



**JOCASTA ZAMARRIPA**  
ALDERWOMAN, 8TH DISTRICT

**COMMITTEE ASSIGNMENTS**

**CHAIR**

- Licenses Committee

**VICE-CHAIR**

- Community and Economic Development Committee

**MEMBER**

- Steering and Rules Committee
- Zoning, Neighborhoods, and Development Committee

May 29, 2025

To the Honorable, the Common Council

Honorable Members:

Re: Common Council File Number 250168

Attached are written objections to file number 250168 of the Licenses Committee relative to licenses:

Renewal with a 20 (twenty) day suspension of the Class B Tavern, Public Entertainment Premises and Food Dealer licenses for Marc R. Fortney based upon the preponderance of the evidence in the police report that demonstrates the operation results in a threat to health, safety or welfare of the public for the assaults, battery and disturbance of the peace; for the premises located at 1209-13 N Water St. ("Brothers Bar & Grill") in the 4<sup>th</sup> aldermanic district.

This matter will be heard by the full Council at its Tuesday, June 3, 2025 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Sincerely,

JoCasta Zamarripa  
Chairperson Licenses Committee

cc: All Council Members  
City Attorney's Office  
Common Council/City Clerk – License Division  
CCF 250168



May 28, 2025

**VIA EMAIL**

Jim Owczarski  
City Clerk  
City of Milwaukee  
[jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov)  
[stasst5@milwaukee.gov](mailto:stasst5@milwaukee.gov)

Re: Report of the Renewal Application of the Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer Licenses for Marc R. Fortney, Agent for 1209 Water St, Inc., for the premises located at 1209-13 North Water Street in the City and County of Milwaukee, Wisconsin ("Brothers Bar & Grill")

Marc Fortney hereby responds, through undersigned counsel, to the Licenses Committee's May 22, 2025, Findings of Fact, Conclusions of Law, and Recommendation. Mr. Fortney is the agent for Brothers Bar & Grill ("Brothers"), which holds a Class B Tavern retail alcohol beverage license, PEP and Food Dealer License for the premises located at 1209-13 North Water Street in the City and County of Milwaukee.

No one wants violence in the streets. It's bad for the city and its community. It's bad for business. Mr. Fortney agrees with the sentiment of the Committee, no doubt the Common Council, and Alderman Bauman that he and his business have responsibility for helping ensure safety. He also appreciates that there should be repercussions for failing to take appropriate steps to mitigate against unrest or violence. Mr. Fortney and Brothers endeavor to safeguard against potential and actual criminal or otherwise disruptive behavior by maintaining a close working relationship with the Milwaukee Police Department, namely the officers who patrol Water Street (Code Red), not hesitating to call the police in the event of an incident, employing a security

staff, adhering to its capacity limit, and other measures, such as closing early. As Alderman Chambers recognized, Brothers has not been disciplined before.

That said, as evidenced by the 2024-25 police reports, Mr. Fortney and Brothers have not avoided incidents. While Water Street, especially in the summer, can attract crowds and disturbances will occur from time to time, it is Brothers goal to avoid incidents and to quickly quash them when they do occur. The reports and additional facts indicate that Brothers is a cooperative licensee, is willing to improve by implementing changes, and has improved. For those reasons and the reasons set forth more fully here, a suspension of twenty days does not correspond with the incident that was the focus of the hearing before the License Committee (August 9, 2024) and is not necessary to ensure that Brothers and Mr. Fortney take steps necessary to comply with ordinances and expectations. They have taken those steps and continue to heed the advice the police officers who patrol Water Street.

**Response to Specific Findings of Fact:**

1. Admits.
2. Admits.
3. Admits.
4. Admits.
5. Admits that Paragraph 5 accurately sets forth summaries from police reports

provided to Licensee prior to the hearing (A-E), the Licensee's (Marc Fortney) statements (F, J, L, and N), that no neighbors were present to testify (G), Alderman Bauman's statements (H and Q), Alderman Burgelis' questions (I, K, and M), Gavin Nedland's (not Gabin Gavlin), Brothers' General Manager, statements (O), my statement (P), as well as Alderman Bauman's request (Q)

and Alderman Chamber's statement and motion for a 20 day suspension (R). Because Paragraph 5 is a compilation of summaries, Mr. Fortney denies that the subparagraphs set forth all relevant facts.

**Supplemental Statement Regarding the Facts:**

Five police reports and incidents are relevant to this renewal application, all from 2024. Each is serious, but the August 9, 2024, incident stands out because it took place outside the bar after closing, involved a substantial number of people, and involved the assault of a police officer. It also led to a tavern report by Office Richard Michalak. The other four police reports were generally complimentary of Brothers and its staff's approach to and involvement in the reported incidents:

- June 22, 2024 (assault inside Brothers, manager was cooperative and helped identify the suspects and deliver them to the police);
- June 28, 2024 (Brothers security escorted two individuals out for fighting in the establishment, subjects continued to fight after confronted by officers and were disobedient, security did what it was supposed to do);
- August 16, 2024 (altercation with patron attempting to leave Brothers with an alcoholic beverage, security did its job by making sure no one left the business with an open container); and
- December 1, 2024 (police were called because after the manager attempted to deny entry to three juveniles, one of them struck the manager).

