

COMMITTEE ASSIGNMENTS

CHAIR

Public Safety Committee

MEMBER

Anti-Graffiti Policy Committee
Finance & Personnel Committee
Steering & Rules Committee



ROBERT G. DONOVAN

Alderman, 8th District

November 19, 2009

To the Honorable, the Common Council

Dear Members:

Common Council File 090831 contains the following recommendations:

Renewal, with a 45-day suspension based on the police report and driver's record, of the public passenger vehicle driver's license of Manjit Singh. (Committee votes: 4 ayes and one no – Ald. Witkowski).

Renewal, with a 90-day suspension based on the police report and driver's record, of the public passenger vehicle driver's license of Ayesh Ayesh. (Committee votes: 3 ayes and 2 noes – Ald. Witkowski and Ald. Witkowiak).

With regard to the file listed above, the Public Safety Committee held an evidentiary hearing on November 19th.

Pursuant to Chapter 100-54, Milwaukee Code of Ordinances, and § 349.24, Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, December 1, 2009** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

Robert G. Donovan, Chair
Public Safety Committee

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ROBERT G. DONOVAN

Alderman, 8th District

Date: November 19, 2009

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Manjit Singh for a Public Passenger Vehicle Driver License.

FINDINGS OF FACT

1. Manjit Singh (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, October 31, 2009.
2. An application to renew said license was filed with the Office of the City Clerk on October 29, 2009.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department filed a police report dated October 30, 2009, that could form the basis of non-renewal or suspension of this license.
4. On November 5, 2009, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24 of a police report that could form the basis for suspension or non-renewal of the license of the licensee and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police report on November 19, 2009 at 9:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and admitted receipt of the notice and police report. The applicant was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. The Wisconsin Department of Transportation suspended the applicant's driver's license for the following:

7/24/08	26 days for failure to pay forfeiture
8/29/08	4 months for driving record.

During the above-listed periods of suspension the applicant failed to return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.

- B. The driving record of the applicant demonstrates that during the last license period the applicant has had two convictions for a defective speedometer (usually resulting from a speeding citation), one conviction for speeding (1 – 10 mph over the limit), two convictions for intermediate speeding (11 – 19 mph over the limit), one conviction for excessive speed (more than 20 mph over the limit), and one conviction for parking on a highway (usually a plea arrangement on a speeding citation).
- C. The applicant had a letter from his dispatch service, American United, stating that American United has found the applicant to be a satisfactory driver.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24 Statutes.
2. Based upon the above facts found, the Committee concludes that the licensee, Manjit Singh, has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances or Wis. Stat. § 349.24 to allow renewal of his Public Passenger Vehicle Driver license without undergoing a forty-five (45) day suspension of said license based upon the police report and driving record. The Committee finds the police report and driving record, as stated above to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Public Safety Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Public Passenger Vehicle Driver license held by Manjit Singh with a forty-five (45) day suspension based upon the police report and driving record on file in this matter.

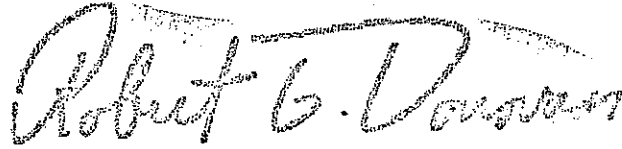
RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) no recommends that the Public

Passenger Vehicle Driver license of Manjit Singh be renewed with a 45 day suspension based upon the police report and driving record.

Said suspension is to be in force from the date of the Common Council action on December 1, 2009 and for 45 days thereafter.

Dated and signed at Milwaukee, Wisconsin this 19th day of November, 2009.

A handwritten signature in dark ink, appearing to read "Robert G. Donovan". The signature is stylized with a large, sweeping initial "R" and a long, horizontal flourish extending to the right.

ROBERT DONOVAN

Chairman, Public Safety Committee

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COMMITTEE ASSIGNMENTS

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Steering & Rules Committee



ROBERT G. DONOVAN

Alderman, 8th District

Date: November 19, 2009

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Ayesh M. Ayesh for a Public Passenger Vehicle Driver License.

