



JAMES A. BOHL JR.
Alderman, 5th District

November 10, 2008

To the Honorable, the Common Council

Dear Members:

Common Council File 080873 contains the following recommendations:

Renewal with a 10-day suspension, based on the police report, of the Class "D" Bartender license of Barbara A. Anderson.

Renewal with a 10-day suspension, based on the police report, of the Class "D" Bartender license of Pamela E. Weaver.

Renewal with a 10-day suspension, based on the police report, of the Class "B" Tavern and Tavern Dance licenses of Robert F. Smith for the premises at 906 South Barclay Street ("Rain") in the 12th aldermanic district.

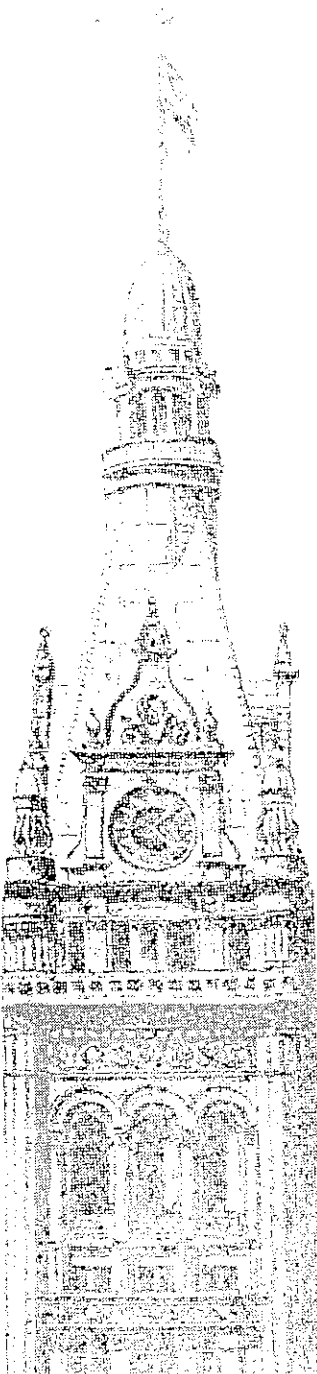
Renewal with a 20-day suspension, based on the police report, of the Class "B" Tavern and Instrumental Music licenses of Tony M. Carter for the premises at 2712 North Dr. Martin Luther King Jr. Drive ("Ray's Rhythm & Blues Lounge") in the 6th aldermanic district.

Renewal with a 45-day suspension, based on the police report and neighborhood objections, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses of Habib Manjee, Agent for Lady Bug Club, LLC, for the premises at 622 North Water Street ("Ladybug Club/618 Live On Water ") in the 4th aldermanic District.

Renewal with a 30-day suspension, based on the police report, of the Class "B" Tavern license of Alicia D. McCoverly for the premises located at 2432 West Garfield Avenue ("Ike's Lounge") in the 15th aldermanic district.

Denial, based on non-appearance, of the Class "D" Bartender license of Brian Drake, II.

Denial, based on non-appearance, of the Class "D" Bartender license of Kimberly M. Gamroth.



Denial, based on non-appearance, of the Class "D" Bartender license of George G. Kelepouris.

Denial, based on non-appearance, of the Class "D" Bartender license of James C. Lindsay.

Denial, based on non-appearance, of the Class "D" Bartender license of Jesse J. Urban.

Denial, based on non-appearance, of the Class "D" Bartender license of Sylvia M. Watson.

Denial, based on non-appearance, of the Class "D" Bartender license of Juan Ramirez-Xolo.

Denial, based on the fact that it consumes space that would otherwise be available for parking of automobiles on the public way in an area where parking is difficult for the adjoining neighbors, and on the fact that permit holder no longer requires it, of the Disabled Loading Zone Permit of Stephen T. Seefeldt for the premises located at 1228 North 32nd Street in the 4th aldermanic district.

With regard to the files listed above, the Licenses Committee held an evidentiary hearing on November 3rd.

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, November 25, 2008** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

James A. Bohl, Jr., Chair
Licenses Committee

cc: All Council Members
File 080873



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Barbara A. Anderson

FINDINGS OF FACT

1. Barbara A. Anderson (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, December 31, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on October 3, 2008.
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 October 6, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.

4. On October 22, 2008, 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 November 3, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On October 29, 1991, the applicant was arrested by Glendale Police for retail theft and was convicted in Glendale Municipal Court on November 18, 1991. An unknown fine was imposed.

- B. On March 15, 1993, the applicant was arrested by Wauwatosa Police for theft. She was convicted in Wauwatosa Municipal Court and fined an undisclosed amount on April 28, 1993.
- C. On January 1, 1994, the applicant was charged in Milwaukee County for public assistance fraud/get benefit. She was found guilty on February 10, 1999 and was sentenced to state prison-imposed and stayed 5 years and put on probation. She was also charged with food stamps/failure to report income, which was dismissed on February 10, 1999.
- D. On December 6, 1999, the applicant was charged in Milwaukee County for retail theft-intentional taking and intentional contributing to the delinquency of a child and was found guilty of both charges on January 24, 2000 and sentenced to the House of Correction for six months.
- E. On October 21, 2007, the applicant was charged in Milwaukee County for felon in possession of a firearm and was found guilty on January 22, 2008 and sentenced to 90 days in the House of Correction.

CONCLUSIONS OF LAW

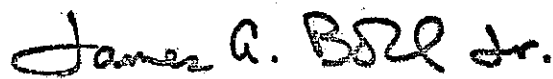
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Barbara A. Anderson 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 ten (10) day suspension of said license based upon the police report. 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 renew the Class "D" Bartender license held by Barbara A. Anderson with a ten (10) day suspension of said license based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of two (2) ayes, one (1) no, and two (2) excused, recommends that the Class "D" Bartender License be renewed with a ten (10) day suspension.

Said suspension shall take effect at 12:01 a.m. January 1, 2009 through midnight, January 10, 2009.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Jr., Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Pamela E. Weaver

FINDINGS OF FACT

1. Pamela E. Weaver (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, December 31, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on October 8, 2008.
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 October 9, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.

4. On October 22, 2008, 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 November 3, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On September 19, 1992, the applicant was stopped and arrested for operating an auto while intoxicated. She was found guilty on June 2, 2003 and sentenced to a 6 month revocation of her driver's license and fined \$766.00.

- B. The applicant's Wisconsin driver's license revealed the following convictions:

April 8, 2003- Implied consent (goes with Item B)
Milwaukee County Circuit Court

May 11, 2006- Operating while intoxicated (3rd)
Milwaukee County Circuit Court

CONCLUSIONS OF LAW

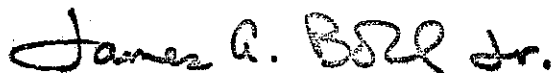
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Pamela E. Weaver, 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 ten (10) day suspension of said license based upon the police report.
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 Pamela E. Weaver with a ten (10) day suspension of said license based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **three (3) ayes, one (1) no, and one (1) excused**, recommends that the Class "D" Bartender License be renewed with a ten (10) day suspension.

