

COMMITTEE ASSIGNMENTS

CHAIR

Public Safety Committee

MEMBER

Anti-Graffiti Policy Committee
Finance & Personnel Committee
Steering & Rules Committee



ROBERT G. DONOVAN
Alderman, 8th District

December 11, 2009

To the Honorable, the Common Council

Dear Members:

Common Council File 090864 contains recommendations of non-renewal for the following private alarm system businesses:

Robert Sherman, Agent for "Monitronics International, Inc.", Private Alarm System Business renewal application with change of officer for "Monitronics International, Inc." at 2350 Valley View Lane, Dallas, TX.

Robert Sherman, Agent for "Monitronics Security, LP", Private Alarm System Business renewal application with change of officer for "Monitronics Security, LP" at 2350 Valley View Lane, Dallas, TX.

Aaron Wahrsager, Agent for "Nationwide Digital Monitoring Company", Private Alarm System Business renewal application with change of officer for "Nationwide Digital Monitoring Company" at 75 W. Merrick Road, Freeport, NY. (committee vote: 3 ayes and one no – Ald. Puente)

Steven Zolman, Agent for "Pinnacle Security, LLC", Private Alarm System Business renewal application with change of member for "Pinnacle Security" at 1290 S. Sandhill Road, Orem, UT. (committee vote: 3 ayes and one no – Ald. Puente)

With regard to the file listed above, the Public Safety Committee held an evidentiary hearing on December 10th.

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 matters 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, December 22, 2009** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

Robert G. Donovan, Chair
Public Safety Committee

COMMITTEE ASSIGNMENTS

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Anti-Graffiti Policy Committee

Finance & Personnel Committee

Steering & Rules Committee



ROBERT G. DONOVAN

Alderman, 8th District

Date: December 11, 2009

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Robert N. Sherman, as Agent for a Private Alarm System Business renewal applications for Monitronics International, Inc., located at 2350 Valley View Lane, Dallas, Texas.

FINDINGS OF FACT

1. Robert N. Sherman (hereinafter the "Licensee") is the holder of a Private Alarm System Business licenses for Monitronics International, Inc. doing business at 2350 Valley View Lane, Dallas, Texas. Said license expires at midnight, December 31, 2007.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 29, 2009.
3. Pursuant to Chapter 105-75 of the Milwaukee Code of Ordinances, the application 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 this license dated October 30, 2009. There was also a complaining customer regarding the business practices of the licensee.
4. On November 23, 2009 the City Clerk's Office provided notice to the Licensee pursuant to Chapter 105-75-6 of the Milwaukee Code of Ordinances of the police report that could form the basis for non-renewal or suspension and included a copy of the police reports together with the information provided by the complaining customer. The matter was scheduled for hearing on December 10, 2009 at 11:30 a.m., and the licensee did appear and admitted receipt of the notice of hearing and related materials.
6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. The Milwaukee Police Department investigation regarding this application revealed the following:

1. On October 31, 2007 Monitronics International reported to the Milwaukee Police Department a panic alarm at 2876 North 48th Street. A panic alarm is a prohibited alarm signal. Mr. Sherman was issued a citation for prohibited alarm and it was dismissed on January 2, 2008 without prejudice.
2. On October 31, 2007 Monitronics International reported to the Milwaukee Police Department a panic alarm at 1304 South 28th Street. A panic alarm is a prohibited alarm signal. Mr. Sherman was issued a citation for prohibited alarm and it was dismissed on January 2, 2008 without prejudice.
3. Between January 1, 2008 and December 31, 2008 the Milwaukee Police Department received 53 non-verified burglar alarm calls from Monitronics in violation of § 105-75-14(g), Milwaukee Code of Ordinances. Pursuant to Wis. Stat. § 801.11(5) citations were not issued for these violations due to citation service issues.
4. Between January 1, 2009 and April 30, 2009 the Milwaukee Police Department received 46 non-verified burglar alarm calls from Monitronics in violation of § 105-75-14(g), Milwaukee Code of Ordinances. Pursuant to Wis. Stat. § 801.11(5) citations were not issued for these violations due to citation service issues.
5. Between May 1, 2009 and September 17, 2009 the Milwaukee Police Department received 31 non-verified burglar alarm calls from Monitronics in violation of § 105-75-14(g), Milwaukee Code of Ordinances. Pursuant to Wis. Stat. § 801.11(5) citations were not issued for these violations due to citation service issues.

