



IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.

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.

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

DATE: 10/24/22

RE: 1942 N 23rd St
(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.

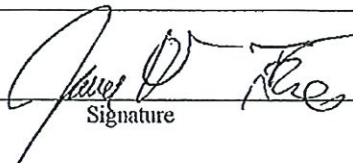
I am appealing the administrative procedure followed by Department of Neighborhood Services
(Name of City Department)

Amount of the charges \$ \$711.20 (\$355.60 * 2)

Charge relative to: Reinspection

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:

The property in question has been vacant since March 2022, and I have worked repeatedly to get repairs completed. Unfortunately, the repair market has been difficult, including contractors who decline to do agreed-upon work. Holding me to a deadline to repair a vacant property is silly to begin with, but having inspectors go to a vacant property without notifying either the owner or property manager that they are coming is unacceptable. Of course no one will be there to let them in! I have understood the expectation to schedule an inspection as soon as all work is completed all along, but nowhere did the city tell me it could drop by unannounced and charge me \$355.60 for the privilege! These fines are not appropriate.


Signature

James D Free

Name (please print)

7426 Matheson Drive, Fort Collins CO 80525

Mailing address and zip code

720-290-1110

Daytime phone number

james.free@gmail.com

E-Mail Address(es)

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Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202

September 27, 2022
Order #: ORD-21-11852

JAMES FREE
7426 MATHESON DR
FORT COLLINS, CO 80525-8241

Re: 1942 N 23RD ST

When a property is reinspected and violations remain uncorrected, the Milwaukee Code of Ordinances provides for these reinspection fees:

First reinspection \$177.80
Second reinspection \$355.60
All subsequent reinspections \$355.60

There is no charge for the reinspection that shows compliance with all violations.

All reinspections which show noncompliance with the order will be charged at the above rate. These fees will be assessed against the property as a special charge and will appear on the tax bill for this property. On 09/27/2022, we imposed a \$355.60 reinspection fee, which includes a 1.6% training and technology surcharge. Any outstanding fees not paid by August 31, 2023 will automatically be assessed to your 2023 tax bill.

As you can see, the cost of noncompliance with the code can add up quickly. The Department would prefer to see you put the money into correcting the violations and not into paying reinspection fees. Please contact me as soon as the violations have been corrected. If I do not hear from you, we will continue to reinspect until the property has been brought into compliance with the code. Please do not put us in that situation.

If you wish to appeal this charge you must file that appeal within 30 days of the date of this letter. It must be filed with 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. Please contact them to obtain the proper application form. There is a \$25 fee required when filing this appeal.

Please be advised that if you have filed for bankruptcy, this letter is for informational purposes and is not intended as to be construed as an attempt to collect a debt during the pendency of your bankruptcy as other conditions may apply.

To discuss the violations, please contact the inspector listed below. Please contact your attorney with any legal questions as this office cannot give legal advice

Please call Inspector Kurt Surdyk at 414-286-2202 during the hours of 8:00 a.m. to 10:00 a.m. Monday through Friday for information on which violations remain uncorrected or if you have any questions. Violations can also be viewed on our website at www.milwaukee.gov/lms.

Violations 1 - 5 remain - No access provided

Kurt Surdyk



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

Date:	10/28/22
Received Of:	James Free
Property at:	1942 N. 23 rd St.
Received By:	LME
Check # (If Applicable):	1389
Amount:	\$25.00

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Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202

Inspection Date
08/25/2021
ORD-21-11852

RENT WITHHOLDING
APPLICATION 12-29-2021
RENT WITHHOLDING
ACTIVATED

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Department Copy

Re: 1942 N 23RD ST

Taxkey #: 350-0347-110

A recent inspection of the premises at the above address revealed conditions that violate the Milwaukee Code of Ordinances. You are hereby ordered to correct each violation listed below by date indicated.

Violation Location: NA

Correct By Date: 09/25/2021

- 1) 275-82.2 Exterminate and eliminate all cimex lectularius (bed bugs).