Said suspension shall take effect at 12:01 a.m. January 1, 2009 through midnight, January 10, 2009.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Jr., Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Applications of Robert F. Smith for a Class "B" Tavern and Tavern Dance licenses for the premises located at 906 South Barclay Street in the City and County of Milwaukee, Wisconsin ("Rain").

FINDINGS OF FACT

1. Robert F. Smith (hereinafter the "Licensee") is the holder of Class "B" Tavern and Tavern Dance licenses for the premises located at 906 South Barclay Street in the City and County of Milwaukee, Wisconsin ("Rain"). Said license expires at midnight, December 19, 2008.
2. Applications to renew said licenses were timely filed with the Office of the City Clerk on October 8, 2008.
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 these licenses on October 9, 2008. In addition, there were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, disturbing the peace, causing the normal flow of traffic on roadways to be impeded, excessive and inappropriate use of police resources, neighborhood problems due to mismanagement, endangering safety by exceeding capacity, shootings and gunshots, premises operated in such a manner that it causes a public nuisance, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On October 27, 2008, 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 and of the 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 November 3, 2008 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. The licensee was not represented by counsel, but was assisted by former Mayor Marvin Pratt.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On April 14, 2004, while officers of the Milwaukee Police Department were patrolling in area of 906 South Barclay Street, a citizen stopped the squad and requested help because he was attacked by bouncers that work at Club Rain, 906 South Barclay Street. The subject was told to stand on the sidewalk while the officers parked their vehicle. While parking the squad they observed the citizen/victim being again attacked by Club Rain security and being struck in the face by one of the bouncers. More squads were called because there were several subjects fighting in the street. A large crowd gathered. It should be noted that it was difficult for squads responding to the officer's call for assistance because of the great amount of traffic and illegally parked vehicles in the area. The bouncer left the scene, but later returned. He told the officers he was upset because the victim hit him in the face earlier in the tavern when the bouncer tried to remove him from the tavern. The bouncer was issued a disorderly citation, and an incident report was filed.
 - B. On May 11, 2004, at 2:00 a.m., an officer of the Milwaukee Police Department was dispatched to meet a sergeant at 1st and West Washington Street regarding a traffic stop. The sergeant was monitoring Club Rain, 906 South Barclay Street, as it was closing. He observed a patron exit the premises, get into a vehicle and drive off playing the radio very loudly. The vehicle was stopped and it was discovered that the driver was under 21 years old. The subject told the officer that when he gave his ID to the bouncer, the bouncer made the comment that since it was only a couple of days before he turned 21, that he would let him in. The subject denied using a false ID to obtain entrance into Club Rain. The patron was cited for loitering in a Class "B" establishment, and found guilty.
 - C. On May 11, 2004, at 12:25 a.m., officers of the Milwaukee Police Department patrolling in the area of Club Rain, 908 South Barclay Street, were approached by a citizen who requested help because his friend was physically assaulted by three females. The dispute occurred when the victim, with a couple friends, sat at a table in

the bar. Three other females came up to them and told them to move because they were at the other girls' table. This resulted in an argument, which escalated into a fight. The officer spoke to the doorman/head of security who told the officer he did observe the fight inside the bar, and stated that it was not his responsibility to call the police for every fight. Five citations were issued for assault and battery. An incident report was filed.

- D. On October 24, 2004 at 2:15 a.m., the licensee was cited for disorderly premises prohibited at 906 South Barclay Street.

Charge : Disorderly Premises Prohibited

Finding : Guilty, Municipal Court

Sentence: Fined \$354.00

Date: December 14, 2004

- E. On January 31, 2006, at 12:55 a.m., officers of the Milwaukee Police Department were dispatched to Rain Night Club, 906 South Barclay Street, for a fight. The original complaint was that there were 30 people in the street fighting at that location. Upon arrival, the officers found no one fighting. The officers spoke to the licensee, Robert Smith, who told them one of the bouncers called when he observed an altercation involving several subjects, but they left the scene before officers arrived. The officers stayed at the scene to monitor the closing of the premises. They subsequently observed a patron engaging in an altercation with another person. He was issued a citation for disorderly conduct.
- F. On April 15, 2007 at 1:32 a.m., officers of the Milwaukee Police Department were dispatched to 906 South Barclay Street, Club Rain, for a fight complaint. The investigation revealed that a fight took place inside Rain Tavern with security ejecting several of the subjects. The fight continued outside with one subject sustaining two lacerations above his left eye. Upon police arrival, the victim was the only one left on scene. The victim received six stitches and an incident report was filed.
- H. On June 12, 2007 at 1:45 a.m., officers of the Milwaukee Police Department responding for traffic control at 906 South Barclay. Officers observed a male subject urinating in public. When questioned, the subject stated he just came out of Club Rain and had to relieve himself. A citation was issued to this subject for disorderly conduct.
- I. August 28, 2007 at 1:58 p.m., officers of the Milwaukee Police Department were flagged down by security for Club Rain

regarding trouble with a subject. The club was in the process of closing for the night. A large crowd was exiting and extra police squads were called for traffic control. There was a patron who was refusing to leave and was gone by the time officers arrived. The crowd and traffic was dispersed without incident. Milwaukee Police cleared the area by 2:27 am.

- J. On May 2, 2008, officers of the Milwaukee Police Department were informed that Club Rain was advertising on its website that the club was going to have several nights of hip hop music. It was learned that the licensee, Robert Smith, never submitted a request to change plan of operation for an amusement license at the License Division at City Hall. Undercover officers were in line to enter the business and could smell someone smoking marijuana. Due to the large crowds in line, they were unable to determine who it was. Officers were not able to enter due to club capacity but could hear hip-hop music being played inside the club. Officers were in the area of club at closing time and observed several fights break out, with the security able to control and break up the fights. On May 5, 2008 at 9:15 p.m., Milwaukee police spoke to Patsy Smith-James who stated she and her son operate the nightclub. Police expressed concerns regarding the observations on May 2, 2008 and the type of music that was being played. Smith-James stated "music is music" and that she was only aware of one fight that took place that night. Smith-James also stated she fired the person who was in charge of their events for Saturday nights.
- K On June 1, 2008 at 3:51 a.m., officers of the Milwaukee Police Department were dispatched to St. Joseph's Hospital for a substantial battery complaint. Officers spoke to the victim, who stated as he was leaving Club Rain, three males approached him, one of which picked up a bottle and struck him on the forehead with it. The victim stated he had seen these males earlier in the club that night. The victim required 15 stitches and a report was filed. Officers were unable to make any contact with the club owner.
- L. On June 13, 2008 at 11:24 p.m., officers of the Milwaukee Police Department observed a large crowd at Club Rain waiting to enter the club. Police spoke to a security guard who stated there were going to be problems because of the long of patrons waiting to enter the club. Police observed about 70 patrons around the block waiting to enter the club. Police made attempts to disperse the crowd, with patrons becoming angry. One subject became unruly and was taken into custody. Due to the amount of people and the crowd becoming unruly, more squads were requested. Officers

later spoke to Patsy Smith, who stated they could not allow any more patrons in due to capacity. Citations were issued to Robert Smith, the licensee, for disorderly premises and licensing-change in entertainment. A meeting was suggested to Smith to discuss recent incidents before something serious occurred. On June 25, 2008, Smith went to District # 2 to discuss the concerns of Club Rain with district officers. Robert Smith was unable to attend, however he did contact officers later that day.

