



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

May 13, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 050080

Recommendation of renewal with a 20-day suspension, based on the police report, of the Class "D" Bartender license of Marc Rupnow.

Recommendation of renewal with a 30-day suspension, based on the police report, of the Class "D" Bartender license of Melinda Miller. (Committee vote: Ayes: 3, Noes: 2)

Recommendation of renewal with a 10-day suspension, based on the police report, of the Class "B" Tavern and Billiard Hall license of Raul Vazquez for the premises at 2039 W. National Ave. ("El Toro Bravo") in the 12<sup>th</sup> Aldermanic District.

Recommendation of renewal with a 10-day suspension, based on the police report, of the Class "B" Tavern and Tavern Dance license of Joseph Zanotti, agent for "Club Havana, LLC", for the premises at 789 N. Jefferson St. ("Club Havana") in the 4<sup>th</sup> Aldermanic District (Committee vote: Ayes: 3, Noes: 2)

Recommendation of renewal with a 50-day suspension, based on the police report, of the Class "B" Tavern and Tavern Dance license of Dwayne Thomas for the premises at 1556 N. 35<sup>th</sup> St. ("The Edge") in the 4<sup>th</sup> Aldermanic District. (Committee Vote: Ayes: 3, Noes: 1, Excused: 1)

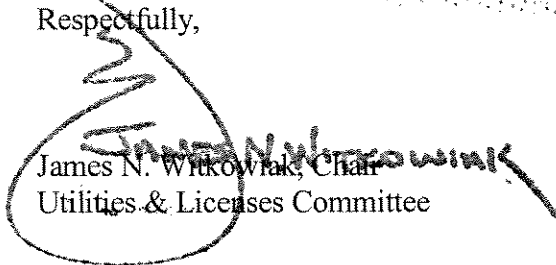
With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on May 10th, 2005.

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 Licensee.

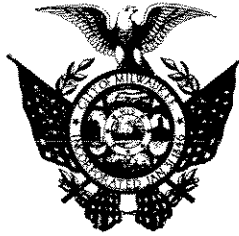
These matters have been scheduled for a hearing before the full Common Council at its meeting on **Friday, May 20, 2005** at 9:00 A.M. in the Common Council Chambers.

Respectfully,



James N. Witkowiak, Chair  
Utilities & Licenses Committee

cc: All Council Members  
CCF 050080



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: May 13, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Marc R. Rupnow.

**FINDINGS OF FACT**

1. Marc R. Rupnow (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2004.
2. An application to renew said license was untimely filed with the Office of the City Clerk on April 15, 2005.
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 April 18, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On April 28, 2005, 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 May 10, 2005, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear but was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On February 25, 2005 the applicant was stopped and arrested for operating an auto while intoxicated (second offense). First offense occurred on January

25, 2000. As to the February 25<sup>th</sup> offense, the matter is pending a plea hearing on May 12, 2005.

### CONCLUSIONS OF LAW

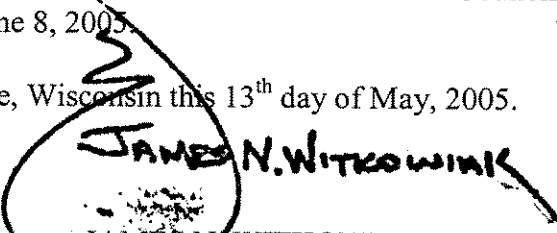
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Marc R. Rupnow, 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 held by Marc R. Rupnow without undergoing a twenty (20) day suspension of said license because of the dangers his activities represent to the health, safety, and welfare of the citizens of the City of Milwaukee. The committee finds the police report 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 Utilities and Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" bartender's license held by Marc R. Rupnow with a twenty (20) day suspension of said license based upon the danger his activities represents to the health, safety, and welfare of the citizens of the City of Milwaukee.

### RECOMMENDATION

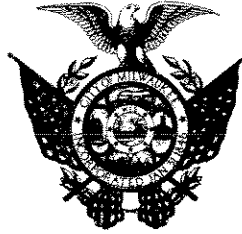
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License be renewed with a twenty (20) day suspension based on the police report.

