

# MILWAUKEE POLICE DEPARTMENT LICENSING

## CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS SYNOPSIS

**DATE:** 01/13/21 (PRELIM)  
**LICENSE TYPE:** BTAVN  
**NEW:**   
**RENEWAL:**

**No.**  
**Application Date:**

**License Location:** 828 S 1<sup>st</sup> Street  
**Business Name:** Desperados

**Licensee/Applicant:** Martinez, Miguel  
(Last Name, First Name, MI)

**Date of Birth:** 01/22/1979

**Home Address:** 5221 S. 13<sup>th</sup> Street #C  
**City:** Milwaukee  
**Home Phone:** 414-736-7754

**State:** WI **Zip Code:** 53221

This report is written by Police Officer Corstan D. COURT, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 01/19/2015 Milwaukee police conducted a licensed premise check at 828 South 1<sup>st</sup> Street (Desperados). No violations were observed.
2. On 02/23/2015 at 2:11am Milwaukee police observed several vehicles parked in front of 828 South 1<sup>st</sup> Street (Desperados). Officers then conducted a licensed premise check and discovered several patrons still inside the business. The applicant was behind the bar and dispensing alcoholic drinks. Officers identified themselves and pointed out that the license indicated the business should be closed to the public at 2:00am. The applicant told officers he knew he was operating after hours and apologized, but stated he was having a hard time convincing patrons to leave. The applicant was cited. The citation maintains a balance due of \$378.00

**Charge:** Class B Premises-Allow Patrons After Hours  
**Finding:** Dismissed per municipal court clerk, no additional information  
**Sentence:**  
**Date:**  
**Case:** Citation #61058933

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Item #2 previously reported, disposition added 06/09/2016.

3. On 11/14/2015 Milwaukee police conducted a licensed premise check at 828 South 1<sup>st</sup> Street (Desperados) based on Aldermanic complaints of patrons having sex and breaking bottles in the parking lot. Officers spoke to the applicant who stated he was aware of the complaints and had hired additional security to monitor the parking lot. He stated the activities have since ceased. No violations were observed.

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4. On 04/30/2017 Milwaukee police were dispatched to a fight at 828 South 1<sup>st</sup> Street. The victim had numerous injuries on his face but refused medical attention. Another party told officers that the victim was attacked by three subjects as he left the bar. Milwaukee police incident report #171200016 filed.

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5. On 05/21/2017 at 2:05am officers were dispatched to a fight at 828 S 1<sup>st</sup> St. Upon arrival squads were unable to locate anyone fighting.
6. On 07/28/2017 officers conducted a license premise check at Desperados, 828 S 1<sup>st</sup> St, based on a complaint of dancers, which is in violation of their license. The officers entered through the front entrance and observed females dancing in very revealing lingerie. The applicant was on scene and stated the tavern was rented out for a private party. He was aware he didn't have the proper license to allow dancers on the premise and did nothing to stop them. The officer also observed patrons with hands full of money and money on the floor. They also observed a changing room for the dancers.
7. On 08/06/2017 at 2:37am officers were dispatched to VIP Lounge, 828 S 1<sup>st</sup> St for a fight. The officer spoke with two victims who were security at the tavern. The guards stated a subject was kicked out for being disruptive. The subject returned with 5 friends and chased one security guard outside. The suspects then began hitting and kicking the guard. The second guard was struck while helping the first guard. The suspects then fled the scene. On 08/11/2017 the officers contacted the applicant who stated he did not witness the incidents and there are no cameras that would have captured the incident.
8. On 09/10/2017 officers conducted a licensed premises check on VIP Lounge, 828 S 1<sup>st</sup> St. The officers found 14 bottles of liquor contaminated with fruit flies. The applicant was on premise and the bottles were disposed of. No other violations were observed.
9. On 10/28/2017 an officer observed vehicles parked in the alley adjacent to VIP Lounge, 828 S 1<sup>st</sup> St. The officer spoke with the security guard at VIP Lounge who stated she did not know who owned the car. The officer began citing the cars and employees from other businesses came out to thank the officer because this was a constant problem. The officer observed a subject exit VIP Lounge and move one of the cars he cited. The officer spoke with the employees of VIP Lounge and they were receptive to correcting the problem.

10. On 12/04/2017 at 2:04am officers conducted a licensed premises check at VIP Lounge, 828 S 1<sup>st</sup> St. Upon entering the officer observed 40 patrons who were still drinking alcohol. The applicant was on scene and the officer asked him what time was closing and he stated 2:00am. The officer then asked what the current time was and the applicant stated 2:05am. The applicant was cited for allowing patrons after hours.

