



JAMES A. BOHL JR.
Alderman, 5th District

February 2, 2009

To the Honorable, the Common Council

Dear Members:

Common Council File 081062 contains the following recommendations:

Denial, based on non-appearance, of the Class "D" Bartender license of Joseph W. Carini. (Committee vote: Ayes: 5, Noes: 0, Excused: 0)

Denial, based on non-appearance, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses of Arthur R. Williams, agent for AR Williams, LLC, for the premises at 3801 W. Hampton Avenue ("The Mecca") in the 7th aldermanic district. (Committee vote: Ayes: 5, Noes: 0, Excused: 0)

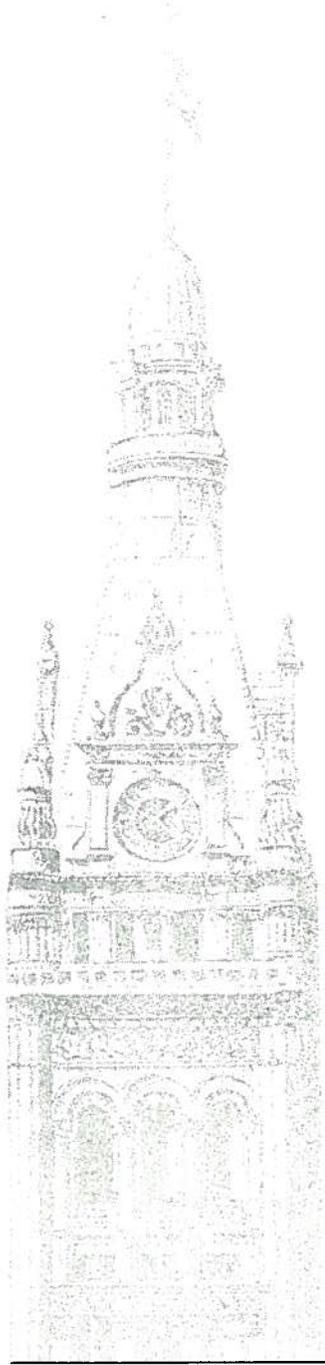
Denial, based on non-appearance, of the attempted withdrawal of the renewal applications and denial of the renewal of the Class "B" Tavern and Record Spin licenses of Andrea N. Chavis, agent for Diamond Food and Beverages, Inc., for the premises located at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar and Grill") in the 2nd aldermanic district based upon nonappearance, Department of Neighborhood Services objections and neighborhood objections. The Licenses Committee further recommends that this location be declared unfit for a Class "B" Tavern license. (Committee vote: Ayes: 4, Noes: 0, Excused: 1)

Renewal with a 10-day suspension, based on a police report, of the Home Improvement Contractor license of Patrick G. Wright. (Committee vote: Ayes: 4, Noes: 1, Excused: 0)

Denial, based on a police report and neighborhood objections, of the Class "B" Tavern, Tavern Dance, Videogame Center and Billiard Hall licenses of Vickey L. Mendez for the premises at 3225 W. Scott Street ("The Last Chance" in the 8th aldermanic district. (Committee vote: Ayes: 5, Noes: 0, Excused: 0)

Denial, based on non-appearance, of the Class "D" Bartender license of Tracy M. Ball. (Committee vote: Ayes: 5, Noes: 0, Excused: 0)

Renewal with a 10-day suspension, based on a police report, of the Class "B" Tavern license of Enrique Terrones for the premises at 1631 W. Grant Street ("Primos Place") in the 13th aldermanic district. (Committee vote: Ayes: 5, Noes: 0, Excused: 0)



Renewal with a 25-day suspension, based on a police report, of the Class "B" Tavern and Tavern Amusement licenses of Devon L. Reid, agent for Questions, Inc., for the premises at 3041 W. North Avenue ("Questions Entertainment") in the 15th aldermanic district. (Committee vote: Ayes: 4, Noes:1, Excused: 0)

Renewal with a 15-day suspension, based on a police report, of the Class "D" Bartender license of Jason L. Peterson. (Committee vote: Ayes: 5, Noes: 0, Excused: 0)

Renewal with a 20-day suspension, based on a police report, of the Class "D" Bartender license of Michael P. Olis. (Committee vote: Ayes: 5, Noes: 0, Excused: 0)

Renewal with a 30-day suspension, based on a police report, of the Class "D" Bartender license of Michael F. Machnitzky. (Committee vote: Ayes: 2, Noes: 1, Excused: 2)

Renewal with a 20-day suspension, based on a police report, of the Class "D" Bartender license of Steven H. Koch. (Committee vote: Ayes: 5, Noes: 0, Excused: 0)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on January 26th and January 27th.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters 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,



James A. Bohl, Jr., Chair
Licenses Committee

cc: All Council Members
File 081062



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D"
Bartender License of Joseph W. Carini

FINDINGS OF FACT

1. Joseph W. Carini (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, 2008.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 9, 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 October 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 January 16, 2009, 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 January 27, 2009, 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 Joseph W. Carini at 3162 North Pierce

- B. Street, No. A, Milwaukee, Wisconsin, 53212 on January 16, 2009 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 3162 North Pierce Street, No. A, Milwaukee, Wisconsin, 53212 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on January 27, 2009.
- C. Previously, this renewal applicant was sent a notice for a hearing on the police report on December 18, 2008 for a hearing on January 6, 2009 and on November 19, 2008 for a hearing on December 5, 2008.

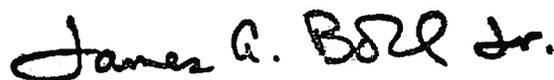
CONCLUSIONS OF LAW

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, Joseph W. Carini, 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 Joseph W. Carini 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 30th day of January, 2009.



JAMES A. BOHL, Jr.
Chair, Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Applications of Arthur R. Williams, as agent for "AR Williams, LLC", for Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses with change of hours and entertainment for the premises located at 3801 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("The Mecca").

FINDINGS OF FACT

1. Arthur R. Williams (hereinafter the "Licensee"), as agent for "AR Williams, LLC", is the holder of Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the premises located at 3801 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("The Mecca"). Said licenses expired at midnight, December 10, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on November 14, 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 November 17, 2008, the Milwaukee Police Department responded with a report that could form the basis for non-renewal or suspension of these licenses.
4. On January 15, 2009, 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 January 27, 2009, commencing at 8:30 a.m. in Room

301B of City Hall. At said date, time and place, the licensee did not appear and 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. Notice was sent to Arthur R. Williams at 5339 North 61st Street, Milwaukee, Wisconsin, 53218 on January 15, 2009 by U.S. first-class prepaid mail in an envelope bearing the return address of the License Division, 200 East Wells Street, Room 105, Milwaukee, Wisconsin, 53202. The address of 5339 North 61st Street, Milwaukee, Wisconsin, 53218 was the address given by the applicant on his renewal applications. The notice included a copy of the police report. The licensee failed to appear at the hearing and the envelope containing the notice and police report was not returned to the License Division by the U.S. Postal Service.
 - B. Notice was sent to Arthur R. Williams at 3801 West Hampton Avenue, Milwaukee, Wisconsin, 53209 on January 15, 2009 by U.S. first-class prepaid mail in an envelope bearing the return address of the License Division, 200 East Wells Street, Room 105, Milwaukee, WI 53202. The address of 3801 West Hampton Avenue, Milwaukee, Wisconsin, 53209 is the licensed premise address. The notice included a copy of the police report. The licensee failed to appear at the hearing and the envelope containing the notice and police report was not returned to the License Division by the U.S. Postal Service.

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 upon the above facts found, the Committee concludes that the licensee, Arthur R. Williams, as agent for "AR Williams, LLC" at 3801 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("The Mecca"), has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes allow renewal of his Class "B" Tavern

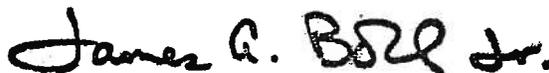
and Tavern Amusement (Cabaret/Nite Club) licenses based upon nonappearance.

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 of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses of Arthur R. Williams, agent for "AR Williams, LLC", 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 "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses not be renewed based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 30th day of January, 2009.



JAMES A. BOHL, Jr.
Chair, Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Andrea N. Chavis, as agent for "Diamond Food & Beverages, Inc.", for Class "B" Tavern and Record Spin licenses for the premises located at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill").

FINDINGS OF FACT

1. Andrea N. Chavis (hereinafter the "Licensee") is the agent for "Diamond Food & Beverages, Inc." doing business at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill "). Said licenses expired at midnight, January 17, 2009.
2. An application to renew said licenses was filed with the Office of the City Clerk on November 14, 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 November 17, 2008, the Milwaukee Police Department responded with a report that could form a basis of non-renewal or suspension of these licenses. There were also neighborhood objections to gunshots, racing, loud vehicles, loud music and noise, loitering, littering, illegal drug activity, cruising, fighting, public urination, trespassing, vandalism, damage to private property, parking on private property, performance of illicit acts and vulgar behavior, disturbing the peace, causing the normal flow of traffic on roadways to be impeded, excessive and inappropriate use of police resources, neighborhood problems due to mismanagement, presence of and sales to underage, presence of underage in violation of Wis. Stats. 125.07(3)(a)10 and 90-19,5 of the Milwaukee Code of Ordinances, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.

Furthermore, the objectors alleged that the premise is operated in such a manner that it causes a public nuisance and is a hazard to the safety and welfare of the occupants and the public (see enclosed photographs of generator and orders from the Department of Neighborhood Services dated September 15, 2008), allegedly making it an unfit location. Notice of the hearing claiming this premises to be an unfit location was also sent to the property owner, Mr. James Heyden at P.O. Box 44, Brookfield, Wisconsin 53008. It was sent by United States first class mail on November 20, 2008 in an envelope bearing the return address of the License Division. The address of P.O. Box 44, Brookfield, Wisconsin 53008 was given by Ms. Chavis in her application. It was not returned to the License Division by the United States Postal Service.

4. On November 24, 2008, and January 16, 2009, 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 and neighborhood and DNS objections on December 2, 2008 and January 27, 2009, commencing at 10:30 a.m. and 10:45 a.m., respectively, in Room 301B of City Hall. At said dates, times and place, the licensee did not appear and was not represented by counsel. The building owner, Mr. James Heyden, appeared on January 27, 2009. He was represented by Mr. D. Michael Guerin, Gimbel, Reilly, Guerin & Brown, Two Plaza East, Suite 1170, 330 East Kilbourn Avenue, Milwaukee, Wisconsin, 53202.
5. On December 5, 2008, the Licenses Committee issued Findings of Fact and Conclusions of Law denying the renewal of the Class "B" Tavern and Record Spin licenses and also finding this location to be a unfit location for such licenses based upon the record of the licensee. On December 10, 2008, the building owner filed objections to the finding that this location was an unfit location. On December 16, 2008, the Milwaukee Common Council returned this file to the Licenses Committee for further consideration.
6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. The findings relative to the operation of this premises by Andrea Chavis:

1. Notice was sent to Andrea N. Chavis at 2614 North 6th Street, Milwaukee, Wisconsin 53212, along with a copy of the police report, on November 24, 2008 and January 16, 2009 in an envelope which was sent by U.S. first-class prepaid mail in an envelope bearing the return address of the License Division, 200 East Wells Street, Room 105, Milwaukee, WI 53202. The address of 2614 North 6th Street, Milwaukee, Wisconsin, 53212 was the address given by the applicant on her renewal application. The notice included a copy of the police report. The licensee failed to appear at the hearing of December 5, 2008 or January 27, 2009 and the envelope containing the notice and police report was not returned to the License Division by the U.S. Postal Service.
2. Notice was also sent to Mr. James Heyden, P.O. Box 44, Brookfield, Wisconsin 53008, by United States first-class prepaid mail in an envelope bearing the return address of the License Division, and which included all of the reports and notices sent to Andrea N. Chivas. Mr. Heyden did not appear at the hearing of December 2, 2008, but did appear at the hearing of January 27, 2009.
3. The applicant was interviewed regarding the license application on November 5, 2001. The applicant stated she worked at the licensed premises for the prior three years. She stated at that time that she applied for a Class "D" Bartender license to work on the premises on October 30, 1998. She also stated at that time that she applied for a Class "B" Manager license for the premises on October 17, 2001. The same applicant also applied for a Class "B" Manager license to be the manager of "The Matrix" located at 352 East Capitol Drive in the City and County of Milwaukee, Wisconsin. The application for a Class "B" Manager's license for "The Matrix" was also filed on October 17, 2001. The applicant stated she works at the Phoenix during the days and during the evenings at "The Matrix."

Applicant also revealed to police officers that she worked as a bartender at "The Matrix" and was going to be the manager of that location as well. The applicant had been tending bar at "The Matrix" since February, 2001.
4. On Saturday, April 28, 2001, at 1:40 a.m., officers of the Milwaukee Police Department were approached by security guards at licensed premises at 352 East Capitol Drive in the City and

County of Milwaukee, Wisconsin ("The Matrix"). The security guards were having trouble with a customer. In the subsequent investigation, the police officers spoke with the licensed applicant, Andrea Chavis, who represented herself to the officers as the manager of "The Matrix." When asked if she had a Class "B" Manager's license, she replied, "Yes." When she was asked to produce the license, she stated that she did not actually have it, but indicated it had been approved but not yet issued. The applicant was issued a citation for Class "B" Manager's license required. The case was heard on October 17, 2001 and she was found not guilty on October 17, 2001, being the same date she applied for a Class "B" Manager's license as manager of "The Matrix."

5. On Sunday, October 21, 2001, Vice Control officers conducted an investigation regarding a complaint of "nude strippers" at the licensed premises at 6222 West Fond du Lac Avenue ("Diamond Inn"). The officers entered the premises undercover at 10:15 p.m. Prior to being allowed to enter, they were verbally informed of a \$20 cover charge. No such cover charges were posted at the entry. One of the officers observed a female dancing in a sexually suggestive manner, that she was nude, with her breasts, buttocks, and genitalia fully exposed to the officer's view. The dancer inserted several objects into her vaginal cavity. The officer observed at least two separate male patrons placing US currency into the vaginal cavity of the dancer. The undercover officers called for uniformed officers for the purpose of conducting a licensed premises check. They spoke to a person who identified himself as the "manager", in the absence of the owner who was "out of town." The "manager" said that he was overseeing the day-to-day operations of the business. The manager was asked to produce a Class "B" Manager's license. This individual did not have such a license. The "manager" was on the premises and observed the dancer's performances. The manager did nothing to stop the performance. The bartender working at the bar was asked to see her bartender license. That individual did not have one. A sergeant on the scene located a quantity (2.42 grams) of cocaine powder, contained in film canister and a quantity (2.33 grams) of marijuana contained in a sandwich baggie. Both had been discarded on the floor of the tavern. The items were inventoried. In addition, the premises did not have a Tavern Amusement license allowing them to have cabaret performances or floor shows.

As a result of this incident, the following citations were issued:

1. Display of license, § 90-16 of the Milwaukee Code of Ordinances (bartender).

2. Prohibited performance or costume (dancer).
3. Prohibited performance or costume (manager's responsibility).
4. Class "B" manager's license required (acting manager).
5. Display of license/license required (licensee responsibility).
6. Display of license/license required (licensee responsibility).
7. Prohibited performance or costume (licensee responsibility).
8. Tavern charges to be posted (licensee responsibility).
9. Report of changes required (licensee).