Said suspension is to be in effect from the action of the Common Council on May 20, 2005 through midnight, June 8, 2005.

Dated and signed at Milwaukee, Wisconsin this 13<sup>th</sup> day of May, 2005.

  
JAMES N. WITKOWIAK

JAMES N. WITKOWIAK  
Chairman of the Utilities  
and Licenses Committee



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

Date: May 13, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Melinda L. Miller.

FINDINGS OF FACT

1. Melinda L. Miller (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on October 27, 2004.
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 28, 2004, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On April 27, 2005, 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 May 10, 2005, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear but was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On July 10, 2004 the applicant was stopped and arrested for operating an auto while intoxicated (third offense). Her previous offenses for operating an

auto while intoxicated were on December 11, 1991 and July 7, 1995. As to the third offense the applicant was found guilty in Waukesha County Circuit court on October 18, 2004 and sentenced to 90 days jail time, a 36-month driver's license revocation and fined \$2,685.00.

### CONCLUSIONS OF LAW

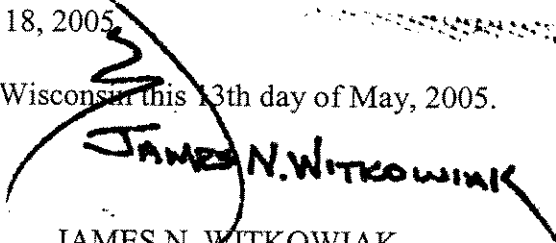
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found the Committee concludes that the licensee, Melinda L. Miller, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 9 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender's License held by Melinda Miller without ordering a suspension of thirty (30) days of said license because of the dangers her activities pose to the health, safety, and welfare of the citizens of the community. The committee finds the police report 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 Utilities and Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" Bartenders license held by Melinda L. Miller with a thirty (30) day suspension of said license based upon the danger her activities represents to the health, safety, and welfare of the citizens of the City of Milwaukee.

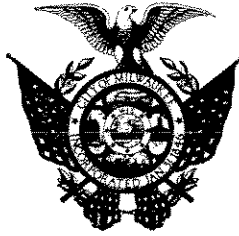
### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes, recommends that the Class "D" Bartender License be renewed with a thirty (30) day suspension based on the police report.

Said suspension is to be in effect from the action of the Common Council on May 20, 2005 through midnight, June 18, 2005.

Dated and signed at Milwaukee, Wisconsin this 13th day of May, 2005.

  
JAMES N. WITKOWIAK  
Chairman of the Utilities  
and Licenses Committee



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: May 13, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Billiard Hall license of Raul Vasquez for the license premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo").

FINDINGS OF FACT

1. Raul Vasquez (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Billiard Hall license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, June 14, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on April 12, 2005.
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 April 13, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license. There were also neighborhood objections to loitering, littering, drug and criminal activity, parking and traffic problems, fights, stabbings, sale to underage, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On April 29, 2005, 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 neighborhood objections and of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was first scheduled for a hearing on the Police Department report on May 10, 2005, commencing at 2:45 p.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 the police report. He was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On August 7, 1993 at 12:05 AM City of Milwaukee Police Department police officers conducted an inspection of the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo"). Officers found the door to the tavern open, and a group of juveniles standing outside the door drinking beer. When they saw the officers they fled the scene. The licensee stated that he did rent the hall to a juvenile, but did not think they would have alcohol. As to Raul Vazquez, he was cited for Licensed Premises Accessible and Lighted, and Presence of Underage Person and on September 17, 1993 was found guilty of both charges and fined \$325.00 on the Licensed Premises Accessible and \$199.00 on the Presence of Underage Person.
  - B. On May 19, 1995 City of Milwaukee Police Department police officers were dispatched to the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo") for a disorderly subject armed with a baseball bat. The investigation revealed that a subject was asked to leave the tavern. This subject returned armed with a bat, and started beating on the front door threatening the bartender. This subject was arrested. An incident report was filed.
  - C. On May 16, 1996 City of Milwaukee Police Department police officers conducted an inspection of the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo"). The officers found an underage person inside the tavern. Raul Vazquez was cited for Presence of Underage Person and found guilty on July 1, 1996 and fined \$332.50.
  - D. On May 30, 1996 City of Milwaukee Police Department police officers conducted an inspection of the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo"). Officers found an underage person inside the tavern. Raul Vazquez was cited for Presence of Underage Person, which was not issued on June 19, 1996.
  - E. On Friday, January 29, 1999 at 11:20 PM an underage police aide entered the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo") under the direction of police officers. The police aide purchased a bottle of beer from the bartender, Daniel Osegueda. The licensee was not on the scene. Raul Vazquez was cited and found guilty of Sale of Alcohol to Underage Person (Licensee Responsibility) and on May 20, 1999 was fined \$335.00.



