

June 19, 2002

Alderman Marvin Pratt, Chairman  
Milwaukee Common Council  
City Hall  
200 East Wells Street  
Milwaukee, WI 53202

CITY OF MILWAUKEE  
2002 JUN 20 AM 9:03  
RONALD D. LEONHARDT  
CITY CLERK

Chairman Pratt and Council Members:

As owner and operator of the rooming house located at 736 South 3<sup>rd</sup> Street, I would like to go on record as objecting to the Report of the Utilities and Licenses Committee and their Findings of Fact, Conclusions of Law and Recommendation, recommending non-renewal of my rooming house license.

Attached you will find a letter intended for the Utilities and Licensing Committee dated June 14, 2002. It was to be submitted at the June 14<sup>th</sup> committee hearing; however; I was told that no testimony, would be accepted at that hearing, other than that of initial Hearing Examiner David Borowski. It was explained by Chairman Pawlinski that an objection to any recommendations made at that hearing could be made with the full Common Council.

While I am pleased to have the opportunity to express myself on this matter, I am very displeased at the unfairness of the process to this point. I can understand the recommendation of the Utilities and Licenses Committee, based on what was presented to them by Hearing Examiner Borowski; however; there were key parts of my testimony omitted, as well as a mention of the appearance of my only witness, and his supportive testimony. The hearing minutes, as well as the hearing transcripts from June 3<sup>rd</sup> both indicate his presence and testimony at the hearing.

As a result of these omissions and conflicting information by Examiner Borowski, as to my testimony, in explanation of specific evidence, it seems appropriate to review the entire hearing testimony before making a decision on this matter. Realizing this may not happen, I am hoping that you will discover the injustice in this process from my dispute of the "facts" as they were presented.

I will be represented at the June 25<sup>th</sup> hearing only by myself as, up to this point, the need for legal representation seemed marginally unnecessary. Having concluded that a true opportunity for justice has not existed thus far, I am prepared to follow this matter to its' conclusion, using whatever means are necessary. My hope, of course, is that the matter will be decided in my favor, thereby eliminating a need for intervention.

I would like to thank you for your time and consideration of this matter and look forward to its' resolution in the near future.

Sincerely,



David B. Larson

June 14, 2002

Ald. Jeff Pawlinski, Chairman  
Utilities and Licenses Committee  
Milwaukee Common Council  
City Hall  
200 East Wells Street  
Milwaukee, WI 53202

CITY OF MILWAUKEE

2002 JUN 20 AM 9: 03

RONALD D. LEONHARDT  
CITY CLERK

Chairman Pawlinski and Committee Members:

Having received Hearing Examiner David Borowski's Findings of Fact, Conclusions of Law and Recommendation regarding the rooming house located at 736 South 3<sup>rd</sup> Street, I have had the opportunity to examine and as a result, dispute much of the content of this report. As a matter of record; however; I find parts of this document to be misleading and without fact, as well as distorted in favor of the complainant. My points of contention are as follows:

**Page 2, item 6, point b;** The property is indeed for sale, but because, as I testified, it was purchased as an investment and has cost me about \$8,000 in the nineteen months I have owned it, not because it has been difficult to manage.

**Page 2, item 6, point d;** As I testified, of the nine police calls and responses, two were made by myself for the removal of an evicted tenant who refused to leave, while most of the others was made by tenants from the building over disputes between themselves. It is unclear how many, if any calls were made by the complainant, witnesses, or other neighbors.

**Page 2, item 6, point e;** Again, as I testified, the photos were taken hours after an outburst by a tenant, who was intoxicated and lost control. A tenant and I cleaned and repaired what needed to be done. There are no other photos of the outside of the property to indicate that the area is maintained poorly, or that this was anything more than an isolated incident. I also testified that from time to time, the trash from the school construction across the street, from the construction workers parking in front of the building, as well as, trash from students and other users of the bus stop (placed on the corner in front of the building) accumulates and is retrieved by myself.

**Page 2, item 6, point f;** The letter to Detective Valcarcel was introduced by myself, not "the parties". The complainant had no knowledge that I had contacted the police regarding a request for help from the Vice Squad. This letter was presented as evidence that I was actively addressing an issue that I discovered, not as evidence of what concerns others might have. Incidentally, the tenant was evicted shortly thereafter.

**Page 3, item 6, point j;** As I testified, I evicted nine "problem" tenants in the last year, with my point being that I was being proactive in trying to address problems. In addition, I testified that I "cleaned house" of these individuals, was willing to and went for a period of time with empty, nonpaying rooms and forfeited earnings for improved conditions.

**Page 3, item 6, point k;** My only witness, Mr. Albert Wellstein, a tenant in my building for the past seven months, and the points to which he testified under oath, were omitted. He testified that he was unaware of any drug activity, prostitution, or other illegal activity associated with any of the building tenants. He also testified as to my timely responsiveness to tenant and building issues and concluded that I was both a good person and landlord.

**Page 3, item 6, point l;** The testimony provided by the citizens is speculative with no actual evidence of either prostitution, or drug dealing. Not one of these individuals has ever stepped foot in the rooming house to observe the alleged “illegal activities”. As was mentioned previously and as I testified, the bus stop located directly in front of the building (placed there about a year ago, without my consent, nor inquiry from the County Transit Company) attracts numerous users of the bus at all hours of the day and night. There are often three to five people waiting on the corner, which could be misconstrued as relating to some illegal activity, based on the distance away the citizens are observing from.

**Page 3, item 6, point m;** In addition to the willingness of the Department of Neighborhood Services to have this license renewed, the record indicates that I have met all of their expectations in operation of the rooming house, having passed two building inspections and as I testified, responding to issues of graffiti, diseased tree disposal and a tenant complaint in timely manner.

**Page 3, item 6, point n;** In addition to no objection from the Milwaukee Police Department on renewal of this license, there was evidence introduced of my cooperation with the police and request for their assistance in addressing suspected drug dealing.

**Page 4, item 4 of the Conclusions of Law section;** The reference “Based upon the above facts” stated by the hearing examiner clearly points to justification for his conclusion. My contentions here are the many factual omissions and misrepresentations throughout this document, as I illustrated above. My feeling is that when all of the facts are considered by an objective party, a different conclusion and resulting recommendation would be reached.

Prior to approximately May 23rd, when I received formal notice of these hearings, I was unaware of any complaints regarding the operation of this rooming house, or of its’ tenants. None of the citizens of the neighborhood bothered to make me aware of their concerns, despite my phone number being largely evident on the front side of the building in addition to my frequent presence at the building. Let the record show, neither I, nor any of my tenants have received any citations, fines for ordinance violations, or warnings that the rooming house operation, its’ tenants, nor operator were in violation of any ordinances. **Since I have been given no notice of any complaints**, prior to the hearings notice, **I have had no opportunity to respond, or to take corrective action, if indicated**, to the complaints of the neighbors.

The process of license renewal for this rooming house seems to have become refocused on eliminating the facility. Apparently gone is the opportunity to respond to injustice, while, thus far, the process is lacking the basic elements of our democracy. A tax paying, citizen without a negative history, such as myself, deserves and has the right to expect better treatment.

I am asking that the license be renewed, based on the lack of fairness in this process and a lack of real evidence or proof on behalf of the complainant.

Sincerely,

A handwritten signature in cursive script that reads "David B. Larson". The signature is fluid and includes a long, sweeping underline.

David B. Larson  
Building Owner  
Rooming House Operator