



IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction

IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED

PLEASE READ CAREFULLY:

This Board may only determine if the City Department followed proper administrative procedures. It cannot hear appeals as to whether a Building Order is valid or not (those must be appealed to the Standards and Appeals Commission).

TO: Administrative Review Board of Appeals
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202
(414) 286-2231

DATE: October 25, 2025

RE: 4937 N. 39th Street
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by Milwaukee Police Department
(Name of City Department)

Amount of the charges \$ N/A

Charge relative to: Chronic Nuisance Determination

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

See attached Letter from Attorney Conway.

Michael A. Pflughoeft Jr.
Signature

Michael A. Pflughoeft Jr.
Name (please print)

13555 Bishops Ct. Brookfield, WI 53005 414-539-2600
Mailing address and zip code Daytime phone numbers

mpflughoeft@conwayjoseffi.com
E-Mail Address(s)

CONWAY & JOSETTI
LLC

13555 Bishops Court - Suite 230 - Brookfield, WI 53005
Phone: (414) 539-2600 Fax: (414) 446-3531

Writer's E-Mail: dconway@conwayjosetti.com

October 25, 2024

Administrative Review Appeals Board
Office of the City of Clerk
200 E. Wells Street
Room 205
Milwaukee, WI 53202

RE: Nuisance Determination against Berrada Properties 125, LLC
4937 N. 39th Street

Administrative Review Appeals Board:

Our office has been retained to represent Berrada Properties 125, LLC (“Berrada Properties”), regarding its appeal of a determination of the Chief of Police that the premises located at 4937 N. 39th Street (the “Premises”) is a chronic nuisance under MCO 80-10. Please accept this letter as a formal initiation of the appeals process pursuant to Sec. 80-10-5 of the Milwaukee Code of Ordinances and Wis. Stat. § 68.08. Our check in the amount of \$25 for the appeal fee is enclosed herewith.

The grounds upon which the appeals are sought include, but are not limited to:

1. Berrada Properties does not believe the persons involved in the incidents were tenants or anyone else associated with the premises. Although facts about the two shootings which are the basis for the nuisance determination are mostly unknown, it is believed the shootings did not occur inside the premises;
2. The Premises may not have generated 2 or more responses from the police department as required by MCO 80-10; and
3. Assessing the cost of police activity against Berrada Properties violates Berrada Properties’ Constitutional rights.

Please be advised that, concurrent with this appeal, we have requested all records, CAD Notes, and any documentation from the Milwaukee Police Department which support its determination. Given the limited information regarding the incidents provided in the notice, it does not appear that Berrada Properties is responsible for any nuisance activities.

Thank you in advance for your consideration.

Administrative Review Appeals Board

October 25, 2024

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Very truly yours,

/s/ Daniel C. Conway

DANIEL C. CONWAY

DCC/MAP

CC: William Wilson, District Commander



Milwaukee Police Department
Police Administration Building
749 West State Street
Milwaukee, Wisconsin 53233
<http://www.milwaukee.gov/police>

Jeffrey B. Norman
Chief of Police

(414) 933-4444

10/15/2024

BERRADA PROPERTIES 125 LLC
10136 W FOND DU LAC AVE, GATE B
Milwaukee, WI, 53224

Re: Notice of Nuisance Premises

Dear: BERRADA PROPERTIES 125 LLC

This letter is notice to you that the Milwaukee Chief of Police, by the chief's designee, the district commander, has determined that the premises located at 4937 N. 39th Street., ("the premises") is a nuisance pursuant to Milwaukee Code of Ordinances ("MCO") 80-10, Chronic Nuisance Premises.

The Milwaukee Police Department has responded to the following described nuisance activities at the premises on the corresponding dates, which qualify the premises as a nuisance:

1. On August 18, 2024, at 4:18 pm an emergency call for service was created for the above listed premise which resulted in the response of the Milwaukee Police Department. This call for service was given a computer-aided dispatch #P2408191065. We were sent to 4937 N 39th St for a Shooting. This is a violation of MCO-80-10-2-C-1-Q
2. On October 12, 2024, at 2:45pm an emergency call for service was created for the above listed premise which resulted in the response of the Milwaukee Police Department. This call for service was given a computer-aided dispatch #P2410120851. We were sent to 4945 N 39th St for a Shooting. Subsequent investigations revealed that the incident originated at 4937 N 39th St#10. This is a violation of MCO-80-10-2-C-1-Q

As a consequence, the premises may be subject to a special charge for the cost of future enforcement for any of the nuisance activities listed in MCO 80-10-2-c that occur at the premises.

You are directed to respond to my office within 10 days of receipt of this notice with an acceptable, written course of action that you will undertake to abate the nuisance activities occurring at the premises or file an appeal. You may appeal this nuisance determination to the

Administrative Review Appeals Board. Any appeal must be in writing and a processing fee will be charged. Please contact the Office of the City Clerk at (414) 286-2231 for additional information.

If you timely provide a written course of action, I shall evaluate it to determine if it is a reasonable attempt at abating the nuisance activity. You will receive a written response whether your proposed course of action is accepted or rejected. If accepted, you will have 45 days from the date of that notice of acceptance to implement the course of action.

