



IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN 30 DAYS OF ASSESSED CHARGES.

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED

PLEASE READ CAREFULLY:

This Board may only determine if the City Department followed proper administrative procedures. It cannot hear appeals as to whether a Building Order is valid or not (those must be appealed to the Standards and Appeals Commission).

TO: Administrative Review Appeals Board
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202
(414) 286-2231

DATE: June 27, 2018

RE: 5100 N Lovers Lane Road

(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by Department of Neighborhood Services

(Name of City Department)

Amount of the charges \$ 609.60

Charge relative to: boiler inspection

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

Please see attached.

Signature

David J. Decker

Name (please print)

250 N Sunny Slope Road #290, Brookfield, WI 53005 262-785-0840

Mailing address and zip code

Daytime phone number

DECKER PROPERTIES, INC.

250 N. Sunny Slope Road
Suite 290
Brookfield, WI 53005
(262) 785-0840
Fax (262) 785-0799

June 27, 2018

TO: Board of Appeals

FR: Dave Decker

RE: 5100 N Lovers Lane Road

Ladies and Gentlemen:

SUMMARY:

The charges for these boiler inspections are a clear case of unjust enrichment.

FACTS:

The address above is a single tax key and is one contiguous apartment building. Inside the basement space of this building are two mechanical rooms. Inside each mechanical room are two boilers. Thus there are a total of four boilers.

Department of Neighborhood Services Employee Jillian Klug performed the inspection of the four boilers. She readily admitted that the inspection was limited to a visual inspection. No tools, gauges or measuring devices were deployed. She further admitted that the inspection of both mechanical rooms combined took 30 minutes or less.

\$609.60 has been billed for this 30-minute visual inspection. No defects were found and no repairs were ordered. No reports were made.

Ms. Klug has billed on behalf of the Department of Neighborhood services and the City of Milwaukee at a rate of \$1,219.20 per hour or more.

Previous years have not followed this billing model, and the inspection fee was less than half.

DISCUSSION:

This property is a single tax key. It is one contiguous building. It should be treated as one entity. Treating the property as one entity and billing one inspection fee of \$152.40 does not impose an undue burden on the Department of Neighborhood Services. In fact, one entity treatment still results in a bill rate of \$304.80 per hour.

This is a clear case of unjust enrichment. In fact, it is questionable that even the remedy proposed fully serves the cause of negating unjust enrichment because the bill rate is still \$304.80 per hour.

The Department of Neighborhood Services would argue that they are just following the letter of the ordinance. However, any interpretation of the ordinance that results in this absurd, unjust outcome must on its face be treated as a misinterpretation. The ordinance was not written to enable DNS to bill at a rate of \$1,219.20 for performing visual inspections.

That the DNS knows better is demonstrated by their past inspection and billing practices. Past billings did not include a separate fee for each boiler and were less than half of the current billing of \$609.60.

CONCLUSION AND RECOMMENDATION:

The fee of \$609.60 for this brief, visual inspection is a case of unjust enrichment. This single tax key property should be treated as a single entity and a single fee of \$152.40 is all that should be assessed.

Thank you for your consideration.



Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

Preston Cole
Commissioner

Thomas Mishefske
Operations Manager

Michael Mazmanian
Operations Manager

Record ID# BLRPER-18-00216

2 messages 6122
6125 10:49 am

DRE LOVERS LANE LLC
250 N SUNNY SLOPE RD #250
BROOKFIELD, WI 53005

Invoice Date: 06/15/2018

BOILER PERIODIC INSPECTION

Questions regarding this invoice? Please call
(414) 286-2514.

Property Address: 5100 N LOVERS LANE RD 3, MILWAUKEE, WI 532253728

AKA: 5100-5100 N LOVERS LANE RD

INSPECTOR Jillian Klug

Inspection Date: 09/22/2017

Description	Quantity	Fee
Training and Technology Surcharge	1	\$2.40
Periodic Inspection-Heating \$150	1	\$150.00
Date Due: 07/15/2018		\$152.40

The amount of this fee is set by City ordinance. This fee includes a 1.6% training and technology surcharge.

If you wish to contest the amount of the fee you must file a claim, pursuant to S.893.80 Wisconsin Statutes, with the Office of the City Clerk, Room 205 City Hall, 200 E Wells Street, Milwaukee Wisconsin 53202, (414) 286-2231.

If you feel you have been charged this fee in error or that the fee has been calculated incorrectly, you must appeal within 30 days of the invoice date to the Administrative Review and Appeals Board, Office of the City Clerk, Room 205 City Hall, 200 E Wells Street, Milwaukee Wisconsin 53202, (414) 286-2221.

When you provide a check as payment you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction

Any outstanding fees will automatically be assigned to your 2018 tax bill.

