

**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

April 3, 2007

To the Honorable, the Common Council

Dear Members:

Common Council File 061301 contains the following recommendations:

Renewal, with a 20-day suspension based on the police report, of the Class "D" Bartender license of Charles Saelens.

Renewal, with a 10-day suspension based on neighborhood objections and the police report, of the Extended Hours Establishment license of Jayne Aliota, Agent for "SJA Enterprises, Inc." for the premises at 9207 W. Capitol Dr. ("George Webb Restaurant") in the 5<sup>th</sup> aldermanic district. (Committee vote: Ayes: 4, Noes: 1)

Renewal, with a 15-day suspension based on neighborhood objection and the police report, of the Class "B" Tavern and Tavern Dance license of Antonios Anagnou, Agent for "Euro Café Bar, LLC", for the premises at 324 E. Mason St. ("Euro Café Bar") in the 4<sup>th</sup> aldermanic district (Committee vote: Ayes: 4, Noes: 1)

Renewal, with a 90-day suspension based on the police report and neighborhood objections, of the Extended Hours Establishment license of Mazen Jabr, Agent for "J&M Petroleum, LLC" for the premises at 8334 W. Appleton Ave. ("J&M Citgo") in the 5<sup>th</sup> aldermanic district (Committee vote: Ayes: 3, Noes: 2)

Nonrenewal, based on the police report, of the Extended Hours Establishment license of Ijaz Gill for the premises at 800 N. 35<sup>th</sup> St. ("JJ Sub") in the 4<sup>th</sup> aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Nonrenewal, based on neighborhood objection, of the Extended Hours Establishment license of John Brodersen, Agent for "Brodersen Management Corporation" for the premises at 7525 W. Good Hope Rd. ("Popeye's") in the 9<sup>th</sup> aldermanic district. (Committee vote: Ayes: 3, Noes: 1, Abstain: 1)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on March 27th 2007.

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.

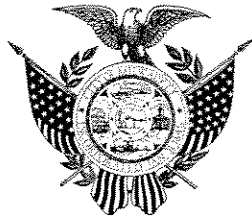
These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, April 14, 2007** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in all caps and has a stylized, somewhat cursive appearance. It is positioned above the printed name and title.

James N. Witkowiak, Chair  
Licenses Committee

cc: All Council Members  
Files 061301



## JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: April 3, 2007

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Charles D. Saelens

### FINDINGS OF FACT

1. Charles D. Saelens (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, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on December 21, 2006.
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 22, 2006, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On March 14, 2007 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 March 27, 2007, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and admit receipt of the notice of hearing and police report. He 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 September 21, 2006 the licensee was charged by Jefferson County for:

Possession with intent-marijuana  
Maintaining a drug trafficking place

Both incidents were pending pretrial on January 3, 2007. The licensee was found guilty of possession and sentenced to two years probation and a six month suspension of his driver's license. The amount of marijuana found in his possession is equal to approximately twenty-five marijuana cigarettes.

CONCLUSIONS OF LAW

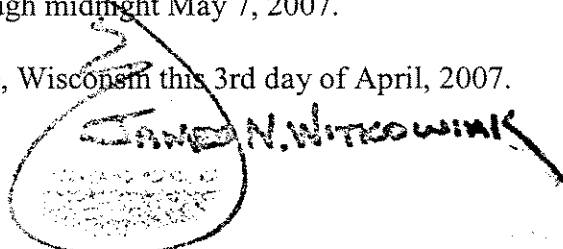
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Charles D. Saelens, 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.
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 Charles D. Saelens 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 four (4) ayes and one (1) excused, recommends that the Class "D" Bartender License be renewed with a twenty (20) day suspension.

Said suspension is to be in effect from the date and time of the Common Council meeting of April 17, 2007 through midnight May 7, 2007.

Dated and signed at Milwaukee, Wisconsin this 3rd day of April, 2007.



JAMES N. WITKOWIAK  
Chairman Licenses Committee



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: April 3, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Extended Hours Establishment renewal application of Jayne M. Aliota, agent for SJA Enterprises, Inc., for the premises located at 9207 West Capitol Drive, in the City and County of Milwaukee, Wisconsin (“George Webb Restaurant”).

