

CHAIR

- Licenses Committee

MEMBER

- Community and Economic Development Committee
- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: February 20, 2015

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Dyan A. Ward for a Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 2302 West State Street in the City and County of Milwaukee, Wisconsin ("Talk of the Town").

FINDINGS OF FACT

1. Dyan A. Ward (hereinafter the "Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 2302 West State Street in the City and County of Milwaukee, Wisconsin ("Talk of the Town"). Said licenses expired at midnight, January 31, 2015.
2. An application to renew said license was filed with the office of the City Clerk on January 21, 2015.
3. Pursuant to Chapters 90 and 108 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 January 21, 2015.
4. On February 6, 2015 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on February 17, 2015, commencing at 11:00 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee appeared and 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 March 20, 2014, Milwaukee officers responded to the shooting at 2302 West State Street (Talk of the Town). The investigation revealed the suspect was inside the business playing pool. The suspect began to wave a firearm around inside the business. An armed security guard stated the suspect was pushed out the front door.

- A. The armed security guard stated he heard shots fired and was shot in the neck. The security guard reentered the business and lay on the floor. While on the floor a patron took and carried away his firearm. Police were then called to St. Joseph's Hospital for a gunshot victim. The victim stated he was at the business and observed the suspect with the gun and observed the security guard chase the suspect out of the building. While outside the victim observed the security guard and the suspect exchange gunfire at which time the victim was shot in the foot. Officers recovered 16 spent casings from two different types of firearms. The establishment did have video but officers were unable to recover it on the night of the incident. An incident report was filed.
- B. On April 16, 2014, the applicant and her fiancé (Christopher Jones) met with representatives from the Milwaukee police department and the District Attorney's office at Milwaukee police district #3 in response to the shooting described in item B above. During this meeting, the applicant explained that she employs security through a third party she knows only as "Don" and pays the security guards in cash. The applicant told police that what happens outside of the business is not her responsibility and inquired about not having any security so she would not have to deal with the responsibilities. The applicant told police she would impose an age restriction during all hours of operation, and she planned on shutting down the pool table at night. She also stated she would keep two security officers on weekends.
- C. On April 26, 2015, Milwaukee police responded to a battery complaint at Mt. Sinai Hospital. The investigation revealed the victim had been a patron of the business at 2302 West State Street (Talk of the Town) around 2:00 a.m., where she had been punched and slapped by another patron. An incident report was filed.
- D. On July 17, 2014 Milwaukee police responded to a shots fired complaint at 2302 West State Street (Talk of the Town). Surveillance video obtained from the business shows the suspect exit a auto parked on the same corner as the business. The suspect appears to have dialog with a person in front of the business. The suspect then enters the business. The suspect orders a drink, and exits the business. The suspect has a dialog with the same person he encountered when he entered the business who follows the suspect back to his car. As the suspect car is driving away, the suspect appears to fire several shots at this same person. There was damage to the building as a result of this incident, but no injuries were reported. An incident report was filed.

- E. The applicant stated she took over the bar over three years ago. The apartment building at the nearby corner is in poor condition and has an issue with loitering. Those people were coming to her establishment. She has security guards and has increased the age restriction to 25 years. In all incidents she has provide video footage to the police. She lost some employees during the initial ownership transition, but she has hired some of the older bartenders back. She has changed the music she plays in hope of changing the patronage.
- F. Alderman Robert Bauman states he is concerned with the items in the police report.

CONCLUSIONS OF LAW

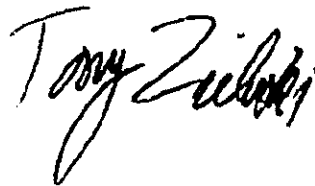
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapters 90 and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Dyan A. Ward, has not met the criteria of Chapters 90 and 108 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of her Class "B" Tavern and Public Entertainment Premises license without undergoing a ten (10) day suspension of said license based upon the police report and aldermanic testimony. 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 of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Public Entertainment Premises license for the premises located at 2302 West State Street in the City and County of Milwaukee, Wisconsin ("Talk of the Town") with a ten (10) day suspension based upon the police report and aldermanic testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (1) noes recommends that the Class "B" Tavern and Public Entertainment Premises license be renewed with a ten (10) day suspension based on the police report and aldermanic testimony.

Said suspension is to be in effect between March 3, 2015 and March 12, 2105.

Dated and signed at Milwaukee, Wisconsin this 20th day of February, 2015.

A handwritten signature in black ink that reads "Tony Zielinski". The signature is written in a cursive style with a large, stylized initial "T".

TONY ZIELINSKI, Chair
Licenses Committee

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