Charge:

1. Change in Entertainment Notice Required
2. Disorderly Premises

Finding:

1. Guilty
2. Dismissed w/o prejudice

Sentence: Fined \$100.00

Date: 10/03/08

- M. On June 14, 2008 at 1:05 a.m., officers of the Milwaukee Police Department were dispatched to 906 South Barclay for a fight complaint. Officers spoke to two security guards who stated that while they were escorting a patron out of the club, the patron became combative and started to cause a scene. Security guards decentralized the subject to the ground and also used pepper sprayed to get the subject to comply and stop his active resistance. The patron was issued a citation for disorderly conduct.
- N. On October 4, 2008 at 1:05 a.m., officers of the Milwaukee Police Department were dispatched to 906 South Barclay Street, Rain Tavern, for a fight. The investigation revealed two patrons had just left Rain tavern, became disorderly and started to fight with security. Officers approached and attempted to arrest these patrons, who also fought with police. Both patrons were arrested and placed in the back of the squad car. Officers observed that both females were heavily intoxicated and both were issued two citations for disorderly conduct and resisting/obstructing an officer.
- O. On October 4, 2008 at 1:50 a.m., officers of the Milwaukee Police Department were dispatched to 906 South Barclay Street, Rain Tavern, for a fight. Officers spoke with security from Rain who stated that there were several patrons fighting as they left the club. Security further stated that the actors fled the scene prior to police arrival.
- P. On October 12, 2008 at 2:25 a.m., officers of the Milwaukee Police Department were dispatched to 906 South Barclay, Rain

Tavern, for a fight complaint. As officers arrived, they observed large amounts of blood on scene and spoke to the security guard. The guard stated there was an altercation inside the tavern but no fight. Officers who spoke to other witnesses were told that a fight broke out between two separate groups of patrons and that everyone got out of the club before police arrived. During this investigation, two patrons were attempting to provoke another incident and police cited both patrons for disorderly conduct.

Q. No neighbors appeared in opposition to renewal of these licenses.

CONCLUSIONS OF LAW

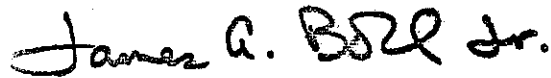
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Robert F. Smith, who holds Class "B" Tavern and Tavern Dance licenses for the premises located at 906 South Barclay Street in the City and County of Milwaukee, Wisconsin ("Rain") 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 licenses without undergoing a ten (10) day suspension of said licenses, based upon the police report.
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 licenses of Robert F. Smith for the premises located at 906 South Barclay Street in the City and County of Milwaukee, Wisconsin ("Rain") with a ten (10) day suspension. The Committee finds the police report 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 **three (3) ayes, zero (0) noes, and one (1) excused and one (1) abstaining**, recommends that the Class "B" Tavern and Tavern Dance licenses held by Robert F. Smith be renewed with a ten (10) day suspension based on a police report.

Said suspension is to be in effect between 12:01 a.m. December 20, 2008 through midnight, December 29, 2008.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.

A handwritten signature in black ink that reads "James A. BOHL Jr." The signature is written in a cursive style with a horizontal line underneath the name.

JAMES A. BOHL, Jr., Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Applications of Tony M. Carter for a Class "B" Tavern and Instrumental Music licenses for the premises located at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Ray's Rhythm & Blues Lounge").

FINDINGS OF FACT

1. Tony M. Carter (hereinafter the "Licensee") is the holder of Class "B" Tavern and Instrumental Music licenses for the premises located at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Ray's Rhythm & Blues Lounge"). Said licenses expire at midnight, December 12, 2008.
2. Applications to renew said licenses were timely filed with the Office of the City Clerk on September 30, 2008.
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 this license on October 1, 2008. In addition, there were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, shootings, failure to abide by agreements regarding security measures, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On October 22, 2008, 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 and the 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 November 3, 2008 at 10:45 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. The licensee was not represented by counsel.

6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On April 11, 2006 at 12:16 a.m., officers of the Milwaukee Police Department responded to a large fight at the licensed premises at 2712 North Doctor Martin Luther King Jr. Drive ("Ray's Rhythm & Blues Lounge"). Other squads were on the scene. Officers observed approximately 50 people in the street being loud, profane, and fighting. Two arrests were made, one for disorderly conduct (fighting) and one for disorderly conduct and obstructing an officer. Upon observing the number of patrons in the tavern, it appeared to be over its listed capacity of 80 persons. After police were able to maintain control of the fight several patrons of the tavern left the bar through the front and rear exits and officers were unable to obtain an accurate capacity count. The licensee was given a warning regarding the disorderly conduct and over capacity.
 - B. On May 27, 2006, at 1:46 a.m., officers of the Milwaukee Police Department were dispatched to the intersection of West Center Street and North Doctor Martin Luther King Jr. Drive for a subject with a gun complaint. Upon their arrival, they found a large disturbance in the middle of the street. The incident started inside the licensed premises at 2712 North Doctor Martin Luther King Jr. Drive ("Ray's Rhythm & Blues Lounge") and the subject was escorted outside the tavern by security guards. The manager, Dexter R. Carter, was on the scene and closed the tavern after the altercation occurred. One victim was hit and kicked in the face, a victim of substantial battery, and was treated by MFD Unit No. 7. Three suspects were taken into custody in connection with this incident.
 - C. On March 9, 2007 at 1:35 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 2712 North Martin Luther King Jr. Drive for a shooting. Officers found an employee of the tavern who was shot in the leg. The investigation revealed that 3 to 4 shots were fired from a passing auto at the bar, striking the victim. There was a bullet entry point at the front door of the bar through a glass window. The victim was treated and released at a nearby hospital.
 - D. On March 31, 2007 at 2:11 a.m., officers of the Milwaukee Police Department were dispatched to a battery complaint at the licensed premises at 2712 North Martin Luther King Jr. Drive. The investigation revealed a female patron who was fighting inside the tavern and sustained several lacerations to her head. The victim declined medical attention and declined to give police any more

information regarding the battery. The tavern was closed at the time the police arrived and police were unable to obtain any statements regarding this incident from bar employees.

