

Date: September 20, 2010

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the application for a Food Dealer's License for Othman A. Othman, Agent for Farah Mini Mart, LLC for the premise located at 4431 West North Avenue ("Farah Mini Mart").

FINDINGS OF FACT

1. Othman A. Farah Othman (hereinafter the "Applicant") has applied for a Food Dealer's License for the premises located at 4431 West North Avenue in the City and County of Milwaukee, Wisconsin ("Farah Mini Mart").
2. The application for a Food Dealer's License in the name of Othman A. Farah was filed with the Milwaukee Health Department on April 23, 2010. On May 7, 2010 Health Department Commissioner Bevan K. Baker objected to the issuance of that license based upon objections from Alderman Willie L. Hines, Jr., 15th Aldermanic District. That the proposed operation of the premises in such a manner that it creates a public nuisance of the premises will tend to contribute to neighborhood incidents and conditions identified in s. 68-4-11-g of the Milwaukee Code of Ordinances and an over-concentration of food dealer outlets in the neighborhood.
3. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. A notice of the hearing as well as a copy of the police report was sent to Othman A. Farah at 6455 South 20th Street, No. 1, Oak Creek, Wisconsin 53154 and at 4431 West North Avenue, Milwaukee, Wisconsin 53208 on September 10, 2010 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The addresses of 6455 South 20th Street, Oak Creek, Wisconsin 53154 and 4431 West North Avenue, Milwaukee, Wisconsin 53208 are the addresses given by the Licensee on his application. The envelopes were not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on September 20, 2010.

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 68 of the Milwaukee Code of Ordinances.

2. Based on the above facts found, the Committee concludes that the Licensee, Othman A. Farah has not met the criteria of Chapter 68 of the Milwaukee Code of Ordinances to allow the issuance of a Food Dealer License based upon his desire to withdraw his application.
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 not grant a Food Dealer License to Othman A. Farah, for the premises at 4431 West North Avenue ("Farah Mini Mart").

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 Food Dealer License application of Othman A. Farah for the premises at 4431 West North Avenue ("Farah Mini Mart") be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this ___ day of September, 2010.

JAMES BOHL, Jr.
Chairman Licenses Committee

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