
Gerald R. Falk
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahkorn
David Robles
Deborah Daley
Peg Tarrant
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
George N. Prietz, III
Stephanie Gineris Rothstein
Carol E. Stauder
Steven H. Glamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Stolter
Thomas L. Potter
David Feiss
Rayann Chandler Szychinski
Elisa Castellon
Carole Manchester
Kenneth R. Berg
Benbow P. Cheesman, Jr.
Lovell Johnson, Jr.
Warren D. Zier
Timothy J. Cotler
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
Thomas J. McAdams
Bruce J. Landgraf
Mary K. McCann
Dennis J. Stingl
David M. Lerman
Janet C. Protasiewicz
DeAnn L. Heard
Debra M. Sciano, SSND
Patricia A. McGowan
Irene Parthum
Karen A. Loebel
Nancy Ettenheim
Marcella DePeters
Catherine A. Gaudreau
Lori S. Kornblum
Karina O'Byrne
Marie Dixon
James W. Frisch
Kurt B. Benkley
James C. Griffin
William P. Pipp
Audrey Slowiewski
Joanne L. Hardike
John T. Chisholm
Christopher A. Liegel
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
Kelly L. Hodge
Jennifer Rypel
Beth D. Zirgibel
Shannon Carrick Schmidt
Rebecca F. Dallet
Mark A. Sanders
Paul C. Dedensky
David T. Malone
Catherine B. Scherer
Julius Kim
Jeffrey J. Altenburg
Rachael Gossens
Deborah L. Mills
Patti Wabitsch
Kent L. Lovam
Paul R. Sander
Roy L. Williams
Nelson W. Phillips, III
Bradford J. Logsdon
Patrick J. Farley
Joy Bertrand
Margaret M. Zimmer
Bruce W. Becker
Michael T. Mahoney
Mark D. Benson
Mary M. Sowinski
Kathryn K. Samer
Jeanette Corbett
Jeffrey P. Greipp
Thomas C. Binger
Heidi Bisswurm
David Maas
Jeremy L. Resar
Daniel J. Gabler
Sara Purtell Scullen
Gerise M. Hooks
Brent Nistler
T. Christopher Dee
Katharine Kucharski

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

OCTOBER 26, 2000

TO: DET MARK WALTON
CRIM. INVEST. BUREAU

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 ^{November} ~~OCTOBER~~ 30, 1999
- 2) A citizen's complaint made by PO Darrell Flemming
- 3) A ~~police shooting incident~~ occurring on
RES (auto involved)

Is this information correct?

YES _____ NO X

Did you receive legal representation
in this matter?

YES X - to corrected items NO _____

Your signature: Det. Mark E Walton

Print your name: Det. Mark E Walton

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

Dale T. Schunk

DALE T. SCHUNK JS
Commander of Police
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

OCTOBER 26, 2000

TO: DET KIM ENGELBART
CRIM. INVEST. BUREAU

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 ~~OCTOBER 30, 1999~~
- 2) A citizen's complaint made by ~~PO~~ *Darryl Fleming*
- 3) A ~~police shooting~~ incident occurring on *(according to IAD)*

Is this information correct?

YES _____ NO ***

Did you receive legal representation
in this matter? _____

YES *** NO _____

Your signature: _____

Print your name: _____

Kim Engelbart
Det Kim Engelbart

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

November 30, 1999

(v) John Mullarkey

DTS:dnp

(S) Banyon Burkes

Dale T. Schunk

DALE T. SCHUNK *JD*
Commander of Police
Internal Affairs Division

99-3353002

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



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

May 15, 2001

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

Attorney Laurie A. Eggert
Eggert Law Office, S.C.
1840 North Farwell Avenue
Milwaukee, WI 53202

Re: MPD Criminal Investigation of Detectives Mark Walton and Kim Stein
ELO No. 1463
C.I. File No. 00-S-293

Dear Ms. Eggert:

In your bill for the above-noted matter, it included a charge on March 8, 2000 for "correspondence to Attorney Rettko." It does not appear that Mr. Rettko was representing any of the officers involved in this matter. As this matter does involve Mr. Mullarkey and as that individual is also involved with Mr. Rettko's other clients, Officer Morales and Kolatske I presume that this correspondence has to do with Mr. Rettko's civil suit on behalf of Morales and Kolatske against the City. As such, I do not believe that the time for the correspondence is compensable. Please either deduct the appropriate time from this bill, or explain to me further the manner in which this is not connected to that civil litigation.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Jan A. Smokowicz'.

Jan A. Smokowicz
Assistant City Attorney

JAS:kmm

OFFICE COPY

EGGERT LAW OFFICE, 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 25, 2001

Mr. Jan Smokowicz
Assistant City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

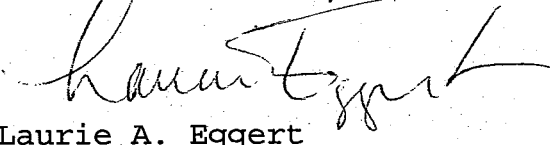
**RE: MPD Criminal Investigation of Detectives Mark Walton
and Kim Stein
C.I. File No. 00-S-293; ELO No. 1463**

Dear Mr. Smokowicz:

Your letter of May 15, 2001 asked for an explanation of a charge on March 8, 2000 for "correspondence to Attorney Rettko." We have reviewed the file and found a transmittal letter to Mr. Rettko, and have concluded that the bill should be amended to remove the charge for such correspondence. Please remove 0.1 hour from the bill; the amended balance becomes \$2,931.06.

Sincerely,

EGGERT LAW OFFICE, S.C.



Laurie A. Eggert
Attorney at Law

LAE/ldl
SMO52500