



Office of the City Clerk

Jim Owczarski
City Clerk

Rebecca N. Grill
Deputy City Clerk

March 20, 2014

Reuben M Katz, Agent
H&R Scrap Metals Co., Inc
9000 W Fond Du Lac Ave
Milwaukee, WI 53225

Atty. Lawrence Zieger
735 North Water Street, Ste 836
Milwaukee, WI 53202

Dear Mr. Katz and Atty. Zieger:


You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, April 22, 2014, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Junk Dealer license for the premises located at 9000 W Fond Du Lac Ave ("H&R Scrap Metals Co").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law, and Recommendation, recommending a 60-day suspension of the Junk Dealer license based on the police report. This recommendation is the result of a public hearing before the Committee held on Tuesday, April 8, 2014.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your Junk Dealer license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. The written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, April 16, 2014 in Room 205 of City Hall. If you wish to file your objections via e-mail, they must be sent to both jowcza@milwaukee.gov and jlcelel@milwaukee.gov. You will be sent an e-mail notification that your objections were received within 24 hours. If you do not receive this notification, please contact City Clerk Jim Owczarski at (414)-286-2998. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting the written objections. You will be given approximately five minutes to present the oral argument.

Respectfully,



JAMES R. OWCZARSKI
City Clerk





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Atty. Lawrence Zieger
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Reuben M Katz, Agent
H&R Scrap Metals Co., Inc
9000 W Fond Du Lac Ave
Milwaukee, WI 53225

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Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law, and Recommendation, recommending a 60-day suspension of the Junk Dealer license based on the police report. This recommendation is the result of a public hearing before the Committee held on Tuesday, April 8, 2014.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your Junk Dealer license based upon the Findings of Fact contained within the Licenses Committee report.

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Respectfully,



JAMES R. OWCZARSKI
City Clerk



CHAIR
• Licenses Committee

MEMBER
• Community and Economic
Development Committee
• Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: April 10, 2014

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Reuben M. Katz as agent for "H&R Scrap Metals Co., Inc." for a junk dealer license.

FINDINGS OF FACT

1. Reuben M. Katz holds a junk dealer license. Said license expires at midnight, April 30, 2014.
2. An application to renew said license was filed with the Office of the City Clerk on February 27, 2014.
3. Pursuant to Chapter 92 of the Milwaukee Code of Ordinances the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report dated March 11, 2014, which could form the basis for denial or suspension of this license.
4. On March 27, 2014 the City Clerk's Office provided notice to the Licensee, pursuant to Chapter 92 of the Milwaukee Code of Ordinances of the police report that could be the basis of non-renewal or suspension of this license. The Licensee was provided a copy of the police report with the notice of hearing. The matter was scheduled for a hearing on the neighborhood objections on April 8, 2014 at 8:45 a.m. The licensee appeared and was represented by represented by Attorney Lawrence Zieger, 735 North Water Street, Suite 836, Milwaukee, WI 53202.
5. Based upon the sworn testimony heard and the evidence received at the hearing the Committee finds the following:
 - A. On March 12, 2012 at 3:00 p.m. an officer was conducting a follow up investigation regarding a theft complaint at H & R Scrap Metals, 9000 West Fond du Lac Avenue. The officer wanted to recover stolen iron sidewalk grates that were located in the scrap yard. The officer informed the applicant that he would be recovering the grates. The applicant stated the police were not going to enter his scrap yard or remove any property from the yard without paying him for the property and providing a receipt. The officer requested a supervisor respond to his location and again informed the applicant that they needed to enter the yard to recover the stolen property. The applicant then directed an employee to park a company flatbed truck in front of the gate to the scrap yard to block their access. A sergeant responded to the location



and again informed the applicant the police needed access. The applicant again refused. The applicant was placed under arrest for obstructing an officer. The truck was removed by an employee and the police were able to enter the yard along with DPW employees and recover the property. Charge: Obstructing an Officer; Finding: Record Check; Date: 07/02/13.

