



CLAIMANT CONTACT INFORMATION

Name: EROL KOLCU
Address: C/O ALPER KOLCU
225 N 66TH ST. MILWAUKEE, WI.

Phone: (312) 404-2424
Email: alkolcu0@gmail.com

INSTRUCTIONS

Complete this form, print and sign it, and serve a hard copy upon the West Allis City Clerk. If you have questions about how to fill out this form, please contact a private attorney who can assist you.

NOTICE OF CLAIM

Date of incident: 09/18/2023 Time of day: _____
Location: 1909 S 73rd St. West Allis, WI, 53214

Describe the circumstances of your claim here. You may attach additional sheets or exhibits. Some helpful information may be the police report, pictures of the incident or damage, a diagram of the location, a list of injuries, a list of property damage, names and contact information for witnesses to the incident, and any other information relevant to the circumstances.

The commercial property owners started to pressure Plaintiff to sell the property, again, in early 2023. Then Lisa started posting citations on Plaintiff's vehicles indicating they were abandoned, pursuant to the Municipal Code "6.015". Plaintiff reached out to Lisa indicating they were exempt because their vehicles were not abandoned without the owner's consent, in fact they were owners. Lisa replied to Plaintiff's email indicating the vehicles needed to be removed. Plaintiff responded citing the city ordinance indicating "'Abandoned vehicle" shall mean and include any vehicle that has been allowed to remain standing in the City on any alley, street, highway, public place or private property without the owner's permission..." Also shown under Municipal Code 10.13(5)(f) where they were exempt.

Plaintiff also responded indicating the code did not apply to the vehicles where it is out of ordinary view, per MC Section 6.015(4) "Exemptions. This section shall not apply to any vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise; a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or, a vehicle out of the ordinary public view. "

(PLEASE SEE ATTACHED NOTICE OF INTENT TO SUE LETTER, DATED 09/18/2023)

Check one:

- I am seeking damages at this time (complete Claim Amount section below)
- I am submitting this notice without a claim for damages. This claim is not complete and will not be processed until I submit a claim for damages on a later date.

Signed: _____

Date: 09/18/2023

CLAIM AMOUNT

To complete this claim, attach an itemized statement of damages sought. If any damages are for repair to property, include at least 2 estimates for repairs.

The total amount sought is: \$ 75,500.00

SAVE

PRINT

Monday, September 18, 2023

City of West Allis
Attn: City Clerk, Rebecca Grill
7525 W Greenfield Ave,
West Allis, WI 53214

City of West Allis
Attn: Dan Devine, Mayor
7525 W Greenfield Ave,
West Allis, WI 53214

City of West Allis
Attn: Michael Mazmanian, Director of Code Enforcement
7525 W Greenfield Ave,
West Allis, WI 53214

Milwaukee County Clerk of Circuit Court
Attn: George L. Christenson
901 N 9th St, Room 104,
Milwaukee, WI, 53233

**Re: Notice of Intent to File a Lawsuit
KOLCU v. City Of West Allis,
Milwaukee County, WI**

Dear Ms. Grill, Mr.Devine and Mr,Mazmanian,

The purpose of this Letter is to provide a formal notice that Erol Kolcu ("Plaintiff"), being represented by his son, Alper Kolcu ("Petitioner"), intends to file a lawsuit against City Of West Allis ("Defendant") due to the reasons explained under the "Statement Of Claims" section below.

1- Settlement Demand.

As a result of the actions listed under Section 3 "Statement of Claims", the Plaintiff desires relief in the **form of monetary settlement or payment AND/OR relief listed under Section 4 of this document "Relief" listed below**, for Monetary Payment, Punitive Damages, Medical Bills Payments, Personal Injury Penalty payment Dollars (\$75,500.00)

This offer to settle the matter out of court and avoid a lawsuit is valid for 30 days days from the Date. If the Plaintiff does not receive a favorable response in 30 days days, the Plaintiff will immediately begin a lawsuit.

Monday, September 18, 2023

2-Governing Law.

This Letter of Intent to Sue shall be governed by, and construed in accordance with, the laws of the State of Wisconsin as well as Federal and Constitutional Rights, including First Amendment

Please be advised that I, Alper Kolcu (hereinafter "Al" and/or "Kolcu", "Petitioner"), am presenting our case as a Pro Se in the above-referenced matter. Pursuant to Wis. Stat. §342, 249.13, 893.55, 893.56, 893.70, 893.80¹⁻², 893.80(1m) this letter serves to confirm that we have a claim for damages against the City of West Allis^{2,3}. These claims arising from the wrongful and unlawful acts of city inspectors (Lisa Franzen) and any other Officers involved in harassment and deliberate indifference of the Plaintiff and his employees at the vacant lot he owns and maintains at 1909 S 73rd St, West Allis, WI, 53214.

Pursuant to WI State Statute Section 342.40(1m) *"(1m) No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this section, whenever any vehicle has been left unattended without the permission of the property owner for more than 48 hours in cities of the 1st class and, in other cities, villages and towns, a period set by the governing body thereof, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by a duly authorized municipal or county official pursuant to municipal or county ordinance."*

The U. S. Department of Housing and Urban Development (HUD) enforces the Federal Fair Housing Act. Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, *"prohibits Limit privileges, services or facilities of a dwelling"*. This Act also prohibits the following; *"For profit, persuade, or try to persuade, homeowners to sell their homes by suggesting that people of a particular protected characteristic are about to move into the neighborhood (blockbusting)"; "The Fair Housing Act makes it illegal to harass persons because of race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, or national origin."; "Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise the right"*

3- STATEMENT OF CLAIM.

