



JAMES A. BOHL JR.
Alderman, 5th District

March 29, 2004

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 031489

Recommendation of nonrenewal of the Class "D" Bartender license of Elsa Mata based upon non-appearance and police report.

Recommendation of nonrenewal of the Public Passenger Vehicle Driver's License of Corey Smith based upon non-appearance.

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on March 23, 2004.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), 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.

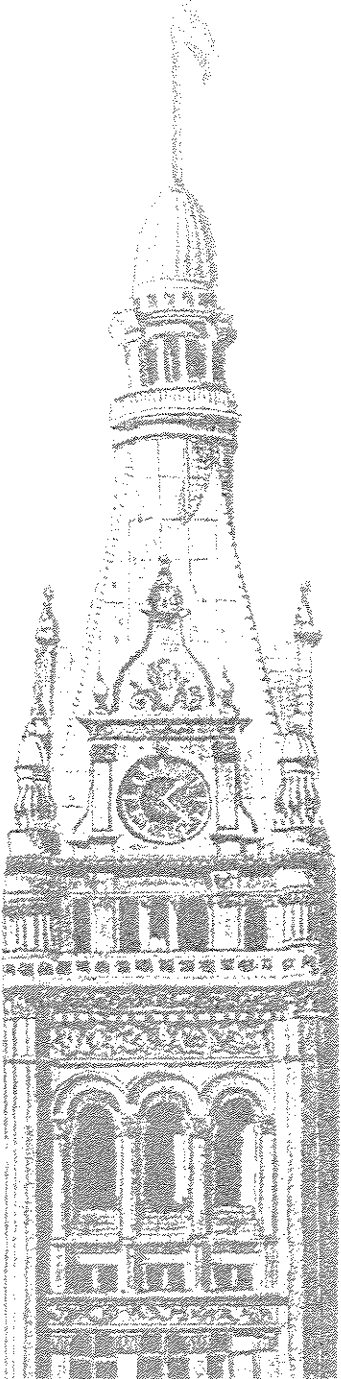
These matters have been scheduled for a hearing before the full Common Council at its meeting on Tuesday, **April 13, 2004** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "James A. Bohl Jr." in a cursive style.

James A. Bohl, Jr., Chair
Utilities & Licenses Committee

cc: Common Council/City Clerk - License Division
All Council Members
File No. 031489





JAMES A. BOHL JR.
Alderman, 5th District

Date: March 25, 2004

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D"
Bartender License of Elsa Mata.

FINDINGS OF FACT

1. Elsa Mata (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2003.
2. An untimely application to renew said license was filed with the Office of the City Clerk on December 23, 2003.
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. On December 24, 2003, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On March 12, 2004, 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 March 23, 2004, commencing at 9:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee failed to appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. Notice of the hearing as well as a copy of the police report was sent to Elsa Mata at 1805 South 25th Street, Lower, Milwaukee, WI 53204 on March 12, 2004 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 1805 South 25th Street, Lower, Milwaukee, WI 53204 is the address given by the applicant 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 March 23, 2004.
- B. On November 15, 1993, Elsa Mata was arrested in Milwaukee County for operating while intoxicated. On November 16, 1993 she was convicted and her driver's license was suspended for nine months.
- C. On April 8, 1994, Elsa Mata was arrested in Milwaukee County for operating while intoxicated. On April 28, 1994 she was convicted and her driver's license was revoked for 18 months.
- D. On November 2, 1994, Elsa Mata was arrested in Milwaukee County for operating while intoxicated. On December 5, 1994 she was convicted and her driver's license was revoked for three years.
- E. On August 29, 2003, Elsa Mata was arrested by the West Allis police for operating while intoxicated (fourth offense) (misdemeanor). The case was scheduled for adjudication on January 8, 2004 at 8:30 a.m.
- F. This matter has been scheduled before the Utilities and Licenses Committee three times and three times the applicant has failed to appear when scheduled.

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 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, Elsa Mata, 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 her Class "D" Bartender's license. The Committee finds the police report to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, based upon the above facts found, the full Common Council of the City of Milwaukee should exercise its discretion to not renew the Class "D" Bartender license of Elsa Mata because of her refusal to appear before the Committee and because of the matters contained in her police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes to zero (0) noes, recommends that the Class "D" Bartender License not be renewed based on non-appearance and police report.

Dated and signed at Milwaukee, Wisconsin this 25th day of March, 2004.

A handwritten signature in black ink that reads "James A. BOHL Jr." The signature is written in a cursive style with a prominent "B" and "H".

JAMES A. BOHL, Jr., Chair
Utilities and Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: March 25, 2004

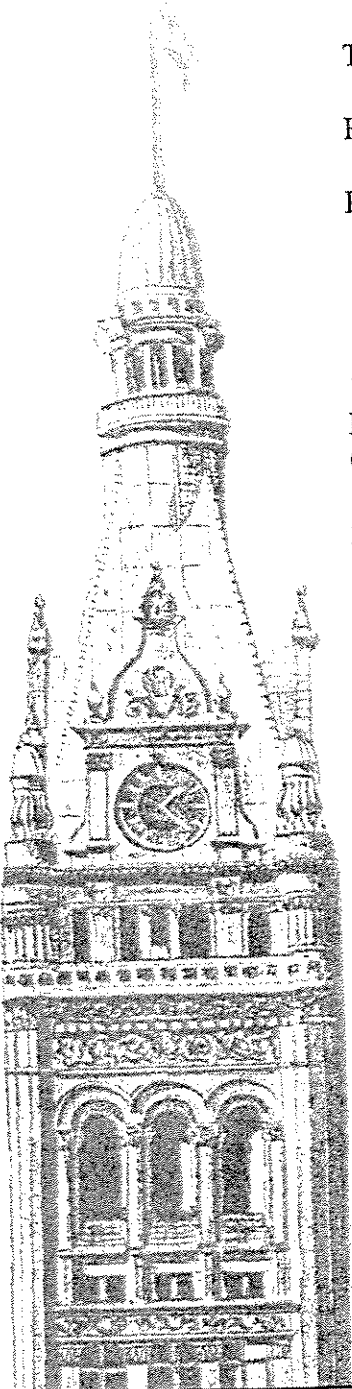
To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Corey J. Smith for a Public Passenger Vehicle Driver renewal application.

FINDINGS OF FACT

1. Corey J. Smith (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license. Said license expires at midnight, October 31, 2003.
2. An application to renew said license was filed with the Office of the City Clerk on February 2, 2004.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. There was a Milwaukee Police Department objection dated February 11, 2004, which could form the basis for non-renewal or suspension of the license.
4. On March 12, 2004, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 100 of the Milwaukee Code of Ordinances of police objections 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 objections on March 23, 2004 at 9:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did not appear nor was he represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:



- A. Notice of the hearing on the police department objection together with a copy of the objection was sent to Corey J. Smith at 2502 North 45th Street, Milwaukee, Wisconsin 53210 on March 12, 2004 by United States first-class prepaid mail in an envelope bearing the return address of the License Division. On the date set for hearing, March 23, 2004 at 9:00 a.m. in Room 301B, the licensee renewal applicant failed to appear. The address of 2502 North 45th Street, Milwaukee, Wisconsin 53210 was the address listed by the applicant on his application as his address.

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 100 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Corey J. Smith has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances to allow renewal of his Public Passenger Vehicle Driver license based upon non-appearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes recommends that the Public Passenger Vehicle Driver license of Corey J. Smith not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this 25th day of March, 2004.



JAMES A. BOHL, Jr., Chair
Utilities and Licenses Committee

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