GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

THOMAS O. GARTNER
BRUCE O. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS O. MILLER
Assistant City Attorneys

February 25, 2008

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 Donald Sanford and Darrell Flemming
C.I. File No. 06-S-28-8; EC 2280

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Donald Sanford and Darrell Flemming. The claim is in the amount of $7,639.51 including $82.51 in disbursements for 68.70 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 the filing of a citizen's complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission.

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:amp
Enc.
1032-2006-230:124771v1

cc 2280; 1032.2006.232

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM **February 2, 2006**

TO: P.O. DARRELL FLEMMING
DISTRICT: FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

1) An incident occurring on APRIL 17, 2001
2) A citizen's complaint made by CYNTHIA KITTLER-AUSTIN
3) A police shooting incident occurring on N/A

Is this information correct? YES X NO___

Did you receive legal representation in this matter? YES X NO___

Your signature: P.O. Darrell Flemming

Print your name: DARRELL FLEMMING

Upon completion, please return this memorandum to the Professional Performance Division at the Police Academy (Room 325) as soon as possible.

MARY K. HOERIG
Captain of Police
Professional Performance Division

RECEIVED
06 FEB 14 AM 10:57
MILWAUKEE POLICE DEPARTMENT
PROFESSIONAL PERFORMANCE DIVISION

MKH:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM **February 2, 2006**

TO: ID TECH DONALD SANFORD
DISTRICT: INDENT

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

1) An incident occurring on APRIL 17, 2001
2) A citizen's complaint made by CYNTHIA KITTLER-AUSTIN
3) A police shooting incident occurring on N/A

Is this information correct? YES X NO___

Did you receive legal representation
in this matter? YES X NO___

Your signature: Donald SANFORD

Print your name: Donald Sanford

Upon completion, please return this memorandum to the Professional Performance Division at the Police Academy (Room 325) as soon as possible.

Mary K. Hoerig KJS

MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

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

January 16, 2006

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

RE: Citizen Complaint of Ms. Cynthia Kittler-Austin
Against POs Donald Sanford and Darrell Flemming
Complaint No.: 01-59
Date of Incident: April 17, 2001

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, this claim is hereby made on their behalf for the indicated legal fees. This incident involved the investigation of child neglect. The Board of Fire and Police Commissioners dismissed the complaint. Attached is a copy of the Decision of the Board and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jon Cermele

JC/kjs
Attachment
Sanford and Flemming

EGGERT & CERMELE, S.C.
Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

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

January 16, 2006

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

RE: Citizen Complaint of Ms. Cynthia Kittler-Austin
Against POs Donald Sanford and Darrell Flemming
FPC No: 01-59
Date of Incident: April 17, 2001
Location of Incident: 1627 North 32nd Street
Professional services

		Hours
10/18/2001	Conference with client; open file; memo to file; correspondence to FPC; correspondence to MPD Open Records; correspondence to CJF Open Records; review records regarding open cases against complainant witnesses.	2.30
10/30/2001	Review of correspondence from FPC.	0.10
12/10/2001	Telephone call from FPC; review of file; memo to file.	0.30
2/28/2002	Review of file; memo to file.	0.30
4/19/2002	Review documents from MPD Open records.	0.60
7/16/2002	Telephone call from FPC; review of file; memo to file.	0.50
8/27/2002	Review of file; telephone call to FPC; memo to file.	0.30
10/22/2002	Telephone call from and to FPC; review of file; memo to file; telephone call to clients.	0.50
10/28/2002	Telephone calls from and to clients.	0.30
11/5/2002	Telephone call from FPC; memo to file; review of file.	0.40

