

## CHAIR

- Licenses Committee

## MEMBER

- Community and Economic Development Committee
- Judiciary and Legislation Committee
- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

June 6, 2016

To the Honorable, the Common Council

Honorable Members:

Common Council File Numbers 151666 and 160154 contain the following recommendations:

Renewal, with a ninety (90) day suspension, of the Public Entertainment Premises license based upon the police report, and neighborhood, aldermanic, and applicant testimony for James Cadd for the premises located at 920-24 E Juneau Ave ("Astor Street Bar & Grille") in the 4th aldermanic district.

Renewal, with a twenty (20) day suspension, of the Class B Tavern and Public Entertainment Premises licenses based upon the police report and neighborhood testimony for Daria Morse for the premises located at 421 W Keefe Ave ("The Fox") in the 6th aldermanic district.

Renewal, with a forty-five (45) day suspension, of the Hotel/Motel license based upon the police report for Sanjay Patel for the premises located at 6541 S 13<sup>th</sup> St ("Econo Lodge") in the 13th aldermanic district.

Nonrenewal, based upon the police report of the Class D Operator's license for Jill Holmes.

A ninety (90) day suspension, of the Class B Tavern, Food Dealer, and Public Entertainment Premises licenses, based upon the police report, and police and applicant testimony for John Urban for the premises located 813 S 1<sup>st</sup> St ("Texas J's") in the 12th aldermanic district.

Respectfully,

A handwritten signature in black ink that reads "Tony Zielinski".

Tony Zielinski, Chair  
Licenses Committee

cc: All Council Members  
Files 151666 and 160154

## CHAIR

- Licenses Committee

## MEMBER

- Community and Economic Development Committee
- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: June 3, 2016

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Licenses Committee on the complaint seeking revocation of the Class "B" Tavern, Food Dealer and Public Entertainment Premises (PEP) licenses held by John Urban for the premises located at 813 South 1<sup>st</sup> Street in the City and County of Milwaukee, Wisconsin ("Texas J's").

### FINDINGS OF FACT

1. John Urban (hereinafter the "License") is the holder of Class "B" Tavern, Food Dealer and PEP licenses for the premises located at 813 South 1<sup>st</sup> Street in the City and County of Milwaukee, Wisconsin ("Texas J's").
2. A complaint for revocation of this license was filed with the City Clerk by Captain Heather Wurth on behalf of Chief of Police Edward Flynn. The complaint alleged that the premises known as "Texas J's" constitutes a public nuisance.
3. Said summons commanded the appearance of John Urban to answer the complaint for revocation of the Class "B" Tavern, Food Dealer, and PEP licenses on May 31, 2016 at 2:30 p.m. in Room 301-B of City Hall. At that date time and place, the licensee, John Urban, appeared and was represented by Attorney Michael Whitcomb.
4. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee found the following:
  - A. Attorney Michael Whitcomb stated he had little notice and time to prepare for the hearing and requested dismissal based on violations of due process and insufficient evidence. ACA Nick DeSiato stated the basis of the revocation is the collusive lie that has occurred between the licensee and the employees. He added that this is not a case of progressive punishment given the severity of the case.
  - B. Police Officer Julian Nunez stated he responded to a battery complaint at the premises on April 2, 2016 and attempted to obtain a copy of the surveillance video.
  - C. Police Officer Andrew Gollup stated he responded with Police Officer Nunez to a battery complaint and attempted to obtain a copy of the surveillance video.



D. Police Officer Aaron Frantal stated he executed a search warrant for video surveillance at the premises. While executing the search warrant he observed a room with 2 beds and a condom wrapper. Police Officer Kevin Vodicka stated he is assigned to the Community Prosecution Unit at District 2.

E. Elizabeth Aubin, 3451A South Burrell Street, is the girlfriend of Jeremy Calteux's roommate. She stated Calteux was unable to speak, walk on his own, had a welt on the back of his head, and was very pale. She contacted the premises via Facebook to find out what had occurred

F. Ryan Urban an employee of Texas J's, stated he responded to the Facebook message from Elizabeth Aubin. He was also involved in the altercation. He has been the general manager for 7 years and son of the licensee. He stated that Calteux's friends asked that the police not be called.

G. Jeremy Calteux, 3127A South Logan Avenue, stated he was patronizing the bar and has no recollection of being at the premises. He stated he was hospitalized for 11 days after being assaulted at the premises. He suffered 2 skull fractures, a brain hemorrhage, and now has Bell's Palsy. He also had 3 weeks of physical and speech therapy.

H. Alderwoman Coggs moved to enter into the record the photos presented by Atty. DeSiato as exhibit D. (Prevailed 3-0) Alderman Rainey moved to enter into the record the search warrant and photo of the premises presented by Attorney Whitcomb as exhibits #1-2. (Prevailed 3-0)

I. Captain Wurth stated she objects to the premises based on the deceit and lack of cooperation by employees, and the nature of the incident that occurred. The inability to obtain the remaining video surveillance was problematic. Also, the police were never contacted regarding the incident.

J. Detective Gary Cole investigated the battery at the premises and stated that the employees were cooperative. However, he spoke with the employees days after the incident.

K. Alderwoman Lewis moved to enter into the record the timeline of events and still shots provided by Attorney Whitcomb as exhibit #3. (Prevailed 4-0)

L. Alderman Perez stated there have been lots of incidents with establishments in the area and that the licensees contact his office. However the only person to contact him regarding this incident was the property owner, not the agent or manager. He is concerned about the manner in which this incident was handled, without medical attention and lack of communication with the police and his office. He does not support this establishment. Attorney DeSiato stated this is about a very violent event that could have resulted in a death. The agreement was collusive between employees to come up with a story to tell the police. All video surveillance still has yet to be received by the police from the incident. He requests revocation.

M. Attorney Whitcomb stated is it impossible to determine what exactly happened based on the video and who was drunk and who was not. There is no cover up, but a misunderstanding of the questions by the police officers. The

victim's friends did not offer him medical attention, so the employees should not be liable. There has been no discipline in the history of the establishment except for a warning letter last year. He requests dismissal.

N. Alderman Zielinski stated the premises should have contacted the police. He added that the business has been around for over 40 years and 21 years with this operator. Alderwoman Coggs stated the video is very disturbing and she has not heard any discussion regarding changes at the premises as a result of this incident.

#### CONCLUSIONS OF LAW

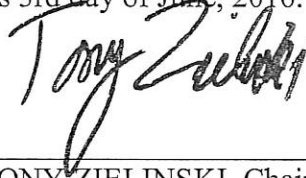
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapters 90 and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, John Urban, 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 the continued operation of the premises without undergoing a ninety (90) day suspension based on the sworn complaint of the Milwaukee Police Department and police and applicant testimony.
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 suspend for 90 days the Class "B" Tavern, Food Dealer and PEP licenses held by John Urban for the premises located at 813 South 1<sup>st</sup> Street in the City and County of Milwaukee, Wisconsin ("Texas J's") based upon the Milwaukee Police Department complaint and police and applicant testimony.

#### 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, Food Dealer and PEP licenses held by John Urban for the premises located at 813 South 1<sup>st</sup> Street in the City and County of Milwaukee, Wisconsin ("Texas J's") be suspended for 90-days.

Said suspension is to be in effect between 12:01 a.m. on June 15, 2016 through 11:59 p.m. September 12, 2016.

Dated and signed at Milwaukee, Wisconsin this 3rd day of June, 2016.



TONY ZIELINSKI, Chair  
Licenses Committee