



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

June 24, 2004

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 031478

Recommendation of renewal of the Class "B" Tavern license with no suspension and renewal of the Tavern Dance license with a 10-day suspension based on the police report of Pamela Triplett, Agent for Triplett Investments, LLC for the premises located at 3622 W. Villard Ave. ("Trip's Lounge") in the 1st aldermanic district.

Recommendation of nonrenewal of the Class "B" Tavern, Tavern Dance and Billiard Hall licenses based upon non-appearance and police report of Mari Esther Garcia for the premises located at 1921 W. Mitchell St. ("Club Presidente") in the 8<sup>th</sup> aldermanic district.

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on June 22, 2004.

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.

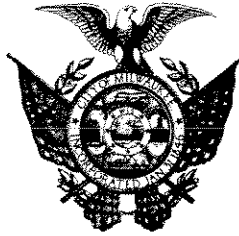
These matters have been scheduled for a hearing before the full Common Council at its meeting on Wednesday, **July 7, 2004** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style and is enclosed within a hand-drawn oval.

James N. Witkowiak, Chair  
Utilities & Licenses Committee

cc: License Division  
All Council Members  
File No. 031478



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

Date: June 24, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Pamela L. Triplett, Agent for Triplett Investments, LLC for a Class "B" Tavern and Tavern Dance license for the premises located at 3622 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Trip's Lounge").

**FINDINGS OF FACT**

1. Pamela L. Triplett, agent for Triplett Investments, LLC (hereinafter the "Licensee") holds a Class "B" Tavern and Tavern Dance license for the premises at 3622 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Trip's Lounge "). Said license expires at midnight, July 15, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on May 4, 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. The Milwaukee Police Department responded with a report on May 5, 2004, which could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, disorderly conduct, trespassing, damage to private property, fights and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On June 14, 2004, 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 the neighborhood objections on June 22, 2004 at 10:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared 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 March 6, 2004 at 1:45 a.m., officers of the Milwaukee Police Department conducted a tavern check at the licensed premises at 3622 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Trip's Lounge"). Six underage persons were found on the premises. The officers spoke to the doorman who stated that he cards everyone who enters the bar but that it was possible they showed false IDs. The officers spoke to the licensee who was loud and irate and used profanities on them during the course of the investigation. The licensee and the underage persons were cited. The citations for presence of underage persons upon a Class "B" premises as to the licensee were dismissed; however, she was cited for disorderly conduct with a pretrial court date of May 19, 2004.
  - B. On March 13, 2004 at 1:50 a.m., officers of the Milwaukee Police Department conducted a tavern check at the licensed premises at 3622 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Trip's Lounge"). The front door was locked. They noticed a doorbell to the left of the door and rang it. The door attendant allowed the officers to enter. The officers had given the licensee numerous warning about the entrance door being locked. When the licensee was informed she would be getting a citation, she was irate and abusive towards the officers. The licensee was cited for immediate entry to police and has a court date of July 19, 2004.
  - C. On April 7, 2004 at 2:55 a.m., officers of the Milwaukee Police Department observed a victim staggering down the street, his face covered with blood. He told the officers that he was battered in front of the licensed premises at 3622 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Trip's Lounge"). He stated that he was in the premises playing pool and accidentally stepped on another person's foot. When he attempted to apologize, the other person became irate and began to argue. The management of the tavern threw all of the actors out. Upon exiting, the victim was struck from behind by an unknown person and then 3 males began punching and kicking him. The actors fled and the victim entered the tavern to get help but was told to leave by some unknown person. The officers interviewed the bartender who stated he had no knowledge of the incident. The licensee was interviewed and she became uncooperative and stated that she did not know anything about what had happened and that it was not her or the tavern's problem because the incident occurred outside the tavern. The victim was conveyed to St. Michael's Hospital and treated for a broken nose.

