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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

July 14, 2011

Robert F. Cesarz, Agt
Caesars World Enterprises, LLC
4958 S. 20th St.
Milwaukee, WI 53221

Atty. Andrew Arena
1110 N. Old World Third St.
Riverfront Plaza, Suite 515
Milwaukee, WI 53203

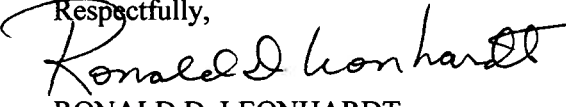
Dear Mr. Cesarz and Atty. Arena:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, July 26, 2011, commencing at 9:00 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 whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class "B" Tavern and Tavern Dance licenses for the premises at 628 N. Water St. ("Club Bari").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending non-renewal of the licenses based upon the police report, police testimony of resources used and late night club atmosphere observations, and aldermanic testimony. The recommendation is the result of a public hearing before the Committee held on Monday, July 11, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew the licenses based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, July 21, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: July 11, 2011

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Applications of Robert F. Cesarz, Agent for "Caesars World Enterprises, LLC" for Class "B" Tavern and Tavern Dance licenses for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("Club Bari").

FINDINGS OF FACT

1. Robert F. Cesarz is the agent for "Caesars World Enterprises, LLC" (hereinafter the "Licensee"), the license holder of Class "B" Tavern and Tavern Dance licenses for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("Club Bari"). Said licenses expired at midnight, April 12, 2011.
2. Applications to renew said licenses were filed with the Office of the City Clerk on January 28, 2011.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of the license applications on January 29, 2011.
4. On June 29, 2011, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for nonrenewal or suspension of the applicant's licenses and included a copy of the police report. The matter was scheduled for a hearing on the police report on July 11, 2011 at 11:15 a.m. in Room 301B on the third floor of City Hall. At said date, time, and place, the licensee did appear and acknowledged receipt of the notice. The licensee was represented by Attorney Andrew Arena, 1110 North Old World Third Street, Riverfront Plaza, 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 June 3, 2010 at 1:23 a.m., officers of the Milwaukee Police Department were dispatched to 628 North Water Street for a fight complaint. Once there, police observed no patrons in the club and that the subjects involved in the fight were gone. Police found that none of the bar's licenses were posted and spoke with Robert Cesarz who was able to produce the licenses. Cesarz was advised that it's a violation to not have the licenses posted and he was issued a citation for display of liquor license required. The citation was dismissed on September 15, 2010 without prejudice.
- C. On October 2, 2010 at 1:17 a.m., officers of the Milwaukee Police Department were dispatched to 618 North Water Street for a trouble with subject complaint. Officers were met by a security guard identified as Shannon Haggett, who stated he works for 618 Live and that he had to physically restrain an intoxicated and combative subject who came from Club Bari. Haggett stated the subject was harassing patrons in front of 618 Live and was asked to leave several times but refused. At one point, the subject attempted to physically assault the security guards, and he was placed into handcuffs until police arrived. The subject was cited for disorderly conduct and released.
- D. On October 3, 2010 at 1:41 a.m., officers of the Milwaukee Police Department responded to 628 North Water for a fight complaint inside Club Bari. The club's bouncers told officers that there was no fight, and police conducted a walk-through and observed a group of subjects rushing towards each other as if they were going to fight. One patron became disorderly and was issued a citation for disorderly conduct.
- E. On October 3, 2010 at 11:45 p.m., officers of the Milwaukee Police Department conducted a license premise check at 628 North Water Street. A check of the club's licenses was done and it was found that the tavern dance was not posted. Police spoke to Robert Cesarz and explained, due to the early fight, officers were sent back to check for possible tavern violations that were observed. Cesarz was advised of violations found and that he could be cited for these violations.
- F. On October 10, 2010 at 2:10 a.m., an officer of the Milwaukee Police Department called for assistance at 628 North Water Street with units responding. Once additional officers were on scene, they observed 100-200 subjects in the street and on the sidewalk in front of Club Bari. Officers broke up multiple fights and attempted to clear people from the area who were loitering. Subjects were heard yelling profanities and were refusing to obey police orders to leave the area. Numerous arrests were made and citations were issued for disorderly conduct. One subject was arrested for assaulting a police officer. Police reviewed a camera pole at the intersection of Water and

Wisconsin that confirmed as patrons left Club Bari, the fighting in the streets began. A total of 13 squads were used to clear the area and to restore order.

