

JAMES A. BOHL JR. Alderman, 5th District

October 27, 2008

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 080610

Attached are a written statement and additional materials regarding:

The matter of the renewal of the Amusement Machine and Phonograph Distributor licenses of Heath N. Wasserman for the premises at 2740 S. 9th Pl. ("Duffy Amusements") in the 14th aldermanic district. This matter was forwarded on to the Milwaukee Common Council without a recommendation. (Committee vote: Ayes: 3, Noes: 1, Excused: 1)

This matter will be heard by the full Council at its October 29, 2008 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Respectfully,

James a. Boll & Chair

James A. Bohl, Jr., Chair Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 080610

Writer's Direct E-mail fgimbel@grgblaw.com

October 24, 2008

VIA MESSENGER

Mr. Ronald Leonhardt, City of Milwaukee City Clerk City Hall 200 E. Wells Street, Suite 205 Milwaukee, WI 53202

Re: Health N. Wasserman

Dear Mr. Leonhardt:

ONALP OF WILWAUKEE

RONALP P. LEONHARD

By this letter, be notified that Health N. Wasserman, who resides at 2903 N. 23rd Street in the City of Milwaukee, urges the City of Milwaukee Common Council to issue an Amusement Machine Distributor's License to him. This matter came before the License Committee of the Common Council on October 14, 2008 and the Committee failed to reach a consensus on a recommendation regarding such license.

The basis for the request contained in this letter is contained within the attached addendum. The undersigned also requests an opportunity to appear before the Common Council on October 29, 2008 and make an oral statement on our position.

By this writing, this firm earnestly urges that the Common Council, as a whole, act affirmatively on Mr. Wasserman's appeal and grant renewal of his license.

Sincerely,

FRANKLYN M. GIMBEL

FMG/ddc Enclosures

cc: Bruce Schrimpf

Health N. Wasserman

crim/wasserman/leonhardt2008-10-24

TWO PLAZA EAST SUITE 1170 330 E. KILBOURN AVE. MILWAUKEE, WI 53202 P: 414-271-1440 F: 414-271-7680 WWW.GRGBLAW.COM



Addendum For Request to Issue an Amusement Machine Distributor's License to Health N. Wasserman

A Section

On October 14, 2008, the Common Counsel License Committee failed to recommend approval or denial of a distributor's license to Health N. Wasserman. Instead, the Committee agreed to send the matter of such license to the Common Council without recommendation. The issue before the License Committee was the question of Mr. Wasserman's residence. Within the conclusions of law adopted by the Committee, you were advised as follows:

"No (amusement machine) distributor's license shall be granted to any person or partner not a resident of this state for at least one year prior to the date of filing of the application. In the case of a corporate applicant, a one year state residency requirement shall apply to the agent."

It is the position of Mr. Wasserman that the only competent evidence provided to the License Committee relative to his residence was provided by Mr. Wasserman. Health N. Wasserman, during the period relevant to the governing ordinance, was a resident of the State of Wisconsin, to wit for the years 2007-2008. During most of that period of time, Mr. Wasserman was being supervised by the Wisconsin Department of Corrections Probation Department, after having been sentenced to a term of probation for being a felon in possession of a firearm. That conviction was reversed by the District I Court of Appeals, causing the conclusion of Mr. Wasserman's probation obligation, as reflected in the record of proceedings before the License Committee. The decision was issued by the Court of Appeals on August 26, 2008 and communicated to the appropriate authorities by an order dated September 30, 2008 (copy of same attached as Exhibit 1).

During the course of Mr. Wasserman's sentence of probation, he was required to remain within the State of Wisconsin, unless he received prior written travel permission from his probation officer as is reflected in the log of his probation supervision, included with the record presented before the License Committee. That log also confirms that Mr. Wasserman had home visits with the probation officer at two addresses within the City of Milwaukee: 1) on North Prospect Avenue and 2) at 2903 N. 23rd Street.

At a time that Mr. Wasserman was in Illinois pursuant to a travel permit, he was arrested and charged with battery. On May 30, 2008, Mr. Wasserman was permitted a personal recognizance bond from a court in the State of Illinois,

within which Mr. Wasserman was shown to have been a resident of 2901-2903 N. 23rd Street in the City of Milwaukee (copy of recognizance bond attached as Exhibit 2).

During the proceedings before the License Committee, Mr. Wasserman indicated that his father, Ronald Wasserman, residing at 6270 Timberlane Street, Agoura Hills, California, was part owner of the property where he resided (2901 N. 23rd Street) (see deed attached as Exhibit 3). Mr. Wasserman also conveyed a basic power of attorney for finances and property to his father, Ronald Wasserman, in a document dated January 16, 2008 (copy of power of attorney attached as Exhibit 4). On September 22, 2008, Mr. Wasserman reported the theft of license plates from his motor vehicle to the Milwaukee Police Department. In that report, Mr. Wasserman reported his address as 2903 N. 23rd Street, Milwaukee (copy of police report attached as Exhibit 5).