**FINDINGS OF FACT**

1. Jayne M. Aliota, agent for SJA Enterprises, for the premises located at 9207 West Capitol Drive, in the City and County of Milwaukee, Wisconsin (“George Webb Restaurant”). Said license expires at midnight, April 30, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on February 12, 2007.
3. Pursuant to Section 84-7 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation and the police department issued a report dated February 13, 2007. There were neighborhood objections to loitering, littering, loud noise, drunken patrons, disorderly conduct, fights, acts of violence and conduct which is detrimental to the health, safety, welfare and prosperity of the neighborhood. Also attached were computer assisted dispatch “CAD reports” indicating calls for service at the licensed premises for March 17, 2006, April 21, 2006, July 16, 2006, two for December 3, 2006, December 8, 2006, December 16, 2006, January 3, 2007 and January 15, 2007.
4. On March 20, 2007 the City Clerk’s Office provided timely notice to the Licensee, pursuant to Section 84-7 of the content of the police reports and neighborhood objections, and included a copy of the CAD reports. The matter was scheduled for a hearing on the neighborhood objections on March 27, 2007 at 10:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and

place, the licensee did appear and admitted receipt of the notice but she 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. The CAD reports and Police Administration Reports 33 (PA-33) indicate that calls for police service occurred at the location of this licensed premise on March 17, 2006 at 2:54 A.M. on a complaint of customers being argumentative and out of control [the subject left the restaurant before police arrived]; on July 16, 2006 at 1:43 A.M. on a complaint of a boyfriend battering a girlfriend; on December 3, 2006 at 3:53 A.M. on a complaint of a fight in front of the premise; on December 8, 2006 at 2:33 A.M. on a complaint of a fight that is trying to be initiated; on December 16, 2006 at 2:21 A.M. on a complaint of subjects arguing in the restaurant [the subjects left before the police arrived]; on January 3, 2007 at 11:26 P.M. that was not cleared until 1:19 A.M. on a complaint of a subject in the restaurant being rowdy and asking people for money, which turned into a complaint of the subject breaking a window [which resulted in a citation for criminal damage to property]; and on January 15, 2007 at 12:37 A.M. on a complaint of a boyfriend, girlfriend fight taking place at the restaurant.
  - B. The owner of an adjacent and neighboring four family apartment building appeared and testified to conditions regarding the operation of this premise. Families keep moving because of the noise generated by the operation of this premises, particularly at night. Employees take breaks outdoors and disturb the residents of the building, customers create noise outside the premises, and customers cause parking problems all by the operation of this premise.
  - C. The operator of the apartment building testified to trucks at idle causing disturbances, but the licensee testified that delivery trucks come to the restaurant only during daytime hours. The licensee testified that she was not notified of many of these problems, and that the store has operated in this location since 1986, but that she was the licensee since October of 2005. The restaurant serves 1700 persons per week.

#### 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 Section 84-7 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Jayne M. Aliota, agent for "SJA Enterprises, Inc." for the premises at 9207 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("George Webb Restaurant") has not met the criteria of Section 84-7 of the Milwaukee Code of

Ordinances to allow renewal of the Extended Hours Establishment license for this premises without undergoing a ten (10) days suspension of said license because of the dangers the activities allowed by the licensee represents to the health, safety and welfare of the citizens of the City of Milwaukee. The Committee finds the police reports and those neighborhood objections as stated above to be true.

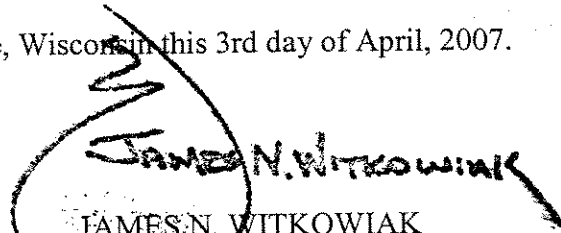
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Extended Hours Establishment license held by Jayne M. Aliota, agent for "SJA Enterprises, Inc." for the premises at 9207 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("George Webb Restaurant") with a ten (10) day suspension because of the dangers the activities attendant to the licensed premises represent to the health, safety and welfare of the citizens of the City of Milwaukee.

