



Office of the City Clerk

**Jim Owczarski**  
City Clerk  
jowcza@milwaukee.gov

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Deputy City Clerk  
rpfaff@milwaukee.gov

April 24, 2019

Bianca Berry  
4321 N. 68<sup>th</sup> St.  
Milwaukee, WI 53216

Dear Ms. Berry:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, May 7, 2019, 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 whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class D Operator'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 the Class D Operator's License based on the second nonappearance. This recommendation is the result of a public hearing before the Committee held on Tuesday, April 23, 2019.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class D Operator's License based upon the Findings of Fact contained within the Licenses Committee report.

You may file a written response to the report of the Licenses Committee. The written response must be filed with the City Clerk by 4:45 p.m. on Wednesday, May 1, 2019 in Room 205 of City Hall. If you wish to file your objections via e-mail, they must be sent to both [jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov) and [lclmer@milwaukee.gov](mailto:lclmer@milwaukee.gov). You will be sent an e-mail notification that your objections were received within 24 hours. If you do not receive this notification, please contact City Clerk Jim Owczarski at (414) 286-2998. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting the written objections. You will be given approximately five minutes to present the oral argument.

Respectfully,



JAMES R. OWCZARSKI  
City Clerk



**CHAIR**

- Licenses Committee
- City Information Management Committee

**VICE CHAIR**

- Milwaukee Arts Board

**MEMBER**

- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board

**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: April 24, 2019

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To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Bianca B. Berry

**FINDINGS OF FACT**

1. Bianca B. Berry (hereinafter the "Licensee") was the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2018.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
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. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On April 10, 2019 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 April 23, 2019 at 1:00 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 Bianca B. Berry, 4321 North 68th Street, Milwaukee, WI 53216 on April 10, 2019 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 4321 North 68th Street, Milwaukee, WI 53216 is the address given by the Licensee on her 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 April 23, 2019 at 1:00 p.m.
- B. Alderman Witkowski moved denial based on her second non-appearance.

### 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, Bianca B. Berry 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" Operator's license based upon her 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" Operator's license held by Bianca B. Berry based upon her second nonappearance.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **three (3) ayes, zero (0) noes and two (2) excused** that the Class "D" Operator's License of Bianca B. Berry not be renewed based upon her second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 24th day of April, 2019.



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NIK KOVAC  
Chairman Licenses Committee