



JAMES A. BOHL JR.
Alderman, 5th District

January 21, 2004

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 030597

Attached are written objections to the recommendation of the Utilities and Licenses Committee to grant, with a 75-day suspension based upon neighborhood objection and police report, the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) renewal applications of Marvin Berg, III for "Pure" at 162 W. Wisconsin Ave. in the 4th Aldermanic District.

This matter will be heard by the full Council at its January 21, 2004 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,

A handwritten signature in black ink that reads "James A. Bohl Jr." in a cursive style.

James A. Bohl, Chair
Utilities and Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 030597

GIMBEL, REILLY,
GUERIN & BROWN

LAW OFFICES

January 20, 2004

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2004 JAN 21 AM 8:15
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C.R. REILLY (1901-1983)

Mr. Ronald D. Leonhardt, City Clerk
City of Milwaukee
Room 205, City Hall
200 E. Wells Street
Milwaukee, WI 53202-3570

Re: Utopia, Inc., d/b/a "Pure"
162 W. Wisconsin Avenue, Milwaukee

Dear Mr. Leonhardt:

On January 9, 2004, the Utilities and Licensing Committee of the City of Milwaukee conducted hearings on Bartender's and Class "B" Tavern license renewals. This office represents Utopia, Inc., d/b/a "Pure" located at 162 W. Wisconsin Avenue in Milwaukee. By a 4 to 1 vote, the Utilities and Licensing Committee recommended that the license of our client be renewed subject to a 75-day suspension, which would run from January 30 through April 30, 2004.

By this letter, we object to the length of the proposed suspension. This office concedes that there were certain issues that arose during October and November of 2003 that gave rise to legitimate concerns of the neighbors of our client's establishment. However, our client has taken steps and intends to take further steps to remedy the mass exodus of patrons at bar closing time on weekends. That mass exodus did underlie the concerns that were expressed by neighbors at the Utilities and Licensing Committee hearing. Our client has never had a sanction on its license and we believe that the 75-day suspension is excessive.

At the same Utilities and Licensing Committee meeting, renewal with a 20-day suspension was recommended for the establishment known as "El Tequila" located at 2011 W. Forest Home Avenue in Milwaukee. The findings of fact related to the El Tequila matter included behavior that was as, or more, egregious than the findings related to the license renewal application of our client. At the same hearing, a 25-day suspension for the tavern dance license for the premises located at 1332 W. Lincoln Avenue ("Club Hermanos") was recommended for conduct similar to that asserted against our client.

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The imposition of a 75-days suspension as a condition to the renewal of our client's license will have a substantial negative impact on our client's business into which a substantial investment has been made.

I hope and trust that the Common Council of the City of Milwaukee will consider renewing the license of Utopia, Inc., d/b/a "Pure" with a suspension not to exceed 30 days. I request an opportunity to make an oral presentation to the Common Council on January 31, 2004.

Respectfully yours,



FRANKLYN M. GIMBEL

FMG/lm

c: Alderman Marvin E. Pratt
Alderman Joe Davis, Sr.
Alderman James A. Bohl Jr.
Alderwoman Marlene E. Johnson-Odom
Alderman Fredrick G. Gordon
Alderman Robert G. Donovan
Alderman Don Richards
Alderman Willie C. Wade
Alderman Joe Dudzik
Alderman Angel Sanchez
Alderman Terry L. Witkowski
Alderwoman Suzanne M. Breier
Alderman Thomas G. Nardelli
Alderman Michael J. Murphy
Alderman Willie L. Hines
Mr. Marvin Berg

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