

FRIEBERT, FINERTY & ST. JOHN, S.C.

ATTORNEYS AT LAW

TWO PLAZA EAST - SUITE 1250
330 EAST KILBOURN AVENUE
MILWAUKEE, WISCONSIN 53202

ROBERT H. FRIEBERT
JOHN D. FINERTY
THOMAS W. ST. JOHN
WILLIAM B. GUIB
S. TODD FARRIS
TED A. WARPINSKI
BRIAN R. SMIGELSKI
MATTHEW W. O'NEILL
LAWRENCE J. GLUSMAN
SHANNON A. ALLEN
JEREMY P. LEVINSON
BRIAN C. RANDALL
JENNIFER L. BOLGER
CHRISTOPHER M. MEULER

TELEPHONE
(414) 271-0130

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(414) 272-8191

www.ffsj.com

May 23, 2002

Writer's E-mail: jdf@ffsj.com

VIA MESSENGER

Alderman Michael S. D'Amato
Third Aldermanic District
Room 205 - City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: ***Utilities and Licenses Meeting Notice - (May 21, 2002) - (Hearing before Attorney David Borowski, Hearing Examiner scheduled for Wednesday, May 29, 2002 at 9:00 a.m. in connection with a rooming house license application for premises at 2537 North Farwell Avenue in the Third Aldermanic District of the City of Milwaukee)***

Dear Alderman D'Amato:

The owner of the above described premises received the Notice of Hearing dated May 21, 2002 described above on May 22, 2002 with respect to its previously filed application for renewal of its rooming house license for the apartment building at that address.

Introduction

As you know, this multi-family apartment building consists primarily of large apartments, some consisting of four and five bedrooms, which the City has determined is also a rooming house because of the size of the individual apartments.

The owner also learned for the first time, on May 22, 2002, that you filed a written verified objection to the renewal of the rooming house license on March 25, 2002, but a copy was never provided to the property owner.

Alderman Michael S. D'Amato
May 23, 2002
Page 2

Background information on premises

By way of background, as a result of complaints and comments from your office, the owner evicted or bought out a large number of tenants with the result that the building was nearly half vacant for the entire winter. In addition, because of the more discreet guidelines that the owner has set for tenancy, it is extremely difficult to locate and sign the more upscale tenants that the owner has focused upon. In order to attract higher caliber tenants, the owner is forced to execute one year leases at a minimum, many of which are in full force and effect now and will be defeased to the owner's severe economic detriment if there is a non-renewal of the rooming house license.

Investments made in reasonable reliance upon the required licenses/permits

In addition, the owner has invested substantial sums to upgrade the building, and those who have visited the apartments agree that the quality of the interior treatment is excellent. The arbitrary non-renewal of this rooming house license for local political reasons, will deprive the owner of millions of dollars in value without any compensation from the City.

In addition, as indicated above, substantial investment was made on the reasonable expectation that the rooming house license would be renewed from time to time, and your objection fails to demonstrate any change in circumstance which would justify non-renewal.

In fact, the record indicates that the sporadic complaints referred to in your objection letter are essentially the same complaints (and probably from the same people) that have been making them for years. Indeed, many of those who may have been responsible for past complaints, in fact, are no longer residents in the building. We believe that at least three of the four persons you accuse of noise violations have already been either evicted or had their lease expire without renewal.

Premises records from the Milwaukee Police Department

We previously obtained extensive documentation from the Milwaukee Police Department, and the records provided by Chief Jones' office certainly do not support the "extensive history of violations" referred to in your letter and instead simply mirror the typical complaints that one finds in a densely populated urban neighborhood. We will be presenting this evidence to the Hearing Examiner, if the hearing proceeds.

Informal information request to your office

With respect to the other complaints, we have requested that your office provide copies of the complaints from neighbors upon which you base your objection. We were told by your assistant, most politely, of course, that you consider these complaints "private" or "confidential" and decline to provide copies.

Alderman Michael S. D'Amato
May 23, 2002
Page 3

Statutory records request

Accordingly, to best represent our client in connection with this matter, on behalf of the property owner, request is hereby made pursuant to § 19.35, Wis. Stats., for copies of all records, as defined in § 19.32(2), Wis. Stats., prepared, drafted, generated, sent, received or kept by you in your capacity as Alderman of the Third Aldermanic District (and the City Clerk, to whom this request is also directed to the extent that he has maintained or acts as Custodian for any records on behalf of your office) between January 1, 1999 and the present in connection with the following:

1. Your objection letter dated March 25, 2002 to Mr. Ronald Leonhardt, City Clerk in connection with the rooming house license at 2537 North Farwell Avenue and any records relating thereto;
2. Records relating to your "careful review" of the Department of Neighborhood Services file on this property and copies made;
3. Records relating to the extensive history of violations and service requests which you cite as the reason to deny the license and copies made;
4. All records consisting of or relating to "complaints from neighbors about the property as well" received by your office;
5. Records relating to the alleged noise nuisance citations received by four tenants "at this property [2537 North Farwell Avenue]";
6. Records relating to acceptable standards of behavior for this neighborhood;
7. Records relating to acts or conduct which you have concluded are a detriment to the "neighborhood";
8. Records relating to the method and manner in which this particular property, e.g., the apartment building at 2537 North Farwell Avenue has "... detracted from the quality of life that nearby residents have come to expect and deserve.";
9. Records relating to any activities by the Department of Neighborhood Services with respect to this property;
10. Records relating to any activities by the Milwaukee Police Department with respect to this property;

Alderman Michael S. D'Amato
May 23, 2002
Page 4

11. Records relating to any activities by the Department of Public Works with respect to this property; and

12. Records relating to any activities by the Department of City Development with respect to this property.

The term "records" also includes copies of such records of other departments, agencies or commissions of the City of Milwaukee, however designated, which are in your possession in your capacity as Alderman for the Third Aldermanic District (and in the possession of the City Clerk to the extent the City Clerk maintains records or documents on your behalf).