- B. On June 14, 2013 the applicant was cited in the City of Milwaukee for Junk Collector/Dealer-Altered Serial Number and Junk Collector/Dealer-Reporting Required at 9000 West Fond du Lac Avenue. Charge 1: Junk Collector/Dealer-Altered Serial Number, Charge 2: Junk Collector/Dealer-Reporting Required; Finding: Guilty, Municipal Court-both counts; Sentence: 1. \$122.00 fine, 2. \$52.26 fine.
- C. On July 11, 2013, August 13, 2013 and August 15, 2013 officers had a confidential informant conduct sales transactions of copper products with an H & R Scrap employee at the outside scale at 9000 West Fond du Lac Avenue. The July 11, 2013 transaction was audio recorded and August 13, 2013 and August 15, 2013 transactions were audio and video recorded. In each transaction the "CI" enters the business 'office' area and payment/receipt desk. A second employee has the "CI" sign a receipt and pays the "CI" for the sale. The "CI" does not present an ID to conduct the regulated property sale. The "CI" does not receive a receipt of the sale. The "CI" does not sign or complete a PP-16D (Junk Dealer's/Seller's Record of Sale of Purchase). The business does not properly enter the sale transaction into NEWPRS at the close of the business day or at all. All of these are in violation of Chapter 92 ordinance requirements.

On 08/27/13 officers conducted follow up at H & R Scrap, The owner Reuben Katz later arrived at the scene. Katz was summarily arrested for Junk Collector/Dealer-Seller ID Required and issued a citation. He was conveyed to district 4, processed and released.

Officers spoke to an employee regarding their procedures. The employee stated they make the customer sign a slip for payment only and Katz picks them up later. Officers spoke to another employee who stated Katz has told them (employees) that he does not care if they take an ID or not. That employee stated he does not usually ask for an ID or make them sign the Declaration of Ownership and that Katz handles NEWPRS.

Citations from 07/11/13:

Charge 1: Dealers-Transaction Records Content
2: Junk Collector/Dealer-Reporting Required
3: Junk Collector/Dealer-Seller ID Required
Finding: Guilty, Municipal Court-all counts

Sentence:
1: \$ 52.26
2: \$ 52.26
3: \$122.00
Date: 01/22/14

Citations from 08/13/13:
Charge 1: Junk Collector/Dealer-Seller ID Required
2: Dealers-Transaction Records Content
3: Junk Collector/Dealer-Reporting Required
Finding: Guilty, Municipal Court-all counts
Sentence:
1: \$122.00 fine
2: \$52.26 fine
3: \$52.26 fine
Date: 01/22/14

Citations from 08/15/13:
Charge 1: Junk Collector/Dealer-Seller ID Required
2: Dealers-Transaction Records Content
3: Junk Collector/Dealer-Reporting Required
Finding: Guilty, Municipal Court-all counts
Sentence:
1: \$122.00 fine
2: \$52.26 fine
3: \$52.26 fine
Date: 01/22/14

D. On August 27, 2013 officers conducted an investigation at H & R Scrap 9000 Wes Fond du Lac Avenue. The officers observed how business occurred. The officer observed a transaction violation (not having a seller sign a declaration of ownership). He observed a 13-year-old working on the premises without a work permit. The officer spoke to an employee who stated the following: Katz has told them that he does not care if they take ID or not. That he isn't going to comply with city ordinance and that because of this, the employee who usually pays the customer, doesn't ask for ID.

On the grounds of H & R Scrap the officer observed 3 aluminum light poles that appeared to be owned by the City of Milwaukee, An electrical services employee came to the scene and identified the light poles as city property. The officer observed a city manhole cover and frame. The Sewer Division sent out several supervisors who confirmed that those items were City of Milwaukee Property. These items were removed from the yard.

The officer observed two pallets and several other loose pieces of aluminum guard railing, which they first thought was City property. It was confirmed by an employee of Zenith Tech, a construction firm, had recycled the property from the 1-45 project.

