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August 28, 2012

Abraham Gutierrez
1525 A West Mitchell Street
Milwaukee, WI 53204

Re: Claim No. 12-S-131
Claimant: Abraham Gutierrez

Dear Mr. Gutierrez:

We have received your claim in the amount of \$2,265.00, relating to the towing of your vehicle to the City of Milwaukee Tow Lot, subsequent recycling, loss of a tool box allegedly inside and related fees.

Our investigation reveals that this claim was filed on June 15, 2012. Wisconsin Statute § 893.80(1)(a) requires that a notice of claim must be filed within 120 days after the happening of the event giving rise to the claim. This notice of claim was not timely filed.

Regarding the claim, your vehicle was towed on September 26, 2011 for being Unregistered/Improperly Registered. If you wish to contest the legality of the tow, you must contest the citation issued with the tow. You may do so by contacting Professional Account Management, Inc. at (414) 344-0890 to schedule an appointment with the Parking Citation Review Manager.

After your vehicle was towed on September 26, 2011, you came to the tow lot on that day regarding this. Subsequently, you obtained from the City Attorney's Office Ordinance Enforcement Division, a waiver of storage fees through September 30, 2011. The vehicle was not claimed and was recycled on October 18, 2011. The tow lot followed applicable regulations for the notice and recycling of the vehicle. The vehicle was locked at the time of the tow. The tow record does not indicate that a tool box was visible. The items inside a vehicle towed are not inventoried. The City followed proper procedures. As such, the City would not be liable. Therefore, because of the lack of notice and the facts, we are denying your claim regarding the recycling and loss of a tool box. However, the City will waive the related fees.

*Mailed
8/28/12*

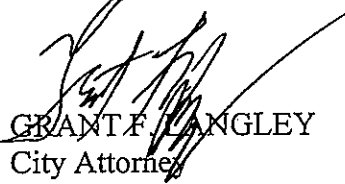
OFFICE OF THE CITY ATTORNEY

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Abraham Gutierrez
August 28, 2012
Page 2

If you wish to appeal the decision regarding the recycling and loss of a tool box, 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

STEVEN M. CARINI
Investigator Adjuster

SMC:ms

c: David Lawrence
183419/1044-2012-1544