

Date: September 14, 2010

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the application for a Food Dealer's License for Dante T. Pearson for the premise located at 5231 West Center Street.

FINDINGS OF FACT

1. Dante T. Pearson (hereinafter the "Applicant") has applied for a Food Dealer's License for the premises located at 5231 West Center Street in the City and County of Milwaukee, Wisconsin ("Smoke Kings Depot").
2. The application for a Food Dealer's License in the name of Dante T. Pearson was filed with the Milwaukee Health Department on June 2, 2010. On June 21, 2010, Health Department Commissioner Bevan K. Baker objected to the issuance of that license based upon objections from Alderman Michael Murphy, 10th Aldermanic District, that the proposed operation of the premises in such a manner that it creates a public nuisance of the premises will tend to contribute to neighborhood incidents and conditions identified in s. 68-4-11-g of the Milwaukee Code of Ordinances and based on an over-concentration of food dealer outlets in the neighborhood.
3. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Prior to the Licenses Committee hearing, an individual purporting to be the applicant contacted the Licenses Division and informed the division that he wished to withdraw his application; and,

B. The applicant did not appear before the License Committee to contest the allegation that the proposed operation of the premises would be in such a manner that it would create a public nuisance and would cause an over concentration of licenses in the area.

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 68 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Dante T. Pearson, has not met the criteria of Chapter 68 of the Milwaukee Code of Ordinances to allow the issuance of a Food Dealer License based upon non appearance.
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 grant a Food Dealer License to Dante T. Pearson for the premises at 5231 West Center Street (“Smoke Kings Depot”).

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 Food Dealer License application of Dante T. Pearson for the premises at 5231 West Center Street (“Smoke Kings Depot”) be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 14th day of September, 2010.

JAMES BOHL, JR., Chair
Licenses Committee