Charge: Allow Patrons after Hours  
Finding: Guilty  
Sentence: Fined \$10,190.00  
Date: 02/01/2018  
Case: 17074948

11. On 01/20/2018 officers worked the special event, Fresh Empire, at VIP Lounge, 828 S 1<sup>st</sup> St. The event is a tobacco-free DJ event for children aged 13-17 with approximately 250-300 patrons. The event security is Midwest Intelligency Agency, who provides interior and exterior security. The security also assists at closing time to clear additional businesses where patrons of the event go after closing.

12. On 02/23/2018 officers conducted a licensed premises check at VIP Lounge, 828 S 1<sup>st</sup> St. The business was closed but the applicant was on scene and allowed the officers inside. The officers located 13 bottles contaminated with fruit flies and 12 bottles missing labels. WI Department of Revenue Agents seized 18 boxes of hookah tobacco, which the applicant says he supplies free to patrons. The applicant does not have a Tobacco License. The agents also seized 100 bottles of beer and 62 bottles of liquor that were not purchased from a distributor.

13. On 03/24/2018 officers responded to VIP Lounge, 828 S 1<sup>st</sup> St, to assist with a large crowd exiting the Fresh Empire event. The officer observed 100 people standing in the street and 200 on the sidewalk. When the subjects walked to surrounding businesses they walked in the roadway affecting traffic. The organizer Travis CHAMBERS stated there was a fight inside between two females. CHAMBERS had security empty the building. Several fights then occurred outside. He stated he gives away 1,500 tickets but only allows 300 inside. There were several calls for service regarding patrons from Fresh Empire. There were 2 arrests for Disorderly Conduct and 2 arrests for Resisting or Obstructing an Officer.

14. On 04/28/2018 at 7:45pm officers conducted a licensed premise check at VIP Lounge, 828 S 1<sup>st</sup> St., which was holding the Fresh Empire underage event. The officers observed black cloth covering the bar shelves and underneath the bar area. Under the cloth were several bottles of liquor. The applicant stated he covers the liquor and also has an employee watching to make sure no juveniles access the alcohol. The applicant was advised that all the bottles need to be removed from the bar area and must be secured in an area the juveniles could not access.

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15. On 07/08/2018 officers were dispatched to Shots Fired at V.I.P. Lounge, 828 S 1<sup>st</sup> St. Upon arrival the officers observed a large group of people yelling at each other in front of the bar. The officer spoke with security who stated there was a fight inside that went outside but there were no shots fired. The security stated that several people did throw glass bottles. The

applicant stated he was in the office and was not aware of the fight and did not hear any gun shots.

16. On 12/09/2018 at 11:43pm officers went to VIP Lounge, 828 S 1<sup>st</sup> St, in regards to shots fired at 2:35am that same morning. The officers interviewed the security guard who stated there was a fight outside that he attempted to break up but because of the number of people involved he could not break it up. After the fight was over a subject went to a car and produced a firearm. The security guard grabbed the arm of the subject holding the gun as he was raising his arm up. The gun discharged twice and the security guard attempted to disarm the subject but the subject pulled the gun away and fled in his auto. The security cameras did not work outside but did capture the parties involved in the fight leaving the tavern.

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17. On 08/11/19 at 2:23am, Milwaukee Police were dispatched to 828 S. 1<sup>st</sup> Street for a fight complaint. Upon arrival, officer's observed several broken beer bottles on the street in front of 828 S. 1<sup>st</sup> Street and several citizens walking in the alley attempting to enter the rear of the tavern. After several knocks on the locked front entrance door, security allowed officers to enter. The applicant was informed that there was a fight outside and that officers needed to review surveillance footage. While reviewing the footage, officers could hear noise coming from above the establishment and when they went to investigate, officers found approximately 30 patrons in a living room area drinking beer (some of which were the citizens the officers observed earlier trying to enter the back of the tavern). The applicant said that he had no idea how the patron got to the second level and that he was not having an "after party". One of the officers observed security of the establishment allow patrons to enter through the rear entrance but no citations were issued because officers could not prove the applicant was aware there were patrons inside his establishment.

18. On 08/18/19 at 3:20am, Milwaukee Police were dispatched to 828 S. 1<sup>st</sup> Street to investigate an after hour tavern violation. Upon arrival, officers were greeted by the applicant who was cooperative and stated that there were only his seven employees inside the establishment and officers did not observe any open alcoholic beverages inside.