#### 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 Pamela L. Triplett has met the criteria of Chapter 90 of the Milwaukee Code to allow renewal of her Class "B" Tavern License, but further the Committee further concludes that Pamela L. Triplett 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 the Tavern Dance license without undergoing a ten (10) day suspension , because of the incidents recited in the police report, and the danger the operation of this premises poses 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 of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern License and to renew with a ten (10) days suspension, the Tavern Dance License of Pamela L. Triplette as agent for Triplett Investments, LLC for the premises located at 3622 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Trip's Lounge ").

#### 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) noe recommends that the Class "B" Tavern license of Pamela L. Triplette as agent for Triplett Investments, LLC for the premises located at 3622 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Trip's Lounge ") be renewed and further that the Tavern Dance license held by Pamela L. Triplett as agent for Triplett Investments, LLC for the premises at 3622 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Trip's Lounge") be renewed with a ten (10) day suspension.

Said suspension is to be in effect from midnight, July 15, 2004 through midnight, July 25, 2004.

Dated and signed at Milwaukee, Wisconsin this 24th day of June, 2004.

  
JAMES N. WITKOWIAK, Chair  
Utilities and Licenses Committee



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: June 24, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Mari Esther Garcia for a Class "B" Tavern, Tavern Dance and Billiard Hall license for the premises located at 1921 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("Club Presidente").

FINDINGS OF FACT

1. Mari Esther Garcia (hereinafter the "Licensee") is the holder of a Class "B" Tavern, Tavern Dance and Billiard Hall license for the licensed premises at 1921 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("Club Presidente"). Said license expired at midnight, June 15, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on May 11, 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. The Milwaukee Police Department responded on May 12, 2004 with a report that could form a basis for non-renewal or suspension of the license.
4. On June 14, 2004, 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 police report. The matter was scheduled for a hearing on the neighborhood objections on June 22, 2004 at 9:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee did not appear nor was licensee represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. Notice was sent to Mari Esther Garcia at 5471 South Honey Creek Drive, Greenfield, Wisconsin 53221 on June 14, 2004 by United States first-class prepaid mail in an envelope bearing the return address of the License Division. The envelope also contained a copy of the Milwaukee Police Department report

which could form a basis for nonrenewal or suspension of the license. The address of 5471 South Honey Creek Drive, Greenfield, Wisconsin 53221 was the address listed by the applicant on her application. The envelope was not returned to the License Division. The licensee failed to appear at the hearing.

- B. This matter was also scheduled for a hearing on Tuesday, June 1, 2004 at 10:15 a.m. Similarly, the notice was sent to Mari Esther Garcia at 5471 South Honey Creek Drive, Greenfield, Wisconsin 53221 on May 20, 2004, which was the address given by the applicant on her application, by United States first-class prepaid mail in an envelope bearing the return address of the License Division. Similarly, a copy of notice included a copy of the Milwaukee Police Department report which could form a basis for nonrenewal or suspension of the license. The licensee did not appear for her hearing on June 1, 2004, and the matter was held to the call of the chair.
- C. Alderman Donovan testified in these proceedings that he attempted to contact the licensee and similarly was unable to get through to her and to get her to appear at the hearing.
- D. This applicant also holds a Class "B" Tavern license for the license premises at 2201 West Grant Street in the in the City and County of Milwaukee, Wisconsin ("El Campeon"). Regarding that location, the license applicant was given a warning for possession of a gambling machine on November 18, 1997.
- E. On March 9, 1998 at 8:45 p.m. officers of the Milwaukee Police Department Vice Squad, found an illegal "Cherry Master" slot machine at the license premises at 1921 West Mitchell Street in the City and County of Milwaukee ("Club Presidente"). The husband of the licensee, Alfredo Garcia, was on the scene. Alfredo Garcia stated that one Heath Wasserman told him that every 20 points of credit on the machine was worth \$1.00. Mr. Wasserman advised Mr. Garcia that is how he was to pay off his customers. The machine was confiscated and Mr. and Mrs. Garcia were ordered into the District Attorney's Office. No charges, to the licensee, however, were issued as a result of the incident.
- F. On November 27, 1998 at 3:00 a.m. officers of the Milwaukee Police Department investigated a battery complaint at St. Francis Hospital. There were three victims who were involved in a fight at 2201 West Grant Street in the City and County of Milwaukee, Wisconsin ("Club Vaquero"). Two of the victims were hospitalized in serious condition with head injuries and one victim was treated and released with minor injuries. The bartender on duty, Alfredo Garcia, stated that the three injured people became violent with the security persons employed by the Club Vaquero when they were denied entrance into the tavern. A fight ensued resulting in injuries to the three men.
- G. On December 26, 1998 at 1:43 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 2201 West Grant Street in the City and County of Milwaukee, Wisconsin ("Club Vaquero"). The fight was found to be baseless but officers were informed by three patrons that some property was missing. Alfredo Garcia was on the scene.

