

**Jeff Pawlinski**  
Alderman, 13th District

VICE CHAIR:  
Public Improvements Committee

COMMITTEES:  
Public Safety Committee  
Government Communications Committee  
Anti-Graffiti Policy Committee



March 30, 2001

To the Honorable, the Common Council

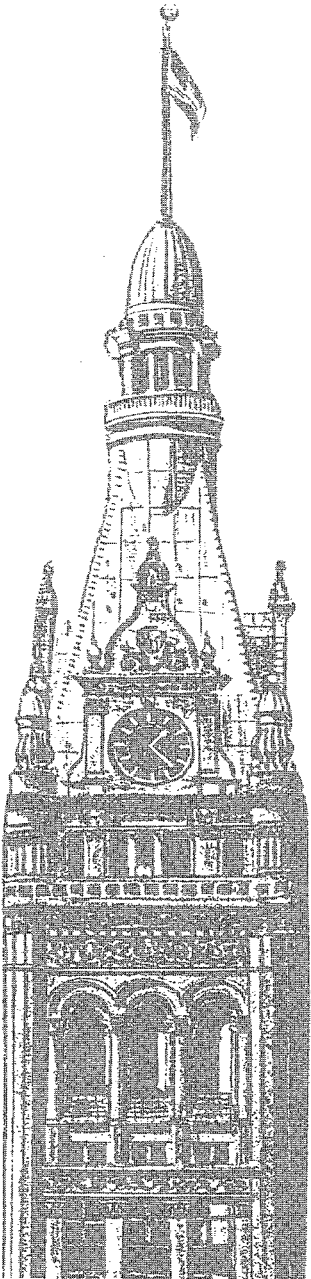
Dear Members:

Re: File Number 001233 Recommendation of renewal with a 30-day suspension of the Class "A" Liquor and Malt license of Anthony J. Van Dyke, Sr. for the premises at 2305 N. Holton Street ("Holton Liquor") in the 6<sup>th</sup> Ald. District

Recommendation of renewal with a 30-day suspension of the Class "B" Tavern license of Jacob T. Guimond for the premises at 717 N. 16<sup>th</sup> Street ("Big Shots") in the 4<sup>th</sup> Ald. District

Recommendation of renewal with a 15-day suspension of the Class "B" Tavern and Cabaret license of Steven E. Tyczkowski for the premises at 2401 W. Wisconsin Avenue ("The Rave") in the 4<sup>th</sup> Ald. District

With regard to the items listed above, the Utilities and Licenses Committee held evidentiary hearings on March 26 & 27, 2001. Pursuant to section 90-11 Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its

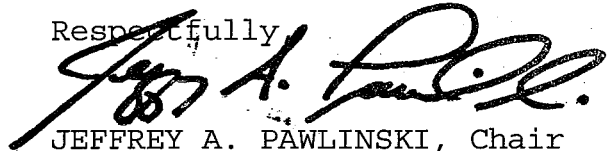


Report and Recommendations, regarding the above matters to your Honorable Body.

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, April 10, 2001 at 9:30 A.M. in the Common Council Chambers.

Respectfully



JEFFREY A. PAWLINSKI, Chair  
Utilities & Licenses Committee

JAP:BS:crr  
ulrecomm  
Attachment  
cc: City Attorney's Office  
License Division  
Milwaukee Police Department-  
License Administration  
All Council Members  
File No. 001233



Office of the City Clerk

**Ronald D. Leonhardt**  
City Clerk

**Carolyn Hill Robertson**  
Deputy City Clerk

March 30, 2001

Mr. Anthony J. Van Dyke, Sr.  
2534 West Hopkins Street  
Milwaukee, WI 53206

Attorney David Rothstein  
161 West Wisconsin Avenue  
Suite 3032  
Milwaukee, WI 53203

Dear Mr. Van Dyke and Atty. Rothstein:

You are hereby notified that the Milwaukee Common Council will hold a hearing on April 10, 2001, commencing at 9:30 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of the Class "A" Liquor and Malt License application of Anthony J. Van Dyke for the premises located at 2305 North Holton Street, Milwaukee, Wisconsin ("Holton Liquor").

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "A" Liquor and Malt License after undergoing a 30-day suspension. The recommendation is the result of public hearings before the Committee held on March 5 & 26, 2001.