- G. On October 24, 2010 at 1:56 a.m., officers of the Milwaukee Police Department were flagged down by security from Club Bari for a fight complaint. Officers entered the bar and found several fights taking place throughout the tavern. Police could also smell a large concentration of pepper spray and observed patrons coughing and running out the back door of the building. Police spoke to Patrick Burich who stated he was head of security. Burich stated he was attempting to break up a fight when he was peppered sprayed by an unknown subject. Police found there was no video surveillance system in the business which could have helped with identifying the events as they happened.
- H. Milwaukee Police Department District 1 commander Captain Basting testified to the assignment of MPD manpower to the area of the licensed premise due to a high level of disorder in the street at or after closing time from both Club Bari and another nearby club, 618 Live. He said that police deployment for both clubs, with a total capacity of around 650 combined, is the equivalent of police deployment to businesses on North Old World 3rd Street totaling 3000 in capacity altogether. He stated that he did not witness the business operating in its original business plan of an Italian Chicago style sports lounge playing big band and classic music catering to patrons aged from 30 to 40 years old. He observed the establishment as a night club atmosphere while he was inside the establishment at night time. He said and is not aware of the club being open during the day time. He also stated that there was a police department meeting with the licensee on October 24, 2010, which resulted in the cessation of outside promoters and uniforms for security staff.
- I. Sergeant Randow testified to witnessing disorderly patrons and fights outside Club Bari and 618 Live. He said that MPD manpower on the 600 block on North Water Street is the equivalent of police manpower to businesses on North Old World 3rd Street totaling 3000 in capacity altogether. On October 10, 2010, he witnessed three fights in the street outside the club with 15 to 20 officers responding to the situation. He said there were an additional four disorderly conducts on the 600 block of North Water Street since that incident. He stated that from midnight to closing time at the club, he has observed patrons primarily aged in the 20's, with some aged older, and has not seen any Italian atmosphere, Italian food, and piano music.
- J. Officer Lees testified to witnessing events mentioned in items D, E, F, and G listed above. He said he was engaged and injured by a female patron during the event mentioned in item F above. He

said he did not observe an Italian style business while inside the tavern. He said he did not know what a Chicago style sports lounge was like.

- K. Officer Ferrell testified that he wrote the PA-33E for the incident in item F above. He said he did not know what an Italian Chicago sports lounge was like.
- L. Alderman Robert Bauman testified in opposition based upon misrepresentations made to him by the licensee to operate as an Italian Chicago style sports lounge catering to middle age patrons but now functioning as a late night nightclub. Alderman Bauman also objected based upon the police report, the overconsumption of police resources, unruly and disorderly crowds at bar closing time and the lack of accountability and responsibility of the licensee to respond to, rather than exacerbate, late night disorder associated with this licensed premise and the nearby 618 Live.
- M. Mario Morgese, a manager of Club Bari, testified as to managing the security, bartending, and music the operations of the business. He said Club Bari has functioned as an Italian Chicago style sports lounge and played a variety of music indicated on their application and did not make any statements to the alderman admitting a change from this type of business operation during a meeting with the alderman. He said the club played some hip hop music in the Top 40. Also, he stated that after meeting with Captain Basting, the club has followed suggestions to improve security and refrain from bringing outside promoters.
- N. Robert Cesarz testified that he did not make any statements to the alderman admitting a change from this type of business operation during a meeting with the alderman.

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, who holds Class "B" Tavern and Tavern Dance licenses for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("Club Bari") 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 the Class "B" Tavern and Tavern Dance licenses.

