

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



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

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
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MELANIE R. SWANK
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DONALD L. SCHRIEFER
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LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

January 25, 2005

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 Police Officers Matthew Wenzel, Steve Kelley, Audra Finnegan
and Richard Martinez; C.I. File No. 00-S-57; ELO 1393

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Matthew Wenzel, Steve Kelley, Audra Finnegan and Richard Martinez. The claim is in the amount of \$1,149.80 including \$27.80 in disbursements for 10.20 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 police officers 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. 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:enm
Enc.

89581/ 1032-2001-2294

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

CITY OF MILWAUKEE

'00 FEB 23 PM 12: 54
RONALD D. LEONHARDT
CITY CLERK

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

February 18, 2000

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

RE: MPD Criminal Investigation of POs Matthew Wenzel,
Steve Kelley, Audra Finnegan and Richard Martinez
Allegations Regarding Mr. Brian Tapola
Date of Incident: June 21, 1999
Location of Incident: 720 East Wisconsin Ave.
ELO No.: 1393

Dear Mr. Leonhardt:

The above-named police officers 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 traffic stop. Charges will not be issued against the officers; attached is a copy of the clearance report.

The attached is an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE
RECEIVED
'00 FEB 23 PM 3: 08
OFFICE OF
CITY ATTORNEY

JC/ldl
WENZEL

9/16/04
O.F.
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
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FAX(414)276-8906

February 18, 2000

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

RE: MPD Criminal Investigation
Regarding: POs Matt Wenzel, Steve Kelly, Audra Finnegan
and Rick Martinez
Date of Incident: June 21, 1999
Location of Incident: 700 N. Prospect Ave.

Professional services

	<u>Hours</u>
9/9/99 Discussion with IAD; open file.	0.40
9/10/99 Office conference with PO Kelly.	0.60
9/15/99 Telephone call from PO Finnegan; telephone call to IAD.	0.80
9/20/99 Office conference with POs Wenzel and Martinez.	1.10
9/24/99 Several telephone calls to IAD; telephone call to DDA Reddin; correspondence to clients.	0.40
9/25/99 Office conference with PO Kelly.	1.00
9/27/99 Several telephone calls from client.	0.30
10/6/99 Review of file; meeting with clients at Safety Building; attend charging conference with DA Reddin; travel.	2.60

	<u>Hours</u>	
10/29/99 Telephone call to DA; telephone calls to and from clients; telephone call to IAD.	0.50	
11/2/99 Telephone call from and to DA Reddin; telephone call to PO Wenzel.	0.30	
11/3/99 Several telephone calls to and from PO Wenzel; review of file; meeting with PO Martinez at Safety Building; attend PO Martinez's statement to DA Reddin; meeting with Reddin; travel; correspondence to clients; correspondence to MPD Open Records.	1.70	
2/9/00 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	10.20	\$1,122.00
Additional charges:		
10/6/99 Parking		4.00
11/3/99 Parking		2.00
2/9/00 MPD Open Records request		10.90
2/11/00 MPD Open Records request		10.90
Total costs		<u>\$27.80</u>
Total amount of this bill		<u>\$1,149.80</u>

Mr. Ronald D. Leonhardt

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Amount

Balance due

\$1,149.80

(Rate: \$110.00 per hour)

At 2:40PM, same date, Officer FINNEGAN, accompanied by Attorney CERMELE spoke with Deputy D.A. REDDIN. D.D.A. REDDIN advised Officer FINNEGAN of the allegations involving this complaint. Officer FINNEGAN stated she understood and proceeded with a statement.

Officer FINNEGAN stated she was working in a marked squad car with Officer WENZEL, when they stopped to assist Squad 13, Officers MARTINEZ and KELLY, with a traffic stop of two autos. She stayed in the squad car to complete "something" and her partner went up to talk to the others. She later exited her auto to search the females. She believes the length of time was "only a few minute." When questioned, she could not recall what her partner was doing because she "may have been completing a citation or running a check on someone." However, the squad window was open and there was nothing said that would cause her concern. She stated she did not hear BRIAN cursing at her partner. Although there was a total of 8 persons in the two autos, she did not get out because from what she heard on the radio "it was only a skateboarding call." Officer FINNEGAN stated she doesn't normally remain in the auto, but she was only inside for about 2 minutes and at the stop for about 10 minutes.

Upon questioning from investigators, Officer FINNEGAN stated she did recall a conversation with BRIAN in which she informed him that his attitude toward the police had a lot to do with what happens. BRIAN told her he didn't appreciate being physically or verbally abused. She told him she did not know what he was talking about. He then pointed to her partner and said, "he does." She stated during this conversation, BRIAN was standing outside a squad car next to Officer MARTINEZ, but she could not recall if he was handcuffed or not. She then obtained basic information from the females but could not recall if she had any conversation regarding other persons in the auto. She stated the traffic stop was very insignificant, they backed them up, obtained little information and left the scene. At this point Attorney CERMELE advised her to discontinue making any statements.

At 3:05PM, same date, Officer KELLY, accompanied by Attorney CERMELE spoke with Deputy D.A. REDDIN. D.D.A. REDDIN advised Officer KELLY of the allegations involving this complaint, which he stated he understood. However, Officer KELLY requested a private conference, excluding investigators, which D.D.A. REDDIN honored. It was not known what statements, if any, were made during this conference.

D.D.A. REDDIN made no decision on this date, pending the interview of Officer MARTINEZ and the complainant Brian TAPOLA. Succeeding this, he determined that no criminal act was committed by Officer WENZEL or any other officers involved. Criminal investigation complete.