

LAW OFFICES OF

**DAVID L. BOROWSKI**

731 N. JACKSON ST. SUITE 824  
MILWAUKEE, WI 53202

(414) 276-8950  
FAX (414) 276-8953

June 11, 2002

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

Dear Alderman Pawlinski:

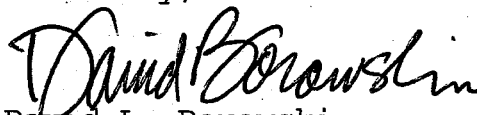
RE: Hearings Conducted Regarding  
Licensed Dwelling Facilities  
(Rooming Houses)

As you know, pursuant to Chapter 275 of the Milwaukee Code of Ordinances, I have, at your request, conducted hearings regarding the applications for renewal of rooming house licenses for the properties located at 2537 North Farwell Avenue, 736 South Third Street, and 902 South Third Street, in the City and County of Milwaukee, Wisconsin. Enclosed please find my Findings of Fact and Conclusions of Law in each of these cases.

I will appear before your committee on Friday, June 14 at 10:00 a.m. to testify and provide my recommendations. At that time, I will be happy to answer any questions you or the members of your committee may have regarding the hearings.

I have provided a copy of my Findings of Fact and Conclusions of Law and Recommendation to each of the applicants (property owners) and the principal complainant in each case. If you have any questions, please contact me. Thank you for retaining me in this matter.

Sincerely,



David L. Borowski  
Attorney at Law

DLB:br  
Enclosures

Ald. Jeff Pawlinski, Chairman  
June 11, 2002  
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cc: As to 2537 North Farwell Avenue:  
Todd Farris, Esq. (Katz Properties)  
Ald. Michael D'Amato

As to 736 South Third Street:  
David Larson  
Dain Maddox

As to 902 South Third Street:  
Mark Sostarich, Esq. (Suzana Crumble)  
Dain Maddox

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MILWAUKEE, WI 53202

(414) 276-8950  
FAX (414) 276-8953

Date: June 11, 2002

To: Utilities and Licenses Committee, of the Milwaukee Common Council

From: Attorney David L. Borowski, Hearing Examiner

Re: Report on the June 3, 2002 evidentiary hearing conducted relative to the objections and complaints filed regarding renewal of the rooming house license of Suzana Crumble for the property located at 902 South Third Street, in the City and County of Milwaukee, Wisconsin

**FINDINGS OF FACTS**

1. Suzana Crumble (hereinafter "the Licensee") is the holder of a rooming house license for the property located at 902 South Third Street, in the City and County of Milwaukee, Wisconsin. The license is subject to annual renewal and expires on June 30, 2002.
2. The Licensee filed an application with the City of Milwaukee Department of Neighborhood Services for renewal of a rooming house license for the property located at 902 South Third Street. The application was filed on March 13, 2002.
3. A number of letters were filed with the City Clerk's office in a timely manner objecting to the renewal of this license. The letters submitted object to the granting of a license for the property at 902 South Third Street. All of the letters submitted make a reference to the fact that there are allegedly too many rooming houses in the general neighborhood of this property. This is an objection to the density of the rooming houses.
4. Pursuant to Section 275-20(9)(b) of the Milwaukee Code of Ordinances (hereinafter "MCO"), on May 21, 2002, the Office of the City Clerk mailed a notice to appear to the Licensee, Suzana Crumble, informing her of the hearing to be held on Monday, June 3, 2002 at 9:00 a.m. in Room 301B of City Hall, said hearing to be heard by Attorney David Borowski to take testimony and render Findings of Fact and Conclusions of Law to the Utilities and Licenses Committee relative to the application for the property located at 902 South Third Street, in the City and County of Milwaukee, Wisconsin.

5. The Licensee was served with the notice to appear, and appeared at the hearing with her counsel. (Transcript p. 75, et seq.)
6. Based upon the sworn testimony of the parties and witnesses, along with the evidence received at the hearing, the hearing examiner finds the following:
  - a. The Licensee owns the rooming house at 902 South Third Street, in the City and County of Milwaukee, Wisconsin.
  - b. The Licensee is the sole owner of this property. It is not "co-owned" by her parents, Mr. and Mrs. Ristic, or any other person or entity. (Transcript p. 75)
  - c. The following persons testified at the hearing:
    - Suzana Crumble
    - Dain Maddox
    - Shari Flaherty
    - Susannah Pierce
    - Dave Martin
    - Don Edwards
    - Christine Belton
    - Don Ristic
    - Steve Archey
  - d. Shari Flaherty, of 229 West Walker Street, testified regarding a confrontation that she had with Suzana Crumble in August of 2000.
  - e. It was clear from the testimony of all witnesses, along with the behavior of the parties at the hearing, that there is a significant amount of animosity between Ms. Crumble and the neighbors (witnesses) that testified at the hearing.
  - f. Ms. Pierce testified that her argument is regarding primarily density and the overall density of rooming houses in her neighborhood. (Transcript p. 37) She also testified to an incident regarding tenants drinking beer at 902 South Third Street on the porch.
  - g. Mr. Dave Martin also testified with regard to density of rooming houses in the one-mile square area surrounding the subject property at 902 South Third Street.
  - h. Many of the witnesses both in writing and at testimony indicated that they objected to the granting of a rooming house license for Suzana Crumble. They did not seem to be objecting to the renewal of a permit that has already been issued in this case.
  - i. Don Edwards is the on-site manager of the property. He used to live at 834 South Third Street. (Transcript p. 82)

- j. Ms. Suzana Crumble testified that she has never been arrested herself and there have been no arrests or police complaints at the subject property. She testified that it is not a house of gambling or prostitution, and that she has not had to evict anyone from this property since she has owned it. She further testified that there are no complaints from the City or city departments at this time. (Transcript pp. 78, 82-83)
- k. The Department of Neighborhood Services appeared by Pandora Bender. She indicated that the Department of Neighborhood Services does not object to the renewal of the license. (Transcript p. 103)
- l. The City of Milwaukee Police Department did not appear at the hearing and has not filed any notice of an objection regarding the renewal of the rooming house license for the subject property.

### CONCLUSIONS OF LAW

- 1. The hearing examiner has jurisdiction to conduct evidentiary hearings and to provide Findings of Fact, Conclusions of Law, and a recommendation to the Utilities and Licenses Committee of the Common Council for the City of Milwaukee pursuant to Section 275-20(9)(f) of the MCO.
- 2. The causes for revocation, suspension and/or non-renewal of rooming house licenses is set forth in the Milwaukee Code of Ordinances Chapter 275-20(7)(q).
- 3. An over-concentration of rooming houses (density) in one particular area is a reason for potential denial of an initial granting of a rooming house license pursuant to MCO 275-20(5)(c-1-d). However, density and/or over-concentration is not a reason to deny a renewal of a license pursuant to the MCO.
- 4. Based upon the above facts, the hearing examiner concludes that the licensed dwelling facility has been operated in accordance with the relevant ordinances.

### RECOMMENDATION

Based upon the above-stated Findings of Fact and Conclusions of Law, I hereby recommend that the rooming house license for the premises located at 902 South Third Street, in the City and County of Milwaukee, Wisconsin should be renewed.

Dated at Milwaukee, Wisconsin this 11<sup>th</sup> day of June, 2002.

By:

  
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DAVID L. BOROWSKI  
Attorney at Law and Hearing Examiner