Katz did come to the business and had a conversation with the officer regarding the violations. Katz stated Zenith Tech brought in the light poles. It was confirmed with a Zenith Tech employee that they did not recycle lights poles or manhole covers from the 1-45 project. Katz went on to state that he is not bound by City Ordinance 92 and does not and will not follow the city laws. Katz stated that he follows what the state law says only.

A Milwaukee Weights and Measures employee responded and determined the vehicle scale was not up to code and it was shut down. A DNS inspector was also there and wrote up several orders for electrical violations and other issues.

- E. On November 8, 2013 officers went to H & R Scrap at 9000 West Fond du Lac Avenue to issue citations from July 11, 2013, August 13, 2013, and August 15, 2013. They were met by the applicant and his attorney. The officers explained the need to gain and maintain compliance with Milwaukee Code of Ordinances as noted during the earlier violations. Katz and his attorney stated they were making progress and were actively seeking a more efficient computer system to enter their daily reportable transactions.
- F. On January 30, 2014 an officer conducted a licensed premises check at H & R Scrap, located at 9000 West Fond du Lac Avenue. The officer noted compliance with an order for the scale. The officer gave the applicant a NEWPRS sign, which he posted promptly. The officer had checked NEWPRS and found that the applicant had reported regularly after his arrest until 09/26/13, There are 4 entries since then, 1 in November and 3 in January, and H & R Scrap and the applicant are non-compliant with 92-13. The applicant stated he was working with a person to build a "machine" for NEWPRS. The officer confirmed with the person that was building the "machine." She emailed that she was working on the issue, will begin entering January's transactions and is hoping to get the ID scanning machine up and running very soon.
- G. Officer Jeff Thiele appeared and testified that the applicant was not complying with NEWPRS requirements. The business began to comply only after being contacted by the police department. Officer Thiele

stated that he checked NEWPRS record from the current month and found inaccurate data.

- H. Alderman Joe Davis voiced concerns about scrap being collected illegally in the area and did not support renewal.

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 92 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that Reuben M. Katz has not met the criteria of Chapter 92 of the Milwaukee Code of Ordinances to allow renewal of his junk dealer license without a sixty (60) day suspension based upon operation of the business after expiration of her license.
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 suspend the junk dealer license of Reuben M. Katz for sixty (60) days based on operation of the business.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee recommends by a vote of three (3) ayes, one (1) noe and one (1) excused that the junk dealer license of Reuben M. Katz be suspended for sixty (60) days based upon operation of business.

Said suspension is to be in effect from midnight April 30, 2014 and for sixty (60) days thereafter.

Dated and signed at Milwaukee, Wisconsin this 10th day of April, 2014.



TONY ZIELINSKI
Chair, Licenses Committee



Office of the City Clerk

Jim Owczarski
City Clerk

Rebecca N. Grill
Deputy City Clerk

March 20, 2014

Michael M Gilerovich, Agent
Seven Stars Auto Salvage, LLC
9578 N Sequoia Dr
Bayside, WI 53217

Atty. Michael Maistelman
Maistelman & Associates, LLC
8989 N Port Washington Rd, Ste 221
Milwaukee, WI 53217

Dear Mr. Gilerovich and Atty. Maistelman:

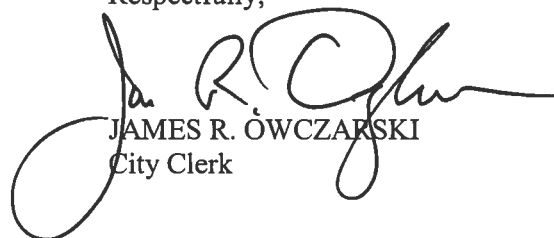
You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, April 22, 2014, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Junk Dealer license for the premises located at 3626 W Mill Rd (“Seven Stars”).

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law, and Recommendation, recommending a 10-day suspension of the Junk Dealer license based on the police report. This recommendation is the result of a public hearing before the Committee held on Tuesday, April 8, 2014.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your Junk Dealer license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. The written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, April 16, 2014 in Room 205 of City Hall. If you wish to file your objections via e-mail, they must be sent to both jowcza@milwaukee.gov and jlcelel@milwaukee.gov. You will be sent an e-mail notification that your objections were received within 24 hours. If you do not receive this notification, please contact City Clerk Jim Owczarski at (414)-286-2998. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting the written objections. You will be given approximately five minutes to present the oral argument.