- E. On May 25, 2007 at 1:18 a.m., officers of the Milwaukee Police Department were dispatched to a noise nuisance complaint at the licensed premises at 2712 North Martin Luther King Jr. Drive. Officers spoke to the complainant who stated that at 12:50 a.m. he was awoken to 20-30 people exiting the tavern being loud and boisterous; some patrons got into their cars or on their motorcycles and were accelerating the engines. The complainant stated he did not want a citation issued, but would like officers to speak with Tony Carter, the licensee. Mr. Carter was advised to keep his customers quiet and under control during hours of operation.
- F. On June 2, 2007, officers of the Milwaukee Police Department were flagged down by Ray's Rhythm & Blues security for a trouble with a subject. The investigation revealed a patron was denied entry into the tavern due to urinating on the building a few nights ago. This patron tried to enter the tavern again on this night and was turned away. The suspect then kicked the door and the glass window. He then spat at security. The suspect was still on the scene and he was issued a disorderly conduct citation.
- G. On October 19, 2007 at 11:45 p.m., officers of the Milwaukee Police Department conducted a license premises check at the licensed premises at 2712 North Martin Luther King Jr. Drive. As the officers entered the premises, they observed the licensee, Tony Carter, at the end of the bar intoxicated. Officers asked for Carter's identification and asked if Carter had any weapons, to which Carter stated, "check me." Officers then instructed Carter to put his hands up and he did. Carter began resisting arrest and struck an officer in the face with his elbow. Officers attempted to place Carter into custody when Carter bit an officer on the right hand, twice. Carter's actions caused the bar patrons to become unruly and to begin shouting at the police. At the police station, Carter admitted to police that he had heard a rumor that police were trying to shut down his tavern and that when he saw the police enter he got angry and gave the police some attitude. Carter was charged with resisting/obstructing a police officer. At the hearing, Mr. Carter informed the Committee that the citation that had been written had been dismissed.
- H. On November 20, 2007 at 4:56 p.m., officers of the Milwaukee Police Department were dispatched to 2712 North Martin Luther King Jr., Drive for a theft complaint. Police spoke to Tony Carter, who stated that on November 2, 2007 at about 2:09 a.m. he locked up his business and went home. Mr. Carter returned about 4:00

p.m. and found that someone had entered his business and stole \$211.00 in cash and roughly \$440.00 in liquor. A check with the video surveillance revealed an actor, known to Mr. Carter and who sleeps in the upper apartment of the building, enter through a broken lock door along with an unknown female removing the cash and liquor. The suspect was later arrested and charged with burglary.

- I. On November 12, 2007 at 2:00 p.m., officers of the Milwaukee Police Department were dispatched to 2712 North Dr. Martin Luther King Jr. Drive for an entry complaint. The investigation revealed an entry did occur and a report was filed.
- J. On March 15, 2008 at 2:08 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 2712 North Dr. Martin Luther King Jr. Drive for a shooting complaint. Upon their arrival, they observed an unconscious and unresponsive male lying against the wall of the licensed premises. The investigation revealed that the victim and another patron were inside Ray's Rhythm & Blues Lounge when one patron accused the victim of improperly touching his girlfriend. An argument began with these two patrons exiting the tavern and continuing the fight. Witnesses inside the bar stated they heard one shot fired and observed the victim on the ground with a gun in his hand. The other subject involved in the fight with the victim was still on the scene and later arrested. Officers noted that upon their arrival, the doors to Ray's Rhythm & Blues Lounge were closed and locked and no one would answer the door when officers knocked. Officers conducted a follow-up the next day and spoke to the manager, who stated she was working the night before and that they had closed earlier last night, before 2:00 a.m. Ms. Griffin-Gaston further stated she did not know anything about any shooting that occurred the night before. The victim and assailant were three doors from the premises when found. However, they had been in the bar prior to the incident. The licensee denied anything happened in the bar.
- K. No neighbors testified in opposition to renewal of this license.
- L. The licensee has installed identification equipment.

CONCLUSIONS OF LAW

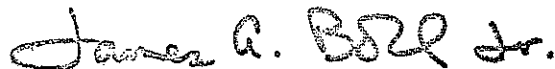
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Tony M. Carter, who holds Class "B" Tavern and Instrumental Music licenses for the premises located at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Ray's Rhythm & Blues Lounge "), 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 Instrumental Music licenses without undergoing a twenty (20) day suspension of said licenses, based upon the police report.
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 Instrumental Music licenses of Tony M. Carter for the premises located at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Ray's Rhythm & Blues Lounge ") with a twenty (20) day suspension. The Committee finds the police report, 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 three (3) ayes, zero (0) noes, and two (2) excused, recommends that the Class "B" Tavern and Instrumental Music licenses held by Tony M. Carter be renewed with a twenty (20) day suspension based on the police report.

Said suspension is to be in effect between 12:01 a.m. December 13, 2008 through midnight, January 1, 2009.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008

To: All members of the Milwaukee Common Council

From: Licenses Committee

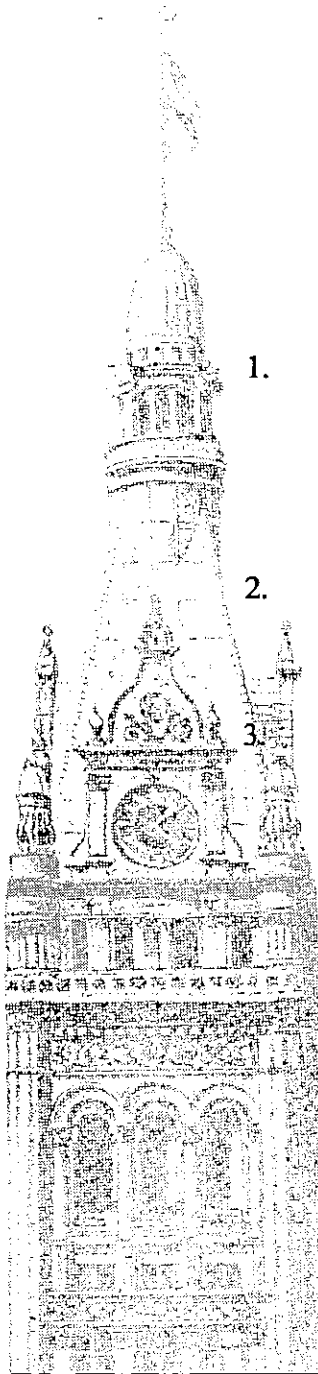
Re: Report on the renewal applications of Habib Manjee, Agent for Lady Bug Club, LLC, for Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) with change of hours and entertainment for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Ladybug Club/618 Live On Water").

FINDINGS OF FACT

1. Habib Manjee ("Licensee") is the holder of Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Ladybug Club/618 Live On Water"). Said licenses expire at midnight, December 20, 2008.

2. Applications to renew said licenses and change the hours and entertainment were filed with the Office of the City Clerk on September 18, 2008.

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 September 19, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said licenses. There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, fights, reckless driving, damage to private property, parking on private property, disturbing the peace, causing the normal flow of traffic on roadways to be impeded, excessive and inappropriate use of police resources, neighborhood problems due to mismanagement, endangering safety by exceeding capacity, shootings and gunshots, premises operated in such a manner that it causes a public nuisance, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.



4. On October 21, 2008, 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 neighborhood objections and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report and neighborhood objections on November 3, 2008, commencing at 8:15 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the Licensee appeared and admitted receipt of notice for the hearing, as well as notice of the objection to renewal of licenses. The Licensee 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 Milwaukee Police Department's investigation regarding this application revealed the following:

Charge:	Sale of beer to underage person
Finding:	Guilty
Sentence:	Fined \$139.00 on August 17, 1992
Charge;	Sale of beer to underage person
Finding:	Dismissed on November 30, 1993

 - B. On September 9, 1996, officers of the Milwaukee Police Department, along with agents of the U.S.D.A. and W.I.C., made a lawful inspection of the Open Pantry at 3927 West Villard Avenue. The officers recovered a loaded .357 Magnum revolver from the store after no one claimed ownership. The license holder was the licensee at that premises.

