



Jeff Pawlinski
Alderman, 13th District

CHAIR:
Utilities & Licenses Committee

COMMITTEES:
Zoning, Neighborhoods and Development
Steering & Rules
Anti Graffiti Policy
Administrative Review Appeals Board
Resolutions Committee - League
of Wisconsin Municipalities

January 29, 2003

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 021391

Recommendation of nonrenewal of a Class "D" Bartender License applications of the following individuals based upon non-appearance:

Scott J. Fahey
Joseph E. Oster
John A. Werner

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on January 28, 2003.

Pursuant to section 90-11 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.

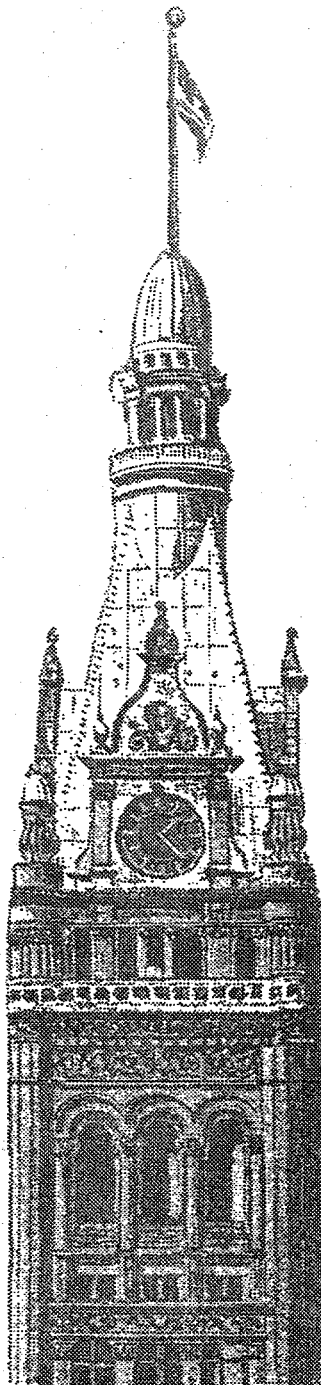
Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, a roll call vote will be taken to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on Tuesday, February 11th, 2003 at 9:00 A.M. in the Common Council Chambers.

Respectfully,

JEFFREY A. PAWLINSKI, Chair
Utilities & Licenses Committee

cc: City Attorney's Office
Common Council/City Clerk - License Division
Milwaukee Police Department- License Investigation Unit
All Council Members
File No. 021391



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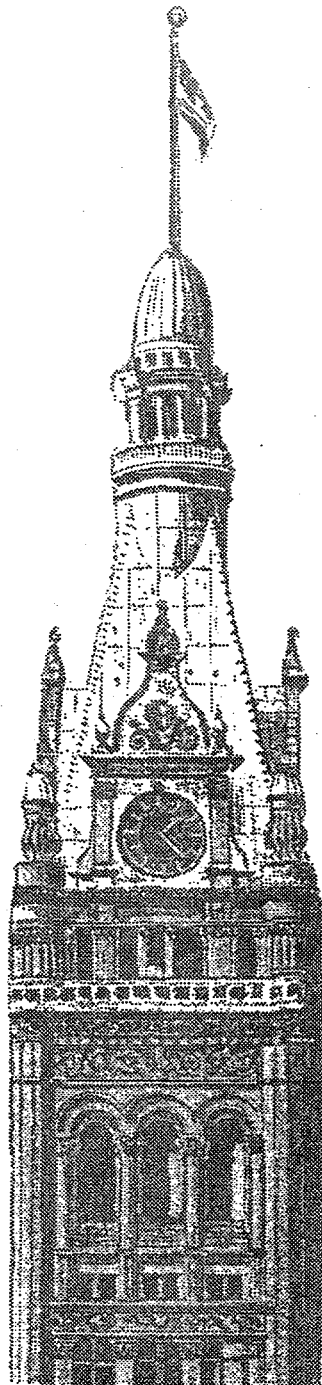
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Date: January 29, 2003
To: All Members of the Milwaukee Common Council
From: Utilities and Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Scott J. Fahey

FINDINGS OF FACT

1. Scott J. Fahey (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2002.
2. An application to renew said license was filed with the Office of the City Clerk on December 26, 2002.
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 December 27, 2002, the Milwaukee Police Department responded with a police report that created a basis for non-renewal or suspension of said license.
4. On January 17, 2003, 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 January 28, 2003, commencing at 9:30 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee failed to appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Notice of the hearing as well as a copy of the police report was sent to Scott J. Fahey at 124 West National Avenue,



No. A, Milwaukee, WI 53204 on January 17, 2003 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 124 West National Avenue, No. A, Milwaukee, WI 53204 is the address given by the applicant 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 January 28, 2003.

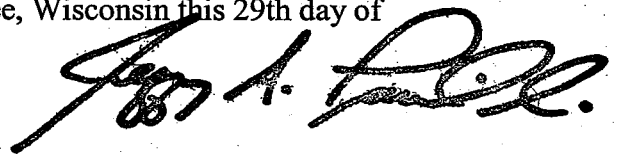
CONCLUSIONS OF LAW

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 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the Class "D" Bartender license of Scott J. Fahey not be renewed because of non-appearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes to zero (0) noes, recommends that the Class "D" Bartender License not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2003.