#### RECOMMENDATION

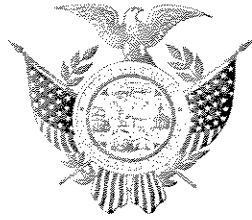
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) no recommends that the Extended Hours Establishment application held by Jayne M. Aliota, , agent for "SJA Enterprises, Inc." for the premises at 9207 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("George Webb Restaurant") be renewed with a ten (10) day suspension.

Said suspension is to be in effect between midnight April 30, 2007 and midnight May 10, 2007.

Dated and signed at Milwaukee, Wisconsin this 3rd day of April, 2007.

  
JAMES N. WITKOWIAK  
Chairman of the Licenses Committee

117317



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: April 3, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Antonios Anagnou, Agent for Euro Bar Café, LLC for a Class "B" Tavern and Tavern Dance license for the premises located at 324 East Mason Street in the City and County of Milwaukee, Wisconsin ("Euro Café Bar").

**FINDINGS OF FACT**

1. Antonios Anagnou agent for Euro Bar Café, LLC (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises located at 324 East Mason Street in the City and County of Milwaukee, Wisconsin ("Euro Café Bar"). Said license expired at midnight, February 21, 2007.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 30, 2007. Because of that fact, a letter has been sent to the license applicant advising him that there will be a lapse of the Class "B" Tavern and Tavern Dance license because of that late filing.
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 31, 2007, the Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license. There were also neighborhood objections to loitering, littering, loud music and noise, late night disturbances, public urination and intoxication, fights and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On February 1, 2007 the License Division of the Office of the City Clerk provided notice to the licensee of the police report and neighborhood objections and included a copy of the police report. The matter was originally scheduled for a hearing on the police report and neighborhood objections for February 13, 2006 at 10:30 A.M. The licensee did not appear nor at that time was he represented by



counsel. The police department presented its report and two neighbors testified to the problems the patrons and noise created by this establishment have created in the neighborhood. The Licenses Committee recommended nonrenewal of the license. On February 15, 2007 the licensee was notified that the Milwaukee Common Council would take the matter up at its meeting of February 27, 2007 at approximately 9:00 A.M. and that the licensee could file written objections, and if he did so, could appear at the meeting of the Milwaukee Common Council on February 27, 2007 to argue his case. On February 20, 2007 the licensee did file written objections and did appear before the Milwaukee Common Council on February 27, 2007 and requested that this matter be returned to the Licenses Committee for further proceedings so he could present a defense. Notwithstanding that request the Milwaukee Common Council adopted the recommendations of the Committee and refused to renew this license.

5. On March 2, 2007 the licensee sought a writ of mandamus from the Circuit Court of Milwaukee County to order a return of this matter to the Licenses Committee for hearing. The City of Milwaukee answered that matter and objected to a writ of mandamus on the grounds that the City did give the licensee a hearing, but that he did not appear for it. Because of issues regarding the mailing of the notice and the various addresses to which the renewal application and various notices were sent, the Court requested that this matter be returned to the Licenses Committee to hear the defenses, if any, of the agent of the licensee to the complaints of the neighbors and the Milwaukee Police Department, and upon hearing no objection to such a procedure, the Court dismissed the petition for a writ of mandamus.
6. On March 14, 2007, the City Clerk's Office re-noticed this matter as set forth above. The matter was scheduled for a hearing on the police report on March 27, 2007 at 4:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee did appear and admit receipt of the police report. The licensee was represented by Attorney Roger Pyzyk, 10701 West National Avenue, West Allis, WI 53227-3239.
7. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On August 5, 2006 officers of the Milwaukee Police Department were dispatched to the licensed premise at 324 East Mason Street in the City and County of Milwaukee, Wisconsin ("Euro Café Bar") on a noise nuisance complaint. The investigation revealed that the sound levels both inside and outside the bar were at a reasonable level. Officers spoke to the caller who stated she wanted a citation issued because this was an on-going problem. Officers issued a citation to the licensee for noise nuisance. The citation was dismissed without prejudice on January 8, 2007.