It is the position of Mr. Wasserman that he has provided evidence which is clear and convincing that during the years 2007 and 2008, he was a resident of the State of Wisconsin, and more particularly of the City of Milwaukee. The License Committee totally failed to advance any objective finding that would support denial of Mr. Wasserman's right to renewal of his Amusement Machine Distributor's License.

crim/wasserman/addendum2008-10-24

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WISCONSIN COURT OF APPEALS

OFFICE OF THE CLERK

110 E. Main Street, Suite 215 P.O. Box 1688 Madison, WI 53701-1688 Telephone: 608-266-1880 TTY: 800-947-3529 Fax: 608-267-0640 http://www.wicourts.gov

RAYMOND M. DALL'OSTO GIMBEL, REILLY, GUERIN & BROWN 330 E. KILBOURN AVE. #1170 MILWAUKEE, WI 53202

State of Wisconsin,
Plaintiff-Respondent,
v.

Heath N. Wasserman,
Defendant-Appellant.

Date: September 30, 2008

District: 1

Appeal No. 2007AP001441 CR

Circuit Court Case No. 2006CF001984

Remittitur

This cause was an appeal to review the order(s) of the Circuit Court of Milwaukee County.

IT IS ORDERED AND ADJUDGED by this court in an opinion filed on August 26, 2008, that:

Judgment reversed and cause remanded for further proceedings.

Panel:

Hon. Wedemeyer

Hon. Kessler Hon. Curley

The appeal record is hereby returned to the Clerk of Circuit Court for Milwaukee County.

I certify that the above is a correct transcript of the original order and judgment of the court in the above cause.

David R. Schanker Clerk of Court of Appeals

OCT 3 2008

lumborg NG

Distribution: Court Original Karen A. Loebel

Raymond M. Dall'osto Daniel J. O'Brien Kathryn A. Keppel John Barrett

Patrick J. Knight

NITHE NINETEENTH JUDICIAL CIKC' LAKE COUNTY, ILLINOIS

PERSONAL RECOGNIZANCE BOND

PEC	OPLE OF THE STAT	E OF ILLINOIS		√ - 1 - 1	
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OF	FENSE(S) CHARGE	D: DB	AMOUNT OF BA	<u> 7007005</u>)
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3.	Abide and follow all	Court orders including Orders ten notice of change of address	of Protection and not violate	e anv laws.	
5.	Not leave the State w	ithout prior Court permission.	to the cherk of the choult c		
	Report to the Pretri	al Bond Supervision Unit of the	e Lake County Adult Probates and conditions, and the fo	ion Department, 20 South	County
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			for [72 hou	rs or until further orde	r of court.
	No violent or haras:	sing contact with			
	Not possess or cons	ume any alcohol or controlled	substances.		
	Submit to random to	esting and pay for tests. Cost n	not to exceed \$5.00 per test of	or \$6.00 per Instant Stick t	est.
	Abide by a curfew of	overing:			5
	No contact with chi	ldren under 18 years of age. Ol	R		
	Refrain from posses	sing a firearm or other dangero	ous weapon.	MAY 30 2008	
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	State Bar of Wisconsin Form 1- WARRANTY DEED	2003		
Document Number	Document Name		-	
THIS DEED, made between	Heath Norman Wasserman	·		
("Grantor," whether one or mo	re), and Ronald Edward Wasserman		·	
("Grantee," whether one or mo	ré).	N=1 N=*	• • • <u> </u>	•
	ration, conveys to Grantee the following des s, profits, fixtures and other appurtenant i		Recording Area	
Milwaukee (County, State of Wisconsin ("Property") (if m	ore space is	Name and Return Address Ronald E Wasserman	
needed, please attach addendu	n):		6270 Timberlane Street Agoura Hills, CA 91301	
Fifty Percent (50%) interest 2901 - 2903 North 23 rd Street Milwaukee, Wisconsin 53206			Aguura Hillis, CA 91301	
TAMA TAMACC, WISCONSIN SOZOO			310-1385-6	
			Parcel Identification Number (PI)	N)
			This is not homestead property. (is) (is not)	
Grantor warrants that the title to None	to the Property is good, indefeasible, in fee s	imple and free a	and clear of encumbrances except:	
Dated May 22, 2007				
* Heath Norman Wasserman	West (SEAL)			(SEAL)
Ronald Edward Wasserman	d Wesserman (SEAL)			(SEAL)
AUTHENT		ACI	KNOWLEDGMENT	

