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November 24, 2009

Attorney Kendrick B. Yandell  
Yandell Law Offices, LLC  
757 N. Broadway, Ste. 300  
Milwaukee, WI 53202

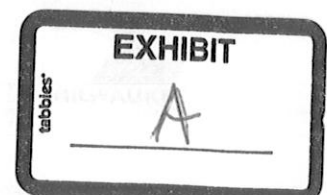
Dear Attorney Yandell:

Enclosed you will find the Milwaukee Police Department District 2 Response to your October 29, 2020 discovery request.

As stated in two e-mails I sent to you as attempts to confer with you regarding this appeal and your discovery request (November 2, 2020 e-mail at 9:31 a.m., and November 10, 2020 at 1:00 p.m., our position is that this is not an appealable stage in the nuisance designation; and even if the Administrative Appeals Review Board deems that the denial of your client's abatement plan is appealable, the nuisance designation has already been appealed and that matter had been settled on September 1, 2020. Therefore, any discovery request you are making at this point that pertains to the qualifying incidents is irrelevant for purposes of this appeal.

On September 1, 2020, we settled the matter of your client's appeal of the original nuisance designation. You were copied on an e-mail to the Administrative Review Appeals Board that stated, "We have SETTLED the matter as follows: Once we have confirmation that the appeal has been dismissed from you, Attorney Yandell and I will work with our clients to set up a meeting to discuss an appropriate abatement plan. Points View will have ten (10) days after that meeting date to submit that plan in writing to MPD District 2, District Commander, David Salazar, Jr. The Nuisance Designation "clock" will remain running from the date of the original designation.

You had informed me that you were out of town until September 6, 2020. On September 11, 2020, I followed up with you in an e-mail inquiring about the status of the abatement plan. On September 13, 2020, you responded and stated you were talking with your client and would get back to me. On September 14, 2020, in an e-mail, I responded to you and I stated to you that time was of essence. On September 14, 2020, Officer Kevin Vodicka reminded your client about submitting a plan while your client was in custody.



On September 16, 2020, you sent me an e-mail that stated you would be submitting a plan in the next ten days and asked if that was acceptable. I stated in an e-mail on that very same day that it was. I am attaching these e-mails for your convenience. On September 29, 2020, Captain Salazar sent out the notification that MPD had not received your plan and accordingly, all costs associated with nuisance activities would be billed as per the ordinance. On September 30, 2020, you submitted your client's abatement plan. On October 8, 2020, we had a conversation and you requested that MPD consider accepting the plan. On October 9, 2020, you followed up with an e-mail and a letter. On October 9, 2020, I spoke with my client and relayed your request. On Monday, October 12, 2020, you followed up with an e-mail and I responded that day and informed you that I did speak with my client, but he was out unexpectedly for at least 10 days. On October 14, 2020 your assistant e-mailed requesting the status. I responded that same day that I did not have an answer because my client was still out unexpectedly. On October 15, 2020, you submitted your appeal to the Administrative Review Appeals Board.

Your position is that the plan was submitted timely and therefore should be accepted by MPD. My client disputes this. You are also revisiting the nuisance designation in this appeal and my client's position is that this is no longer appealable.

Please contact me if you have any questions or concerns.

Sincerely,

/s/ Heather Hecimovich Hough

HEATHER HECIMOVICH HOUGH  
Assistant City Attorney  
City of Milwaukee

Encl.

cc: Captain David Salazar, District Commander MPD D2  
P.O. Kevin Vodicka  
P.O. Matthew Diener

## Hough, Heather

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**From:** Hough, Heather  
**Sent:** Tuesday, September 01, 2020 11:05 AM  
**To:** Elmer, Linda  
**Cc:** 'ken@kby-law.com'; Salazar Jr., David; Vodicka, Kevin; Diener, Matthew  
**Subject:** Points View Boite, 1619 S. 1st Street Administrative Review Appeals Board Appeal (Agenda Item #8 for September 9, 2020)

Linda – I just spoke with counsel for Points View, Attorney Kendrick Yandell, who has agreed to dismiss the appeal.

We have SETTLED the matter as follows:

Once we have confirmation that the appeal has been dismissed from you, Attorney Yandell and I will work with our clients to set up a meeting to discuss an appropriate abatement plan.

Points View will have ten (10) days after that meeting date to submit that plan in writing to MPD District 2, District Commander, David Salazar, Jr.

The Nuisance Designation “clock” will remain running from the date of the original designation.

Linda – would the appellant receive a refund for the cost of the appeal? Please advise.

Heather Hecimovich Hough | Assistant City Attorney | City Attorney's Office  
200 E Wells Street, Room 800 | Milwaukee, WI 53202 | Direct line: 414.286.2615 | Email: [hhough@milwaukee.gov](mailto:hhough@milwaukee.gov)



## Hough, Heather

---

**From:** Hough, Heather  
**Sent:** Friday, September 11, 2020 8:54 AM  
**To:** 'ken@kby-law.com'  
**Subject:** Points View Boite

Kendrick:

Now that you are back, when would you like to meet to discuss the abatement plan? Or will you just be submitting one? Please advise.