		Hours
11/16/2002	Review of file.	0.30
1/22/2003	Review of file; telephone call from FPC; computer search regarding complainant and witness.	0.80
1/31/2003	Review of correspondence from FPC; correspondence to clients.	0.30
2/3/2003	Review of file.	0.30
2/4/2003	Telephone call from client.	0.10
3/13/2003	Preparation for conciliation; travel; attend conciliation; conference with clients; return travel; memo to file.	3.20
5/16/2003	Review of correspondence from FPC.	0.10
5/20/2003	Telephone call from FPC; review of file.	0.30
6/25/2003	Telephone call from FPC; telephone call to clients; review of file.	0.60
6/26/2003	Fax to FPC and Eisenberg; telephone call from client; memo to file; review of file.	0.60
6/30/2003	Review of correspondence from FPC.	0.10
7/30/2003	Review of correspondence from FPC; review of file.	0.20
11/21/2003	Review of file; CCAP update regarding complainant and witnesses; telephone call to clients; correspondence to MPD Open Records.	0.90
12/1/2003	Review of file; telephone call to and from FPC.	0.30
12/3/2003	Telephone calls to clients; review of file.	0.10
12/4/2003	Review arrest and conviction record.	0.10
1/29/2004	Review of correspondence from FPC; review of file; memo to file.	0.30
2/13/2004	Review of file; correspondence to clients.	0.10

		Hours
2/14/2004	Telephone call to client; review file; memo to file; draft witness and exhibit list; correspondence to Department of Justice; draft medical records release regarding complainants; municipal court and CCAP search regarding complainants.	1.20
2/15/2004	Telephone call from PO Sanford.	0.10
2/16/2004	Telephone call to client; memo to file.	0.20
2/18/2004	Telephone calls from client; telephone call to FPC; memo to file; telephone call to city attorney regarding claims.	0.50
2/25/2004	Review of correspondence from Eisenberg; telephone call to client; revise witness list.	0.60
4/19/2004	Telephone call from FPC; review of file; memo to file; telephone call to client; CCAP update regarding complainant.	0.60
4/22/2004	Review of file; computer search regarding witnesses; memo to file.	1.60
4/26/2004	Telephone call from FPC.	0.10
5/4/2004	Telephone call to clients; telephone call to witnesses.	1.30
5/5/2004	Telephone call from PO Sanford; memo to file.	0.40
5/6/2004	Review of file; telephone call to and from DDA Reddin; review of correspondence from opposing attorney; telephone call from Flemming.	2.20
5/7/2004	Telephone call to City Attorney; telephone call to opposing counsel; telephone call from FPC.	0.80
5/10/2004	Telephone call from DA; telephone call to and from opposing attorney; telephone call to CA; review of file regarding hearing dates/witnesses.	1.20
5/11/2004	Telephone call from and to DA; telephone call to opposing attorney; memo to file.	0.70
5/12/2004	Telephone call from and to DA; review Fax from DA regarding decision to "no process" criminal charges against complainant; conference with DA; research regarding SOPS.	1.60

		Hours
5/13/2004	Review of file; correspondence to opposing attorney; correspondence to MFD, DOJ; correspondence to clients.	2.10
5/14/2004	Review of correspondence from FPC.	0.10
5/24/2004	Review of correspondence from MFD; review of file.	0.50
5/25/2004	Telephone call from PO Sanford; memo to file.	0.10
5/26/2004	Review documents from DOJ.	0.10
5/27/2004	Review documents from DOJ regarding witness criminal record.	0.30
6/10/2004	Telephone call from client; review of file.	0.30
6/28/2004	Review of file; telephone call to expert witness; telephone call to and from client; telephone call to opposing counsel; telephone call to Sgt. Montemeyer.	2.70
6/29/2004	Telephone call from and to Sgt. Montemeyer; telephone call to District #3; memo to file.	0.60
6/30/2004	Telephone call from opposing counsel; memo to file; telephone call to District #3.	0.60
7/2/2004	Conference with Flemming; review of file; memo to file; telephone call to Sgt. Statton; review document from DOJ regarding witness.	3.30
7/6/2004	Telephone call from FPC.	0.20
7/7/2004	Telephone call from FPC; telephone call from and to client; memo to file.	0.30
7/9/2004	Review of correspondence from FPC.	0.10
7/16/2004	Office conference with PO Sanford; telephone call to #3 Lt.; telephone call to Academy and FPC; telephone call to Personnel.	3.20
7/27/2004	Review message from Personnel; review e-mail from FPC; review of file.	0.30
7/29/2004	Review document from FPC; review of file; memo to file; telephone call to FPC.	0.40