You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,

RONALD D. LEONHARDT  
City Clerk

39187

Enclosure

cc: License Division

MPD License Investigation Unit  
City Attorney  
File Copy

Date: March 30, 2001

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of the Class "A" Liquor and Malt License of Anthony J. Van Dyke, Sr., for the premises located at 2305 North Holton Street in the City and County of Milwaukee, Wisconsin ("Holton Liquor").

#### FINDINGS OF FACT

1. Anthony J. Van Dyke, Sr. (hereinafter the "Licensee") is the holder of a Class "A" Liquor and Malt License for the premises located at 2305 North Holton Street in the City and County of Milwaukee, Wisconsin ("Holton Liquor"). Said license expired on February 28, 2001.
2. An untimely application to renew said license was filed with the Office of the City Clerk on February 28, 2001.
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 February 12, 2001, the Milwaukee Police Department responded with no objections to the renewal of this license. There were, however, significant neighborhood objections to the renewal of this license.
4. On March 20, 2001, 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 neighborhood objections of littering, loitering, noisy patrons, public drinking, public urination, illegal drug activity, prostitution, and intoxicated patrons harassing passers-by for money and cigarettes. A hearing was held on March 5, 2001. The licensee appeared by counsel but not personally on March 5, 2001 and accordingly, testimony of the objecting neighbors was taken. At all times, particularly on March 5, 2001, Anthony J. Van Dyke, Sr. was represented by Attorney David Rothstein, 161 West Wisconsin Avenue, Suite 3032, Milwaukee, WI 53203. The matter was scheduled for a second hearing on March 26, 2001 commencing at 10:30 a.m. in Room 301-B of the third floor of City Hall. At said date, time, and place, the Licensee appeared in person and by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. Patrons of the premises double park in front of the premise and in front of adjacent neighborhood houses while someone goes in to purchase alcohol at this location. Many times during such incidents, car stereos remain in operation disturbing the neighbors with loud noise.
- B. Patrons clean their cars out in front of the homes of neighbors while they are stopped to purchase alcohol products from this location.
- C. Patrons sleep on the front porches of adjoining neighbors and have been observed urinating at the bus stop, which is down the street between the entrance doors to the building, and in an alley approximately one-half block away.
- D. Neighbors complain of extensive trash generated by patrons of this premises. Even supporters of the licensee testified that there is trash attributable to the premises lying about the neighborhood.
- E. All of the supporters of this premise were employees or represented individuals with a financial interest in the continuation of its operation.

#### 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 for the premises located at 2305 North Holton Street, Milwaukee, Wisconsin, Mr. Anthony J. Van Dyke, Sr. ("Holton Liquor") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class "A" Liquor and Malt license without undergoing a thirty (30) day suspension.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "A" Liquor and Malt license held by Anthony J. Van Dyke, Sr. for the premises located at 2305 North Holton Street in the City and County of Milwaukee, Wisconsin ("Holton Liquor") with at thirty (30) day suspension.

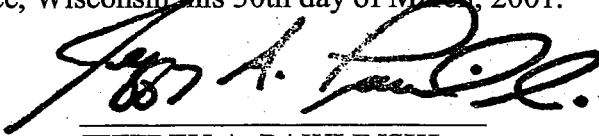
#### RECOMMENDATION

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 "A" Liquor and Malt license of the licensee be renewed with a 30-day suspension.

Said suspension is to be in effect from midnight, April 10, 2001 through midnight, May 9, 2001.

Dated and signed at Milwaukee, Wisconsin this 30th day of March, 2001.

A handwritten signature in black ink, appearing to read "Jeffrey A. Pawlinski", written over a horizontal line.

JEFFREY A. PAWLINSKI  
Chairman, Utilities and  
Licenses Committee

39184



Office of the City Clerk

**Ronald D. Leonhardt**

City Clerk

**Carolyn Hill Robertson**

Deputy City Clerk

March 30, 2001

Mr. Jacob T. Guimond  
5762 North 78<sup>th</sup> Street  
Milwaukee, WI 53218

Andrew Arena, Esq.  
1110 North Old World 3rd Street  
Suite 515  
Milwaukee, WI 53203


Dear Mr. Guimond and Attorney Arena:

You are hereby notified that the Milwaukee Common Council will hold a hearing on April 10, 2001, commencing at 9:30 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider the Class "B" Tavern License Renewal Application of Jacob T. Guimond for the premises located at 717 North 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Big Shots").

