



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

www.milwaukee.gov

Carolyn Hill Robertson
Deputy City Clerk

November 3, 2005

Jimmy R. Butler
2407 North 35th Street
Milwaukee, WI 53210

Dear Mr. Butler:

You are hereby notified that the Milwaukee Common Council will hold a hearing on November 15, 2005 commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider your Class "B" Tavern license renewal application for the premises located at 2800 West Forest Home Avenue, Milwaukee, Wisconsin ("Taboo").

Attached you will find a copy of the Report of the Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of your Class "B" Tavern license with a ninety (90) day suspension. The recommendation is the result of a public hearing before the Committee held on October 31, 2005.

You may file a written objection to the report of the Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure

c: License Division
CCF 050747



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

November 3, 2005

Carolyn Hill Robertson
Deputy City Clerk

Todd M. Corcoran
7818A West Lorraine Street
Milwaukee, WI 53222

Dear Mr. Corcoran:

You are hereby notified that the Milwaukee Common Council will hold a hearing on November 15, 2005 commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider your Class "D" Bartender License Renewal Application.

Attached you will find a copy of the Report of the Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of the Class "D" Bartender License. The recommendation is the result of a public hearing before the Committee held on October 31, 2005, a police report and your nonappearance before the Committee to answer a police report that could form the basis of nonrenewal or suspension of this license.

You may file a written objection to the Report of the Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure

c: License Division
CCF 050747



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

November 3, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 050747

Recommendation of nonrenewal, based on nonappearance, of the Class "D" Bartender license of Todd Corcoran.

Recommendation of renewal with a 90-day suspension, based on neighborhood objections and the police report, of the Class "B" Tavern license of Jimmy Butler for the premises at 2800 W. Forest Home Ave. ("Taboo") in the 8th Aldermanic District.

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on October 31st, 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 **Tuesday, November 15, 2005** 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 circle.

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
CCF 050747



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: November 3, 2005

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Todd Corcoran.

FINDINGS OF FACT

1. Todd Corcoran (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 August 22, 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 August 23, 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 October 21, 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 October 31, 2005, commencing at 2:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear 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. Notice of the hearing as well as a copy of the police report was sent to Todd Corcoran at 7818A West Lorraine Street, Milwaukee, Wisconsin

53222 on October 21, 2005 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 7818A West Lorraine Street, Milwaukee, Wisconsin 53222 is the address given by the applicant on his application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on October 31, 2005.

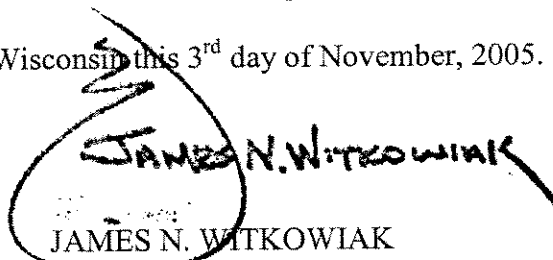
CONCLUSIONS OF LAW

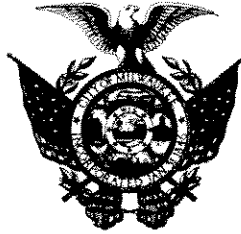
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the Class "D" bartender renewal license of Todd Corcoran be denied based upon nonappearance.

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 renewal be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 3rd day of November, 2005.


JAMES N. WITKOWIAK
Chairman of the Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: November 3, 2005

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Jimmy R. Butler for a Class "B" Tavern license for the premises located at 2800 West Forest Home Avenue, in the City and County of Milwaukee, Wisconsin ("Taboo").