Signature(s) COUNTY) authenticated on Personally came before me on the above-named TITLE: MEMBER STATE BAR OF WISCONSIN to me known to be the person(s) who executed the foregoing authorized by Wis. Stat. § 706.06) instrument and acknowledged the same. THIS INSTRUMENT DRAFTED BY: Ronald E Wasserman Notary Public, State of _____ My commission (is permanent) (expires:

(Signatures may be authenticated or acknowledged. Both are not necessary.) NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

DEED ©2003 STATE BAR OF WISCONSIN FOR WARRANTY DEED FORM NO. 1-2003

*Type name below signatures,

STATE OF WISCONSIN s. 245.10(1), Wisconsin Statutes Effective Date June 2, 2000 608 266-1251

WISCONSIN BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY

NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. BY SIGNING THIS DOCUMENT, YOU ARE NOT GIVING UP ANY POWERS OR RIGHTS TO CONTROL YOUR FINANCES AND PROPERTY YOURSELF. IN ADDITION TO YOUR OWN POWERS AND RIGHTS, YOU ARE GIVING ANOTHER PERSON, YOUR AGENT, BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY. THIS BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY MAY GIVE THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY, WHICH MAY INCLUDE POWERS TO ENCUMBER, SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THE POWERS WILL EXIST AFTER YOU BECOME DISABLED, OR INCAPACITATED, IF YOU CHOOSE THAT PROVISION. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF YOU OWN COMPLEX OR SPECIAL ASSETS SUCH AS A BUSINESS. OR IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN THIS FORM TO YOU BEFORE YOU SIGN IT.

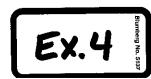
IF YOU WISH TO CHANGE YOUR BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY, YOU MUST COMPLETE A NEW DOCUMENT AND REVOKE THIS ONE. YOU MAY REVOKE THIS DOCUMENT AT ANY TIME BY DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN YOUR PRESENCE OR BY SIGNING A WRITTEN AND DATED STATEMENT EXPRESSING YOUR INTENT TO REVOKE THIS DOCUMENT. IF YOU REVOKE THIS DOCUMENT, YOU SHOULD NOTIFY YOUR AGENT AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY OF THE FORM. YOU ALSO SHOULD NOTIFY ALL PARTIES HAVING CUSTODY OF YOUR ASSETS. THESE PARTIES HAVE NO RESPONSIBILITY TO YOU UNLESS YOU ACTUALLY NOTIFY THEM OF THE REVOCATION. IF YOUR AGENT IS YOUR SPOUSE AND YOUR MARRIAGE IS ANNULLED, OR YOU ARE DIVORCED AFTER SIGNING THIS DOCUMENT, THIS DOCUMENT IS INVALID.

SINCE SOME 3RD PARTIES OR SOME TRANSACTIONS MAY NOT PERMIT USE OF THIS DOCUMENT, IT IS ADVISABLE TO CHECK IN ADVANCE, IF POSSIBLE, FOR ANY SPECIAL REQUIREMENTS THAT MAY BE IMPOSED.

YOU SHOULD SIGN THIS FORM ONLY IF THE AGENT YOU NAME IS RELIABLE, TRUSTWORTHY AND COMPETENT TO MANAGE YOUR AFFAIRS.

I HEATH N. WASSERMAN	
, (insert your name and a	address) appoint
RONALD & WASSERMAN	(insert the name and
address of the person appointed) as my agent to act for me in any lawful way with re- If the person appointed is unable or unwilling to act as my agent, I appoint	espect to the powers initialed below.
	(insert name and
address of alternate person appointed) to act for me in any lawful way with respect t	o the powers initialed below.
TO GRANT ONE OR MORE OF THE FOLLOWING POWERS, INITIAL POWER YOU ARE GRANTING.	THE LINE IN FRONT OF EACH

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.



