

COMMITTEE ASSIGNMENTS

**CHAIR**

Public Safety Committee

**MEMBER**

Anti-Graffiti Policy Committee

Finance & Personnel Committee

Steering & Rules Committee



**ROBERT G. DONOVAN**

Alderman, 8th District

January 9, 2009

To the Honorable, the Common Council

Dear Members:

File 081059 contains the following recommendations:

Non-renewal, based on non-appearance, the police report and the driving record, of the public passenger vehicle driver's license of Kendrick Bergemann

Renewal, with a 30-day suspension based on the police report, of the public passenger vehicle driver's license of Mohd Abu Sammour (Committee vote: Ayes: 3, Noes: 1)

Pursuant to section 100-54, Milwaukee Code of Ordinances, and section 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 Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Friday, January 16, 2009** 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 style and is positioned above the typed name.

Robert G. Donovan, Chair  
Public Safety Committee

cc: All Council Members  
Files 081059

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**ROBERT G. DONOVAN**

Alderman, 8th District

Date: January 9, 2009

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Kendrick L. Bergemann for a Public Passenger Vehicle Driver License.

**FINDINGS OF FACT**

1. Kendrick L. Bergemann (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 untimely filed with the Office of the City Clerk on December 12, 2008.
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 December 15, 2008, that could form the basis of non-renewal or suspension of this license.
4. On December 23, 2008, 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 January 8, 2009 at 9:00 a.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. Notice was sent to Kendrick L. Bergemann at 448 North Hine Avenue, No. 3, Waukesha, Wisconsin 53188, along with a copy of the police report

on December 23, 2008 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 448 North Hine Avenue, No. 3, Waukesha, Wisconsin 53188 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.

- B. On March 30, 1996 the applicant was arrested in Milwaukee County for:
  - 1. Retail Theft (less than \$1 000) § 943.50(4)(A)(misdemeanor) and found guilty on August 6, 1997 and sentenced to 20 days in jail which was stayed and was placed on probation for 16 months.
  - 2. Battery § 940.19(1)(misdemeanor) and found guilty of an amended charge of disorderly conduct (misdemeanor) and found guilty on August 6, 1997 and sentenced to 16 months and a fine was imposed.
  - 3. Resisting/obstructing an officer § 946.41(1)(misdemeanor) which was dismissed on August 6, 1997.
  
- C. On January 21, 1997 the applicant was cited in the City of Greenfield for:
  - 1. Resisting/obstructing an officer, and applicant was found guilty and a fine was imposed on February 9, 1997.
  - 2. Hindering, and applicant was found guilty on February 9, 1997 and a fine was imposed.
  
- D. On June 14, 1997 the applicant was arrested in Milwaukee County for disorderly conduct § 63.01 and found guilty of an amended charge of criminal damage to property (misdemeanor) on November 13, 1998 and a fine was imposed.
  
- E. On July 4, 1998 the applicant was arrested in Sauk County for resisting/obstructing an officer § 946.41 (misdemeanor) and applicant was found guilty on July 8, 1999 and sentenced to 30 days in jail and a fine was imposed.
  
- F. On February 20, 2000 the applicant was arrested in Milwaukee County for possession of THC § 961.41(3g)(e) (misdemeanor) and was found guilty on April 3, 2000 and sentenced to a six month suspension of his driver's license and a fine was imposed.
  
- G. On December 2, 2003 the applicant was arrested in Waukesha County for possession of THC § 961.41(3g)(e) (misdemeanor) and found guilty and sentenced to 3 days in the House of Corrections, and a 6 month suspension of his driver's license on April 28, 2004.
  
- H. On April 25, 2006 the Wisconsin Department of Transportation suspended

the applicant's driver's license for driver record for 6 months. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.