FINDINGS OF FACT

1. Jimmy R. Butler (hereinafter the "Licensee") is the holder of a Class "B" Tavern license in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, November 2, 2005.
2. An untimely application to renew said license was filed with the Office of the City Clerk on October 13, 2005.
3. On August 1, 2005 the licensee was sent his application for renewal. It was sent with a letter explaining that the application for renewal must be filed by September 1, 2005 in order not to lapse. No renewal application was filed. On October 3, 2005, a reminder was sent to the licensee. On October 13, 2005 the licensee finally filed his application for renewal. 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. There was a Milwaukee Police Department report dated October 17, 2005, which could form the basis for non-renewal or suspension of the license. There were also neighborhood objections to loitering, littering, parking and traffic problems, accidents, vandalism, car break-ins, urination, loud music and noise, late night disturbances, fights, shootings, criminal activity, and conduct which is detrimental to the health, safety and welfare of the neighborhood. As a result, this matter must be on file for thirty (30) days before consideration by the Common Council
4. On October 21, 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 police objections that could form the

basis for suspension or non-renewal of the license of the Licensee along with the neighborhood objections. A copy of the police report was included. The matter was scheduled for a hearing on the police objections on October 31, 2005 at 10:45 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.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On December 11, 2004, at 12:47 a.m. officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 2800 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("Taboo"). Officers observed the premises to be very crowded. Employees on the scene told officers the capacity had been raised to 126 or 127. Officers counted 162 patrons on the premises. Further investigation revealed the legal capacity to be 99. The licensee was issued a citation for exceeding capacity and on June 14, 2005 he was found guilty and fined \$343.00.
 - B. On January 9, 2005 at 3:00 a.m., officers of the Milwaukee Police Department investigated a shooting at the licensed premises at 2800 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("Taboo"). The investigation revealed that the shooting victim was shot in the bar during an attempted robbery. Employees on the scene informed officers that the shooting happened outside the bar. The investigation revealed that the employees lied about the location of the shooting because the bar's license "was in jeopardy" because of recent violations. The licensee admitted that the victim was a customer of the tavern. The licensee denied he lied and testified the shooting was outside the premises, that 911 was called and then he caused the victim to be conveyed to the hospital in his private vehicle. An incident report was filed.
 - C. On January 29, 2005 at 12:15 a.m., officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 2800 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("Taboo"). Officers were accompanied by employees of the Department of Neighborhood Services. Officers counted 130 persons on the premises, not including employees. The legal capacity was 99. The licensee was issued a citation for exceeding capacity and on June 14, 2005 he was found guilty and fined \$500.00. At hearing, the licensee claimed the capacity was changed, however, the representative of the Department of Neighborhood Services testified the real legal capacity was 99.

- D. On April 11, 2005 at 1:50 a.m., officers of the Milwaukee Police Department responded to the licensed premises at 2800 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("Taboo") regarding a shooting that occurred across the street from the tavern after the victim left the tavern. An incident report was filed.
- E. Two business neighbors of the premises, a restaurant owner, and a bank officer have described the following activity attributable to patrons of this premises:
1. Illegal and unauthorized use of parking lots at the restaurant and bank.
 2. While in the parking lots, the patrons littered and engaged in noisy and disorderly activity that included urination.

The bank in particular provided documentation evidencing the efforts it has made to stop the activity, all to no avail. The bank has had to hire and use a private security firm to protect the integrity of its parking lot.

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, Jimmy R. Butler, for the licensed premises at 2800 West Forest Home Avenue ("Taboo") 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 license without undergoing a ninety (90) day suspension. The Committee finds the police report and neighborhood objections 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 discretion to renew the Class "B" Tavern license of Jimmy R. Butler for the premises at 2800 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("Taboo") with a ninety (90) day suspension.

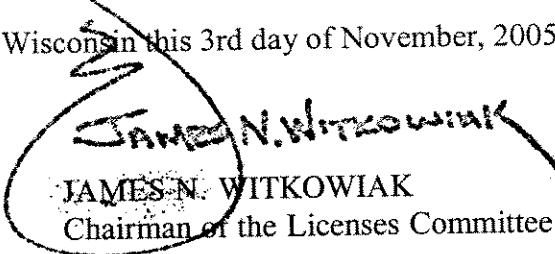
RECOMMENDATION

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 license held by Jimmy R. Butler for the premises at 2800 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("Taboo") be renewed with a ninety (90) day suspension.

Said suspension is to be in effect between the action of the Common Council on November 15, 2005 and midnight, February 12, 2006.

Dated and signed at Milwaukee, Wisconsin this 3rd day of November, 2005.


JAMES N. WITKOWIAK
Chairman of the Licenses Committee

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