



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: August 1, 2018

RE: Ms Carolyn Hogen
1422 W Clayton Crest Ave.
Milwaukee, WI 53221
(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 \$ _____

Charge relative to: ORD - 18 - 06219 + ORD - 18 - 06221

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 3 person panel which heard the appeal was not in compliance w/ ~~sec 78.25(2)~~ MCO. The hearing examiner refused to admit letters regarding the dogs character / behavior w/ other people + animals at the hearing. (attached). The decision of the panel was arbitrary and capricious. The decision did not enumerate any findings of fact, or conclusions of law and was contrary to the evidence.

Carolyn Hogen
Ms Carolyn Hogen by Attorney Michael Verrihl
Signature

Ms. Carolyn Hogen Michael Verrihl
Name (please print) atty Verrihl

1422 W Clayton Crest
Mailing address and zip code
Milwaukee, WI 53221

414-963-4590
Daytime phone number



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

Inspection Date
05/17/2018
ORD-18-06219

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

CAROLYN HOGAN
1422 W CLAYTON CREST AV
MILWAUKEE, WI 53221

Re: 1422 W CLAYTON CREST AV

Taxkey #: 643-0708-000

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 **within 7 days of service of this order.**

1) 78-25 The Commissioner has declared your animal to be a Prohibited Dangerous Animal. Present the animal to the Milwaukee Area Domestic Animal Control Commission for the purpose of having a microchip inserted for identification (the cost of the procedure is your responsibility); then permanently remove the animal from the City of Milwaukee providing the Department with documentation of where the animal is relocated OR have the animal euthanized at the Milwaukee Area Domestic Animal Control Commission or other licensed veterinarian. Provide written proof of the euthanization to the Department of Neighborhood Services.

(Diamond- Great Pyrenees, Female, 5 years of age)

For any additional information, please phone **Ann Petersen at 414-286-5434** or 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 -

Ann Petersen

Recipients:

CAROLYN HOGAN, 1422 W CLAYTON CREST AV, MILWAUKEE, WI 53221

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

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.

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TRADUCCION EN ESPAÑOL

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LUS HMOOB

Yog koj xav tau kev pab txhais cov lus no, thov hu mus rau koomhaum Hmong/American Friendship Association, 3824 West Vliet Street, Milwaukee, WI 53208, xovtooj yog (414) 344-6575.



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

Inspection Date
05/17/2018
ORD-18-06221

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Department Copy

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(Buzz-Boxer Mix, Male, 7 years of age)

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Ann Petersen

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Department of Neighborhood Services

§ Preston D. Cole
Commissioner

¶ Thomas Mishefske
Operations Director

¶ Michael Mazmanian
Operations Director

July 24, 2018

Carolyn Hogan
1422 W Clayton Ave
Milwaukee WI 53221

Dear Carolyn Hogan:

The Prohibited Dangerous Animal Appeal Hearing was held on July 19, 2018 at 9am at the City of Milwaukee Lake Tower office. Present were Mark Dembowski, Danielle - Pitrof, Kathleen Pilarski, Roxana Herrera, Reme Bashi, Atty. Michael Verrilli, Atty. Jay Unora, DNS officials and the three member hearing panel.

After testimony was received by all respective parties, the panel went into committee and rendered a decision declaring your dogs, Diamond & Buzz, to be a prohibited dangerous animals. Based on that decision, the order from the Department of Neighborhood Services stands.

You are ordered to euthanize your dogs, Diamond & Buzz, within seven days or permanently remove your animals from the City of Milwaukee.

If the animals are taken outside the city, you must provide the inspector with the full name, address and phone number of the person where the dogs are proposed to reside. The City of Milwaukee will contact that municipality to determine if the animals will be accepted.

Failure on your part to comply with this order may cause the issuance of a citation which may result in a forfeiture ranging from \$150 to \$1,000 for each day of violations, disobedience, omission, neglect or refusal. In accordance with Chapter 200 Milwaukee Code, a re-inspection fee may be charged for any re-inspection, except no fee shall be charged for the final re-inspection when compliance is recorded. Re-inspection fees shall be a lien upon the real estate where the re-inspections were made.

IS
Inspector Peterson
414-886-5434 8:00 - 10:00 AM

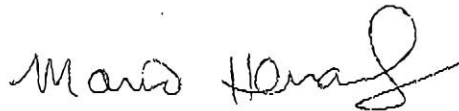


July 24, 2018

Page 2

If the owner or caretaker further contests the determination, he or she may, within 5 days of receiving the panel's decision, appeal the decision to the administrative review appeals board. Enclosed is the appeal form. Return the form along with the \$25 filing fee to the address on the form.