- I. On April 27, 2006 the Wisconsin Department of Transportation suspended the applicant's driver's license for failure to pay forfeiture for 202 days. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances 100-59-1-b.
- J. On June 20, 2006 the Wisconsin Department of Transportation suspended the applicant's driver's license for failure to pay forfeiture 148 days. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.
- K. On August 2, 2007 the Wisconsin Department of Transportation suspended the applicant's driver's license for failure to pay forfeiture for 208 days. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.
- L. On November 8, 2007 the Wisconsin Department of Transportation suspended the applicant's driver's license for driver record for 6 months. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.
- M. On December 20, 2007 the Wisconsin Department of Transportation suspended the applicant's driver's license for failure to pay forfeiture for 68 days. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.
- N. On December 20, 2007 the Wisconsin Department of Transportation suspended the applicant's driver's license for failure to pay forfeiture for 68 days. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.
- O. On January 17, 2008 the Wisconsin Department of Transportation suspended the applicant's driver's license for failure to pay forfeiture 40 days. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.
- P. On January 17, 2008 the Wisconsin Department of Transportation suspended the applicant's driver's license for failure to pay forfeiture 40 days. The applicant did not return his public passenger vehicle license to

the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.

- Q. On January 31, 2008 the Wisconsin Department of Transportation suspended the applicant's driver's license for failure to pay forfeiture 26 days. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.
- R. On January 31, 2008 the Wisconsin Department of Transportation suspended the applicant's driver's license for failure to pay forfeiture 26 days. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.
- S. On June 3, 2008 the Wisconsin Department of Transportation suspended the applicant's driver's license for failure to pay forfeiture 174 days. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.
- T. In addition to the above items, the driving record abstract of the applicant reveals the following with the last two years of his Wisconsin Operator's Permit:
  - 1. May 5, 2007, convicted, unregistered vehicle, Milwaukee;
  - 2. May 5, 2007, convicted, unregistered vehicle, Waukesha;
  - 3. August 8, 2007, convicted, unregistered vehicle, Waukesha;
  - 4. September 14, 2007, convicted, unregistered vehicle, Waukesha;
  - 5. September 14, 2007, convicted, improper plates, Waukesha;
  - 6. September 24, 2007, convicted, operating while suspended, Waukesha;
  - 7. September 24, 2007, convicted, unregistered vehicle, Waukesha;
  - 8. October 22, 2007, convicted, operating while suspended, Waukesha;
  - 9. November 5, 2007, convicted, operating while suspended, Waukesha;
  - 10. November 5, 2007, convicted, improper lights, Waukesha.
  - 11. February 22, 2008, convicted, operating while suspended, Waukesha;
  - 12. February 22, 2008, convicted, unregistered vehicle, Waukesha;

#### 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.
- 2. Based upon the above facts found, the Committee concludes that the licensee, Kendrick L. Bergemann, has not met the criteria of Chapter 100 of the Milwaukee

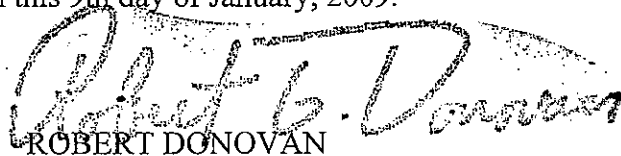
Code of Ordinances or Wis. Stat. § 349.24 to allow renewal of his Public Passenger Vehicle Driver license based upon nonappearance and the police report and driving record abstract.

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 of Kendrick L. Bergemann based upon nonappearance, the police report and driving record abstract.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) excused, recommends that the Public Passenger Vehicle Driver license of Kendrick L. Bergemann not be renewed based upon nonappearance, the police report and driving record abstract.

Dated and signed at Milwaukee, Wisconsin this 9th day of January, 2009.

A handwritten signature in black ink, appearing to read "Robert B. Donovan", is written over a faint, circular stamp or seal.

ROBERT DONOVAN  
Chairman, Public Safety Committee

**COMMITTEE ASSIGNMENTS**

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**MEMBER**

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Steering & Rules Committee



**ROBERT G. DONOVAN**

Alderman, 8th District

Date: January 9, 2009

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Mohd H. Abu Sammour for a Public Passenger Vehicle Driver License.