- B. On December 16, 2006 officers of the Milwaukee Police Department were dispatched to the licensed premise at 324 East Mason Street in the City and County of Milwaukee, Wisconsin (“Euro Café Bar”) for a battery complaint. The investigation revealed two men fighting over a woman’s allegation that one of the men attempting to rape her a year ago. A glass was thrown in one of the male’s face causing several lacerations that required stitches. The subject who threw the glass was later arrested and charged with substantial battery. No tavern violations were found.
- C. A number of neighbors testified to noise disturbances. These neighbors live in condominiums at 741 North Milwaukee Street in various units. They documented on a spread sheet some forty-four instances of the licensed premises causing disturbances or its patrons causing disturbances due to loud noise and music at late hours of the night. Most of those are for license years prior to 2006; however, the entries for 2006 are as follows:
1. May 26, 2006 Captain Haynes, First District Police Department assured the complaining neighbors that a new doorway will be installed that will cut down on the noise the neighbors can hear.
  2. On May 27, 2006 the police cleared a crowd from the licensed premises at about 3 AM.
  3. A patron of Euro illegally parked a car in front of a fire hydrant. The observer was able to see the patron, after exiting his illegally parked car, enter Euro.
  4. June 4, 2006, a neighbor desired to sit on her balcony and could not because of the loud music emanating from Euro. Though the premises was closed to the public some work was being done in the premises and the worker desired to have loud music playing.
  5. Between June and July 2006 neighbors experienced loud crowds at Euro.
  6. August 4, 2006 the music and noise from Euro could be heard in the condominiums even with the windows closed and air conditioners running.
  7. September 1, 2006, 1:53 AM, police were called because of loud and noisy crowds at closing time. The personnel of Euro took no action to control the crowd or quiet it down.
  8. September 29, 2006 again excessively loud noise from Euro despite windows closed in condominiums and the doors of Euro being closed. The police were called at 11:42 PM.
  9. October 10, 2006 excessive noise despite windows and doors on condominiums and Euro being closed. Police were called at 11:49 PM.

10. Again excessive noise being heard despite windows on condominium and Euro being closed. Police called at 11:15 PM.

- D. On August 24, 2005 the Grain Exchange Condominium Association, Inc. sent a letter to the owners of the Euro detailing episodes of disturbances and loud music with a request that some action be taken to resolve the problem. As a result, the licensee was on notice of the concerns of the neighbors. A copy of the letter was sent to Alderman Bauman.
- E. On December 12, 2005 the Grain Exchange Condominium Association, Inc. took up the matter of the Euro and the noise it generated from valets driving cars with stereos operating too loudly, the matter of the need to disperse loud and noisy crowds at closing time, the need to close windows to help contain the noise, and control of the exterior tables at which noisy groups of patrons are seated.
- F. At the hearing, it was disclosed that while the licensee did have outside table service, no permanent extension of premise was ever applied for or granted by the Common Council.
- G. Additional residents of the Grain Exchange Condominium Association, Inc., came forward to testify that although other taverns continue to operate in the area, they have not been disturbed since this location closed because of the expiration of its license on February 21, 2007. Indeed one resident testified that he has been disturbed by loud patrons at the closing time of this establishment fully 40 to 50 times, and since February 21, 2007 ( the last day of operation before expiration of the license) he has not been disturbed by noise from patrons at closing time of the other locations even once. Some of the objectors testified to a low throbbing sound that emanates from the premises causing disturbances.
- H. Some neighbors testified to observing patrons go into an alley to urinate. However, public urination was observed by many persons testifying. It is frequently involving many taverns and festivals in the downtown area. The source cannot be identified
- I. The representatives of the Grain Exchange Condominium Association, Inc., admitted that no further complaints were sent to the operators of the Euro Bar on and after the correspondence of December 12, 2005.
- J. A number of supporters came forward to testify who live in the general area in condominiums and testified to the effect that although there are street festivals in the area in the summer, that they hear, and other taverns and clubs operating in the area, they have not been disturbed by the operation of this premise.