 - C. On April 24, 1999 at 7:15 pm, officers of the Milwaukee Police Department conducted a traffic stop at 8500 North 107th Street. The applicant was the driver of the vehicle and was very argumentative. As the officer attempted to issue him a ticket for speeding he snatched his license and ticket and pushed the officer back and attempted to drive away. The officer ordered him to turn off his vehicle to receive two other citations. The applicant pushed the officer again and attempted to drive away. At this time the officer ordered him out of the vehicle. The applicant refused to obey the officer and then refused to put his hands behind his back. He had to be decentralized to be placed into custody. The licensee was issued citations for resisting/obstructing an officer, which were dismissed on August 20, 1999.

- D. On October 21, 1999 at 5:09 pm, an underage police aide entered the Open Pantry at 3927 West Villard Avenue under the direction of Milwaukee Police Department officers. The police aide purchased a four-pack of beer from the clerk Syed K. Rizvi. The licensee was not on the scene. The licensee was issued a citation for licensee responsibility, which was dismissed on May 3, 2000. The clerk was issued a citation for sale of alcohol to an underage person and was found guilty on May 30, 2000 and fined \$145.00.
- E. On December 3, 1999 at 5:38 pm, an underage police aide entered the Open Pantry located at 3927 West Villard Avenue under the direction of officers of the Milwaukee Police Department. The police aide purchased a 40-ounce bottle of Old English 800 from the clerk. A further investigation revealed that the store was offering for sale milk that expired on December 2, 1999. The licensee was not on the scene. The licensee was issued a citation for outdated milk, which was not issued on January 11, 2000. The licensee was issued a citation for sale of alcohol to underage person, which was dismissed without prejudice on April 4, 2000.

As to the clerk, he was issued a citation for outdated milk, which was not issued on January 11, 2000. The clerk was issued a citation for sale of alcohol to underage person and found guilty and fined \$146.00 on April 4, 2000.

- F. On March 10, 2000, an underage police aide entered the Open Pantry located at 3927 West Villard Avenue under the direction of officers of the Milwaukee Police Department. The police aide purchased a six-pack of beer from the clerk. The licensee was not on the scene. The licensee was issued a citation for sale of alcohol to an underage person, which was dismissed without prejudice on May 1, 2000.

As to the clerk, he was issued a citation for sale of alcohol to an underage person and was found guilty on May 1, 2000 and fined \$146.00.

- G. On April 18, 2003, officers of the Milwaukee Police Department conducted a license premises check at 3927 West Villard Avenue. Two officers, in plainclothes, were accompanied by an underage police aide. The police aide purchased a 6-pack of Hotch Malt Liquor from the clerk and was not asked for identification. The clerk was cited for sale to underage person.

- H. On March 28, 2005 at 12:55 pm, a person came into Milwaukee Police Department District No. 1 to report a battery. He stated that

on March 27, 2005 at 1:00 a.m. he was at the Lady Bug Club Night Club at 622 North Water Street (where Habib Manjee is the Class "B" Tavern license holder) when he was struck on the face by an unknown person. He required 22 stitches.

- I. On April 5, 2000 at 2:10 am, officers of the Milwaukee Police Department found four persons inside the Lady Bug Club at 618 North Water Street. Two were patrons and two were DJs. Two patrons were issued citations for patrons after hours and the licensee was issued a citation for Class "B" patrons after hours, which was dismissed on January 6, 2006.

Note: The licensee was the licensee of this premise the last license year. With the application, he is applying for a license as a new corporation, Star 27 Corporation.

- J. On July 29, 2005 at 5:00 pm, an underage police aide entered the One Stop Convenience Store, 3927 West Villard Avenue, in an attempt to purchase alcohol as part of the Milwaukee Police Department, Direct Patrol Mission, focusing on underage alcohol buying. The police aide purchased a 12-pack of Miller Lite from the cashier. The clerk was issued a citation for sale to underage prohibited and found guilty on October 24, 2005 and fined \$75.00.

- K. On March 19, 2006 at 12:07 am, officers of the Milwaukee Police Department were dispatched to Water Street and Wisconsin Avenue regarding a battery complaint. Officers spoke to a security guard who stated that he works for the Lady Bug Club. He stated that a male subject tried to enter the bar but was refused entry due to being intoxicated. He further stated that this subject then grabbed a chain rope and began to drag it down the street. The manager, identified as Habib Manjee, tried to calm this male subject down by talking to him and asking him to leave. This subject then punched Manjee in the face and shoulder. The security guard stated this is when he took this subject down to the ground. Manjee stated he was not injured. Officers then spoke with the suspect. The suspect stated he was trying to get into the club where his friend was and that the security guard refused him entry. The suspect stated he told the security guard that he knew Alderman Bohl and that he was going to call him. The suspect further stated that that is when an unknown male pointed a finger in his face and that he felt he had to defend himself. The suspect stated to officers that he is an intern in Bohl's office and to make sure the officers put his statement in a report. The suspect was then cited for disorderly conduct and told to leave the area. The suspect then began walking back towards the club and started to

take pictures with his cell phone. The suspect was then told by officers to leave the area or face being arrested for loitering. The suspect refused and was arrested. The suspect refused to walk to the squad and officers had to carry the suspect to the squad car. The suspect again refused to walk to the intake room and stated that his leg hurt. Officers called for medical attention and the suspect was conveyed by ambulance to a local hospital. While at the hospital, the suspect stated that this had cost him enough money for the night and refused treatment and was discharged against medical advice.

- L. On June 14, 2006 at 11:30 pm, additional squads were dispatched to the Lady Bug Club for a back-up call from a squad that was already on scene. Squad 241 responded and upon arrival observed both police and club security trying to clear a crowd of approximately 150 people from outside the front of the club. Four municipal citations were written to subjects who were loitering at the tavern and actively resisted police by shoving both uniform and plainclothes officers who were there trying to disperse the crowd. After the crowd dispersed, officers spoke to Habib Manjee who stated to police that all of his permits were up-to-date. Officers conducted follow-up the following day and found that the Lady Bug had been running without the required permits for underage events inside the tavern. It was known that they held underage events without a permit granted by the chief of police seven days prior to the event of the following dates: May 5, 2006; May 10, 2006; May 17, 2006; May 24, 2006; May 31, 2006; June 7, 2006 (on this night an underage individual was thrown out of the club and was robbed at gunpoint and shot in the leg one block down from the club in a parking lot at 509 North Water); June 11, 2006; and June 14, 2006 (licensee cited for presence of underage). The licensee, Habib Manjee, was issued a citation for presence of underage and found guilty on August 22, 2006 and fined \$354.00.
- M. On November 12, 2006 at 2:47 am, officers of the Milwaukee Police Department were dispatched to 951 North James Lovell Street for a battery. The investigation revealed that the victim was at the Lady Bug Club when she attempted to retrieve her coat but did not have a claim ticket. The victim admitted to yelling and causing a disturbance when security began to escort her out of the tavern. The victim further stated that she bit the security guard on the hand while she was being escorted out of the tavern. The victim stated that the security guard then stuck his fingers inside the victim's mouth and decentralized her to the ground and she hit her head on the concrete sidewalk. Officers observed the victim to have a cut lip. Officers then spoke to the security guard who also

agreed with the accounts of what happened and officers did observe a bite mark to the his left hand. Both subjects were issued citations for assault and battery and the victim received one also for disorderly conduct.