JEFFREY PAWLINSKI
Chairman of the Utilities
and Licenses Committee



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Alderman, 13th District

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Date: January 29, 2003

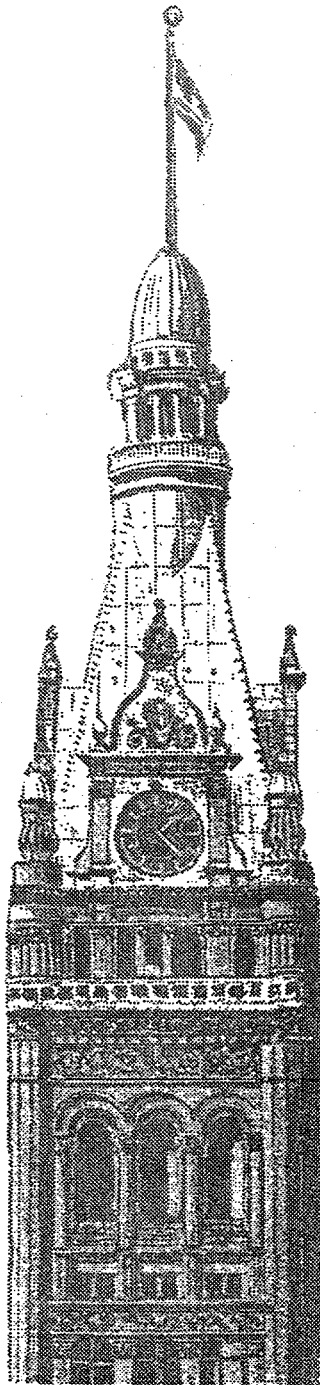
To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D"
Bartender License of Joseph E. Oster

FINDINGS OF FACT

1. Joseph E. Oster (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2002.
2. An untimely application to renew said license was filed with the Office of the City Clerk on December 23, 2002.
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 December 26, 2002, the Milwaukee Police Department responded with a police report that created a basis for non-renewal or suspension of said license.
4. On January 17, 2003, 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 January 28, 2003, commencing at 9:30 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee failed to appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Notice of the hearing as well as a copy of the police report was sent to Joseph E. Oster at 4544 South Quincy Avenue,



Milwaukee, WI 53207 on January 17, 2003 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 4544 South Quincy Avenue, Milwaukee, WI 53207 is the address given by the applicant 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 January 28, 2003.

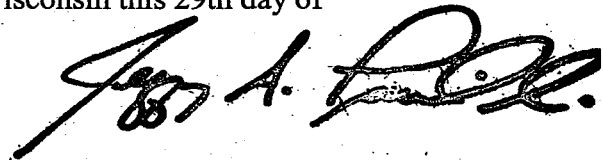
CONCLUSIONS OF LAW

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 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the Class "D" Bartender license of Joseph E. Oster not be renewed because of non-appearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes to zero (0) noes, recommends that the Class "D" Bartender License not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2003.



JEFFREY PAWLINSKI
Chairman of the Utilities
and Licenses Committee



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Alderman, 13th District

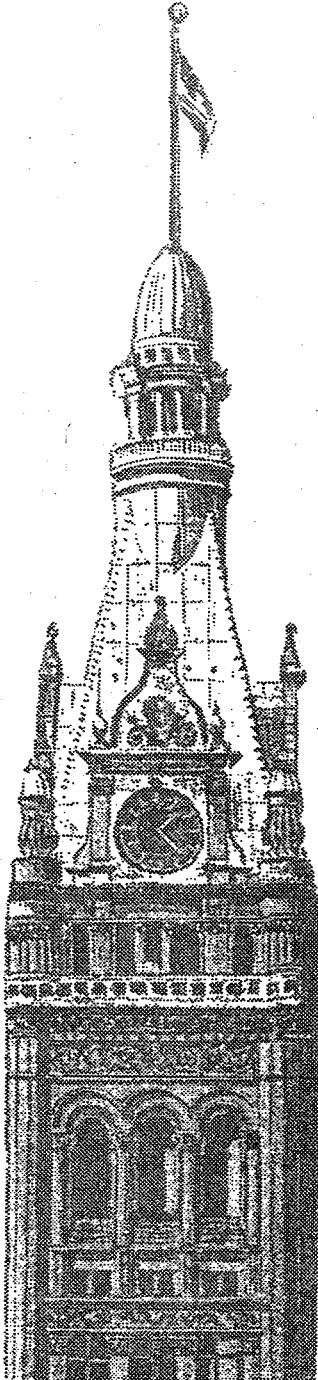
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Date: January 29, 2003
To: All Members of the Milwaukee Common Council
From: Utilities and Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of John A. Werner

FINDINGS OF FACT

1. John A. Werner (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2002.
2. An untimely application to renew said license was filed with the Office of the City Clerk on January 3, 2002.
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 6, 2003, the Milwaukee Police Department responded with a police report that created a basis for non-renewal or suspension of said license.
4. On January 17, 2003, 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 January 28, 2003, commencing at 9:30 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee failed to appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Notice of the hearing as well as a copy of the police report was sent to John A. Werner at 2444 South 73rd Street, West



Allis, WI 53219 on January 17, 2003 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 2444 South 73rd Street, West Allis, WI 53219 is the address given by the applicant 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 January 28, 2003.

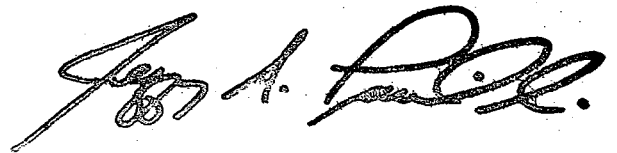
CONCLUSIONS OF LAW

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 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the Class "D" Bartender license of John A. Werner not be renewed because of non-appearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes to zero (0) noes, recommends that the Class "D" Bartender License not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2003.



JEFFREY PAWLINSKI
Chairman of the Utilities
and Licenses Committee