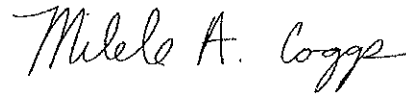


This meeting will be held via GoToMeeting. Please see the enclosed best practices document for further instructions. [REDACTED]
[REDACTED] u wish to call in, please call +1

If you, Aaron Ohlsson, fail to appear virtually before the Committee on January 21, 2021 at 9:00 a.m., as required by the summons, the Committee will proceed to consider the allegations of the complaint which shall be taken as true. If the Committee determines that the allegations are sufficient and the circumstances warrant, the law permits your licenses be revoked or suspended.

Dated as of the 7th day of January, 2021.



ALDERWOMAN MILELE A. COGGS
CHAIR, LICENSES COMMITTEE



JAMES R. OWCZARSKI
CITY CLERK

Complaint; Wisconsin Statutes Section 125.12;
Milwaukee Code of Ordinances Sections 85-3 to 85-5, 90-12, and 108-11.

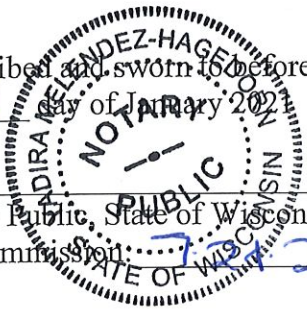
Proof of Service:

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

COMES NOW PENNY MONREAL, being first duly sworn and upon his/her oath, who deposes and says that he/she is an officer of the Milwaukee Police Department, and that he/she did at 1:05 AM/PM on the 11th day of January 2021, serve a true and correct copy of this summons, the complaint, Wisconsin Statutes Section 125.12, Milwaukee Code of Ordinances Sections 85-3 to 85-5, 90-12, and 108-11 upon Aaron DHUSSON at 1680A N FRANKLIN PL.

Subscribed and sworn to before me
this 11 day of January 2021

Notary Public, State of Wisconsin
My Commission: 7-27-22



Yadira Melendez-Hagedorn
Signature

Yadira Melendez-Hagedorn
Printed Name

Virtual Meeting Best Practices

Joining the Meeting

There are three ways to participate virtually:

- Download the GoToMeeting app prior to the meeting. Enter the access code to participate.
- Go to <https://www.gotomeeting.com/meeting/join-meeting> and enter the access code to participate.
- Call in on your phone using the provided phone number and access code.

Tip: Sign in 10 minutes prior to the time your hearing is scheduled. Keep your phone or microphone muted until your hearing time.

Participating in the Meeting

When your item is called:

- Turn on your camera and microphone (if applicable).
- Confirm with the meeting organizer that you can be seen and/or heard.
- After confirmation is made you should mute your microphone or telephone.
- Leave your camera on or off if you desire, depending on if you want to be seen.
- If you wish to be heard during the meeting, unmute your device. When you are finished talking, mute your device again. Treat it like raising or lowering your hand.
- Make sure **all** background devices are **off**. **Do not attempt to listen to the broadcast or livestream on another device**. This will cause feedback, distortion and reverberation for all participants.
- Make sure to speak clearly into the mic on your device.
- If you are going to appear on camera, try to frame and light yourself properly. Avoid lighted or flat backgrounds. Find a quiet and undisturbed place to present yourself during your hearing.

In re the Class “B” Tavern license and Public Entertainment Premises license of:

Copper Penguin Management Group, LLC
Aaron R. Ohlsson, Agent
as the Licensee for the licensed premises
known as Site 1A, located at
231 East Buffalo Street, #1a, Milwaukee, Wisconsin 53202

SWORN CHARGES BY CHIEF OF POLICE FOR REVOCATION OF LICENSES

Pursuant to Wisconsin Statutes Section 125.12 and Sections 85-4, 90-12 and 108-11 Milwaukee Code of Ordinances (“MCO”), Acting Chief of Police Jeffrey Norman, a City of Milwaukee resident and interested party, by Captain James Campbell, Commander of Police District 1, and interested party, being first duly sworn and upon his oath, respectfully charges the following based upon review of official Milwaukee Police Department (“MPD”) reports drafted in the ordinary course of business, review of documents received by MPD District 1 and communication with other police, law enforcement and municipal officials:

1. Copper Penguin Management Group, LLC, by its agent Aaron R. Ohlsson, (hereinafter, the “Licensee”) is the holder of a Class “B” Tavern license and Public Entertainment Premises license for the licensed premises known as Site 1A located at 231 East Buffalo Street, Milwaukee, Wisconsin 53202. The licenses were suspended for 20 days but renewed on September 22, 2020.
2. The Licensee has been the Agent of Copper Penguin Management Group, LLC since January 30, 2018 and a Stockholder of Copper Penguin Management Group LLC since 2017.
3. Kelly Schmitz holds a Class “D” Operator’s License and is employed at Site 1a.

