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June 11, 2009

City of Milwaukee, Clerk Ronald D. Leonhardt
City Hall Room 205
200 East Wells Street
Milwaukee, WI 53202

Re: OBJECTION TO REPORT: OF 30 DAY SUSPENSION OF CLASS "B" TAVERN LICENSE RENEWAL APPLICATION OF VIRGINIA ALBANO, AGENT OF ALGRE, INC., FOR PREMISES LOCATED AT 1601 W. WELLS ST., CITY AND COUNTY OF MILWAUKEE, WISCOSIN (ANGELO'S PIZZA & RESTAURANT)

Dear Honorable Clerk Leonhardt:

Please acknowledge that we respectfully object to the Licensing Committee Report recommending a 30-day License Suspension of the "Class B" Tavern License for **Angelo's Pizza Restaurant & Bar** at 1601 West Wells Street, Milwaukee, Wisconsin (on Marquette University Campus), for the following reasons.

On June 1, 2009, there was a hearing held before the Licensing Committee, at which time the grandson of the Licensee, Michael Albano, appeared pro se, without the advise of counsel. The Licensing Committee conducted the hearing during which time it was recommended by one of the Licensing Committee Members that a **90 Day** License Suspension be imposed based upon a recent past history of violations.

Based upon information and belief, the pro se representative Michael Albano, attempted to address multiple questions surrounding the recommendation of a 90 Day Suspension that was ultimately compromised by the Committee to an agreement of a 30 Day License Suspension.

Based upon information and belief, it is believed that the 30 Day Licensing Suspension was the result of a compromise amongst the Licensing Committee after reviewing only partially some mitigating factors that resulted in the compromise downward from the recommended 90 Day Licensing Suspension.

It is respectfully submitted that had Michael Albano had competent legal representation, that the Licensing Committee would have been advised of various other mitigating factors, as well as correcting the Licensing Committee regarding the Alcoholic Beverages Laws, Section 125.07 (1) (b) 3. c. of the Wisconsin Statutes, which provides as follows:

"A court shall suspend any license or permit issued under this chapter to a person for: ...not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing three other violations."

It appears that the Licensing Committee acted under the mistaken impression that there could be a 90 Day Suspension when, in fact, the maximum suspension under these circumstances would equate to a 30 Day Suspension. Therefore, the compromise enacted was not equitable based upon mitigating factors that were attempted to be put forth.

It is critical to understand the Angelo's Pizza Restaurant & Bar has been run by and providing a livelihood for three (3) generations of the same family for over a half-century (53 years), during which there have been relatively few violations attributed to management.

Angelo's Restaurant has become an iconic part of the fabric of the extended fabric of the Marquette University Campus which has served students, alumni, faculty, residents, and citizens from all parts of the country, and provided nourishment and entertainment, for over 50 years. In many ways, their existence is as much a part of the Marquette University Campus flavor as the blue and gold colors of Marquette Sports Teams.

It is also noteworthy that, in the relevant twelve (12) month period, that Michael Albano has been the operating successor of this family run business due to the past ill health of the Licensee, his grandmother, Virginia Albano, and due to the recent past serious medical complications that his father, Don Albano, who has and is still suffering over the past year if not more. Virginia Albano is 87 years old and still works at Angelo's, but only for three-to-four (3-4) hours each week due to her failing health. Don Albano was in a coma for one (1) month in March of 2008 caused by an aneurism in the main Aorta of his heart, and followed by eight (8) major operations. Most recently, Don Albano was hospitalized again to control the bleeding in his brain.

Judith Haas, the Angelo's bartender/staff member of 30 years, who was involved in the most recent citation issued to Angelo's, was fired as a result of the incident.

Upon information and belief, Michael Albano has worked diligently and arduously with each respective City of Milwaukee Tavern Police Teams, adjusting and working together with them to ferret out underage drinking, including his efforts to obtain a black light, hiring bouncers to work at the door and check patrons drivers licenses, and following through on recommended procedures for confiscating I.D.s for purposes of showing to the police.

On January 22, 2009, the police had recommended to Mr. Albano to obtain a **black light**, which he has already used in the past and still does. They have also recommended that he obtain a **bar-code scanner**. At the time, due to the small business, he was unable to afford same which is available at a very high cost.

Please be advised, however, that Mr. Albano currently is in the process of negotiating the purchase of a **bar-grade scanner**, which will cost Angelo's between **\$3,500.00 and \$4,000.00**. As soon as the purchase of the bar code scanner is complete, Mr. Albano is prepared to implement its use, in addition to the other procedures suggested and agreed upon between him and the police, over the course of the past many years.

Given the above history and the mistaken perception of the Licensing Committee of the status of the law, it is respectfully recommended that the Angelo's Pizza Restaurant & Bar, License Suspension be **reversed, or in the alternative, reduced to no more than 15 days.**

This small business stands to lose significant earnings if it is prevented from hosting, which it has traditionally done on an annual basis, out-of-state groups who have traditionally arrived at our city to enjoy Summerfest and to experience the good food and entertainment at this particular restaurant on Marquette Campus.

We also ask permission for a member of my staff, Attorney Kristin Hodorowski, to appear for five (5) minutes to answer any questions regarding same.

Yours very truly,

THE LAW OFFICE OF FRANK JOSEPH SCHIRO, LTD.,



Attorney Frank J. Schiro / Kristin Hodorowski

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RONALD D. LEONARDI
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