- J. The two police officer who are on regular patrol in the area testified that they have responded to a most of the complaints of the members of the Grain Exchange Condominium Association, Inc., and have found no problems at the Euro Bar that are worse than any of the other taverns in the area. Particularly, they did not notice any excessive sound coming from the Euro Bar. Though a citation was written by one of the officers, it was written totally on the complaint of one of the Grain Exchange Condominium Association owners and not based upon the observations of the officer.
- K. The two police officers testified that at street level it is sometimes very difficult to ascertain where a particular incidence of noise is originated, and that from a higher level, such as a condominium it might be possible to hear a sound or locate the source of the sound more accurately.

#### CONCLUSIONS OF LAW

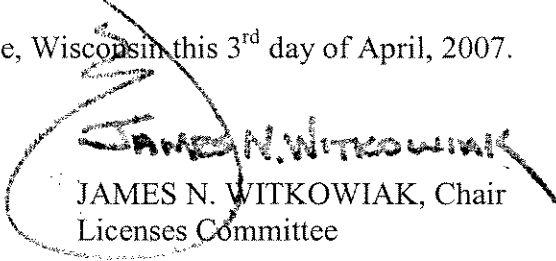
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Antonios Anagnou as agent for Euro Bar Café' LLC, holds a Class "B" Tavern and Tavern Dance license for the premises located at 324 East Mason Street in the City and County of Milwaukee, Wisconsin ("Euro Café Bar ") 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 Dance license without undergoing a fifteen (15) 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 Dance license of Antonios Anagnou as agent for the Euro Bar Café' LLC for the premises located at 324 East Mason Street in the City and County of Milwaukee, Wisconsin ("Euro Café Bar ") with a fifteen (15) day suspension because of the danger this premises poses to the health, safety and welfare of the citizens of Milwaukee, 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 four (4) ayes and one (1) no recommends that the Class "B" Tavern and Tavern Dance license held by Antonios Anagnou be renewed with a fifteen (15) day suspension.

Said suspension is to be in effect between the action of the Common Council on April 17, 2007 through midnight May 1, 2007.

Dated and signed at Milwaukee, Wisconsin, this 3<sup>rd</sup> day of April, 2007.

  
JAMES N. WITKOWIAK, Chair  
Licenses Committee

117311



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: April 3, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Extended Hours Establishment renewal application of Mazen J. Jabr, agent for J&M Petroleum, LLC, for the premises located at 8334 West Appleton Avenue, in the City and County of Milwaukee, Wisconsin ("J&M Citgo").

FINDINGS OF FACT

1. Mazen J. Jabr, agent for J&M Petroleum, LLC, for the premises located at 8334 West Appleton Avenue, in the City and County of Milwaukee, Wisconsin ("J&M Citgo"). Said license expires at midnight, April 30, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on January 31, 2007.
3. Pursuant to Section 84-7 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation and the police department issued a report dated February 2, 2007. The police report could form the basis for non renewal or suspension of this extended hours license. There were also neighborhood objections to disturbing the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passers-by, gambling, prostitution, sale of stolen goods, public urination, armed robberies, theft, assaults, battery, vandalism excessive littering, loitering, illegal parking, shootings and gun play, loud music and noise, traffic violations, cruising curfew violations, lewd conduct, and conduct which is detrimental to the health, safety, welfare and prosperity of the neighborhood.
4. On March 15, 2007 the City Clerk's Office provided timely notice to the Licensee, pursuant to Section 84-7 of the police report and neighborhood objections, and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on March 27, 2007 at 10:15 a.m. in Room 301B of the third floor of City Hall. At said date, time and

place, the licensee did appear and admitted receipt of the notice and police report. The licensee was represented by Attorney Michael A.I. Whitcomb, 633 West Wisconsin Avenue, Suite 510, Milwaukee, WI 53203-1918

