

COMMITTEE ASSIGNMENTS

CHAIR

- Public Safety Committee

MEMBER

- Anti-Graffiti Policy Committee
- Public Works Committee
- Judiciary & Legislation Committee
- Steering & Rules Committee



ROBERT G. DONOVAN
Alderman, 8th District

October 1, 2010

To the Honorable, the Common Council

Dear Members:

Common Council File 100525 contains recommendations of nonrenewal for the public passenger vehicle drivers' licenses of Benjamin Mattox, based on non-appearance, and Daniel Perry, based on the police report and driving record (committee vote of 3 ayes and 2 noes – Ald. Davis and Ald. Puente).

With regard to the file listed above, the Public Safety Committee held evidentiary hearings on September 16th and 30th.

Pursuant to Chapter 100-54, Milwaukee Code of Ordinances, and § 349.24, Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matter 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 Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, October 12, 2010** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads 'Robert G. Donovan'. The signature is written in a cursive, slightly slanted style.

Robert G. Donovan, Chair
Public Safety Committee

COMMITTEE ASSIGNMENTS

CHAIR

- Public Safety Committee

MEMBER

- Anti-Graffiti Policy Committee
- Public Works Committee
- Judiciary & Legislation Committee
- Steering & Rules Committee



ROBERT G. DONOVAN
Alderman, 8th District

Date: September 30, 2010

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Benjamin B. Mattox for a Public Passenger Vehicle Driver License.

FINDINGS OF FACT

1. Benjamin B. Mattox (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, October 31, 2010.
2. An application to renew said license was untimely filed with the Office of the City Clerk on July 21, 2010.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department filed a police report dated July 26, 2010. That report could form the basis of non-renewal or suspension of this license.
4. On September 15, 2010, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes of a police report that could form the basis for suspension or non-renewal of the license of the licensee and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police report on September 30, 2010 at 9:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear and was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Notice was sent to Benjamin B. Mattox at 6242 West Leon Terrace, Milwaukee, Wisconsin 53218, along with a copy of the police report on September 15, 2010 in an envelope which was sent by U.S. first-class prepaid mail in an envelope bearing the return address of the License Division, 200 East Wells Street, Room 105, Milwaukee, WI 53202. The address of 6242 West Leon Terrace, Milwaukee, Wisconsin 53218 was the address given by the applicant on his renewal application. The notice included a copy of the police report. The licensee failed to appear at the hearing and the envelope containing the notice and police report was not returned to the License Division by the U.S. Postal Service.

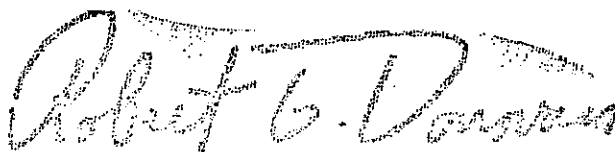
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24, Wisconsin Statutes.
2. Based upon the above facts found, the Committee concludes that the licensee, Benjamin B. Mattox, has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances or § 349.24 of the Wisconsin Statutes to allow renewal of his Public Passenger Vehicle Driver license 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 Public Safety Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Public Passenger Vehicle Driver license held by Benjamin B. Mattox based upon nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee recommends that the Public Passenger Vehicle Driver license of Benjamin B. Mattox be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 30th day of September, 2010.

A handwritten signature in cursive script that reads "Robert C. Donovan". The signature is written in black ink and is positioned above the printed name and title.

ROBERT DONOVAN
Chairman, Public Safety Committee

161956

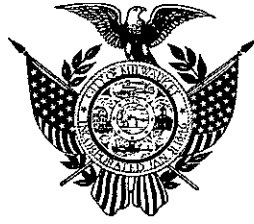
COMMITTEE ASSIGNMENTS

CHAIR

- Public Safety Committee

MEMBER

- Anti-Graffiti Policy Committee
- Public Works Committee
- Judiciary & Legislation Committee
- Steering & Rules Committee



ROBERT G. DONOVAN
Alderman, 8th District

Date: September 17, 2010

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Daniel R. Perry for a Public Passenger Vehicle Driver License.

FINDINGS OF FACT

1. Daniel R. Perry (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, October 31, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on April 21, 2010.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department filed a police report dated April 22, 2010, that could form the basis of non-renewal or suspension of this license.
4. On August 25, 2010, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24 of a police report that could form the basis for suspension or non-renewal of the license of the licensee and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police report on September 16, 2010 at 9:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and admitted receipt of the notice and police report. The applicant was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On August 6, 2008 the applicant was cited in the City of Milwaukee for noise nuisance at 2977 North 23rd Street. He was issued a citation for this offense and found guilty on September 22, 2008 and fined \$237.00.
- B. On June 12, 2009 the applicant was charged in Milwaukee County with possession with intent to deliver THC (§ 961.41 felony) and possession of a firearm by a felon (§ 941.29 felony). Applicant was found guilty on the possession with intent to deliver THC on January 27, 2010 and sentenced to 3 years prison which was stayed to two years extended supervision and 60 days in the House of Corrections. The charge of possession of a firearm by a felon was dismissed on January 27, 2010. The applicant is on probation until January 27, 2012.
- C. On July 7, 2009 the applicant was issued a citation in the City of Milwaukee for excessive noise prohibited at 8542 West Silver Spring Drive. Applicant was found guilty on this citation on September 25, 2009 and fined \$150.00.
- D. The Wisconsin Department of Transportation suspended the applicant's driver's license for the following:
 - 9/11/09 14 days for failure to pay forfeiture
 - 9/11/09 14 days for failure to pay forfeiture
 - 1/28/10 6 months for drugs

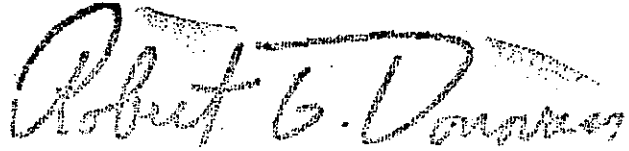
CONCLUSIONS OF LAW

- 1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24 Statutes.
- 2. Based upon the above facts found, the Committee concludes that the licensee, Daniel R. Perry, has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances or Wis. Stat. § 349.24 to allow renewal of his Public Passenger Vehicle Driver license based upon the police report and driving record. The Committee finds the police report and driving record of the applicant, as stated above to be true.
- 3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Public Safety Committee that the full Common Council of the City of Milwaukee should exercise its judgment to nonrenew the Public Passenger Vehicle Driver license held by Daniel R. Perry based upon the police report and driving record of the applicant on file in this matter.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes recommends that the Public Passenger Vehicle Driver license of Daniel R. Perry be nonrenewed based upon the police report and driving record.

Dated and signed at Milwaukee, Wisconsin this 17th day of September, 2010.

A handwritten signature in cursive script that reads "Robert G. Donovan". The signature is written in dark ink and is positioned above the printed name and title.

ROBERT DONOVAN
Chairman, Public Safety Committee

154467