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 nonrenew the Class "B" Tavern and Tavern Dance licenses held by Robert F. Cesarz, agent for "Caesars World Enterprises, LLC" for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("Club Bari"). The Committee finds the facts as stated above to be true.

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 licenses not be renewed based upon the police report, police department testimony of resources used and late night club atmosphere observations, and aldermanic testimony.

Dated and signed at Milwaukee, Wisconsin this 11th day of July 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

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City Clerk

Jim Owczarski
Deputy City Clerk

July 14, 2011

Salvatore Salvo, Agt.
Pop Promotions, LLC
1033 N. Old World Third St., #502
Milwaukee, WI 53203

Atty. David Halbrooks and Matthew Lerner
Maistelman & Associates
5027 W. North Ave.
Milwaukee, WI 53208

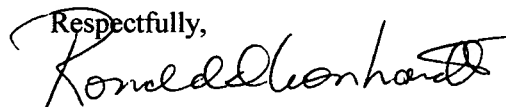
Dear Mr. Salvo, Atty. Halbrooks, and Atty. Lerner:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, July 26, 2011, commencing at 9:00 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 whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class B Tavern and Tavern Amusement licenses for the premises at 606 S. 5th St. ("Texture").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of the licenses based upon the police report, neighbor objection, and police department testimony. The recommendation is the result of public hearings before the Committee held on Tuesday, June 21, 2011 and Monday, July 11, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew the licenses based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, July 21, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: July 11, 2011

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Tavern Amusement licenses of Salvatore Salvo, agent for "Pop Promotions, LLC," for the premises located at 606 South 5th Street in the City and County of Milwaukee, Wisconsin ("Texture")

FINDINGS OF FACT

1. Salvatore Salvo, as the agent for "Pop Promotions, LLC" (hereinafter the "Licensee"), is the holder of Class "B" Tavern and Tavern Amusement licenses for the premises located at 606 South 5th Street in the City and County of Milwaukee, Wisconsin ("Texture"). Said licenses expire at midnight on July 25, 2011.
2. An application to renew said licenses was filed with the Office of the City Clerk on May 13, 2011.
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 May 16, 2011, the Milwaukee Police Department responded with a report regarding the renewal of said licenses, which could form a basis of non-renewal or suspension.
4. On June 11, 2011 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 Milwaukee Police Department report and copies of neighbor complaints regarding the premises. The matter was scheduled for a hearing on the Milwaukee Police Department report and neighborhood objections on June 21, 2011, commencing at 11:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report. The Licensee was represented by Attorney David Halbrooks and Attorney Matthew Lerner, Maistelman & Associates, 5027 West North Avenue, Milwaukee, WI 53208. The matter was also heard on July 11, 2011 relative to the event as documented in paragraph 5A below; the Licensee was again represented by Attorney Matthew Lerner.

5. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact.
- A. On September 6, 2010 at 1:58 a.m. officers of the Milwaukee Police Department observed a large crowd gathering in the street in front of Texture Nightclub located at 606 South 5th Street. Security officers were flagging down police to report that the subjects were attempting to fight with security and making threats to “shoot up the place.” Officers called for more squads to the scene. Police were advised that two security officers had deployed pepper spray at the three subjects who were disorderly. Police were told that the three subjects were inside the club refusing to leave and when verbal attempts failed to have the subjects leave, security attempted to physically remove them. Once they got the subjects to the door, threats were made to security and one subject was overheard stating he had a gun in his car. A fight between the subjects and security and that is when a security guard utilized the pepper spray. Citations were issued to the subjects for disorderly conduct.
 - B. On March 14, 2011 at 1:25 a.m. officers of the Milwaukee Police Department were monitoring closing at Club Texture. Officers observed an auto playing excessively loud music and conducted a traffic stop. The investigation found that patron had just left Texture’s Club. One passenger was arrested on an outstanding warrant.
 - C. On March 6, 2011 at 1:58 a.m., officers of the Milwaukee Police Department were monitoring the closing at Textures and observed 40-50 people fighting with security as they exited the club. More squads were called to the scene to gain control of the scene. The fights were broken up and three subjects were cited for disorderly conduct.
 - D. On March 28, 2011 at 1:00 a.m. a squad car had to call for more squads in attempts to help with the large crowd of about 30 subjects outside the club. The investigation found the club was at capacity and was not letting any other patrons in the club for the rest of the night. Loitering citations were issued to two subjects.
 - E. On April 2, 2011 at 12:10 a.m. a battery complaint was taken at the 2nd precinct that occurred in front of the Texture nightclub. The victim stated that she and her cousin had left the Texture nightclub and were driving in front of the tavern when a car that was also parked in front of the tavern pulled out in front of her and she struck that car. She got out to look at her car and the driver of the other car exited his auto and began yelling obscenities to her. The driver without provocation struck her four to five times in the face causing pain and a bloody nose. The victim stated she attempted to get back into her car but the subject followed her and struck her several more times. The victim sought medical assistance and was treated for a fractured nose. Follow up was conducted and officers located the driver of the other car. His statement was similar to the one given by the victim only the subject stated the driver of the other car was the one who got physical first and that he was just defending himself. On April 12, 2011 officers conducted a follow up with the