19. On 09/22/19 at 1:40am, Milwaukee Police were dispatched to 838 S. 1<sup>st</sup> Street for a subject with weapon complaint. Investigation revealed that a fight occurred at 828 N. 1<sup>st</sup> Street and one of the subjects went to their vehicle and retrieved a baseball bat. Security at 828 N. 1<sup>st</sup> Street stated that there was no fight but they did walk a subject to his vehicle and he did try to arm himself with a baseball bat but was stopped by security and the subject drove away.

20. On 11/10/19 at 2:06am, Milwaukee Police investigated a fight which occurred at 828 S. 1<sup>st</sup> Street. Surveillance footage revealed that two subjects entered the back room where a band was and they had their arms around each other. A short time later, both subjects come out of the room, exchange words with each other, and one actor strikes the other several times in the face. The subject that was punched falls into a corner, security comes and separates the subjects, and the striking actor is escorted outside the business. The applicant said that he did not call police.

21. On 08/01/2020 officers investigated a Sexual assault the occurred at VIP Lounge, 828 S 1<sup>st</sup> St. The victim stated she was at the bar closing out her tab when a subject grabbed her buttocks. She confronted the subject who walked out of the bar. The victim stated none of her friends witnessed the incident.

22. On 08/16/2020 officers investigated a shots fired at 904 S 1<sup>st</sup>. The caller stated he heard shots being fired and looked out his window and saw a car in the parting lot of VIP Lounge, 828 S 1<sup>st</sup> St. He stated he observed the passenger of the auto shooting a gun in the air. The officer advised the applicant of this incident.

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23. On 09/06/20 at 1:55am, Milwaukee Police conducted a license premise check at 828 S. 1<sup>st</sup> Street. After noticing that the club was over capacity, Officers interviewed the applicant who said he was aware of the amount of patrons inside the club (none of whom were wearing masks) and had a plan for closing time by having security tell patrons not to hang around the club and go home. Officers talked with security and an employee at the front door and they said they did not know how many people were inside the establishment and neither had a hand held counter. At 2:00am, approximately 200 patrons exited the club and several fights broke out on the sidewalk and street. Security was unable to take control of the fights and 10 police squads (6 from a neighboring district) were called to the scene to help disperse the fighting crowd.

24. On 12/31/20 at 11:06pm, Milwaukee Police conducted a license premise check at 828 S. 1<sup>st</sup> Street. Officers informed the applicant that he was only allowed 50% capacity (150 patrons) which includes his employees. The applicant said to officers that an Environment Health Specialist told him that the 50% (150 patrons) did not include his staff. Police counted 14 employees inside the establishment and security staff told officers, several times throughout the night, that there were 147 patrons inside the club.

25. On 01/03/21 at 12:02am, Milwaukee Police were dispatched to 828 S. 1<sup>st</sup> Street for a subject with gun complaint. Upon arrival, officers interviewed security who stated that they pat down every patron as they enter or re-enter the club and that the applicant received a text about the subject with gun but never called police. Officers walked through the establishment and found no violations or a subject with a firearm.

26. On 01/03/21 at 2:04am, Milwaukee police conducted a license premise check at 828 S. 1<sup>st</sup> Street for tavern closing time. Officers observed several patrons exit the build, verbally arguing, which eventually became physical. There was no security outside to help defuse the situation and officers had to break up the fight. Officers tried to interview the applicant (who appeared intoxicated) about the altercation but he became confrontational and argumentative with police. The applicant told officers that they were harassing him and he would contact the alderman due to this harassment. The applicant then told officers that the other clubs in the area were the real issue and that none of the issues in the area were from his establishment. No tavern violations were observed.

27. On 01/08/21 at 11:29pm, Milwaukee Police conducted a license premise check at 828 S. 1<sup>st</sup> Street. Upon arrival, officers observed a line outside the entrance, multiple patrons inside the entrance, and a counting device, on a ledge, which was not being used. When entering the lobby of the establishment, officers observed multiple patrons without face coverings and security, upon seeing police enter, told patrons to put on their face coverings. Officers found the applicant and asked him how many patrons he had inside the club, he told officers that there were 153 patrons inside (50% capacity is 150 patrons). Officers estimated that there were approximately 160-180 patrons inside the establishment.