		Hours
8/23/2004	Telephone call from and to FPC; review of file.	0.20
8/25/2004	Review of file; telephone call to and from witnesses and opposing counsel; memo to file.	1.30
8/26/2004	Telephone calls from FPC; review of file; memo to file; telephone call to FPC; correspondence to client and witnesses.	0.80
8/28/2004	Telephone call from witness; memo to file.	0.10
9/13/2004	Review of correspondence from FPC; memo to file.	0.10
9/30/2004	Telephone call from and to FPC.	0.20
10/5/2004	Telephone call from FPC; review of file; memo to file regarding hearing dates.	0.60
10/8/2004	Review of correspondence from FPC; telephone call to opposing attorney.	0.50
10/13/2004	Telephone call and Fax to opposing counsel; memo to file.	0.70
10/22/2004	Review of file; telephone call to and from opposing counsel; draft subpoenas; correspondence to clients; correspondence to witnesses; telephone call to witnesses.	1.80
10/25/2004	Serve subpoenas.	0.70
10/27/2004	Telephone call from Sgt. Ziarnik; memo to file; telephone calls to clients; telephone call to opposing attorney.	1.70
11/1/2004	Conference with Flemming; memo to file; telephone call from Sanford.	2.20
11/2/2004	Conference with Sanford; hearing preparation; telephone call to Academy; memo to file.	3.10
11/3/2004	Preparation for and appearance at hearing; conference with clients; memo to file; travel.	5.20
12/21/2004	Review of file; memo to file.	0.30
4/28/2005	Review of correspondence from FPC.	0.10

		Hours
6/8/2005	Teleconference with Fronk.	0.10
7/28/2005	Review of file.	0.10
8/2/2005	Begin review of transcript, exhibit list and brief.	1.60
8/3/2005	Draft brief; complete review of transcript and record.	3.30
8/4/2005	Revise brief; correspondence to FPC; correspondence to client.	0.80
8/29/2005	Review of file.	0.10
11/8/2005	Review decision from FPC; telephone call to clients; correspondence to clients; close file.	0.50

			Amount
	For professional services rendered	68.70	$7,557.00
	Costs:		
11/16/2001	Records - Milwaukee County Sheriff's Department		2.50
4/19/2002	MPD Open Records request		8.01
3/13/2003	Parking		3.00
5/17/2004	Milwaukee Fire Department records		4.00
	Department of Justice (2)		36.00
6/29/2004	Department of Justice		18.00
11/3/2004	Parking		11.00
	Total costs		$82.51
	Total amount of this bill		$7,639.51

	Amount
Balance due	$7,639.51

(Rate: $110.00 per hour)

BOARD OF FIRE AND POLICE COMMISSIONERS OF THE CITY OF MILWAUKEE

In the matter of the complaint of

CYNTHIA KITTLER-AUSTIN
Vs.
POLICE OFFICER DARRELL FLEMMING

DECISION OF THE BOARD

FPC Complaint No. 01-59

Commissioners Ernesto Baca, Leonard Sobczak and Earl Buford met on October 27, 2005 and conducted deliberations before reaching a decision in this matter.

Our review of the transcript reveals that legal counsel for Complainant Kittler-Austin, during the original hearing in this matter, stated that Ms. Kittler-Austin did not wish to pursue her complaint against Donald Sanford and that she "was treated reasonably by him and in fact was treated politely and with the courtesy that would be required of a police officer in the performance of his duty." Accordingly, if dismissal has not already taken place, we hereby dismiss this complaint and all charges related thereto as to Police Officer Donald Sanford.

Further, it is the unanimous decision of this Board that Complainant Cynthia Kittler-Austin has failed to show by a preponderance of the evidence that the actions of Police Officer Darrell Flemming were unreasonable or in violation of any Milwaukee Police Department rule or standard operating procedure. We hereby adopt the Summary of Proceedings, Findings of Fact and Recommendation of the Hearing Examiner and make them a part of this Decision.

IT IS HEREBY ORDERED that this complaint and all charges against Police Officer Darrell Flemming related thereto be and are hereby dismissed.

Signed and dated at Milwaukee, Wisconsin this 3RD day of November, 2005

Board of Fire and Police Commissioners
Of the City of Milwaukee

By: _____
Ernesto A. Baca, Commissioner