

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

July 26, 2017

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 170160

Attached are the written objections to file number 170160, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to the recommendation of:

Renewal, with a thirty (30) day suspension, based upon the police report and neighborhood testimony of the Class B Tavern, Food Dealer, Public Entertainment Premises, and Sidewalk Dining license(s) for Dean Zarkos for the premises located at 777 N Jefferson St. ("Dino's Taverna") in the 4th aldermanic district.

This matter will be heard by the full Council at its Monday, July 31, 2017 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statements and materials.

Respectfully,

A handwritten signature in black ink that reads "Tony Zielinski".

Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 170160

LAW OFFICES OF JONATHAN V. GOODMAN

Jonathan V. Goodman, J.D., L.L.M.
Also Licensed in Florida

SUITE 707
788 NORTH JEFFERSON STREET
MILWAUKEE, WISCONSIN 53202-3739

Telephone: (414) 276-6760
Facsimile: (414) 287-1199

VIA Email

Date: July 25, 2012

To: James R. Owczarski, City Clerk, City of Milwaukee
<jowcza@milwaukee.gov>; <yashicaH@milwaukee.gov>

From: Attorney Jonathan V. Goodman, on behalf of Licensee Dean Zarkos

RE: Written Objection to the Report of the Licensing Committee after a Public
Hearing which occurred on Tuesday, July 18, 2017

First of all, some corrections to the Summary of the Hearing before the Licensing Committee. The Report says that a Bob Warants appeared in support of the Licensee. His name is actually Robert Ornst and he is the Licensee's landlord. The name of Joe Mueller is actually Joe Miller. The Findings of Facts say that Alderman Rainey moved for a 30 day suspension based on the Police Report and neighborhood testimony. There was no neighborhood testimony. The only testimony was on behalf of the Licensee. It is clear that the Licensing Committee based its recommendation on the recommendation of Alderman Bauman.

The Licensing Committee served a twenty-day suspension beginning on September 4, 2016. The Alderman and the Police piled on complaints about the Licensee, specifically incidents that occurred on August 8 and August 30, 2016, which was prior to the suspension served on the Licensee commencing on September 4, 2016.

The Licensee evidently was confused about the beginning of his 20-day suspension on September 4, 2016, and immediately closed down his bar when the police entered the premises.

The Licensee denied the allegations of what the Report said occurred on April 16, 2017. The Licensee denies that he suddenly closed the bar and the Report does not indicate how the Officers knew that patrons on the sidewalk had been patrons of Dino's Taverna. The fact that the Licensee had four independent witnesses appear on his behalf on relatively short notice indicates that he has a loyal following and runs a good operation.

These suspensions are very deleterious to the operation of the Licensee's business. While the last suspension was 20 days, it took a while for the Licensee to build up his business again because of the closure. The 30-day suspension will be even more damaging.

If a minor was served at the bar and caused an automobile accident or some other bad result as a result of drinking at the Licensee's bar, the Licensee could understand such a long suspension. But the gravamen of the March 30, 2017 violation was a sting conducted by the Police Department.

The Licensee testified that he is spending \$1,400.00 a month since the last suspension for augmented security at the premises during the busy evenings of Thursday evening, Friday evening, and Saturday evening. He also installed new security cameras.

The Licensee believes that he is being discriminated against by the local alderman. The Licensee in the past has attempted to reach out to the alderman to discuss ways of improving his operation so that these violations do not recur. The alderman has refused to meet or talk to the Licensee.

There are many more licensees in this alderman's district which have a much worse record than the Licensee, yet the alderman has not recommended a suspension of these other licensees who are not as good operators as the Licensee.

Accordingly, if by August 31, 2017, there is no evidence of any further violations by the Licensee, the fair thing to do is for the Common Council to preferably not sanction the Licensee, or in the alternative, have a suspension that is much shorter in duration, say for a period of time from a Thursday evening through a Saturday evening, which would be punishment enough to the Licensee for loss of business during the three busiest evenings of the work week.

Respectfully submitted this 25th day of July, 2017.



Jonathan V. Goodman
Attorney for Licensee