4. On September 22, 2020, the Common Council voted to renew the above-stated licenses with a twenty (20) day suspension based upon MPD reports reflecting responses to noise complaints, after-hours activity, applicant testimony and aldermanic testimony. A true and correct copy of the City of Milwaukee License Committee memorandum to the Common Council with the recommendation for suspension is attached as **Exhibit A**. A true and correct copy of the letter notifying the Licensee of the suspension and renewal is attached as **Exhibit B**.

5. On February 26, 2019, the Common Council voted to renew the above-stated licenses with a ten (10) day suspension based upon the applicant's testimony, neighborhood testimony and aldermanic testimony regarding disorderly nuisance behavior stemming from the premise. A true and correct copy of the City of Milwaukee License Committee memorandum to the Common Council with the recommendation for suspension is attached as **Exhibit C**. A true and correct copy of the letter notifying the Licensee of the suspension is attached as **Exhibit D**.

OPERATING AFTER HOURS RESULTING IN HOMICIDE

6. On December 6, 2020, at or about 3:31 a.m. Andra L. Nicholson (hereinafter, the "victim") was the victim of a fatal shooting at 207 E. Buffalo Street, Milwaukee, Wisconsin. The suspect, Caesar A. Fuentes (hereinafter, the "suspect"), turned himself in shortly thereafter. A true and correct copy of the District Attorney's Criminal Complaint is attached as **Exhibit E**.

7. An argument and physical altercation preceded the shooting at Site 1A located at 23 E. Buffalo Street, #1a, Milwaukee, Wisconsin 53202. Video surveillance provided by the Licensee and reviewed by MPD reflect that on December 6, 2020 at some time shortly after **2:41 a.m.** (after allowable operating hours), both the suspect and the victim are observed inside the licensed premise. In the footage, the suspect appears to be drinking a bottle of Corona beer. The Licensee is also present and seated at the bar wearing a ball cap and Adidas jacket. Two

bartenders are seen in the footage behind the bar; and a security guard is located in front of the bar. The video reflects eight patrons inside the establishment in and around the bar area. This video surveillance was retrieved from the Licensee and reviewed by MPD from the Main Bar South Camera #12. A true and correct copy of the video from Main Bar South Camera #12 is attached via CD as **Exhibit F (at 2:41:51)**.¹

8. The Licensee failed to make any attempts to remove patrons from the premise after allowable operating hours.

9. Despite being present while a physical altercation occurred in the licensed premise, the licensee and Site 1a employees did not contact MPD; nor make an attempt to deescalate the situation.

10. Based on the witness statement of an employee (a bouncer) to MPD Detective Jake Puschnig, the altercation continued outside of the licensed premise and the suspect and victim continued to argue, in the proximity of the bouncer and the Licensee. The witness recalled that the suspect pulled out a Glock-style pistol with an extended magazine and pointed it at the victim. The witness stated that the Licensee was present when this occurred. The Licensee did not contact MPD when this occurred.

11. MPD retrieved and reviewed video surveillance footage taken at some time shortly after 2:49 a.m. (also after operating hours) on the main bar camera North #9. A true and

¹ The videos referenced in this document reflect both a time stamp (hour, minute and second) and date stamp (06/12/2020 – the 6th Day of December, 2020). MPD Detective Michael Tanem and Detective Brian Maciejewski verified with the Licensee that the video footage depicts the events of December 6, 2020 and the Licensee stated that the time stamp on all of the footage reflects a time that is 6 to 7 minutes **slower** than real time. Thus, the events that appear to have occurred at 2:41 actually occurred at 2:47 or 2:48 a.m.

correct copy of this footage is attached via CD as **Exhibit G**. At 2:49 a.m., the suspect enters the licensed premise and at 2:49:36 pulls out a handgun with an extended magazine and places it on the bar in proximity to two bartenders who are behind the bar. The bartender to the right of the bar in the footage appears in the video to have seen the weapon. The Licensee and his employees did not contact MPD when this occurred. At 2:49:42, the video footage sound recording reflects the Licensee yelling at the suspect about the suspect damaging a sign. The Licensee states "I walked you up to the dude to fuck him up and you fucked up the sign." At 2:50:57 the Licensee states "I fucking gave you a chance to beat the shit out of that dude" to the homicide suspect.

