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Office of the City Clerk

May 13, 2009

**Ronald D. Leonhardt**  
City Clerk

**Jim Owczarski**  
Deputy City Clerk

Robert P. Burke  
2575 North Prospect Avenue, No. 2  
Milwaukee, WI 53211

Dear Mr. Burke:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 27, 2009, 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 the renewal of your Class "D" Bartender 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 renewal of your license with a thirty (30) day suspension based upon the police report. The recommendation is the result of a public hearing before the Committee held on May 11, 2009.

You may file a written objection to the report of the Licenses Committee. If you file a written objection to the report you may also appear before the Milwaukee Common Council to make oral arguments supporting your written objections and present oral arguments supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk in Room 205 of City Hall by 4:45 p.m. on May 21, 2009. You or a legal representative may then also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,  
  
RONALD D. LEONHARDT  
City Clerk

Enclosure



**JAMES A. BOHL JR.**  
Alderman, 5th District

Date: May 13, 2009  
To: All Members of the Milwaukee Common Council  
From: Licenses Committee  
Re: Report on the Renewal Application of the Class "D" Bartender License of Robert P. Burke

#### FINDINGS OF FACT

1. Robert P. Burke (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, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on December 10, 2008.
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 11, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On April 29, 2009, 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 May 11, 2009 at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear but was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. The licensee's driver's license revealed the following convictions:

9/5/2002	Operating while intoxicated (1 <sup>st</sup> ) Glendale Municipal Court
11/21/2008	Operating while intoxicated (2 <sup>nd</sup> ) Milwaukee County Circuit Court.

#### CONCLUSIONS OF LAW

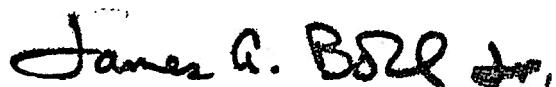
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Robert P. Burke, 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" Bartender license without undergoing a thirty (30) day suspension of said license 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 should exercise its discretion to renew the Class "D" Bartender license held by Robert P. Burke with a thirty (30) day suspension based upon the police report.

#### 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) no, recommends that the Class "D" Bartender license be renewed with a thirty (30) day suspension based upon the police report.

Said suspension shall be in effect from the date of the Common Council action on May 27, 2009 and for 30 days thereafter.

Dated and signed at Milwaukee, Wisconsin this 13th day of May, 2009.



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JAMES A. BOHL, Jr.  
Chair, Licenses Committee