This will confirm that we will, on behalf of the property owner, pay all reasonable costs of copying the requested records. If advance payment is required, please contact the undersigned immediately.

If you decline to provide or copy any records for any reason, describe each record being withheld and specify the reasons therefore. If the reason for withholding any record is set forth in §§ 19.35(1)(a) and (m), 19.36(1)(2)(5) and (a), or 19.85(1), Wis. Stats., please specify the particular statutory sub-section that you are relying upon.

If you have any questions or comments about this communication and request, please contact the undersigned at your earliest possible convenience.

Thank you for your attention to this matter.

Very truly yours,

FRIEBERT, FINERTY & ST. JOHN, S.C.

John D. Finerty

JDF/kg

Duplicate Original to:

Mr. Ronald D. Leonhardt

City Clerk

Room 205 - City Hall

200 E. Wells Street

Milwaukee, WI 53202

(by messenger)

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 97051	Taxkey: 319-0201-000

Description of Service Request

LOUD NOISE NEAR KITCHEN, HOLE OVER BATH TUB, PAINT PEELING IN LIVING ROOM, RADIATORS NEED KNOBS, WIND OW SCREEN IN BATH HELD UP WITH TAPE

Response

30 DAY ORDER TENANT HAD 3 PAGE LIST

Exhibit 1

10/19/02

City of Milwaukee Neighborhood Services System

2000-2001

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 232701	Taxkey: 319-0201-000

Description of Service Request

No heat.

Response

Bender called and left a message with the mgr Lisa. She informed me the heat had been repair. No further contact from the complaintant. 100401 PB.

*Exhibit 1
2 of 32*

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 204471	Taxkey: 319-0201-000

Description of Service Request

BROKEN WINDOW ON SUN PORCH, 2 WINDOWS IN LIVING ROOM AJARRED,
ELECTRICAL OUTLET ON SOUTHWALL IN LIVING ROOM FALL OUT, BATHROOM WITH
MOLD/MILDEW ON THE CEILING, KITC FLOOR IS COMING UP FROM GROUND, AND
MANY OTHER CODE VIOLATIONS

Response

order issued for various fire and maintenance violations, personal contact with complainant. Reinspect
due 021601

Exhibit 1
31 32

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 201848	Taxkey: 319-0201-000

Description of Service Request

DEF ELECTRICAL WIRING; NO GROUND OUTLETS, ETC. REAR STAIRWAY FULL OF ICE.
CEILINGS AND WALLS LEAKING.

Response

order issued for smoke detectors, water damage to ceilings and walls, repair plaster damage, ice had already been removed prior to inspections. Personal contact with complainant and property manager.

Exhibit 1
4 of 32

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 177162	Taxkey: 319-0201-000

Description of Service Request

Please investigate lack of required screening on parking lot to the south of the building. Thank you.

Response

Property is currently being considered for a special use permit. When file is heard the BOZA conditions will be enforced. Any questions call Dan Handle at 286-3697.

*Encl - 1
5 of 32*

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 175651	Taxkey: 319-0201-000

Description of Service Request

Roof and ceiling leaking

Response

Bender spoke to owner-landlord/tenant dispute. No further action taken.

Exh. 1
6 of 32

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 166939	Taxkey: 319-0201-000

Description of Service Request

dumpsters are overflowing and garbage all over the ground

Response

3/3/00 Complaint not verified. Area cleaned up . Closed and filed.

Ech. 1
7 of 32

**City of Milwaukee
Neighborhood Services System**

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 166791	Taxkey: 319-0201-000

Description of Service Request

DUMPSTERS IN REAR OVERFLOWING; OPEN BAGS OF GARBAGE ON GROUND.

Response

2/25/00 Complaint verified - verbal orders issued. Contacted Andy at Katz Property Management. He will have property cleaned up by 2/28/00. San CII will make regular pick up on 2/28/00. 3/3/00 Area cleaned up . Closed and filed.

Est. 1
8 / 32

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 160128	Taxkey: 319-0201-000

Description of Service Request

Rooming house overcrowded, BOZA expired 4/14/98. Please investigate and enforce all BOZA conditions.

Response

Inspection made 12/3/99. Rooming house still in operation. Owner contacted and he will apply to renew BOZA. If there are any questions please contact Inspector Handle with any questions.

Exh. 1
9-1-32

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 159577	Taxkey: 319-0201-000

Description of Service Request

Please investigate for overcrowding. Reports of 4-5 people living in each unit of the rooming house in the 2223 E. Webster side of the bldg.

Response

Inspection made, building is being used as rooming house. Owner (Katz) will apply for renewal with BOZA. Katz has applied for new occupancy and has contacted Boza for a renewal application. Will monitor for compliance. Any Questions please call Inspector Handle at X3697

Exh. 1
10 of 32

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 137145	Taxkey: 319-0201-000

Description of Service Request

BAGS OF GARBAGE AND OTHER LITTER IN REAR OF PROPERTY.