12. MPD retrieved and reviewed video surveillance footage time stamped 2:49 a.m. on the Office Camera #15. A true and correct copy of this footage is attached via CD as **Exhibit H**. At 2:49:05 a bartender enters the office and states "you guys missed the fight" and the other employees acknowledge that a fight occurred (yet, no employee called MPD). The video reflects a bartender entering the office area at 2:50:13 where three other employees are present and announces that the suspect has a gun (yet, no employee called MPD). At 2:50:24 a bartender confirms and asks "he has a gun?" At 2:50:33 the premise operator, Kelly Schmitz, enters the office with a security guard and acknowledges that the suspect has a gun and states "I understand that... I know that." At 2:50:38, the premise operator, Kelly Schmitz states that the gun is the reason why the employees came in the back (again, no employee called MPD). At 2:50:47 a bartender states "Wait does Aaron [the Licensee] know he has a gun?" The security guard replies, "yes."

13. MPD retrieved and reviewed video surveillance footage time stamped 3:00 a.m. on the Entry Hall Door Camera #1. A true and correct copy of this footage is attached via CD as

Exhibit I. The video reflects the Licensee and the suspect speaking alone at a high top table inside the licensed premise; at 3:00:45 the suspect provides the Licensee with his cell phone number and the Licensee appears to put that number into his cell phone.

14. MPD retrieved and reviewed video surveillance footage time stamped 3:31 a.m. on Office Camera #15. A true and correct copy of this footage is attached via CD as **Exhibit J.** The video (at 3:31:03) reflects the Licensee stating “this is why we don’t allow people we don’t know to stay after hours.”

15. After the homicide, the Licensee was interviewed by Detective Jeffrey Emmanuelson assigned to the Homicide Division of the MPD. During the interview, the Licensee informed Det. Emmanuelson he did not have a cell number for the suspect. The Licensee later admitted that he had the suspect’s cell phone number and showed Detective Emmanuelson a text message he sent to the suspect. The Licensee also denied seeing a firearm during the incident. Det. Emmanuelson reviewed video footage from Site 1a Camera #6 that reflects at 2:53:10 a.m., an extended magazine can be seen sticking out of the suspect’s front pants pocket during a conversation with the Licensee. A true and correct copy of the video surveillance from Camera #6 at 2:53 a.m. is attached via CD as **Exhibit K.** Based upon the Licensee’s untruthful statements during the homicide investigation, the Licensee was arrested due to the probable cause for violation of Wis. Stat. § 946.41, Obstructing an Officer. A true and correct copy of the Probable Cause Statement and Judicial Determination form is attached as **Exhibit L.**

16. A check of MPD CAD reports for District One between 2:00 a.m. and 4:00 a.m. on December 6, 2020 reveal no calls for service (from anyone, including the Licensee or his employees) related to anything that occurred at the licensed premise or surrounding area other

than the shooting that occurred at 3:31 a.m. A true and correct copy of the CAD report for the homicide is attached as **Exhibit M**.

17. A true and correct copy of the PA-33 License Premise Report filed by MPD PO Molly Plumley regarding the incidents described above is attached as **Exhibit N**.

BASED UPON the after- hours activity at the licensed premise including an altercation and the display of a dangerous weapon that occurred in the licensed premise resulting in a homicide, the misrepresentations of the Licensee during the investigation related to the homicide, and the ongoing nuisance issues and complaints surrounding the licensed premise, which has cumulatively had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood;

THE CHIEF OF POLICE, by his designee, respectfully requests the immediate revocation of the Class "B" Tavern license and Public Entertainment Premises license relative to the above-referenced Licensee and licensed premises, Site 1a, because:

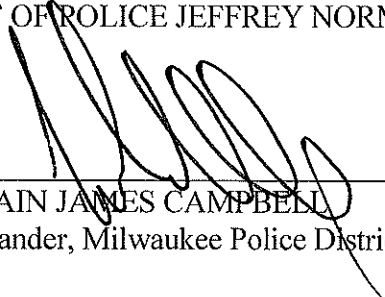
1. Pursuant to Wis. Stat. Sec. 125.12(2) (ag) 1., the Licensee has violated Ch. 125, Wis. Stats. and municipal regulations;
2. Pursuant to Wis. Stat. Sec. 125.12(2)(ag)2., the Licensee keeps or maintains a disorderly or riotous, indecent or improper house;
3. Pursuant to MCO 85-4-4-c, Site 1a has been the source of congregations of persons which have resulted in one or more of the following: disturbance of the peace, assaults, battery, loitering, loud noise at times when the licensed premise is open for business and after those hours when the premise should be closed, other factors which reasonably relate to the public health, safety and welfare, and the failure to comply with the approved plan of operation;