Please pay online at milwaukee.gov/lmspay

BOILER INSPECTION

DRE LOVERS LANE LLC
250 N SUNNY SLOPE RD #250
BROOKFIELD, WI 53005

Invoice # 1260202
Record Id: BLRPER-18-00216

Please pay online at milwaukee.gov/lmspay

Property Address: 5100 N LOVERS LANE RD 3, MILWAUKEE, WI 532253728
Amount Due: \$152.40
Date Due: 07/15/2018

INVOICE



Department of Neighborhood Services
841 N. Broadway, Rm 105
Milwaukee, WI 53202



Record ID# BLRPER-18-00217

DRE LOVERS LANE LLC
250 N SUNNY SLOPE RD #250
BROOKFIELD, WI 53005

Invoice Date: 06/15/2018

BOILER PERIODIC INSPECTION

Questions regarding this invoice? Please call 6/15/2018
(414) 286-2514.

Property Address: 5100 N LOVERS LANE RD 3, MILWAUKEE, WI 532253728

AKA: 5100-5100 N LOVERS LANE RD

INSPECTOR Jillian Klug Inspection Date: 09/22/2017

Description	Quantity	Fee
Training and Technology Surcharge	1	\$2.40
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Date Due: 07/15/2018		\$152.40

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PLEASE RETAIN THIS PORTION FOR YOUR RECORDS

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

BOILER INSPECTION

DRE LOVERS LANE LLC
250 N SUNNY SLOPE RD #250
BROOKFIELD, WI 53005

Invoice # 1260203
Record Id: BLRPER-18-00217

Please pay online at milwaukee.gov/lmspay

Property Address: 5100 N LOVERS LANE RD 3, MILWAUKEE, WI 532253728
Amount Due: \$152.40
Date Due: 07/15/2018

Department of Neighborhood Services
841 N. Broadway 10th Floor
Milwaukee, WI 53202



INVOICE

Department of Neighborhood Services
841 N. Broadway, Rm 105
Milwaukee, WI 53202



Record ID# BLRPER-18-00218

DRE LOVERS LANE LLC
250 N SUNNY SLOPE RD #250
BROOKFIELD, WI 53005

Invoice Date: 06/15/2018

BOILER PERIODIC INSPECTION

Questions regarding this invoice? Please call 6/15/2018
(414) 286-2514.

Property Address: 5100 N LOVERS LANE RD 3, MILWAUKEE, WI 532253728

AKA: 5100-5100 N LOVERS LANE RD

INSPECTOR Jillian Klug Inspection Date: 09/22/2017

Description	Quantity	Fee
Training and Technology Surcharge	1	\$2.40
Periodic Inspection-Heating \$150	1	\$150.00
Date Due: 07/15/2018		\$152.40

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BOILER INSPECTION

DRE LOVERS LANE LLC
250 N SUNNY SLOPE RD #250
BROOKFIELD, WI 53005

Invoice # 1260204
Record Id: BLRPER-18-00218

Please pay online at milwaukee.gov/lmspay

Property Address: 5100 N LOVERS LANE RD 3, MILWAUKEE, WI 532253728
Amount Due: \$152.40
Date Due: 07/15/2018

Department of Neighborhood Services
841 N. Broadway 10th Floor
Milwaukee, WI 53202



INVOICE

Department of Neighborhood Services
841 N. Broadway, Rm 105
Milwaukee, WI 53202



Record ID# BLRPER-18-00219

DRE LOVERS LANE LLC
250 N SUNNY SLOPE RD #250
BROOKFIELD, WI 53005

Invoice Date: 06/15/2018

BOILER PERIODIC INSPECTION

Questions regarding this invoice? Please call 6/15/2018
(414) 286-2514.

Property Address: 5100 N LOVERS LANE RD 3, MILWAUKEE, WI 532253728

AKA: 5100-5100 N LOVERS LANE RD

INSPECTOR Jillian Klug Inspection Date: 09/22/2017

Description	Quantity	Fee
Training and Technology Surcharge	1	\$2.40
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Date Due: 07/15/2018		\$152.40

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BOILER INSPECTION

DRE LOVERS LANE LLC
250 N SUNNY SLOPE RD #250
BROOKFIELD, WI 53005

Invoice # 1260205
Record Id: BLRPER-18-00219

Please pay online at milwaukee.gov/lmspay

Property Address: 5100 N LOVERS LANE RD 3, MILWAUKEE, WI 532253728
Amount Due: \$152.40
Date Due: 07/15/2018

Department of Neighborhood Services
841 N. Broadway 10th Floor
Milwaukee, WI 53202

Receipt of A.R.A.B. Appeal Fee

Date:	7/2/18
Received Of:	David Decker (check is from Decker Properties, Inc.)
Property at:	5100 N. Lovers Lane Rd.
Received By:	LE
Check # (If Applicable):	004250
Amount Received	\$25.00