- F. On April 5, 2000 Raul Vazquez filed a Renewal Alcohol Beverage License Application on which he answered no to question #5a which asks in part if since filing of the last application if he has been convicted of any municipal ordinance violations. Due to the conviction listed in item #5 this is a false statement. The applicant stated that the citation was issued prior to the filing of the last application, and this is why he answered no. Mr. Vasquez was cited for Truth of Statements & Affidavits- Falsifying and issued a warning on April 17, 2000.
- G. On April 5, 2000 City of Milwaukee Police Department police officers conducted an inspection of the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo"). During the check one underage person was found inside the premises and numerous baggies containing suspected cocaine were recovered from the floor of the tavern at different locations. When patrons were told to leave the tavern by the licensee Raul Vasquez, some unknown person(s) used a thrown or blunt object to smash the rear and windshield and the back passenger window of an unmarked squad. A nineteen year old person was cited for under age drinking. Raul Vazquez was cited for Presence of Underage which was dismissed on September 23, 2002.
- H. On August 26, 2002 City of Milwaukee Police Department police officers were dispatched to the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo") to investigate a fight. The victim was involved an argument inside the tavern with an unknown suspect. The victim and suspect were asked to leave the tavern by the licensee Raul Vazquez. While outside the victim was struck by a pick-up truck which was being driven by the suspect.
- I. On March 19, 2004 at 9:23 pm an underage City of Milwaukee Police Department police aide entered the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo") at the direction of police officers. The aide was able to purchase an alcoholic beverages from the bartender who was cited for Sale To Underage and on May 12, 2004 was found guilty and fined \$152.00.
- J. On June 13, 2004 at 2:23 am City of Milwaukee Police Department police officers were dispatched to a battery-cutting at 820 South 21<sup>st</sup> Street. They found an unconscious male who had been stabbed multiple times in front of 816 South 21<sup>st</sup> Street. The investigation revealed that the victim was in the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo") and had gotten into an argument with other males and exited the tavern where an argument continued and a fight ensued in the 800 block of South 21<sup>st</sup> Street.
- K. On October 26, 2004 at 9:55 pm City of Milwaukee Police Department police

officers conducted an inspection of the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo"). The door leading to West National Avenue was locked. The licensee, Raul Vasquez, was cited for Safe Egress From All Entries & Egress and on December 15, 2004 was found guilty and fined \$200.00.

- L. On February 17, 2005 at 9:40 pm City of Milwaukee Police Department police officers conducted a license premises check at the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo"). In the men's room, they observed two men standing in the same stall. One was arrested for Possession of Controlled Substance With Intent To Deliver and the 2nd person was arrested for Loitering, Drug Related, and wanted on Felony Violation Of Parole/Probation from Texas, and a Felony Deportation Warrant.

#### CONCLUSIONS OF LAW

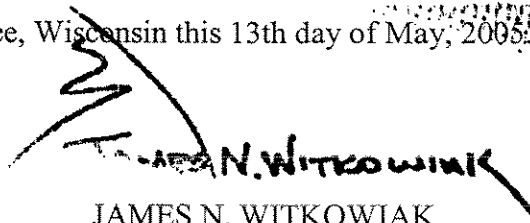
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Raul Vasquez, 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 Billiard Hall license held by the licensee without undergoing a ten (10) day suspension. The Committee finds the police report and neighborhood objections to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to grant renewal of the Class "B" Tavern and Billiard Hall license for the licensed premises at 2039 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Toro Bravo") held by Raul Vasquez with a ten (10) day suspension based upon the danger that his conduct 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 five (5) ayes and zero (0) noes, recommends that the Class "B" Tavern and Billiard Hall license be renewed with a ten (10) day suspension based on the police report and neighborhood objections.