Respectfully,



JAMES R. OWCZARSKI
City Clerk





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Deputy City Clerk

March 20, 2014

Atty. Michael Maistelman
Maistelman & Associates, LLC
8989 N Port Washington Rd, Ste 221
Milwaukee, WI 53217

Michael M Gilerovich, Agent
Seven Stars Auto Salvage, LLC
9578 N Sequoia Dr
Bayside, WI 53217

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City Clerk



CHAIR

• Licenses Committee

MEMBER

• Community and Economic
Development Committee
• Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: April 10, 2014

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Michael M. Gilerovich as agent for “Seven Stars Auto Salvage, LLC” for a junk dealer license.

FINDINGS OF FACT

1. Michael M. Gilerovich holds a junk dealer license. Said license expires at midnight, April 30, 2014.
2. An application to renew said license was filed with the Office of the City Clerk on February 13, 2014.
3. Pursuant to Chapter 92 of the Milwaukee Code of Ordinances the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report dated March 26, 2014, which could form the basis for denial or suspension of this license.
4. On March 28, 2014 the City Clerk’s Office provided notice to the Licensee, pursuant to Chapter 92 of the Milwaukee Code of Ordinances of the police report that could be the basis of non-renewal or suspension of this license. The Licensee was provided a copy of the police report with the notice of hearing. The matter was scheduled for a hearing on April 8, 2014 at 10:15 a.m. The licensee appeared and was represented by represented by Attorney Michael Maistelman, Maistelman & Associates, LLC, 8989 North Port Washington Road, Suite 221, Milwaukee, WI 53217.
5. Based upon the sworn testimony heard and the evidence received at the hearing the Committee finds the following:
 - A. On 01/30/14 at 10:00 a.m., Milwaukee police conducted a license premise check at 3626 West Mill Road regarding the business’s JD license. An officer spoke with Michael Gilerovich who is the owner and licensee. Gilerovich stated that at this time, they do not take foot traffic into the business for scrap purposes. Gilerovich stated they do purchase cars at the location for junking purposes and that he is in the process of moving to 6440 North 40th Street and has already obtained his occupancy permit and BOZA clearance. The officer advised Gilerovich he needs to make sure his JD license is valid to operate at the new location and that his license from West Mill Road cannot be transferred to the new location. Gilerovich stated he understood and that the move was to take place mid-February.



Gilerovich also stated to the officer that he was approximately seven months behind in sending his junked or crushed VIN information to the State of Wisconsin. Gilerovich also stated he was waiting for new computers to be installed at his new location and would upload the information then. Gilerovich was advised that this was unacceptable and was instructed that the information must be sent sooner, rather than later.

On February 11, 2014, Milwaukee police authored a search warrant for the documents, titles and State MV2459 forms that Gilerovich advised police earlier that he was behind in reporting. The search warrant was reviewed by Assistant District Attorney James Griffin and signed by Honorable Rosa M. Barrillas, Court Commissioner for the First Judicial District of Wisconsin.

