

04/636

COMMON COUNCIL

CITY OF MILWAUKEE

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Recommendation of the Utilities and Licenses Committee,
Revocation of the public passenger vehicle license of
Isadore Mbadiwe

* * * * *

Proceedings had in the above-entitled
matter, commencing at 9:20 a.m., March 16, 2005, in
the Common Council Chambers, 200 East Wells Street,
Milwaukee, Wisconsin, reported by Donna Gulczynski of
Milwaukee Reporters Associated, Inc.

A P P E A R A N C E S

BRUCE SCHRIMPF, Assistant City Attorney,
200 East Wells Street, Milwaukee, Wisconsin, 53202,
appeared on behalf of the City of Milwaukee.

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P R O C E E D I N G S

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PRESIDENT HINES: Will the City Clerk please identify the matter before the Council?

CITY CLERK: Item No. 3, the Utilities and Licenses Committee recommends approval of File Number 041394, motion to approve the recommendation of the Utilities and Licenses Committee to revoke the public passenger vehicle license for Isadore Mbadiwe by a sworn written complaint as authorized under Chapter 100-68(1) of the Milwaukee Code of Ordinances. No written exceptions were filed.

PRESIDENT HINES: Have the members of the Common Council read the Report and Recommendations of the Utilities and Licenses Committee, and any written exceptions, if filed, in this matter? City Clerk, please call the role.

CITY CLERK: Alderman Hamilton?

ALDERMAN HAMILTON: Aye.

CITY CLERK: Davis?

ALDERMAN DAVIS: Aye.

CITY CLERK: D'Amato?

ALDERMAN D'AMATO: Aye.

CITY CLERK: Bauman?

ALDERMAN BAUMAN: Aye.

CITY CLERK: Bohl?

1 ALDERMAN BOHL: Aye.
2 CITY CLERK: McGee?
3 ALDERMAN McGEE: Aye.
4 CITY CLERK: Wade?
5 ALDERMAN WADE: Aye.
6 CITY CLERK: Donovan?
7 ALDERMAN DONOVAN: Aye.
8 CITY CLERK: Puente?
9 ALDERMAN PUENTE: Aye.
10 CITY CLERK: Murphy?
11 ALDERMAN MURPHY: Aye.
12 CITY CLERK: Dudzik?
13 ALDERMAN DUDZIK: Aye.
14 CITY CLERK: Witkowiak?
15 ALDERMAN WITKOWIAK: Aye.
16 CITY CLERK: Witkowski?
17 ALDERMAN WITKOWSKI: Aye.
18 CITY CLERK: Zielinski?
19 ALDERMAN ZIELINSKI: Aye.
20 CITY CLERK: Mr. President?
21 PRESIDENT HINES: Aye.
22 CITY CLERK: Fifteen ayes.
23 PRESIDENT HINES: Fifteen ayes, zero no's.
24 CITY CLERK: Is Isadore Mbadiwe or counsel
25 present and wishes to address the Council?

1 PRESIDENT HINES: Okay. Alderman Witkowiak
2 moves that we go into the Committee of the Whole to
3 hear oral argument on behalf of the licensee in
4 opposition to the Report and Recommendations, and a
5 statement presented by the City Attorney. Is there
6 any objection? Hearing none, we are now in the
7 Committee of the Whole.

8 Each side will be given five minutes, and
9 the arguments shall be limited to the subject matter
10 of the Report and Recommendations and the written
11 exceptions.

12 (Whereupon Mr. Mbadiwe was sworn under
13 oath.)

14 PRESIDENT HINES: The applicant will give
15 a brief statement. Please give your name for the
16 record, and then you have five minutes to address
17 the body.

18 MR. MBADIWE: My name is Isadore Mbadiwe.

19 PRESIDENT HINES: Continue, sir.

20 MR. MBADIWE: Good morning. Yeah, I been
21 driving for American United Taxi Company for about
22 five and a half years now. And I failed to appear the
23 last time because I had kind of jail problem with the
24 probation officer. She put me for incarceration for
25 two weeks, because I was supposed to come here on the

1 8th of March for me to return to taxi driving.