Heather Hecimovich Hough | Assistant City Attorney | City Attorney's Office  
200 E Wells Street, Room 800 | Milwaukee, WI 53202 | Direct line: 414.286.2615 | Email: [hhough@milwaukee.gov](mailto:hhough@milwaukee.gov)



## Hough, Heather

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**From:** Hough, Heather  
**Sent:** Wednesday, September 16, 2020 8:51 PM  
**To:** ken@kby-law.com  
**Subject:** Re: Points View Boite

Yes.

On Sep 16, 2020, at 5:42 PM, Kendrick Yandell <[ken@kby-law.com](mailto:ken@kby-law.com)> wrote:

Attorney Hough

I'll be submitting a plan in the next ten days. Is that acceptable?

On Mon, Sep 14, 2020 at 8:53 AM Hough, Heather <[hhough@milwaukee.gov](mailto:hhough@milwaukee.gov)> wrote:

ok. Time is of essence here. I recognize you were out of town for a week, but we would like for your client to submit a plan. If they choose not to meet, please let me know as soon as possible so that we can begin the 10 days for submission.

**From:** Kendrick Yandell [mailto:[ken@kby-law.com](mailto:ken@kby-law.com)]  
**Sent:** Sunday, September 13, 2020 8:54 AM  
**To:** Hough, Heather  
**Subject:** Re: Points View Boite

Let me talk with my client and get back to you.

On Fri, Sep 11, 2020 at 8:53 AM Hough, Heather <[hhough@milwaukee.gov](mailto:hhough@milwaukee.gov)> wrote:

Kendrick:

Now that you are back, when would you like to meet to discuss the abatement plan? Or will you just be submitting one? Please advise.

Heather Hecimovich Hough | Assistant City Attorney | City Attorney's Office

200 E Wells Street, Room 800 | Milwaukee, WI 53202 | Direct line: 414.286.2615 | Email: [hhough@milwaukee.gov](mailto:hhough@milwaukee.gov)



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## Hough, Heather

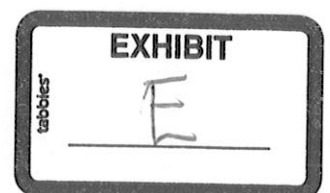
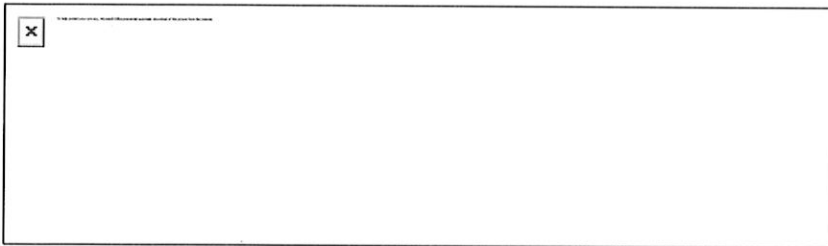
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**From:** Kendrick Yandell <ken@kby-law.com>  
**Sent:** Wednesday, September 30, 2020 7:17 PM  
**To:** Hough, Heather  
**Subject:** Abatement plan for 1619 S. 1st St.  
**Attachments:** LTR\_2020.09.30\_Abatement Plan\_1619 S 1st.pdf

Attorney Hough

Please find attached abatement plan for 1619 S. 1st St. Please let me know if this satisfies the requirements. If you would like me to send something more formal, just let me know.

Thanks



## Hough, Heather

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**From:** Kendrick Yandell <ken@kby-law.com>  
**Sent:** Tuesday, October 13, 2020 7:26 AM  
**To:** Hough, Heather  
**Cc:** Marcos Ramos-Garcia  
**Subject:** Re: Re 1619 S. 1st St.

Thanks for getting back to me. M sorry to hear he's out for ten days. Is he sick?

Please advise where to file our administrative appeal for the cost referral letter. Also, please give me the date on which a final determination as to 1619's nuisance status was made, and the body that made that final determination.

Thank you

On Mon, Oct 12, 2020, 11:03 PM Hough, Heather <[hhough@milwaukee.gov](mailto:hhough@milwaukee.gov)> wrote:

I did. I spoke with my client on Friday and the district commander is now unexpectedly out for at least 10 days. I will keep you posted.

On Oct 12, 2020, at 7:11 PM, Kendrick Yandell <[ken@kby-law.com](mailto:ken@kby-law.com)> wrote:

Attorney Hough

I'm checking to confirm you received my prior email and letter. Please acknowledge receipt.

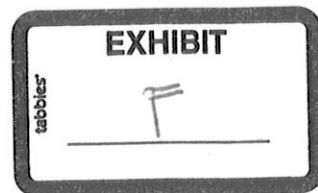
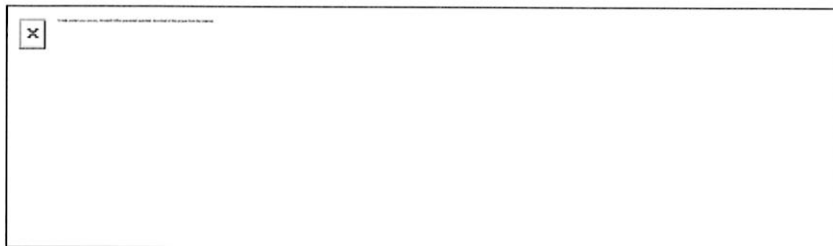
Thank you

On Fri, Oct 9, 2020, 11:46 AM Kendrick Yandell <[ken@kby-law.com](mailto:ken@kby-law.com)> wrote:

Attorney Hough

Please find attached correspondence regarding 1619 S. 1st St. Per our conversation yesterday, I am hoping we can work this matter out. MRG has had nothing but the best intentions here in trying to craft a thorough and thoughtful response to neighbor, City, and police concerns regarding the premises.