- B. On 02/12/14, at 9:42 a.m., Milwaukee police, along with inspectors from DNS, Health Department and Wisconsin Department of Transportation Field Inspection Unit executed the search warrant on Gilerovich and his business. Gilerovich was read and given a copy of the warrant and was asked by police for the items described in the warrant. Gilerovich provided police with an envelope that contained 100 multi-state motor vehicles titles that were confiscated and eventually placed on police inventory. Police believed that based on past admittance that he was seven months behind in reporting, that there had to be more titles, Gilerovich stated he did have those documents but they were at his home in Bayside. Police advised that those titles and files were needed and agreed to sign the consent form allowing police to go to his home and retrieve those files. The investigation also found that the Health Department found evidence that someone in the business was dumping oil and possibly other substances down the city sewer drain. Numerous violations of the City Code were found and issued orders to fix these issues. Also confirmed by DOT in Madison was that the business was not licensed since 2011. It was also learned that Gilerovich was operating another business at 6440 North Street, which officers knew was not licensed. Police conducted another license premise at 6440 North 40th Street and observed several vehicles inside the building with one employee inside. Areas were filled with different car parts and a vehicle lift. Also observed were large containers that stored reclaim gas, oil anti-freeze and other vehicle fluids. The employee was found to be actively dismantling a vehicle, which was raised on a vehicle lift. The employee was identified as Viktor Parfenovich. Parfenovich stated he has been working in this particular building since at least June of 2013 and has operated as an auto wrecker since then. Police ran numerous VINs from both locations and none come back stolen. Police, along with Gilerovich, drove to Gilerovich home to retrieve the documents police were looking for Gilerovich admitted to officers that he knew he should have been sending these titles and VINs in and that he should have been up on his licenses. Examination of the 123

documents recovered found that none of them were entered into the federal reporting site (NMVTIS) as junk by Gilerovich or Seven Stars Auto, but that three had been reported by insurance companies, which does not alleviate Gilerovich from reporting them as junked. The autos were not found to be stolen. However, of the 278 checked, 34 autos had liens still against them and 35 autos had suspended registration. None were found to have been reported to the state as junked. This case was being reviewed in the DA's office on March 17, 2014.

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 92 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 92 of the Milwaukee Code of Ordinances to allow renewal of his junk dealer license without a ten (10) day suspension based upon the police report.
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 suspend the junk dealer license of Michael M. Gilerovich for ten (10) days based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee recommends by a vote of three (3) ayes, one (1) noe and one (1) excused that the junk dealer license of Michael M. Gilerovich be suspended for ten (10) days based upon the police report.

Said suspension is to be in effect from midnight April 30, 2014 and for ten days thereafter.

Dated and signed at Milwaukee, Wisconsin this 10th day of April, 2014.



TONY ZIELINSKI
Chair, Licenses Committee



Office of the City Clerk

Jim Owczarski
City Clerk

Rebecca N. Grill
Deputy City Clerk

April 10, 2014

Kelly Hamaker
7936 S 116th St
Franklin, WI 53132

Dear Ms. Hamaker:

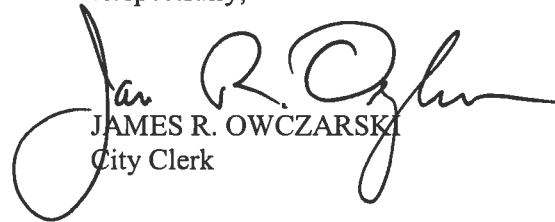
You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, April 22, 2014, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "D" Operator's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law, and Recommendation, recommending nonrenewal of your Class "D" Operator's licenses, based upon nonappearance. This recommendation is the result of a public hearing before the Committee held on Tuesday, April 8, 2014.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "D" Operator's licenses based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. The written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, April 16, 2014 in Room 205 of City Hall. If you wish to file your objections via e-mail, they must be sent to **both** jowcza@milwaukee.gov and jlcelel@milwaukee.gov. You will be sent an e-mail notification that your objections were received within 24 hours. If you do not receive this notification, please contact City Clerk Jim Owczarski at (414)-286-2998. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting the written objections. You will be given approximately five minutes to present the oral argument.

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City Clerk



CHAIR

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MEMBER

• Community and Economic
Development Committee
• Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: April 10, 2014

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Kelly J. Hamaker

FINDINGS OF FACT

1. Kelly J. Hamaker (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2013,
2. An application to renew said license was filed with the Office of the City Clerk.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On March 31, 2014 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on April 8, 2014 at 1:00 p.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. A notice of the hearing as well as a copy of the police report was sent to Kelly J. Hamaker, 7936 South 116th Street, Franklin, Wisconsin 53132 on March 31, 2014 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 7936 South 116th Street, Franklin, Wisconsin 53132 on is the address given by the Licensee on her application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on April 8, 2014.