Sincerely,



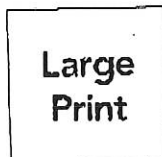
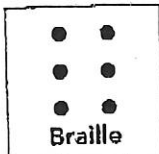
Mario Hernandez, Manager
Residential Code Enforcement

Enclosure


Cc: Petersen, Inspector
J. McDowell, Humane Officer, MADACC
Dr. Libby Gutting D.V.M., MADACC
D. Krey, South Milwaukee
M. Verrilli, Anderegg & Associates
J. Unora, City Attorney's Office
Mark Dembowski
Danielle Petrof
Kathleen Pilarski
Roxana Herrera
Reme Bashi

Ref: prohibited ruling

This material is available in alternative formats for individuals with disabilities upon request. Please contact ADA Coordinator, ADACoordinator@milwaukee.gov, 414-286-3475, TTY: 711. Provide a 72 hour advance notice, seven days for Braille, to ensure accommodation of request.





 To whom it may concern:
our neighbor Carolyn
has two dogs named
Diamond and Buzz. They
never bother anyone in
the neighborhood. our
children and grandchildren
pet them when they visit
us, and never had a
problem with the dogs.
I do believe they are
safe to be around.

Blessings,
Rita Swartwout



6-21-18

To whom it may concern

I have know Diamond since she was 2 months old. 3 1/2 years now. She has always been very loving to people and other animals. Diamond is good with people she has never met. She likes all dogs and cats she meets. She has never been aggressive toward anyone or any animal.

I met Buzz when he was 2 years old. He was a rescue dog that came from Kentucky. He has always been very friendly. He lives with Diamond and 2 cats. He doesn't like it when dogs who are unleashed run up to him, but he has never bitten another animal before. He is a good dog and he deserves a 2nd chance.

Sincerely

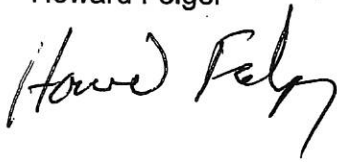
Kathleen P. Lasker

To whom it may concern,

I have been to Carolyn's house numerous times over the last 4 years and have never had any issues or concerns regarding Buzz or Diamond. Both have always been sweet and loving dogs. I have also taken my daughter with me to Carolyn's since she was 4 years old. If I had ever had ANY thought or concern about Buzz or Diamond I would not have brought my daughter with me. As a matter of fact, she was just playing with them a few days ago and they all had a great time.

Respectfully,

Howard Folger

A handwritten signature in black ink that reads "Howard Folger". The signature is written in a cursive style with a large, stylized "H" and "F".

To Whom it may Concern,

I Am writing this letter on behalf of Buz and Diamond. I have known them for many years. I have never seen any type of misbehavior nor Aggressive behavior Ever.

My Experience With them has always been loving. They are very happy dogs. They Love people as well as other animals. Carolyn has two cats. Maddy and Judy. Buz and Diamond love these cats, they snuggle and play.

Carolyn is a very Responsible Animal owner, She always makes sure her Animals are Secured in her yard. In fact before I come over by her house we talk before to make sure she has the dogs Secured in her fenced yard.

Carolyn takes care of her Dogs and is a very Responsible Animal owner.

Sincerely,

Barbara DeRosier
Barbara DeRosier
Cell #262-488-0883

TO WHOM IT MAY CONCERN:

MY NAME IS MICHAEL HOGAN. I HAVE LIVED WITH BUZZ AND DIAMOND SINCE THEY WERE ADOPTED. THEY ARE THE BEST DOGS I EVER HAD.

THEY LIVE WITH TWO CATS, AND NEVER HURT THEM. THEY GO TO THE DOG PARK, AND NEVER HURT THEM. THEY GREET PEOPLE, AND NEVER HURT THEM.

BOTH DOGS ARE FREINDLY, HAPPY, AND FOUND THEIR "FOREVER HOME."

NEIGHBORS, FREINDS, AND FAMILY LOVE THE DOGS.

MANY PEOPLE (INCLUDING MYSELF) WOULD BE DEVISTATED TO LOSE THEM!

I LOVE THOSE DOGS, PEASE DON'T HURT THEM!