Response

*Exh. 1
W/32*

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 130181	Taxkey: 319-0201-000

Description of Service Request

Landlord doesn't shovel his entrance.

Response

THIS COMPLAINT SHOULD BE REFERRED TO THE POLICE DEPT. PER PANDORA

*Exh. 1
12/7/32*

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 107411	Taxkey: 319-0201-000

Description of Service Request

GRAFFITI ON FACADE.

Response

compliance mh

Ech. 1

13 of 32

City of Milwaukee Neighborhood Services System

Srv Request Detail for Request Number: 88537	Address: 2535 N FARWELL AV Taxkey: 319-0201-000
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Description of Service Request

SERVICE WALK STEPS (CONCRETE CEMENT CHIPPING), REAR RAILING RUSTY

Response

ORDER ISSUED

Exh 1
14 of 32

City of Milwaukee Neighborhood Services System

Srv Request Detail	Address: 2535 N FARWELL AV
for Request Number: 72086	Taxkey: 319-0201-000

Description of Service Request

INSUFFICIENT HEAT, SOME RADIATORS NOT WORKING

Response

LEFT BI70. NO REPLY (IN 1 WEEK)

Ech 1
15 of 32

City of Milwaukee Neighborhood Services System

Srv Request Detail for Request Number: 65483	Address: 2535 N FARWELL AV Taxkey: 319-0201-000
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Description of Service Request

OCC ROOMING HOUSE BOZA EXPIRED 3/2/95

Response

BOZA PAPERS FILED

Ech 1
ll of 32

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 3396831	Taxkey: 319-0201-000

Description	Detail
1 Tenant nuisance noise - first notice	CHRISTOPHER I ZOUMALAN

Eah 1

*17 of 12
32*

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 3301781	Taxkey: 319-0201-000

Description	Detail
1 Tenant nuisance noise - first notice	KEVIN MICHAEL PELKEY

*Esh 1
18 of 32*

.../bicola?colaid=biadmin&sid=1499834&colaseq=10334&formid=bipropvi&btbnbiviltns=Ye:12/17/2001

*Esh 1
19 of 32*

.../bicola?colaid=biadmin&sid=1499834&colaseq=10335&formid=bipropvi&btbnbiviltns=Ye:12/17/2001

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 3157502	Taxkey: 319-0201-000

Description	Detail
FIRE PREVENTION	
1 Replace missing cover on electric junction box	junction box obstructed by conduit, won't allow lid to close and or secure /
INTERIOR	
KITCHEN	
2 Replace defective floor covering (impervious)	
FIRST FLOOR LAUNDRY ROOM	
3 Replace or remove defective floor covering	
EAST FIRST FLOOR SUNROOM	
4 Replace missing window panes and putty	
LIVING ROOM	
5 Repair or replace defective electric outlet	no longer secured in wall laying on the floor /
6 Repair or replace defective window frame	windows will not close at top of frame and cannot be secured by latch /
BATHROOM	

Exh 1
70732

7 Repair or replace defective wall covering	at plumbing area west end of tub /
8 Paint ceiling	
LICENSED PREMISE	
9 Provide proper numbers for all rooming units	
10 Post printed no smoking sign	

Ech 1
21 of 32

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 3157501	Taxkey: 319-0201-000

Description	Detail
FIRE PREVENTION	
1 Provide smoke alarms for each dwelling unit	inside every sleeping unit. /

Bohr 1
22 of 32

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 3123161	Taxkey: 319-0201-000

Description	Detail
FIRE PREVENTION	
1 Provide a certificate of critical exam for fire es	REAR EXTERIOR STAIRS. /

Bth 1
23 of 32

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 3117722	Taxkey: 319-0201-000

Description	Detail
INTERIOR	
COMMON STAIRS	
1 Repair or replace water damaged ceiling and paint	north east stair apt's A thru F /
KITCHEN	
2 Repair defective plaster on wall and paint	Large hole in north wall needs to be repaired. /
3 Paint wall	
4 Repair or replace defective wall covering	
5 Repair plaster on ceiling and paint	
6 Paint ceiling	
7 Repair and repaint water damaged ceiling plaster	
8 Restore wall to a watertight condition	

Exhibit 1
24 of 30

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 3117721	Taxkey: 319-0201-000

Description	Detail
FIRE PREVENTION	
1 Provide smoke alarms - general	
2 Custom violation	ALL FUEL BURNING EQUIPMENT SHALL BE CONNECTED TO AN APPROVED CHIMNEY FLUE OR VENT. (CLOTHES DRYER) / 275-61-4-a /

Evh 1
25 of 32

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 3067671	Taxkey: 319-0201-000

Description	Detail
FIRE PREVENTION	
1 Service fire extinguisher(s)	
2 Obtain occupancy or zoning certificate	

Edh 1
26 of 32

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 2928841	Taxkey: 319-0201-000

Description	Detail
1 Custom violation	LANDLORD LETTER SENT / 80-64 /

Exh 1
27 of 32

City of Milwaukee Neighborhood Services System

Violation Detail for Serial#: 2920811	Address: 2535 N FARWELL AV Taxkey: 319-0201-000
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Description	Detail
1 Custom violation	LANDLORD LETTER SENT / 80-64 /