28. On 01/15/21 at 12:00pm, Milwaukee Police held a meeting at the Second District Station House with the applicant of 828 S. 1<sup>st</sup> Street regarding the recent calls for service and firearm incidents around his establishment. Topics of discussion were; recent firearm offenses, complaints by neighbors, overcapacity, loud music, patrons fighting in the area around the tavern, security not patrolling the area after bar close, intoxicated patrons entering the establishment, over serving the patrons, and abiding with the cities COVID regulations. The applicant said that he will raise the minimum age of the club to 25, close the premise at 2am on the weekends, have two security guards at the front door, and will “look into” purchasing a devise to track crowd size. The applicant did express his frustration over the other taverns in the area not attempting to coordinate security concerns with each other and the safety of his security if they wander too far from the establishment. The applicant was issued citations for numerous violations for violating the COVID health plan. (as of 05/12/21, the tickets have not been received by the City Attorney’s Office).
29. On 01/29/21 at 11:18pm, Milwaukee Police, along with a City of Milwaukee Environmental Specialist, conducted a license premise check at 828 S. 1<sup>st</sup> Street. Officers observed approximately 100 patrons outside, approximately 200 patrons inside, standing, and dancing without facemasks. Environmental Health Specialist interviewed the applicant about the violations and the applicant stated he understood the safety plan he submitted but said it was impossible for his employees to enforce his safety plan. The Environmental Health Specialist told the applicant to have the Disk Jockey make an announcement and have patrons sit down and wear face masks. The Environmental Health Specialist told the applicant he will be receiving citations for the violations (as of 05/12/21, the tickets have not been received by the District Attorney’s Office). At tavern close, a battery- domestic violence occurred and the aggressor was arrested.
30. On 04/12/21 at 1:36am, Milwaukee Police were dispatched to 828 S. 1<sup>st</sup> Street for a theft complaint. Investigation revealed that a subject left her purse on a table and went on the dance floor. When she returned, her purse was gone. Police interviewed the applicant who said that the surveillance system was not working and when police walked around the establishment, they did not recover the purse or personal belongings. The staff was cooperative.
31. On 04/18/21 at 2:15am, Milwaukee Police were dispatched to 828 S. 1<sup>st</sup> Street for a shots fired complaint. Upon arrival, officers recovered fourteen spent casings and witnesses state that they heard the gunshots but did not witness who fired them. On 05/10/21 follow up was conducted to retrieve video surveillance of the incident from a neighboring business. The video shows patrons leaving and loitering outside 828 S 1<sup>st</sup> street, along with numerous vehicles stopped, in traffic, on S. 1<sup>st</sup> street, but due to the distance from the camera, the subject who discharged the firearm could not be identified.
32. On 05/03/21 at 1:25am, Milwaukee Police were dispatched to 901 S. Barclay Street for a shots fired complaint. Upon arrival, officer located nine brass shell casings and investigation revealed that the incident is related to the tavern located at 828 S. 1st Street. On 05/05/21 at 10:18am, Milwaukee Police conducted follow-up at 901 S. Barclay Street regarding a shots fired incident which occurred on 05/03/21. Surveillance footage shows a large crowd exiting 828 S. 1<sup>st</sup> Street with no regard for vehicular traffic which had to stop or swerve to keep from striking patrons. Vehicles where driving at high rates of speed, tricycles were performing “burnouts”, and illegal U-turns where all caught on camera. The suspect who discharged a firearm is seen walking east on E. Walker Street then south on S. Barclay Street. While performing this follow-up, officers found a bullet strike which hit the northeast corner of the building at 123 E. Walker Street.

33. On 05/06/21 at 1:40am, Milwaukee Police were dispatched to 828 S. 1<sup>st</sup> Street for a shooting complaint. Investigation revealed that a subject discharged his firearm at a vehicle striking a subject inside. An employee (security) was interviewed who stated that he observed multiple people dancing in the intersection of S. 1<sup>st</sup> Street and W. Walker Street but did not hear any gunshots (the employee left before their information could be obtained). There were no other witnesses located in the area. Officer had the applicant show officer's surveillance footage of the incident but he was unable to work the system. It was later found that the system ceased recording shortly before the incident. An unrelated "plain clothes" operation which was in the area of 1000 S. 1<sup>st</sup> Street and heard multiple gunshots coming from a large crowd of people in front of 828 S. 1<sup>st</sup> Street. They observed patrons obstructing traffic, dancing on vehicles, acting loud, profane, and boisterous. While this was happening, security took no action to disperse or control its patrons and no calls for service were placed by the establishment. A citation was issued to the applicant for Disorderly Premise Prohibited.

Charge: Disorderly Premise Prohibited  
Finding: Court date of 10/25/21  
Sentence:  
Date:  
Case: Citation #J9815NC3DB