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "B" Tavern License, with a thirty (30) day suspension. The recommendation is the result of a public hearing before the Committee held on March 27, 2001.

You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,

  
RONALD D. LEONHARDT  
City Clerk

BDS:39273  
Enclosure



cc: License Division  
MPD License Investigation Unit  
City Attorney  
File

Date: March 30, 2001

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern License of Jacob T. Guimond, for the premises located at 717 North 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Big Shots").

#### FINDINGS OF FACT

1. Jacob T. Guimond (hereinafter the "Licensee") is the holder of a Class "B" Tavern License for the premises located at 717 North 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Big Shots "). Said license expires April 19, 2001.
2. An application to renew said license was filed with the Office of the City Clerk on February 16, 2001.
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 March 2, 2001 the Milwaukee Police Department responded with a report regarding the premises. That report could form a basis for non-renewal of the licenses. There were also neighborhood objections to renewal from Marquette University, Assistant Vice-President for Student Affairs. There was also an aldermanic objection based upon "lack of management" at this location.
4. On March 20, 2001, 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 a report of the Milwaukee Police Department that could form the basis for suspension or non-renewal of the licenses of the Licensee, and included therewith a copy of the Milwaukee Police Department report. The notice of the hearing also notified the applicant of the neighborhood and aldermanic objections to renewal of this license. The matter was scheduled for a hearing on the police department report on March 27, 2001, commencing at 9:15 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing together with a copy of the Milwaukee Police Department report. The Licensee appeared and was represented by counsel, Attorney Andrew Arena, 1110 North Old World Third Street, Suite 515, Milwaukee, WI 53203.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On October 20, 1999 at 10:11 p.m., officers of the Milwaukee Police Department conducted a tavern check at the premises at 717 North 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Big Shots"). Upon their arrival, the officers found five underage persons inside the premises. Two of the underage persons gained entry by use of someone else's identification. The other three underage persons entered the premises before the premises personnel began asking for identification at the door. The five underage persons were convicted of presence of underage person on January 4, 2000 and were fined \$250 each. The licensee, Jacob Guimond, was cited for presence of underage persons and fined \$200 on February 25, 2000.
- B. On November 17, 1999 at 2:10 a.m., while on patrol, Sergeant Dennis Hafeman drove past the premises at 717 North 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Big Shots") and observed 15 patrons inside the tavern, not involved in cleaning duties, with the outside light on. Sergeant Hafeman drove around the block and again observed the same situation. The third time he drove by the premises and the situation had not changed. Sergeant Hafeman called a squad to meet him at the location. Prior to the assisting squads arrival, approximately 10 patrons quickly exited the tavern as Sergeant Hafeman approached the tavern. Four patrons remained in the tavern, seated at the bar with bottles of beer in front of them. The licensee, Jacob Guimond was on the scene and stated he was busy in the kitchen cooking and that he thought it was the weekend. The licensee was cited for patrons after hours (4 counts) and fined \$200 on January 24, 2000.
- C. On March 1, 2000, Jacob Guimond filed a renewal alcohol beverage license application on which he answered "no" to question number 5a which asks in part if since the filing of the last application he had been convicted of any municipal ordinance violations. That was a false statement due to the convictions listed in A and B above. Jacob Guimond was cited for truth of statements and affidavits-falsifying. However, on April 18, 2000, the City Attorney's Office refused to issue that citation.
- D. On March 30, 2000 at 1:26 a.m., officers of the Milwaukee Police Department were dispatched to the premises at 717 North 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Big Shots") due to a tavern violation. Upon their arrival, the officers stopped a female as she was exiting the tavern. She was unable to produce any identification stating that her friend had taken her purse back to her room. The investigation revealed that this patron was underage. It should be noted that the patron was shown on camera to have an I.D. card, but the I.D. could not read as to what was on it (the picture was not clear enough to make out the details of the I.D.). The licensee was on the scene. The

underage person was issued a citation for presence of underage person. The licensee, Jacob Guimond, was cited for presence of underage person. However, that charge was dismissed without prejudice on June 8, 2000.