The following disposition occurred as to the above citations:

1. Warrant issued regarding display of license (bartender).
 2. Case dismissed as to prohibited performance or costume dancer).
 3. Guilty and fined \$824.00 on March 11, 2003, commitment issued for prohibited performance or costume (manager).
 4. Case dismissed as to Class "B" Manager's license required.
 5. Case dismissed (display of license/license required, licensee responsibility).
 6. Guilty and fined \$339.00 on March 11, 2002 (display of license/license required, licensee responsibility).
 7. Case dismissed March 11, 2002 (prohibited performance or costume, licensee responsibility).
 8. Guilty and fined \$339.00 on March 11, 2002 (tavern charges to be posted, licensee responsibility).
 9. Case dismissed on March 11, 2002 (report of changes required, licensee responsibility).
6. On April 5, 2003, at 1:34 a.m., officers of the Milwaukee Police Department responded to a shooting at the licensed premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill"). It was determined that two patrons who were at the club suffered gunshot wounds during an altercation. The licensee, Andrea Chavis, stated that she did not hear or see the shooting in that the incident happened outside of the club. The police investigation demonstrated that there were three substantial battery/cutting victims at St. Joseph's Hospital as a result of that altercation and that it occurred inside the club. The two shooting victims were shot as they exited the club along the north exit.
7. On June 14, 2003, at 10:00 p.m., a Milwaukee Police Department detective assigned to the Vice Control Division entered the licensed premises at 6222 West Fond du Lac Avenue in the City

and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill") to investigate a complaint of illegal strippers. The detective observed a female dancer on the stage clad in a small brassier and underpants. She was gyrating in front of a patron next to the stage and pulled down her brassier exposing both breasts entirely. The patrons placed a dollar bill between the dancer's exposed breasts and the dancer accepted the bill by clenching her breasts around it using her hands to push her breasts together. She did not have any covering on her breasts when doing this. When asked to talk to the owner, the doorman took the detective to James H. Harrison. Mr. Harrison talked to the detective. Mr. Harrison showed the detective a copy of the supplemental application for entertainment and the box marked "exotic dancers male and female strippers" was not marked. Mr. Harrison stated that Andrea Chavis is his stepdaughter. The detective stated to Mr. Harrison that "you own and control the tavern and take care of the day to day operations, but put the tavern license in your step daughters [sic] name because of your criminal record?" Mr. Harrison stated that he did not believe that was against the law. The detective was also taken into the VIP room where there were five female dancers who were using the room as a changing room.

Citations were issued to Ollie L. Harrison and James Harrison for certain performances and costumes prohibited and change in entertainment. As a result of a plea negotiation, a guilty adjudication was entered on certain performances and costumes prohibited and the change in entertainment citation was dismissed. On October 8, 2003, a guilty finding was entered and a fine of \$500 was imposed.

8. On September 6, 2003 at 2:09 a.m., City of Milwaukee Police Officers were dispatched to 6249 West Fond du Lac Avenue for shots fired into a residence. An auto driving eastbound on Fond du Lac Avenue was struck through the driver's window, injuring the driver. While checking the area, police found seven 9mm casings in the parking lot adjacent to the licensed premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill").
9. This licensed premises, specific with reference to Class "B" Manager's license required, prohibited costumes and performances, display of license, and tavern charges to be posted and reported, was the subject of a warning letter issued by the Milwaukee Common Council on November 26, 2002. The committee had determined that the incidents of April 5, 2003 and June 14, 2003

indicated that the previous warning of the Common Council was not taken seriously by the operators of this premise.

10. In the year 2003 for the 2004 license year, this premises had its Class "B" Tavern and Tavern Nite Club Entertainment (Cabaret) licenses renewed with a sixty (60) day suspension.
11. On June 27, 2004 at 1:30 a.m., City of Milwaukee Police Officers conducted a licensed premise check of the licensed premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill"). The occupancy permit listed the occupancy limit as 99. Approximately 300 persons were on the premises. Andrea Chavis was issued a citation for Class "B" Manager license required, which was dismissed without prejudice on September 10, 2004. Ms. Chavis was also issued a citation for illegal occupancy, was found guilty on September 10, 2004 and was fined \$300.00
12. On January 22, 2005 at 8:00 p.m. at Froedtert Hospital, a Milwaukee detective interviewed a victim of a shooting. The victim stated that he had been at the licensed premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill"). He had been there to perform rap songs with other artists. As he was leaving the tavern and was getting into the front passenger seat of his manager's car, suddenly gunshots were fired at the vehicle and that he felt 2 bullets enter his chest. As he pretended to be dead in the vehicle, the shooter reached in and took his wallet from his back pant pocket. An armed robbery/reckless injury report was filed. At the hearing, the licensee related that she does not have "rap" performances, but occasionally, and on this occasion, patrons entertain impromptu. At the material time in question, the licensed premises specifically excluded providing "rap" entertainment.
13. On February 14, 2005 at the licensed premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill"), Andrea Chavis was issued a citation for Class "D" Bartender license required, which was dismissed without prejudice on April 22, 2005. Ms. Chavis was issued a citation for posting of occupancy capacity, was found guilty on April 22, 2005 and was fined \$100.00.
14. On March 21, 2005, at 6222 West Fond du Lac Avenue, at 9:20 p.m., Andrea N. Chavis was issued a Milwaukee Municipal citation for sale of alcohol to underage person and was found guilty on this citation on July 11, 2005 and fined \$125.00.

15. On January 24, 2007 at 12:34 a.m., officers of the Milwaukee Police Department were dispatched to 6222 West Fond du Lac Avenue for a noise nuisance complaint. Officers spoke to a male who stated he was the manager on duty. When asked for his license, he stated his license was not valid until 02-04-07. He denied having the music up loud at any time. Officers were unable to contact the licensee and no licensed person was on the premises. Officers advised the man that the tavern would have to be closed until morning and a citation was issued to the licensee, Andrea Chavis, for responsible person upon license premise. She was found guilty of this charge on April 25, 2007 and fined \$200.00.
16. On June 1, 2008 at 12:13 a.m., officers of the Milwaukee Police Department were dispatched to 6222 West Fond du Lac Avenue for a welfare check. An anonymous caller stated an eight-year-old boy was running around the club and may be unsupervised and the caller gave officers a description. Police spoke to the owner, Andrea Chavis, regarding the complaint and Chavis stated her son was inside helping her clean the bar but was no longer there. No tavern violations were found.
17. On September 13, 2008 at 10:40 p.m., officers of the Milwaukee Police Department conducted a license premise check at 6222 West Fond du Lac Avenue. Police spoke with Andrea Chavis and they were advised that there were two parties going on, one being an underage party that was held in the upper part of the tavern. All patrons were entering through one entrance door and there was no one at the door to monitor traffic. Police observed that the tavern's licenses were not displayed and they could see multiple bottles of liquor in the kitchen area. Police checked the 2nd floor where the underage party was taking place and found both men's and women's restroom inoperable with a sign stating the bathrooms were closed and to use the restrooms on the first floor. The only other restrooms in the building were those located in the tavern. Police could smell burnt marijuana and recovered a burnt marijuana cigarette. Police also found that a generator that was running outside of the business and observed wires hanging out of an electrical box in the basement. Police found bottles of liquor that were purchased from a liquor store and that were being resold at this establishment. A total of 103 bottles were inventoried. Many bottles of liquor were contaminated and were destroyed on scene. Officers also recovered a loaded Smith & Wesson 9mm handgun in a kitchen closet, which was only accessible to employees. Chavis stated the gun was kept there because they were robbed three times. The gun was placed on inventory.

18. On September 15, 2008 at 10:40 p.m., officers of the Milwaukee Police Department along with members from DNS conducted a license premise check at 6222 West Fond du Lac Avenue. The investigation revealed violations found that caused this premise to be considered a hazard to the safety and welfare of the occupants and/or the public, which was unfit for human habitation and was placarded by inspectors. Police spoke with a James Harrison who answered questions regarding the tavern's licenses. A wanted check revealed Harrison had an outstanding warrant and he was arrested.
 19. Photos of the property revealed that electricity is supplied by a generator and that the club is no longer connected to utility power. Water is inoperable in the restrooms.
 20. Neighbors testified to constant disturbances and illegal parking when this premise is in operation.
 21. Andrea Chavis submitted a withdrawal of her renewal applications on January 2, 2009.
- B. Findings as to the request of Mr. James Heyden to reverse the finding that this location is unfit for a Class "B" Tavern license:
1. Mr. Heyden acquired an interest in the property by virtue of taking over the mortgage for the property.
 2. In 2006, JJ Diamonds, LLC became delinquent in its mortgage and a foreclosure action was commenced which was vigorously litigated until May 15, 2008, at which date Mr. Heyden and an entity known as Wisconsin Investments, Inc., could take over and enter upon the property.
 3. During the summer of 2008, James Heyden and Wisconsin Investments, Inc. allowed one Sonny Harrison, an owner of the JJ Diamonds, LLC, to continue operation of the Class "B" Tavern and Record Spin licenses of the Phoenix Bar and Grill until September 15, 2008 when the entity was placarded by the Department of Neighborhood Services for significant building code violations.
 4. At no time was Sonny Harrison licensed to operate the entity known as the Phoenix Bar and Grill.

5. Although there is evidence that some physical improvements have been made to the premises known as the Phoenix Bar and Grill, there is insufficient evidence that this premises will not again evolve into the major danger to the health, safety and welfare to the community as evidenced by the operation of this premises under Andrea Chavis and Sonny Harrison, which was specifically allowed by James Heyden during the summer of 2008.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and 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 upon the above facts found, the Committee concludes that the licensee, Andrea N. Chavis, as agent for "Diamond Food & Beverages, Inc." at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill"), has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes allow renewal of her Class "B" Tavern and Record Spin licenses based upon nonappearance, Department of Neighborhood Services inspection reports, and neighborhood objections. The Committee finds the police report, Department of Neighborhood Services inspections, and neighborhood objections, as stated above, to be true. The Licenses Committee further finds that the attempted withdrawal of the renewal application of Andrea Chavis should be denied for the premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar and Grill"). The Licenses Committee recommends that this premises be found to be an unfit location for a Class "B" Tavern license.
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 of the City of Milwaukee should exercise its judgment to deny the withdrawal of the renewal application of Andrea Chavis for the premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar and Grill") and to not renew the Class "B" Tavern and Tavern Spin licenses of Andrea N. Chavis, as agent for "Diamond Food & Beverages, Inc." for the premises located at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill"), and further

recommends a determination that this is an unfit location for a Class "B" Tavern license.

RECOMMENDATION

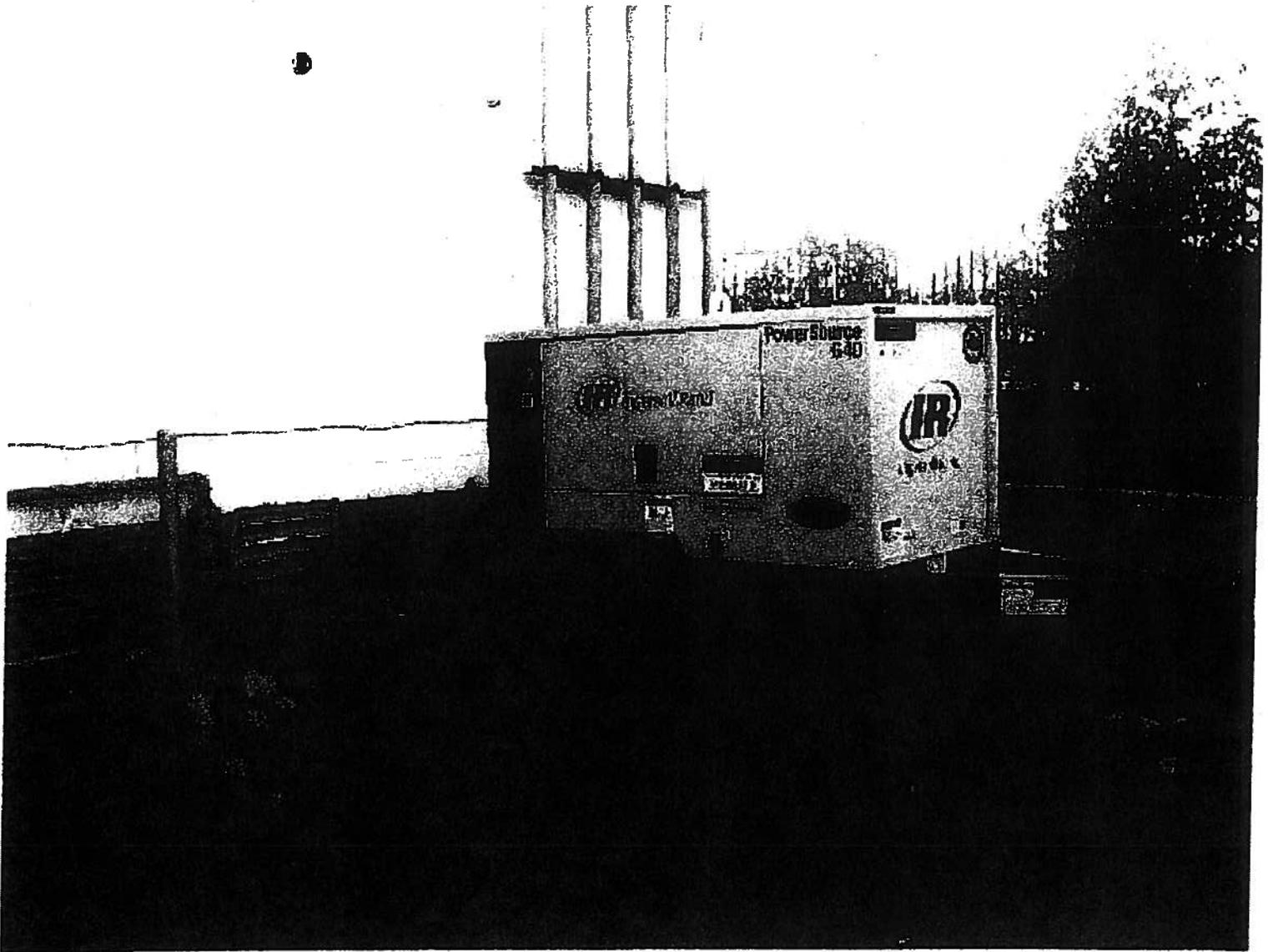
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes and one (1) excused, recommends that the attempted withdrawal of the renewal applications of Andrea Chavis and that the renewal of the Class "B" Tavern and Record Spin licenses for the premises located at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar and Grill") be denied based upon nonappearance, Department of Neighborhood Services objections and neighborhood objections, and further recommends that this location be declared unfit for a Class "B" Tavern license.

Dated and signed at Milwaukee, Wisconsin this 30th day of January, 2009.