*Boh 1
28 of 32*

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 2903372	Taxkey: 319-0201-000

Description	Detail
EXTERIOR	
1 Repair leaks in roof and restore a watertight cond	
INTERIOR	
UNIT:E THIRD FLOOR	
FRONT SLEEPING ROOM	
2 Repair and repaint water damaged ceiling plaster	
CENTER HALL	
3 Repair and repaint water damaged ceiling plaster	

Exh 1
29 of 32

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 2903371	Taxkey: 319-0201-000

Description	Detail
INTERIOR	
UNIT:E THIRD FLOOR	
GENERAL	
1 Provide smoke alarms for each dwelling unit	

Exh 1
30 of 32

City of Milwaukee Neighborhood Services System

Violation Detail for Serial#: 2796331	Address: 2535 N FARWELL AV Taxkey: 319-0201-000
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Description	Detail
1 Schedule appt for safety insp & renew certificate	

Exh 1
31 of 32

City of Milwaukee Neighborhood Services System

Violation Detail	Address: 2535 N FARWELL AV
for Serial#: 2673253	Taxkey: 319-0201-000

Description	Detail
FIRE PREVENTION	
1 Provide a certificate of critical exam for fire es	REAR EXTERIOR STAIRS /
2 Repair or replace defective stair handrail	(2537 - 3RD FLOOR GUARDRAIL INTERIOR) /
3 Repair or replace defective wall covering	2227 E WEBSTER; BACK DOOR AREA /
4 Repair and repaint water damaged ceiling plaster	2223- (F) DINING ROOM CEILING;BATHROOM - 2227 E WEBSTER /

Exh 1

32 of 32

Should a second noise citation be issued to any of the members of the same tenancy cited in this incident within two years from the date of the noise violation and you cannot provide to this Department, within seven working days, evidence that the tenants in the rental unit in question have already moved out, that you are in the process of evicting those tenants or that the second citation was issued in error, you can be charged for the cost of the police services and related notices. We request that you take immediate action to prevent this possibility from occurring.

If you believe that this notice of violation was issued to you in error or have questions related to this issue, please contact me at [414]-286-5799.

Sincerely,

David Krey
Supervisor
Nuisance and Environmental Health Division

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellate board and maintain compliance, may subject you to prosecution and to daily penalties of \$50 to \$10,000 in the manner provided in Section 61.

RIGHT TO APPEAL

This order may be appealed provided an application for appeal is received within 10 days of service. For further information, contact 286-8674 to obtain information about your appeal rights. Failure to appeal an order issued by the Department shall create a rebuttable presumption that a violation existed on the date of the issuance of the order (200-17-8).

TRADUCCION EN ESPAÑOL

Si Ud. necesita ayuda para la traducción de esta información, comuníquese con el 'Centro Hispano' Council for the Spanish Speaking, Inc., 614 W. National Avenue, Milwaukee, WI 53204. Teléfono: (414)384-3700.

Copies:
ALDERMAN D'AMATO
POLICE DISTRICT #5

CITATION NUMBER 5708316 5		MILWAUKEE MUNICIPAL CITATION		TOTAL DEPOSIT \$ 206.00
<p>The undersigned for and on the behalf of this municipality states on the basis of personal knowledge (or upon information and belief) that said defendant did</p>				
CITY OF MILWAUKEE	on 06/02 at 530	PM. Ordinance No. 80-65-4	TYPE OF VIOLATION NOISE NUISANCE	
VS	Name - First KEVIN MICHAEL	Last FELKEY	DESCRIBE VIOLATION: THE DEFENDANT DID HAVE A LOUD MUSIC PARTY AT HIS RESIDENCE THAT CAUSED SEVERAL NEIGHBORS TO BE DISTURBED.	
ADDRESS (Residence) 2537 N. FARWELL AVE APT # C MILWAUKEE, WISCONSIN	STATE WI	ZIP CODE 53018	LOCATION: 2537 N. FARWELL IN THE CITY OF MILWAUKEE	
BIRTH DATE 04-08-79	SEX M	RACE WHITE	HT 509	APPROVED FOR FILING BY CITY ATTORNEY
DI.# 0420-5137-9128-00	PHONE 961-7075	DATE OF ISSUE		
SS# 0420-5137-9128-00	YOU ARE NOTIFIED TO APPEAR AT THE MILWAUKEE MUNICIPAL COURT			
LOCATED AT: 151 NORTH JAMES LOVELL ST, MILWAUKEE, WISCONSIN				
COURT DATE 07-26	AT 01	AM. 830	DATE OF ISSUE	
OFFICER SIGNATURE P. J. HANCOCK	INTOLL. NO. 62957	DIST. 53	DATE M/D 01/06	OFF GROUP 0106
DISTRIBUTION OF COPIES: GREEN-COURT PINK-AGENCY WHITE-OFFENDER WHITE (MAILER)-OFFENDER				

Property Owner/Preferred Contact Summary

Printed 06/08/01 15:24

Page 1

Address: 2535- 2541 N FARWELL AV

Remast File Information

Owner

CAROLINE R & DANIEL J KATZ
CHILDRENS TRUST OF 1995
BRUCE M PECKERMAN, TRUSTEE
920 E MASON ST
MILWAUKEE WI

53202-0000

Taxkey:319-0201-000
Land use:7021
Lot size: 16736 (0x 0)
Year Built:1914
Conveyance Date:10/1996 Type:QC
Name Change:01/21/1998