Violation Location: NA

Correct By Date: 09/25/2021

- 2) 275-33.3.a Repair defective ceiling plaster and paint. (NORTH BEDROOM)

Violation Location: Interior Bath

Correct By Date: 09/25/2021

- 3) 275-33.3.a Repair or replace defective wall covering (paper or paneling).

Violation Location: Interior Bath

Correct By Date: 09/25/2021

- 4) 275-33.3.a Repair defective wall plaster (repair to be made in a workmanlike manner and paint to restore a cleanable surface).

Violation Location: Interior Bath

Correct By Date: 09/25/2021

- 5) 275-33.3.a Repair and repaint water damaged ceiling plaster.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

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For any additional information, please phone Inspector **Andrea Fetting** at 414-286-2131 or afetti@milwaukee.gov between the hours of 8:00 a.m. to 10:00 a.m. Monday through Friday. Violations can also be viewed on our website at www.milwaukee.gov/lms.

Per Commissioner of Neighborhood Services By -

Andrea Fetting
Inspector

Recipients:

JAMES FREE, 7426 MATHERON DRIVE, FORT COLLINS, CO 80525
TIM RUSSELL, 11225 WEST BLUEMOUND ROAD, WAUWATOSA, WI 53226
TIM RUSSELL, 11225 WEST BLUEMOUND ROAD, WAUWATOSA, WI 53226
JAMES FREE, 7426 MATHESON DR, FORT COLLINS, CO 80525-8241

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 appellant board and maintain compliance, may subject you to prosecution and to daily penalties of \$150.00 to \$10,000 in the manner provided in Section 200-19.

Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II.

RIGHT TO APPEAL

You may file an appeal within 20 days. The Milwaukee Code of Ordinances requires that a written appeal of this order be received within 20 days of service of this order. If service of this order is made by mail, the appeal shall be received within 30 days or by the compliance date plus 5 days not to exceed 30 days. There is a fee for filing this appeal.

Violations (excluding zoning violations - Chapter 295) must be appealed to the Code Appeals Secretary, Municipal Building, 1st Floor, 841 N. Broadway, Milwaukee, Wisconsin 53202, phone 414 286-2543.

Violations of Chapter 295 of the Milwaukee Code of Ordinances must be appealed to the Board of Zoning Appeals, 809 N. Broadway, 1st floor, Milwaukee, Wisconsin 53202, phone 414-286-2501. All appeal applications must include the required information outlined in sec. 295-311-6.

If an appeal is pursued, it is your responsibility, as the recipient of this order, to file with the appropriate department. Please contact the inspector that issued this order if you are unclear on this issue. Filing an appeal with the incorrect department may render your appeal null and void.

TENANT RENT WITHHOLDING

Uncorrected violations on properties may allow tenants to deposit their rent in an escrow account in the Department of Neighborhood Services under Section 200-22. The Commissioner may withdraw monies from such escrow accounts to make repairs to protect the health, safety and welfare of tenants.

REINSPECTION FEES

In accordance with Section 200-33-48, a fee may be charged for any reinspection, except no fee shall be charged for the final reinspection when compliance is recorded. **The fee is \$177.80 for the first reinspection, \$355.60**

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



1942 N. 23 rd St.	K. Surdyk ORD-21-11852	Violations 1 – 5 are interior.
		No Access or Extermination Logs Provided



Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202

September 27, 2022
Order #: ORD-21-11852

Department Copy
MILWAUKEE, WI

Re: 1942 N 23RD ST

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As you can see, the cost of noncompliance with the code can add up quickly. The Department would prefer to see you put the money into correcting the violations and not into paying reinspection fees. Please contact me as soon as the violations have been corrected. If I do not hear from you, we will continue to reinspect until the property has been brought into compliance with the code. Please do not put us in that situation.