2 I been driving for the public of Milwaukee
3 for five years now, and I been keeping good conduct
4 with the customers and the public of Milwaukee city.
5 It's just I had a mistake. I made a mistake being
6 around bad people, and that led me to being in the
7 condition that I'm in today. It's not that I'm a bad
8 person. But if the Common Council can give me a
9 pardon from the revocation of my license, I would
10 appreciate that.

11 All of the allegations concerning my
12 condition right now are false allegations. Even
13 through what the police department said on my behalf,
14 all those things are false allegations. Why I plead
15 no contest is because I already wasted too much money
16 by having about three attorneys for my case, and I
17 wasted too much time.

18 And I have a cousin that advised me that if
19 I would get a new attorney which would get a good deal
20 from the City of Milwaukee to handle my case, I should
21 go ahead and take a plea because the people that owned
22 the drugs doesn't want to take a plea of what they
23 did. I was in the wrong place at the wrong time.
24 That's what happened to me, so I got a letter from
25 the company when I was going to sentence, which they

1 gave me this letter which states that anybody that
2 wants to know more about me, -- because I've been
3 working for them for five years, -- I've been here
4 like six and a half years. I worked with them for
5 five years. So they gave me the letter saying anybody
6 that wants to talk with them about me, because they
7 know me better than anybody in this Milwaukee.

8 So if you guys can comply with me on signing
9 the license, I will be really appreciative. And my
10 Huber is not taken. There's a page on here that says
11 my Huber privileges are ordered to be taken because I
12 revoked, which is not true. I'm not incarcerated.
13 You guys can see I'm not incarcerated, and I'm still
14 working.

15 It's not just the PPO license that you guys
16 give me. You guys give me a contractor license, too,
17 so I have that one too for home improvement, do home
18 improvement, and I work for the public. I was born to
19 work for the public. I will keep the public satisfied
20 if you guys give me a pardon. Thank you and God
21 bless.

22 PRESIDENT HINES: Are there any questions of
23 the applicant at this time? Chair recognizes Alderman
24 Murphy.

25 ALDERMAN MURPHY: Thank you, Mr. President,

1 members of the Council. What were you incarcerated
2 for?

3 MR. MBADIWE: It was a possession with the
4 intent, party to a crime, marijuana.

5 ALDERMAN MURPHY: What types of drugs was
6 it?

7 MR. MBADIWE: Marijuana.

8 ALDERMAN MURPHY: Thank you.

9 PRESIDENT HINES: Chair recognizes Alderman
10 Joe Davis.

11 ALDERMAN DAVIS: In the police report it
12 indicated that you were caught with 200 to a thousand
13 grams of marijuana. Is that true?

14 MR. MBADIWE: Pardon?

15 ALDERMAN DAVIS: It indicated in the police
16 report that you were caught with 200 to a thousand
17 grams of marijuana. Is that true?

18 MR. MBADIWE: It was not true. The
19 marijuana -- I did not have the marijuana. Is the
20 people that I was in their car had it in their car.
21 It was not on me. So three of us got charged of it
22 because two guys that had it in the car, not me, were
23 the owners of the property. So I was sitting in the
24 car with them all of us got charged with that.

25 ALDERMAN DAVIS: Did you -- At that time was

1 it in your taxi cab at that time?

2 MR. MBADIWE: No, it was not. It was in a
3 different -- in a Tahoe truck. It was no way I had
4 marijuana in a taxi. I never possessed marijuana in
5 my life.

6 ALDERMAN DAVIS: You never transported
7 marijuana in your taxi cab?

8 MR. MBADIWE: No, sir.

9 ALDERMAN DAVIS: Okay. Thank you.

10 PRESIDENT HINES: Seeing no additional
11 questions, thank you. I do appreciate it.

12 We will now hear from Assistant City
13 Attorney Mr. Bruce Schrimpf.

14 MR. SCHRIMPF: Thank you, Mr. President,
15 members. Bruce Schrimpf from the City Attorney's
16 Office.

17 Included with the materials that were
18 received into the record of the proceeding before the
19 Utilities and Licenses Committee is the judgment of
20 conviction of the licensee. It indicates that his
21 license, his regular Wisconsin driver's license, was
22 suspended for six months as a result of the
23 conviction. He was also sentenced to eight months in
24 the House of Correction.