- E. On April 9, 2000 at 2:00 a.m., officers of the Milwaukee Police Department conducted a tavern check at the premises at 717 North 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Big Shots"). Upon their arrival, the officers found two underaged persons on the premises. One person stated that he used a fake I.D. to gain entry, but had not lost the I.D. The second underaged person stated that he used his state I.D. card. Upon checking that I.D., the officers found that it clearly showed the person was underage. The licensee was not on the scene. Both underage persons were issued citations for possession/consumption of alcohol by underage person and underage misrepresenting age. The licensee was cited for permitting consumption of alcohol by underage person (2 counts). Both citations were refused issuance by the City Attorney's office on May 22, 2000.
- F. On October 6, 2000 at 2:20 a.m., officers of the Milwaukee Police Department were dispatched to meet Marquette Public Safety squads at 15<sup>th</sup> and Kilbourn. The officers met Marquette Safety Lieutenant Tony Anguiano who informed them that at 2:18 a.m. he observed a subject exit the side door of the licensed premises at 717 North 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Big Shots") carrying a case of beer. Lieutenant Anguiano further stated that at about the same time he observed other subjects exit the same door with other cases of beer. Lieutenant Anguiano followed the subjects to area of 15<sup>th</sup> and Kilbourn where they parked. The officers interviewed the two subjects inside the vehicle, both who state that it is common knowledge that "you could buy beer at big shots after hours." The subject that purchased the beer stated that he went to "Big Shots" at about 1:48 a.m. and purchased a case of beer which contained 24 bottles of Busch beer, he paid \$24 to the person behind the bar. He was then told to go out the back door. The licensee, Jacob Guimond, was cited for hours of sale for intoxicants. He was found guilty on January 4, 2001 and fined \$336.00.
- G. On January 26, 2001 at 11:45 p.m., officers of the Milwaukee Police Department conducted a tavern check at the premises at 717 North 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Big Shots"). Upon their arrival, the officers found 20 underaged persons who were in possession of alcoholic beverages. The licensee was not on the scene. The bartender who possessed a Class "D" was identified as John M. Kelly. John M. Kelly was cited for sale of alcohol to underage persons. That matter is pending court appearance in Milwaukee Municipal Court on March 19, 2001. The licensee, John Guimond, was cited for presence of

underage persons (20 counts) and that matter is pending trial in Milwaukee Municipal Court on April 12, 2001.

- H. The licensee, Jacob Guimond, has an outstanding municipal warrant for abandoned auto, warrant number 00103689 for \$86 dated October 25, 2000. A letter was sent to Mr. Guimond advising him of this warrant on February 21, 2001.
- I. Marquette University has forwarded a letter to the chairman of the Utilities and Licenses Committee and has expressed concerns both to the chairman and Mr. Guimond regarding the serving of underage drinkers at his premises. Marquette University is concerned over the safety of their students with the continued operation of this premise in their neighborhood.
- J. The licensee, by counsel, has stipulated to the police report in this matter, the letter from Marquette University, the truth and accuracy of that information, as well as to a suspension of his license for thirty (30) days.

#### 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, John Guimond, for the premises located at 717 North 16<sup>th</sup> Street, Milwaukee, Wisconsin ("Big Shots") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class "B" Tavern license without undergoing a thirty (30) day suspension. The Committee finds the police report and neighborhood objections 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 Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew with a thirty (30) day suspension the Class "B" Tavern License held by Jacob Guimond for the premises located at 717 North 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Big Shots ") based on police and neighborhood objections.

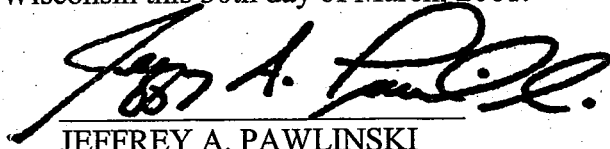
#### RECOMMENDATION

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 License of Mr. Jacob T. Guimond for the premises at 717

North 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin be renewed with a thirty (30) day suspension.

Said suspension is to be in effect from midnight, April 20, 2001 through midnight, May 19, 2001.

Dated and signed at Milwaukee, Wisconsin this 30th day of March, 2001.

A handwritten signature in black ink, appearing to read "Jeffrey A. Pawlinski". The signature is stylized with a large initial "J" and a long horizontal stroke.

