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Office of the City Clerk

**Ronald D. Leonhardt**  
City Clerk

**Jim Owczarski**  
Deputy City Clerk

September 29, 2011

Damon R. Honegger  
2435 N. 57<sup>th</sup> St.  
Milwaukee, WI 53210

Atty. Michael A. I. Whitcomb and  
Atty. Michael John Whitcomb  
633 W. Wisconsin Ave., Ste. 510  
Milwaukee, WI 53203-1918

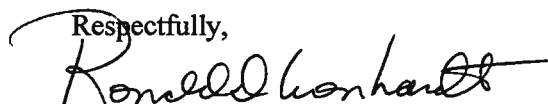
Dear Mr. Honegger, Atty. Whitcomb, and Atty. Whitcomb:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, October 11, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to revoke, suspend between 5 and 120 days, or not revoke the Dwelling Facility license for the premises at 1001 S. 4<sup>th</sup> St.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending revocation of the Dwelling Facility license. The recommendation is the result of a public hearing before the Committee held on Monday, September 26, 2011.

Please be advised that the Common Council will determine whether to revoke, suspend between 5 and 120 days, or not revoke the license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, October 6, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,  
  
RONALD D. LEONHARDT  
City Clerk

Enclosure



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September 29, 2011

Whitney Teska and  
Julie Lawrence  
1005 S. 4<sup>th</sup> St.  
Milwaukee, WI 53204

Dear Mr. Teska and Ms. Lawrence:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, October 11, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to revoke, suspend between 5 and 120 days, or not revoke the Dwelling Facility license for the premises at 1001 S. 4<sup>th</sup> St.

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Respectfully,

  
RONALD D. LEONHARDT  
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Deputy City Clerk

September 29, 2011

Michael J. McGuire  
Asst. to Ald. James N. Witkowiak  
200 E. Wells St., Room 205  
Milwaukee, WI 53202

Dear Mr. McGuire:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, October 11, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to revoke, suspend between 5 and 120 days, or not revoke the Dwelling Facility license for the premises at 1001 S. 4<sup>th</sup> St.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending revocation of the Dwelling Facility license. The recommendation is the result of a public hearing before the Committee held on Monday, September 26, 2011.

Please be advised that the Common Council will determine whether to revoke, suspend between 5 and 120 days, or not revoke the license based upon the Findings of Fact contained within the Licenses Committee report.

Respectfully,

RONALD D. LEONHARDT  
City Clerk

Enclosure



**JAMES A. BOHL JR.**  
Alderman, 5th District

Date: September 29, 2011

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Licenses Committee on a sworn written complaint seeking revocation of a dwelling facility license held by Damon Honegger, Agent for the premises located at 1001 South 4<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin.

#### **FINDINGS OF FACT**

1. Damon Honegger (hereinafter the "Licensee") is the owner of a licensed dwelling facility licensed pursuant to Section 275-20 of the Milwaukee Code of Ordinances and located at 1001 South 4<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin.
2. On or about August 10, 2011, the City Clerk received a sworn written complaint of neighbors seeking revocation of the license dwelling facility license of Damon Honegger for the premises located at 1001 South 4<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin based upon the facility being a source of congregations of tenants and visitors engaged in chronic disorderly conduct, excessive and profane noise, public drunkenness, fights, harassment of passers-by and illegal drug use.
3. On September 15, 2011 Damon Honegger was summoned to a hearing of the Licenses Committee to be held on September 26, 2011 commencing at 3:00 p.m. in Room 301B at City Hall, 200 East Wells Street, Milwaukee, Wisconsin for a hearing on the sworn written complaint seeking revocation of the dwelling facility license held by Damon Honegger for the premises located at 1001 South 4<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin. A copy of the objections filed by the local alderman, James N. Witkowiak, were included with the notice. On September 26, 2011 at 3:00 p.m. the licensee appeared and admitted receipt of the summons and complaint together with a copy of the complaint

filed by Alderman James N. Witkowiak. The licensee was represented by Attorneys Michael A.I. Whitcomb and Michael Whitcomb. Based upon the sworn testimony heard and evidence received at the hearing, the Committee makes the following findings of fact regarding behavior and conduct at the licensed dwelling facility:

