



Office of the City Clerk

Jim Owczarski  
City Clerk

Rebecca N. Grill  
Deputy City Clerk

February 14, 2013

James T. Robinson, Jr.  
8129 W. Kensington Dr.  
Mequon, WI 53097

Atty. Michael S. Maistelman  
Maistelman & Associates LLC  
5033 W. North Ave.  
Milwaukee, WI 53208

Dear Mr. Robinson, Jr. and Atty. Maistelman:

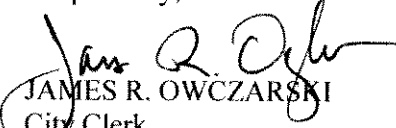
You are hereby notified that the Milwaukee Common Council will hold a hearing on Wednesday, February 27, 2013, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 4323 N. 60<sup>th</sup> St. ("Gene's Supper Club").

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 to renew the Class "B" Tavern and Public Entertainment Premises licenses with a ten (10) day suspension based on police testimony and items #8 and 11 of the police report. The recommendation is the result of a public hearing before the Committee held on Tuesday, February 12, 2013.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew the licenses 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 Friday, February 22, 2013 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,

  
JAMES R. OWCZARSKI  
City Clerk

Enclosure

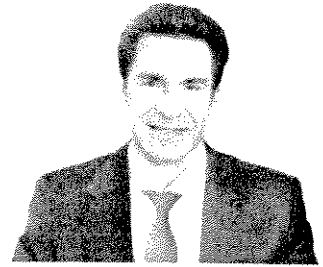


## CHAIR

- Licenses Committee

## MEMBER

- Community and Economic Development Committee
- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: February 14, 2013

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Applications of the Class "B" Tavern and Public Entertainment Premises licenses of James T. Robinson, Jr. for the premises located at 4323 North 60<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Gene's Supper Club")

### FINDINGS OF FACT

1. James T. Robinson, Jr. (hereinafter "the licensee"), is the holder of Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 4323 North 60<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Gene's Supper Club"). Said licenses expire at midnight on March 2, 2013.
2. Applications to renew said licenses were filed with the Office of the City Clerk on January 5, 2013.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of the licenses on January 8, 2013.
4. On January 31, 2013, the City Clerk's Office provided timely notice to the licensee of a License's Committee hearing pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes regarding the police report and included a copy of the police report. The matter was scheduled for a hearing on the Milwaukee Police Department report on February 12, 2013, commencing at 10:15 a.m. in Room 301B of the third floor of City Hall. At said date, time, and place, the licensee did appear and was represented by Attorney Michael Maistelman.
5. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact:



- A. On March 25, 2012 at 2:34 a.m., Milwaukee police were dispatched to 4323 N 60<sup>th</sup> Street for a shots fired complaint. The investigation revealed two patrons of Gene's Supper Club were exiting the bar and began arguing with each in a parking lot, when an unidentified male that was standing near the two patrons, fired a shot in the air. The females ran from the parking lot when another unidentified male walked up behind the shooter and was shot. The suspect then ran in between two yards dropping the magazine and a holster in a yard. The suspect then ran back to Gene's Supper Club where he threw his gun to a security guard, identified as Michael Miller with the suspect entering the bar. Officers located the suspect in the bar and placed him into custody. The gun was recovered from Miller who provided a statement to police as well as other witnesses. No part of this incident occurred inside the bar.
- B. On January 20, 2013 at 1:52 a.m., Milwaukee police were dispatched to 4323 North 60<sup>th</sup> Street for a shots fired complaint. Upon arrival, police observed two bullet holes in front of the location and patrons exiting tavern. No shooting victims were found. Officers recovered two casings from the parking lot of the tavern. Officers spoke with James Robinson who stated there was a fight inside the club that involved several patrons with security escorting several of those patrons outside to the parking lot. Robinson stated that shortly after those patrons were escorted out there were shots fired into the tavern from the parking lot, by an unknown subject. A security guard, Michael Miller, observed the shooting and provided police with his statement. Miller stated the shooter has been in the club on other occasions, but that he did not know the suspect's name. Police were later advised of a shooting victim at St. Joseph's Hospital. The victim stated to police that a fight took place inside the Gene's Supper Club and as she was gathering up her belongings, she exited the club when she heard one gunshot and turned to walk back into the club, when she realized she had been shot to the top of her head. The victim then made contact with her aunt, who was also in the club, and had her aunt drive her to the hospital. Officers notified Robinson of the shooting and requested video surveillance of the incident. The case is pending.
- C. Officer Lisa Saffold of the Milwaukee Police Department appeared and testified in opposition. She did not see a license renewal application posting at the club as required on February 8, 2013. She was involved in a meeting with the licensee on April 3, 2012 to discuss dangerous incidents at the club in 2012. Also discussed were security measures of an age restriction of 30 years and older, use of a wand scanner, patting down of patrons, and use of a scanner to check driver's licenses and IDs. She was involved in a September 11, 2012 meeting with the licensee discussing additional criminal incidents at the club after the first meeting. A nuisance letter was sent to the licensee on August 8, 2012 due to a battery incident