JEFFREY A. PAWLINSKI  
Chairman, Utilities and  
Licenses Committee

39267



Office of the City Clerk

**Ronald D. Leonhardt**  
City Clerk

**Carolyn Hill Robertson**  
Deputy City Clerk

March 30, 2001

Mr. Steven E. Tyczkowski  
3273 N. Humbolt Avenue  
Milwaukee, WI 53212

Attorney Michael A.I. Whitcomb  
633 W. Wisconsin Avenue  
# 510  
Milwaukee, WI 53203-1918


Dear Mr. Tyczkowski and Atty. Whitcomb:

You are here by notified that the Milwaukee Common Council will hold a hearing on April 10, 2001, commencing at 9:30 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of the Class "B" Tavern and Cabaret license application of Steven E. Tyczkowski for the premises located at 2401 W. Wisconsin Avenue, Milwaukee, Wisconsin ("The Rave").

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "B" Tavern and Cabaret license with a 15-day suspension. The recommendation is the result of a public hearing before the Committee held on March 27, 2001.

You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,

  
RONALD D. LEONHARDT  
City Clerk

bds:39302

Enclosure

cc: License Division

MPD License Investigation Unit  
City Attorney  
File Copy



Date: March 30, 2001

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Steven E. Tyczkowski for the Class "B" Tavern and Cabaret License, for the premises located at 2401 W. Wisconsin Avenue in the City and County of Milwaukee, Wisconsin ("The Rave").

#### FINDINGS OF FACT

1. Steven E. Tyczkowski (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Cabaret License for the premises located at 2401 W. Wisconsin Avenue in the City and County of Milwaukee, Wisconsin ("The Rave"). Said license expires April 24, 2001.
2. An application to renew said license was filed with the Office of the City Clerk on February 6, 2001.
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 February 20, 2001 the Milwaukee Police Department responded with a report regarding the premises. That report could form a basis of non-renewal or suspension of the Class "B" Tavern and Cabaret Licenses of the premises.
4. On March 19, 2001, 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 a report of the Milwaukee Police Department that could form the basis for suspension or non-renewal of the licenses of the Licensee, and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on March 27, 2001, commencing at 9:15 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing together with a copy of the Milwaukee Police Department report. The Licensee appeared and was represented by counsel, Attorney Michael A.I. Whitcomb, 633 W. Wisconsin Avenue, #510, Milwaukee, WI 53203.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On July 30, 1998, the licensee was in Grant Park a park in South Milwaukee, Wisconsin at approximately at 11:45 p.m. He was in possession of beer. Further investigation the revealed that the licensee was also in possession of a baggy of marijuana. The licensee was cited for possession of marijuana in a county park after closing, and the use of alcohol in parks. He was found guilty on each of those citations and fined \$265.00 on the citation for possession of marijuana, \$55.00 on citation regarding in the park after closing hours and \$85.00 for use of alcohol in the park all on February 12, 1999.
- B. On Friday, July 19, 1996 at 9:15 p.m., officers conducted a lawful tavern check at the licensed premises at 2401 W. Wisconsin Avenue in the City and County of Milwaukee, Wisconsin. The officers asked to see the current licenses of licensee Mr. Steven Tyczkowski. Mr. Tyczkowski stated that he did not know where the current license was because he misplaced it. The licensee was cited with display of license, and this resulted in a hold open in the City Attorneys office.
- C. On September 27, 1996 Officers from the 3<sup>rd</sup> District of the Milwaukee Police Department submitted a tavern report regarding a citizens complaint against the licensed premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave"). The citizen complained that the Rave has turned into an after hours party building. The complainant also stated that the parking lot adjacent to his apartment building, its filled with cars which he hears loud music along with people drinking and yelling. The citizen also complained of the underage drinking itself. When people leave the Rave the crowd gathers in the area creating a disturbance playing loud music, littering and yelling.
- D. On March 5, 1997 Officers of the Milwaukee Police Department were assigned to follow-up investigation regarding live concerts performed at the licensed premises at 2401 W. Wisconsin Avenue, in the city and county of Milwaukee, Wisconsin ("The Rave"), between the dates of January 1, 1997 and March 1, 1997. During that period of time Mr. Steven Tyczkowski, the licensee, held thirty (30) concerts without a license. The licensee was cited for shows and exhibition license required and fined \$232.50 on September 29, 1997 by me. On October 8, 1997 an Officer of the Milwaukee Police Department responded to an "entry in progress" at licensed premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave"). Upon their arrival the Officers apprehended a suspect who stayed in the entrance building and went to sleep. The suspect was placed under arrest for criminal trespassing property.

