



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

March 6, 2008

To the Honorable, the Common Council

Dear Members:

Common Council File 071283 contains the following recommendation:

Renewal, with a 10-day suspension based on testimony at the hearing and the Milwaukee County Circuit Court record, of the Secondhand Motor Vehicle Dealer license of Peter Kim-Knighton, Agent for "PPNA Auto Sales, LLC" for "PPNA Auto Sales" at 5540 W. Lisbon Ave. in the 10th aldermanic district (Committee vote: Ayes: 3, Excused: 1, Abstaining: 1)(Ayes – Ald. Bohl, Ald. Puente and Ald. Witkowiak; Excused – Ald. Wade; Abstaining – Ald. Witkowski)

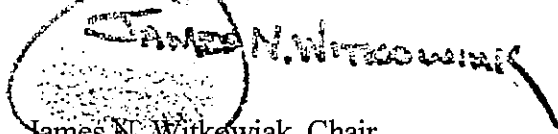
With regard to the file listed above, the Licenses Committee held an evidentiary hearing on March 4th.

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 Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, March 18, 2008** at 9:00 A.M. in the Common Council Chambers.

Respectfully,


James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
Files 071283



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: March 5, 2008

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Peter J. Kim-Knighton, Agent for "PPNA Auto Sales, LLC", for a Secondhand Motor Vehicle Dealer's license for the premises at 5540 West Lisbon Avenue ("PPNA Auto Sales").

FINDINGS OF FACT

1. Peter J. Kim-Knighton holds a Secondhand Motor Vehicle Dealer's license for the premises at 5540 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("PPNA Auto Sales"). Said license expires at midnight, March 31, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on January 9, 2008.
3. Pursuant to Chapter 93 of the Milwaukee Code of Ordinances the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with no report regarding this license application. However, information came to the attention of the License Division on February 6, 2008 regarding Milwaukee County Circuit Court Case No. 08-CV-1642 which involved a civil forfeiture action commenced by the Wisconsin Department of Transportation against the licensee in the amount of \$4,000.00 and a 24 per cent penalty for 97 fraudulent title applications apparently submitted by the licensee. In addition, there were neighborhood objections regarding parking and traffic problems which cause the normal flow of traffic on roadways and alleys to be impeded, loitering, noise, loud music, and conduct which has an adverse impact on the public health, safety and welfare of the community.
4. On February 21, 2008, the City Clerk's Office provided notice to the Licensee, pursuant to Chapter 93 of the Milwaukee Code of Ordinances, of the neighborhood objections that could form the basis for suspension or non-renewal of the license of the Licensee. The matter was scheduled for a hearing on the

neighborhood objections on March 4, 2008 at 8:00 a.m. in Room 301B of the third floor of City Hall. The licensee was represented by Attorney Robin Shellow, 324 West Vine Street, Milwaukee, WI 53212.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. At hearing, counsel for the licensee indicated that the licensee and the Wisconsin Department of Transportation had come to a resolution of some violations of the various statutory and regulatory requirements of one holding a Wisconsin Motor Vehicle Dealer license. The lawsuit commenced by the Wisconsin Department of Transportation was done so that the agreed upon civil forfeiture of \$4,000.00 could be paid into Court.
 - B. At hearing in this matter, the licensee and his counsel admitted that during 2007 his Wisconsin Motor Vehicle Dealer license had been suspended for a period of 30 day because of violations of the regulations of the Department of Transportation relating to motor vehicle dealers.
 - C. The licensee did not meet the legal requirements upon motor vehicle dealers as evidenced by the 30-day suspension of his license.
 - D. No neighbors appeared in objection to this license and the Committee was informed that the local alderman has not received any neighborhood complaints relative to this location.

CONCLUSIONS OF LAW

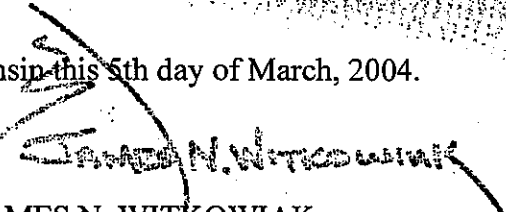
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 93 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee has not met the criteria of Chapter 93 of the Milwaukee Code of Ordinances to allow renewal of his Secondhand Motor Vehicle Dealer license without undergoing a ten (10) day suspension of said license for the premises located at 5540 West Lisbon Avenue ("PPNA Auto Sales").
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 of the City of Milwaukee should exercise its judgment to renew with a ten (10) day suspension the Secondhand Motor Vehicle Dealer license of Peter J. Kim-Knighton for the premises located at 5540 West Lisbon Avenue in the City and county of Milwaukee, Wisconsin.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) excused and one (1) abstention recommends that the Secondhand Motor Vehicle Dealer license for the premises located at 5540 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin of Peter J. Kim-Knighton be renewed with a ten (10) day suspension.

Said suspension is to be in effect from 12:01 a.m. April 1, 2008 through midnight, April 10, 2008.

Dated and signed at Milwaukee, Wisconsin this 5th day of March, 2004.



JAMES N. WITKOWIAK
Chair, Licenses Committee

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