Recording information

Application date:10/10/1996 Type:Change in ownership

Recording [O]wners/[P]referred contact

[O]

DANIEL J KATZ

Home:[414] 351-1489 () Work:[414] 332-8080 ()

Street Address Mailing Address

316 E SILVER SPRING DR #306

316 E SILVER SPRING DR #306

WHITEFISH BAY WI 53217

WHITEFISH BAY WI 53217

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

**CITY OF MILWAUKEE
DEPARTMENT OF NEIGHBORHOOD SERVICES
Nuisance/Env Health Section
1673 S. 9th St
Milwaukee, WI 53204**

DEPARTMENT COPY

*Serial #: 003396831
Date: August 31, 2001
District #: 432
CT: 76*

rhse-ref

Recipients:

DANIEL J KATZ, 316 E SILVER SPRING DR #306, WHITEFISH BAY WI 53217
CAROLINE R & DANIEL J KATZ, CHILDRENS TRUST OF 1995, BRUCE M PECKERMAN, TRUSTEE, 920 E MASON ST, MILWAUKEE WI 53202-0000

**Re: 2535-2541 N FARWELL AV
AKA:2537 N FARWELL AV #E**

Taxkey #: 319-0201-000

The Milwaukee Police Department notified our Department that in your building located at **2535-2541 N FARWELL AV** it cited:

- 1. **CHRISTOPHER I ZOUMALAN** for violation of the noise ordinance.

Excessive noise in a rental property benefits no one. It creates a nuisance to the immediate neighbors and helps drive away good tenants in your building and thus may increase your operating costs and reduce your income potential. It can also motivate neighbors to organize against you.

As the owner of the property, you are obligated to control your property, including nuisance noise. Subsequent violations from the same tenancy may cause the cost of police services and related administrative charges to be placed on your property taxes as a lien under Section 80-64 of the Milwaukee Code of Ordinances.

Please review your lease with your tenants immediately so that the city does not need to take this action against you. Consider issuing a 5-day notice to cease the violation and explain the effect of a second violation on their right to occupy the dwelling unit.

Please note that under Wis. Stats. 704.05(3) "The tenant cannot use the premises for any unlawful purpose nor in such manner so as to interfere unreasonably with use by another occupant of the same building or group of buildings.

A copy of the citation issued to your tenant is enclosed and is evidence of a violation of this statutory lease provision.

If you have questions regarding the citation, I recommend that you contact your tenant. On the front of your tenant's citation there is a date and time for City Attorney review. There is also another date and time for a Municipal Court appearance.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

Exhibit 2

2 of 4

Should a second noise citation be issued to any of the members of the same tenancy cited in this incident within two years from the date of the noise violation and you cannot provide to this Department, within seven working days, evidence that the tenants in the rental unit in question have already moved out, that you are in the process of evicting those tenants or that the second citation was issued in error, you can be charged for the cost of the police services and related notices. We request that you take immediate action to prevent this possibility from occurring.

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Copies:
ALDERMAN D'AMATO
POLICE DISTRICT #5

9/5

MUNICIPAL AGENCY RECORD NR 62941

Date of Disposition

Reason

Withdrawn by Agency

Denial by Prosecution

Incident Report: This report was written by P.O. SETH LEMKE, District Five, Lake Street, on Sun, 08-12-01, at 2:30 a.m. Sgt. 52, P.O. Lemke and P.O. Lambert Agabud, responded to a noise nuisance at 2518 N. Farwell Ave. while there, at about 3:00 a.m., we could hear loud music coming from 2537 N. Farwell Ave. Apt E. It was audible from over 250 feet to the south. The respondent, Christopher I. Zoumalan, w/m, 01-09-75, stated he had just gotten home (5 minutes earlier and didn't think the music was too loud. He said he has no roommates, but he did have friends over, who had turned the music on, while he was gone. He believed he should have been warned.

Officer: 0110 VAS 8 km
 Date: Mar 20-30-2002
 Signature: [Signature]
 Supervisor: [Signature]

CITATION NUMBER: 5719715 1

CUR-300 REV. 11/00

MILWAUKEE MUNICIPAL CITATION

TOTAL DEPOSIT: 284.00

The undersigned for and on the behalf of the municipality states on the basis of personal knowledge (or upon information) and believes that said defendant did

CITY OF MILWAUKEE, State of Wisconsin

CITY OF MILWAUKEE VS Christopher I. Zoumalan

Address (Residence): 2537 N. Farwell Ave #4, Milwaukee WI 53211

Birth Date: 01-09-77

Sex: M

Race: W

DOB: 01-09-77

SSN: B4950128 JCA

Eye: BRO

Hair: BR

HT: 160

WT: 59

PH: 963-4344

TYPE OF VIOLATION: Noise Nuisance

DISCURE VIOLATION: Zoumalan's residence did have loud music coming from it which was audible from over 250 feet

LOCATION: 2537 N. Farwell IN THE CITY OF MILWAUKEE A J R # E

YOU ARE NOTIFIED TO APPEAR AT THE MILWAUKEE MUNICIPAL COURT

LOCATED AT 951 NORTH JAMES LUYSELL ST, MILWAUKEE, WISCONSIN

COURT DATE: 10-04-01 AT 8:30 A.M. P.M.

