



JAMES A. BOHL JR.
Alderman, 5th District

Date: September 26, 2008

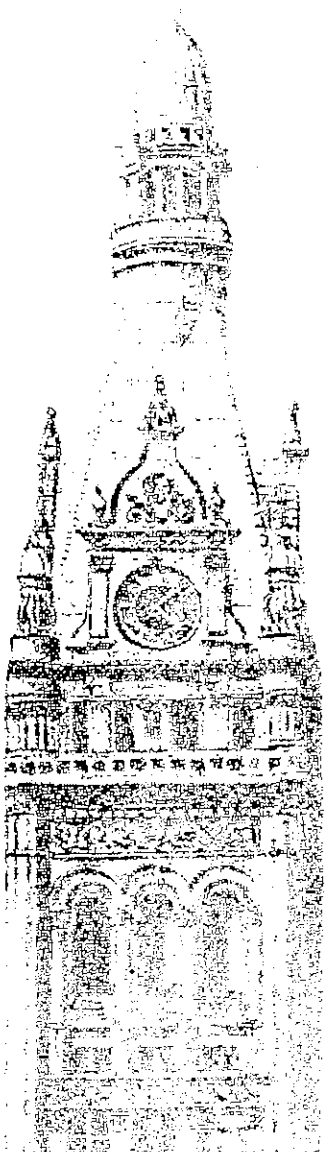
To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D"
Bartender License of Shawn A. Kosik

FINDINGS OF FACT

1. Shawn A. Kosik (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on July 8, 2008.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On July 9, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On September 11, 2008, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on September 23, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.
5. 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 Shawn A. Kosik at 2205 West Burnham Street, No. 1, Milwaukee, Wisconsin 53204 on September 11, 2008 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 2205 West Burnham Street, No. 1, Milwaukee, Wisconsin 53204 is the address given by the Licensee on his application although the zip code provided was incorrect and corrected by the License Division. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on September 23, 2008.

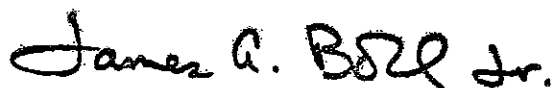
CONCLUSIONS OF LAW

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 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Shawn A. Kosik, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license based upon nonappearance.
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 renew the Class "D" Bartender license held by Shawn S. Kosik based upon nonappearance.

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 Class "D" Bartender License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin, this 26th day of September, 2008.



JAMES A. BOHL, Jr.
Chairman, Licenses Committee