security guards at Texture and requested a copy of the video surveillance from the club.

- F. Neighbor Juli Kaufman testified as to disturbances such as excessive noise and drag racing caused by former patrons of the licensed premises as they leave the area at bar time between 1:15 a.m. to 2 a.m. She also testified to additional disturbances of noise, public urination, loud music, swearing, and threats made to her personally and to her property from former patrons of the licensed premises during bar time. On two occasions, she said that she was confronted and yelled at by former patrons outside who stated that they were from Texture. Ms. Kaufmann testified that her previous complaints regarding disorder and excessive noise associated with former patrons of Texture as documented by her e-mails to Alderman Witkowiak, were written as matters were observed and were true and accurate.
- G. Lieutenant James MacGillis, District 2 of the Milwaukee Police Department, testified as to his personal observations of the March 6, 2011 incident as described above. He said that the street where the fight took place was shut down from traffic flow. Lt. MacGillis also testified that Texture and other Walkers Point nightclubs had participated in a Second Police District meeting on or about April 4, 2011 and that disorder problems in the area had improved based upon better cooperation between police and the nightclubs.
- H. There was also testimony from Police Officer Christopher Agnew, District 2 of the Milwaukee Police Department. He testified that he observed the fight on the March 6, 2011 incident as described above. He did not know the duration of the fight and estimated ten to fifteen people were involved. He stated that he wrote a March 14, 2011 PA-33 but did not witness the event firsthand.
- I. Testimony from the license applicant revealed that he would not seek renewal of Texture's licenses at the conclusion of his lease of the premises in June, 2012. Based upon a potential lack of accountability in the upcoming licensing year, and the history of the premises as described by the police and neighbor witnesses, the Committee finds that there is an unreasonable and substantial risk to the public health, safety and welfare to the surrounding neighborhood if the operation of this licensed premise continues.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law, and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Salvatore Salvo, as agent for "Pop Promotions, LLC" for the premises located at 606 South 6th Street in the City and County of Milwaukee, Wisconsin

("Texture") 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 "B" Tavern and Tavern Amusement licenses held by him based upon the police report, neighbor objection, and police department testimony.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern and Tavern Amusement licenses held by Salvatore Salvo, as agent for "Pop Promotions, LLC" for the premises located at 606 South 5th Street in the City and County of Milwaukee, Wisconsin ("Texture") based upon the past activities as a licensee, and for the danger the operation of this premises posed to the health, safety and welfare of the citizens of the community.

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 Tavern Amusement licenses held by Salvatore Salvo, as agent for "Pop Promotions, LLC" for the premises located at 606 South 5th Street in the City and County of Milwaukee, Wisconsin ("Texture") not be renewed based upon the police report, neighbor objection, and police department testimony.

Dated and signed at Milwaukee, Wisconsin this 11th day of July 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

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