OFFICER'S SIGNATURE: P.O. SETH LEMKE 62941

INTELL NO. 62941

DIST: 53

DEPT: MPD

OFF GROUP: 0110

APPROVED FOR FILING BY CITY ATTORNEY

DATE OF ISSUE

DISTRIBUTION OF COPIES: GREEN-COURT PINK-AGENCY WHITE-OFFENDER WHITE-MAILING-OFFENDER

Property Owner/Preferred Contact Summary

Printed 08/30/01 13:38

Page 1

Address: 2535- 2541 N FARWELL AV

Remast File Information

Owner	
CAROLINE R & DANIEL J KATZ	Taxkey:319-0201-000
CHILDRENS TRUST OF 1995	Land use:7021
BRUCE M PECKERMAN, TRUSTEE	Lot size: 16736 (0x 0)
920 E MASON ST	Year Built:1914
MILWAUKEE WI	53202-0000
	Conveyance Date:10/1996 Type:QC
	Name Change:01/21/1998

Recording information

Application date:10/10/1996	Type:Change in ownership
-----------------------------	--------------------------

Recording [O]wners/[P]referred contact

[O]	
DANIEL J KATZ	
Home:[414] 351-1489 ()	Work:[414] 332-8080 ()
Street Address	Mailing Address
316 E SILVER SPRING DR #306	316 E SILVER SPRING DR #306
WHITEFISH BAY WI 53217	WHITEFISH BAY WI 53217

Should a second noise citation be issued to any of the members of the same tenancy cited in this incident within two years from the date of the noise violation and you cannot provide to this Department, within seven working days, evidence that the tenants in the rental unit in question have already moved out, that you are in the process of evicting those tenants or that the second citation was issued in error, you can be charged for the cost of the police services and related notices. We request that you take immediate action to prevent this possibility from occurring.

If you believe that this notice of violation was issued to you in error or have questions related to this issue, please contact me at [414]-286-5799.

Sincerely,

David Krey
Supervisor
Nuisance and Environmental Health Division

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellate board and maintain compliance, may subject you to prosecution and to daily penalties of \$50 to \$10,000 in the manner provided in Section 61.

RIGHT TO APPEAL

This order may be appealed provided an application for appeal is received within 10 days of service. For further information, contact 286-8674 to obtain information about your appeal rights. Failure to appeal an order issued by the Department shall create a rebuttable presumption that a violation existed on the date of the issuance of the order (200-17-8).

TRADUCCION EN ESPAÑOL

Si Ud. necesita ayuda para la traducción de esta información, comuníquese con el 'Centro Hispano' Council for the Spanish Speaking, Inc., 614 W. National Avenue, Milwaukee, WI 53204. Teléfono: (414)384-3700.

Copies:

ALDERMAN D'AMATO,
POLICE DISTRICT #5,

Date of Disposition: 12-18-01

Reason: Withdrawn by Agency Denial by Prosecution

Incident Report: This Report is withdrawn by PO. Officer D. Linnert assigned to Apartment 5-L-12. On 12-18-01 at 12:55 PM, PO Linnert observed Defendant To 2223 E Webster Plac for a Noise Complaint (Noise) for a Noise. Defendant (Noise) Arrived at Court Street at 11:00 AM. Defendant, Thomas A. Seaman, age 32, 5'10", DOB 2-21-69, Milwaukee, WI 53212-0162, 2223 E Webster Plac, Apartment 5-L-12, Unit 5-L-12, 2223 E Webster Plac, Milwaukee, WI 53212. He came home from work. The Street No Court Street to the Address. And Thomas City 5724050-3 (Noise Abatement) To The Officer De Tac. Defendant, Sean P. Remedios, on 12-22-01.

Officer	Time Hours	Schedule Var/Alt
D101	12:00-3:00 PM	None
Signature of Officer	Date & Time of Incident Report	
<i>[Signature]</i>	12-09-01 4:00 PM	
Signature of Supervisor		
<i>[Signature]</i>		

CITATION NUMBER 5724050 3	GBP-200 REV. 11/00 MILWAUKEE MUNICIPAL CITATION	TOTAL DEPOSIT \$ 224.00
City of Milwaukee, State of Wisconsin		
The undersigned for and on the behalf of the municipality states on the basis of personal knowledge (or upon information and belief) that said defendant did		
CITY OF MILWAUKEE VS	on <u>12-29</u> 20 <u>01</u> at <u>1235</u> PM, violate Ordinance No. <u>80-65-4</u>	TYPE OF VIOLATION <u>Noise NUISANCES</u>
NAME - First Middle Last <u>SEAN P REMEDIOS</u>	ADDRESS (Residence) POST OFFICE STATE ZIP CODE <u>2223 E WEBSTER PLAC MILWAUKEE, WI 53211</u>	DESCRIBE VIOLATION: <u>LISTED SUSPECT HAS NOISE COMING FROM HIS RESIDENCE AT AN UNACCEPTABLE LEVEL</u>
BIRTH DATE <u>10-22-79</u>	SEX <u>M</u> RACE <u>W</u> EYES <u>GRN</u> HAIR <u>BRN</u> WT. <u>210</u> HT. <u>6'02"</u>	
DL# <u>C653-7957-7332-01</u>	PHONE <u>967-0152</u>	
YOU ARE NOTIFIED TO APPEAR AT THE MILWAUKEE MUNICIPAL COURT		
LOCATED AT: 951 NORTH JAMES LOVELL ST, MILWAUKEE, WISCONSIN		
COURT DATE <u>12/31</u> 20 <u>02</u> AT <u>850</u> <u>AM</u> P.M.	LOCATION: <u>2223 E WEBSTER</u>	IN THE CITY OF MILWAUKEE
OFFICER'S SIGNATURE <i>[Signature]</i>	PAYROLL NO. <u>65151</u>	DISP. <u>53</u>
DEPT. <u>MPD</u>	OFF. CROUT <u>0101</u>	APPROVED FOR FILING BY CITY ATTORNEY
DATE OF ISSUE		