- N. On October 7, 2007 at 1:15 am, officers of the Milwaukee Police Department were dispatched to 618 North Water for a fight complaint. Police spoke to the caller who stated she was inside the Lady Bug Club dancing with her cousins when three unknown females began to fight and throw drinks at them. Officers also spoke to a security guard for the club who stated unknown females began to fight and security went to break it up. As he was escorting out a female, she began to fight him, causing him to fall on her (the caller). Medical personnel were on scene and treated those injured for cuts and bruises. Two patrons were cited for disorderly conduct.
- O. On November 11, 2007 at 12:13 am, officers of the Milwaukee Police Department were dispatched to 618 North Water Street for a battery complaint. The investigation revealed that a patron spilled her drink on another patron and alleged that that subject punched her. Security detained the subject until police arrived. The subject stated he never punched the female only knocked her drink out of her hand when she spilled hers on him.
- P. On January 13, 2008 at 1:25 am, officers of the Milwaukee Police Department were near 618 North Water Street when they observed security from the Lady Bug Club physically remove a female from their establishment. Officers spoke with the guards who stated they were removing the patron because she attempted to assault another patron. Police and security were not able to locate the victim and the actor was told she was not allowed to return to the club.
- Q. On January 13, 2008 at 1:45 am, officers of the Milwaukee Police Department were flagged down by security for Lady Bug Club regarding a fight. Police spoke to a security guard who stated that a patron was inside was causing a disturbance and was asked to leave but refused. As security escorted her out, she began kicking and punching security personnel and she bit the security guard in the arm. Police spoke to the patron, who denied biting the security guard. A citation was issued to her for disorderly conduct. Police also had to call for more officers to the scene due to the very large crowd that was exiting the club. Traffic was being obstructed due to autos cruising in the area. A total of 6 squads and a supervisor were on scene for 3 hours and 26 minutes until order was restored.

- R. On January 27, 2008 at 1:31 am, officers of the Milwaukee Police Department were dispatched to 618 North Water Street for a fight complaint. As police arrived, they observed several subjects in a verbal altercation that were just escorted out of the club. Officers spoke to the subjects who stated that several different fights took place inside the club at the same time and that there had been a fight on the main dance floor in which a subject was struck in the head with a glass bottle. The victim was treated for a laceration to his right eye and needed 10 stitches to close it. A further investigation revealed that another incident with security and several other patrons took place because some patrons were asked to leave with one patron refusing. This patron began fighting with security and he was issued a citation for disorderly conduct. There were several other incidents regarding patrons being removed from the club after they refused to leave with no further action being taken.
- S. On February 2, 2008, officers of the Milwaukee Police Department were monitoring the closing time at the Lady Bug Club at 622 North Water Street. The club was holding an underage event, which was to end at 1:00 am. While monitoring the crowd, which was exiting the tavern, the bar failed to have all patrons out of the business before the designated time. The licensee, Habib Manjee, stated that the crowd wasn't moving fast enough and that it wasn't his fault. Manjee was given a warning by officers and stated future violations would result in citations being issued. Four squads and one sergeant were assigned to the area to enforce violations that were found. A total of 17 parking tickets, two loud music citations and 4 uniform traffic citations were issued that were related to the patrons going to and leaving the tavern. A total of 5.15 hours of police resources was used to monitor this event.
- T. On February 3, 2008, officers of the Milwaukee Police Department were assigned to monitor the area of 622 North Water Street ("Lady Bug Club"). Due to past problems at the tavern, four squads and one sergeant were assigned to area to enforce violations found. Twenty-two parking tickets, 2 uniform traffic citations, 3 towed vehicles, 1 city license citation, 2 disorderly conducts citations, 2 assault and battery citations, 1 public drinking and 1 littering citation were all issued to patrons of the Lady Bug Club. A total of 14.32 hours of police resources were spent on scene.
- U. On February 10, 2008 at 5:03 am, officers of the Milwaukee Police Department were dispatched to a battery complaint at St. Joseph's Hospital. Police spoke with the victim who stated she was at the

618 Live/Lady Bug Club around 1:15 am when she got into an argument with a known female. Security stepped in before things got physical and while one of the guards was holding on to her, a bottle hit her on the head. The victim stated she did not see who threw the bottle or where it came from. The victim stated she felt blood running down from her head and that is when security threw her out of the bar. The victim stated she asked security to call for an ambulance but they told her to leave the area. The victim stated she left in her auto and went home but when the bleeding would not stop, she drove herself to the hospital. It was learned that the victim is under the age of 21 and when officers asked her how she entered the bar, she stated security just let her in without asking for any ID. The victim received 15 stitches to her forehead and was later released by hospital personnel. Officers issued the victim a citation for presence of underage and filed a report regarding the battery. Officers attempted to make contact with employees at the Lady Bug Club but the tavern was closed. On February 11, 2008 at 12:20 am, Milwaukee police returned to the club to conduct follow up regarding this incident and spoke to Habib Manjee. Manjee stated he was at the location that night but did not recall the incident. Manjee further stated that no one was hit in the head with a bottle because he would have remembered that. Manjee also stated his security does not let underage people into the bar and that they check everyone's identification. Manjee stated the victim must have used a fake ID. A citation was issued to Manjee for Presence of Underage Person, which was dismissed on May 7, 2008 without prejudice.

- V. Neighbors testified in opposition to the renewal of this license and one neighbor produced videotape of the incidents complained of. Therein were depicted incidents of noise, public urination, and unruly crowds in the streets at closing time on the dates of June 12, September 18, September 23, September 27, and October 31, 2008. One objecting neighbor testified to hearing gunshots.
- W. The objecting neighbor testified that they have no problems on nights that this establishment is not operating, but that they regularly experience these problems on nights that it is, particularly when the Lady Bug Club hosts "teen nights." The club does host teen nights on Fridays. Thus, the neighbors concluded, with reason, that the source of these early morning disturbances is the Lady Bug Club. The licensee's director of operations testified that the security firm used by the Lady Bug Club is armed, and uses dogs to help control the crowds.

CONCLUSIONS OF LAW

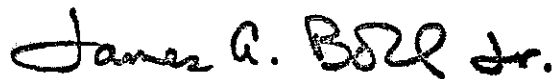
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee finds that the Licensee, Habib Manjee, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses held by him for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Ladybug Club/618 Live On Water ") without undergoing a forty-five (45) day suspension of said licenses. The Committee finds the police report and neighborhood objections, as stated above, to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to renew the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the licensed premises at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Ladybug Club/618 Live On Water ") with a forty-five (45) day suspension of said licenses based upon the danger that the operation represents 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) no, and one (1) excused, recommends that the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) Licenses of Habib Manjee, as agent for Lady Bug Club, LLC, for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Ladybug Club/618 Live On Water ") be renewed with a forty-five (45) day suspension.

Said suspension is to be in effect between 12:01 a.m., December 21, 2008 and midnight, February 3, 2009.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Jr., Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Alicia D. McCovery for a Class "B" Tavern license for the premises located at 2432 West Garfield Avenue in the City and County of Milwaukee, Wisconsin ("Ike's Lounge").