- A. Neighbor Whitney Teska, 1005 South 4th Street, testified to witnessing the following chronic negative behavior from the tenants and visitors of the rooming house: threats, loud yelling, profanity and noise, trespassing on his property, public drunkenness, selling of illegal DVDs, fights, violence, tenants being beaten and robbed, and drug use. Mr. Teska documented a few specific incidents such as a July 31, 2011 loud and profane altercation between the former rooming house manger and a tenant and on June 28, 2011, a tenant repeatedly and drunkenly screamed "you bitch" at his house. Mr. Teska added that he is concerned with his family's safety and that there is a lack of timely eviction of problematic tenants. Mr. Teska acknowledged that he personally had witnessed the above behavior firsthand and that those items within his sworn written complaint are true.
- B. Neighbor Julie Lawrence, 1005 South 4th Street, testified to witnessing the following chronic negative behavior from the tenants and visitors of the rooming house: public drunkenness and drug use on the porch, cars frequently pulling up to the house for short amounts of time, throwing of beer bottles, dumping of beer and hanging out on the side of the house. She added that the building manager told her that he could not control the tenants, and she said that she fears for her and her family's safety. Ms. Lawrence acknowledged that she personally had witnessed the above behavior firsthand and that those items within her sworn written complaint are true.
- C. Victor Ray, 1137 South 3rd Street, on behalf of the Walker's Point Association, testified that management is absent and that the property is a nuisance property.
- D. Neighbor Juan Hernandez, 337 West Mineral Street, testified that he lives across the street from the facility and that he has observed daily public drunkenness this last summer as well as to witnessing frequent arguments and

fight by tenants. He also said he had seen police responding to the house several times.

- E. Neighbor Elizabeth Miller, 931 South 3rd Street, testified to witnessing public drunkenness, being yelled and whistled at, and glass windows being thrown from a window of the property.
- F. Neighbor William Siebert, 900 South 5th Street, testified to witnessing public drunkenness, being scoffed at and harassed by loiterers who hang out outside the property 18 hours a day, glass windows being thrown, and being asked for cigarettes by tenants when walking past the house. Mr. Siebert testified that he is employed by the complainant Teska.
- G. Neighbor Kelsey Cartwright, 1012 South 4th Street, testified to seeing glass windows being thrown from a window of the house.
- H. Neighbor Tiffany Krihwan, 1012 South 4<sup>th</sup> Street, testified to seeing drinking and harassment of school girls, while they walked past the house, by the tenants.
- I. Neighbor Aryn Zahnow, 1137 South 3rd Street, testified to seeing public drinking of alcohol on the front porch for many years.
- J. Neighbor Sven Carlson, 309 West Mineral Street, testified to seeing public drinking and piles of debris and garbage at the house.
- K. Neighbor Heidi Hoffeditz, 1016 South 4th Street, testified to witnessing fighting, drinking, use of knives, loud music, and yelling of obscenities at the house. Ms. Hoffeditz testified that she observed loud disturbances at the facility warranting a call by her to police on September 19, 2011, August 18 and 19, 2011, and July 31, 2011.
- L. Neighbor Christina Morales, 314 West Mineral Street, testified to her daughter telling her that a tenant followed her to the bus stop and asked her for her phone number.
- M. Neighbor Lisa Molinaro Casarez, 1007 South 4th Street, testified about her observations consistent with the above descriptions.

- N. Terese Hall, 633 West Wisconsin Avenue, Suite 510, West Allis, WI, the licensee's girlfriend, testified that she and Mr. Honegger have helped with housing tenants with disabilities. She said that some of the allegations of those who testified in opposition were inaccurate and did not occur at the house but rather other areas in the neighborhood.
- O. David Lemieus, 1001 South 4th Street, Apt. 1, testified as being a tenant at the rooming house and experiencing no problems. He added that he does see drinking of alcohol at the house.
- P. Daniel Charles Crowley testified in support of the licensee.
- Q. The licensee testified that he responds to neighbor complaints when he is informed of problems. The licensee testified that he evicts problem tenants and had hired a new manager for the rooming house in August. A flyer introducing the new manager was distributed to neighbors.

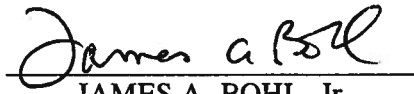
#### **CONCLUSIONS OF LAW**

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 Sections 85-3, 85-4, 85-5, and 275-20 of the Milwaukee Code of Ordinances regarding the neighbors' sworn written complaint.
2. Based upon the above facts found, the Committee concludes that licensee Damon Honegger of the premises located 1001 South 4<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin has not met the criteria of Sections 85-4-4-c or 275-20-9-d of the Milwaukee Code of Ordinances to permit continuance of his dwelling facility license. The Committee finds the objections as stated above to be true as stated above.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee and the neighbors of this licensed dwelling facility, it is the recommendation of the Licenses Committee that the Common Council of the City of Milwaukee should exercise its discretion and judgment and revoke the dwelling facility license held by Damon Honegger for the premises located 1001 South 4<sup>th</sup> Street because of the danger the continued operation of the facility poses to the residents of the City of Milwaukee.

## RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, zero (0) noes, one (1) excused, and one (1) abstention, recommends that the dwelling facility license of Damon Honegger for the premises located 1001 South 4<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin be revoked.

Dated and signed at Milwaukee, Wisconsin this 29<sup>th</sup> day of September, 2011.



JAMES A. BOHL, Jr.  
Chair, Licenses Committee

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