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915

Property Owner/Preferred Contact Summary

Printed 12/20/01 11:40

Page 1

Address: 2535- 2541 N FARWELL AV

Remast File Information

Owner

CAROLINE R & DANIEL J KATZ
CHILDRENS TRUST OF 1995
BRUCE M PECKERMAN, TRUSTEE
920 E MASON ST
MILWAUKEE WI

53202-0000

Taxkey:319-0201-000

Land use:7021

Lot size: 16736 (0x 0)

Year Built:1914

Conveyance Date:10/1996 Type:QC

Name Change:01/21/1998

Recording information

Application date:10/10/1996 Type:Change in ownership

Recording [O]wners/[P]referred contact

DANIEL J KATZ

Home:[414] 351-1489 () Work:[414] 332-8080 ()

Street Address

Mailing Address

316 E SILVER SPRING DR #306

316 E SILVER SPRING DR #306

WHITEFISH BAY WI 53217

WHITEFISH BAY WI 53217

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

**CITY OF MILWAUKEE
DEPARTMENT OF NEIGHBORHOOD SERVICES
Nuisance/Env Health Section
1673 S. 9th St
Milwaukee, WI 53204**

DEPARTMENT COPY

Serial #: 003243991
Date: April 24, 2001
District #: 432
CT: 76

rhse-ref

Recipients:

CAROLINE R & DANIEL J KATZ, CHILDRENS TRUST OF 1995, BRUCE M PECKERMAN, TRUSTEE, 920 E MASON ST, MILWAUKEE WI 53202-0000
DANIEL J KATZ, 316 E SILVER SPRING DR #306, WHITEFISH BAY WI 53217

**Re: 2535-2541 N FARWELL AV
AKA:2537 N FARWELL APT C & D**

Taxkey #: 319-0201-000

The Milwaukee Police Department notified our Department that in your building located at **2535-2541 N FARWELL AV** it cited:

- 1. **THOMAS J BENNETT CHRISTOPHER R WALBY** for violation of the noise ordinance.

Excessive noise in a rental property benefits no one. It creates a nuisance to the immediate neighbors and helps drive away good tenants in your building and thus may increase your operating costs and reduce your income potential. It can also motivate neighbors to organize against you.

As the owner of the property, you are obligated to control your property, including nuisance noise. Subsequent violations from the same tenancy may cause the cost of police services and related administrative charges to be placed on your property taxes as a lien under Section 80-64 of the Milwaukee Code of Ordinances.

Please review your lease with your tenants immediately so that the city does not need to take this action against you. Consider issuing a 5-day notice to cease the violation and explain the effect of a second violation on their right to occupy the dwelling unit.

Please note that under Wis. Stats. 704.05(3) "The tenant cannot use the premises for any unlawful purpose nor in such manner so as to interfere unreasonably with use by another occupant of the same building or group of buildings.

A copy of the citation issued to your tenant is enclosed and is evidence of a violation of this statutory lease provision.

If you have questions regarding the citation, I recommend that you contact your tenant. On the front of your tenant's citation there is a date and time for City Attorney review. There is also another date and time for a Municipal Court appearance.



OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



*Exhibit 2
4 of 4*

Should a second noise citation be issued to any of the members of the same tenancy cited in this incident within two years from the date of the noise violation and you cannot provide to this Department, within seven working days, evidence that the tenants in the rental unit in question have already moved out, that you are in the process of evicting those tenants or that the second citation was issued in error, you can be charged for the cost of the police services and related notices. We request that you take immediate action to prevent this possibility from occurring.

If you believe that this notice of violation was issued to you in error or have questions related to this issue, please contact me at [414]-286-5799.

Sincerely,

David Krey
Supervisor
Nuisance and Environmental Health Division

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellate board and maintain compliance, may subject you to prosecution and to daily penalties of \$50 to \$10,000 in the manner provided in Section 61.

RIGHT TO APPEAL

This order may be appealed provided an application for appeal is received within 10 days of service. For further information, contact 286-8674 to obtain information about your appeal rights. Failure to appeal an order issued by the Department shall create a rebuttable presumption that a violation existed on the date of the issuance of the order (200-17-8).