25 The indications were that he had Huber

1 privileges. The committee was informed at the last
2 meeting that the Huber privileges were revoked.
3 Evidently the Huber privileges have been reinstated.
4 However, the Wisconsin Department of Corrections in
5 the person of his probation and parole agent has
6 indicated that he is not permitted to drive a taxi cab
7 during the course of his probation, which will extend
8 for two years, and the Wisconsin Department of
9 Corrections, along with the Milwaukee Police
10 Department requested that the taxi cab driver's
11 license be revoked for those reasons.

12 Whether or not the Council decides to revoke
13 the license or suspend the license, that's something
14 that's repose to your sound discretion, or for that
15 matter to dismiss the case. But the facts are that
16 his driver's license was suspended for six months. If
17 you take that from the date of conviction, which was
18 December 3rd, 2004, he's still in his period of
19 suspension of his driver's license.

20 At the conclusion of that period of time,
21 his license is not automatically reinstated. He
22 applies for reinstatement of his driver's license, and
23 that then is a process that the Wisconsin Department
24 of Transportation decides if it will be reinstated or
25 not. Then once that license is reinstated, he can

1 apply, -- depending on what the terms are that the
2 council sets this day, he can apply for his public
3 passenger vehicle driver's license. But to have a
4 public passenger vehicle driver's license you first
5 have to have a regular Wisconsin operator's license.
6 That is suspended for six months, and of course his
7 probation is for two years. So if there's any
8 questions, I'll be happy to answer them.

9 PRESIDENT HINES: Are there any questions of
10 Assistant City Attorney Bruce Schrimpf? Chair
11 recognizes Alderman Joe Davis.

12 ALDERMAN DAVIS: The items B and C in this
13 report, have those items been -- has there been any
14 conclusion to those items? And was there a plea
15 bargain or anything of that nature as concerning
16 these items in the police report?

17 MR. SCHRIMPF: I believe -- I'm just
18 checking the judgment of conviction. I believe the
19 defendant pled -- Yes, the defendant pled no contest.
20 The court then found him guilty based upon the
21 information that was received in court, as well as
22 whatever testimony the court would have received.

23 Be a little careful with the no contest
24 plea. That does not mean he pled guilty to the
25 charges. It simply meant that he was not about to

1 challenge the charges, and then based upon those
2 charges and whatever the testimony the court received,
3 the court found him guilty as charged by the district
4 attorney.

5 ALDERMAN DAVIS: All right. Thank you.

6 PRESIDENT HINES: Thank you, Mr. Schrimpf.
7 Alderman Witkowiak now moves that the Committee rise.
8 If there's no further discussion, I will request a
9 vote of the Council members present to approve the
10 recommendations of the Utilities and License Committee
11 as contained in File Number 041394. City Clerk,
12 please call the role.

13 CITY CLERK: Alderman Hamilton?

14 ALDERMAN HAMILTON: Aye.

15 CITY CLERK: Davis?

16 ALDERMAN DAVIS: Aye.

17 CITY CLERK: D'Amato?

18 ALDERMAN D'AMATO: Aye.

19 CITY CLERK: Bauman?

20 ALDERMAN BAUMAN: Aye.

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22 ALDERMAN BOHL: Aye.

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24 ALDERMAN MCGEE: Aye.

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11 ALDERMAN WITKOWIAK: Aye.
12 CITY CLERK: Witkowski?
13 ALDERMAN WITKOWSKI: Aye.
14 CITY CLERK: Zielinski?
15 ALDERMAN ZIELINSKI: Aye.
16 CITY CLERK: Mr. President?
17 PRESIDENT HINES: Aye.
18 CITY CLERK: Fifteen ayes.
19 PRESIDENT HINES: 15 ayes, zero no's. The
20 file is adopted.

* * *

STATE OF WISCONSIN))
) SS:
MILWAUKEE COUNTY)

I, DONNA GULCZYNSKI, of Milwaukee Reporters Associated, Inc., 5120 West Bluemound Road, Milwaukee, Wisconsin, certify that the foregoing transcript, consisting of pages 2 through 12, inclusive, is a full and complete transcript of the proceedings taken in this cause.

Donna Gulczynski - Court Reporter

Dated this _____ day of _____, 2005
Milwaukee, Wisconsin