SINCERLY, MICHAEL HOGAN

Michael Hogan

My name is Andrea Petigore and I am writing on behalf of my friend, Carolyn Hogan. In the past few months I have spent time with Carolyn and her 2 dogs, Buzz + Diamo along with my dog, Hank. During my visits on 5/5 + 5/19 my dog, Hank has played with Diamond in Carolyns fenced in backyard without any issues. During my 2 visits, Buzz has stayed in the house. While in the house, I did use the restroom - Buzz was very friendly with me. I did not see any aggression

from Buzz at all. While Hank +
Diamond played, there was no bad
behavior at all. I would have no
problem taking Hank to play with
Diamond again -

Sincerely,

Andrea Pettigrew



REX R. ANDEREGG
MICHAEL A. VERRILLI

OFFICE MANAGER
ALEXANDER ANDEREGG

3111 WEST WISCONSIN AVENUE • MILWAUKEE, WI 53208
P.O. Box 170258 • MILWAUKEE, WI 53217-8021
PH: (414) 963-4590 • FAX: (414) 344-8882 • WWW.ANDEREGGLAW.COM

August 1, 2018

Administrative Review Appeals Board
City Hall, room 205
200 East Wells Street
Milwaukee, WI 53202

Hand delivered

Dear Administrative Review Appeals Board;

Attached please find a completed request for an appeal regarding the determination of a Prohibited Dangerous Animal by the Department of Neighborhood Services (DNS) following a hearing held on July 19, 2018 in reference to DNS Orders to Correct Conditions numbers ORD-18-06219 and ORD-18-06221. The Orders to Correct Conditions were served upon the owner of the two dogs in question, Ms. Carolyn Hogan, who resides at 1422 W. Clayton Crest Avenue, Milwaukee, Wisconsin.

A copy of the request for appeal is being served upon the Office of the City Attorney and the Department of Neighborhood Services.

Thank you for your attention to this request.

Sincerely,

ANDEREGG & ASSOCIATES

Michael Verrilli

cc: Office of City Attorney
Department of Neighborhood Services
Ms. Carolyn Hogan

CITY OF MILWAUKEE
2018 AUG -2 AM 9:08
CITY CLERK'S OFFICE



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Carolyn Hogen
Ms Carolyn Hogen by Attorney Michael Verrill
Signature

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Name (please print)

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Mailing address and zip code

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414-963-4590
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Department of Neighborhood Services
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Ann Petersen

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After testimony was received by all respective parties, the panel went into committee and rendered a decision declaring your dogs, Diamond & Buzz, to be a prohibited dangerous animals. Based on that decision, the order from the Department of Neighborhood Services stands.

You are ordered to euthanize your dogs, Diamond & Buzz, within seven days or permanently remove your animals from the City of Milwaukee.

If the animals are taken outside the city, you must provide the inspector with the full name, address and phone number of the person where the dogs are proposed to reside. The City of Milwaukee will contact that municipality to determine if the animals will be accepted.

Failure on your part to comply with this order may cause the issuance of a citation which may result in a forfeiture ranging from \$150 to \$1,000 for each day of violations, disobedience, omission, neglect or refusal. In accordance with Chapter 200 Milwaukee Code, a re-inspection fee may be charged for any re-inspection, except no fee shall be charged for the final re-inspection when compliance is recorded. Re-inspection fees shall be a lien upon the real estate where the re-inspections were made.

INSPECTOR PETERSON
414-286-5434 8:00-10:00 AM

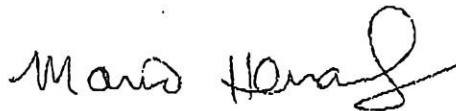


July 24, 2018

Page 2

If the owner or caretaker further contests the determination, he or she may, within 5 days of receiving the panel's decision, appeal the decision to the administrative review appeals board. Enclosed is the appeal form. Return the form along with the \$25 filing fee to the address on the form.

Sincerely,



Mario Hernandez, Manager
Residential Code Enforcement

Enclosure


Cc: Petersen, Inspector
J. McDowell, Humane Officer, MADACC
Dr. Libby Gutting D.V.M., MADACC
D. Krey, South Milwaukee
M. Verrilli, Anderegg & Associates
J. Unora, City Attorney's Office
Mark Dembowski
Danielle Pirof
Kathleen Pilarski
Roxana Herrera
Reme Bashi

Ref: prohibited ruling

This material is available in alternative formats for individuals with disabilities upon request. Please contact ADA Coordinator, ADACoordinator@milwaukee.gov, 414-286-3475, TTY: 711. Provide a 72 hour advance notice, seven days for Braille, to ensure accommodation of request.