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On January 15, 2007 at 1:30 a.m., officers of the Milwaukee Police Department were dispatched to 8201 West Hampton Avenue to assist an officer. The investigation revealed that an off-duty officer had been car jacked in the parking lot of the licensed premises at 8334 West Appleton Avenue (J&M Citgo). During the incident the suspects did shoot the off-duty officer who was wearing his soft body armor, which stopped the bullet from penetrating into his body. Three male subjects were arrested for this incident.
  - B. The licensee asserts that the foregoing incident was one of an isolated nature, for which he felt very sorry, but for which he should not be held accountable. The licensee further testified that he has installed exterior security cameras, but they are not able to view the entire property. In the last six months the licensee has voluntarily closed between 2 AM and 4 AM.
  - C. Objecting neighbors testified that groups of individuals regularly congregate on the premise for no reason associated with purchasing gasoline, and loiter, and play music on automotive stereo systems. That activity has occurred after midnight. That activity has disturbed the neighbors. Insofar as loitering is concerned, it occurs on a regular basis and is not isolated.
  - D. The objecting neighbors also testified to incidents of public urination on the property, and individuals engaging in sex acts on the property. Some of the objecting neighbors testified to hearing gunshots from this location on various occasions, including the time of the incident related by the Police Department. On at least one occasion those gunshots were heard as late as 4:30 AM. These things have been heard and seen by objecting neighbors who have a bedroom facing this property.
  - E. During the reconstruction of Capitol Drive this location was a hangout for youths. In addition, it is a source of cruising in the neighborhood.
  - F. The local neighborhood association objected to renewal of this license, and has supported other extended hours where residential neighbors are not disturbed or where the nature of the business is not likely to be a source of disturbances such as have occurred at this location. Last year the local neighborhood association had a neighborhood clean up and almost filled a single dumpster from the trash at this location.

- G. There is another gas station in the immediate area, but that gas station closes at midnight, and has not had the problems evident at this location.

#### 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 Section 84-7 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Mazen J. Jabr, agent for "J&M Petroleum, LLC" for the premises at 8334 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("J&M Citgo") has not met the criteria of Section 84-7 of the Milwaukee Code of Ordinances to allow renewal of the Extended Hours Establishment license for this premises without undergoing a suspension of said license for a period of ninety (90) days because of the dangers the activities allowed by the licensee represents to the health, safety and welfare of the citizens of the City of Milwaukee. The Committee finds those neighborhood objections and 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 should exercise its discretion to renew the Extended Hours Establishment license held by Mazen J. Jabr, agent for "J&M Petroleum, LLC" for the premises at 8334 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("J&M Citgo") with a ninety (90) day suspension because of the dangers the activities attendant to the licensed premises represent to the health, safety and welfare of the citizens of the City of Milwaukee.

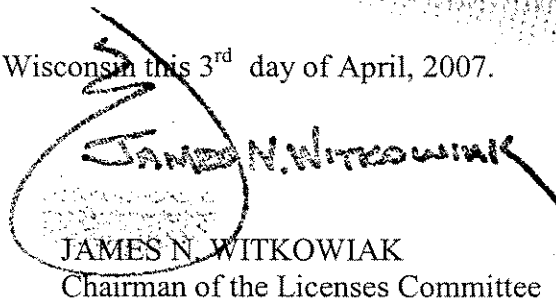
#### RECOMMENDATION

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 Extended Hours Establishment application held by Mazen J. Jabr, agent for "J&M Petroleum, LLC" for the premises at 8334 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("J&M Citgo") be renewed with a ninety (90) day suspension.



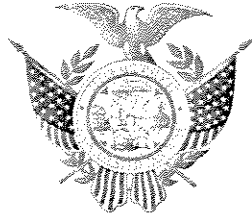
Said Suspension is to be in effect between 12:01 a.m., April 30, 2007 and midnight, July 29, 2007

Dated and signed at Milwaukee, Wisconsin this 3<sup>rd</sup> day of April, 2007.



JAMES N. WITKOWIAK  
Chairman of the Licenses Committee

117318



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: March 30, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Extended Hours Establishment renewal application of Ijaz A. Gill for the premises located at 800 North 35<sup>th</sup> Street, in the City and County of Milwaukee, Wisconsin ("JJ Sub").

