

# CITY OF MILWAUKEE

Form CA-43

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June 9, 2004

Gary Lesniak  
507 South Hawley Road  
Milwaukee, WI 53214

RE: Gary Lesniak  
C.I. File No: 04-S-106

Dear Mr. Lesniak:

This office is in receipt of your claim in the amount of \$820.00, relating to damage sustained on September 18, 2003 when police made forced entry into your property at 1639-A South Pearl Street and the board-up charges.

Our investigation reveals that the police undertook necessary and appropriate action relative to a request to check on the welfare of an occupant of the building. Since the police were not negligent in this matter, the City would not be liable. Accordingly, we are denying your claim concerning the property damage.

Regarding the building board-up charges of \$125.00, the Department of Public Works records indicate that on or about September 22, 2003 a Special Charge Notice was mailed to you at P.O. Box 340673, Milwaukee, WI 53234-0673 pursuant to Section 309-72-1, Milwaukee Code of Ordinances. This indicated that you had 30 days from the date of the notice to appeal the necessity and /or the amount of the charge to the Administrative Review Appeals Board. The ordinance does not provide for extensions of this time limit or further appeal. Our records indicate that you did not file a timely appeal of the notice. Therefore, based upon your failure to appeal within the required time limit, this portion of your claim is denied.

Gary Lesniak  
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If you wish to appeal the decision regarding the property damage, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY  
City Attorney



STEVEN M. CARINI  
Investigator Adjuster

SMC:beg  
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