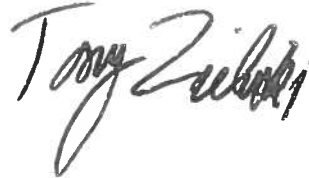
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Kelly J. Hamaker has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's 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 Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Operator's license held by Kelly J. Hamaker based upon nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, recommends that the Class "D" Operator's License not be renewed based upon a nonappearance.

Dated and signed at Milwaukee, Wisconsin this 10th day of April, 2014.



TONY ZIELINSKI
Chairman Licenses Committee



Office of the City Clerk

Jim Owczarski
City Clerk

Rebecca N. Grill
Deputy City Clerk

March 20, 2014

Adam D Kirchner, Agent
Dick's Pizza, LLC
730 N Milwaukee St
Milwaukee, WI 53202

Atty. Michael Whitcomb
633 W Wisconsin Ave, Ste 510
Milwaukee, WI 53203

Dear Mr. Kirchner and Atty. Whitcomb:

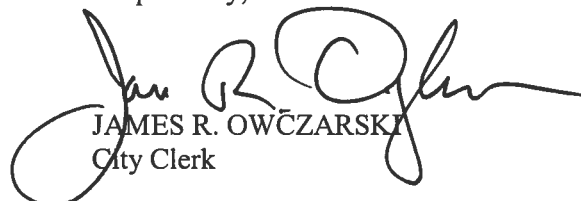
You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, April 22, 2014, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Extended Hours Establishment license for the premises located at 730 N Milwaukee St ("Dick's").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law, and Recommendation, recommending a 30-day suspension of the Extended Hours Establishment license based on the police report, neighborhood testimony, and aldermanic testimony. This recommendation is the result of a public hearing before the Committee held on Tuesday, April 8, 2014.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your Extended Hours Establishment license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. The written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, April 16, 2014 in Room 205 of City Hall. If you wish to file your objections via e-mail, they must be sent to both jowcza@milwaukee.gov and jlcelel@milwaukee.gov. You will be sent an e-mail notification that your objections were received within 24 hours. If you do not receive this notification, please contact City Clerk Jim Owczarski at (414)-286-2998. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting the written objections. You will be given approximately five minutes to present the oral argument.

Respectfully,


JAMES R. OWCZARSKI
City Clerk





Office of the City Clerk

Jim Owczarski
City Clerk

Rebecca N. Grill
Deputy City Clerk

March 20, 2014

Atty. Michael Whitcomb
633 W Wisconsin Ave, Ste 510
Milwaukee, WI 53203

Adam D Kirchner, Agent
Dick's Pizza, LLC
730 N Milwaukee St
Milwaukee, WI 53202

Dear Mr. Kirchner and Atty. Whitcomb:

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Respectfully,


JAMES R. OWCZARSKI
City Clerk



CHAIR

• Licenses Committee

MEMBER

• Community and Economic
Development Committee
• Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: April 10, 2014

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Adam D. Kirchner, Agent for Dick's Pizza, LLC, for an extended hours establishment renewal application for the premises located at 730 North Milwaukee Street in the City and County of Milwaukee, Wisconsin ("Dick's").

FINDINGS OF FACT

1. Adam D. Kirchner (hereinafter the "Licensee") is the holder of an extended hours establishment renewal application for the premises located at 730 North Milwaukee Street in the City and County of Milwaukee, Wisconsin ("Dick's"). Said license expires at midnight, April 30, 2014.
2. An application to renew said license was filed with the office of the City Clerk on February 20, 2014.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of these licenses on March 8, 2014.
4. On March 27, 2014 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of an amended report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on April 8, 2014, commencing at 9:30 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee appeared and was represented by Attorney Michael Whitcomb, 633 West Wisconsin Avenue, Suite 510, Milwaukee, WI 53203-1918.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On December 15, 2013 at 1:37 a.m. a Milwaukee police officer was notified by citizens that "a guy was bleeding in front of Dick's and needed help." The officer responded to Dick's Pizza (730 North Milwaukee Street) and discovered a subject seated on the ground with an injury to his forehead. The investigation revealed the injured subject had been involved in an altercation while



inside the business and was escorted out by security. As he was being escorted out, the injured subject slipped on the floor and struck his head on the windowsill in the foyer of the business. The injured subject was conveyed to St. Mary's hospital where he received 12 stitches to close a laceration on his forehead. An incident report was filed.