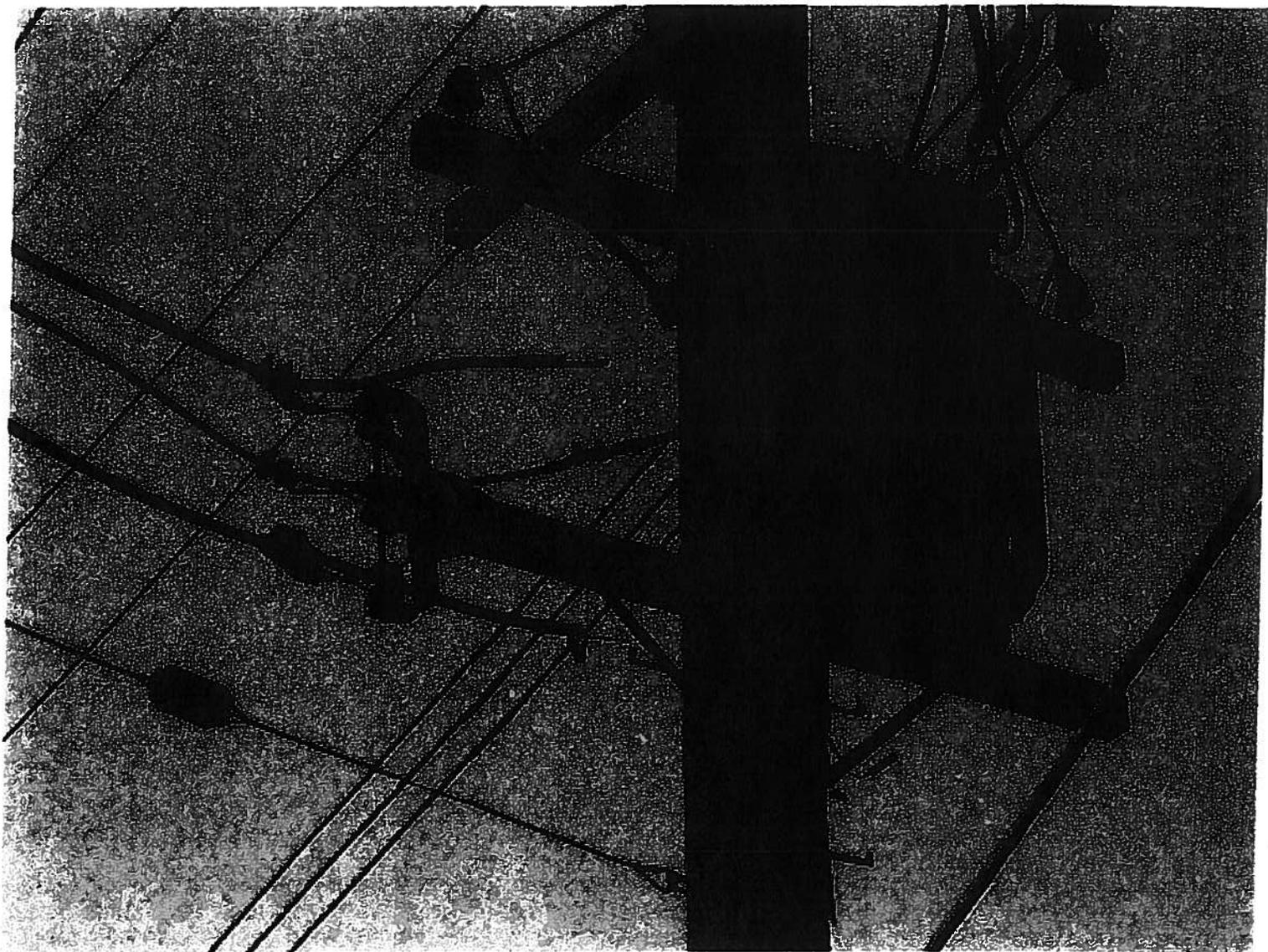


JAMES A. BOHL, Jr.
Chair, Licenses Committee

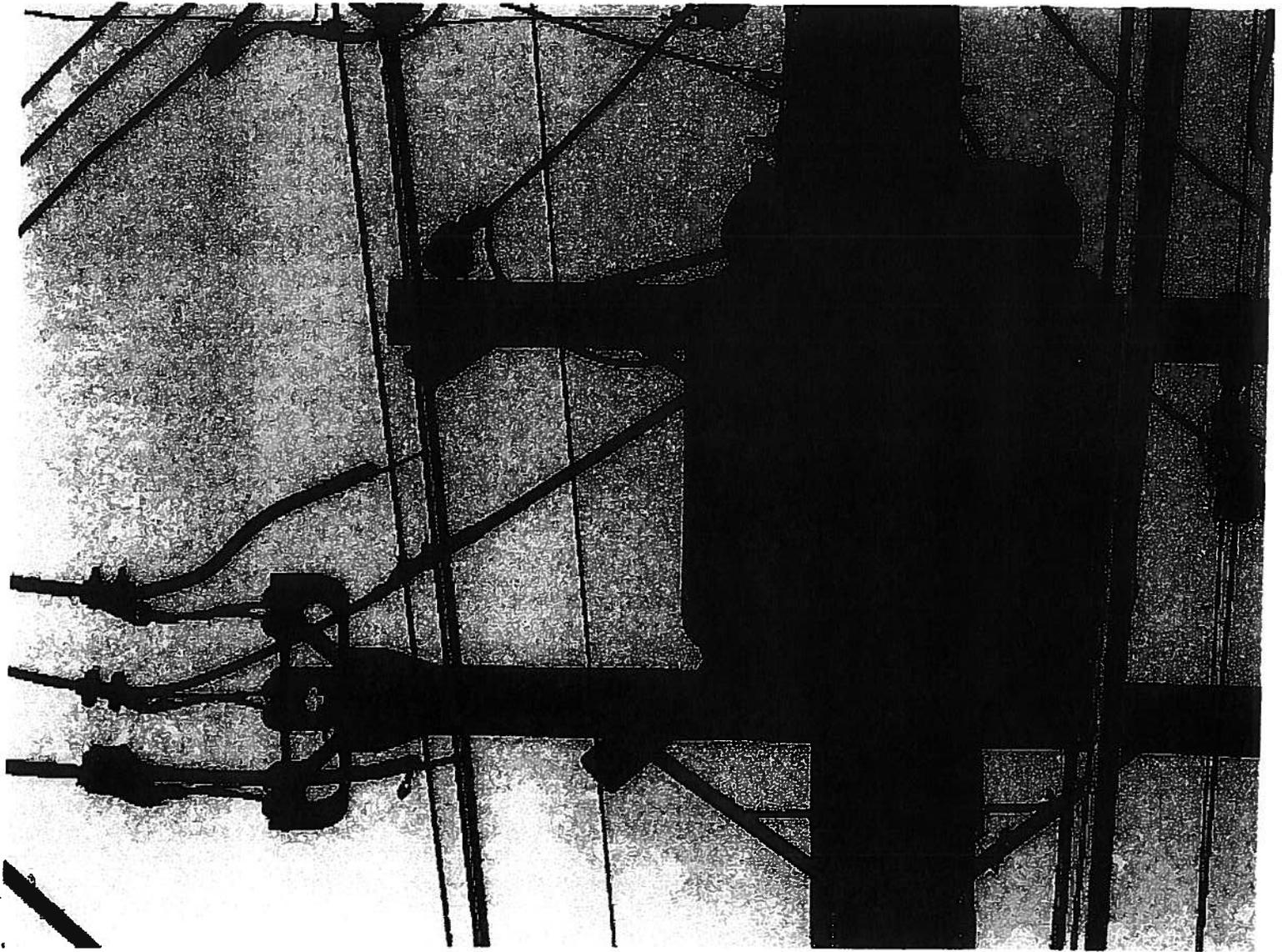
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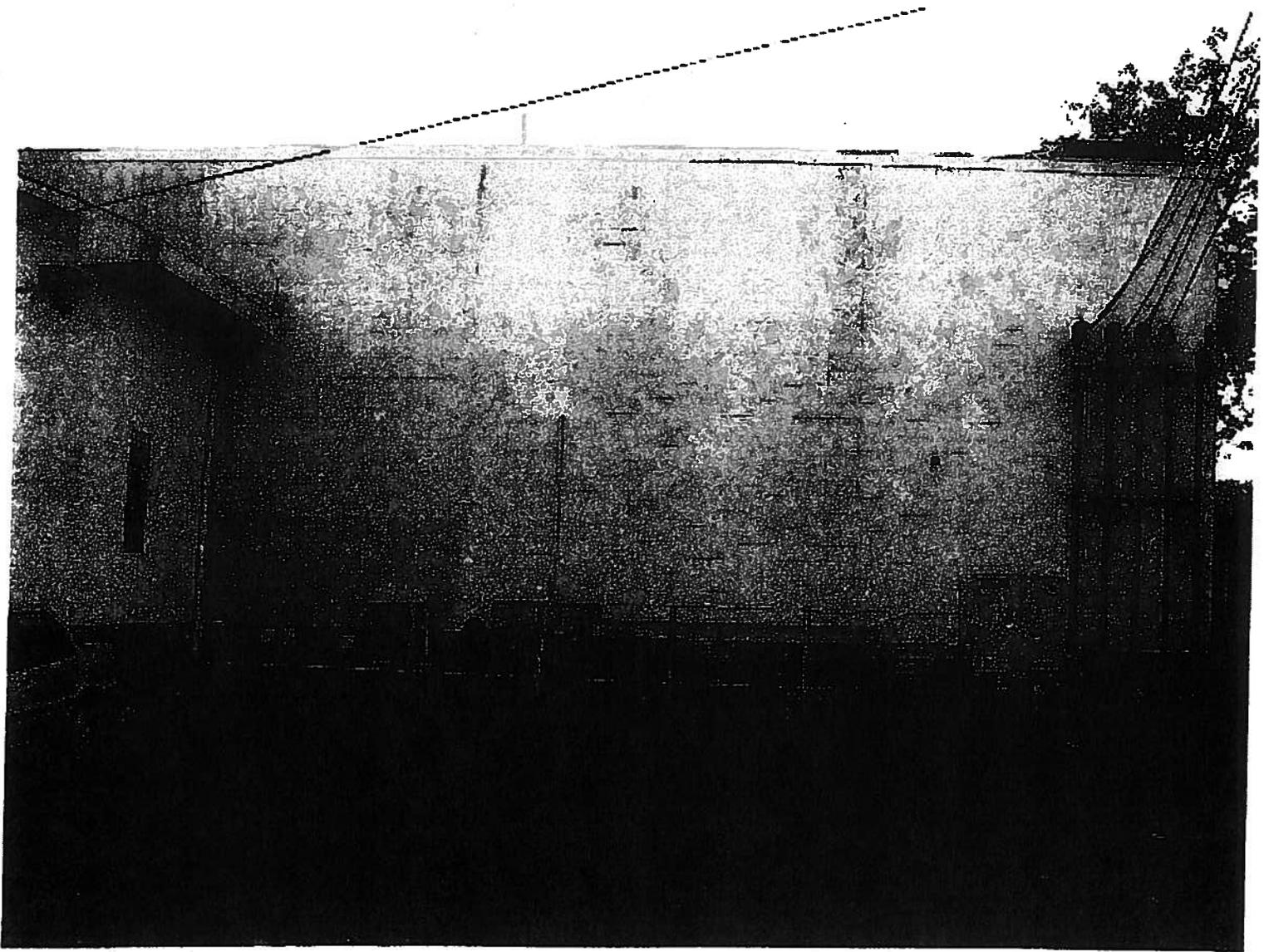
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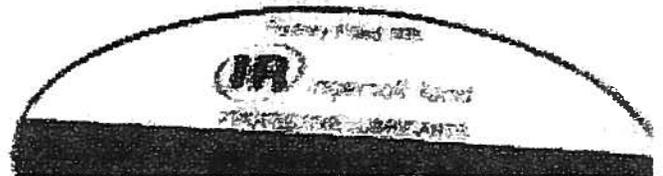
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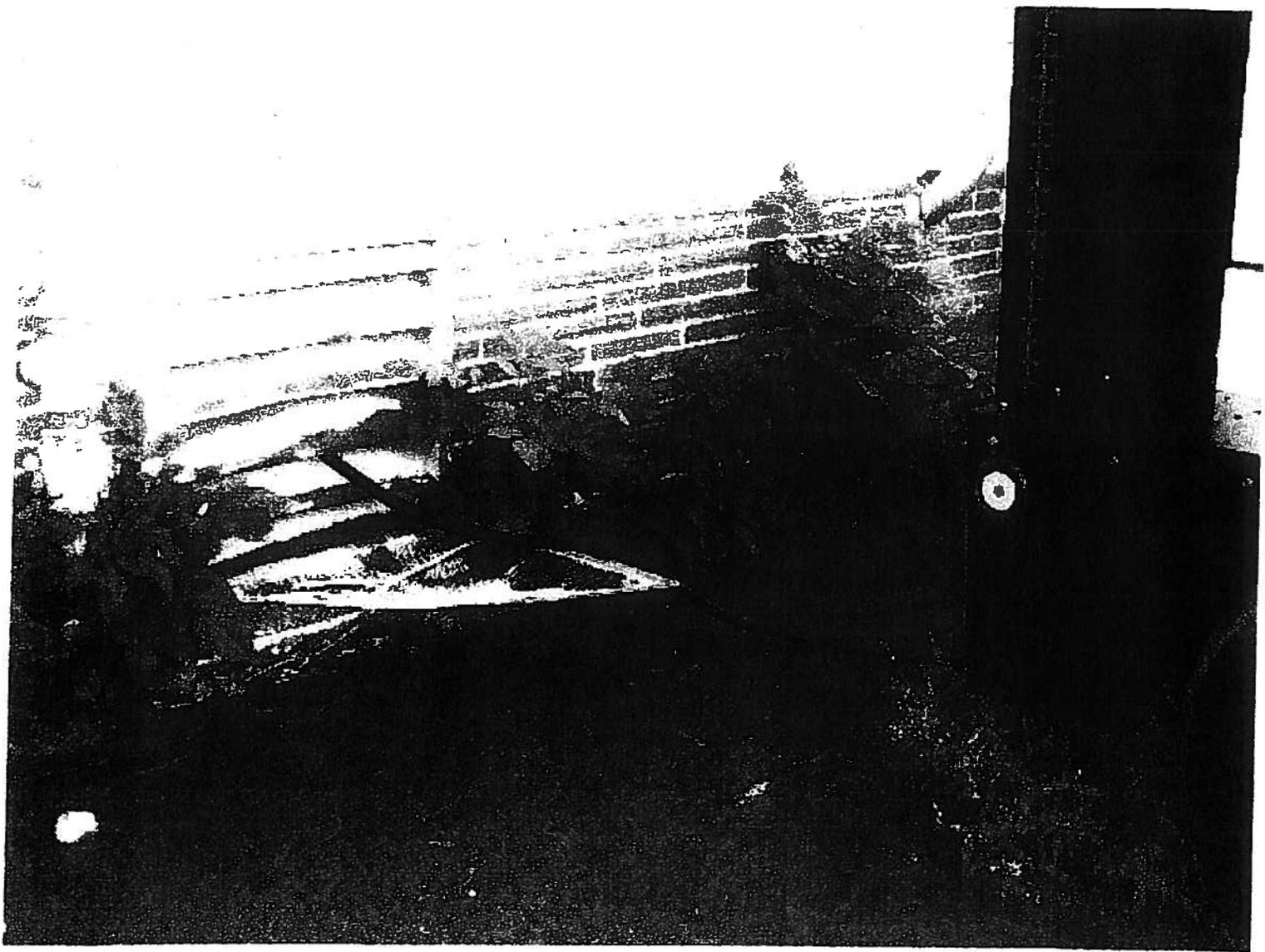
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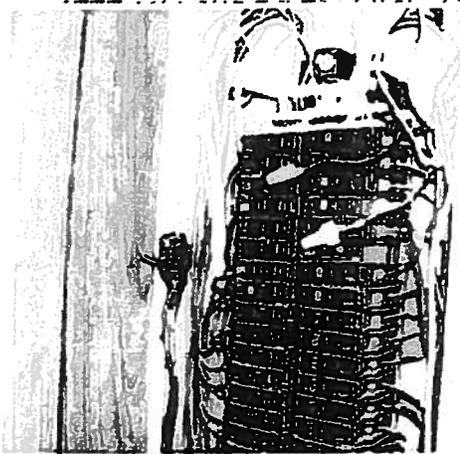
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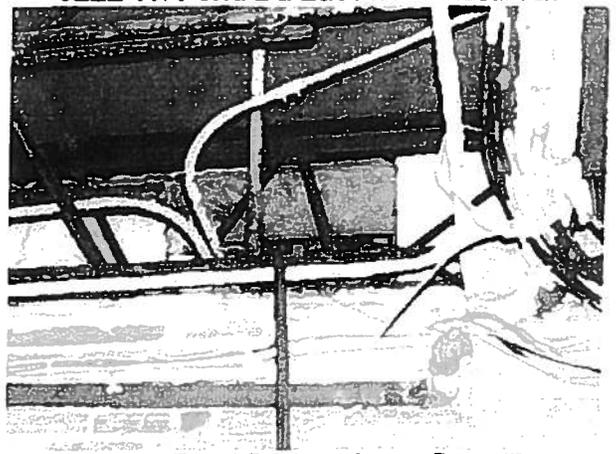
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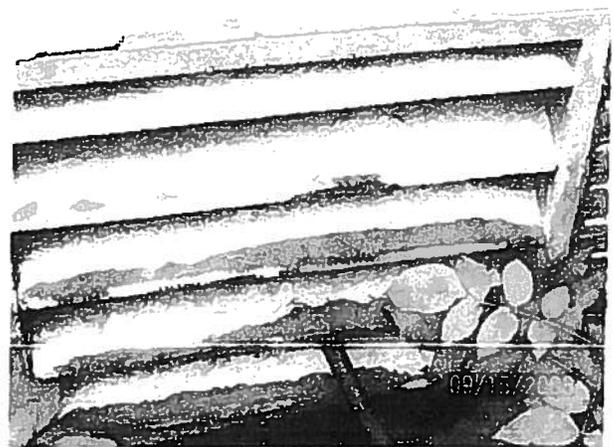
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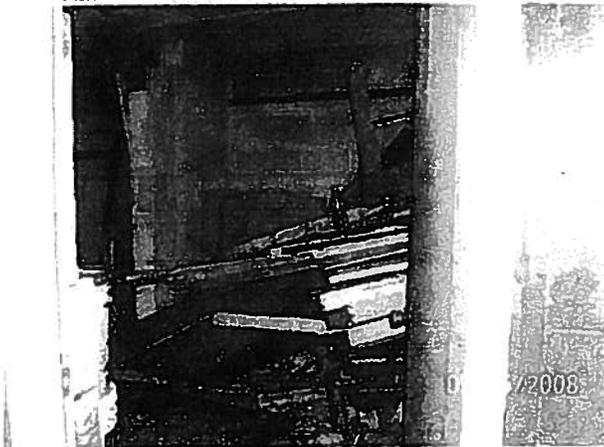
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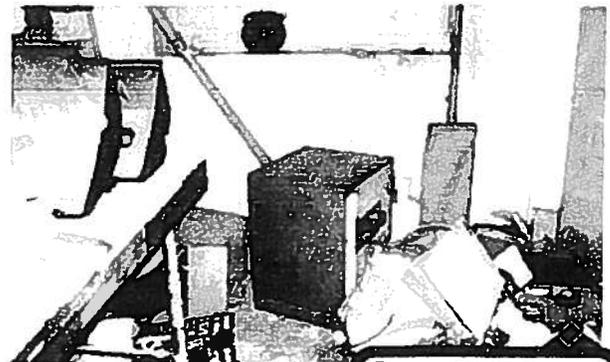
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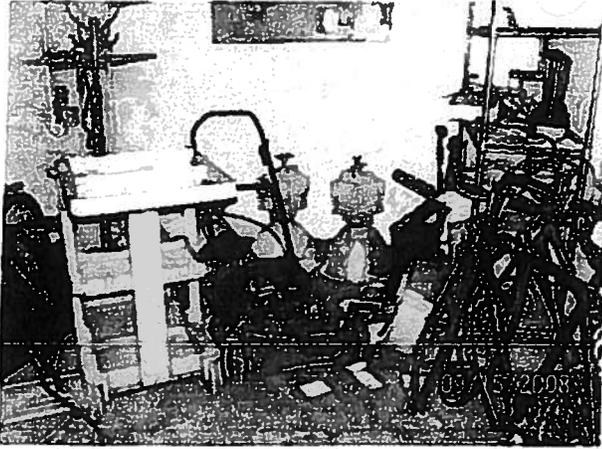
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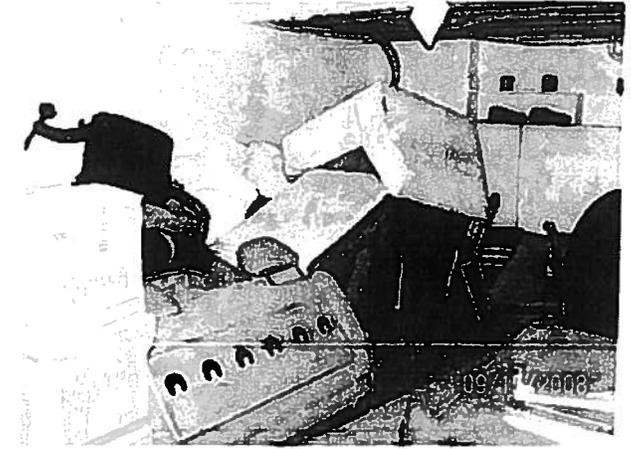
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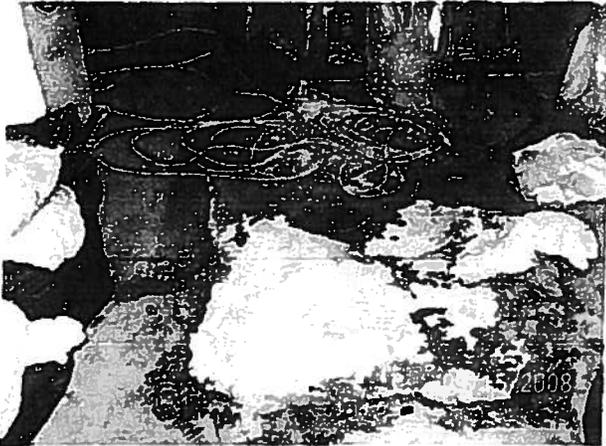
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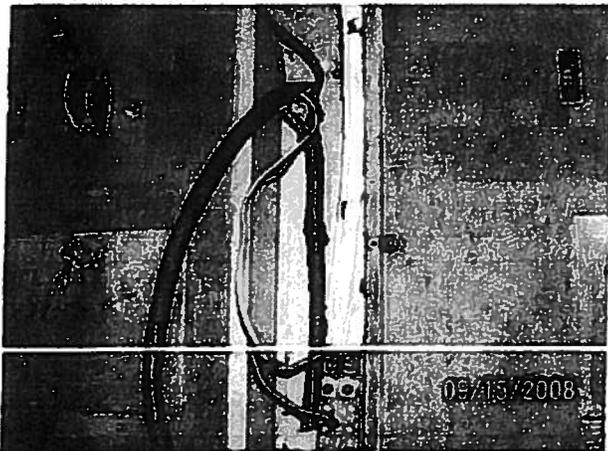
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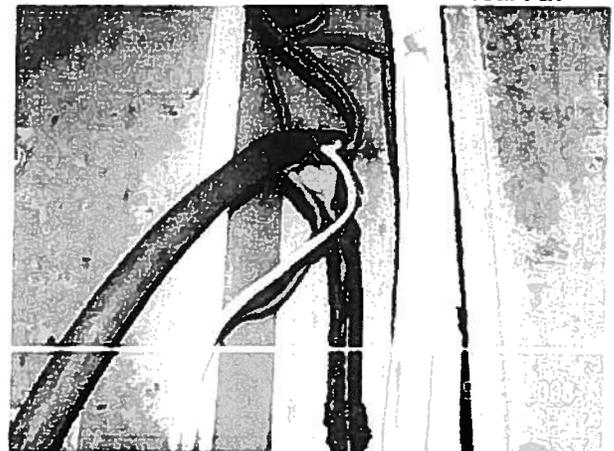
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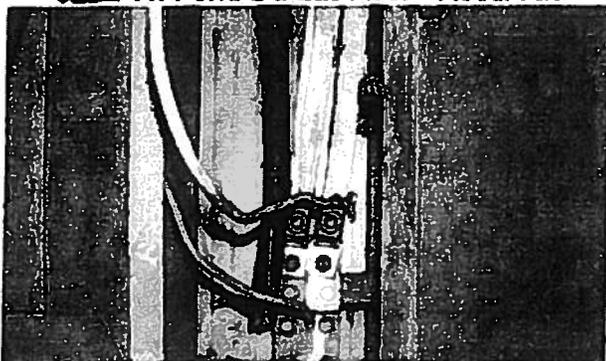
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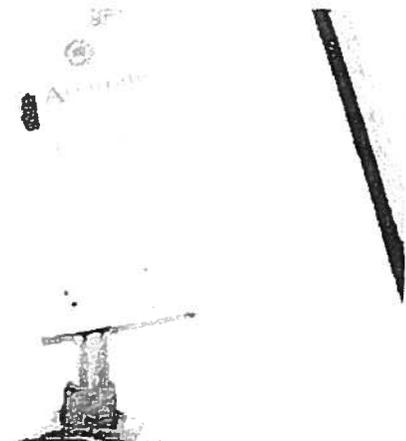