Police Alarm Operator Ann McCarthy has maintained an on-going dialog with a representative of Monitronics (Katie Gilder) regarding these violations and has received repeated assurances that the number of calls in violation of municipal ordinances would be reduced.

B. Minnie H. Johnson (she initialed each page) maintained a log of harassing and annoying calls from Monitronics as follows:

June	Time	
6/4	8:50	1-800-890-6025
6/4	7:25 P	1-800-890-6025
6/8	10:47	1-800-246-6155

6/9	7:20 P	1-800-785-6155
6/11	10:59 A	1-800-246-6155
6/11	7:51	"
6/11	8:25 P	"
6/11	4:30 P	"
6/13	7:38 A	"
6/15	9:31 A	1-800-890-6025
6/17	1:44 P	"
6/16	10:45 A	"
6/4	8:05	"
6/18	9:25	"
6/19	12:41	1-800-246-6155
6/22	3:59 P	1-800-690-6025
6/22	7:41 P	"

17 June calls

July	Time	Telephone Number
7/19	6:37	800-890-6025
7/21	7:41	281-504-4439
7/22	11:59	785-246-6155
7/23	4:54	785-246-6155
7/24	4:34	785-246-6155
7/24	10:04	785-246-6155
7/24	12:50	785-246-6155
4:29	7:28	800-447-9239
7/28	1:26	800-890-6025
7/22	11:59	785-246-6155
7/23	3:29	?
7/23	4:54	785-246-6155
7/24	12:50	785-246-6155
7/28	4:29	800-447-9239
7/21	7:41	281-504-4439 new

15 July calls

Date	Time	Telephone Numbers
8/3	4:45	
8/1	9:34	
8/4		twice
8/27	6:43	1-800-447-9239
	5:43	9890 586-9890
	3:13	586-4701
	3:05	1-800-447-9239
	6:43	1-800-447-9239
	2:50	1-785-246-6155

8/28 9:29 1-785-246-6155

A total of 52 calls made during the month of August 2009. Ms. Johnson noted that the bill is not due until the 28th day of the month

Date	Time	Telephone Numbers
8/6/09	4:36 P	1-178-600-0000
"		1-600-000-0000
"	4:35 P	1-786-246-6155
"	5:36	1-785-246-6155
"	8:41	1-800-447-9239
"	1:36	1-800-890-6025
8/4	9:20	1-785-246-6155
"	10:55	1-800-447-9239
"	4:12	1-800-890-6025
"	1:17	1-800-890-6025
8/14	5:28	1-785-246-6155
"	6:59	1-866-946-8452
8/17	10:31	1-800-586-4701
"	12:18	1-785-246-6155
"	2:03	1-800-447-9232
8/19		1-800-447-9232
8/21	12:52	1-800-447-9239
"	5:29	1-800-447-9239
8/24	1:44	1-800-447-9239
"	8:25	1-800-447-9239
"	6:25	1-785-246-6155
"	7:59	1-800-447-9239
"	10:31	1-866-806-2380
		and more than recorded

Date	Time	Telephone numbers
8/24	7:57	1-800-447-9239
8/25	10:30	1-866-806-2380
8/24	7:59	1-800-447-9239
8/25	10:36	1-866-806-2380
8/25	10:31	1-866-806-2380
"	1:56	1-800-447-9239
"	2:43	1-800-447-9239
"	3:29	1-800-447-9239
"	7:09	1-800-447-9239 hung up – called
"	7:07	1-800-447-9239 right back
8/26	7:56	1-786-246-6155
	9:29	"
8/26	6:43	1-800-447-9239