If you propose a course of action that is rejected by me or you fail to timely respond to this request and a subsequent nuisance activity occurs on or after 13 days after receipt of this notice, or if you timely appeal this notice of nuisance premises and this nuisance premises determination is affirmed, the premises will be subject to placement of a special charge as a lien on the property by the Commissioner of the Department of Neighborhood Services for the cost of any police services and enforcement related to nuisance activity. The course of action plan should not include eviction unless you can demonstrate the likely ineffectiveness of other abatement actions. When investigating nuisance activity, remember that tenants with disabilities and victims of domestic violence, sexual assault and stalking may be protected by the federal Fair Housing Act and Wisconsin's Open Housing Law.

It is highly recommended that you obtain records relating to police responses regarding the premises. You may obtain these records from the Computer Aided Dispatch System (CADS) at the Open Records Section of the Milwaukee Police Department (District Three Station, 2333 North 49th Street, Second Floor) between 8:00 AM and 3:45 PM. There is a cost of 25 cents per page for these records.

Please review the following examples of nuisance abatement measures that you may include in your written course of action to abate the nuisance activity. These suggestions are not exclusive, may not apply to the particular premises, and you may propose other nuisance abatement measures that would be appropriate under your particular circumstances.

- Participate in the Department of Neighborhood Services' Landlord Training Program and make a good faith effort to apply the knowledge from the course and attend refresher classes. Information on this training program may be obtained by calling (414) 286-2954.
- Exchange names and telephone numbers with the owners and operators of neighboring premises.
- Participate in a local block watch, neighborhood association, landlord compact and property management association.
- Attend the monthly crime prevention meetings conducted by the local Milwaukee Police District Community Liaison Officer who can be contacted at CLO Phone Number.
- Institute the use of written screening criteria that are provided to each applicant at the time each proposed adult resident receives a written application, and conduct background checks of all prospective adult tenants and residents.
- Institute the use of a written lease for each adult tenant that includes provisions relating to disorderly behavior, noise, garbage disposal, use of common areas, illegal activity, tenant

responsibility for guest conduct, and the prohibition of sub-leasing and long-term guests. Timely enforce any lease violations.

- Review the tenancies of all the current residents in the property.
- Regularly inspect the interior of the property to confirm that the residents are your tenants, confirm that the premises are actually used as a residence, and determine if the doors and windows have been fortified or the premises outfitted with surveillance or delivery mechanisms.
- Monitor the property for evidence of drug activity. This may include observation of clear corner cuts of baggies strewn about, excessive quantities of plastic sandwich baggies found in odd places, presence of numerous weight scales or communication devices and drug paraphernalia such as unusual pipes, empty cigar wrappers, burned hollow tubes, etc.
- Install "No Loitering" signs in the front and rear of the exterior of the property. This signage permits police to cite loitering individuals in the yard and sidewalk area.
- Install "No Trespassing" signs in the front and rear of the exterior of the property.
- Install a sign with your name and contact information in a common area requesting law enforcement to contact you if they are responding to a call for service at the premises.
- Record all rental properties owned by you with the Department of Neighborhood Services as required by local ordinance.
- Participate in the E-Notify system for email updates regarding the premises.
- Regularly file open records requests for Milwaukee Police Department Computer Aided Dispatch System (CADS) reports regarding the property.
- Institute a standing complaint with the local Milwaukee Police district station that will allow the police department to remove any individuals loitering on the property.
- Draft and serve a no trespassing order against identified nuisance persons and provide the local police district station a copy of the served order.
- Provide the local police district station with a current tenant list.
- Ensure that all tenants are aware of the Milwaukee Police Department's non-emergency number (414-933-4444) and are aware of when its use is appropriate.
- If there is conflict between tenants, offer transfers to different rental units.
- Install safety, crime-preventing equipment in common areas, such as cameras, motion detecting lights and improved locks.
- Make repairs to windows, doors and lights and improve landscaping.
- Routinely check vacant units for break-ins and trespassers.

Pursuant to MCO 80-10-7, it is unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant because that tenant complained to the Milwaukee Police Department about nuisance activities on the landlord's premises. Any person found in violation shall be subject to a forfeiture of not less than \$100.00 nor more than \$2,000.00 for each violation and in default of payment thereof, be imprisoned in the county jail or house of correction for a period of not less than 4 days nor more than 80 days.

Once you have been billed for the costs of police services and enforcement for three or more separate nuisance activities within one year of the date of this notice of nuisance premises, the premises may be designated a chronic nuisance, pursuant to MCO 80-10-6, and each and every

subsequent incident of nuisance activity at the premises may be deemed a separate violation and result in a citation being issued to you for failure to abate the nuisance activity. Each citation would subject you to a forfeiture of not less than \$1,000.00 or more than \$5,000.00. Upon default of payment of a chronic nuisance citation you would be subject to imprisonment in the county jail or house of correction for a period of not less than 40 days or more than 90 days for each violation.

Please contact P.O. Tiara SHEETS-WALKER at 414-935-7772 with any questions, and I look forward to hearing from you.

Best regards,

Jeffery Norman
CHIEF OF POLICE

A handwritten signature in black ink, appearing to read "W. Wilson", with a stylized flourish at the end.

William WILSON
DISTRICT COMMANDER

Attachment: Copy of Milwaukee City Ordinance 80-10
CC: Department of Neighborhood Service, Lake Tower 1st Floor
Common Council, City Hall – DiAndre Jackson

Receipt of ARBA Fee

Date:	10/30/24
Received Of:	Michael Pflughoeft, Jr
Property at:	4937 N. 39 th St.
Received By:	LME
Check # (If Applicable):	1548
Amount:	\$25.00