



Office of the City Clerk

September 9, 2009

Ronald D. Leonhardt  
City Clerk

Jim Owczarski  
Deputy City Clerk

[www.milwaukee.gov](http://www.milwaukee.gov)

Juan Ramirez-Xolo  
P.O. Box 64156  
Milwaukee, WI 53204

Dear Mr. Ramirez-Xolo:

You are hereby notified that the Milwaukee Common Council will hold a hearing on September 22, 2009, 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 your Class "B" Manager License renewal application for the premises located at 5108 West Bluemound Road in the City and county of Milwaukee, Wisconsin ("Fiesta Garibaldi").

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 denial of your license based upon nonappearance. The recommendation is the result of a public hearing before the Committee held on September 9, 2009.

You may file a written objection to the report of the Licenses Committee. If you file a written objection to the report you may also appear before the Milwaukee Common Council to make oral arguments supporting your written objections and present oral arguments supporting that objection to the Common Council. Any written objections to the Committee's report must be filed with the City Clerk in Room 205 of City Hall by 4:45 p.m. on September 17, 2009. You or a legal representative may then also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,

  
RONALD D. LEONHARDT  
City Clerk

Enclosure



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

**Date:** September 9, 2009

**To:** All Members of the Milwaukee Common Council

**From:** Licenses Committee

**Re:** Report on the Renewal Application of the Class "B" Manager license of Juan Ramirez-Xolo for the premises located at 5108 West Bluemound Road in the City and County of Milwaukee, Wisconsin ("Fiesta Giribaldi").

#### FINDINGS OF FACT

1. Juan Ramirez-Xolo (hereinafter the "Licensee") was the holder of a Class "B" Manager License for the premises located at 5108 West Bluemound Road in the City and County of Milwaukee, Wisconsin ("Fiesta Giribaldi"). Said license expired at midnight, June 30, 2009.
2. An application to renew said license was untimely filed with the Office of the City Clerk on June 29, 2009.
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 June 30, 2009, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On August 26, 2009, 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 September 9, 2009, commencing at 1:45 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.
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 Juan Ramirez-Xolo at P.O. Box 64156, Milwaukee, Wisconsin 53204 on August 26, 2009 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of P.O. Box 64156, Milwaukee, Wisconsin 53204 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 September 9, 2009.

#### 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, Juan Ramirez-Xolo, 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 "B" Manager license for the premises located at 5108 West Bluemound Road in the City and County of Milwaukee, Wisconsin ("Fiesta Giribaldi") based upon 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 "B" Manager license held by Juan Ramirez-Xolo for the premises located at 5108 West Bluemound Road in the City and County of Milwaukee, Wisconsin ("Fiesta Giribaldi") based upon 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 "B" Manager License for the premises located at 5108 West Bluemound Road in the City and County of Milwaukee, Wisconsin ("Fiesta Giribaldi") be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 11th day of September, 2009.



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JAMES A. BOHL, Jr.  
Chair, Licenses Committee