**FINDINGS OF FACT**

1. Ijaz A. Gill (Licensee) holds an Extended Hours Establishment license for the premises located at 800 North 35<sup>th</sup> Street, in the City and County of Milwaukee, Wisconsin ("JJ Sub"). Said license expires at midnight, April 30, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on February 12, 2007.
3. Pursuant to Section 84-7 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation and the police department issued reports detailing a shooting occurring on February 27, 2007. The matter was also noticed for neighborhood objections to disturbing the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passers-by, gambling, prostitution, sale of stolen goods, public urination, armed robberies, theft, assaults, battery, vandalism excessive littering, loitering, illegal parking, loud music and noise, traffic violations, cruising curfew violations, lewd conduct, gun fights and shootings, and conduct which is detrimental to the health, safety, welfare and prosperity of the neighborhood.
4. On March 14, 2007 the City Clerk's Office provided timely notice to the Licensee, pursuant to Section 84-7 of the neighborhood objections. The matter was scheduled for a hearing on the neighborhood objections on March 27, 2007 at 3:30 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did appear and admitted receipt of the notice and police report. The licensee was represented by Attorney David Bangert, First,

Blondis, Albrecht, Bangert & Novotnak, S.C., 158 North Broadway, Suite 600,  
Milwaukee, WI 53202

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On February 27, 2007 at approximately 2:16 a.m., the City of Milwaukee Police Department received a call from JJ's Subs, located at 800 North 35<sup>th</sup> Street, indicating that there was a fight in the business. At 2:20 a.m., the Police Department received a shots fired complaint. Officers observed several bullet holes in the front window of JJ's Subs. One witness described leaving JJ's Subs after seeing a subject carrying a handgun in his pocket. The witness described hearing three shots fired approximately 10-15 seconds after she ran out of JJ's Subs. Another witness later stated to officers that, from his apartment, he saw a man point a handgun, with a fully extended arm, in the direction of JJ's Subs and fire the gun three times. The Milwaukee Police Department was able to identify three bullet strikes on the windows of this location.
  - B. This restaurant operates between 10:00 A.M. and 3:00 A.M. seven days per week. It does not have regular indoor table service, but is an exclusively "take-out" restaurant where orders are either called in or customers wait in line in a small interior space to place their orders, wait and pay for, and obtain their food. On the night in question the temperature was in the 20's, with a light wind and the customers were waiting on the interior of the restaurant for their orders.
  - C. The orders are placed and the money is paid and the food is delivered through a rotating door in a Plexiglas partition.
  - D. The shooting in question occurred outside of the premises but by and between individuals who began arguing while in line in the restaurant. During the course of the argument, language was used by and between the actors to the effect that prostitution was involved in their activities. One of the persons involved in the argument was observed by a witness to leave the restaurant, bring a car up to the restaurant, re-enter the restaurant and at that point the witness observed that the individual had a handgun in a pocket of the jacket he was wearing. At that point the witness and her companion left the restaurant and approximately 10 to 15 seconds later gunshots were heard.
  - E. A number of adjoining neighbors who live in apartments in the area appeared to testify in support of the renewal of this license. Those individuals find the late hours of the operation of this establishment to be convenient to their lifestyles and activities.

- F. No neighbors, beyond the local alderman of the district, appeared to testify in opposition to the renewal of this license.

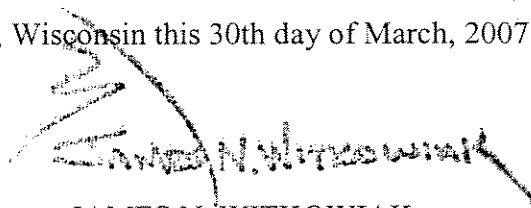
### CONCLUSIONS OF LAW

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 Section 84-7 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Ijaz A. Gill, who holds an Extended Hours Establishment license for the premises at 800 North 35<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("JJ Sub") has not met the criteria of Section 84-7 of the Milwaukee Code of Ordinances to allow renewal of the Extended Hours Establishment license for this premises because of the dangers the activities allowed by the licensee represent to the health, safety and welfare of the citizens of the City of Milwaukee. 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 should exercise its discretion to deny the Extended Hours Establishment license held by Ijaz A. Gill for the premises at 800 North 35<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("JJ Sub") because of the dangers the activities attendant to the licensed premises represent to the health, safety and welfare of the citizens of the City of Milwaukee. The Committee finds the police reports to be true.