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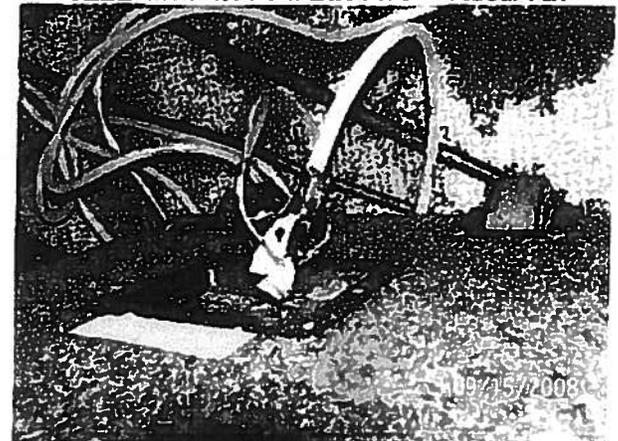
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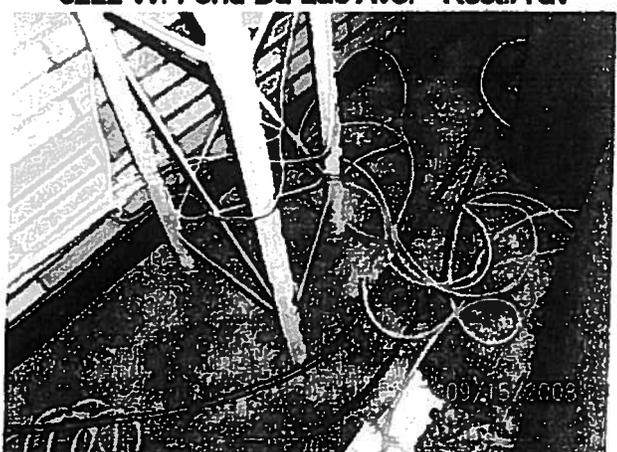
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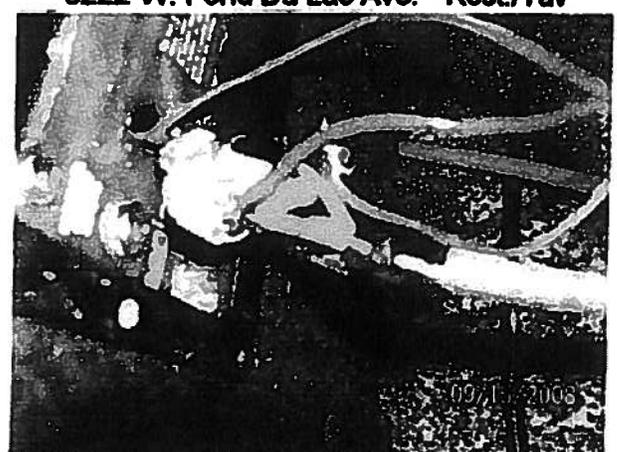
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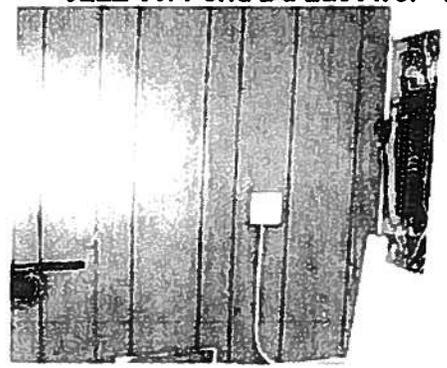
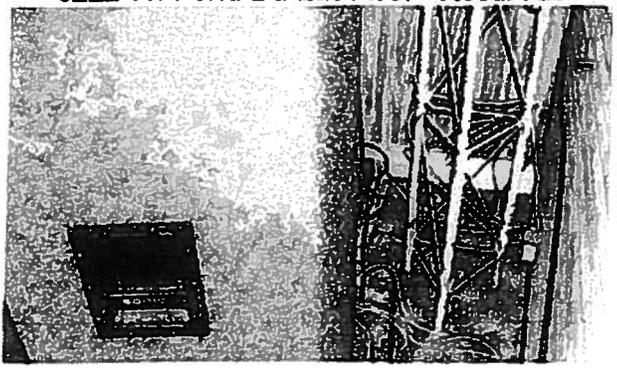
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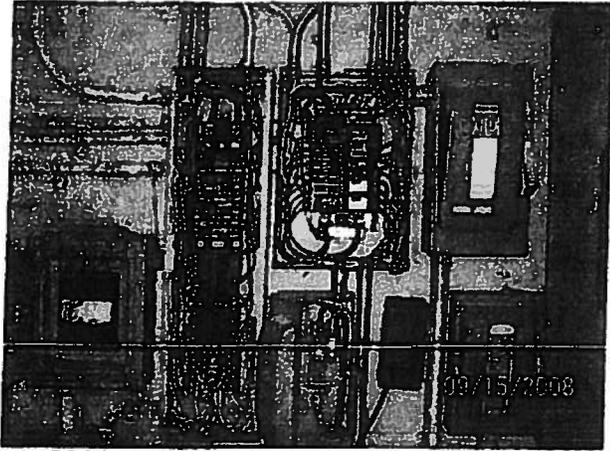


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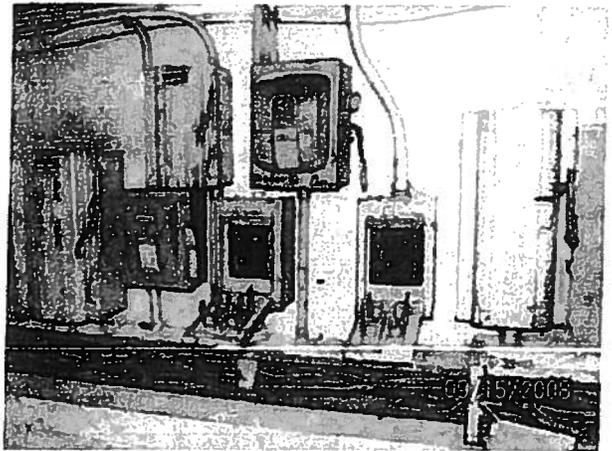
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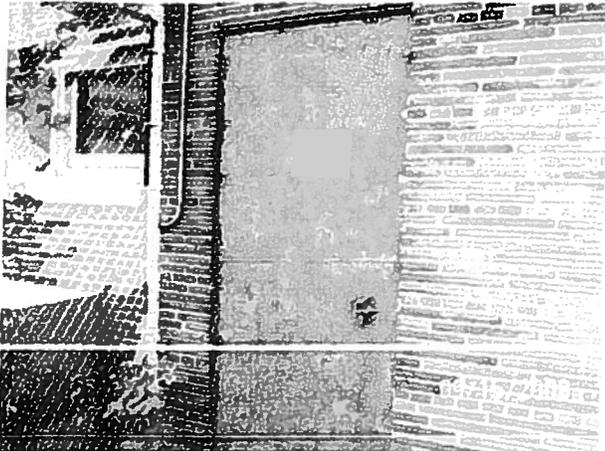
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DEPARTMENT OF NEIGHBORHOOD SERVICES

NOTICE

This building is illegally occupied or unfit for human habitation and shall be vacated by

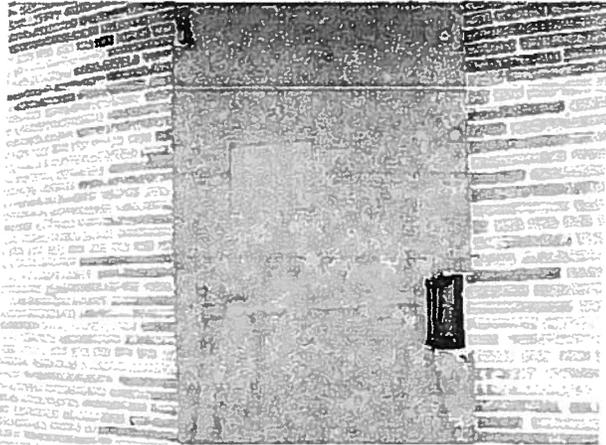
Date 09-15-08

and shall remain vacant until such time as there is compliance with the Milwaukee Building and Zoning Code.

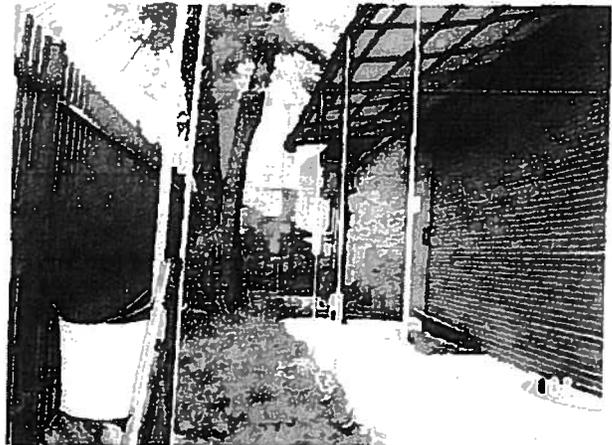
Any person occupying these premises thereafter or removing this notice is subject to arrest and upon conviction, to a fine of not less than \$150 nor more than \$1,000 for each day of violation to maximum of \$10,000 as provided in Sections 200.11 and 200.19, Milwaukee Building and Zoning Code.