- H. On January 31, 1999 at 2:15 a.m., officers of the Milwaukee Police Department conducted a tavern check at the licensed premises at 2201 West Grant Street in the City and County of Milwaukee, Wisconsin ("Club Vaquero"). Upon entering the tavern, officers found four underage persons, three of whom were consuming alcoholic beverages. One of those persons was a reported missing juvenile. The posted capacity was 120 persons and there were 142 persons in the tavern. The licensee was not on the scene, and the bar was being tended by Alfredo Garcia, husband of the licensee.

Alfredo Garcia was cited for presence of underage person and posting of occupancy/over capacity. He was found guilty on both citations on May 20, 1999 and fined \$345 on the presence of underage persons and \$650 on the posting of occupancy/over capacity.

- I. On April 15, 1999, Alfredo Garcia went to 1135 South 16<sup>th</sup> Street and punched a complainant in the face after accusing him of having an affair with his wife. Alfredo Garcia was cited for assault and battery and on July 12, 1999 was fined \$333.
- J. On December 7, 1999 Alfredo Garcia filed a renewal alcohol beverage license application on which he answered "no" to question number 5a which asks, in part, if since the filing of the last application, he had been found guilty of any municipal ordinance violation. That was a false statement due to the items of January 31, 1999 and April 15, 1999, above. Alfredo Garcia was cited for truth of statements and affidavits-falsifying and on February 23, 2000 was found guilty and fined \$350.
- K. On January 30, 2000 at 2:55 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 2201 West Grant Street in the City and County of Milwaukee, Wisconsin ("Club Vaquero") regarding a complaint of shots fired. The investigation revealed that there was a fight in the premises. The fight escalated and several patrons were involved. The tavern security personnel pushed patrons outside the tavern and then four gunshots were heard. While the officers were on the scene investigating, the security personnel observed the subject that was seen with the gun during the fight. That subject was arrested; however, no gun was found on his person. The subject had been shot in the top of his right foot. An incident was filed.
- L. On April 20, 2000 officers of the Milwaukee Police Department were dispatched to the licensed premises at 1921 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Presidente") on a complaint of reckless use of a weapon. Upon arrival, the officers talked to Alfredo Garcia, the husband of the licensee, who was the caller. Mr. Garcia stated that someone had fired a shot from a gun into the wall in the men's room and fled. A description of the suspect was given to the officers. At approximately 1:10 a.m. officers stopped a suspect at 1704 South Pearl Street. However, Mr. Garcia could not identify the suspect stating that he did not want them to come back and "shoot up the place."
- M. On August 26, 2000 officers of the Milwaukee Police Department conducted a tavern check at the licensed premises at 1921 West Mitchell Street in the City

and County of Milwaukee, Wisconsin ( "El Presidente"). The officers found two 18-year old males drinking beer in the tavern. The bartender on duty, Miguel A. Tavares-Lesezma, stated that he did not serve them. Alfredo Garcia, the husband of the licensee, was on the scene. Alfredo Garcia was cited for presence of an underage person (licensee responsibility). On October 19, 2000 he was found guilty and fined \$336.