on August 7, 2012 and a felony possession of a firearm incident on March 25, 2012. The nuisance designation was not sought after a plan was submitted by the licensee. Based on police RMS reports, there were at least four instances of individuals under 30 years of age who patronized the club. The licensee is believed to have conducted karaoke at the club without the proper license as indicated in a 2013 Facebook posting.

- D. Officer Jessica Lowery of the Milwaukee Police Department appeared and testified in opposition. She responded to the January 20, 2013 shots fired incident and observed two bullet holes in a window at club. Through the club's security footage, she observed that there was a fight between two male patrons that evening inside the club, and security escorted those patrons out of the building. A female patron was later found to have been grazed by a bullet at the top of her head later that night. Officer Lowery further testified of being involved in an undercover investigation at the club on February 6, 2013.
- E. Officer Michael Smith of the Milwaukee Police Department appeared and testified in opposition. He was on duty and responded to a battery incident on August 7, 2012. He has seen an electronic sign outside the club advertising "Karaoke Tonight" back in September or October 2012.
- F. Charles McCurtis, 5464 North 53rd St., Milwaukee, WI testified to being an entertainer who has performed at the club for three years without observing any incidents. At the club, he has observed an older clientele aged 30 and above, soul food service, and blues music.
- G. Doug Gustapo, 6622 West Eden Place, Milwaukee, WI testified that he outsources security to the club and that the club security uses a handheld ID scanner; however, he has not personally witness the handheld ID scanner being used at the club since he does not work there.
- H. Benny Cooper, 3604 North 13th St., Milwaukee, WI testified that the club runs a good operation, does not use bottles anymore, and has security that immediately removes patrons who fight.
- I. Maurice Beckley, 544 East Ogden Street, Milwaukee, WI testified that his company provides DJ and sound services to the club and that the club runs a good operation.
- J. Detective Terrence Bender, Milwaukee Police Department, appeared and testified that he was involved in the January 20, 2013 shooting investigation at the club. During his investigation, the club staff was cooperative and assisted in the investigation. Security cameras inside the club showed him that a fight had occurred inside the club that night. The outside club security camera did not capture the shooting. The initial fight

inside the club started with a 21 year old patron. Mr. Bender has personally patronized the club in the afternoons and early evenings having observed a safe environment, no incidents, old school and R & B music, and food service.

- K. Mr. Robinson testified that his previous security card scanner was lost or stolen, does not remember the names of the ten individuals banned from the bar, can recall two of the banned patrons who were involved in the gun incidents, the handheld scanner does not show a picture of an individual, and the scanner does not contain the information of the banned patrons. He further testified that there was a fight inside the club between patrons on January 20, 2013, the suspect with the gun on March 25, 2012 was apprehended by his security inside the club, and one of his security personnel located the gun used on March 25, 2013 to the police. He is open to working with police and the community.