8/26		
	3:13	1-800-586-4701
	3:05	800-447-9239
	2:50	785-246-6155
	2:19	800-447-9239
8/28	9:29	785-246-6155

Monitronics called Ms. Johnson at least 6 times on 8/28/09
 The calls started at 9:29 and ended after 6:00 pm on 8/28/09

Date	Time	
9/11/09	10:50 A	1-800-447-9239
	12:35 P	785-408-5139 new
	4:20 P	1-800-447-9239
9/12/09	11:26 A	1-800-447-9239
	12:15 P	"
	1:13	"
9/14/09	1:05 P	1-800-447-9239
	1:15 P	1-800-852-4640 new
	1:51 P	1-800-447-9239
	5:46 P	1-800-447-9239
9/15/09	2:21 P	1-800-447-9239
	9:15 A	1-800-447-9239
9/16/09	1:50 P	1-800-447-9239
	2:16 P	1-785-246-6155 new
	2:36 P	1-800-447-9239
	3:22 P	1-800-447-9239
	7:09	1-800-447-9239
9/17/09	1:04	
	1:19	19 + 4 = 23

Date	Time	
9/17/09	1:04	1-800-447-9239
	1:19	1-800-872-0712 new
	1:51	800-447-9239
	6:05	800-447-9239

At hearing the agent of the Licensee testified that only three of the calls were made by Monitronics, and the rest were made by a collection agency contracted by Monitronics for such work.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact

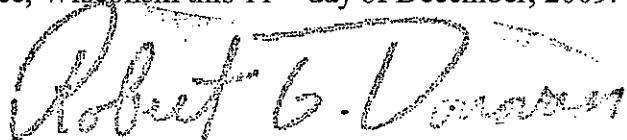
and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 105-75-7 and -9 of the Milwaukee Code of Ordinances.

2. Based upon the above facts found, the Committee concludes that the licensee, Robert N. Sherman, as agent for Monitronics International, Inc has not met the criteria of Chapter 105-75-9 of the Milwaukee Code of Ordinances to allow renewal of the Private Alarm System Business licenses he holds as Agent for Monitronics International, Inc., because of the police report, and testimony of Ms. Johnson.
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 discretion and judgment to not renew the Private Alarm System Business license held by Monitronics International, Inc., Robert N. Sherman, agent, based upon the police report and testimony of Ms. Minnie Johnson.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes and one (1) excused recommends that the Private Alarm System Business Licenses held by Robert N. Sherman, Agent, Monitronics International, Inc. be denied renewal based upon the police report, and public testimony.

Dated and signed at Milwaukee, Wisconsin this 11th day of December, 2009.



ROBERT G. DONOVAN, Chair
Public Safety Committee

152839

COMMITTEE ASSIGNMENTS

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Public Safety Committee

MEMBER

Anti-Graffiti Policy Committee
Finance & Personnel Committee
Steering & Rules Committee



ROBERT G. DONOVAN

Alderman, 8th District

Date: December 11, 2009

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Robert N. Sherman, as Agent for a Private Alarm System Business renewal applications for Monitronics Security, LP located at 2350 Valley View Lane, Dallas, Texas.

FINDINGS OF FACT

1. Robert N. Sherman (hereinafter the "Licensee") is the holder of a Private Alarm System Business license for Monitronics Security, LP doing business at 2350 Valley View Lane, Dallas, Texas. Said license expires at midnight, December 31, 2009.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 29, 2009.
3. Pursuant to Chapter 105-75 of the Milwaukee Code of Ordinances, the application 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 this license dated October 30, 2009. There was also a complaining customer regarding the business practices of the licensee.
4. On November 23, 2009 the City Clerk's Office provided notice to the Licensee pursuant to Chapter 105-75-6 of the Milwaukee Code of Ordinances of the police report that could form the basis for non-renewal or suspension and included a copy of the police reports together with the information provided by the complaining customer. The matter was scheduled for hearing on December 10, 2009 at 11:30 a.m., and the agent of the licensee appeared and admitted receipt of the notice of hearing and related materials.
6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. The Milwaukee Police Department investigation regarding this application revealed the following:

1. On October 31, 2007 Monitronics International reported to the Milwaukee Police Department a panic alarm at 2876 North 48th Street. A panic alarm is a prohibited alarm signal. Mr. Sherman was issued a citation for prohibited alarm and it was dismissed on January 2, 2008 without prejudice.
2. On October 31, 2007 Monitronics International reported to the Milwaukee Police Department a panic alarm at 1304 South 28th Street. A panic alarm is a prohibited alarm signal. Mr. Sherman was issued a citation for prohibited alarm and it was dismissed on January 2, 2008 without prejudice.
3. Between January 1, 2008 and December 31, 2008 the Milwaukee Police Department received 53 non-verified burglar alarm calls from Monitronics in violation of § 105-75-14(g), Milwaukee Code of Ordinances. Pursuant to Wis. Stat. § 801.11(5) citations were not issued for these violations due to citation service issues.
4. Between January 1, 2009 and April 30, 2009 the Milwaukee Police Department received 46 non-verified burglar alarm calls from Monitronics in violation of § 105-75-14(g), Milwaukee Code of Ordinances. Pursuant to Wis. Stat. § 801.11(5) citations were not issued for these violations due to citation service issues.
5. Between May 1, 2009 and September 17, 2009 the Milwaukee Police Department received 31 non-verified burglar alarm calls from Monitronics in violation of § 105-75-14(g), Milwaukee Code of Ordinances. Pursuant to Wis. Stat. § 801.11(5) citations were not issued for these violations due to citation service issues.

Police Alarm Operator Ann McCarthy has maintained an on-going dialog with a representative of Monitronics (Katie Gilder) regarding these violations and has received repeated assurances that the number of calls in violation of municipal ordinances would be reduced.

B. Minnie H. Johnson (she initialed each page) maintained a log of harassing and annoying calls from Monitronics as follows:

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A total of 52 calls made during the month of August 2009. Ms. Johnson noted that the bill was not due until the 28th day of the month.

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Monitronics called Ms. Johnson at least 6 times on 8/28/09
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	12:15 P	"
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9/14/09	1:05 P	1-800-447-9239
	1:15 P	1-800-852-4640 new
	1:51 P	1-800-447-9239
	5:46 P	1-800-447-9239
9/15/09	2:21 P	1-800-447-9239
	9:15 A	1-800-447-9239
9/16/09	1:50 P	1-800-447-9239
	2:16 P	1-785-246-6155 new
	2:36 P	1-800-447-9239
	3:22 P	1-800-447-9239
	7:09	1-800-447-9239
9/17/09	1:04	
	1:19	19 + 4 = 23

Date	Time	
9/17/09	1:04	1-800-447-9239
	1:19	1-800-872-0712 new
	1:51	800-447-9239
	6:05	800-447-9239

At hearing the agent of the Licensee testified that only three of the calls were made by Monitronics, and the rest were made by a collection agency contracted by Monitronics for such work.

CONCLUSIONS OF LAW

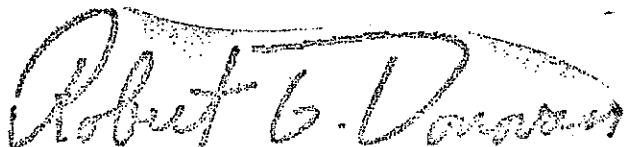
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 105-75-7 and -9 of the Milwaukee Code of Ordinances.