Date 09-15-08 Department of Neighborhood Services Commissioner
280-8815
 Matt

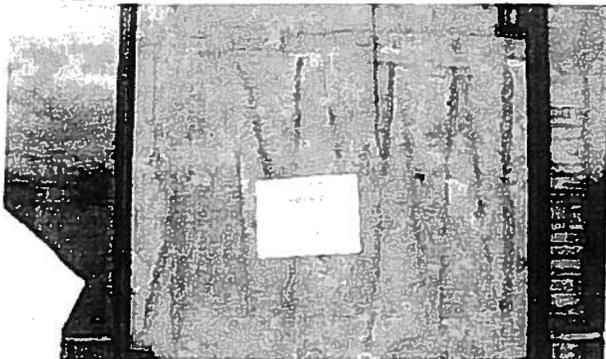
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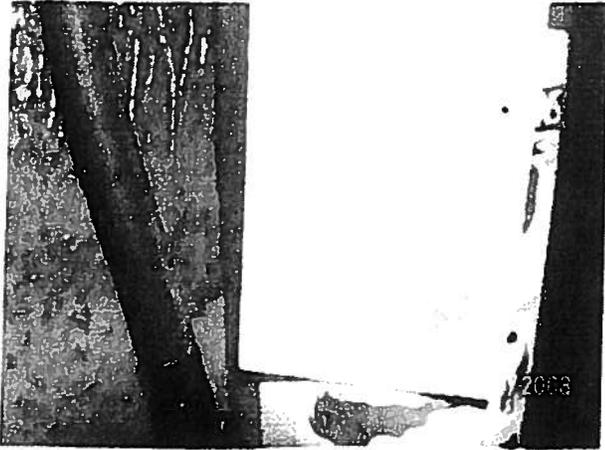


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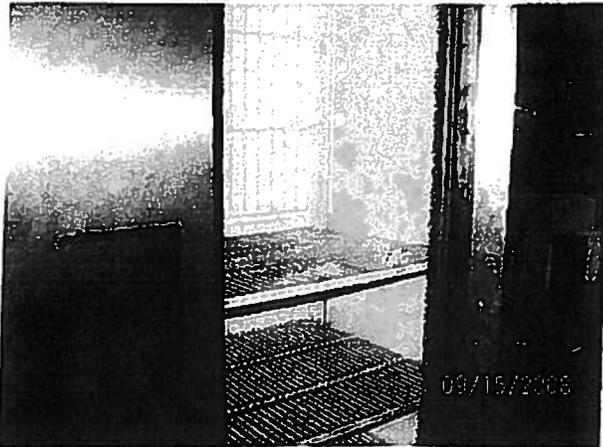




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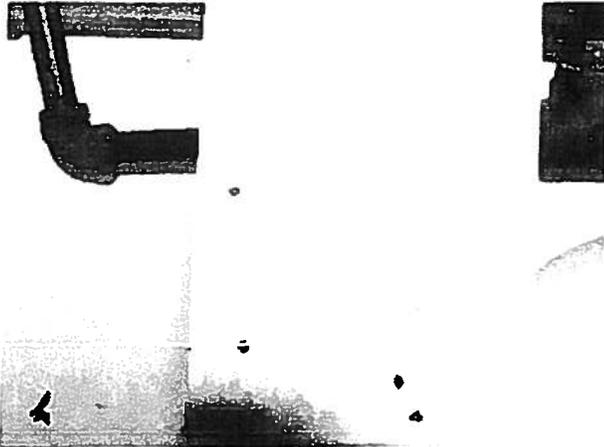
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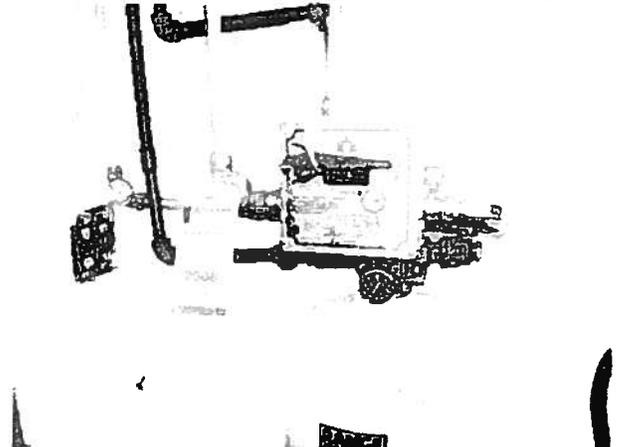
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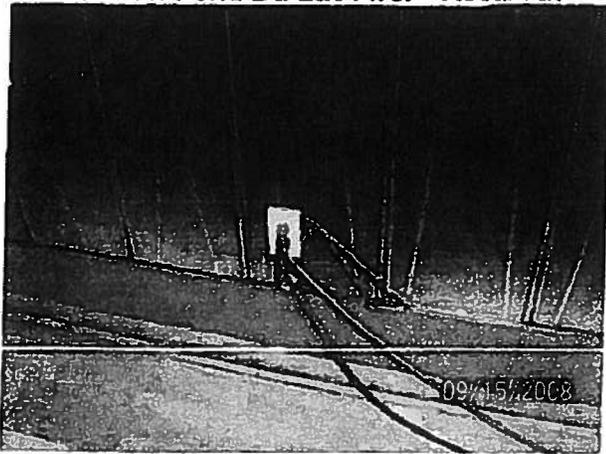


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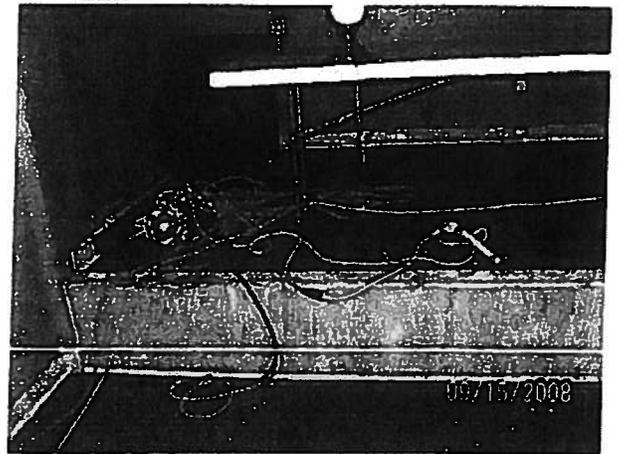


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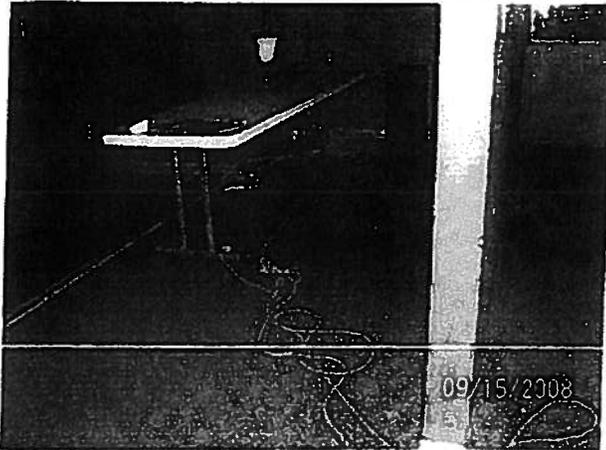




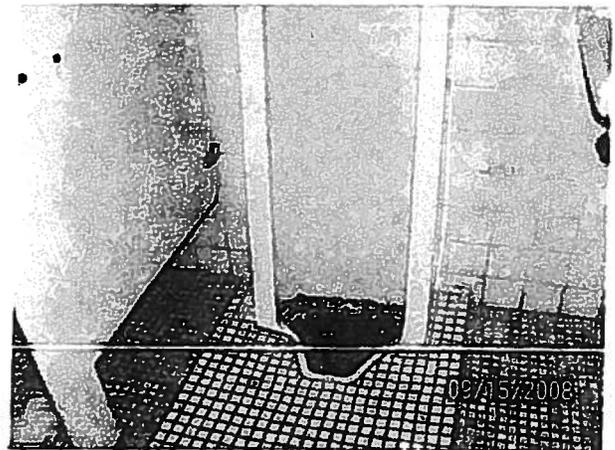
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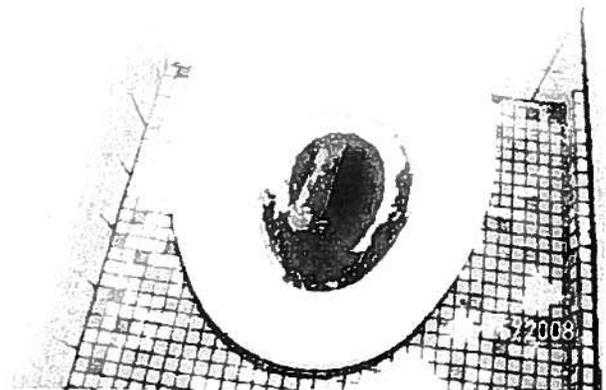
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JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Home Improvement Contractor Renewal
Application of Patrick G. Wright

FINDINGS OF FACT

1. Patrick G. Wright (hereinafter "Licensee") is the holder of a Home Improvement Contractor license in the City and County of Milwaukee, Wisconsin. Said license expires on February 28, 2009.
2. An application to renew said license was filed with the Office of the City Clerk on December 18, 2008.
3. Pursuant to Chapter 95 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. There was a Milwaukee Police Department report that could form the basis of non-renewal or suspension of this license dated December 19, 2008.
4. On January 16, 2009, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 95 of the Milwaukee Code of Ordinances, of the police report that could form the basis for suspension or non-renewal of the license. The matter was scheduled on the police report for a hearing on January 27, 2009 at 1:45 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did appear and 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 August 23, 1990, the licensee was charged in Milwaukee County with prostitution and was fined.

- B. On October 24, 1993, the licensee was charged with operating a vehicle without owner's consent and resisting/obstructing an officer (disposition not reported) in Milwaukee County. He was convicted of the operating a vehicle without owner's consent and sentenced to two years in prison on February 25, 1994.
- C. On August 6, 1994, the licensee was charged with possession with intent to deliver narcotics in Milwaukee County. The charge was amended to possession with intent-cocaine on October 12, 1994. The licensee was found guilty of this charge on October 12, 1994 and sentenced to three years in prison.
- D. On April 23, 1997, the licensee was charged with resisting or obstructing an officer in Milwaukee County and convicted on June 20, 1997, and sentenced to four months in the House of Corrections.
- E. On April 12, 1998, the licensee was charged with possession of marijuana and receiving stolen property in Greenfield and on May 6, 1998, he was found guilty on both charges and fined.
- F. On April 28, 1999, the licensee was charged with child abuse-intentional, cause great bodily harm, habitual criminality. He was found guilty on all the charges on September 1, 1999 and sentenced to three years in prison and three years probation.
- G. On May 29, 1999, the licensee was charged with resisting/obstructing an officer in Milwaukee County. He was found guilty on September 1, 1999 and sentenced to nine months in the House of Corrections.
- H. On December 17, 1999, the licensee was issued a citation for resisting/obstructing police officer at 2277 North 9th Street. He was found guilty of this charge on February 24, 2000 and was fined \$161.00.
- I. On October 18, 2000, the licensee was charged with disorderly conduct in Milwaukee County. He was found

guilty on April 3, 2001 and sentenced to 30 days in the House of Corrections.

- J. On September 13, 2003, the licensee was issued a citation for retail theft at 401 East Capitol and found guilty on October 6, 2003 and fined \$250.00.
- K. On January 5, 2005, the licensee was charged with retail theft, second-degree reckless endangering safety, resisting or obstructing an officer, manufacture/deliver of cocaine (2nd offense) and possession of THC (2nd offense). The licensee was convicted on the manufacture/deliver of cocaine (2nd offense). He was sentenced to two years in prison, had his license suspended for six months, received three years probation and also was fined on February 18, 2005.
- L. On March 16, 2004, the licensee was charged with bail jumping (felony) and possession of THC in Milwaukee County. He was found guilty on both charges and sentenced to one year in the House of Corrections. He also had his license suspended for six months and was fined on February 18, 2005.
- M. On June 5, 2007, the licensee was charged with possession of THC in Milwaukee County and on December 18, 2007, he was found guilty, fined, had his license suspended and was sentenced to 70 days in the House of Corrections.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 95 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Patrick G. Wright, has not met the criteria of Chapter 95 of the Milwaukee Code of Ordinances to allow renewal of his Home Improvement Contractor license without undergoing a ten (10) day suspension based upon the police report. The Committee finds the police report, as stated above, to be true.

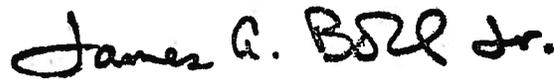
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Home Improvement Contractor license of Patrick G. Wright for a Home Improvement Contractor license with a ten (10) day suspension.

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 Home Improvement Contractor license held by Patrick G. Wright be renewed with a ten (10) day suspension.

Said suspension is to be in effect between 12:01 a.m. March 1, 2009, and midnight, March 10, 2009.

Dated and signed at Milwaukee, Wisconsin this 30th day of January, 2009.



JAMES A. BOHL, Jr.
Chair, Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Applications of Vickey L. Mendez, as agent for "Mendez, Inc.", for Class "B" Tavern, Tavern Dance, Videogame Center and Billiard Hall licenses for the premises located at 3235 West Scott Street in the City and County of Milwaukee, Wisconsin ("The Last Chance").

FINDINGS OF FACT

1. Vickey L. Mendez (hereinafter the "Licensee") is the agent for "Mendez, Inc." for Class "B" Tavern, Tavern Dance, Videogame Center and Billiard Hall licenses for the premises located at 3235 West Scott Street in the City and County of Milwaukee, Wisconsin ("The Last Chance"). Said licenses expire at midnight, February 21, 2009.
2. Applications to renew said licenses were filed with the Office of the City Clerk on December 16, 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. The Milwaukee Police Department responded with a report that could form a basis of non-renewal or suspension of these licenses on December 17, 2008. There were also alleged neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, past history of licensed premises, drug and criminal activity, prostitution, trespassing, public urination, intimidation of witnesses and neighbors, fighting, vandalism, damage to private property, parking on private property, disturbing the peace, causing the normal flow of traffic on roadways to be impeded, excessive and inappropriate use of police resources, shootings, neighborhood problems due to mismanagement, presence of and sales to underage, presence of underage in violation of Wis. Stats. 125.07(3)(a)10 and 90-19.5 of the

Milwaukee Code of Ordinances, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.

4. On January 15, 2009, 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 January 27, 2009, commencing at 9:15 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and 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 November 5, 1994, officers of the Milwaukee Police Department were dispatched to the licensed premises at 3235 West Scott Street in the City and County of Milwaukee, Wisconsin ("The Last Chance"), where the applicant was the licensee. The complaint was of loud music. Upon arriving, officers observed the rear door open and could hear loud music. The door was closed before officers could enter. Officers found approximately 200 persons on the premises, which only had a capacity of 80 persons. There was no occupancy placard posted. Some underage persons were observed on the premises consuming alcoholic beverages. The licensee was issued a citation for posting of occupancy capacity, was found guilty on December 22, 1994 and was fined \$330.00. The licensee was also issued a citation for presence of underage person on Class "B" premises (licensee responsibility), which was refused by the City Attorney when subject paid the fine for \$330.00.
 - B. On January 30, 1995, at US-45 and Hampton Avenue, a Milwaukee County Deputy Sheriff arrested the licensee for operating a vehicle under influence of an intoxicant. She was found guilty on March 14, 1995 and fined \$547.00.
 - C. On December 17, 2001, at 12:53 a.m., officers of the Milwaukee Police Department were dispatched to the Last Chance Saloon, at 3235 West Scott Street, Milwaukee, Wisconsin, regarding a noise nuisance complaint. The complainant told the officers he was awakened by the loud music coming from inside the tavern at 3235 West Scott

Street. He told the officers that he called the bar and asked them if they could lower the music, and the owner's husband said, "No, you should get your windows insulated, so you don't hear the music." The complainant told the officers the bar is a nuisance to the neighborhood every weekend and that "the music is so loud, it keeps the neighbors awake at night. The patrons of the bar also throw their empty beer bottles on neighbors' lawns." He said he has tried to work things out with the bar but they become hostile. The officer spoke to the applicant, who stated she didn't think the music was loud at that time. She also stated she did not talk to anybody "tonight" regarding the music. She thinks the neighbors keep calling the police because of their race. "[They] are Mexican and the neighbors don't like [them]." The licensee was issued a citation for noise nuisance, was found guilty on February 6, 2003 and was fined \$50.00.

- D. On October 6, 2002, officers of the Milwaukee Police Department were sent to a shooting at 3235 West Scott Street, "The Last Chance". Officers found a male shot in the back that stated that he didn't know who shot him. The licensee was on the premise and cooperated in the police investigation.
- E. On April 5, 2003 at 8:20 p.m., an underage Milwaukee police aide entered The Last Chance, 3235 West Scott Street, at the direction of Milwaukee Police officers. The aide was able to purchase a 12-ounce bottle of Miller Lite Beer from the bartender. The licensee, Vickey L. Mendez, was issued a citation for sale of alcohol to underage person, which was dismissed without prejudice on August 29, 2003.

The bartender was issued a citation for sale of alcohol to underage person and on June 3, 2003, he was found guilty and fined \$150.00.