Plaintiff is pressured by the neighboring commercial property owners to sell his property to them on a continuous matter. When Plaintiff purchased the property, three of the four lots formerly owned by Warden Oil, he was contacted by the property owner across the alley pressuring him to sell it to him for the sale price. One owner stated "We could buy it the easy way or the hard way. Got plenty of connections in the city (Of West Allis)" pointing to the direction city hall at 76th St.

At the time, Plaintiff refused and consulted with the city on how to improve the lot, whether needed a permit to lay gravel at the lot to store his construction vehicles. He was told,

Monday, September 18, 2023

"Since the gravel did not change the impermeability of the soil it did not require a permit as opposed to pavement". Therefore, laid gravel for storing vehicles until he completes the site survey for an application to submit a permit for a high density residential complex.

While he was consulting with the city as to the history of the property, consulting with the DNR for record retrieval he was contacted by the other owners in the area for pressure to sell. Then was told to wait till the tickets rain in his property, referring to the citations posted by the city inspector Lisa Franzen ("Lisa") in early 2022.

Plaintiff's son, Petitioner, reached out to the city as the Plaintiff has limited English language capacity. His son, Al, was told the gravel was fine by numerous inspectors in the area. Property was well maintained and kept in good shape, made good connections with the residential neighbors.

The commercial property owners started to pressure Plaintiff to sell the property, again, in early 2023. Then Lisa started posting citations on Plaintiff's vehicles indicating they were abandoned, pursuant to the Municipal Code "6.015". Plaintiff reached out to Lisa indicating they were exempt because their vehicles were not abandoned without the owner's consent, in fact they were owners. Lisa replied to Petitioner and Plaintiff's email indicating the vehicles needed to be removed. Plaintiff responded citing the city ordinance indicating "*Abandoned vehicle" shall mean and include any vehicle that has been allowed to remain standing in the City on any alley, street, highway, public place or private property without the owner's permission...*" Also shown under Municipal Code 10.13(5)(f) where they were exempt.

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Petitioner placed privacy fences around the property in 2022. The privacy fence and the metal fence kept being removed by the neighbor owner, as observed by some.

On September 8, 2023, City Inspector, Lisa, showed up to the personal property once again to post citations on all five vehicles and a trailer to be removed or face charges.

Inspector Lisa, or any other inspector or officer, did not ticket, cite or noted any other vehicles with expired or no plates within a mile radius of Plaintiff's lot.

Plaintiff recorded the videos and photos of the abandoned vehicles within the public right of way as well as private properties with no privacy fences. (Please see attached pictures and records)

No other property owners, predominantly white, received any citation from the city.

Monday, September 18, 2023

Plaintiff, who is a Muslim Immigrant, a Turkish native, at the age 62 is facing deliberate indifference from the officers of the city on a continuous base and now undergoing medical treatments for his anxiety and depression overseas.

Medical History;

- Medications were prescribed in spring of 2022 including antidepressants due to depression, anxiety and paranoia resulting from the health episodes from the pressure. He still suffers from these complications physically and mentally

4- Relief;

Plaintiff respectfully submits this "Notice of Intent to sue" without waiving any procedural or substantive defenses. The information contained in this position statement is based on Plaintiff's own experience, statements from his employees, investigation to date and he respectfully reserves the right to amend it in the future.

By your collective actions, you have caused serious and significant harm to Mr. Kolcu which include:

| | |
|--|-------------|
| Lost wages | \$15,000.00 |
| Past pain suffering and extreme emotional distress | \$45,000.00 |
| Medical Bills, not covered by the Health Insurance | \$10,000.00 |
| Payment to others for care of | \$5,500.00 |
| Total Damages to Mr. Kolcu | \$75,500.00 |

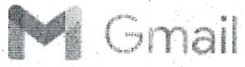
Please note, any additional fees, cost or damages occurring from any tow, relocation, impounding will be added to this estimate; And, Plaintiff reserves the right to seek additional damages not listed herein.

Alternatively, City of West Allis can avoid the monetary damages by allowing Plaintiff to pursue enjoying his property while keeping it compliant to any other ordinance. City shall cease any harassment and deliberate indifference.

Sincerely,

Petitioner, Alper Kolcu
(312) 404-2424
Alkolcu0@gmail.com
225 N 66th St,
Milwaukee, WI, 53213

Cc: file
Defendants et al.



Al Kolcu <alkolcu0@gmail.com>

Vehicles w/o plates in WA

1 message

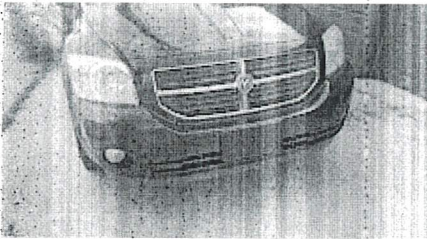
alkolcu <alkolcu@gmail.com>
To: alkolcu0@gmail.com

Mon, Sep 18, 2023 at 12:41 PM

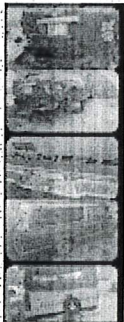
6 attachments



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