### **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 Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, James T. Robinson, Jr., has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 4323 North 60<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Gene's Supper Bar") without undergoing a ten (10) day suspension of said licenses.
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Public Entertainment Premises licenses of James T. Robinson, Jr. for the premises located at 4323 North 60<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Gene's Supper Club") with a ten (10) day suspension based on the above-stated findings of fact. The Committee finds the above-stated findings of fact, as stated above, to be true.

### **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 Class "B" Tavern and Public Entertainment Premises licenses of James T. Robinson, Jr. for the premises located at 4323 North 60<sup>th</sup> Street in the City and County of

Milwaukee, Wisconsin ("Gene's Supper Club") be renewed with ten (10) day suspension based on the above-stated findings of fact.

Said suspension will be in effect between 12:01 a.m. March 3, 2013 through midnight, March 12, 2013.

Dated and signed at Milwaukee, Wisconsin this 14<sup>th</sup> day of February, 2013.

Handwritten signature of T. Anthony Zielinski in cursive script.

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T. ANTHONY ZIELINSKI  
Chair, Licenses Committee



Office of the City Clerk

Jim Owczarski  
City Clerk

Rebecca N. Grill  
Deputy City Clerk

February 14, 2013

Andrija Solovjev  
7712 S. Willow Point Ct.  
Franklin, WI 53132

Atty. Michael S. Winter  
Michael S. Winter Law Offices  
735 W. Wisconsin Ave., #980  
Milwaukee, WI 53233

Dear Mr. Solovjev and Atty. Winter:

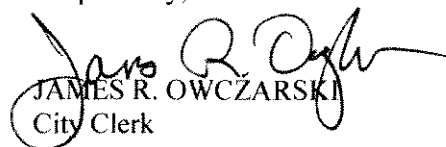
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Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending to not renew the Class "B" Tavern and Public Entertainment Premises licenses based on the police report, police testimony, and neighborhood testimony. The recommendation is the result of a public hearing before the Committee held on Tuesday, February 12, 2013.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew the licenses 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 Friday, February 22, 2013 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,

  
JAMES R. OWCZARSKI  
City Clerk

Enclosure

CC: 3060 S. 13<sup>th</sup> St., Milwaukee, WI 53215

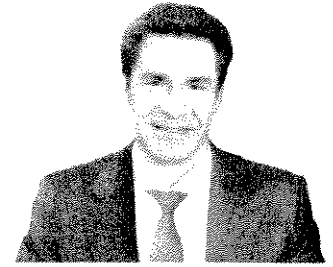
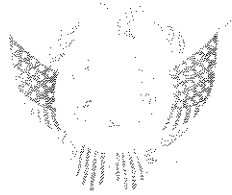


**CHAIR**

• Licenses Committee

**MEMBER**

• Community and Economic  
Development Committee  
• Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: February 14, 2013

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Applications of Andrija Solovjev for Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 3062 South 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Lex").

**FINDINGS OF FACT**

1. Andrija Solovjev (hereinafter the "licensee") is the holder of Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 3062 South 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Lex"). Said licenses expire at midnight, February 28, 2013.
2. Applications to renew said licenses were filed with the Office of the City Clerk on January 3, 2013.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of the licenses on January 3, 2013.
4. On January 31, 2013, the City Clerk's Office provided notice to the licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report and police objections and included a copy of the police report and police objections. The matter was scheduled for a hearing on the police report and police objections on February 12, 2013 at 10:30 a.m. in Room 301B of the third floor of City Hall. At said date, time, and place, the licensee did appear and was represented by Attorney Michael Winter.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:





