



1 City of Racine, Wisconsin
2 Common Council

3 AGENDA BRIEFING MEMORANDUM

4 COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0469-24

5 AGENDA DATE: May 28, 2024

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7 DEPARTMENT: City Attorney’s Office

8 Prepared By: Deputy City Attorney Marisa L. Roubik

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10 SUBJECT: Communication sponsored by Alder West on behalf of the City Attorney’s Office
11 submitting the claim of David Lewis for consideration for disallowance.

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13 EXECUTIVE SUMMARY:

14 David Lewis claims reimbursement in the amount of \$229.69 for a technology fee to obtain
15 security camera footage from Duo’s Bar and Grill on or about March 16-18, 2024. Said security
16 footage was requested by the Racine Police Department in conjunction with its investigation of an
17 alleged hit and run homicide. The City denies liability, and, therefore, disallowance of this claim
18 is recommended.

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20 BACKGROUND & ANALYSIS:

21 The claimant, David Lewis claims reimbursement in the amount of \$229.69 for a
22 technology fee to obtain security camera footage from Duo’s Bar and Grill on or about March 16-
23 18, 2024. Said security footage was requested by the Racine Police Department in conjunction
24 with its investigation of an alleged hit and run homicide, wherein investigators believe the suspect
25 is an underage individual who was served alcohol at Duo's Bar and Grill on the night of the
26 incident. The investigator requested video surveillance from the claimant, David Lewis, who is
27 the bar’s owner and agent. Bar staff did not initially respond to the request, so the Racine Police
28 Department obtained a search warrant to recover the video. Eventually, the claimant agreed to
29 comply with the Racine Police Department’s request, but the claimant had to call his IT department
30 to assist in recovering the surveillance video. The claimant is now asking the City to reimburse
31 him for the bill he received from his IT provider.

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33 The City denies liability, and, therefore, disallowance of this claim is recommended for
34 several reasons.

36 First, all alcohol licensees are required to cooperate with police officers in the course of
37 any investigation involving their bar. See Racine Municipal Code, Section 6-195(c). It is a
38 licensee’s affirmative duty to cooperate with police. Licensees do not get to charge the City for
39 costs associated with their compliance with the Ordinance.

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41 Second, licensees are responsible for their own equipment failures. The City is not liable
42 for licensees’ equipment malfunctions and/or bar staff who are untrained in using their own
43 surveillance equipment—this is solely the responsibility of the licensee.

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45 Third, there is no legal basis or theory to hold the City liable for such a fee.

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47 For the foregoing reasons, the City Attorney’s Office recommends that this Committee
48 disallow this claim.

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50 **BUDGETARY IMPACT:**

51 Assuming the recommendation to disallow this claim is adopted, this item would have a
52 \$0.00 impact on the City’s budget.

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54 **RECOMMENDED ACTION:**

55 That the disallowance of this claim be recommended for approval.
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