Please feel free to contact me by phone or email.





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## Hough, Heather

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**From:** Hough, Heather  
**Sent:** Monday, November 02, 2020 9:31 AM  
**To:** Melissa Ivens; Kendrick Yandell  
**Cc:** Salazar Jr., David; Vodicka, Kevin; Diener, Matthew  
**Subject:** RE: Discovery Demand Re: 1619 S 1st Street

Kendrick – please give me a call today. MPD’s position, and how I intend to defend this appeal, is that there are two appealable “parts” of the nuisance designation process (See Milwaukee Code of Ordinance 80-10-5, which provides the basis for appeal):

1. The nuisance designation itself. Property owners/licensees can appeal the designation within 10 days of the designation by asserting the particular nuisance activities did not occur at the premise; or asserting that the ordinance was not followed; or that the notice itself did not comply with the ordinance requirements. (MCO 80-10-5-a)
2. In the billing stage, the bills for service/cost referral within 30 days from the date of the cost referral (MCO 80-10-5-b).

In this case, your original appeal of the nuisance designation was settled. You are now attempting to appeal the Police District’s notification to your client that their plan was not accepted. In doing so, you are asking for “discovery” documents as it relates to the underlying designation itself, and submitted within your appeal arguments related to the qualifying nuisance activities that I am asserting are no longer appealable.

I am available in the office at 414-286-2615.

Heather Hecimovich Hough | Assistant City Attorney | City Attorney’s Office  
200 E Wells Street, Room 800 | Milwaukee, WI 53202 | Direct line: 414.286.2615 | Email: [hhough@milwaukee.gov](mailto:hhough@milwaukee.gov)

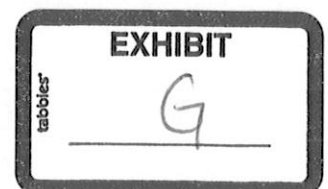
**From:** Melissa Ivens [<mailto:melissa@kby-law.com>]  
**Sent:** Thursday, October 29, 2020 5:03 PM  
**To:** Hough, Heather  
**Cc:** Kendrick Yandell  
**Subject:** Discovery Demand Re: 1619 S 1st Street

Attorney Hough,

Please see the attached discovery demand regarding the appeal of the cost referral letter by MRG Group, LLC to the Administrative Review Appeals Board. A copy of this discovery demand is also being faxed to the City Attorney’s Office and a hard copy is being mailed.

Thank you,  
Melissa

--



Melissa Ivens  
Legal Assistant to Kendrick B. Yandell  
**Yandell Law Offices, LLC**  
757 N. Broadway  
Suite 300  
Milwaukee, WI 53202



**YANDELL**  
LAW OFFICES, LLC

T: 414.856.5358  
F: 414.246.4373  
E: [ken@kby-law.com](mailto:ken@kby-law.com)  
W: [www.kby-law.com](http://www.kby-law.com)

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## Hough, Heather

---

**From:** Hough, Heather  
**Sent:** Tuesday, November 10, 2020 1:00 PM  
**To:** Melissa Ivens; Kendrick Yandell  
**Cc:** Salazar Jr., David; Vodicka, Kevin; Diener, Matthew  
**Subject:** RE: Discovery Demand Re: 1619 S 1st Street

Kendrick – I have responsive documents based upon your request (although I believe you have them already); inclusive of some CD's. Do you want them sent to your law firm, or would you like to pick them up?

Also, our position remains as stated below – am unsure what you are appealing at this juncture. I have a meeting this afternoon until 3:30 but am available by cell phone after that time at 414-704-0096. Otherwise, I am in the office tomorrow.

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**From:** Hough, Heather  
**Sent:** Monday, November 02, 2020 9:31 AM  
**To:** Melissa Ivens; Kendrick Yandell  
**Cc:** Salazar Jr., David; Vodicka, Kevin; Diener, Matthew  
**Subject:** RE: Discovery Demand Re: 1619 S 1st Street

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**From:** Melissa Ivens [<mailto:melissa@kby-law.com>]  
**Sent:** Thursday, October 29, 2020 5:03 PM  
**To:** Hough, Heather  
**Cc:** Kendrick Yandell  
**Subject:** Discovery Demand Re: 1619 S 1st Street

Attorney Hough,



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Thank you,  
Melissa

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Melissa Ivens  
Legal Assistant to Kendrick B. Yandell  
**Yandell Law Offices, LLC**  
757 N. Broadway  
Suite 300  
Milwaukee, WI 53202



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