- F. On February 3, 2006, at 4:55 p.m., an officer of the Milwaukee Police Department conducted a premises check at The Last Saloon at 3235 West Scott Street. Upon entering the premises, he observed a young-looking male in the rear of the tavern at the pool table. He asked for some identification. The patron provided an identification clearly showing he was less than 21 years old. The patron stated he was not carded when he came into the tavern. He was not

accompanied by a parent or guardian. The licensee was issued a citation for presence of underage on Class "B" premises. It was dismissed without prejudice on June 13, 2007.

- G. On March 13, 2007 at 11:41 p.m., officers of the Milwaukee Police Department were dispatched to a fight at The Last Chance tavern. The investigation revealed that two patrons began arguing over one taking the other's beer. That caused a disturbance and the bartender stated that when he confronted the patron who was accused of taking the beer, the patron then became angry and started to yell at him. Police were then called and the patron was no longer on scene when officers arrived.
- H. On March 1, 2008 at 9:37 p.m., officers of the Milwaukee Police Department conducted a tavern investigation at the licensed premises at 3235 West Scott Street in the City and County of Milwaukee, Wisconsin ("The Last Chance"). Officers from the Anti-Gang Unit received information from a confidential informant that The Last Chance tavern was known to have a high volume of gang members from the C14s conducting gang activity. The informant also stated that the tavern owners' son operates the tavern and is also a known gang member. Officers entered the tavern and advised the bartender that they would be conducting a tavern investigation and the bartender stated she understood. Officers were then approached by a subject who identified himself as Joseph Mendez and officers requested to see the tavern's licenses. The investigation found a patron to be in possession of cocaine and he was arrested and charged with possession of a controlled substance-cocaine. Another patron became disorderly and started to yell profanities and this subject was issued a citation for disorderly conduct. During this investigation, police found 26 bottles of liquor that were observed to be contaminated and one bottle of Crown Royal that was observed to be refilled.
- I. The following incidents were reported during an uncover investigation into drug sales being conducted inside The Last Chance tavern:

On March 8, 2008 at 6:25 p.m., an uncovered Milwaukee police officer was able to purchase .43 grams of cocaine from the bartender at The Last Chance tavern located at

3235 West Scott Street in the City and County of Milwaukee, Wisconsin. The bartender was identified as Joseph Mendez. This drug transaction took place while Mendez was bartending at the bar.

On March 12, 2008 at 9:15 p.m., an undercover Milwaukee police officer was able to purchase .28 grams of cocaine from the bartender at the Last Chance Saloon located at 3235 West Scott Street. The bartender was identified as Joseph Mendez and the buy was conducted while Mendez was bartending. It was learned that Mendez lives in the upper residence above the bar with his mother, Vickey Mendez, who is the tavern licensee.

On March 14, 2008 at 8:25 p.m., Joseph Mendez, while bartending, again delivered .19 grams of cocaine to an undercover officer who was inside The Last Chance tavern.

On April 4, 2008 at 7:05 p.m., a bartender offered to sell undercover officers eight ounces of cocaine for \$120.00 and told officers to call him back later to make the drug deal. This verbal drug deal took place while the subject was bartending at The Last Chance located at 3235 West Scott Street in the City and County of Milwaukee, Wisconsin. At 8:40 p.m., the bartender instructed another subject that was in the tavern to sell 1.67 grams of cocaine for \$120.00 to the undercover officer. It should be noted that during the months of March and April, on several occasions, surveillance was done of this bar during the late afternoon and evening hours and officers observed on a daily basis several known gang members entering and exiting this tavern. Gang members were identified as members from the Latin Kings and C14s. Officers made several attempts to locate and arrest Joseph Mendez and the other bartender and to notify Vickey Mendez about this case, but found the bar to be closed.

- J. On April 18, 2008 at 9:44 p.m., officers of the Milwaukee Police Department were dispatched to complaints of loud music at 3235 West Scott Street in the City and County of Milwaukee, Wisconsin. Officers were about one block away and could hear loud music. Officers found the music to be coming from The Last Chance tavern and spoke to the licensee, Vickey L. Mendez. Mendez stated there was a wedding reception in the back room and that the music was not loud. Officers found the level to be at an unacceptable

level and advised Mendez that music does disturb her area neighbors. Mendez was instructed to tell the DJ to lower the music level and keep it at an acceptable level for the rest of night. At 10:50 pm, officers were again dispatched to 3235 West Scott Street for a loud music complaint. Police could hear the music being played from over 50 feet away. Officers spoke to Vickey Mendez again and issued a citation for noise nuisances, which was dismissed without prejudice on August 28, 2006.

- K. On July 18, 2008 at 12:05 a.m., officers of the Milwaukee Police Department conducted a tavern check at 3235 West Scott Street in the City and County of Milwaukee, Wisconsin ("The Last Chance"). A check for underage patrons was conducted with two patrons not having proper identification on them. The patrons provided false names and births dates to officers and were later issued citations for resisting/obstructing officers. Police spoke to the licensee, Vickey Mendez, and advised her that all patrons inside the tavern need to have identification on their person to enter the tavern.
- L. On July 28, 2008 at 12:33 a.m., officers of the Milwaukee Police Department were patrolling in the area of 32nd and Scott when loud music was heard coming from the licensed premises located at 3235 West Scott Street ("The Last Chance"). Officers spoke to the owner, Vickey Mendez, regarding the loud music. Mendez stated she wanted a warning. However, a citation was issued due to past noise nuisance violations at the tavern. It was dismissed without prejudice on November 5, 2008.
- M. On July 29, 2008 at 11:00 p.m., officers of the Milwaukee Police Department conducted a tavern check at 3235 West Scott Street, Milwaukee, Wisconsin ("The Last Chance"). Officers found the rear exit door locked from the inside. Officers spoke to Vickey Mendez regarding the door and issued a citation to the licensee for safe egress from all entrance doors and serving rooms. On November 5, 2008 she was found guilty and fined \$356.00.
- N. On August 23, 2008 at 2:18 a.m., officers of the Milwaukee Police Department conducted a license premise check at 3235 West Scott Street ("The Last Chance"). As officers approached the tavern, they were about 50 feet away and could hear music being played from inside the tavern.

Officers entered the tavern and spoke with Vickey Mendez regarding the loud music. While officers were speaking to Vickey Mendez, her husband, Manuel Mendez, approached officers and began to argue with them. Manuel Mendez continued to obstruct officers as they were attempting to conduct their investigation. Manuel Mendez was cited for resisting/obstructing an officer and Vickey Mendez received a citation for noise nuisance, which is pending trial on February 9, 2009.

- O. On September 20, 2008 at 12:50 a.m., officers of the Milwaukee Police Department were dispatched to 3201 West Scott Street for a call for police complaint. Police spoke to the caller/victim who stated he was at The Last Chance tavern around 11:30 p.m. having some beers when the owner of the tavern, Manuel Mendez, started talking to him and an argument started. That is when Manuel got two other patrons to chase the caller out of the tavern with cue sticks. Police spoke to Manuel Mendez who stated the subject was making people buy him drinks and that Manuel asked him politely to leave. Manuel Mendez denies that he ever threatened the subject or had two men chase him with cue sticks. Officers interviewed the bartender who stated she did not see any unusual behavior going on. Officers also spoke to Vickey Mendez who stated she was with her husband all evening and no threats were ever made to anyone.
- P. On January 1, 2009 at 3:17 a.m., officers of the Milwaukee Police Department were dispatched to 3225 West Scott Street ("Last Chance Tavern") for a fight complaint. Officers arrived and observed a male patron bleeding from the head and observed he had a swollen left eye. Police also observed several broken pool cues strewn about the bar. Officers spoke to the victim who stated he observed two patrons going from the public bar into a private party room and that the private party patrons asked the two other patrons to leave. The two patrons left the tavern only to return a short time later with several other subjects who approached the private party patrons, who were now playing pool. The victim stated one of the subjects threw a beer bottle at one of the patrons playing pool, only the bottle struck the victim and a big fight ensued. Incidents reports were filed regarding this incident.
- Q. Two neighbors testified in opposition to the renewal of this

license. Their objections centered on continuous loud music and noise emanating from this premise, litter being caused by patrons of the premise, and public urination. The licensee, when shown pictures of the litter, denied that some of the bottles depicted were brands that they sell in the tavern.

- R. The licensee denied that she had knowledge of the activities of her son dealing drugs on the premise, but the licensee had earlier testified that either she or her husband are at the premise at the times it is open, and when their son was dealing drugs while bartending.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and 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 upon the above facts found, the Committee concludes that the licensee, Vicky L. Mendez, as agent for "Mendez, Inc.", for the premises at 3235 West Scott Street in the City and County of Milwaukee, Wisconsin ("The Last Chance"), has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of her Class "B" Tavern, Tavern Dance, Videogame Center and Billiard Hall licenses based upon the police report, neighborhood objections and the danger that continued operation of this premise poses to the health, safety and welfare of the citizens of Milwaukee. The Committee finds the police report and neighborhood objections, 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 Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern, Tavern Dance, Videogame Center and Billiard Hall licenses based upon the police report and neighborhood objections.

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 "B" Tavern, Tavern Dance, Videogame Center and Billiard Hall licenses not be renewed based upon the police report and neighborhood objections.

Dated and signed at Milwaukee, Wisconsin this 30th day of January, 2009.

James A. BOHL Jr.

JAMES A. BOHL, Jr.,
Chair, Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Tracy M. Ball.

FINDINGS OF FACT

1. Tracy M. Ball (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, 2008.
2. An application to renew said license was untimely filed with the Office of the City Clerk on December 1, 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 December 2, 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 January 15, 2009, 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 January 27, 2009, 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 Tracy M. Ball at 3007 West Iona

- B. Terrace, No. 4, Milwaukee, Wisconsin, 53221 on January 15, 2009 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 3007 West Iona Terrace, No. 4, Milwaukee, Wisconsin, 53221 is the address given by the Licensee on her application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on January 27, 2009.
- C. This matter had earlier been noticed for a meeting on January 6, 2009 by a notice mailed on December 18, 2008, but the matter was held at the licensee's request.

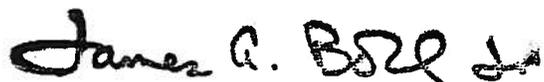
CONCLUSIONS OF LAW

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, Tracy M. Ball, 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 Tracy M. Ball 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 30th day of January, 2009.



JAMES A. BOHL, Jr.
Chair, Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Enrique Terrones for a Class "B" Tavern with change of hours and a new Tavern Dance application for the premises located at 1631 West Grant Street in the City and County of Milwaukee, Wisconsin ("Primos Place").

FINDINGS OF FACT

1. Enrique Terrones (hereinafter the "Licensee") is the holder of a Class "B" Tavern license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, March 7, 2009.
2. An application to renew said license was filed with the Office of the City Clerk on December 26, 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. There was a Milwaukee Police Department report dated December 29, 2008, which could form the basis for non-renewal or suspension of the license. There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, fights, shootings, vandalism, thefts, and operation of the premises in such a manner that it creates a public nuisance and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 15, 2009, 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 police report, along with a copy of that report, which could form the basis for suspension or non-renewal of the license of the Licensee, and notice of neighborhood objections. The matter was

scheduled for a hearing on the police report and neighborhood objections on January 27, 2009 at 8:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. He was represented by Attorney Michael Knoeller, 610 West Lincoln Avenue, Milwaukee, Wisconsin, 53215.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Only the incidents from the last licensing year were read and considered by the Committee.
 - B. On March 6, 2008 at 5:45 a.m., officers of the Milwaukee Police Department were dispatched to 1631 West Grant Street for a noise nuisance complaint. An anonymous caller stated there was loud music coming from Primos Bar even though the tavern was closed. Upon arrival, officers observed a male in the doorway of the tavern trying to leave. Police identified the subject as Enrique Terrones, owner of the bar. Terrones was heavily intoxicated and uncooperative with the police investigation regarding the loud music complaint. Because the officers heard no loud music or observed any patrons inside the tavern, no citations were issued. At hearing, the licensee asserted he had been drinking the night before, was groggy, and received a phone call that falsely reported someone was attempting to break into the bar. That is when he met the police officers. He denied loud music was playing.
 - C. On November 9, 2008 at 1:53 a.m., officers of the Milwaukee Police Department were dispatched to 1631 West Grant Street for a subject with gun/shots fired complaints. Police spoke to the bartender who stated that some patrons were upset after being kicked out of the tavern and that one patron used a bat and broke all the windows on the building. The manager was on scene and stated that his brother, Enrique Terrones, was on scene earlier but was really intoxicated and left for home before police arrived. The gun and shots fired complaints were found baseless, though a criminal damage to property report was filed. At hearing, the licensee explained that some gang members entered the bar and the bartender threw them out.

- D. On November 18, 2008 at 2:05 a.m., officers of the Milwaukee Police Department were dispatched to 1631 West Grant Street for a shooting complaint. The investigation revealed that two subjects were leaving Primos Place tavern when two suspects approached them in an attempt to rob them. One victim was shot 2 times and the other victim was hit in the head with the gun. Officers did speak to Enrique Terrones who stated he was in his closed tavern when the shooting occurred and he only heard shots. At hearing, the licensee claimed this incident was in retaliation for the gang member being thrown out of the bar by the shooting victim.

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 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Enrique Terrones, for the licensed premises at 1631 West Grant Street, Milwaukee, Wisconsin ("Primos Place") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a ten (10) day suspension of said license. The Committee finds the police report, as stated above, to be true. The Licensee withdrew his application for a new Tavern Dance license.
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 of the City of Milwaukee should exercise its discretion to renew the Class "B" Tavern license of Enrique Terrones for the premises at 1631 West Grant Street in the City and County of Milwaukee, Wisconsin ("Primos Place") with a ten (10) day suspension.

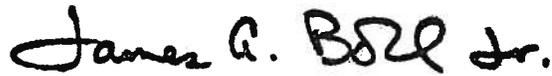
RECOMMENDATION

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 "B" Tavern license of Enrique Terrones for the premises located at 1631 West Grant Street in the City and

County of Milwaukee, Wisconsin ("Primos Place") be renewed with a ten (10) day suspension.

Said suspension is to be in effect from 12:01 a.m., March 8, 2009, through midnight, March 17, 2009.

Dated and signed at Milwaukee, Wisconsin this 30th day of January, 2009.

A handwritten signature in black ink that reads "James A. BOHL Jr." The signature is written in a cursive style with a horizontal line underneath the name.

JAMES A. BOHL, Jr.
Chair, Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Devon L. Reid, as agent for "Questions, Inc." for Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) renewal applications for the premises located at 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment").

FINDINGS OF FACT

1. Devon L. Reid (hereinafter the "Licensee"), as the agent for "Questions, Inc.", is the holder of Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses in the City and County of Milwaukee, Wisconsin. Said licenses expire at midnight, February 9, 2009.
2. Applications to renew said licenses were filed with the Office of the City Clerk on November 19, 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. The Milwaukee Police Department responded with a report that could form the basis for non-renewal or suspension of this license on November 20, 2008. There were also neighborhood objections to racing and loud vehicles, loud music and noise, loitering, littering, illegal drug activity, cruising, fighting, prostitution, drunkenness, public urination, trespassing, vandalism, damage to private property, parking on public property, disturbing the peace, causing the normal flow of traffic on roadways to be impeded, excessive and inappropriate use of police resources, neighborhood problems due to mismanagement, endangering safety by exceeding capacity, premises is operated in such a manner that it causes a public nuisance, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 16, 2009, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis

for nonrenewal or suspension and the neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on January 26, 2009 at 9:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared at the hearing and was represented by Attorney Michael Maistelman, 5027 West North Avenue, Milwaukee, Wisconsin, 53208 and Attorney David Halbrooks, 2924 East Linnwood Avenue, Milwaukee, WI, 53211.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On October 19, 2007 at 1:26 a.m., officers of the Milwaukee Police Department were dispatched to a fight at 3041 West North Avenue ("Questions Entertainment"). As officers arrived, there were many patrons exiting the tavern with some of them yelling at officers that someone was shot and laying in front of Questions Night Club. Officers observed several armed security officers standing near a victim who was found to have been shot several times. The victim was later pronounced dead at the scene. Officers spoke to the security guards who stated they had heard gunshots but were unable to determine who was all involved because of a fight between patrons that they were breaking up. Some descriptions were provided by security in regards to possible suspects, along with a vehicle description. Officers attempted to gain entry into Questions Night Club but found that the doors had been locked. It was unknown at the time if the victim or shooting suspects were patrons of Questions Night Club. At hearing, counsel for the licensee asserted that the shooting actually occurred down the street in front of WE Energies, not in front of the club, and for that reason denied that it had anything to do with the club.
- B. On January 5, 2008, security guards for Questions Night Club placed a call to Milwaukee police requesting assistance with subjects who were loitering at the tavern and refusing to leave. Milwaukee police needed three squads to clear the area.
- C. On January 8, 2008 at 1:43 am, officers of the Milwaukee Police Department were dispatched to 3041 West North Avenue for a shots fired complaint. Officers spoke to a security officer who stated that while patrons were leaving the tavern, four shots were fired in the area. The security officer stated that he was unsure if the shots were fired at someone and that he did not observe who fired the shots. Fritz further stated to police that there was an altercation with a patron, which resulted in damage to an auto. The police investigation revealed that the altercation was in fact an endangering safety by use of a dangerous weapon involving the security officer and a known

patron. There had been a verbal argument between the security officer and the patron with the security officer pulling his out his gun and pointing it at the victim. Both subjects were ordered in to the District Attorney's office for possible charges. A check at CCAP revealed no charges were issued. At hearing, the licensee, by counsel, pointed out that it was not clear the shots in question came from patrons of the premise and that they may have come from other individuals that may have been going through the area.

