

June 25, 2024

Olivia Averhart
2202 S KK Ave #314
Milwaukee, WI 53207
414-751-4988

Hello,

In response to C.I. File No. 1057-2024-383

The Office of the City Attorney responded to my request for reimbursement with a denial, stating "The City does not reimburse for wages for court appearances." However, my claim is for negligence, which includes an unreturned driver's license, which has a replacement cost of \$35. In addition, to being falsely accused of not moving my vehicle. I proved the accusation was false. With respect to the Parking Review manager not acknowledging my evidence. Also, the parking checker issuing an invalid ticket. The false accusation resulted in me losing \$67.98 of pay. I would like to be reimbursed for both of those instances.

The basis of my claim is listed in 4 points and details negligence. "To successfully pursue a claim of negligence through a lawsuit, a plaintiff must establish the "elements" of negligence." - <https://en.wikipedia.org/wiki/Negligence>

1. duty: The duty of parking enforcement is to enforce parking regulations, in accordance with the law. The parking officer failed to properly issue a ticket. They determined my vehicle was not moved with providing any evidence. I was informed that the department received a complaint from, what I experienced to be prejudice neighbor. And they subsequently enforced, based on an alleged prejudice complaint. If I did not have a car camera. Or if I did not go to the store that day, then I would not have been able to prove, that I moved my vehicle. The parking officer did not do their job and I was subjected to unlawful enforcement.
2. breach: The parking officer did not performs duty in accordance with any evidence. The parking system failed to present evidence, to support their claim that I did not move my vehicle. The parking review manager denied my claim, even though I presented material evidence. Which led me to take time of work to attend municipal court.
3. damages: DPW-Parking's negligence resulted in me losing pay from work. In addition to not returning my driver's license, which was scanned at the City of Milwaukee's Violation Bureau-Chase
4. causation: The checker was allowed to ticket a vehicle, without any evidence. The parking system allowed the parking citation review manager, to disregard the material evidence that I presented.

The Backstory:

I received a parking ticket (Issue No. 136996926), for parking in excess of 24hours. Recently, I proved the ticket to be false and it was dismissed in court, on 2/21/24 at 830am. In keeping, I had to take off from work and used 2 hours of my vacation time, to attend court virtually. So, I would like to be reimbursed for the 2 work hours. The 2 hours was taken of my vacation, in order to attend the court date. Ultimately, I proved in court that, I was falsely accused. I am contacting you, today, after I received a notice from Municipal Court, that the case was dismissed (attached).

Additionally, I was never returned my driver's license after the clerk scanned it, while at the City of Milwaukee Violations Bureau on South Chase in Milwaukee, WI. A few weeks later, I realized that I didn't have my driver's license. So, I returned to retrieve it, and the clerk said they had sent it to the Department of Motor Vehicles. At that time, I requested to file a complaint with a manager at the City of Milwaukee Violations Bureau. But they stated, that I could not speak with a manager in person. So I had to leave and call. I called on 11/4/23 and 11/19/23 (414-286-8350) seeking reimbursement for my driver's license. A manager called me back and said they would look into it and I haven't heard anything since.

In addition, I also contacted Department of Motor Vehicles main office (608-264-7447) on 11/20/23, and was told that they destroy any licenses that are returned to them. I had not been notified, that my property was being transported anywhere. Even though the City of Milwaukee Violations Bureau had my address and phone number. So, I would like to be reimbursed for my unreturned driver's license. The replacement fee for a regular driver's license is \$35.00. **I make 32.975 per hour (2 hour reimbursement request). Ultimately, I would be owed a total of \$67.98 + 35 = \$102.98**

The total requested is \$102.98
Attached: dismissed verification
Concerned,



Olivia Averhart


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Milwaukee Municipal Court
 951 N James Street
 Milwaukee, WI 53233-1429
 Phone: (414) 289-1800
 Fax: (414) 289-3613

February 21, 2024

AYERHART, OLIVIA N
 2202 S KENNEDY DR C AVE 314
 MILWAUKEE, WI 53207



CASE NUMBER: ZK03448
 CITATION:
 VIOLATION: Contested Parking Citation(s)
 JUDGE: GENA MCKLYE


DEFENDANT NOTICE

JUDGMENT

Finding: Dismissed without Prejudice		Date: 02/21/24		
Total Fees: \$	0.00	Total due: \$	0.00	
Paid/Offset: \$	0.00			

RP1004 Rev 12/19
Pub 15235448 09/14/20

www.circuitcourts.milwaukee.gov



After receiving verification that my case was dismissed I contacted the City of Milwaukee Violations Bureau on 2/28/24 at 440 pm at 4142866177, in order to file a complaint on the parking checker. And understand how my car was marked, so that I can review the markings. As of 6/25/24 I have not heard any word with concern to my complaint.

EVAN C. GOYKE
City Attorney

MARY L. SCHANNING
ROBIN A. PEDERSON
S.TODD FARRIS
JENNIFER L. WILLIAMS
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

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MARIA E. MESOLORAS
CYNTHIA HARRIS ORTEG
Assistant City Attorneys

June 4, 2024

Ms. Olivia Averhart
2202 S. KK Avenue #314
Milwaukee, WI 53207

RE: C.I. File No. 1057-2024-383
Communication from OLIVIA AVERHART

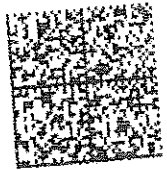
Dear Ms. Averhart:

We are in receipt of your claim for two hours of lost time from work because of a parking citation that was issued on 11/22/2023, while your vehicle was parked in excess of 24 hours at 385 E. Ward Street.

Our review of your video dashcam and receipts submitted
Services, TEL: 414.286.2601

CITY OF MILWAUKEE
Office of the City Attorney
OFFICE OF THE CITY ATTORNEY
800 City Hall
200 East Wells Street
Milwaukee, Wisconsin 53202-3551

PRESORTED
FIRST CLASS



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Ms. Olivia Averhart
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060 EZF-SSB 53207



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CYNTHIA HARRIS ORTEGA
Assistant City Attorneys

June 4, 2024

Ms. Olivia Averhart
2202 S. KK Avenue #314
Milwaukee, WI 53207

mailed 6-10-2024

RE: C.I. File No. 1057-2024-383
Communication from OLIVIA AVERHART

Dear Ms. Averhart:

We are in receipt of your claim for two hours of lost time from work because of a parking citation that was issued on 11/22/2023, while your vehicle was parked in excess of 24 hours at 385 E. Ward Street.

Our review of your video dashcam and receipts submitted was complete with DPW-Parking Services. The City does not reimburse wages for court appearances. As such, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Evan C. Goyke", written over a horizontal line.

EVAN C. GOYKE
City Attorney

A handwritten signature in black ink, appearing to read "Michelle Thompson-Gray", written over a horizontal line.

MICHELLE THOMPSON-GRAY
Investigator Adjuster

ECG/MG/cdr

1057-2024-383/291063

COPY

