

COMMITTEE ASSIGNMENTS

CHAIR

Public Safety Committee

MEMBER

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



ROBERT G. DONOVAN

Alderman, 8th District

October 23, 2009

To the Honorable, the Common Council

Dear Members:

Common Council File 090684 contains the following recommendation:

Renewal, with a 10-day suspension based on the police report, of the public passenger vehicle driver's license of Mohamad Hamdan. (Committee votes: 4 ayes and one no – Ald. Witkowski).

With regard to the file listed above, the Public Safety Committee held an evidentiary hearing on October 22nd.

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, November 3, 2009** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads 'Robert G. Donovan'. The signature is written in a cursive, slightly slanted style.

Robert G. Donovan, Chair
Public Safety Committee

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ROBERT G. DONOVAN

Alderman, 8th District

Date: October 22, 2009

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Mohamad T. Hamdan for a Public Passenger Vehicle Driver License.

FINDINGS OF FACT

1. Mohamad T. Hamdan (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, October 31, 2009.
2. An application to renew said license was untimely filed with the Office of the City Clerk on October 9, 2009.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department filed a police report dated October 13, 2009, that could form the basis of non-renewal or suspension of this license.
4. On October 15, 2009, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24 of a police report that could form the basis for suspension or non-renewal of the license of the licensee and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police report on October 22, 2009 at 9:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The licensee 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. On May 14, 2009 the applicant was cited by the Milwaukee Police Department for:

Charge: Improper signal for stop or turn
Finding: Guilty – Milwaukee Municipal court
Sentence: \$83.80
Date: September 10, 2009
Case No. 09085256

B. On June 26, 2009 the License Investigation Unit was forwarded an email complaint from the City of Milwaukee License Division regarding the unprofessional conduct of a taxi driver and the condition of the cab that he was driving. The complainant stated that the driver picked her up and while they were driving, she smelled cigarette smoke. She observed the driver smoking a cigarette and told him he had to put it out, which he did. The Assistant Manger of the License Division contacted Yellow Cab Co-Op and was informed that the cab involved was #19 and the driver was Mohamad T. Hamdan. On July 13, 2009 at 1:00 PM, Mr. Hamdan was spoken to on the phone and he stated someone from Yellow Cab Co-Op talked to him about smoking in the cab. Mr. Hamdan denied that he had smoked in the cab, but that prior to the complaining passenger getting in the cab he had smoked a cigarette outside of the cab, and the smell of the cigarette must have gotten into his clothes. The complainant was emailed a copy of a picture of Mr. Hamdan, and the complainant was able to identify Mr. Hamdan as the cab driver. Mr. Hamdan was cited for:

Charge: Public Passenger Vehicle smoking
Finding: Guilty – Milwaukee Municipal Court
Sentence: \$85.00
Date: September 22, 2009
Case No.: 09113257

C. The applicant's Wisconsin Driver's License record shows the following suspensions:

| | |
|-------------------|--|
| July 25, 2006 | Suspended based on driving record for one year. He was eligible for reinstatement on July 25, 2007. |
| August 6, 2007 | Suspended for six months as a result of a trial. He was eligible for reinstatement on August 7, 2007 (given credit for 185 days served). |
| December 29, 2007 | Suspended for 10 days, failure to pay forfeiture. He was eligible for reinstatement on January 8, 2008. |

| | |
|-------------------|--|
| December 29, 2007 | Suspended for 10 days, failure to pay forfeiture. He was eligible for reinstatement on January 8, 2008. |
| December 29, 2007 | Suspended for 10 days, failure to pay forfeiture. He was eligible for reinstatement on January 8, 2008. |
| December 29, 2007 | Suspended for 10 days, failure to pay forfeiture. He was eligible for reinstatement on January 8, 2008. |
| January 14, 2008 | Suspended for 366 days for safety responsibility. He was eligible for reinstatement on January 14, 2009. |
| January 28, 2009 | Suspended for two months, eligible for reinstatement on March 29, 2009. |

In each of the foregoing instances, section 100-59-1-b of the Milwaukee Code of Ordinances required that Mr. Hamdan surrender his public passenger vehicle license to the City Clerk, and he did not.

CONCLUSIONS OF LAW

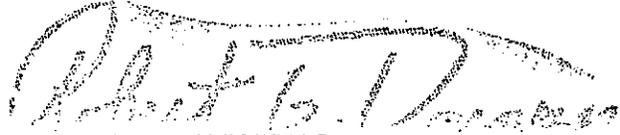
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24 Statutes.
2. Based upon the above facts found, the Committee concludes that the licensee, Mohamad T. Hamdan, has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances or Wis. Stat. § 349.24 to allow renewal of his Public Passenger Vehicle Driver license without undergoing a ten (10) day suspension of said license based upon the police report. The Committee finds the police report, as stated above to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Public Safety Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Public Passenger Vehicle Driver license held by Mohamad T. Hamdan with a ten (10) day suspension based upon the police report on file in this matter.

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 Public Passenger Vehicle Driver license of Mohamad T. Hamdan be renewed with a ten day suspension based upon the police report.

Said suspension is to be in force from 12:01 a.m. November 1, 2009 through midnight November 10, 2009.

Dated and signed at Milwaukee, Wisconsin this 22nd day of October, 2009.

A handwritten signature in black ink, appearing to read "Robert Donovan", written over a dotted line.

ROBERT DONOVAN
Chairman, Public Safety Committee

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