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Violations 1 - 5 remain - No access provided

Kurt Surdyk

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Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202

September 27, 2022
Order #: ORD-21-11852

Recipients

JAMES FREE, 7426 MATHESON DR, FORT COLLINS CO 80525-8241

JAMES FREE, 7426 MATHERON DRIVE, FORT COLLINS CO 80525

TIM RUSSELL, 11225 WEST BLUEMOUND ROAD, WAUWATOSA WI 53226

TIM RUSSELL, 11225 WEST BLUEMOUND ROAD, WAUWATOSA WI 53226

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STATE OF WISCONSIN

CITY OF MILWAUKEE
MUNICIPAL COURT

MILWAUKEE COUNTY

CITY OF MILWAUKEE

Case No.: 22004030

Court Date 7/7/22

Plaintiff

Original Charge: Building & Zoning Violation(s)
Milwaukee Code of Ordinances

vs.

JAMES FREE

Defendant

Ch. (s) CHAP. 275 (5 CTS)

D.O.B. 3/5/1984

Corporation ID-

Type ARR

STIPULATION

1. I JAMES FREE recognize that building and zoning violations under the Milwaukee Municipal Code exist at 1942 N 23 ST, City of Milwaukee, WI ("Property").
2. Upon recognizing the existing violations at the Property, I hereby enter a plea of *No-Contest* in case No.: 22004030.
3. By entering a plea of *No-Contest*, I acknowledge the City of Milwaukee will request a forfeiture against me in the amount of \$ 430 to \$ 930, based on the number of violations.
4. I acknowledge that I will have sixty (60) days from today's date to correct all existing violations at the Property.
5. If said violations have not been fully corrected, and approved by a City of Milwaukee Building and Zoning Inspector within sixty (60) days, I must return on my next court date.
6. I understand that it is my responsibility to contact the Court Inspector, at least 10 days prior to my next court date, to arrange for the reinspection of any interior violations. Your Court Inspector can be reached at 286- 2202
7. In the event I fail to complete all existing violations on the Property by my next court date, the City of Milwaukee may request up to the maximum forfeiture against me.

Margaret M. Snyder 7.7.22
Assistant City Attorney Date

James Free
Defendant Signature

8/29/22
Date

Phone number

720 290 1110

STIPULATION-APPROVED, SO ORDERED

Email address

jfree@milwaukee.com

Municipal Court Judge

Date

(9)