FINDINGS OF FACT

1. Alicia D. McCovery (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises located at 2432 West Garfield Avenue in the City and County of Milwaukee, Wisconsin ("Ike's Lounge"). Said license expires at midnight, December 10, 2008.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 6, 2008.
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 for non-renewal or suspension of this license on October 7, 2008. In addition, there were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, shootings, fights, and conduct which is detrimental to the health, safety and welfare of the neighborhood.

4. On October 24, 2008, 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 and of 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 November 3, 2008 at 2:45 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. The licensee was not represented by counsel.

6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On February 9, 2008 at 1:22 a.m., officers of the Milwaukee Police Department were dispatched to 2432 West Garfield Avenue for a shooting complaint. A shooting did occur. Six individuals were shot, all survived.
 - B. On March 2, 2008 at 2:45 a.m., officers of the Milwaukee Police Department observed a patron leaving the tavern at 2432 West Garfield Avenue ("Ike's Lounge") and found several patrons still inside and sitting at tables with drinks and money in front of them. The bartender stated that the patrons inside were employees but police found that out of the 12 patrons, only four were employees. Attempts to contact the owner/licensee were unsuccessful. The licensee, Alicia McCovery, received a citation for Class "B" premises allow patron after hours at 2432 West Garfield Avenue. Ms. McCovery was found guilty on the citation on May 23, 2008 and fined \$356.00
 - C. No neighbors appeared in opposition to the renewal of this license.

CONCLUSIONS OF LAW

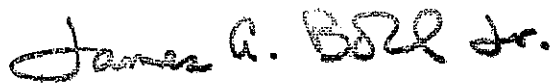
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Alicia D. McCovery, who holds a Class "B" Tavern license for the premises located at 2432 West Garfield Avenue in the City and County of Milwaukee, Wisconsin ("Ike's Lounge") 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 her Class "B" Tavern license without undergoing a thirty (30) day suspension of said license, based upon the police report.
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 license of Alicia D. McCovery for the premises located at 2432 West Garfield Avenue in the City and County of Milwaukee, Wisconsin ("Ike's Lounge") with a thirty (30) day suspension. The Committee finds the police report 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, zero (0) noes, and one (1) excused**, recommends that the Class "B" Tavern license held by Alicia D. McCovery be renewed with a thirty (30) day suspension based on a police report.

Said suspension is to be in effect between 12:01 a.m. December 11, 2008 through midnight, January 9, 2009.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Bryan Drake, II

FINDINGS OF FACT

1. Bryan Drake, II (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, December 31, 2008.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 7, 2008.
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 October 8, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.

On October 22, 2008, 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 November 3, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.

Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. A notice of the hearing, as well as a copy of the police report, was sent to Bryan Drake, II at 4133 North 61st Street, Milwaukee, Wisconsin, 53216 on October 22, 2008 by U.S. prepaid first-class mail in an envelope bearing the return address of the Licensee

Division. The address of 4133 North 61st Street, Milwaukee, Wisconsin, 53216 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on November 3, 2008.

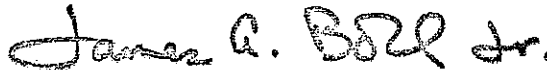
CONCLUSIONS OF LAW

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, Bryan Drake, II, 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 based upon nonappearance.
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 Class "D" Bartender license held by Bryan Drake, II based upon nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, zero (0) noes and two (2) excused, recommends that the Class "D" Bartender License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Jr., Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Kimberly M. Gamroth

FINDINGS OF FACT

1. Kimberly M. Gamroth (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, December 31, 2008.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 14, 2008.
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 October 15, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.

4. On October 22, 2008, 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 November 3, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. A notice of the hearing, as well as a copy of the police report, was sent to Kimberly M. Gamroth at 506 Foxmead Drive, Waterford, Wisconsin, 53185 on October 22, 2008 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 506

Foxmead Drive, Waterford, Wisconsin, 53185 is the address given by the Licensee on her application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on November 3, 2008.

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, Kimberly M. Gamroth, 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 based upon nonappearance.
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 Class "D" Bartender license held by Kimberly M. Gamroth based upon nonappearance.

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 denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Jr., Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of George G. Kelepouris

FINDINGS OF FACT

1. George G. Kelepouris (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, December 31, 2008.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 3, 2008.
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 October 6, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.

On October 22, 2008, 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 November 3, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.

Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. A notice of the hearing, as well as a copy of the police report, was sent to George G. Kelepouris at 520 North 20th Street, No. 121, Milwaukee, Wisconsin, 53233 on October 22, 2008 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The

address of 520 North 20th Street, No. 121, Milwaukee, Wisconsin, 53233 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on November 3, 2008.

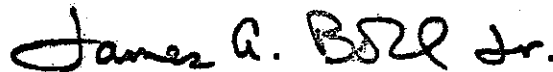
CONCLUSIONS OF LAW

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, George G. Kelepouris, 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 based upon nonappearance.
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 Class "D" Bartender license held by George G. Kelepouris based upon nonappearance.

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 denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Jr., Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of James C. Lindsay

FINDINGS OF FACT

1. James C. Lindsay (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, December 31, 2008.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 14, 2008.
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 October 15, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.

On October 22, 2008, 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 November 3, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.

Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. A notice of the hearing, as well as a copy of the police report, was sent to James C. Lindsay at 506 Foxmead Drive, Waterford, Wisconsin, 53185 on October 22, 2008 by U.S. prepaid first-class mail in an envelope bearing the return address of the Licensee

Division. The address of 506 Foxmead Drive, Waterford, Wisconsin, 53185 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on November 3, 2008.

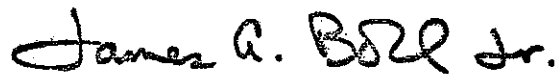
CONCLUSIONS OF LAW

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, James C. Lindsay, 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 based upon nonappearance.
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 Class "D" Bartender license held by James C. Lindsay based upon nonappearance.

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 denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Jr., Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Jesse J. Urban

FINDINGS OF FACT

1. Jesse J. Urban (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, December 31, 2008.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 2, 2008.
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 October 3, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.

On October 22, 2008, 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 November 3, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.

Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. A notice of the hearing, as well as a copy of the police report, was sent to Jesse J. Urban at 4935 Gunderson Road, Waterford, Wisconsin, 53185 on October 22, 2008 by U.S. prepaid first-class mail in an envelope bearing the return address of the Licensee

Division. The address of 4935 Gunderson Road, Waterford, Wisconsin, 53185 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on November 3, 2008.

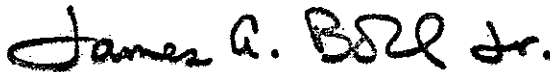
CONCLUSIONS OF LAW

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, Jesse J. Urban, 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 based upon nonappearance.
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 Class "D" Bartender license held by Jesse J. Urban based upon nonappearance.

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 denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Jr., Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Sylvia M. Watson

FINDINGS OF FACT

1. Sylvia M. Watson (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, December 31, 2008.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 13, 2008.
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 October 14, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.

On October 22, 2008, 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 November 3, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.

Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. A notice of the hearing, as well as a copy of the police report, was sent to Sylvia M. Watson at 130 West Auer Avenue, Milwaukee, Wisconsin, 53212 on October 22, 2008 by U.S. prepaid first-class mail in an envelope bearing the return address of the Licensee

Division. The address of 130 West Auer Avenue, Milwaukee, Wisconsin, 53212 is the address given by the Licensee on her application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on November 3, 2008.

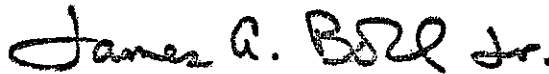
CONCLUSIONS OF LAW

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, Sylvia M. Watson, 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 based upon nonappearance.
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 Class "D" Bartender license held by Sylvia M. Watson based upon nonappearance.

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 denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Jr., Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "B"
Manager License of Juan Ramirez-Xolo

FINDINGS OF FACT

1. Juan Ramirez-Xolo (hereinafter the "Licensee") is the holder of a Class "B" Manager License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, June 30, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on October 2, 2008.
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 October 3, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.

On October 22, 2008, 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 report on November 3, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.

Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. A notice of the hearing, as well as a copy of the police report, was sent to Juan Ramirez-Xolo at 822 South 19th Street, Milwaukee, Wisconsin 53204 on October 22, 2008 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 822 South 19th Street, Milwaukee,

Wisconsin, 53204 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on November 3, 2008.

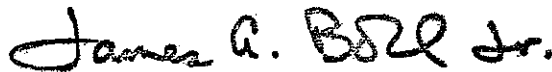
CONCLUSIONS OF LAW

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, Juan Ramirez-Xolo, 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" Manager license based upon nonappearance.
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 Class "B" Manager license held by Juan Ramirez-Xolo based upon nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, zero (0) noes and two (2) excused, recommends that the Class "B" Manager License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Jr., Chair
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: November 7, 2008
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the disabled loading zone permit of Stephen T. Seefeldt for the premises located at 1228 North 32nd Street in the City and County of Milwaukee, Wisconsin

FINDINGS OF FACT

1. Stephen T. Seefeldt (hereinafter the "Permittee") is the holder of a disabled loading zone permit for 1228 North 32nd Street in the City and County of Milwaukee, Wisconsin. Said permit will expire at midnight, November 30, 2008.
2. An application to renew said disabled loading zone permit was filed with the Office of the City Clerk on October 22, 2008.
4. The Office of the City Clerk received objections to the renewal of the disabled loading zone permit from adjoining neighbors who asserted that the permittee does not require a disabled loading zone permit, and, further, that he had violated the terms of such a permit.
3. Pursuant to Chapters 101-23.7, 101-23.7-9-b and 85 of the Milwaukee Code of Ordinances, the licensee was notified of the possibility that his renewal application for the disabled loading zone permit could be denied because of the following reasons:

- "b-1. Failure of the permittee to meet the municipal qualifications.
- b-2. Permitting the loading and unloading zone to be used as a parking space by vehicles not actually engaged in loading or unloading.
- b-4. Evidence related by the department of public works that the circumstances for which the permit was first issued no longer pertain.
- b-5. Any other factor that reasonably relates to the public health, safety and welfare."

4. On October 22, 2008, the City Clerk's Office provided timely notice to the permittee pursuant to Chapters 101.23.7 and 85 of the Milwaukee Code of Ordinances of a hearing scheduled on November 3, 2008, commencing at 8:45 a.m., in Room 301B of City Hall. At said date, time and place, the permittee did appear and admitted receipt of the notice of possible non-renewal of the disabled loading zone permit. The permittee 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 permittee was originally granted a disabled loading zone permit on January 18, 2006. At that time the permittee had incurred a serious injury that prevented him from being able to drive an automobile, and which further required that he received medical transport to and from various health care providers. The hours of said disabled loading zone permit were between 3:00 p.m. and midnight.
 - B. Since the granting of the disabled loading zone permit, the permittee has regained his ability to drive an automobile, and he in fact has an automobile, with parking for that automobile, available to him in the back of the premises located at 1228 North 32nd Street in the City and County of Milwaukee, Wisconsin.
 - C. The permittee testified that he did require the services of health care providers up to as late as 9:00 p.m.
 - D. The permittee testified that he is restricted to lifting twenty pounds, but that he can and does have the ability to move things between his car parked on the rear parking slab and his home. Further, and at least at the present time, the permittee does not require the use of medical transport facilities to move about from his home to medical providers.
 - E. Adjoining neighbors who are familiar with the permittee's vehicle and those of his friends testified to seeing the loading zone being used to park vehicles, sometimes overnight and during the day. They further testified that he has the ability to walk and garden and clearly has the ability to drive an automobile.
 - F. Section 101-23.7-2 and -3 of the Milwaukee Code of Ordinances provides in relevant portion:

"2. POLICY. a. Loading and unloading zones are for the use of the general public and are not restricted solely for the use of the permit holders or their patrons.

b. Loading and unloading zones are to be used for the purpose of, and while actively engaged in, loading or unloading property or passengers. Loading zones are not considered parking spaces.

3. LOADING-UNLOADING PRIVILEGE. Residential loading zone permits may only be granted to households containing disabled persons and shall be for 30 foot loading zones only and only upon application therefore and the decision of the common council.

- G. Section 101-23.7-1-b-1 provides: "The individual is a person with a disability that limits or impairs the ability to walk. If this condition is temporary, the statement shall indicate the approximate date on which the disability will end."
- H. Section 101-23.7-1-b-4 provides: "The individual has a disability, such as, but not limited to, Alzheimer's disease, delayed mental development or brain injury, which compromises the individual's problem solving or reasoning skills and which makes it necessary for the individual to received assistance in moving safely between the individual's residence and any vehicle that transports the individual. If this condition is temporary, the statement shall indicate the approximate date on which the disability will end."
- I. The disabled loading zone consumes space that would otherwise be available for parking of automobiles on the public way in an area where parking is difficult for the adjoining neighbors, and the permittee no longer requires the disabled loading zone permit.
- J. The permittee did provide a conclusory doctor's statement to the effect that he still needs the disabled loading zone permit. That conclusory statement is negated, however, by the permittee's testimony.

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 Chapters 101.23.7 and 85 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the permittee, Stephen T. Seefeldt, has not met the criteria of Chapters 101.23.7 and 85 of the Milwaukee Code of Ordinances to allow renewal of the disabled loading zone based upon the facts above stated.

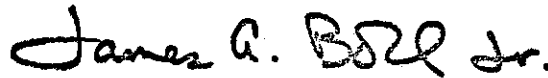
101.23.7 and 85 of the Milwaukee Code of Ordinances to allow renewal of the disabled loading zone based upon the facts above stated.

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 Disabled Loading Zone permit held Stephen T. Seefeldt for the premises located at 1228 North 32nd Street in the City and County of Milwaukee, Wisconsin based upon the facts above found.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) no, and one (1) excused, recommends that the Disabled Loading Zone permit held by Stephen T. Seefeldt for the premises located at 1228 North 32nd Street in the City and County of Milwaukee, Wisconsin not be renewed.

Dated and signed at Milwaukee, Wisconsin this 7th day of November, 2008.



JAMES A. BOHL, Jr., Chairman
Licenses Committee