- D. On February 1, 2008 at 12:44 a.m., officers of the Milwaukee Police Department were dispatched to 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment") for an armed robbery complaint. Police spoke with the victim who stated she was denied entry into Questions due to an expired ID card. The victim began to walk away from the tavern when she was approached by two males armed with guns demanding her property. The victim stated she ran back to security at the tavern and that is when she heard several gunshots fired. While investigating this armed robbery complaint, another subject approached officers stating he was robbed at gunpoint in the same area. Incident reports were filed in both complaints.
- E. On February 3, 2008, officers of the Milwaukee Police Department were dispatched to 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions") for a theft complaint. Officers spoke to the caller who stated she had her coat checked at Questions and when she attempted to retrieve it, the coat was missing. A report was filed.
- F. On February 8, 2008 at 12:03 a.m., officers of the Milwaukee Police Department were on patrol when officers observed a verbal argument, which became physical, between a patron and security at Questions Night Club. Police spoke to the security guard who stated the altercation started because the patron was denied entry due to capacity levels. At hearing, the licensee, by counsel, asserted that this incident showed that the security force did a good job of controlling the number of patrons entering the club.
- G. On February 8, 2008 at 2:22 a.m., officers of the Milwaukee Police Department were dispatched to St. Joseph's Hospital for a battery complaint. Police spoke with the victim who stated he was at Questions Night Club when an unknown actor walked up to him and struck him in the face with an unknown object. The victim suffered a 2-inch laceration to his upper lip. A report was filed. At hearing, the licensee, by counsel, asserted that the police did not fully investigate this matter since there is a security system video taping what is

occurring and that had the police asked for a copy of the video tape, the video tape would have shown whether or not the patron was struck at the club, and if so, who did the battery.

- H. On February 10, 2008 at 9:42 p.m., officers of the Milwaukee Police Department took a complaint from a victim who stated while he was a patron at Questions and unknown subject took his cell phone from his jacket that was hung on the back of a chair. A report was filed.
- I. On February 15, 2008 at 11:54 p.m., officers of the Milwaukee Police Department were dispatched to 3041 West North Avenue for traffic congestion. Police cleared autos from the area and issued 12 parking tickets to autos illegally parked that were contributing to the traffic congestion. As officers cleared the area, security for Questions Night Club escorted two groups of individuals out of the bar for fighting. Police spoke to Devon Reid regarding these incidents and traffic problems. On February 15, 2008 at 1:31 a.m., Milwaukee police officers were called to St. Joseph's Hospital for two substantial battery complaints. Both victims stated they were at Questions Night Club and involved in fights in which both victims received lacerations that required stitches. Reports were filed. At hearing, the licensee, by counsel, indicated that this incident shows the security force at the club did a good job of controlling the crowd and noted that the Milwaukee Police Department did not request the videotapes to determine if or who at the club did the batteries in question.
- J. On February 25, 2008 at 1:07 a.m., officers of the Milwaukee Police Department were dispatched to Questions for a disturbance complaint. The investigation revealed that a security guard and a patron were involved in an altercation that required police being called. A total of five squads were needed for traffic and crowd control. At hearing, the licensee, by counsel, observed that this incident showed that the security force did a good job of controlling the crowd.
- K. On February 29, 2008 at 12:53 a.m., officers of the Milwaukee Police Department were flagged down by security for Questions regarding a fight that had started inside the tavern and had moved out to parking lot. Officers were breaking up the fight and while doing so, several other fights broke out between patrons of the club. Additional squads were needed to assist with breaking up the fights. Ten squads and one supervisor were needed to restore order from the near capacity crowd of 480 patrons from Questions Club. Several citations were issued for disorderly conduct and resisting/obstructing officers in addition to 27 citations issued for parking violations. At hearing, the licensee, by counsel, observed that the security force acted appropriately in this

situation. At hearing, the licensee, by counsel, objected to the term "near capacity," as the club, according to its occupancy, can in fact have 480 patrons present in its premise.

- L. On March 5, 2008 at 12:15 a.m., officers of the Milwaukee Police Department observed several cars in the area of 3041 West North Avenue illegally parked. A total of 19 parking tickets were issued with two cars being towed. One patron whose car was being towed entered her auto and attempted to drive off to prevent her car from being towed. As she attempted to leave in the auto, she struck another car and fled the scene of the accident. She was later stopped by police and arrested for operating while intoxicated. A further investigation found the patron was underage and had another subject's ID so she could gain entry into Questions. This subject was issued several citations and charged with operating while intoxicated, prohibited blood alcohol content (+1.2), and hit and run. At hearing, the licensee, by counsel, asserted that the club could not be held responsible if the patron was intoxicated and driving a motor vehicle.
- M. On March 14, 2008 at 1:00 a.m., officers of the Milwaukee Police Department were monitoring Questions tavern due to complaints of traffic and crowd congestion. Many patrons leaving the tavern were observed to be disorderly by yelling and screaming profanities to passing autos with some patrons starting arguments. Regarding the traffic and crowd congestion, the entire scene was videotaped for further reference. A total of six squads were needed for traffic and crowd control. At hearing, the licensee stated that he was told by the Milwaukee Police Department that it was thankful the club allowed it to tape the scene, as this action would allow the MPD to get additional monies in its budget. When asked for the name of the officer, the licensee could only say that the individual was a sergeant and that the person was not in the room. The licensee stated that he could not remember the name of the sergeant, and that he did not know if the statement was true or not.
- N. On March 15, 2008 at 1:36 a.m., officers of the Milwaukee Police Department responded to Questions for a fight complaint. Officers were advised that the fight started inside the club and spilled out onto the streets. Police observed numerous females that were involved in altercations and when police attempted to break up the fights, these same females began fighting police. In addition, vehicles that were leaving the tavern blocked the intersections so the occupants could watch the fights. Police had to close down two blocks from 1:38 a.m. to 2:37 a.m. to clear traffic. Once order was restored, numerous citations were issued for disorderly conduct and resisting arrest. A total of nine squads were needed, along with Engine 32 and Med 7

from the Milwaukee Fire Department and Curtis Ambulance. These incidents were also caught on videotape for future reference by the Milwaukee Police Department.

- O. On April 1, 2008 at 11:20 p.m., officers of the Milwaukee Police Department were flagged down by a person who works security for Questions Night Club at 3041 West North Avenue. Hicks stated at 10:20 pm, he observed three subjects near an auto, which was found to be damaged. When he approached them, they all ran, but he was able to catch one actor. This subject had no ID on him and when Hicks could not confirm his identity, let him go. A report was filed regarding the damage to the auto and while officers were there, they observed numerous cars that were illegally parked around the tavern. A total of 20 parking tickets were issued. At hearing, the licensee, by counsel pointed out that security was doing what it is supposed to do in this instance, and that there is no indication the subjects near the auto were patrons of the club.
- P. On April 2, 2008 at 1:49 a.m., officers of the Milwaukee Police Department were dispatched to 24th Place and Brown Street for a suspicious person complaint. The investigation revealed this subject had been a patron at Questions and had left the tavern when police stopped him at 24th Place and Brown. The suspect was found in possession of a handgun along with the drug Ecstasy. The suspect stated he bought the Ecstasy while inside the Questions tavern and implicated that he was also armed while inside the tavern. The suspect was charged with felon in possession, carrying concealed weapon, resisting an officer and possession of a controlled substance with intent to deliver. At hearing, the licensee, by counsel, pointed out that this incident was approximately three quarters of a mile from the club and that the MPD could have checked the club's video security system to determine if in fact the actor had been a patron of the club.
- Q. On April 5, 2008 at 1:10 a.m., officers of the Milwaukee Police Department observed a disorderly patron outside of Questions tavern along with security. Police spoke to a security officer who stated the subject was yelling obscenities inside the tavern and was escorted out. As the subject was leaving, he pulled a large bottle out of his pocket and attempted to hit the security guard with it. The patron was still disorderly when police approached and a citation for disorderly conduct was issued. At hearing, the licensee, by counsel, stated that the actions of the club's security were appropriate in this incident.
- R. On April 7, 2008 at 1:43 a.m., several squads responded to area of 3041 West North Avenue due to complaints of large crowds and

traffic congestion. Five squads were needed to restore order. At hearing, the licensee, by counsel, pointed out that in this incident, the club requested Milwaukee Police Department assistance.

- S. On April 14, 2008 at 1:42 a.m., officers of the Milwaukee Police Department were dispatched to 3041 West North Avenue for a fight complaint. The investigation revealed a male patron was beating up a female patron outside of the tavern when security tried to break it up. The male then started to fight with security with the security officers using their OC to gain control of the suspect. Security officers placed the suspect in handcuffs and called police. An ambulance was called to flush out the suspect's eyes and he was arrested and charged with battery. At hearing, the licensee, by counsel, stated that the actions of the security force in this incident were appropriate.
- T. On April 21, 2008 at 12:37 a.m., several squads were needed for a fight complaint at 3041 West North Avenue. The investigation revealed several females fighting inside Questions. These patrons were heavily intoxicated and yelling obscenities at police. Citations were issued for disorderly conduct but had to be reissued due to incorrect ordinance numbers. Police attempted to talk with Devon Reid but he was argumentative upon learning the citations were being reissued. At hearing, the licensee, by counsel, pointed out that the case had been dismissed after being reissued and asserted that there was mutual cooperation between himself and the police.
- U. On April 28, 2008 at 1:40 a.m., officers of the Milwaukee Police Department were in the area of Questions as the tavern was closing and observed a large number of patrons who were loitering in the area circling the tavern in their autos. Four squads were needed to clear the area.
- V. On May 12, 2008 at 12:17 a.m., officers of the Milwaukee Police Department were dispatched to 3041 West North Avenue for a battery complaint and a widespread fight. Some officers investigated a substantial battery complaint while other officers controlled the crowd and traffic problems. One patron was arrested on warrants. A total of seven squad cars were needed, along with Milwaukee Fire Department Engine 32 and MFD Ladder 9. At hearing, the licensee, by counsel, stated that the actions of the security force were appropriate, and denied that there was a widespread fight.
- W. On May 14, 2008 at 1:00 a.m., officers of the Milwaukee Police Department were flagged down by security for Questions regarding a subject possibly wanted by police. Security located the patron and police escorted him out of the tavern for further investigation. The

subject was found to have used a fake ID to gain entry into the nightclub and was underage. The subject was not wanted. However, he received citations for presence of underage and minor/underage misrepresent age. At hearing, the licensee, by counsel, stated that the response of the club's security in this incident was appropriate.

- X. On June 2, 2008 at 1:17 a.m., additional squads were requested at Questions Night Club for a fight complaint. Several females were fighting each other and police. Large crowds were gathering from autos and watching the fights, causing traffic congestion. Many were using profanities and trying to get others from the crowd to fight. Several citations were issued along with eleven parking citations. At hearing, the licensee, by counsel, stated that the response of the club's security was appropriate and that the actors involved in this incident were banned from the club.
- Y. On June 23, 2008 at 2:04 a.m., officers of the Milwaukee Police Department were dispatched to 31st and Garfield for a shots fired complaint. The investigation revealed a property damage accident occurred. While investigating the accident, police heard shots fired in the area of Questions Night Club. No crime scene was found and the accident investigation found that all parties were patrons of Questions and had been drinking. At hearing, the licensee, by counsel, stated that the incident occurred .2 miles from the club and that there was nothing showing that the individuals involved were patrons of the club.
- Z. On July 2, 2008 at 12:58 a.m., officers of the Milwaukee Police Department were dispatched to a fight inside Questions Night Club. As police arrived, they observed security escorting several subjects out of club who had started a fight. Security personnel stated all parties involved were escorted out but overheard comments that some patrons were going to get their guns. Police observed several cars circling around the block and called for additional cars since the bar was starting to close and large crowds were in the area. A total of ten squads were needed for crowd and traffic control. At hearing, the licensee, by counsel, asserted that the response of the security personnel of the club in this incident was appropriate.
- AA. On July 4, 2008 at 1:50 a.m., officers of the Milwaukee Police Department were monitoring Questions Night Club and observed an intoxicated patron who left the club walking in the street, causing traffic to stop. Security from the club yelled for the patron to get out of the road with the patron answering back with obscenities. Officers issued the subject a citation for disorderly conduct. At hearing, the

licensee, by counsel, pointed out that the response of the club's security in this incident was appropriate.

- BB. On July 10, 2008 at 10:29 p.m., officers of the Milwaukee Police Department were flagged down by the owner of Questions regarding a trouble with subject complaint. Devon Reid stated a female subject that was on scene earlier attempted to enter the tavern with a fake ID card. When security confiscated the ID card, the female began to cause a disturbance. The area was checked for the subject but police were unsuccessful in locating the woman. At hearing, the licensee, by counsel, asserted the security personnel acted appropriately in this incident.
- CC. On July 14, 2008 at 11:20 p.m., officers of the Milwaukee Police Department were monitoring the area around Questions Night Club and found numerous illegally parked autos. Sixteen citations were issued with one car being towed. Later at 12:10 a.m., officers observed a security guard and a patron begin to fight. Both received disorderly conduct tickets. One patron was arrested for outstanding warrants. The security guard was cited for disorderly conduct, found guilty on September 3, 2008 and fined \$175.00. At hearing, the licensee, by counsel, asserted that this incident was not really a fight, but more in the nature of a loud exchange of words and a "holding back."
- DD. On 08/01/08 at 3:40 a.m., officers of the Milwaukee Police Department were dispatched to St. Joseph's Hospital for a battery/cutting complaint. Officers spoke to the victim who stated he was at Questions earlier that night and had started talking to female. A known female began yelling at him because he was talking to another girl. The argument continued until the bar closed and the known female pulled a kitchen knife from her purse and cut the victim on his shoulder. The victim sustained a one-inch laceration that required 3 stitches to close. At hearing, the licensee, by counsel, observed that the MPD did not ask for the surveillance tapes to determine if in fact the cutting occurred as stated by the victim.
- EE. On August 8, 2008 at 12:04 a.m., officers of the Milwaukee Police Department were dispatched to 3041 West North Avenue for a trouble with subject complaint. The caller alleged that a female security guard from Questions had stolen a pound a marijuana from a customer. Police were only able to make contact with the caller by phone, and she became uncooperative. Security for Questions stated that no marijuana was confiscated, but that earlier they ejected several females from the tavern and the call was probably in retaliation. At hearing, the licensee, by counsel, asserted that the

MPD never substantiated whether the person was, in fact, in the club, and further asserted that the person likely had been removed by club security personnel and phoned this complaint in as an act of retaliation.