**FINDINGS OF FACT**

1. Mohd H. Abu Sammour (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 untimely filed with the Office of the City Clerk on November 3, 2008.
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 November 6, 2008, that could form the basis of non-renewal or suspension of this license.
4. On December 18, 2008, 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 January 8, 2009 at 9:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear. The matter was previously scheduled for a hearing on the police report on December 4, 2008 at 9:00 a.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. On March 2, 2006 the Wisconsin Department of Transportation suspended the applicant's driver's license for failure to pay forfeiture for 69 days. The applicant did not return his public passenger vehicle license to the City Clerk as required by Milwaukee Code of Ordinances § 100-59-1-b.
- B. On September 6, 2006 an officer of the Milwaukee Police Department observed the applicant operating a taxicab at 111 East Kilbourn Avenue. The applicant did not have his public passenger vehicle license with him.

The applicant was charged with failure to display public passenger vehicle license and found guilty on November 16, 2006 and fined \$100.00.

- C. On September 26, 2008 an officer of the Milwaukee Police Department observed the applicant operating a taxicab and observed him drop off a fare at Miller Park. The officer spoke with the driver and asked him for his public passenger vehicle license. The applicant did not have his license displayed and retrieved it from the driver's door pocket. The applicant did not have customer complaint forms accessible to the passengers and did not have his daily safety checklist or trip record filled out for that day. The applicant stated that he had just started work.

The applicant was charged with public passenger vehicle license not displayed (fined \$185.00), daily safety checklist required (dismissed without prejudice), trip record required (fined \$185.00) and complaint forms required (dismissed without prejudice). All these matters were in Milwaukee Municipal Court on December 15, 2008 and adjudicated on that date.

- D. The driving record abstract of Mr. Abu Sammour indicates that on October 18, 2006 he was convicted of defective speedometer; on October 27, 2006 he was again convicted of defective speedometer, on November 14, 2006 he was convicted of a miscellaneous driving infraction, on December 14, 2007 he was convicted of speeding, on December 6, 2007 he was convicted of defective speedometer, and on January 4, 2008 he was convicted of obstructing traffic. The Committee specifically notes that such convictions are usually as a result of plea agreements to speeding citations, and the licensee did not dispute that fact. The licensee admitted that only two of the incidents stated above related to his driving his personal vehicle and the remainder occurred while driving a cab.
- E. On August 23, 2007 a complaint was received in the License Division regarding the activities of Mr. Abu Sammour as a taxicab driver for Yellow Cab. That complaint, regarding an episode on August 17, 2007 specifically referenced exceeding the speed limits by 15 to 20 miles per hour, such that the rear of the cab fishtailed when turning a corner, and the



passengers not having access to the name of the driver. The Committee notes these are exactly the same violations which the Milwaukee Police Department found on other occasions in its report. The Yellow Cab Company determined that Mr. Abu Sammour was the driver of the cab on the occasion in question.

- F. Mr. Abu Sammour argued that the police were unfair, he did not display his license because of kidding he received regarding his name, and claimed that complaint forms were not readily accessible because a previous driver used them up in the holder in the rear seat, and did not replace them. The Committee finds that such reasons indicate a lack of checking the cab on the part of the licensee when starting his shift.
- G. Mr. Abu Sammour was also convicted of:  
Parking on a highway on April 21, 2008.  
Speeding-intermediate on August 8, 2008  
Defective speedometer on September 26, 2008
- H. During the hearing in this matter on January 8, 2009, the licensee disclosed that despite his license expiring on October 31, 2008, he continued to drive cab after expiration of his license.

#### 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.
2. Based upon the above facts found, the Committee concludes that the licensee, Mohd H. Abu Sammour, 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, driving record abstract, and citizen complaint.
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 renew the Public Passenger Vehicle Driver license of Mohd H. Abu Sammour with a thirty (30) day suspension based upon the police report, driving record abstract, and citizen complaint.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noe, and one (1) excused, recommends that the Public

Passenger Vehicle Driver license of Mohd H. Abu Sammour be renewed with a thirty (30) day suspension based upon the police report, driving record abstract, and citizen complaint.

Said suspension is to be in effect from the date of the Common Council action on January 16, 2008 and for 30 days thereafter.

Dated and signed at Milwaukee, Wisconsin this 9th day of January, 2009.



ROBERT DONOVAN  
Chairman, Public Safety Committee