Early in the morning of August 9, 2024, after or as Brothers was closing for the night and a number of people were leaving, a fight broke out in the northbound lane of Water Street. For

reference, the northbound lane of Water Street is across the street from Brothers, which is located on the southbound lane. The officers (Delaney, Kenner, and Michalak), as reported, observed a crowd starting to gather in front of Brothers' main entrance. As the crowd was leaving, an unidentified person yelled "fight." "Fight" apparently came from the other side of the street because officer Michalak stated that while he observed Brothers entrance, he turned around and saw a crowd fighting in the northbound lane of Water Street. While the officers were able to quell that melee, Officer Delaney was unfortunately struck. Shortly thereafter another fight started in the middle of Water Street and East Juneau Street. For perspective, the corner of Juneau and Water is south of Brothers, the street corner outside of Duke's on Water.

The police report states that all the people involved in the fight came from Brothers. We have no way to directly refute that statement, notwithstanding that there are of course a lot of people on Water Street on any given Thursday evening, coming from numerous other establishments or congregating in and on the street. The report also notes that when Officer Michalak and Gavin Nedland (General Manager) reviewed the security footage, the video was "very grainy and impossible to tell who was all involved in the fight." The report does not identify any individuals involved in the fight. It does not indicate for how long any of the people involved in the fight were in Brothers. It does not state that the patrons were overserved. It makes it clear, however, that the fight did not start in Brothers, but rather outside and across the street from Brothers.

The Officers' issue with Brothers, that Brothers' security was not outside helping push the crowd away from the front door, is one Brothers took and still takes very seriously. Officer Michalak stated to Nedland that "when the patrons are leaving at the end of the night, he needs to

have two to three security guards outside the main entrance asking the patrons to leave the area.” Nedland responded that he will post “NO LOITERING” signs, that he will place security outside to help get patrons out of the area, and that he will work with Milwaukee Police, including taking any suggestions they might have. No citations were issued.

Brothers has worked with Milwaukee Police, regularly attending meetings and keeping contact to ensure Brothers and MPD enjoy a good relationship and to make sure Brothers is doing what is expected. After the August 9 incident, Brothers in fact hired additional security. It now employs enough security staff to schedule as many as ten security staff on Thursday, Friday and Saturday. While Brothers did not previously permit its security to assist with outside-the-premises activities, like helping clear a fight or otherwise disorderly people in the street, because its insurance does not cover it, Brothers, regardless of insurance coverage, now permits it. If it strikes Brothers’ team as necessary or, certainly, if requested, Brothers is ready and willing to assist.

This was evident as early as August 16, 2024, when Officer Silkey was called to Brothers as a result of an altercation outside the establishment involving Brothers’ security and a patron leaving the establishment with an alcoholic beverage. The officer observed that Brothers’ security was doing its job to ensure no one left with an alcoholic beverage. He further observed 10 security officers on scene.

**Argument Regarding the Recommendation:**

Brothers is committed to Milwaukee. It owns its building (what was recently two buildings). It just invested millions of dollars to create a new space within the now-joined buildings. It took substantial loans to do so. The larger and improved space allows Brothers to

currently employ over 40 people. While Mr. Fortney and Brothers understand the punitive effect a 20-day suspension is supposed to have on them, it will also have an effect on its employees, most of whom earn a living from tips. Further, a 20-day suspension may impact Brothers' ability to pay its loans.

This incident on August 9, 2024, was very serious. Even though the incident allegedly involved people leaving Brothers, none were identified, the incident occurred across the street, and, much more importantly, Brothers reacted by immediately implementing changes requested by MPD. Brothers is confident, based on discussions with MPD referenced in the subsequent police reports and more recent discussions with MPD, that it did and continues to do what is expected of it after the August 9, 2024, incident and report.

We respectfully request that, instead of adopting the Licenses Committee's recommendation, the Common Council issue a warning and place Brothers on a Corrective Action Plan requiring the following in addition to any other measures the Common Council deems appropriate:

- Brothers shall have at least 8 security staff working from 10:00 p.m. to close Thursday through Saturday.
- Not less than 2 security staff shall be posted at Brothers' entrance from 9:00 p.m. to close Thursday through Saturday.
- Brothers shall, at all times, cooperate with the Milwaukee Police Department.

Accordingly, Brothers will voluntarily accept a license suspension if:

- It violates any term of the Corrective Action Plan.



- If the Milwaukee Police Department issues a tavern report in which Brothers is described as uncooperative or otherwise obstructive.
- If Brothers is cited and convicted of any ordinance violation under Chapter 85, 90, or 108 of the Milwaukee Code of Ordinances.

An official warning and corrective action plan is warranted given the seriousness of the August 9, 2024, incident, Brothers and Mr. Fortney's history of no discipline, their noted cooperation with MPD, the remedial measures Brothers quickly implemented after MPD's request on August 9, 2024, and Brothers' commitment to proactively meeting on a quarterly basis (or any time requested) with the MPD liaison officer and Sergeants assigned to patrol Water Street, including one such meeting that already took place on May 29, 2025. Mr. Fortney and Brothers are committed to having a good relationship with MPD, the City of Milwaukee and this Council in order to ensure a long and successful existence on Water Street.

Very truly yours,

GODFREY & KAHN, S.C.



Daniel J. Blinka