



JAMES A. BOHL JR.

Alderman, 5th District

June 20, 2003

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 021402

Attached are written objections to the renewal with a 15-day suspension based upon police report and neighborhood objections of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license applications of Joel Klamann for the premises at 4928 W. Vliet St. ("O'Briens") in the 16th Aldermanic District.

This matter will be heard by the full Council at its June 24, 2003 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,

A handwritten signature in black ink that reads "James A. Bohl Jr." in a cursive style.

James A. Bohl, Chair
Utilities and Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
Milwaukee Police Department – License Investigation
CCF 021402

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June 20, 2003

Ronald D. Leonhardt
City of Milwaukee Clerk
Council Services Division
Room 205, City Hall
200 E. Wells Street
Milwaukee, WI 53202-3567

RE: Objection to Report of Utilities and License Committee
Joel J. Klamann, Agent PTP Enterprises, Inc.
4928 West Vliet Street
Milwaukee, WI 53208

Dear Mr. Leonhardt:

PTP Enterprises Inc. by its agent Joel J. Klamann objects to the Utilities and License Committee's recommendation for a fifteen day license suspension on the license renewal application for PTP Enterprises Inc. for a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license for the premises located at 4928 West Vliet Street in the City of Milwaukee, Wisconsin commonly known as "O'Briens".

The Hearing Evidence

A. Evidence against O'Briens.

Sergeant Hogan, Milwaukee police department, read a report (paragraph 5 A - Committee Findings of Fact) to the Committee outlining police information on the license renewal application. Sgt. Hogan disclaimed any personal knowledge of the contents of that report.

The Committee viewed a videotape of a WTMJ channel four newscast purportedly showing after hours activity at O'Briens in April and May 2003. No evidence, except for an

unsigned affidavit¹, was presented to establish the authenticity, or accuracy of the videotape.

No citizen appeared to object to the renewal of the license.

B. Evidence in favor of O'Briens.

Alderman Michael Murphy, District 16, supported the license renewal. Alderman Murphy told the Committee that he has had no problems with O'Briens and had received no complaints about O'Briens. The alderman also told the committee that he had never received so many calls in favor of a tavern. Alderman Murphy told the Committee that a district resident held a community meeting a week and a half before the Committee hearing. Alderman Murphy was informed by the resident that the neighbors, at the community meeting, were nearly all in favor of the license renewal. Alderman Murphy noted that O'Briens would be punished for its after hours activity by municipal citations that had been issued.

A group of neighbors including Kimberly Floyd, spoke on behalf of O'Briens. Ms. Floyd described O'Briens as an excellent neighbor and a good community presence, that has a positive economic impact on her own business. Marilyn Schmer, William Elliott, Greg Moran and Mary Pat Collins made comments similar to those of Ms. Floyd.

The agent for PTP Enterprises, Joel Klamann, apologized for O'Briens transgressions. He told the Committee that disciplinary measures had been taken to ensure that no more after hours activity occurred. Mr. Klamann explained that a suspension of O'Briens license would cause substantial financial hardship to its employees.

Argument

In its conclusions of law the Committee found the police report, read by Sgt. Hogan, and neighborhood objections to be true, even though no neighborhood objections were presented.

Despite the weight of the evidence that O'Briens has been a positive presence in the community with no prior problems, the positive statements by Alderman Murphy and O'Briens' neighbors, the Committee recommend a fifteen-day license suspension.

O'Briens respectfully asserts that the Committee's recommendation is deficient in that:

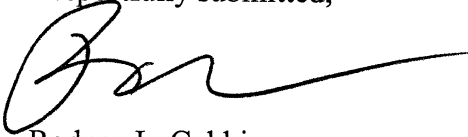
1. The recommendation is based upon unreliable evidence. The videotape viewed by the Committee was not authenticated, or its contents established as accurate.

¹The Committee accepted the unsigned affidavit to authenticate the tape, contingent upon receipt of a notarized affidavit by June 24, 2003, but declined to accept written statements from citizens on behalf of O'Briens.

2. The recommendation relies on objections of neighbors as a partial basis for suspension, but no objections from neighbors were placed before the Committee.
3. Finally, the recommendation fails to fully consider O'Briens substantial community support, O'Briens record of good behavior and its positive community presence.

Undersigned counsel respectfully requests the opportunity to address the Common Council, on behalf of O'Briens, on Tuesday, June 24, 2003 at 9:00 a.m..

Respectfully submitted,



Rodney L. Cubbie
Attorney at Law

cc: Alderman James A. Bohl, District 5
Chairman Utilities and License Committee.
Alderman Michael Murphy, District 16