FINDINGS OF FACT

1. Ayesh M. Ayesh (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, October 31, 2009.
2. An application to renew said license was filed with the Office of the City Clerk on October 29, 2009.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department filed a police report dated October 30, 2009, that could form the basis of non-renewal or suspension of this license.
4. On November 5, 2009, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24 of a police report that could form the basis for suspension or non-renewal of the license of the licensee and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police report on November 19, 2009 at 9:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and admitted receipt of the notice and police report. The applicant was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On July 6, 2007, an officer of the Milwaukee Police Department observed the applicant operating a taxicab in the 300 block of East Erie Street. The officer observed the applicant make an unsafe lane deviation and collide with a Milwaukee police motorcycle with its emergency red and blue lights activated. The applicant did not have his public passenger vehicle license displayed. The applicant was found guilty of unsafe lane deviation on August 28, 2007 and fined \$83.80. The applicant was found guilty of failure to display public passenger vehicle license on August 28, 2007 and fined \$221.00.
- B. On September 22, 2007 an officer of the Milwaukee Police Department observed the applicant operating a taxicab at 100 East Highland Avenue. The applicant did not have his daily safety checklist or trip record filled out. He was found guilty of daily safety checklist required and trip record required on December 19, 2007 and fined \$185.00 on each matter.
- C. On November 28, 2007 an officer of the Milwaukee Police Department observed the applicant operating a taxicab in the 5000 block of West Wisconsin Avenue at a speed greater than the speed limit. The officer verified the applicant's speed of 50 mph in a 30 mph with a laser unit. The applicant was not wearing his seatbelt. The applicant was found guilty of speeding and failure to wear seatbelt on January 16, 2008. He was fined \$134.20 on the speeding charge and fined \$10.00 on the failure to wear seatbelt charge.
- D. On November 6, 2008 an officer of the Milwaukee Police Department observed the applicant in a taxicab near the Hilton Milwaukee Center, 509 West Wisconsin Avenue. The officer requested to see the applicant's public passenger vehicle license, trip record, and daily safety checklist, which he provided. The applicant did not have his Wisconsin driver's license with him. A check of the applicant revealed his driver's license was suspended and he had three open warrants with the Milwaukee Police Department. The applicant was arrested. The applicant was found guilty of operating after suspension on February 24, 2009 and he was fined \$109.00. The applicant was found guilty of public passenger vehicle license required on February 24, 2009 and fined \$361.00.
- E. The Wisconsin Department of Transportation suspended the applicant's driver's license for the following:

5/16/08	2 months for driving record
6/11/08	149 days for failure to pay forfeiture
8/11/08	88 days for failure to pay forfeiture
5/12/09	108 days for failure to pay forfeiture
5/27/09	93 days for failure to pay forfeiture
8/29/09	0 days for failure to pay forfeiture

9/2/09

12 days for failure to pay forfeiture

During the above-listed periods of suspension, the applicant failed to return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.

- F. In the last licensing period the applicant's driving record shows the following convictions: one conviction for a defective speedometer (speeding); one conviction for excessive speed (more than 20 mph over the limit) (although just before the start of the last licensing period there was a conviction for excessive speed), two convictions for intermediate speeding (11 – 19 mph over the limit), one conviction for failure to fasten seatbelt, one conviction for an illegal turn, two property damage accidents, one conviction for obstructing traffic, and one conviction for driving too fast for conditions. The licensee testified that one of the accidents and three of the speeding violations occurred while he was driving his taxi. The licensee also testified that he did not know when his Wisconsin Operator's Permit had been suspended.

CONCLUSIONS OF LAW

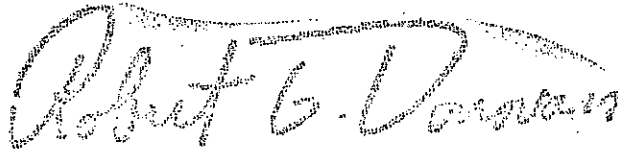
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24 Statutes.
2. Based upon the above facts found, the Committee concludes that the licensee, Ayesh M. Ayesh, has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances or Wis. Stat. § 349.24 to allow renewal of his Public Passenger Vehicle Driver license without undergoing a ninety (90) day suspension of said license based upon the police report and driver's record. The Committee finds the police report and driving record of the applicant, as stated above to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Public Safety Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Public Passenger Vehicle Driver license held by Ayesh M. Ayesh with a ninety (90) day suspension based upon the police report and driving record of the applicant on file in this matter.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes recommends that the Public Passenger Vehicle Driver license of Ayesh M. Ayesh be renewed with a 90 day suspension based upon the police report and driving record.

Said suspension is to be in force from the date of the Common Council action on December 1, 2009 and for 90 days thereafter.

Dated and signed at Milwaukee, Wisconsin this 19th day of November, 2009.

A handwritten signature in dark ink, appearing to read "Robert C. Donovan". The signature is written in a cursive, flowing style with some capitalization.

ROBERT DONOVAN

Chairman, Public Safety Committee

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