Copies:
ALDERMAN D'AMATO
POLICE DISTRICT #5

286-700

CITATION NUMBER 5707560 5		CBP-200 REV. 11/00		MILWAUKEE MUNICIPAL CITATION		TOTAL DEPOSIT \$ 206.00
The undersigned for and on the behalf of the municipality states on the basis of personal knowledge (or upon information and belief) that said defendant did						
CITY OF MILWAUKEE		on 04/22 20 01		at 258/		PM. violate Ordinance No. 80-65(4)
VS		Name - First THOMAS		Middle JAMES		Last BENNETT
ADDRESS (Residence) 2537 N FARWELL AVE #D MILWAUKEE WIS 53211		POST OFFICE		STATE		ZIP CODE
BIRTH DATE 11-11-78		SEX M RACE W EYES BLU HAIR BRN WT. 185 HT. 511		PHONE 967-9540		TYPE OF VIOLATION NOISE NUISANCE
DL#		SS# 13530-8307-8411-04 WI		OFF GROUP		DESCRIBE VIOLATION: THE DEFENDANT DID HAVE A LOUD MUSIC PARTY AT HIS RESIDENCE AT HIS RESIDENCE THAT CAUSED SEVERAL NEIGHBORS TO BE DISTURBED. THE MUSIC COULD BE HEARD ON POLICE ARRIVAL FROM IN EXCESS OF ONE CITY BLOCK AWAY
YOU ARE NOTIFIED TO APPEAR AT THE MILWAUKEE MUNICIPAL COURT						
LOCATED AT: 951 NORTH JAMES LOVELL ST, MILWAUKEE, WISCONSIN						
COURT DATE 06-14		20 01		AT 830		A.M. P.M.
OFFICER'S SIGNATURE RANDY M. BENTON		PAYROLL NO. 62957		DIST. 53		DEPT. MILW
				OFF GROUP 0106		APPROVED FOR FILING BY CITY ATTORNEY
DATE OF ISSUE						
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CITATION NUMBER 5707559 4		CBP-200 REV. 11/00		MILWAUKEE MUNICIPAL CITATION		TOTAL DEPOSIT \$ 206.00
The undersigned for and on the behalf of the municipality states on the basis of personal knowledge (or upon information and belief) that said defendant did						
CITY OF MILWAUKEE		on 04/22 20 01		at 258/		PM. violate Ordinance No. 80-65(4)
VS		Name - First CHRISTOPHER		Middle RANDON		Last WALBY
ADDRESS (Residence) 2537 N. FARWELL AVE #C MILWAUKEE, WI		POST OFFICE		STATE		ZIP CODE
BIRTH DATE 04-10-75		SEX M RACE W EYES BLU HAIR BRN WT. 190 HT. 602		PHONE 332-5320		TYPE OF VIOLATION NOISE NUISANCE
DL#		SS# W410-1167-5130-00 WI		OFF GROUP		DESCRIBE VIOLATION: THE DEFENDANT DID HAVE AN EXTREMELY LOUD MUSIC PARTY AT HIS RESIDENCE THAT CAUSED SEVERAL NEIGHBORS TO BE DISTURBED. THE MUSIC COULD BE HEARD IN EXCESS OF ONE CITY BLOCK AWAY.
YOU ARE NOTIFIED TO APPEAR AT THE MILWAUKEE MUNICIPAL COURT						
LOCATED AT: 951 NORTH JAMES LOVELL ST, MILWAUKEE, WISCONSIN						
COURT DATE 06-14		20 01		AT 830		A.M. P.M.
OFFICER'S SIGNATURE RANDY M. BENTON		PAYROLL NO. 62957		DIST. 53		DEPT. MILW
				OFF GROUP 0106		APPROVED FOR FILING BY CITY ATTORNEY
DATE OF ISSUE						
DISTRIBUTION OF COPIES: GREEN-COURT PINK-AGENCY WHITE-OFFENDER WHITE (MAILER)-OFFENDER						

Property Owner/Preferred Contact Summary

Printed 04/24/01 10:04

Page 1

Address: 2535- 2541 N FARWELL AV

Rooming house

Remast File Information

Owner CAROLINE R & DANIEL J KATZ CHILDRENS TRUST OF 1995 BRUCE M PECKERMAN, TRUSTEE 920 E MASON ST MILWAUKEE WI	53202-0000	Taxkey:319-0201-000 Land use:7021 Lot size: 16736 (0x 0) Year Built:1914 Conveyance Date:10/1996 Type:QC Name Change:01/21/1998
--	------------	---

Recording information

Application date:10/10/1996 Type:Change in ownership

Recording [O]wners/[P]referred contact

[O] DANIEL J KATZ Home:[414] 351-1489 () Work:[414] 332-8080 () Street Address Mailing Address 316 E SILVER SPRING DR #306 316 E SILVER SPRING DR #306 WHITEFISH BAY WI 53217 WHITEFISH BAY WI 53217

3



May 16, 2001

Mr. David Krey
City of Milwaukee
Dept. of Neighborhood Services
Nuisance/Env. Health Section
1673 S. 9th Street
Milwaukee, WI 53204

Re: 2535-41 N. Farwell Avenue
AKA: 2537 N. Farwell Apt. C & D

Dear Mr. Krey:

Attached please find a copy of the 5 day notice given to Thomas Bennett at 2537 North Farwell Avenue, Apt. D on May 4, 2001 in response to your letter dated April 24, 2001. Please be advised that Christopher Walby and his roommates who resided in apartment C moved out of the premise on April 30, 2001.

Thank you.

Sincerely,

Andrew R. Bandy
KATZ PROPERTIES, INC.
PROPERTY MANAGER

WE TAKE PRIDE
IN OUR PROPERTIES

316 EAST SILVER
SPRING DRIVE
SUITE # 306
MILWAUKEE, WI 53217
414.332.8080
FAX 332.8046



Exhibit 3
1 of 1