



ROBERT G. DONOVAN

Alderman, 8th District

January 29, 2010

To the Honorable, the Common Council

Dear Members:

Common Council File 091141 contains a recommendation of renewal, with a 10-day suspension based on the police report, of the Public Passenger Vehicle Driver's license of James Richmond (Committee vote: 4 ayes and one no – Ald. Witkowski).

With regard to the file listed above, the Public Safety Committee held an evidentiary hearing on January 28th.

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 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 Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, February 9, 2010** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in cursive script that reads "Robert G. Donovan". The signature is written in dark ink and is somewhat stylized.

Robert G. Donovan, Chair
Public Safety Committee



ROBERT G. DONOVAN
Alderman, 8th District

Date: January 29, 2010

To: All Members of the Milwaukee Common Council

From: The Public Safety Committee

Re: Report of the Renewal Application of James S. Richmond for a Public Passenger Vehicle Driver License.

FINDINGS OF FACT

1. James S. Richmond (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, 2009.
2. An application to renew said license was filed with the Office of the City Clerk on August 21, 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 August 26, 2009, that could form the basis of non-renewal or suspension of this license.
4. The Public Safety Committee heard this matter at its hearing of October 1, 2009, at which time the application was held as the licensee did not have a valid driver's license.
5. On January 14, 2010, 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 28, 2010 at 10:30 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and admitted receipt of the notice and police report. The applicant was not represented by counsel.

6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. This incident came to the attention of the License Investigation Unit based on a handwritten complaint received at the City of Milwaukee License Division. On September 30, 2008 at 5:30 a.m. the applicant was driving a United American Taxicab and picked up two fares from Potawatomi Bingo and Casino (1721 West Canal Street). The applicant and paying fares argued over the rate of pay and the route the applicant should take. The fare was dropped off by the taxi approximately one block from where they had been picked up. During this encounter, the applicant was loud and verbally abusive to the fare. The applicant was issued a citation for disorderly conduct which was dismissed without prejudice on August 11, 2009.
 - B. On July 22, 2009 the Wisconsin Department of Transportation revoked the applicant's driver's license for 9 months for operating while intoxicated. The applicant's current driver's license status is valid.
 - C. The applicant failed to return his public passenger vehicle license to the City Clerk as required by City Ordinance § 100-59-1-b.
 - D. The licensee testified the drunk driving incident occurred because of depression from the death of his mother.

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, James S. Richmond, 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 of the applicant, 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 James S. Richmond with a ten (10) day suspension based upon the police report of the applicant 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 James S. Richmond be renewed with a 10 day suspension based upon the police report.

Said suspension is to be in force from the date of the Common Council action on February 9, 2010 through midnight February 18, 2010.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2010.


ROBERT DONOVAN
Chairman, Public Safety Committee

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