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February 26, 2013

Mailed
2-27-13

Marion M. Kaiser
P.O. Box 342432
Milwaukee, WI 53234-2432

Joseph Capol
3115 South Delaware Avenue
Milwaukee, WI 53207

RE: C.I. File Nos. 1053-2012-2759; 1053-2012-2762
Communication from MARION KAISER and JOSEPH CAPOl

Ms. Kaiser and Mr. Capol:

We have received your claim concerning the confiscation of your domestic animals (dogs) on October 19, 2012 near 1601 West Mount Vernon.

Our investigation revealed the Community Prosecution Unit of the Milwaukee Police Department conducted a welfare check of the area near 1601 West Mount Vernon because it is a known homeless encampment which heightens the possibility of illegal activity. Upon arrival, the Milwaukee Police Department noted there were five unregistered vehicles, and there were also fifteen dogs residing in uninhabitable conditions. The police contacted the Milwaukee Area Domestic Animal Control Commission for assistance with the removal of the animals. Under the authority of Wisconsin State Statute 173 and City of Milwaukee Ordinance 78, the police department ordered the animals be held at the Milwaukee Area Domestic Animal Control facility for safekeeping.

On October 22, 2013, the Milwaukee Area Domestic Animal Control sent a letter to your last known address located at 1125A South 25th Street informing you that the dogs were being held, and also provided instructions on how to redeem them on or before October 25, 2012. Since there was no response received, the Milwaukee Area Domestic Animal Control took possession of the animals on

Marion M. Kaiser and Joseph Capol
February 26, 2013
Page 2

October 26, 2012. The letter that was originally sent to you was returned as undeliverable on November 2, 2012. On November 3, 2012, the Milwaukee Area Domestic Animal Control received a letter from you (using the same undeliverable address of 1125A South 25th Street) requesting return of the animals, but the deadline had already passed.

The Milwaukee Police Department followed proper procedures in this matter and the actions taken were necessary and appropriate. Since the police were not negligent in this matter, the City of Milwaukee would not be liable. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY
City Attorney



KARI GIPSON
Investigator Adjuster

KBG:cdr

1053-2012-2759/189657