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May 23, 2002

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VIA MESSENGER

Mr. Ronald D. Leonhardt
City Clerk
Room 205 - City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: ***Utilities and Licenses Meeting Notice dated May 21, 2002 - (Wednesday, May 29, 2002, 9:00 a.m. hearing before Attorney David Borowski relative to rooming house license application for premises at 2537 North Farwell Avenue in the Third Aldermanic District)***

Dear Mr. City Clerk:

The owner of the apartment building at 2537 North Farwell Avenue received the above-referenced notice on Wednesday, May 22, 2002, indicating that a hearing has been scheduled before a hearing officer on Wednesday, May 29, 2002, at 9:00 a.m. in Room 301A of City Hall.

This communication is to address various matters with respect to the hearing. In particular:

1. **Hearing Agenda.** If there is a printed agenda for hearings scheduled before this hearing officer for May 29, 2002, I would appreciate receiving a copy of it as well as any rules and procedures established by the Common Council for hearings conducted by a hearing officer.

2. **File Name and Number.** If there is a separate file for this matter I would appreciate receiving the file name and file number so that I may have someone examine the file at your office. In lieu of an examination we would appreciate receiving copies of any materials in the file together with an invoice for the cost of the requested copies.

3. **Request for Common Council Order.** Section 275-20-9-d-4, Ordinances, dictates that the Chair of the Utilities and Licenses Committee shall be the presiding officer over hearings of this type. However, § 275-20-9-f, Ordinances, authorizes that the hearing be conducted by a

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hearing officer for the purpose of taking testimony and recommending findings of fact and conclusions of law. In that regard, I would like to obtain a copy of any finding and order made by the Common Council pursuant to § 275-20-9-d-4, Ordinances, that it is impractical for the full Utilities and Licenses Committee to hold an evidentiary hearing in the above matter and the information that constitutes the grounds for such a finding.

If there is no such finding and order, then I would appreciate receiving a copy of any other written document which directed that this procedure take place with respect to this property in the fashion set forth in the May 21, 2002, Utilities and Licenses Meeting notice.

4. The Hearing Examiner. I note that the May 21, 2002, notice identifies Attorney David Borowski as the hearing examiner for the Committee regarding objections to the renewal of this rooming house application. The notice states only one reason for possible denial of the application: an "aldermanic objection." The aldermanic complaint appended to the notice is a verified letter dated March 25, 2002, from Michael S. D'Amato, Alderman for the Third District.

As a matter of note I further understand that Alderman D'Amato is also Chairman of the Judiciary and Legislation Committee. I understand that Alderman D'Amato's committee will make a recommendation in the near future to the entire Common Council with respect to the appointment of the new municipal judge to fill the vacancy that will be created in the municipal court when Judge Louis Butler is sworn in as a Milwaukee County Circuit Court judge. In fact, there were several recent press reports regarding the names of the finalists from which one or more candidates for appointment will be selected and considered by the Judiciary and Legislation Committee.

The critical question in my mind is whether you can confirm that the hearing officer in this matter, Attorney David Borowski, is the same municipal Court Commissioner David Borowski who will be considered by Alderman D'Amato's committee for elevation to the municipal court. A written response in that regard would be appreciated.

Finally, I would like to know how to communicate with either Commissioner or Attorney Borowski in the event I wish to file any matters prior to the May 29, 2002 hearing. If you could let me know his official address and telephone number, I will forward materials directly to him with copies to you for the file.

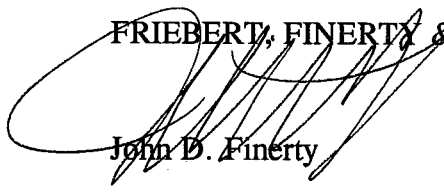
In addition, as counsel for the owner of this apartment building, I would appreciate receiving copies of all future notices or documents in this matter. If these requests present any problems please call me at you earliest possible convenience.

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Thank you for your kind attention to this request for information.

Very truly yours,

~~FRIEBERT, FINERTY & ST. JOHN, S.C.~~



John D. Finerty

JDF/kg

cc: Ald. Michael S. D'Amato - Third Aldermanic District (via messenger)