 To whom it may concern:
our neighbor Carolyn
has two dogs named
Diamond and Bugg. They
never bother anyone in
the neighborhood. our
children and grandchildren
pet them when they visit
us, and never had a
problem with the dogs.
I do believe they are
safe to be around.

Blessings,
Rita Swartzout



6-21-18

To whom it may concern

I have know Diamond since she was 2 months old. 3 1/2 years now. She has always been very loving to people and other animals. Diamond is good with people she has never met. She likes all dogs and cats she meets. She has never been aggressive toward anyone or any animal.

I met Buzz when he was 2 years old. He was a rescue dog that came from Kentucky. He has always been very friendly. He lives with Diamond and 2 cats. He doesn't like it when dogs who are unleashed run up to him, but he has never bitten another animal before. He is a good dog and he deserves a 2nd chance.

Sincerely

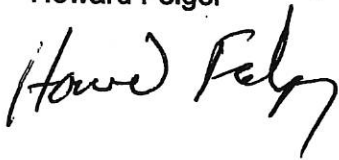
Kathleen P. Laish

To whom it may concern,

I have been to Carolyn's house numerous times over the last 4 years and have never had any issues or concerns regarding Buzz or Diamond. Both have always been sweet and loving dogs. I have also taken my daughter with me to Carolyn's since she was 4 years old. If I had ever had ANY thought or concern about Buzz or Diamond I would not have brought my daughter with me. As a matter of fact, she was just playing with them a few days ago and they all had a great time.

Respectfully,

Howard Folger

A handwritten signature in black ink that reads "Howard Folger". The signature is written in a cursive style, with the first letters of each word being capitalized and prominent.

To Whom it may Concern,

I Am writing this letter on behalf of Buz and Diamond. I have known them for many years. I have never seen any type of misbehavior nor Aggressive behavior Ever.

My Experience With them has always been loving. They are very happy dogs. They Love people as well as other animals. Carolyn has two cats. Maddy and Judy. Buz and Diamond love these cats, they snuggle and play.

Carolyn is a very Responsible Animal owner. She always makes sure her Animals are Secured in her yard. In fact before I come over by her house we talk before to make sure she has the dogs Secured in her fenced yard.

Carolyn takes care of her Dogs and is a very Responsible Animal owner.

Sincerely,

Barbara DeRosier
Barbara DeRosier
Cell #262-488-0883

TO WHOM IT MAY CONCERN:

MY NAME IS MICHAEL HOGAN. I HAVE LIVED WITH BUZZ AND DIAMOND SINCE THEY WERE ADOPTED. THEY ARE THE BEST DOGS I EVER HAD.

THEY LIVE WITH TWO CATS, AND NEVER HURT THEM. THEY GO TO THE DOG PARK, AND NEVER HURT THEM. THEY GREET PEOPLE, AND NEVER HURT THEM.

BOTH DOGS ARE FREINDLY, HAPPY, AND FOUND THEIR "FOREVER HOME."

NEIGHBORS, FREINDS, AND FAMILY LOVE THE DOGS.

MANY PEOPLE (INCLUDING MYSELF) WOULD BE DEVISTATED TO LOSE THEM!

I LOVE THOSE DOGS, PEASE DON'T HURT THEM!

SINCERLY, MICHAEL HOGAN

Michael Hogan

My name is Andrea Petitgoue and I am writing on behalf of my friend, Carolyn Hogan. In the past few months I have spent time with Carolyn and her 2 dogs, Buzz + Diane along with my dog, Hank. During my visits on 5/5 + 5/19 my dog, Hank has played with Diamond in Carolyns fenced in backyard without any issues. During my 2 visits, Buzz has stayed in the house. While in the house, I did use the restroom & Buzz was very friendly with me. I did not see any aggression

from Buzz at all. While Hank +
Diamond played, there was no bad
behavior at all. I would have no
problem taking Hank to play with
Diamond again -

Sincerely,

Andrea Pettigree

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

Date:	08/01/18
Received Of:	Carolyn Hogan
Property at:	1422 W Clayton Ave
Received By:	CL
Check # (If Applicable):	1132
Amount Received	\$50

CITY OF MILWAUKEE
2018 AUG - 1 P 1:25
CITY CLERK'S OFFICE