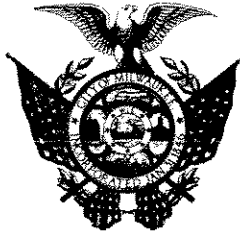
Said suspension is to be in effect between 12:01 a.m., June 14, 2005 and midnight, June 24, 2005.

Dated and signed at Milwaukee, Wisconsin this 13th day of May, 2005.

A handwritten signature in black ink, appearing to read "JAMES N. WITKOWIAK". The signature is stylized and somewhat cursive, with a large, sweeping initial letter.

JAMES N. WITKOWIAK  
Chairman of the Utilities  
and Licenses Committee

93014



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: May 13, 2005

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal application of Joseph L. Zanotti, Agent for Club Havana, LLC for a Class "B" Tavern and Tavern Dance license for the premises located at 789 North Jefferson Street, in the City and County of Milwaukee, Wisconsin ("Club Havana").

FINDINGS OF FACT

1. Joseph L. Zanotti, Agent for Club Havana, LLC. (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises located at 789 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Club Havana"). Said license expires at midnight, June 18, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on April 19, 2005.
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 police department filed a police report dated April 20, 2005 that could form the basis for nonrenewal or suspension of the license.
4. On April 28, 2005, 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. The matter was scheduled for a hearing on the police report for May 10, 2005 at 8:45 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On May 17, 2003 at 8:45 pm, an underage City of Milwaukee Police Department police aide entered the licensed premises at 789 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Club Havana"). The aide was able to purchase a Cosmopolitan from the bartender, who was convicted. The applicant was not cited.
- B. On August 5, 2004 at 7:30 p.m. two underage City of Milwaukee Police Department police aides entered the licensed premises at 789 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Club Havana"). The aides were able to purchase two Miller Lite beers from the bartender, who was convicted. The applicant was not cited.
- C. On August 13 2004 at 1:50 am a City of Milwaukee police officer could hear loud music emitting from the licensed premises at 789 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Club Havana") from 110 feet away. The officer spoke to the manager of Club Havana regarding the loud music. She became very argumentative and wanted to see the sound measuring device. The officer stated that on August 7, 2004 the officer did issue a verbal warning about the music being too loud. The manager, who was extremely uncooperative, was convicted for loud music. The applicant was not cited.
- D. On December 15, 2004 at 10:30 pm City of Milwaukee police officers made a lawful inspection of the licensed premises at 789 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Club Havana"). Acting on a complaint, officers were checking for topless dancers performing upstairs in the tavern. The dancers were discovered to be topless. These dancers were also giving "lap-dances". Both told officers they were told it was OK by the applicant. Both dancers as well as the manager, Charity McColluch, were cited for certain performances/costumes prohibited. All charges were refused by the City Attorney's Office. (No reason given). An incident report was filed. At the hearing the committee was told the licensee was confused about the entertainment that could be observed at the Club. The committee was also not informed that exotic dancers and strippers was in the tavern entertainment license in force at the time.
- E. On February 13, 2005 at 12:50 am officers of the City of Milwaukee Police Department made a lawful inspection of the licensed premises at 789 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Club Havana"). Officers discovered the tavern had 201 patrons in it at the time of inspection. The capacity of the tavern is 92. The applicant, who was on the scene, became loud and abusive towards officers. Officers could also hear loud music coming from the tavern. The applicant was cited for over capacity which was pending for pretrial on May 11, 2005
- F. At the hearing, the licensee informed the committee he was not allowed to witness the count of patrons on the second floor, and is therefore disputing its accuracy.

