

**LAW OFFICES OF  
MICHAEL A.I. WHITCOMB**

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June 22, 2007

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Mr. Ronald D. Leonard  
City Clerk  
City Hall, Room 205  
200 East Wells Street  
Milwaukee, WI 53202

Re: Licensee: Estate of Thomas Michels  
Agent: Terry J. Cullen  
Trade Name: Tommy's Club 76  
Premise: 4730 North 76<sup>th</sup> Street

2007 JUN 25 PM 2:49  
MAY 16 MILWAUKEE  
RONALD D. LEONARD  
CITY CLERK

Dear Mr. Leonard:

Please be informed that this office represents the above-referenced licensee regarding the 2007 renewal of its Class B Tavern and Tavern Amusement license for the above-referenced premise.

A license renewal hearing was conducted before the Licenses Committee on the renewal application on June 5, 2007, at which time the Licenses Committee recommended that the licenses be renewed with a seventy-five day suspension.

By communication dated June 7, 2007, you informed this office and the renewal applicant that if the applicant had objections to the action of the Licenses Committee, written objections had to be timely filed to secure an opportunity to appear before the Common Council on June 19, 2007. The applicant did not file objections for reasons unrelated to the action of the Licenses Committee.

Today this office was astounded by your notification that on June 19, 2007, that the Common Council amended the recommendation of the Licenses Committee and denied the renewal of the licenses. It is submitted respectfully that such denial violated the applicant's constitutional right to due process.

At no time was the applicant notified that his application could be denied by the Common Council after the Licenses Committee recommended that the licenses be renewed. At no time was applicant afforded an opportunity to be heard on the reasons or charges for the Common Council to amend the recommendations of the

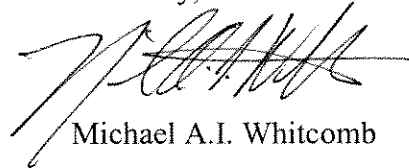
Licenses Committee in deprivation of a constitutionally protectible property right of the applicant in the renewal of its license is accord with the Licenses Committee recommendation.

It is submitted respectfully that should the Common Council desire to impose a greater penalty than that recommended by the Licenses Committee it must afford the applicant an opportunity to be heard. As the Common Council is not well-suited to consider evidence and testimony in a quasi-judicial capacity, the renewal application should have been remanded to the Licenses Committee for another timely hearing.

It is submitted respectfully that the Common Council rescind its denial of the renewal application and adopt the recommendations of the Licenses Committee, or alternatively remand the application to the Licenses Committee for further consideration with notice and an opportunity to be heard being provided to the applicant.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A.I. Whitcomb", written over a horizontal line.

Michael A.I. Whitcomb

c: Assistant City Attorney Bruce D. Schrimpf  
Mr. Terry J. Cullen.