- A. On October 7, 2012 at 2:24 a.m., Milwaukee police observed 23 males arguing outside of 3062 South 13<sup>th</sup> Street, Club Lex. Officers observed several males trying to get an intoxicated male into a white Honda. Police then received a call for a subject with a gun outside the bar at 13<sup>th</sup> and Oklahoma. Officers did not observe anyone with a gun and spoke with the bar's manager, Doua Xiong, regarding the call. At 2:33 a.m. officers were in their squad car and observed two patrons enter the tavern. Officers entered the bar and observed two more patrons inside the bar. Police asked the subjects to leave and observed a white Honda speed off from their location and obtained the plate. Officers then observed a chrome/silver semi-auto pistol lying in the road in front of 3058 South 13<sup>th</sup> Street. The gun was placed on inventory and on Monday, October 8<sup>th</sup> at 6:20 p.m., an officer spoke with Andrija Solovjev and was advised of the incident and told he would receive a citation for patrons after hours by mail. Solovjev stated he did not know about the violation, that he was in California. A check with municipal court website revealed no citation.
- B. On October 26, 2012 at 1:27 a.m., Milwaukee police were working in an uncover capacity in the area of 13<sup>th</sup> and Oklahoma when they heard gunshots fired in the 3000 block of South 13<sup>th</sup> Street. Officers responded to the area and observed several subjects running from the bar at 3062 South 13<sup>th</sup> Street. Officers were advised by a citizen that the subjects who fired the rounds fled in a white SUV. He also stated that several patrons from the bar were instigating the subjects to fire rounds into the air. Officers spoke with the bar manager, Doua Xiong, who was argumentative and stated that the police could not prove that the shots fired outside of the tavern were related to the patrons of the tavern. Officers informed Xiong that there is no other business or other place in this area that would attract this type of activity. Police were dispatched the day prior to a trouble with subject complaint at the Advance Auto Parts. The caller, Shaun Brayden, stated that several patrons, who had exited the tavern, were threatening him and his tow truck operators for towing vehicles from the auto parts lot because they were illegally parked. By the time that assignment was dispatched, all parties had already left the scene. Officers from that call spoke with Xiong and stated Xiong needed to tell his patrons to park legally on the street and not on private property. This was also addressed with Xiong on October 26, 2012, to which Xiong stated this never happened. Officers attempted to contact the agent Andrija Solovjev, but were unsuccessful. Police also spoke to Brayden again who explained that he and his employees quickly left before police arrived on October 25, 2012 because they feared

for their safety. Brayden informed police that he regularly removes vehicles that are illegally parked on the auto parts lot and every time he is at this location, he and his employees are constantly being threatened by not only patrons of Club Lex, but by their security guards as well.

- C. On December 7, 2012 at 1:45 a.m., Milwaukee police were dispatched to 3062 South 13<sup>th</sup> Street for a shots fired complaint. Upon arrival, officers observed a male leaning up against a glass window outside of 3045 South 13<sup>th</sup> Street holding a shoe and yelling, "I have been shot". Officers observed the victim's right sock to be saturated in blood. The victim was also highly intoxicated and stated that he was leaving Club Lex with friends and family prior to being shot. The victim was treated at an area hospital. Police also spoke with a family member who stated his brother was in an argument with another male who then fired a gun once in the air and a second shot at his brother, striking him. Two caliber casings were recovered at the scene along with a spent bullet fragment.
- D. Robert Krueger, 5389 South 22nd Place, Milwaukee, WI testified in opposition to the Public Entertainment Premise license. He has witnessed loud music from the bar, cigarette butts on the ground in the morning, vomit on and near his business entrance which he has been personally cleaning up, and urination outside of his business. He has not personally seen patrons of the bar engaged in these activities, but has observed that these issues surface only when the tavern is open.
- E. Pastor Peter Methum, 3819 Addison Lane, Oak Creek, WI testified that his church next to the tavern had to move their dumpster because beer bottles from the tavern were placed into their dumpster. Pastor Methum observed within the past year an increase in vandalism, urination, vomiting, cigarette butts, noise and beer cans in the area. He has noticed these issues only when the bar is in operation, which is on an inconsistent basis.
- F. Jack Green, 3018 South 44th Street, Milwaukee, WI testified to a broken window at his food shop at 3048 South 13<sup>th</sup> Street. His security footage showed four individuals came to the front of his shop from the direction of the bar. The individuals fought and this window was broken as a result. The footage also showed the security guards from Lex at the scene seconds later. A second incident, which was a shooting, was also recently caught on his security camera. He believes these two events stemmed from the tavern, because it is the only open premise in that direction from

his shop.