- N. On September 2, 2000, at about 1:30 a.m. officers of the Milwaukee Police Department conducted a tavern check at the licensed premises at 1921 West Mitchell Street in the City and County of Milwaukee, Wisconsin ( "El Presidente"). Upon entering the tavern, officers found a 19-year old male in the tavern. The bartender on duty, Isaias Lopez-Contreras, stated that this subject never presented identification because he simply walked in and never was carded. Alfredo Garcia, the husband of the licensee, was on the scene and stated that he was short staffed and there was no one on the door at that moment. The bartender, Isaias Lopez-Contreras, was cited for presence of an underage person and on December 12, 2000 was found guilty and fined \$346. The licensee, Mari E. Garcia, was cited for presence of an underage person (licensee responsibility). On December 12, 2000 she was found guilty and fined \$206.
- O. On April 19, 2001 at 11:22 p.m. officers of the Milwaukee Police Department conducted a tavern check at the licensed premises at 1921 West Mitchell Street in the City and County of Milwaukee, Wisconsin ( "El Presidente"). The tavern has had numerous narcotics complaints and arrests made on its premises, and the area is known as a drug area. During past checks, officers have observed patrons run into the restrooms and attempt to dispose of narcotics in the toilets. Narcotics have also been recovered from the floor of the tavern after being thrown on the floor when police enter. On February 19, 2000 officers entered the tavern and a patron began to flee to the restroom. Officers recovered a clear plastic baggie containing a white powdery substance, which later tested positive for cocaine. Also on the premises was a 20-year old female from whom approximately .3 grams of marijuana was recovered.
- P. On December 16, 2003 at 12:48 a.m. officers of the Milwaukee Police Department responded to a substantial battery complaint at the licensed premises at 1921 West Mitchell Street in the City and County of Milwaukee, Wisconsin ( "El Presidente"). The investigation revealed that the victim entered the tavern, walked to another patron and stated, "you bitch" and punched the victim in the face. The victim then threw water into the attacker's face and then threw a glass striking the attacker in the face. The victim was 20-years old and was in the tavern with her sister who was 18-years old. The bartender on duty was Alfredo Garcia. Alfredo Garcia was given two citations for presence of an underage person and on February 4, 2004 was fined \$354 on each count.
- Q. On March 19, 2004 at 8:40 p.m., an underage Milwaukee Police Aide entered the licensed premises at 1921 West Mitchell Street in the City and County of Milwaukee, Wisconsin ( "El Presidente") at the direction of Milwaukee police officers. The underage police aide was able to purchase two bottles of Miller Lite beer from the bartender, Alejandro Garcia. Alejandro Garcia was cited for sale to an underage person and the matter is set for a pretrial hearing on July 26, 2004 at 9:15 a.m.



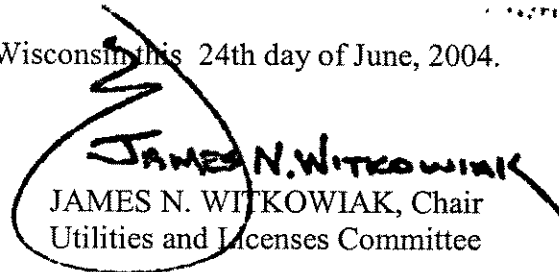
## CONCLUSIONS OF LAW

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, Mari Esther Garcia 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, Tavern Dance and Billiard Hall license. 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 judgment to not renew the Class "B" Tavern, Tavern Dance and Billiard Hall license of Mari Esther Garcia for the premises located at 1921 West Mitchell Street ("Club Presidente").

## 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) absent recommends that the Class "B" Tavern, Tavern Dance and Billiard Hall license held by Mari Esther Garcia not be renewed.

Dated and signed at Milwaukee, Wisconsin this 24th day of June, 2004.

  
JAMES N. WITKOWIAK, Chair  
Utilities and Licenses Committee