

CITY OF MILWAUKEE

**NOTICE OF CLAIM AND CLAIM PURSUANT TO WISC. STAT. § 893.80(1)**

To: City of Milwaukee  
c/o Ronald D. Leonhardt  
City Clerk  
City Hall, Room 205  
200 E. Wells Street  
Milwaukee, WI 53202

2011 MAY -2 PM 3: 27

OFFICE OF  
CITY ATTORNEY

COAL. SERVICE  
5-2-11 9:49 AM  
By Pat Doyle

**Introduction**

1. Pursuant to Wisc. Stat. § 893.80(1)(a), Wisconsin residents Ghaleb Ibrahim, Jatinder S. Cheema, and Amitpal Singh (“Claimants”) hereby give notice to the City of Milwaukee, via its agent the City Clerk, that the City categorically forbids them from the opportunity to apply for new public passenger vehicle permits to operate taxicabs, and thereby has injured each of them. At a minimum, the City’s action violates Article I, Section 1 of the Wisconsin Constitution, which guarantees Claimants the right to earn an honest living free from arbitrary regulations. Article I, Section 1 recognizes that “All people are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness.” As the Wisconsin Supreme Court has stated, “any person is at liberty to pursue any lawful calling, and to do so in his own way, not encroaching on the rights of others.” *State v. Withrow*, 228 Wisc. 404, 407 (1938).

2. The City’s refusal to issue new taxicab permits is based upon Milwaukee Code § 100-50(3)(a). That provision states “Effective January 1, 1992, no new public passenger vehicle permits for taxicabs may be issued.” The only exceptions are when a permit holder retains its permit but changes its form of business (such as through incorporation), or when one permit holder transfers his permit to another. § 100-50(3)(a)-1, (a)-2. Claimants do not qualify under these exceptions.

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RONALD D. LEONHARDT  
CITY CLERK

3. In compliance with the code, the City has not issued any new taxicab permits since 1991. There are approximately 321 taxicab permits. That number cannot, by law, go up. The ratio of cabs to residents in Milwaukee is approximately 1 for every 1,900 people, far higher than most comparably sized American cities. The demand for taxis unsurprisingly far exceeds their availability.

4. Thus, if a person wants to start a taxicab business that can operate in Milwaukee, he must purchase a permit from a permit holder of one of the approximately 321 permits. The arbitrary and artificial scarcity of the number of legal taxicabs has caused the market price of a taxicab permit to rise to approximately \$150,000. This is more than the average cost of a single-family home in Milwaukee.

5. Claimants are experienced Milwaukee taxi drivers. All of them are first generation immigrants who came to this country seeking the American Dream. All hold or recently held Milwaukee taxi driver licenses, hold valid Wisconsin drivers licenses, have rented and operated taxicabs from existing permit holders, and have the financial means to buy and insure their own taxicabs and run their own safe taxicab businesses under applicable city regulations. The only impediment to their pursuing the occupation of their calling—the entry-level business of simply owning and running a taxicab business—is the refusal of the City to issue new taxicab permits. Although Claimants have the means to purchase a vehicle, insure it, pay operating costs, and pay the \$175.00 fee the City charges for a public passenger permit, Claimants do not have the financial means to purchase a permit from a current permit holder at the going rate of approximately \$150,000.

6. Ordinance § 100-50(3)(a) therefore violates Claimants' right to earn an honest living guaranteed by the Wisconsin Constitution by arbitrarily requiring them to spend approximately \$150,000 just for the ability to legally own and operate a taxicab.

**Event Giving Rise to this Claim**

7. Section 100-50(3)(a) itself is an ongoing injury to Claimants.

8. In addition, on April 28, 2011 Claimant Ghaleb Ibrahim, on his behalf and on behalf of the other Claimants, orally inquired in person with the City of Milwaukee's Office of the City Clerk License Division as to whether, despite § 100-50(3)(a)'s explicit language, there was any way that he and the other Claimants could each apply for new taxicab permits that were not presently held by someone else. A representative of the License Division stated that he could not apply and receive taxicab permits unless existing permit holders transferred permits to them, as the plain language of § 100-50(3)(a) states. Mr. Ibrahim then said that when he began driving a Milwaukee taxicab over twenty years ago a person could simply apply for a permit without purchasing one from an existing holder. The representative said that was no longer the law and that Mr. Ibrahim would have to buy a permit from an existing holder if he wanted to own and operate a taxicab.

9. This Notice of Claim and Claim is filed within 120 days of the ongoing injury caused by § 100-50(3)(a) and the above-described statements of a representative of the City made on April 28, 2011. This Notice of Claim therefore conforms with Wisc. Stat. § 893.80(1)(a).

**Itemized Statement of Relief Sought**

10. Pursuant to Wisc. Stat. § 893.80(1)(b) Claimants demand that the City of Milwaukee repeal § 100-50(3)(a) and (b), and replace these provisions with language that allows

persons, including Claimants, who do not presently have public passenger vehicle permits for taxicabs, but otherwise qualify under the City's regulations, to apply for and be issued new permits.

11. Claimants suggest the City adopt the following language for an amended § 100-50(3)(a) and (b):

- (a) Any person who otherwise qualifies under this Chapter for a public passenger vehicle permit for a taxicab shall be issued one by the Office of the City Clerk.
- (b) Eligibility for a public passenger vehicle permit for a taxicab shall not depend upon the issuance of other such permits to other persons.

12. Claimants also demand nominal damages in the amount of one dollar.

13. Claimants do not demand that the City of Milwaukee take any existing permits away from any existing holders, just that persons who do not hold taxicab permits have the right to apply and be issued new taxicab permits.

**Name and Address of Claimants**

14. Pursuant to Wisc. Stat. § 893.80(1)(b) the City of Milwaukee is hereby notified that the names and addresses of the Claimants are:

Jatinder S. Cheema  
4601 S. First St., Apt. 236  
Milwaukee, WI 53207

Ghaleb Ibrahim  
5031 N. 83<sup>rd</sup> St.  
Milwaukee, WI 53218

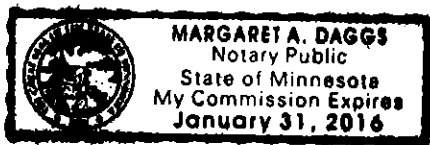
Amitpal Singh  
3265 S. 60<sup>th</sup> St.  
Milwaukee, WI 53219

Dated: April 28, 2011

STATE OF MINNESOTA )  
 ) ss:  
COUNTY OF HENNEPIN )

SUBSCRIBED AND SWORN TO  
before me this 28<sup>th</sup> day of April, 2011:

*Margaret Daggs*  
\_\_\_\_\_  
Notary Public



Respectfully submitted by Attorneys for Claimants,

*Lee U. McGrath*  
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Lee U. McGrath (Wisc. Bar No. 1077218)  
Anthony B. Sanders\* (MN Bar No. 0387307)

*\*Not licensed in the State of Wisconsin*  
INSTITUTE FOR JUSTICE  
MINNESOTA CHAPTER  
527 Marquette Ave., Suite 1600  
Minneapolis, MN 55402  
Tel: (612) 435-3451  
Fax: (612) 435-5875  
Email: lmgrath@ij.org, asanders@ij.org