- G. Police Captain Rowe of the Milwaukee Police Department testified that she has been forced to deploy officers specifically to the area of the tavern due to the tavern's activities. As a result, police resources have been drained. A nuisance warning letter was issued to the licensee.
- H. Police Officer Felix of the Milwaukee Police Department testified that the licensee failed to respond to initial nuisance letters that were sent to him. On February 8, 2013, he met with the licensee who had an action plan. The licensee explained at the meeting that he hired a bar manager to operate and manage the bar while he did his truck driving job. The licensee also explained to Officer Felix that the bar manager would pay \$1,000 dollars rent and keep the profits.
- I. Licensee Solovjev testified that he has not actively operated the bar since July 2012 due to working as a truck driver in order to help pay taxes and maintain his ownership to the building. He hired a licensed bar manager since that time to run the bar, pay all bills on the building, make personnel decisions, and purchase products. The bar manager did not give \$1,000 rent to him. His decision to trust the bar manager was a mistake and he has since fired the bar manager last week. An option going forward would be to find a tenant. The licensee testified he was not aware of the problems at the tavern until recently.

### **CONCLUSIONS OF LAW**

- 1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
- 2. Based upon the above facts found, the Committee concludes that the licensee, Andrija Solovjev, who holds Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 3062 South 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Lex ") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his licenses. The Committee finds the police records and testimony and neighborhood objections as stated above to be true. Further, the committee finds that the licensee has abdicated his supervisory role of the premises for the last licensing period and has permitted the premises to become a nuisance and danger to the surrounding neighborhood. The

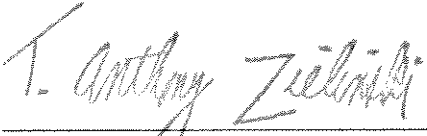
committee finds that the licensee is not capable of properly operating a tavern and only wishes to continue licensure to sell the premise.

3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern and Public Entertainment Premises licenses of Andrija Solovjev for the premises located at 3062 South 13th Street in the City and County of Milwaukee, Wisconsin ("Lex") based on the above-stated findings of fact. The Committee finds the above-stated findings of fact, as stated above, to be true.

### **RECOMMENDATION**

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of two (2) ayes, one (1) no, and two (2) excused, recommends that the Class "B" Tavern and Public Entertainment Premises licenses held by Andrija Solovjev for the premises located at 3062 South 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Lex") not be renewed based upon the above-stated findings of fact.

Dated and signed at Milwaukee, Wisconsin this 14<sup>th</sup> day of February, 2013.

  
\_\_\_\_\_  
T. ANTHONY ZIELINSKI  
Chair, Licenses Committee



Office of the City Clerk

Jim Owczarski  
City Clerk

Rebecca N. Grill  
Deputy City Clerk

February 14, 2013

Paris M. Askerneese  
4426 W. North Ave.  
Milwaukee, WI 53208

Dear Ms. Askerneese:


You are hereby notified that the Milwaukee Common Council will hold a hearing on Wednesday, February 27, 2013, 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 renew, renew with a suspension between 10 and 90 days, or not renew your Class "D" Operator's license.

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 to not renew your Class "D" Operator's license based on your second nonappearance. The recommendation is the result of a public hearing before the Committee held on Tuesday, February 12, 2013.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew 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 Friday, February 22, 2013 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,

  
JAMES R. OWCZARSKI  
City Clerk

Enclosure

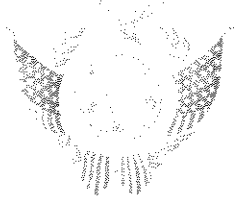


**CHAIR**

• Licenses Committee

**MEMBER**

• Community and Economic  
Development Committee  
• Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: February 14, 2013

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's  
License of Paris M. Askerneese