CHRONOLOGICAL RECORD OF ENFORCEMENT

ADDRESS: 1942 N 23RD ST MILWAUKEE WI

Original Inspection Date: 08/25/2021

ORDER #

ORD-21-11852

DATE	COMMENT	Comment By
09/03/2021	Mailed order first class.	BRANER
10/05/2021	Mailed Pre-reinspection Fee Letter(s) 1st Class.	FTHOMA
11/02/2021	10/25/21 -received a vm from James Free 720-290-1110 to call him because we do not have the correct mngr. I gave him the property registration number to update it and court manager's number for order in court	KLYONS
12/07/2021	T/C from Lowanda Hayes 414-676-9972. Lowanda wanted to provide information regarding the items listed on the order. Lawanda stated most things still have not been corrected. This is a vacant district. Transferred to K. Lyons for more information.	JMEDIN
12/07/2021	spoke with tenant who was behind on rent but received funds for SDC to catch up NOT ELIGIBLE TO COLLECT RENT WITHHOLDING UNTIL 02/2022. I explained to her the inspector could ri and if work not complete charge a ri fee and send this order to court. He would also bring her a rv app and once approved and monies accumulate, we could look into making repairs with those funds if she continues to stay there. Told her I would sent Insp Randolph an email to call her tomorrow to schedule a ri	KLYONS
12/08/2021	I sent Insp Randolph an email to call tenant and schedule ri	KLYONS
12/28/2021	Fail null	CRANDO
12/28/2021	On 12/9/21 Re-inspection conducted, all violations remain outstanding at time of re-inspection. \$177.80 fee issued. Order referred to court for enforcement - cr	CRANDO
12/28/2021	Fail null	CRANDO
12/28/2021	Fail null	CRANDO
01/04/2022	Mailed Re-inspection Fee Letter(s) 1st Class.	FTHOMA
01/05/2022	01/04/2021- received a vm from Lawanda Hayes to call her at 414-676-9972	KLYONS
01/05/2022	spoke with Ms Hayes, states she is to pay her rent herself in february and is inquiring about her rv. Advised her that she was approved for rv and should be getting a letter shortly which tell her were to deposit her rent	KLYONS
01/13/2022	Ready for prep	JKLOUD
01/14/2022	prepped for process service to Ft. Collins, CO ARR 7/7/22 BR#2	ALUEDK
02/18/2022	James Free served via process service on 2/8/22 ~ARR scheduled for 7/7/22 BR#2	ALUEDK
02/25/2022	Called James and discussed the possibility of a stipulation	JKLOUD
06/28/2022	Spoke with Amy of Real Property Management, I gave her Jennifer Klouda's number since her case is currently ready for court.	ANFETTI
06/29/2022	Spoke to Aime-went over the violations and the court process-indicated the owner could reach out to me for a stipulation if he want to avoid making an appearance	JKLOUD
06/29/2022	Received email from James requesting a stipulation be sent to him at james.free@gmail.com	JKLOUD
08/03/2022	FP scheduled for 10/04/22 Br. 2	GUVAZQU
08/10/2022	Spoke to Aime-she wants to schedule an inspection-the work is almost done-I indicated she should call Kurt when the work is done-gave her Kurt's and indicated she needed to call him at least 10 days prior to the court date.	JKLOUD
08/12/2022	Talked with Amy of Real Property Management, 262.409.2052, regarding the order, violations, court date, court process, and re-inspection policy. Amy stated that she will call back once all of the work is done.	KSURDY
08/15/2022	Spoke to Aime-went over the court process-she can contact Kurt for the inspection and if in compliance James contact Kurt for a stipulation.	JKLOUD
09/27/2022	Fail-RI - Violation 1 - 5 remain - No access provided - \$355.60 fee charged - Re-inspection fee letter mailed 1st Class	KSURDY
10/04/2022	MRO scheduled for 01/17/23 Br. 2	GUVAZQU
10/18/2022	10/14/2022 - Received voicemail from Amy of Real Property Management, 262.409.2052,	KSURDY

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ADDRESS: 1942 N 23RD ST MILWAUKEE WI

ORDER #

Original Inspection Date: 08/25/2021

ORD-21-11852

10/18/2022	stating that she didn't recall setting up a re-inspection appointment for the court re-inspection, and the owner is wondering why he has to pay the re-inspection fee. Left voicemail for Amy of Real Property Management, 262.409.2052, stating that Jennifer Klouda talked to her twice in August, and I talked to her once in August, and we both told her that she had to call to schedule the re-inspection. I also stated that since no one called me, I had to attempt the re-inspection on my own. Since, I wasn't able to gain entry, I had to fail the inspection and issue a re-inspection fee.	KSURDY
10/18/2022	Received voicemail from Amy of Real Property Management, 262.409.2052, stating that she didn't recall setting up a re-inspection appointment for the court re-inspection, and the owner is wondering why he has to pay the re-inspection fee. I called back and left a 2nd voicemail, basically, leaving the same voicemail as I did in the morning.	KSURDY
10/19/2022	Talked with owner, James Free, 720.290.1110, regarding the re-inspection fee. Mr. Free was upset that no one contacted him to schedule the re-inspection. I informed him that it is up to the owner to schedule the re-inspection. I also informed him that Jennifer Klouda informed Amy twice that she needs to schedule the re-inspection, and I informed Amy one that she needs to schedule the re-inspection.	KSURDY
11/03/2022	Appeal filed - ARBA 22202	LBUEGE
12/08/2022	Spoke to Mr Altman-real estate agent for property owner-went over the violations	JKLOUD