- E. On Thursday November 27, 1997, several plain clothed officers of the Milwaukee Police Department were assigned to monitor possible gang activity of the licensed premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave"). While at this location several complaints generated from patron and security personnel to the effect that someone inside the facility had laser producing device which may be attached to a weapon. Prior to those reports, a shooting report was generated from inside the premises. No one was injured. However, a spent .45 caliber casing was uncovered during the investigation. The suspect could not be located. At approximately 1:10 a.m. officers of the Milwaukee Police Department were monitoring the crowd after the concert. Officers observed a red laser dot on the ceiling of the stairwell. The Officers could not determine who the actor was due to the large crowd. At approximately 1:15 a.m. Officers observed a male in the parking lot of the premises shining a red dot on the side of police patrol wagon. Fearing that a weapon was attached to laser device, subject was stopped. He was arrested for disorderly conduct. On November 28, 1997 this case was reviewed by the District Attorney Office, however no charges were issued.
- F. On Friday, January 23, 1998, officers of Milwaukee Police Department conducted surveillance inside the licensed premises located at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave"). On entering the concert room Officers smelled the odor of marijuana. At 10:55 p.m. Officers observed a male subject light hand held cigarette held by a roach clip. The individual took drags from the cigarette. The cigarette smelled of marijuana. Upon interview of the subject, the subject admitted that it was marijuana that he was smoking. The licensee was not on the scene the patron was arrested for possession of marijuana.
- G. On January 11, 1998 at 1:00 a.m., while on routine patrol, officers of the Milwaukee Police Department found a female face down in a snow bank at the intersection of 17<sup>th</sup> Street and Wisconsin Avenue in the city and county of Milwaukee, Wisconsin. An investigation revealed that she was under the legal of drinking age. She stated that she had been drinking at the licensed premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave") during a concert. She stated that she was not carded. The patron was issued a citation for purchase of alcohol by an underage person. She was found guilty on March 5, 1998 and fined \$160.00.
- H. On January 23, 1998 at 10:30 p.m., officers of the Milwaukee Police Department conducted a lawful tavern check at the licensed premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin. They observed a subject light a handheld cigarette held by a

roach clip. The subject took several drags from the cigarette. The subject was arrested for possession of marijuana.

- I. On March 6, 1998, officers of the Milwaukee Police Department conducted surveillance at the license premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave"). The Officers observed four (4) subjects leave the Rave at enter an auto that remained parked. Officers conducted a field interview and observed thick smoke in the auto. The smoke smelled of the aroma of marijuana. The four (4) subjects were cited for loitering drug related. Three (3) were found guilty and fined.
- J. On March 11, 1998 at 8:45 p.m., officers of the Milwaukee Police Department conducted a lawful tavern check at the license premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave"). They observed a subject hand a rolled cigarette to another subject. While attempting to conduct an interview the subject began to resist Officers. Cocaine was found on this person. The subject was arrested on several drug charges as well as resisting an officer.
- K. On March 25, 1998 at 9:40 p.m., officers of the Milwaukee Police Department conducted surveillance at the licensed premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave"). The Officers observed a subject leave the licensed premises and approach several people in the area. Eventually this individual conducted a hand to hand transaction with another subject. Officers conducted a field interview. The subject was arrested for possession of marijuana and loitering, drug related.
- L. On April 14, 1998 at 11:36 p.m., officers of the Milwaukee Police Department cited a private security guard hired to work at the licensed premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave"). The guard was observed directing traffic, and attempting to do other duties properly reserved to the Milwaukee Police Department.
- M. On September 25, 1998 at 11:00 p.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave") for a battery complaint. The battery allegedly occurred in the men's room. One subject was arrested and cited for battery.
- N. On November 26, 1998 at 10:20 p.m., a subject was arrested for disorderly conduct at the license premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave"). This Subject was asked to leave the premises, and after leaving tried to get back in.