## CONCLUSIONS OF LAW

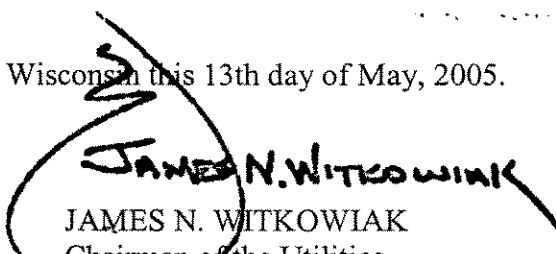
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Joseph L. Zanotti, Agent for Club Havana, LLC, for the licensed premises at 789 North Jefferson Street ("Club Havana") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Tavern Dance license without a ten (10) day suspension. The Committee finds the police report 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 Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion to renew with a ten (10) day suspension the Class "B" Tavern and Tavern Dance license of Joseph L. Zanotti, Agent for Club Havana, LLC for the premises at 789 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Club Havana").

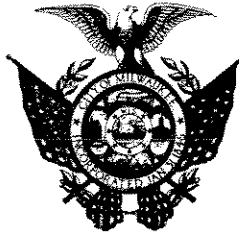
## RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes recommends that the Class "B" Tavern and Tavern Dance license held by Joseph L. Zanotti, as Agent for Club Havana, LLC for the premises at 789 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Club Havana") be renewed with a ten (10) day suspension.

Said suspension is to be in effect between 12:01 a.m., June 18, 2005 and midnight, June 28, 2005.

Dated and signed at Milwaukee, Wisconsin this 13th day of May, 2005.

  
JAMES N. WITKOWIAK  
Chairman of the Utilities  
and Licenses Committee



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: May 13, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Tavern Dance license of Dwayne Thomas for the license premises at 1556 North 35<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("The Edge").

FINDINGS OF FACT

1. Dwayne Thomas (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, June 3, 2005.
2. An application to renew said license was timely filed with the Office of the City Clerk on April 1, 2005.
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 April 4, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On April 28, 2005, 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 first scheduled for a hearing on the Police Department report on May 10, 2005, commencing at 8:45 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 the police report. He was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. On December 17, 2001, in Waukesha County, Wisconsin, the subject was charged with Disorderly Conduct for which he was found guilty and fined \$209.00 and Simple Battery which was dismissed. Both items were adjudicated on May 30, 2002.

B. On June 20, 2003 Dwayne Thomas was arrested in Milwaukee County for the following:

Charge: Count 1. Battery (Misdemeanor)  
Count 2. Criminal Damage To Property (Misdemeanor)  
Count 3. Battery (Misdemeanor)  
Finding: Guilty to all 3 Counts  
Sentence: Count 1. House of Correction 7 Months — Stayed Probation for 2 Years (Batterers Intervention Program)  
Count 2. House of Correction 4 Months — Stayed Probation for 2 Years  
Count 3. House of Correction 7 Months — Stayed Probation for 2 Years  
Date: 10-22-2003

D. On August 16, 2003 at 1:33 am, City of Milwaukee police were dispatched to a shooting at 1556 North 35<sup>th</sup> Street. Upon arrival, the front door of the licensed premises at 1556 North 35<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("The Edge") was locked. Officers could see the bar owner and his help cleaning up blood from a fight that had occurred in the tavern. After banging on the door for several minutes the owner opened the door. There was not a shooting but a fight had occurred in the tavern where 10 or more males were beating a patron. The victim was an under aged person. The fight continued outside of the tavern and three shots were fired and all persons ran away. The licensee, Dwayne Thomas, was charged with Immediate Entry For Police and Sale To Underage. On October 6, 2003 he was found guilty on both charges and fined \$200.00 and \$75.00 respectively.

E. On June 8, 2004, at 12:29 am, City of Milwaukee police officers were dispatched to the licensed premises at 1556 North 35<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("The Edge") to investigate a subject with a gun complaint. Upon their arrival, they spoke to the licensee. He stated that two known subjects came into the tavern and began to argue. The applicant put them out. They both left the premises, but returned a short while later. The female walked up to the front window, and stated, "I'm going to kill you guys", and, "I'm gonna shoot up the place." The applicant stated he thought he observed a .45 handgun, and he called the police. The officers spoke to the couple. The female said they went to the tavern, to speak to applicant regarding her daughter stripping for the applicant, at the tavern, after hours. The female stated that she does not own a gun, but the male owns a long walking cane. She



stated that she and the male then left the tavern, and went home and they never returned to the tavern that night. The case was referred to District Attorney's Office, but no prosecution took place.