DPH 0036 (REV. 6/00) PAGE 2 OF 4 HANDLING MY MONEY AND PROPERTY Initials 1. PAYMENT OF BILLS: My agent may make payments that are necessary or appropriate in connection with the administration of my affairs. 2. BANKING: My agent may conduct business with financial institutions, including endorsing all checks and drafts made payable to my order and collecting the proceeds; signing in my name checks or orders on all accounts in my name or for my benefit; withdrawing funds from accounts in my name; opening accounts in my name; and entering into and removing articles from my safe deposit box. 3. INSURANCE: My agent may obtain insurance of all types, as considered necessary or appropriate, settle and adjust insurance claims and borrow from insurers and 3rd parties using insurance policies as collateral. 4. ACCOUNTS: My agent may ask for, collect and receive money, dividends, interest, legacies and property due or that may become due and owing to me and give receipt for those payments. 5. REAL ESTATE: My agent may manage real property; sell, convey and mortgage realty for prices and on terms as considered advisable; foreclose mortgages and take title to property in my name; and execute deeds, mortgages, releases, satisfactions and other instruments relating to realty. 6. BORROWING: My agent may borrow money and encumber my assets for loans as considered necessary. 7. SECURITIES: My agent may buy, sell, pledge and exchange securities of all kinds in my name; sign and deliver in my name transfers and assignments of securities; and consent in my name to reorganizations, mergers or exchange of securities for new securities. 8. INCOME TAXES: My agent may make and sign tax returns; represent me in all income tax matters before any federal, state, or local tax collecting agency; and receive confidential information and perform any acts that I may perform, including receiving refund checks and the signing of returns. 9. TRUSTS: My agent may transfer at any time any of my property to a living trust that has been established by me before the execution of this document. PROFESSIONAL AND TECHNICAL ASSISTANCE Initials to which I may be a party; commence actions and proceedings in my name; and sign in my name all documents or pleadings of every description. 1

- 10. LEGAL ACTIONS: My agent may retain attorneys on my behalf; appear for me in all actions and proceedings
- 11. PROFESSIONAL ASSISTANCE: My agent may hire accountants, attorneys, clerks, workers and others for the management, preservation and protection of my property and estate.

GENERAL AUTHORITY

Initials ,

- 12. GENERAL: My agent may do any act or thing that I could do in my own proper person if personally present, including managing or selling tangible assets, disclaiming a probate or nonprobate inheritance and providing support for a minor child or dependent adult. The specifically enumerated powers of the basic power of attorney for finances and property are not a limitation of this intended broad general power except that my agent may not take any action prohibited by law and my agent under this document may not:
 - a. Make medical or health care decisions for me.
 - b. Make, modify or revoke a will for me.
 - c. Other than a burial trust agreement under section 445.125, Wisconsin Statutes, enter into a trust agreement on my behalf or amend or revoke a trust agreement, entered into by me.

Di \$6,036 (Rev. 6/00) Page 3 of 4

- d. Change any beneficiary designation of any life insurance policy, qualified retirement plan, individual retirement account or payable on death account of the like whether directly or by canceling and replacing the policy or rollover to another plan or account.
- e. Forgive debts owed to me or disclaim or waive benefits payable to me, except a probate or nonprobate inheritance.
- f. Appoint a substitute or successor agent for me.

g. Make gifts.

COMPENSATION TO AGENT FROM PRINCIPAL'S FUNDS

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- a. I have signed it; and
- b. I become disabled or incapacitated.

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Signed this // day of January, (year) &	7008
Hoth Dr. Winn	7008 (Your Signature)
	(Your Social Security Number)
presence of the other witness, and the fact that he or sh and is being executed voluntarily. I believe him or her	ture of the principal who signed in my presence and the e has stated that this power of attorney reflects his or her wishes to be of sound mind and capable of creating this power of iage or adoption and, to the best of my knowledge, I am not her will.
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Incident Report MILWAUKEE POLICE DEPT

2333 N. 49TH ST

Milwaukee, WI 53210

082660182

Supplement No ORIG

Reported Date 09/22/2008 Nature of Call TFTVEHPART

TORDENSHIELD, JEANNE

(414)935-7502

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Unknown person(s) took both license plates from victim's truck, without victim's consent. Victim advised to contact the Wisconsin Department of Motor Vehicles.

Report Officer Printed At 007547/TORDENSHIELD, JEANNE 09/22/2008 21:25 Page 1 of 2

Ex.5

082660182

Incident Report MILWAUKEE POLICE DEPT

SUSPECT 1: UNKNOWN				
Involvement InvINo Type Name SUSPECT 1 INDIVIDUAL UNKNOWN	•	Race UNKNOWN	Sex UNKNOWN	Age 00
Juvenile? OFN_INVL				
Yes 1				
VICTIM (PERSON) 1: WASSERMAN, HEATH N Involvement Invi No Type Name			MNI	
VICTIM (PERSON) 1 INDIVIDUAL WASSERMAN, HEATH	Juvenile?	Res Status	2819426	.L
Race Sex DOB Age Ethnicity WHITE MALE 10/12/1968 39 NOT OF HISPANIC ORIGIN		RESIDENT		
Type Address	City MILWAUKE	State	SCONSIN	
HOME 2903 N 23RD ST ZIP Code 53206	MILWAOKIS			
Phone Type Phone No PAGER (888) 579 - 5797				
WILL VICTIM PROSECUTE VICTIM GAVE CONSENT VIC INFORMED CRM PRV SRV YES NO YES	VIC REQ ADDL C	RM PRV SRV		
Employer/School DUFFY AMUSEMENTS				ere Arese Tri
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OTHER Crime Code(s)				
THEFT				

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