



Office of the City Clerk

Ronald D. Leonhardt  
City Clerk

Jim Owczarski  
Deputy City Clerk

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April 24, 2009

Nicholas Buzzell, Agent  
Metzger & Buzzell, LLC  
2026 North 49<sup>th</sup> Street  
Milwaukee, WI 53208

Andy Kapfenstein  
4121 West Martin Drive, No. 301  
Milwaukee, WI 53208

Dear Mr. Buzzell and Mr. Kapfenstein:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 5, 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 loading zone permit for the premises at 4110 West Martin Drive, Milwaukee, Wisconsin.

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 that the complaint seeking revocation of the loading zone permit be dismissed and the request denied. The recommendation is the result of a public hearing before the Committee held on April 21, 2009. The complaint of Andy Kapfenstein seeking revocation of the loading zone permit was dismissed due to the complainant not appearing and not presenting any evidence in support of the complaint.

Any party may file a written objection to the report of the Licenses Committee. If written objections are filed to the report a party may also appear before the Milwaukee Common Council to make oral arguments supporting the 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 by 4:45 p.m. on April 30, 2009 in Room 205 of City Hall. 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: April 24, 2009

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the revocation of the loading zone permit of Nicholas Buzzell, Agent for Metzger & Buzzell, LLC for the premises located at 4110 West Martin Drive in the City and County of Milwaukee, Wisconsin

#### FINDINGS OF FACT

1. Nicholas Buzzell, agent for Metzger & Buzzell, LLC (hereinafter the "Permitee") is the holder of a loading zone permit for 4110 West Martin Drive in the City and County of Milwaukee, Wisconsin. Said permit will expire at midnight, November 30, 2010.
2. An application to renew said loading zone permit was filed with the Office of the City Clerk on September 23, 2008, and the permit was granted and issued on November 7, 2008.
3. The Office of the City Clerk received a complaint seeking revocation of the permit from Mr. Andy Kapfenstein on March 3, 2009 claiming that the permittee had violated the terms of use of the loading zone permit for the premises located at 4110 Martin Drive in the City and County of Milwaukee, Wisconsin. The complaint sought revocation of the loading zone permit.
4. Pursuant to Chapters 85 and 101 of the Milwaukee Code of Ordinances the permittee was served with the sworn complaint, summons, and copies of Chapters 85 and 101 of the Milwaukee Code of Ordinances on April 9, 2009 commanding his presence before the Licenses Committee of the Milwaukee Common Council at 8:30 am on April 21, 2009 in Room 301B of City Hall. The complainant was notified by United States First Class pre-paid mail of the date time and place of hearing also on April 9, 2009. At said date, time and place, the permittee did appear and admitted receipt of the notice of possible non-renewal of the

loading zone permit. The permittee was not represented by counsel. The complainant did not appear and did not provide evidence in support of the complaint that had been filed.

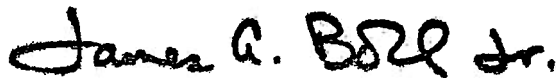
#### CONCLUSIONS OF LAW

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 Chapters 85 and 101 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found the Licenses Committee concludes that the allegations of the sworn complaint filed by Mr. Andy Kapfenstein have not been proven and therefore the complaint should be dismissed and the request for revocation of the loading zone permit held by Nicholas Buzzell, Agent for Metzger & Buzzell, LLC for the premises located at 4110 West Martin Drive in the City and County of Milwaukee, Wisconsin should be denied.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, zero (0) noes, and two (2) excused, recommends that the complaint seeking the revocation of the loading zone held by Nicholas Buzzell for the premises located at 4110 West Martin Drive in the City and County of Milwaukee, Wisconsin be dismissed and the request be denied.

Dated and signed at Milwaukee, Wisconsin this 24th day of April, 2009.



JAMES A. BOHL, Jr.  
Chair, Licenses Committee