- F. On August 11, 2004 City of Milwaukee police officers conducted a premises check at the licensed premises at 1556 North 35<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("The Edge"). The licensee was tending bar, and he was asked to show his licenses. They found that the following licenses had all expired June, 2004: pre-recorded music, tavern dance hall, pool and billiard license, video game and amusement machine licenses. Also, they observed an underage female on the premises, drinking a Malibu and orange juice. She told officers she was not carded at the door or at the bar when she bought her drink from the licensee who was tending bar at the time. Inside the bar was a "Cherry Machine" City tag #0012243. The machine was placed on police inventory. Five of the patrons were arrested on a total of 10 open warrants, along with 2 arrests for Possession of Controlled Substances.

The licensee was cited for the following:

- Charge: 1. No video game license, no pool table license, no tavern dance license, no prerecorded music license for which he was found not guilty.  
2. Presence of Underage on Class B Premises and found guilty on October 8, 2004 and fined \$150.00

- G. On August 14, 2004, in Milwaukee County, Wisconsin, the subject was charged with possession of THC which is pending a jury trial on June 21, 2005.
- H. On November 12, 2004 at 1:07 am, City of Milwaukee police officers were dispatched to a "shots fired complaint" at the licensed premises at 1556 North 35<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("The Edge"). Upon arrival, officers conducted a preliminary investigation. They spoke to the owner/bartender/caller. He originally stated an unknown actor/patron was on the premises. During the course of the evening the patron was escorted from the premises by security personnel, due to an argument between him and another patron. Once he got outside, he became enraged and fired several shots into the tavern. Officer's investigation revealed what appeared to be exit holes of different sizes, consistent with someone shooting from inside as well as outside. After several hours of investigating, the applicant changed his story, and admitted that security personnel fired back at the unknown actor that was shooting into the tavern. Applicant gave the officers false information regarding this incident. He was arrested and the gun was recovered. An incident report was filed. The licensee was charged with obstructing an officer (946.41) for which there is no further information on November 12, 2004.
- I. On February 4, 2005 at 12:49 am, City of Milwaukee police officers were

dispatched to investigate an armed robbery complaint at the licensed premises at 1556 North 35<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("The Edge") from one of the tavern patrons. The patron refused to cooperate with the officers, and then informed the officers she wished not to prosecute. Later she told an officer she was walking North on 35<sup>th</sup> Street with her cousin, when they were approached by two males. One had a handgun which he pointed at her and demanded her purse. The actor stated that the purse did not belong to her and then fled. One of the officers entered the tavern and observed numerous subjects exit the men's bathroom. He conducted a field interview of two of the men. He then conducted a search of the bathroom, and located a Taurus 32. caliber 11 shot, in the water tank on the back of the toilet. The gun was placed on inventory, and a later check revealed that the gun was stolen on December 29, 1994, during a burglary. One arrest was made.

### CONCLUSIONS OF LAW

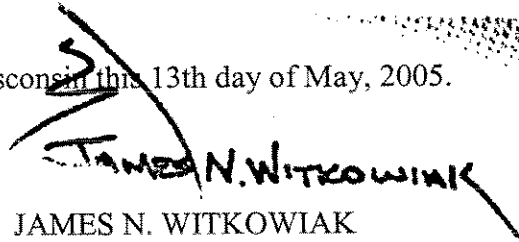
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Dwayne Thomas, 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 Dance license held by the licensee without undergoing a fifty (50) day suspension. The Committee finds the police report to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to grant renewal of the Class "B" Tavern and Tanner Dance license for the licensed premises at 1556 North 35<sup>th</sup> North Street in the City and County of Milwaukee, Wisconsin ("The Edge") held by Dwayne Thomas with a fifty (50) day suspension based upon the danger that his conduct 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) noe and one (1) excused, recommends that the Class "B" Tavern and Tavern license be renewed with a fifty (50) day suspension based on the police report.

Said suspension is to be in effect between 12:01 a.m., June 4, 2005 and midnight, July 23, 2005.

Dated and signed at Milwaukee, Wisconsin this 13th day of May, 2005.

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style with a large, sweeping initial "J".

JAMES N. WITKOWIAK  
Chairman of the Utilities  
and Licenses Committee

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