2. Based upon the above facts found, the Committee concludes that the licensee, Robert N. Sherman, as agent for Monitronics Security, LP has not met the criteria of Chapter 105-75-9 of the Milwaukee Code of Ordinances to allow renewal of the Private Alarm System Business license he holds as Agent for Monitronics Security, LP, because of the police report, and the testimony of Ms. Johnson.
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 discretion and judgment to not renew the Private Alarm System Business license held by Monitronics Security, LP, Robert N. Sherman, Agent, based upon the police report and testimony of Ms. Minnie Johnson.

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 Private Alarm System Business License held by Robert N. Sherman as Agent for Monitronics Security, LP, be denied renewal based upon the police report, and public testimony.

Dated and signed at Milwaukee, Wisconsin this 11th day of December, 2009.



ROBERT G. DONOVAN, Chair
Public Safety Committee

COMMITTEE ASSIGNMENTS

CHAIR

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MEMBER

Anti-Graffiti Policy Committee
Finance & Personnel Committee
Steering & Rules Committee



ROBERT G. DONOVAN

Alderman, 8th District

Date: December 11, 2009

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Steven P. Zolman, as Agent for a Private Alarm System Business renewal application for Pinnacle Security, LLC doing business at 1290 South Sandhill Road, Orem Utah ("Pinnacle Security").

FINDINGS OF FACT

1. Steven P. Zolman, Agent for Pinnacle Security, LLC (hereinafter the "Licensee") is the holder of a Private Alarm System Business license doing business at 1290 South Sandhill Road, Orem Utah ("Pinnacle Security"). Said license expires at midnight, December 31, 2009.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 27, 2009.
3. Pursuant to Chapter 105-75 of the Milwaukee Code of Ordinances, the application 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 this license dated October 5, 2007. There were also warning letters from the Wisconsin Department of Agriculture, Trade and Consumer Protection Division regarding this licensee.
4. On November 23, 2009, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 105-75-6 of the Milwaukee Code of Ordinances of the police report that could form the basis for non-renewal or suspension and included a copy of the police report and warning letters from the Wisconsin Department of Agriculture, Trade and Consumer Protection Division. The matter was originally scheduled for hearing on December 10, 2009 at 11:45 a.m., and the licensee did appear and admit receipt of the notice and related materials by Attorney Rich Goates, 1290 Sandhill Road, Orem, Utah 84058 on behalf of the Licensee and Agent of the Licensee.

6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. From January 1, 2009 through April 30, 2009 Pinnacle Security has contacted the Milwaukee Police Department via emergency telephone lines 38 times with non-verified burglar alarm calls. This is a violation of Milwaukee Municipal Ordinance § 105-75-14(G), which requires an alarm business to first contact a private first responder to determine whether or not a crime has been committed prior to contacting police. A police report (PASS) was generated in lieu of citations being written because of out-of-state citation service issues.
 - B. From May 1, 2009 through August 13, 2009 Pinnacle Security has contacted the Milwaukee Police Department via emergency telephone lines 17 times with non-verified burglar alarm calls. This is a violation of Milwaukee Municipal Ordinance § 105-75-14(G), which requires an alarm business to first contact a private first responder to determine whether or not a crime has been committed prior to contacting police. A police report (PASS) was generated in lieu of citations being written because of out-of-state citation service issues.
 - C. Police Alarm Operator Ann McCarthy reports receiving a phone call on May 5, 2009 from a citizen complaining that Pinnacle Security had misled her into believing that Milwaukee police respond to alarms from their company based on a 2-way speaker system. This citizen indicated that she canceled her service with Pinnacle Security once she learned that police do not respond to non-verified alarms.
 - D. Police Alarm Operator Ann McCarthy reports receiving a phone call on May 5, 2009 from a citizen reporting that 2 representatives from Pinnacle Security had come to her door asking her to cancel her current alarm system. These representatives told the citizen that Milwaukee police would respond to Pinnacle's 2-way speaker alarm system. Police Alarm Operator McCarthy informed the citizen that the Milwaukee Police Department does not respond to non-verified alarms. The citizen did not sign up with Pinnacle.
 - E. Police Alarm Operator Ann McCarthy reports receiving a phone call on July 16, 2009 from an investigator with the State Bureau of Consumer Protection (Linda DePons). Ms. DePons informed Police Alarm Operator McCarthy that her office had received 6 complaints regarding the Pinnacle and APX companies since 2007. Ms. DePons indicates her department has sent warning letters regarding unethical business practices to Pinnacle. These complaints include:

1. High-pressure sales tactics, telling customers to receive free Installation they must do so today.
2. Pinnacle misrepresents the cost of the system.
3. Hidden fees. Pinnacle representatives do not disclose all fees, such as citizens having to pay extra for security guard service (this information is not shared at time of sign up).

F. Michael Lawton from the State Bureau of Consumer Protection-Department of Financial Institutions informed Police Alarm Operator Ann McCarthy that his department has determined that Pinnacle is not providing credit disclosures required by the Wisconsin Consumer Act or the Federal Truth in Lending Act.

G. There were four warning letters from the Department of Agriculture, Trade and Consumer Protection as noted below:

June 30, 2009

Direct Marketing-Face-to-Face Solicitations
Wis. Adm. Code § ATCP 127, Subchapter IV

Disclosure prior to sale. Disclosure required. Face-to-face transaction, a seller shall disclose all of the following to a consumer, in writing, before the consumer enters into any purchase contract and before the seller takes the consumer's credit card number or accepts any payment from the consumer.

(e) The seller's policy related to refunds, cancellations, exchanges or repurchases if any of the following apply:
Wis. Stat. Admin. Code ATCP 127.64(1)(e)

December 9, 2008

No person shall make an advertisement, announcement, statement or representation which is untrue, deceptive or misleading to induce a sale.
Wis. Stat. § 100.18(1)ATCP 127, Subchapter IV

Direct marketing – face-to-face solicitations
Wis. Admin. Code § ATCP 110.02(6)(b)

Made false, deceptive or misleading representations in order to induce a person to enter into a contract, to obtain or keep any payment, or to delay performance under a home improvement contract.
Wis. Admin. Code § ATCP 110.02(11)

September 19, 2007

No person shall make an advertisement, announcement, statement or representation which is untrue, deceptive or misleading to induce a sale.
Wis. Stat. § 100.18(1)

July 23, 2007

Falsey used “Model Home” sales presentation to lower the price.
Wis. Admin. Code § ATCP 110.02(1)

Offered free gift or bonus without disclosing conditions of offer.
Wis. Admin. Code § ATCP 110.02(5)

Accepted payment for materials or services which the seller did not intend to provide or had reason to believe would not be provided.
Wis. Admin. Code § ATCP 110.02(7)(b)

Made false, deceptive or misleading representations in order to induce a person to enter into a contract, to obtain or keep any payment, or to delay performance under a home improvement contract.
Wis. Admin. Code § ATCP 110.02(11)

Direct marketing – face-to-face solicitations
Wis. Admin. Code § ATCP 127, Subchapter IV

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 105-75-7 and -9 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Steven P. Zolman, as agent for Pinnacle Security, LLC has not met the criteria of Chapter 105-75-9 of the Milwaukee Code of Ordinances to allow the renewal of the Private Alarm System Business license based on the police report, complaints and warning letters. The Public Safety Committee finds the police report and warning letters issued by the Wisconsin Department of Agriculture, Trade and Consumer Protection Division, 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 discretion and judgment to not renew the Private Alarm System Business license held by Pinnacle Security, LLC, Steven P. Zolman, agent, based upon the police report and warning letters from the Wisconsin Department of Agriculture, Trade and Consumer Protection Division.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) no and one (1) excused voted to not renew this license based on the police report, complaints and warning letters.

Dated and signed at Milwaukee, Wisconsin this 11th day of December, 2009.

A handwritten signature in black ink, appearing to read "Robert G. Donovan".