- O. On April 20, 1999, the Class "B" Tavern and Cabaret License was renewed for this location.
- P. On March 2, 2000 at 11:40 p.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave"). Upon their arrival the Officers interviewed a victim who stated that another employee identified as Darryl Vasemore threw a box at him, which struck him in the head. This caused the victim to go unconscious for a short time. A Mr. Vasemore was arrested for battery on March 3, 2000. A criminal complaint was filed.
- Q. On February 10, 2000, Captain Earnell Lucas Commander of District No. 3, indicated that the licensed premises at 2401 W. Wisconsin Avenue, in the city and county of Milwaukee, Wisconsin ("The Rave") continues to be one of the more difficult locations for police. The difficulties stem from lack of parking, thefts, break-in to autos, and individuals leaving the Rave only partially clothed on January 1, 2000. The individuals that left the premises partially clothed on January 1, 2000, after ingesting an hallucinogenic drug.
- R. On Friday, June 30, 2000 at 10:05 p.m., an under-cover detective went to the licensed premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave"). While inside the Rave a male subject sold a quantity of MDMA (Ecstasy) to the under-cover officer. On Friday July 7, 2000 another subject sold the same under-cover officer a quantity of MDMA (Ecstasy) for \$120.00. That transaction occurred in the basement of the nightclub located at 2401 W. Wisconsin Avenue. Also on July 7, 2000 a male and a female sold the under-cover officer a quantity of MDMA (Ecstasy) for \$150.00. On September 1, 2000 under-covered officers enter the licensed premises at 2401 W. Wisconsin Avenue in the city and county of Milwaukee, Wisconsin ("The Rave") after paying a \$20.00 cover charge. While inside the Rave each officer was asked by at least one patron (who appeared to be underage) to purchase alcohol for them. Several patrons were observed furnishing alcoholic beverage patrons who appeared to be underage. On Saturday September 2, 2000 an undercover detective purchase a quantity of cocaine and LSD from a subject while in the bar area of the Rave. That subject was in possession of a different color wristband, which are worn by patrons who are allowed into the bar. The subject however, was 18 years of age. The subject was arrested and about 1:00 a.m. the undercover officers attempted to re-enter the Rave. They were denied re-entry by security officers and officers then offered to pay another \$20.00 to get in. Again they were denied entry and then the officer's request for a reason was denied by bar personnel. At that time the officers were told they

could not stand outside the tavern because they would be loitering. The officers left and watched the front of the tavern and observed patrons entering the club. They also observed patrons loitering outside the club. Also on this date one undercover officer was removed from the club by security officers. After officers identified themselves the security officer was asked why the officer was removed from the club. The security officer responded "he wasn't getting into the music." Shortly after 1:00 a.m. officers observed the club staff carry out an unconscious female. An investigation revealed that she had ingested mushrooms that had been laced with Ecstasy. She collapsed outside the women's bathroom. She was treated at St. Francis hospital for an overdose of emphedimines. She stated to officers that she ingested the controlled substances while a patron of the Rave. A Corporate Officer, Troy J. Delsanto was on the scene.

- S. The management personnel of the Rave testified that since the events of the concerts during the year 2000 that occur in the basement had been stopped totally. Further, musical groups and organizations with knowing history and links to the drug cultural had not been booked at the premises.
- T. The management personnel of the Rave testified that the detective removed from the premises was removed only after several calls to the Milwaukee Police Department to determine if the individual was a police officer. They were unable to get a confirmation that he was, and then he was ejected.
- V. The Committee finds that this is a location with a significant underage clientele because it operates under a statutory exception to underage persons on a Class "B" premises. The Committee further finds that this is a location where controlled substances have been available to the clientele of the establishment.

#### 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, Steven E. Tyczkowski for the premises located at 2401 W. Wisconsin in the City and County of Milwaukee, Wisconsin ("The Rave") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class "B" Tavern and Cabaret License without undergoing a fifteen (15) day suspension. The Committee finds the police report true.
3. In order to protect the health, safety and welfare of the citizens of the City of

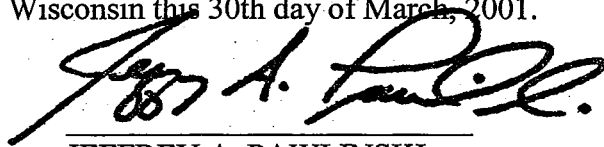
Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew with a fifteen (15) day suspension the Class "B" Tavern and Cabaret License held by Steven E. Tyczkowski for the premises located at 2401 W. Wisconsin in the City and County of Milwaukee, Wisconsin ("The Rave") based on police objections.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes, recommends that the Class "B" Tavern and Cabaret License be renewed with a fifteen (15) day suspension.

Said suspension is to be in effect from midnight, April 25, 2001 through midnight May 10, 2001.

Dated and signed at Milwaukee, Wisconsin this 30th day of March, 2001.



JEFFREY A. PAWLINSKI  
Chairman, Utilities and  
Licenses Committee

BDS:39285