

COMMITTEE ASSIGNMENTS

CHAIR

Public Safety Committee

MEMBER

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



ROBERT G. DONOVAN

Alderman, 8th District

September 5, 2008

To the Honorable, the Common Council

Dear Members:

Common Council File 080517 contains the following recommendation:

Suspension, based on cancellation of liability insurance and nonappearance, of the public passenger vehicle permits, permit #174, #175 and #176, of Kathleen Barian, Agent for KAS Transportation, Inc.

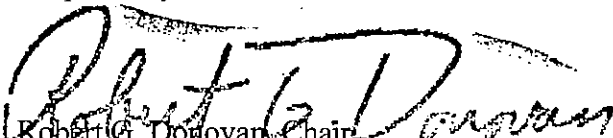
With regard to the file listed above, the Public Safety Committee held an evidentiary hearing on September 4th.

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, September 16, 2008** at 9:00 A.M. in the Common Council Chambers.

Respectfully,


Robert G. Donovan, Chair
Public Safety Committee

cc: All Council Members
Files 080517

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ROBERT G. DONOVAN

Alderman, 8th District

Date: September 5, 2008

To: All Members of the Milwaukee Common Council

From: Public Safety Committee

Re: Report on complaint seeking the revocation of Public Passenger Vehicle Permit Nos. 174, 175 and 176 for luxury limousines of Kathleen A. Barbian, d/b/a KAS Transportation, Inc. at 6329 28th Avenue, Kenosha, Wisconsin.

FINDINGS OF FACT

1. Kathleen A. Barbian (hereinafter the "Licensee") is the holder of Public Passenger Vehicle Permits Nos. 174, 175 and 176 for luxury limousines for the business known as KAS Transportation, Inc. at 6329 28th Avenue, Kenosha, Wisconsin. Said Public Passenger Vehicle Permits were issued on May 1, 2007 and expire on April 30, 2009.
2. A complaint seeking the revocation of said permits was filed with the City Clerk by Richard Pfaff, License Division of the City Clerk, on July 8, 2008.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances (hereafter "MCO"), the complaint and a summons demanding the appearance of the Licensee before the Public Safety Committee of the Milwaukee Common Council on September 4, 2008 at 1:30 PM were served on Kathleen A. Barbian as Licensee of KAS Transportation, Inc. located at 6329 29th Avenue, Kenosha, Wisconsin on August 26, 2008 by Sergeant Chester Ulickey, an officer of the Milwaukee Police Department.
4. At said date, time and place, neither the Licensee nor the agent nor any attorney appeared.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. The Complainant in this action is currently employed as the Assistant Manager of the License Division of the Office of the City Clerk of the City of Milwaukee. The Complainant has been so employed since July, 2005. The Complainant is generally responsible for the overall management of the License Division of the Office of the City Clerk of the City of Milwaukee. As such, the Complainant has overall responsibility for the maintenance of records, documents, and files kept in the ordinary conduct of business of the License Division relative to the application, renewal and non-renewal process for all classes of public passenger vehicle permits described in Chapter 100 of the Milwaukee Code of Ordinances. The Complainant's office is responsible for the issuance of such permits if and when the Milwaukee Common Council grants them.
 - B. The Respondent, Kathleen A. Barbian ("Barbian"), is an adult resident of Milwaukee County and resides at 2965 S 94th St, West Allis, Wisconsin 53227. Barbian is currently the agent for the purposes of the Public Passenger Vehicle Permits (the "Permits") issued for a 2001 Lincoln Town Car Executive bearing vehicle identification number 1L1FM81W81Y609014, a 2001 Lincoln Navigator bearing vehicle identification number 5LMFU28A3ILJ04482, and a 2002 Lincoln Town Car Signature bearing vehicle identification number 1LNF1M82W82Y654378 (the "Licensed Vehicles").
 - C. The Respondent, KAS Transportation, Inc. ("KAS Transportation"), is a Wisconsin business corporation (State ID No. K026766) of which Dennis R. Ritt, Jr. is the registered corporate agent and has its home office and principal place of business at 6329 28th Avenue, in the City of Kenosha, as of April 1, 2008.
 - D. Respondent KAS Transportation is the owner or lessee of the License Vehicles, which it operates as luxury limousines.
 - F. On May 30, 2007, the Common Council of the City of Milwaukee granted the Permits for the Licensed Vehicles to Respondent Barbian, as agent for Respondent KAS Transportation.
 - H. On July 6, 2007, the License Division of the Office of the City Clerk