ROBERT G. DONOVAN, Chair
Public Safety Committee

126337

COMMITTEE ASSIGNMENTS

CHAIR

Public Safety Committee

MEMBER

Anti-Graffiti Policy Committee

Finance & Personnel Committee

Steering & Rules Committee



ROBERT G. DONOVAN

Alderman, 8th District

Date: December 11, 2009

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Aaron Wahrsager, as Agent for a Private Alarm System Business renewal application for "Nationwide Digital Monitoring Company" doing business at 75 West Merrick Road, Freeport, New York ("Nationwide Digital Monitoring Company").

FINDINGS OF FACT

1. Aaron Wahrsager, as Agent (hereinafter "Licensee") for a Private Alarm System Business renewal application for "Nationwide Digital Monitoring Company" doing business at 75 West Merrick Road, Freeport, New York ("Nationwide Digital Monitoring Company"). Said license expires at midnight, December 31, 2009.
2. An application to renew said license was timely filed with the Office of the City Clerk on November 9, 2009.
3. Pursuant to Chapter 105-75 of the Milwaukee Code of Ordinances, the application 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 this license dated November 10, 2009.
4. On November 23, 2009, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 105-75-6 of the Milwaukee Code of Ordinances of the police report that could form the basis for non-renewal or suspension and included a copy of the police report. The matter was scheduled for hearing on December 10, 2009 at 11:15 a.m. and the licensee did appear and was represented by Attorney Arthur E. Beck, Beck, Chaet, Bamberger & Polsky, S.C., Two Plaza East, Suite 1085, 330 East Kilbourn Avenue, Milwaukee, Wisconsin 53202.
6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On April 28, 2008 police alarm operator Ann McCarthy spoke to Joseph Vitellaro, a central station manager of Nationwide Monitoring Company and advised Mr. Vitellaro of five non-verified burglar alarm calls received from the Nationwide Company from January 1, 2008 to April 27, 2008. Mr. Vitellaro was also informed of Milwaukee's verified response alarm policy. Mr. Vitellaro seemed familiar with Milwaukee's alarm policies and stated to Ms. McCarthy that these calls were made in error and he would make the necessary changes to prevent further calls from coming in. Upon reviewing Nationwide's record of burglar alarms, Ms. McCarthy found that calls relayed to the Milwaukee Police Department during the alarm business license year from January 1, 2008 through September 30, 2009 revealed that the company called in a total of 29 non-verified burglar alarm calls to on the Milwaukee Police Department emergency telephone lines. Calls received in violation continue to be relayed to the Milwaukee Police Department from Nationwide in spite of being informed of Milwaukee's burglar alarm policy. This is a violation of municipal ordinance § 105-75-14(G).
- B. At hearing the representative of the licensee attempted to explain that some of the non-verified calls were because of installation errors and soft ware problems. The representative also explained that the call of September 30, 2009 was not a client of the licensee.

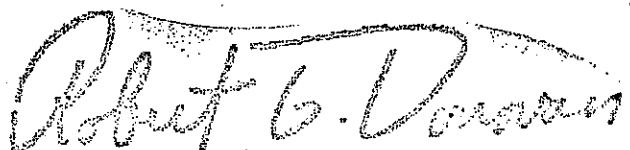
CONCLUSIONS OF LAW

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 105-75-7 and -9 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Aaron Wahrsager, as agent for Nationwide Digital Monitoring Company has not met the criteria of Chapter 105-75-9 of the Milwaukee Code of Ordinances to allow the renewal of the Private Alarm System Business license based on the police report and testimony at hearing.
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 discretion and judgment to not renew the Private Alarm System Business license held by Nationwide Digital Monitoring Company, Aaron Wahrsager, Agent, based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) no and one(1) excused voted to not renew the Private Alarm System Business license held by Aaron Wahrsager as agent for Nationwide Digital Monitoring Company.

Dated and signed at Milwaukee, Wisconsin this 11th day of December, 2009.

A handwritten signature in black ink, appearing to read "Robert G. Donovan".

ROBERT G. DONOVAN, Chair
Public Safety Committee

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