### 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 Extended Hours Establishment renewal application held by Ijaz A. Gill for the premises at 800 North 35<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("JJ Sub") be denied.

Dated and signed at Milwaukee, Wisconsin this 30th day of March, 2007.



JAMES N. WITKOWIAK  
Chairman of the Licenses Committee



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: March 30, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Extended Hours Establishment renewal application of John R. Brodersen, agent for Brodersen Management Corp., for the premises located at 7525 West Good Hope Road, in the City and County of Milwaukee, Wisconsin ("Popeye's").

**FINDINGS OF FACT**

1. John R. Brodersen, agent for Brodersen Management Corp., for the premises located at 7525 West Good Hope Road, in the City and County of Milwaukee, Wisconsin ("Popeye's"). Said license expires at midnight, April 30, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on February 9, 2007.
3. Pursuant to Section 84-7 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation and the police department issued a report dated February 12, 2007. That report did not indicate any reasons for non-renewal of the Extended Hours license for this establishment. There were, however, noticed neighborhood objections to disturbing the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passers-by, gambling, prostitution, sale of stolen goods, public urination, armed robberies, theft, assaults, battery, vandalism excessive littering, loitering, illegal parking, loud music and noise, traffic violations, cruising curfew violations, lewd conduct, and conduct which is detrimental to the health, safety, welfare and prosperity of the neighborhood.
4. On March 16, 2007 the City Clerk's Office provided timely notice to the Licensee, pursuant to Section 84-7, of the neighborhood objections. The matter was scheduled for a hearing on the neighborhood objections on March 27, 2007 at 8:45 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did appear and admitted receipt of the notice but he 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. No neighbors testified on this matter.
  - B. This premise is currently permitted and licensed to be open between 10:00 A.M. and midnight on Sundays through Wednesdays, and to 3:00 A.M. on Thursdays, Fridays, and Saturdays. However, the licensee admitted that he has been operating from 10:00A.M. through 1:00 A.M. Sundays through Wednesdays, and 3:00 A.M. Thursdays, Fridays, and Saturdays during at least the last license year.
  - C. The licensee has observed that the Board of Zoning Appeals has approved a drive through window for a projected McDonald's restaurant (which has not yet been built) for a period of twenty-four hours. In anticipation of competition from a McDonald's operating on a twenty-four hour basis, the applicant has sought for the 2007-2008 license year to be open from 10:00 A.M. through 1:00 A.M. on all days except Thursdays to 3:00 A.M. and Fridays and Saturdays to 4:00 A.M.
  - D. The local alderman indicated that any permission for the new McDonald's to operate on a twenty-four hour seven day a week basis will be opposed by him and that just because the Board of Zoning Appeals gave permission for such a window does not mean licensure for such an operation would be granted by the common council. In addition, it was noted that the area suffers already from too much noise and litter generated by the current level of operation of these restaurants.

#### 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 Section 84-7 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, John R. Brodersen, agent for "Brodersen Management Corp." for the premises at 7525 West Good Hope Road in the City and County of Milwaukee, Wisconsin ("Popeye's") has not met the criteria of Section 84-7 of the Milwaukee Code of Ordinances to allow renewal of the Extended Hours Establishment license for this premises because of the dangers the activities allowed by the licensee represents to the health, safety and welfare of the citizens of the City of Milwaukee.
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 Extended Hours Establishment license held by John R. Brodersen, agent for "Brodersen Management Corp." for the premises at 7525 West Good Hope Road in the City and County of Milwaukee, Wisconsin ("Popeyes") because of the dangers the activities attendant to the licensed premises represent to the health, safety and welfare of the citizens of the City of Milwaukee.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noe and one (1) abstention recommends that the Extended Hours Establishment application held by John R. Brodersen, agent for "Brodersen Management Corp." for the premises at 7525 West Good Hope Road in the City and County of Milwaukee, Wisconsin ("Popeyes") not be renewed.

Dated and signed at Milwaukee, Wisconsin, this 30th day of March, 2007.



JAMES N. WITKOWIAK  
Chairman of the Licenses Committee

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