of the City of Milwaukee (the "License Division") issued the Permits for the Licensed Vehicles to Respondent Barbian, as agent for Respondent KAS Transportation. The Permits were issued with an effective date of May 1, 2007 and an expiration date of April 30, 2009.

- I. The provisions of § 100-53-1, Milwaukee Code of Ordinances, provides that no person may operate or obtain a license to operate a public passenger vehicle unless the person has given to the License Division and there is in full force and effect at all times while the person is driving or operating a public passenger vehicle, on file with the License Division, either a surety bond, insurance policy, deposit in escrow or a certificate of self-insurance.
- J. At the time of issuance of the aforementioned permits there existed a certificate of liability insurance indicating that a policy of insurance (Policy No. CA00206928) had been issued to the Respondent KAS Transportation for the aforementioned Licensed Vehicles effective January 21, 2007, and expiring January 21, 2008.
- K. On November 27, 2007, the License Division of the Office of the City Clerk forwarded to Respondent Barbian letters advising the Respondent KAS Transportation that the insurance policy for the Licensed Vehicles will expire on January 21, 2008, and that any lapse in insurance coverage will result in the suspension of the Permits. Those letters further advised the Respondent KAS Transportation that failure to submit proof of insurance within 45 days of suspension will result in revocation of the Permits pursuant to § 100-53-2-b, Milwaukee Code of Ordinances.
- L. On January 22, 2008, the License Division of the Office of the City Clerk forwarded to Respondent Martin a letter advising the Respondent KAS Transportation that the insurance policy for the Licensed Vehicles expired on January 21, 2008, and that the lapse in insurance coverage has resulted in the suspension of the Permits. The letter further advised the Respondent KAS Transportation that failure to submit proof of insurance within 45 days of the date of suspension will result in revocation of the Permits pursuant to § 100-53-2-b, Milwaukee Code of Ordinances.
- M. As of July 8, 2008, the Respondent KAS Transportation failed to provide to the License Division new surety bonds, direct obligations, insurance policies, or cash sufficient to comply with the

requirements of § 100-53-1, Milwaukee Code of Ordinances relating to the Licensed Vehicles.

- N. At the time of the hearing on this matter before the Public Safety Committee of the Milwaukee Common Council on September 4, 2008, the Respondent KAS Transportation or anyone on its behalf failed to appear to challenge the aforementioned facts.

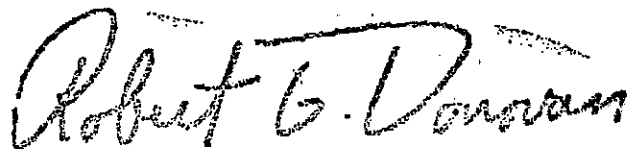
CONCLUSIONS OF LAW

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 100 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee finds that the Licensee, KAS Transportation, Kathleen A. Barbian, agent, has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances to allow the continued operation of Public Passenger Vehicle Permits Nos. 174, 175 and 176.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to revoke the Public Passenger Vehicle Permit Nos. 174, 175 and 176 for the licensed premises at 6329 28th Avenue, Kenosha, Wisconsin ("KAS Transportation, Inc.") held by Kathleen A. Barbian, agent, based upon nonappearance and cancellation of liability insurance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes recommends that the Public Passenger Vehicle Permits Nos. 174, 175 and 176 held by Kathleen A. Barbian be revoked based upon nonappearance and cancellation of insurance.

Dated and signed at Milwaukee, Wisconsin this 5th day of September, 2008.



ROBERT G. DONOVAN,
Chairman, Public Safety Committee