

COMMITTEE ASSIGNMENTS

**CHAIR**

Public Safety Committee

**MEMBER**

Anti-Graffiti Policy Committee

Finance & Personnel Committee

Steering & Rules Committee



**ROBERT G. DONOVAN**

Alderman, 8th District

January 29, 2009

To the Honorable, the Common Council

Dear Members:

File 081191 contains the following recommendation:

Renewal, with a 30-day suspension based on the police report, of the public passenger vehicle driver's license of Johnny Thomas.

Pursuant to section 100-54, Milwaukee Code of Ordinances, and section 349.24, Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matter 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 Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, February 10, 2009** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Robert G. Donovan', written over a faint circular stamp.

Robert G. Donovan, Chair  
Public Safety Committee

cc: All Council Members  
Files 081191

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## ROBERT G. DONOVAN

Alderman, 8th District

Date: January 29, 2009

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of Johnny L. Thomas for a Public Passenger Vehicle Driver License.

### FINDINGS OF FACT

1. Johnny L. Thomas (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license in the City and County of Milwaukee, Wisconsin. Said license expired at midnight October 31, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on October 20, 2008.
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 21, 2008, that could form the basis of non-renewal or suspension of this license.
4. On January 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 January 29, 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 February 10, 1977 the licensee was arrested in Milwaukee County for first degree sexual assault § 940.225(1) felony and he was found guilty on January 6, 1978 and sentenced to seven years in state prison.
- B. On March 30, 1990 the licensee was arrested in Milwaukee County for disorderly conduct and was found guilty on April 19, 1990 and sentenced to one year probation.
- C. On May 15, 2001 the applicant was issued a citation for disorderly conduct and was found guilty on July 3, 2001 and fined \$116.00.
- D. On January 18, 2008 the licensee was issued a citation for loitering-soliciting a prostitute at 3117 West Vine Street. He was found guilty on March 12, 2008 and fined \$500.00. The licensee was driving his van when loitering and soliciting a prostitute.
- E. On January 22, 2008 an officer of the Milwaukee Police Department observed the licensee operating a human service vehicle with expired registration plates at 1200 North 12<sup>th</sup> Street. The licensee did not have a public passenger vehicle license with him and he told officers that he left it in another vehicle. The officer indicated that he checked the License Division records and thought the licensee had a valid public passenger vehicle license when, in fact, the license was granted on February 13, 2006 but not issued prior to this stop. The license was issued on October 20, 2008. The licensee was issued citations for: (1) public passenger vehicle license to be displayed, and (2) operating unregistered vehicle and was found guilty of both charges. He was fined \$100 on item 1 and fined \$30.00 on item 2 on March 12, 2008.
- F. On August 22, 2008 an officer of the Milwaukee Police Department observed the licensee operating a human service vehicle at 200 West Pleasant Street. The licensee did not have a public passenger vehicle license and stated to the officer that he did not have it with him. The officer checked with the License Division records and thought the licensee had a valid public passenger vehicle license when, in fact, the license was granted on February 13, 2006 but not issued prior to this stop. The license was issued on October 20, 2008. The licensee was issued citation for public passenger vehicle license to be displayed and was found guilty on October 15, 2008 and fined \$185.00.
- G. The Wisconsin Department of Transportation suspended the licensee's driver's license for the following and his license is currently suspended:  
  
12/28/06 215 days for failure to pay forfeiture  
5/28/08 2 years for failure to pay forfeiture

#### CONCLUSIONS OF LAW

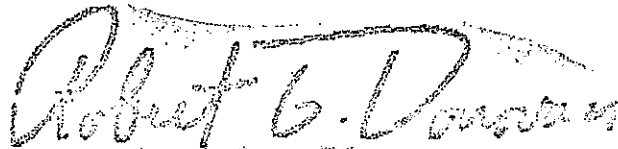
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 100 of the Milwaukee Code of Ordinances and Wis. Stat. § 349.24.
2. Based upon the above facts found, the Committee concludes that the licensee, Johnny L. Thomas, 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 thirty (30) 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 Johnny L. Thomas with a thirty (30) day suspension of said license 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, recommends that the Public Passenger Vehicle Driver license of Johnny L. Thomas be renewed with a thirty (30) day suspension based upon the police report on file in this matter.

Said suspension is to be in force from date of the Common Council action on February 10, 2009 through midnight March 11, 2009.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2009.



ROBERT DONOVAN  
Chairman, Public Safety Committee