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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

February 17, 2011

Daniel E. McGuire
5625 S. Swift Avenue
Cudahy, WI 53110

Dear Mr. McGuire:

You are hereby notified that the Milwaukee Common Council will hold a hearing on March 1, 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 the renewal of your Class "D" Bartender'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 nonrenewal of your license based upon a second non-appearance. The recommendation is the result of a public hearing before the Committee held on February 14, 2011.

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 February 24, 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

COMMITTEES

- Licenses, Chair
- Judiciary & Legislation
- Steering & Rules

BOARD MEMBER

- Milwaukee Survive Alive, Vice President
- VISIT Milwaukee



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

Date: February 14, 2011

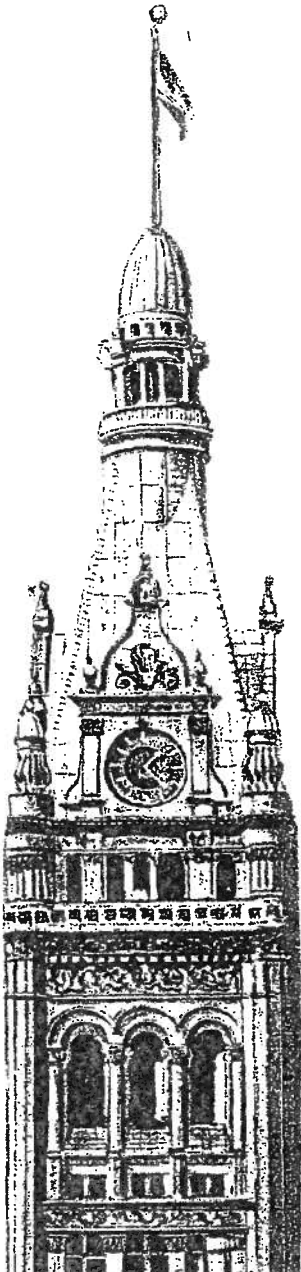
To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D"
Bartender License of Daniel E. McGuire

FINDINGS OF FACT

1. Daniel E. McGuire (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, 2010.
2. An application to renew said license was filed with the Office of the City Clerk on December 17, 2010.
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 28, 2010, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On February 1, 2011, 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 14, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear and he was not represented by counsel. That was the applicant's 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 Daniel E. McGuire at 5625 South Swift Avenue, Cudahy, Wisconsin 53110 on December 22, 2010 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 5625 South Swift Avenue, Cudahy, Wisconsin, Wisconsin 53110 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 14, 2011.

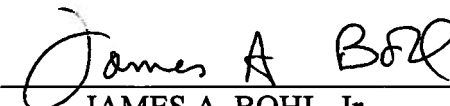
CONCLUSIONS OF LAW

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, Daniel E. McGuire, 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" Bartender 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" Bartender license held by Daniel E. McGuire based upon a second nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License be denied based upon a second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 14th day of February, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee