



Office of the City Clerk

**Jim Owczarski**  
City Clerk

**Rebecca N. Grill**  
Deputy City Clerk

May 22, 2014

Theresa Brown  
Swigs Pub & Grill, LLC  
10370 S Redwood Ln  
Oak Creek, WI 53154

Dear Ms. Brown:

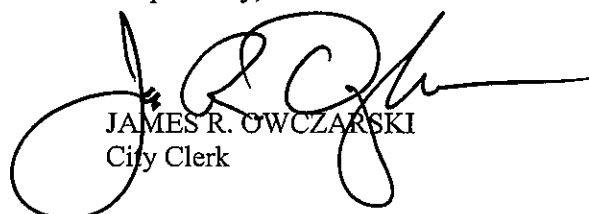
You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, June 3, 2014, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class B Tavern and Public Entertainment Premises license(s) for the premises located at 3143 S Clement Ave ("Swigs Pub & Grill").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law, and Recommendation, recommending a 10 day suspension of the Class B Tavern and Public Entertainment Premises license(s) based upon neighborhood testimony. This recommendation is the result of a public hearing before the Committee held on Tuesday, May 20, 2014.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class B Tavern and Public Entertainment Premises license(s) based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. The written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, May 28, 2014 in Room 205 of City Hall. If you wish to file your objections via e-mail, they must be sent to both [jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov) and [jlcelel@milwaukee.gov](mailto:jlcelel@milwaukee.gov). You will be sent an e-mail notification that your objections were received within 24 hours. If you do not receive this notification, please contact City Clerk Jim Owczarski at (414)-286-2998. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting the written objections. You will be given approximately five minutes to present the oral argument.

Respectfully,



JAMES R. OWCZARSKI  
City Clerk



**CHAIR**  
• Licenses Committee

**MEMBER**  
• Community and Economic  
Development Committee  
• Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: May 22, 2014

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Theresa M. Brown, Agent for Swigs Pub & Grill, LLC, for a Class "B" Tavern and Public Entertainment Premises license for the premises located at 3143 South Clement Avenue in the City and County of Milwaukee, Wisconsin ("Swigs Pub & Grill, LLC").

#### **FINDINGS OF FACT**

1. Theresa M. Brown, (hereinafter the "Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises licensed for the premises located at 3143 South Clement Avenue in the City and County of Milwaukee, Wisconsin ("Swigs Pub & Grill, LLC"). Said license expires at midnight, June 23, 2014.
2. An application to renew said license was timely filed with the office of the City Clerk on April 11, 2014.
3. Pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of these licenses on April 14, 2014.
4. On May 8, 2014 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes and a 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 May 20, commencing at 9:45 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee appeared.



A. On October 28, 2013 the Wisconsin Department of Transportation revoked the applicant's driver's license for 9 months for Operating While Intoxicated. On October 24, 2013 the applicant was cited at West Rosdale Avenue and South 6<sup>th</sup> Street in the City of Milwaukee for Refusal.

Charge: Refusal  
Finding: Guilty  
Sentence: Suspended Sentence (no additional sentencing information available).  
Date: 10/28/2013  
Case: 13094129

B. On February 2, 2014 Milwaukee police were dispatched to a fight complaint at 3142 South Clement Avenue (Swig's). Investigation revealed an intoxicated patron of the business caused damage to the bathroom and then tried to instigate an altercation with another patron. The intoxicated party was cited for Disorderly Conduct and Vandalism. These citations have not been adjudicated.

C. Christopher Brown, 3143 S Clement, testified that he wasn't aware of the fights and noise issues outside of the bar. He stated if neighbors call him, he would take care of problems. He also has signs posted outside the establishment to help ease noise issues. He stated he will be more strict with customers and will distribute his phone number to neighbors. He stated he is unable to resolve issues that he is unaware of.

D. Laurel Rodriguez, 3138 S Clement Ave, testified to experiencing noise issues emanating from the establishment and has witnessed bar fights. He stated fights have become more frequent. He has called the police several times.

E. Mark Hokanson, 3150 S Clement Ave, testified that he has lived across the street from the business for ten years and has frequently witnessed customers burning out in the street. He stated he has made noise complaints to the police and has witnessed fights in front of the property.

F. Bryan Breider, 3118 S Clement Ave, testified that he has witnessed noise issues. He stated that while there are other businesses in the area, all of the others close before 10 PM. He stated other businesses are not the source of noise.

G. Roderick Taylor, 3125 S California St, testified that he agrees with the previous speakers regarding noise.

H. Amber Anderson, 3118 S Clement Ave, testified that she has heard karaoke music from the premises, even though the business does not hold a license to have karaoke.

I. Sylvia Schultz, 3138 S Clement Ave, testified that she has experienced noise issues from the business. She stated customers frequently rev motorcycles in front of the bar and that she has seen one of the owners revving a motorcycle in front of the establishment.

J. Isabel Calderone, 3142 S Clement Ave, stated that she has experienced noise that other objectors testified to.

K. Jennifer Fitz Weber, 3137 S Clement Ave, testified that she is not a patron of the bar, but has called the owners anytime she has experienced noise. She stated they have taken care of noise issues when receiving complaints. She stated she supports the karaoke as there is someone there who knows the noise regulations and can measure the decibels. She testified that she has lived there 11 years and isn't friends with the owners, but has had all her complaints addressed in a timely manner. She stated one of the neighbors who testified sent out flyers this year and that's what has caused the opposition.

### **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, Theresa M. Brown, 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 renewal of her Class "B" Tavern and Public Entertainment Premises license without undergoing a ten (10) day suspension of said license based upon neighborhood testimony. The Committee finds the police report and neighborhood testimony, as stated above, 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 judgment to renew the Class "B" Tavern and Public Entertainment Premises license for the premises located at 3143 South Clement Avenue in the City and County of Milwaukee, Wisconsin ("Swigs Pub & Grill, LLC") with a ten (10) day suspension based upon neighborhood testimony.

## RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, and zero (0) noes and one (1) excused recommends that the Class "B" Tavern and Public Entertainment Premises license be renewed with a ten (10) day suspension based on neighborhood testimony.

Said suspension is to be in effect between 12:01 a.m. on June 24, 2014 through midnight, July 3, 2014.

Dated and signed at Milwaukee, Wisconsin this 22<sup>nd</sup> day of May, 2014.

A handwritten signature in black ink that reads "Tony Zielinski". The signature is written in a cursive style with a large, prominent "T" and "Z".

TONY ZIELINSKI, Chair

203559



Office of the City Clerk

**Jim Owczarski**  
City Clerk

**Rebecca N. Grill**  
Deputy City Clerk

May 22, 2014

Joseph E Hart  
5801 W Lakefield Dr  
Milwaukee, WI 53219

Dear Mr. Hart:


You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, June 3, 2014, 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 to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "D" Operator's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law, and Recommendation, recommending renewal with a 10 day suspension of your Class "D" Operator's licenses, based upon the police report. This recommendation is the result of a public hearing before the Committee held on Tuesday, May 20, 2014.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "D" Operator's licenses based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. The written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, May 28, 2014 in Room 205 of City Hall. If you wish to file your objections via e-mail, they must be sent to both [jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov) and [jlcelel@milwaukee.gov](mailto:jlcelel@milwaukee.gov). You will be sent an e-mail notification that your objections were received within 24 hours. If you do not receive this notification, please contact City Clerk Jim Owczarski at (414)-286-2998. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting the written objections. You will be given approximately five minutes to present the oral argument.

Respectfully,



JAMES R. OWCZARSKI  
City Clerk



**CHAIR**  
• Licenses Committee

**MEMBER**  
• Community and Economic  
Development Committee  
• Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: May 22, 2014

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Joseph E. Hart.

### **FINDINGS OF FACT**

1. Joseph E. Hart (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on midnight, December 31, 2012.
2. An application to renew said license was filed with the Office of the City Clerk.
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. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On May 7, 2014, 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 May 20, 2014 at 1:15 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On 12/24/13, the applicant was arrested for OWI by Mukwonago Police Department.
  - B. On 02/18/14, the applicant was convicted of BAC. His license was suspended for 6 months.



## 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 on the above facts found, the Committee concludes that the Licensee, Joseph E. Hart has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license without undergoing a ten (10) day suspension of said license based upon the police report.
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 should exercise its discretion to renew the Class "D" Operator's license held by Joseph E. Hart with a ten (10) day suspension based upon the police report.

## RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, recommends that the Class "D" Operator's License be renewed with a ten (10) day suspension based upon the police report.

Said suspension is to be in effect between June 3, 2014 through 11:59 pm, June 12, 2014.

Dated and signed at Milwaukee, Wisconsin this 22<sup>nd</sup> day of May, 2014.



TONY ZIELINSKI  
Chairman Licenses Committee