- B. On January 10, 2014 at 1:41 a.m. a subject, who identified him self as the manager at Dick's Pizza (730 North Milwaukee Street) exited the business and requested assistance from a police officer assigned to Code RED in the 700 block of North Milwaukee Street. The officer entered the business and discovered a subject (James Haarsma) on the floor with an injury to his head, being assisted by a bouncer (Theophilus Brooks). The investigation revealed Haarsma had become loud and boisterous while inside the business and was asked to leave by Brooks. Haarsma refused and his actions caused Brooks to fear for his safety. Brooks took Haarsma to the floor. Haarsma Began to thrash around striking his head on a VIP rope stanchion. Police arrived shortly after Brooks began to administer first aid. Haarsma was cited for and later convicted of disorderly conduct.
- C. Mark Gleischmann, 719 North Milwaukee testified that police reports for the establishment are incomplete. He stated that he has witnessed loitering outside the establishment and that he believes police have not adequately dealt with the issue.
- D. Joe Taylor, 715 North Milwaukee testified that he has witnessed fights outside of the establishment.
- E. Jennifer Strickas, 715 North Milwaukee testified that the noise, traffic and litter have been issues. She has seen litter with the business's name on it.
- F. Alderman Ashanti Hamilton moved to make photos from Mark Gleischmann (Exhibit 1) and Joe Taylor (Exhibit 2) part of the record.
- G. Jonathan Hunde, 1710 North Commerce, No. 421, stated that the establishment does not use branded boxes. He also stated that individuals fighting on the street may be coming from other establishments.
- H. Benjamin Alzade, 1141 North Old World Third Street stated that traffic comes from many businesses in the area.
- I. Zachariah Rezick, 2222 South 3rd Street, stated that the establishment is a good place for individuals in the service to visit at night.
- J. Giovanni Tymena, S79W1551 Foxboro Place, Muskego stated that he is a frequent patron and thinks it is a good place for people to settle down at night.

- K. Myesha Coca, N65W130 Marygold, Muskego stated that the establishment helps individuals to wind down after bars close and that people are able to then go home safely.
- L. Austin Sopa, 3722 East Layton Avenue stated he feels safe at the establishment.
- M. Rebecca Barris, 2017 North Hubbard stated she works on the street and stated that the establishment is the only place to order food after bars close.
- N. Kimberly Kirchner, 6775 North Rainer Road, stated that many of the issues can be handled by employees. She stated that one of the objectors has attempted to cause additional issues at the establishment.
- O. Alderman Robert Bauman stated that he has been hearing complaints from neighbors for years. He stated that altercations are a result of the establishment. He stated he was not in support of renewal.

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 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Adam D. Kirchner, has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his extended hours establishment license without undergoing a thirty (30) day suspension of said license based upon the police report, neighborhood testimony and aldermanic testimony. The Committee finds the police report, neighborhood testimony and aldermanic testimony 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 Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the extended hours establishment license for the premises located at 730 North Milwaukee in the City and County of Milwaukee, Wisconsin ("Dick's") with a thirty (30) day suspension based upon the police report, neighborhood testimony and aldermanic testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, zero (0) noes and two (2) excused recommends that the extended hours establishment license be renewed with a thirty (30) day suspension based on the police report, neighborhood testimony and aldermanic testimony.

Said suspension is to be in effect between 12:01 a.m. on May 1, 2014 through midnight, May 30, 2014.

Dated and signed at Milwaukee, Wisconsin this 10th day of April, 2014.

A handwritten signature in black ink that reads "Tony Zielinski". The signature is written in a cursive style with a large, sweeping initial "T".

TONY ZIELINSKI, Chair
Licenses Committee