

JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

March 10, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 041394

Recommendation of revocation based on the police report of the Public Passenger Vehicle Driver's License of Isadore Mbadiwe.

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on March 8th, 2005.

Pursuant to section 100-54-7, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

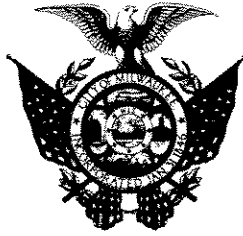
Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Wednesday, March 16, 2005** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive, slightly slanted style. A large, loopy flourish extends from the end of the signature, looping back up and around the word "Respectfully" above it.
James N. Witkowiak, Chair
Utilities & Licenses Committee

cc: All Council Members
File No. 041394



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: March 9, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the complaint seeking revocation of the Public Passenger Vehicle Driver's License, No. DRR1644500, issued to Isadore O. Mbadiwe and granted by the Milwaukee Common Council effective October 1, 2004.

FINDINGS OF FACT

1. Isadore O. Mbadiwe (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver's License in the City and County of Milwaukee, Wisconsin. Said license was issued by the Milwaukee Common Council effective October 1, 2004 and is scheduled to expire on October 31, 2006.
2. A complaint seeking revocation of said license was filed with the Office of the City Clerk on February 5, 2005.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Sec. 349.24 of the Wisconsin Statutes, the matter was scheduled for a hearing before the Utilities and Licenses Committee. On February 23, 2005, Isadore O. Mbadiwe was served the summons and complaint seeking revocation of his license by Police Officer James Sanfelippo at 7:30 a.m. at 933 West Highland Avenue, Milwaukee, Wisconsin. The matter was scheduled for a hearing before the Utilities and Licenses Committee on March 8, 2005 commencing at 8:00 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin. At said date, time and place, the licensee failed to appear. He failed to appear as a result of his incarceration.
5. Based upon the testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Isadore O. Mbadiwe was served with a summons and complaint of this matter seeking revocation of his Public Passenger Vehicle Driver's License No. DRR1644500 on February 23, 2005 at 7:30 a.m. When scheduled for

hearing, Isdore O. Mbadiwe did not appear in response to the summons and the complaint, or otherwise answer the summons and complaint.

- B. On February 20, 2004, members of the Vice Control Division of the Milwaukee Police Department working with a confidential informant, arranged by approximately ten pounds of marijuana. On February 20, 2004, Isdore O. Mbadiwe delivered the marijuana to the scene of the transaction in a taxi he was operating and conveyed it in another vehicle where suspects were waiting. Isdore O. Mbadiwe was told by other suspects that more marijuana was needed, Isdore O. Mbadiwe called an individual to obtain more marijuana. Again, using his taxi, Isdore O. Mbadiwe obtained more marijuana in a taxi that he was driving.
- C. Isdore O. Mbadiwe was interviewed regarding his involvement in the incident, and he admitted to police officers using his taxi to pick up marijuana and deliver it to the scene, thus acting as a delivery man of marijuana by the use of a taxicab.
- D. On February 26, 2004, Isdore O. Mbadiwe was charged with possession with intent to deliver controlled substance marijuana, 200 to 1,000 grams, party to a crime. On October 30, 2004 Isdore O. Mbadiwe entered a no contest plea to the charge and was found guilty of the charges as issued.
- E. On December 3, 2004, Isdore O. Mbadiwe was sentenced to two years of imprisonment, stayed, and sentenced to eight months of confinement in the House of Correction in Milwaukee County and said sentence was stayed until January 5, 2005, and Isdore O. Mbadiwe was sentenced to two years of probation and a six-month suspension of his driver's license.
- F. However, Isdore O. Mbadiwe had his probation and Huber privileges revoked because of violation of the terms of his Huber privileges and for that reason was unable to appear at the hearing in this matter.
- G. The State of Wisconsin Department of Corrections in the person of Isdore O. Mbadiwe's probation and parole agent has imposed a probation rule prohibiting Isdore O. Mbadiwe operating as a cab driver and has requested revocation of the Public Passenger Vehicle Driver's License of Isdore M. Mbadiwe.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Sec. 349.24 of the Wisconsin Statutes and Chapter 100 of the Milwaukee Code of Ordinances.

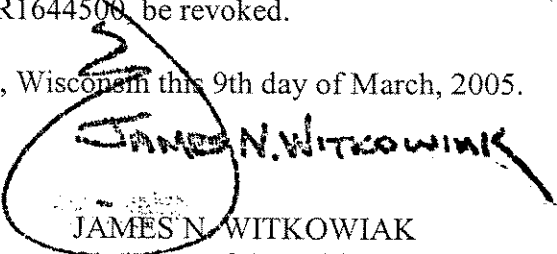
2. Based upon the above facts found, the Utilities and Licenses Committee concludes that the Public Passenger Vehicle Driver's License of Isdore O. Mbadiwe, No. DRR1644500, should be revoked. The Utilities and Licenses Committee finds the complaint as filed by Sergeant John Hogan of the Milwaukee Police Department to be true.

3. The Utilities and Licenses Committee recommends that the full Common Council that it exercise its discretion to revoke the Public Passenger Vehicle Driver's License held by Isdore O. Mbadiwe, No. DRR1644500, based upon the danger that his activities pose to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Utilities and Licenses Committee, by a vote of four (4) ayes, zero (0) noes, and one (1) excused, recommends that the Public Passenger Vehicle Driver's License of Isdore O. Mbadiwe, No. DRR1644500, be revoked.

Dated and signed at Milwaukee, Wisconsin this 9th day of March, 2005.



JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee

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