**FINDINGS OF FACT**

1. Paris M. Askerneese (hereinafter the "licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2012.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 7, 2013.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On January 8, 2013, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On January 31, 2013, the City Clerk's Office provided timely notice to the licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on February 12, 2013, commencing at 1:00 p.m. in Room 301B of City Hall. At said date, time, and place, the licensee did not appear. This was her second nonappearance.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. A notice of the hearing as well as a copy of the police report was sent to Paris M. Askerneese, 4426 West North Avenue,



Milwaukee, Wisconsin 53208 on January 31, 2013 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 4426 West North Avenue, Milwaukee, Wisconsin 53208 is the address given by the licensee on her application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on February 12, 2013.

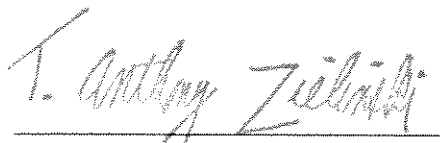
### CONCLUSIONS OF LAW

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 Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Paris M. Askerneese, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license based upon a second nonappearance.
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Operator's license held by Paris M. Askerneese based upon a second nonappearance.

### 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, and two (2) excused, recommends that the Class "D" Operator's License of Paris M. Askerneese not be renewed based upon a second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 14<sup>th</sup> day of February, 2013.

  
\_\_\_\_\_  
T. ANTHONY ZIELINSKI  
Chair, Licenses Committee



Office of the City Clerk

Jim Owczarski  
City Clerk

Rebecca N. Grill  
Deputy City Clerk

February 14, 2013

John J. Malik  
3369 S. Howell Ave.  
Milwaukee, WI 53207

Dear Mr. Malik:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Wednesday, February 27, 2013, 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 renew, renew with a suspension between 10 and 90 days, or not renew your Class "D" Operator's license.

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 to not renew your Class "D" Operator's license based on your second nonappearance. The recommendation is the result of a public hearing before the Committee held on Tuesday, February 12, 2013.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew 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 Friday, February 22, 2013 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,

  
JAMES R. OWCZARSKI  
City Clerk

Enclosure



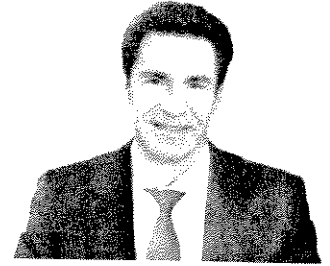
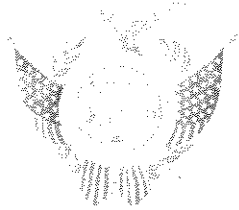


**CHAIR**

• Licenses Committee

**MEMBER**

• Community and Economic  
Development Committee  
• Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: February 14, 2013

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of John J. Malik

**FINDINGS OF FACT**

1. John J. Malik (hereinafter the "licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2012.
2. An application to renew said license was filed with the Office of the City Clerk on December 28, 2012.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On January 2, 2013, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On January 31, 2013, the City Clerk's Office provided timely notice to the licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on February 12, 2013, commencing at 1:00 p.m. in Room 301B of City Hall. At said date, time, and place, the licensee did not appear. This was his second nonappearance.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. A notice of the hearing as well as a copy of the police report was sent to John J. Malik, 3369 South Howell Avenue, Milwaukee,



Wisconsin 53207 on January 31, 2013 by U.S. prepaid first-class mail in an envelope bearing the return address of the license Division. The address of 3369 South Howell Avenue, Milwaukee, Wisconsin 53207 is the address given by the licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on February 12, 2013.

### **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 Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, John J. Malik, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license based upon a second nonappearance.
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Operator's license held by John J. Malik based upon a second nonappearance.

### **RECOMMENDATION**

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes, and one (1) excused, recommends that the Class "D" Operator's License of John J. Malik not be renewed based upon a second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 14<sup>th</sup> day of February, 2013.



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T. ANTHONY ZIELINSKI  
Chair, Licenses Committee