

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

June 1, 2011

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Resolution Relating to the Claim of Bernadine Rogers
C.I. File No. 11-S-45-2

Dear Council Members:

We return the enclosed documents which, has been filed with the City Clerk, and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Bernadine Rogers, 2915 West Highland Boulevard, Milwaukee, WI 53208, alleges that on October 21, 2010 she sustained damages when the building inspector and the police broke the locks on all of the doors at her building located at 1104-1110 North 26th Street. She claims damages in the amount of \$6,250.00.

Our investigation reveals that this claim was filed on February 24, 2011. Wisconsin Statute § 893.80 (1)(a) requires that a notice of claim must be filed within 120 days after the happening of the event giving rise to the claim. This notice of claim was not timely filed.

In addition, the Department of Neighborhood Services (DNS) records indicate that on October 21, 2010 they responded to a complaint that there was no heat in the building located at 1104-1110 North 26th Street and that the property was roach infested. Their staff found the complaint to be valid and deemed the property unfit for human habitation. They issued an emergency order to vacate the property. The claimant was present for the inspection. She was instructed by the Milwaukee Police Department, also at the scene, to open the doors to all the units. She was uncooperative and did not follow their instructions. She was then taken into custody. In order to ensure that the building was completely vacant, forced entry was needed. The officers forced entry to one door. It was in very poor condition

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and just pushing the door caused it to open and the screws to come out of the deadbolt. There was a tenant in one unit, and the tenant opened that door for the DNS. The remaining units were vacant and the DNS just opened those doors. The building was then boarded up by the Department of Public Works.

The City followed proper procedures in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1053-2011-739:169891