- FF. On August 20, 2008, officers of the Milwaukee Police Department were dispatched to 31st and North Avenue for an armed robbery complaint. Police spoke to two female victims who stated they left Questions around 1:30 a.m. and were followed by two men who also left the club and who were asking for the victim's phone numbers. When one victim refused, one of the males pulled out a gun and demanded money from the two women. After the robbery, the women reported that they heard nine gunshots fired in the area. Both victims stated they were unsure if the suspects fired the shots. A report was filed regarding the robberies. At hearing, the licensee, by counsel, pointed out that MPD had not asked to see the surveillance tapes to determine if in fact the person committing the robbery had been in the club. Further, the licensee asserted that there was no proof shown by the MPD that the gunshots were related to the club.
- GG. On September 10, 2008, due to numerous incidents requiring police response, Milwaukee police were in the area of 31st and North Avenue near closing time of the Questions Night Club. At approximately 1:36 a.m., officers heard two gun shots fired in the area. Security from Questions pointed out the vehicle involved in the incident and officers stopped the auto approximately four blocks away. Officers arrested the four occupants and located a gun inside the vehicle. Officers interviewed the driver of the auto, who stated he and some friends had been at the Questions Club when the club began closing. He stated he and his friends left the tavern and got into his auto when he heard shots being fired and observed a group of people standing mid-block on West North Avenue between 31st and 32nd Streets. He then started to drive his auto when he observed his passenger in the front seat standing on the floorboard, hanging out the window shooting off a gun. Video surveillance obtained from a business across the street showed a group of patrons walking on the south side of W North Avenue between 31st and 32nd Streets as a male in the group raised his hand firing shots from a handgun. Officers recovered three different types of casings in front of 3117-19 West North Avenue. Police spoke to the residents of 3117-19 West North Avenue and the investigation revealed that two windows to the victim's home were shot out by gunfire, one being where the victim had been sleeping. The victim stated she feared she would get shot and stayed low to the ground and yelled to her husband to call police. The victim relayed to police that she, her husband and their son live in the residence and that they feared for their safety. The District

Attorney's office reviewed the case and determined they could not prove who was in possession of the firearm at the time shots were fired and decided not to charge the suspects who were arrested in regards to this Incident. The licensee, by counsel, reminded the Committee that the MPD had not asked to view the surveillance tapes.

- HH. On September 17, 2008 at 1:47 a.m., officers of the Milwaukee Police Department were monitoring Questions Night Club when they observed a Chevy pick up truck traveling eastbound on West North Avenue with two male occupants. The front seat passenger of said auto fired five gunshots then fled the scene. There were approximately 100 patrons in the vicinity of the club at the time of this incident. Police stopped the auto in the 2600 block of North 27th Street and arrested both suspects who admitted to police that they were patrons at Questions Tavern prior to the shots being fired. The gun and casings were recovered from the auto. The licensee noted that the MPD did not ask to see the surveillance tapes of the club to determine if the actors had been in the club prior to the incident.
- II. On October 9, 2008 at 1:10 a.m., officers of the Milwaukee Police Department were on a routine patrol when officers observed two subjects ducking down by parked autos in the lot of Questions Night Club. Officers then observed money on the ground as the two subjects began to roll dice. Officers conducted field interviews and when questioned, both subjects stated they were just gambling and it was nothing big. They both also stated they work for the club as security. One subject stated to officers that they both get paid \$20.00 an hour to watch cars so they do not get broken into. Officers spoke to the licensee, Devon Reid, who stated he did not know either man. Reid was informed a report would be filed and stated to police that he cannot be held responsible for what goes on outside of the club. Police officers also issued 16 parking tickets due to illegally parked autos in the immediate vicinity of Questions Night Club. At hearing, the licensee asserted that there is a list of personnel kept by the club, and that the officers did not request to see the list to determine if, in fact, they were employed under the auspices of the club.
- JJ. On October 31, 2008 at 11:53 p.m., officers of the Milwaukee Police Department were dispatched to Questions for a battery complaint. Police were advised that a subject was struck in the face while attempting to enter the tavern. Upon arrival, police were unable to locate the victim. A Curtis ambulance was on scene and was also unable to locate the victim. At hearing, the licensee, by counsel, asserted that there is no evidence that the incident occurred as stated, since a victim was not located.

- KK. On November 5, 2008 at 1:15 a.m., officers of the Milwaukee Police Department were monitoring Questions tavern for crowd and traffic control. Officers observed a security guard from the tavern walking on North Avenue attempting to direct traffic and usher the crowd away. Officers also observed this guard armed with a pistol grip shotgun that was slung across his chest. Officers called for more squads and a supervisor to respond to the location. The investigation found that the guard was licensed to possess the shotgun while on duty but he was also advised that he could not leave the property while armed. The guard then stated, "Well, with so many people getting robbed around here and the gun shots always going off at closing, I felt it was necessary." Due to the large crowds leaving the tavern, additional squads were needed to help control traffic and for crowd control. At 1:28 a.m., a gunshot was heard coming from the crowd of patrons that had gathered on West Garfield Avenue. A total of 9 squads and one supervisor were needed to help restore order. At hearing, the licensee asserted that there was no evidence showing that the gunshot was related to the club.
- LL. On November 13, 2008 at 6:31 a.m., officers of the Milwaukee Police Department were dispatched to 3041 West North Avenue for a burglar alarm complaint. The investigation revealed that an entry did occur at the Questions Night Club. Damage was observed to two doors that were at the main entrance. Missing were bottles of liquor. The licensee, Devon Reid, was on scene prior to officers arriving. Officers asked to view video surveillance tape but were unable to. Reid stated he would attempt to retrieve and make a copy of the video and would contact police when he had a copy made. Reid also stated there was one prior burglary to the business several days ago but that he did not report it to the police. A report was filed. At hearing, the licensee asserted that this incident occurred when the club was closed, and further asserted that he was told there had been a number of burglaries in the area of the club at the time in question.
- MM. On November 27, 2008 at 11:00 p.m., officers of the Milwaukee Police Department were monitoring Questions Tavern for crowd and traffic control problems. Police observed numerous parking violations in the area and determined them to be caused by patrons at Questions Tavern. Numerous autos were parked in bus loading zones, too close to fire hydrants, parked on a bridge overpass and parked on private property. A total of 38 citations were written.
- NN. On December 10, 2008 at 12:00 a.m., officers of the Milwaukee Police Department were on the 2200 block of North 31st Street issuing parking tickets. Officers observed an auto stopped in the

middle of the street blocking traffic just south of North Avenue. As officers approached the auto, the driver activated the red flashing LED lights on the auto. Officers spoke to the driver who stated she was hired by Questions to handle security outside and that her boss ordered her to block traffic to alleviate traffic congestion caused by the road being narrowed by the snow banks. She further stated she only uses the lights when she is on the property. A citation was issued to the driver for operating a vehicle with flashing lights. Fifteen parking citations were issued in the area of Questions Club. At hearing, the licensee asserted that his staff was merely trying to deal with traffic issues and that they had been told they could direct traffic. Assistant Chief Harpole (at the time Captain Harpole of District No. 3) related to the Committee that directing traffic in the street is a police, not private, function.

- OO. On January 1, 2009 at 2:32 a.m., officers of the Milwaukee Police Department were dispatched to 31st and North Avenue for a reckless use of weapon complaint. The investigation revealed a patron was denied entry to the club due to intoxication and that the club was at capacity. The patron became angry and tried to push past security to get into the club. Security refused to let the patron in and she started to punch and kick security with security using pepper spray on the female subject. The female was then escorted to the corner of 31st and North Avenue. Security stated they attempted to help flush the female's eyes out but she refused and continued to fight with security. An ambulance was on scene where she refused medical attention. The female was arrested on outstanding warrants and was issued a citation for assault & battery. At hearing, the licensee by counsel, asserted that the actions of his staff were appropriate.
- PP. On January 14, 2009 at 12:22 a.m., officers of the Milwaukee Police Department were dispatched to 3041 West North Avenue for a battery complaint. Police spoke to the victim who stated she and a known actor had a confrontation inside the tavern at which time the known subject slapped her. The suspect was no longer on scene when officers arrived. Police spoke with security who stated both subjects frequent the tavern and have been known to engage in conflict. A citation was later issued to suspect for battery. At hearing, the licensee related that the individuals involved are now banned from the club, and prior to this incident posed no problem for the club.
- QQ. On October 3, 2008 and April 17, 2007, the applicant was found guilty on two municipal ordinance violations of posting of occupancy capacity required. He was fined \$3,515.00 for the first violation and \$10,000.00 for the second. On the first conviction, applicant owes \$3,480.00, which was due on July 20, 2007 and has not been paid. It

has been referred to collections. For the second conviction, the applicant owes \$1,500.00, which is due by April 17, 2009. At hearing, the licensee noted that the \$3,480.00 fine has now been taken care of.

- RR. Assistant Chief James Harpole of the Milwaukee Police Department testified that this location is out of control and constitutes a significant drain on police resources.
- SS. Two neighbors testified that this tavern, either by its own patrons, or individuals attracted to the area at closing time, is the source of much noise, loud music and disturbances. They also complained of gunfire. One complained that bullets that have entered his home through windows. In addition, when this club is operating, they have trouble using an alleyway because of traffic congestion.
- TT. At hearing, the representative of the local alderman testified that no neighbors had complained about the operation of this premise to his office.
- UU. A number of individuals who are either employed by the tavern or are patrons of the premise testified that this is a good location in which they feel safe, and that while there may have been disturbances, the club personnel handles such incidents quickly and safely.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and 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 upon the above facts found, the Committee concludes that the licensee, Devon L. Reid, Agent for Questions, Inc., who holds Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the premises located at 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses without undergoing a twenty-five (25) day suspension of said license. The Committee finds the police report and neighborhood objections, as stated above, to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of

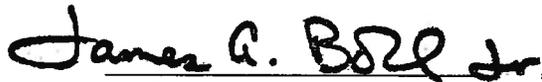
Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses of Devon L. Reid, as agent for Questions, Inc., for the premises located at 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment ") with a twenty-five (25) day suspension.

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 Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses held by Devon L. Reid, agent for Questions, Inc., be renewed with a twenty-five (25) day suspension.

Said suspension is to be in effect from 12:01 a.m. on February 10, 2009, through midnight, March 6, 2009.

Dated and signed at Milwaukee, Wisconsin this 30th day of January, 2009.


JAMES A. BOHL, Jr.
Chair, Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Jason L. Peterson

FINDINGS OF FACT

1. Jason L. Peterson (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, 2008.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 6, 2009.
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 January 7, 2009, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 15, 2009, 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 January 27, 2009, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On April 30, 2004, the licensee was issued a citation by Milwaukee police for abandoned auto and was found guilty on December 3, 2004 and fined \$86.00.
- B. On November 14, 2004, the licensee was charged in Milwaukee for disorderly conduct and found guilty on July 18, 2005. The licensee was also found guilty on the charge of resisting or obstructing an officer on July 18, 2005. The licensee was sentenced to 60 days in the House of Correction on both matters.
- C. On November 11, 2005, the licensee was issued a citation by the Milwaukee police for disorderly conduct and found guilty on January 5, 2006 and fined \$100.00.
- D. On August 25, 2006, the licensee was issued a citation by the Milwaukee police for theft, which was dismissed without prejudice on December 6, 2006.
- E. The licensee's Wisconsin driver's license revealed the following convictions:
 - 4/8/1998 Operating while intoxicated
Milwaukee County Circuit Court
 - 4/7/06 Operating while intoxicated
Milwaukee County Circuit Court
- F. On November 18, 2007, the licensee was issued a citation by Milwaukee police for disorderly conduct and on January 11, 2008 was found guilty and was fined \$175.00.

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, Jason L. Peterson, 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 without undergoing a fifteen (15) day suspension based upon the police report.

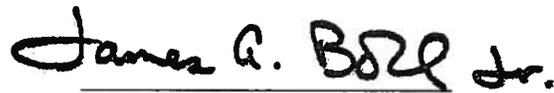
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" Bartender license held by Jason L. Peterson with a fifteen (15) day suspension based upon the police report.

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 renewed with a fifteen (15) day suspension based upon the police report.

Said suspension is to be in effect from the date of the Common Council action on February 10, 2009 through midnight, February 24, 2009.

Dated and signed at Milwaukee, Wisconsin this 30th day of January, 2009.



JAMES A. BOHL, Jr.
Chair, Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Michael P. Olis

FINDINGS OF FACT

1. Michael P. Olis (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, 2008.
2. An application to renew said license was untimely filed with the Office of the City Clerk on December 30, 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 December 31, 2009, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 15, 2009, 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 January 27, 2009, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On September 20, 2006, the licensee was charged with operating while under the influence and was found guilty

B. on October 20, 2006 and a fine was imposed. The licensee was issued a citation for operating with PAC .10 or more, which was dismissed on October 20, 2006.

C. The licensee's Wisconsin driver's license revealed the following convictions:

6/8/2007 Operating while intoxicated (2nd)
Waukesha County Circuit Court

CONCLUSIONS OF LAW

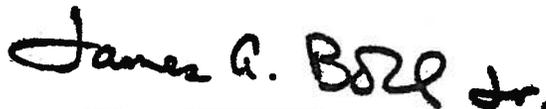
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Michael P. Olis, 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 without undergoing a twenty (20) day suspension based upon the police report.
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 renew the Class "D" Bartender license held by Michael P. Olis with a twenty (20) day suspension based upon the police report.

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 renewed with a twenty (20) day suspension based upon the police report.

Said suspension is to be in effect from the date of the Common Council action on February 10, 2009, through midnight, March 1, 2009.

Dated and signed at Milwaukee, Wisconsin this 30th day of January, 2009.



JAMES A. BOHL, Jr.
Chair, Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Michael F. Machnitzky

FINDINGS OF FACT

1. Michael F. Machnitzky (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, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on October 9, 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 October 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 December 18, 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 January 27, 2009 commencing at 8:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and 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 August 29, 1986, the applicant was arrested by Milwaukee police for uniform controlled substance act, which was not prosecuted on August 29, 1986, and reckless injury which was amended to endangering safety/use of dangerous weapon. He was convicted on this charge on November 10, 1986.
- B. On July 27, 1998, the applicant was cited by the Milwaukee Police Department for disorderly conduct. He was found guilty on November 12, 1998 and fined \$115.00.
- C. On February 11, 1999, the applicant was arrested by West Milwaukee Police for disorderly conduct, found guilty on August 12, 1999 and was fined.
- D. On April 15, 2001, the applicant was cited by the Milwaukee Police Department for disorderly conduct, found guilty on October 17, 2001 and was fined \$116.00.
- E. On June 29, 2003, the applicant was arrested by West Milwaukee police for disorderly conduct, found guilty on October 9, 2003 and was fined.
- F. On March 28, 2004, the applicant was issued a citation by Milwaukee police for vandalism, was found guilty on July 21, 2004 and was fined \$338.00.
- G. The applicant's Wisconsin driver's license revealed the following:

3/2/1994	Operating while intoxicated Milwaukee Municipal Court
5/19/1995	Operating while intoxicated Milwaukee County Circuit Court
10/10/1995	Great bodily harm Milwaukee County Circuit Court
4/9/2008	Operating while intoxicated (3 rd offense) Milwaukee County Circuit Court
- H. At hearing, the licensee said he quit drinking ten years ago but started again following a tragic circumstance in his life. He is currently on a bracelet that analyses his perspiration to alert the

authorities if he has been drinking. He is able to work as a bartender without problems.

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, Michael F. Machnitzky, 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 without undergoing a thirty (30) day suspension based upon the police report.
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 renew the Class "D" Bartender license held by Michael F. Machnitzky with a thirty (30) day suspension based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of two (2) ayes, one (1) no and two (2) excused, recommends that the Class "D" Bartender License be renewed with a thirty (30) day suspension based upon the police report.

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

Dated and signed at Milwaukee, Wisconsin this 30th day of January, 2009.



JAMES A. BOHL, Jr.
Chair, Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 30, 2009
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Steven H. Koch

FINDINGS OF FACT

1. Steven H. Koch (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, 2008.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 2, 2009.
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 January 5, 2009, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 15, 2009, 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 January 27, 2009, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

The licensee's Wisconsin driver's license revealed the following convictions:

1/27/1995 Operating while intoxicated (1st)
Milwaukee County Circuit Court

4/18/2007 Implied consent
Wauwatosa Municipal Court

4/18/2007 Operating while intoxicated (2nd)
Wauwatosa Municipal Court

CONCLUSIONS OF LAW

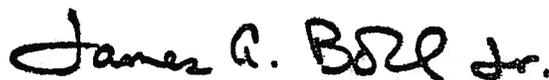
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Steven H. Koch, 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 without undergoing a twenty (20) day suspension based upon the police report.
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 renew the Class "D" Bartender license held by Steven H. Koch with a twenty (20) day suspension based upon the police report.

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 renewed with a twenty (20) day suspension based upon the police report.

Said suspension is to be in effect from the date of the Common Council action on February 10, 2009, through midnight, March 1, 2009.

Dated and signed at Milwaukee, Wisconsin this 30th day of January, 2009.



JAMES A. BOHL, Jr.
Chair, Licenses Committee