CITY OF MILWAUKEE

Form CA-43

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July 14, 2003

Alderman Marvin E. Pratt
First Aldermanic District
City Hall, Room 205

Re: Letter of June 5, 2003 in which you request a legal opinion regarding the petition of Yellow Cab of Milwaukee, Inc. franchise to operate as "Yellow Cab of Milwaukee" with the color white.

Dear Alderman Pratt:

You point out that currently the "Yellow Cab Co-Op" is sanctioned by the City of Milwaukee to operate as "Yellow Cab Co-Op" with the color yellow.

The entity known as Yellow Cab of Milwaukee, Inc. has filed a request with the License Office to be allowed to operate a radio dispatching company under the name of "Yellow Cab of Milwaukee, Inc." and to be allowed to operate under the color white. This request was filed in a letter received by the License Division on May 1, 2003. Along with that letter was filed a copy of a Wisconsin Domestic Corporation Annual Report for the entity known as "Yellow Cab of Milwaukee, Inc." We are also in possession of a document from the State of Wisconsin, Office of the Secretary of State, under the name of Yellow Cab of Milwaukee, Inc. to adopt a trademark known as "Yellow Cab of Milwaukee." That application is valid apparently for a period of ten years from the date thereon unless sooner revoked for cause and is dated June 4, 2003.

The authority to regulate and license taxicab operators and taxicabs derives from § 349.24 of the Wisconsin Statutes. In relevant portion that section states:

(1) The council of any city and every village or town board may:
(a) Regulate and license chauffeurs and operators of taxicabs used for hire;
(b) Regulate and license the taxicab business by licensing each taxicab used for hire;

> (c) Prohibit any person from operating any motor vehicle for taxicab purposes upon the highways of the city, village or town unless the person is licensed as a chauffeur and operator and unless the taxicab business is licensed by the licensing of each taxicab; . . . .

We are generally aware of the fact that the unincorporated association currently operating as "Yellow Cab Co-Op" is objecting to the request of Yellow Cab of Milwaukee to operate with the color white. Currently, the color white is reserved to Mitchell International Taxicab Association ("Mitchell"). Mitchell was believed to be going out of business. Consequently, it was the desire of Yellow Cab of Milwaukee, Inc. to have the color white assigned to it. Indeed testimony to the Utilities and Licenses Committee on June 9, 2003, was to that effect. However, on June 16, 2003 a letter was written by Mr. Peter Tsounis stating that Mitchell is indeed in business and that in fact they intend to stay in business. We are informed that the association has seven members. The authority to designate colors for taxicabs operating within the City of Milwaukee derives from Chapter 100 of the Milwaukee Code of Ordinances. Section 100-51-7 reserves to the entity known as "Yellow Cab Co-Op" the color yellow.

Under these circumstances, there is no basis to having the color white taken from "Mitchell" and reassigned to "Yellow Cab of Milwaukee, Inc."

Very truly yours,

GRANT F. LANGLEY
City Attorney

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