4. Pursuant to MCO 85-4-4-c, 90-12-1-f, and 108-11-3, Site 1a is operated in such a manner that it constitutes a public or private nuisance and that conduct at Site 1a including but not limited to misrepresentations to law enforcement during the investigation of the homicide associated with the after-hours altercation within Site 1a has had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood; and
5. Pursuant to MCO 85-4-4-c-22, 90-12-1-i and 108-11-3, there are other reasonable causes which are in the best interests, public safety, welfare and good order of the City of Milwaukee, including:
 - a. **Willful Misrepresentations to Law Enforcement:** The Licensee provided false statements to law enforcement regarding the homicide that occurred on or around December 6, 2020 by stating he did not have a contact number for the suspect and that he was not aware that the suspect had a gun. As evidenced by Site 1a security camera video and witness statements, the Licensee was in possession of the suspect's phone number and was aware that the suspect had a gun, and displayed the gun within the licensed premise prior to killing the victim.
 - b. **Disregard for Public Safety:** Site 1a's Licensee and employees failed to protect public safety during the altercation and events leading up to the homicide that occurred on or around December 6, 2020. Site 1a Licensee and employees failed to stop the homicide from occurring, failed to notify authorities of the altercation, or the presence of a dangerous firearm in the licensed premise, failed to detain the suspect, and did not stop the suspect from escalating the altercation which resulted in a homicide. No Site 1a employee contacted law enforcement or sought

medical attention as a result of the incident, which resulted in the death of the victim.

Dated at Milwaukee, Wisconsin this 5th day of January, 2021.

CHIEF OF POLICE JEFFREY NORMAN BY:



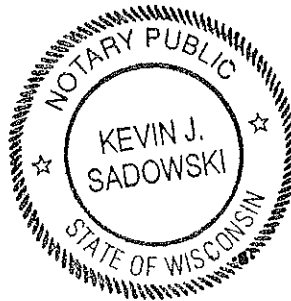
CAPTAIN JAMES CAMPBELL
Commander, Milwaukee Police District 1

The foregoing complaint seeking revocation of the Class "B" Tavern license, Food Dealer – Restaurant license and Public Entertainment Premises license was subscribed and sworn to and before me this 5th day of January, 2021.


_____ SADOWSKI

1-5-21

Notary Public, State of Wisconsin
My commission expires: 6-8-21



Drafted by:
HEATHER HECIMOVICH HOUGH
Assistant City Attorney
SBN: 1092637

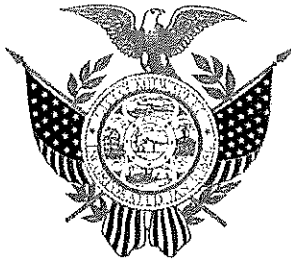
COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
 ALDERWOMAN, 6TH DISTRICT

MEMBER

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

Date: September 11, 2020

To: All Members of the Milwaukee Common Council

From: Licenses Committee

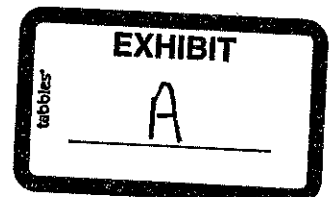
Re: Report of the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses Renewal Applications with Change of Shareholder and Transfer of Stock for "Site 1A" of Aaron Ohlsson, Agent for Copper Penguin Management Group, LLC, for the premises located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A").

FINDINGS OF FACT

1. Aaron Ohlsson (hereinafter "the Licensee") is the holder of Class "B" Tavern and PEP Licenses for the premises located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A"). Said licenses expired at midnight on March 19, 2020.
2. An application to renew said licenses was filed with the Office of the City Clerk on February 18, 2020.
3. Pursuant to Chapters 85, 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. On July 10, 2020, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On August 27, 2020, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on September 8, 2020, commencing at approximately 10:40 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Michael Maistelman at the hearing, and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On February 18, 2019, the Licensee was charged in Waukesha County with Fishing with more than 3 lines (Forfeiture).



City Hall Room 205 • 200 East Wells Street • Milwaukee, WI 53202
 PHONE (414) 286-2994 FAX (414) 286-3456 E-MAIL mcoggs@milwaukee.gov
 WEBSITE www.milwaukee.gov/district6



Charge: Fishing with more than three lines
Finding: Guilty
Sentence: Forfeiture
Date: 02/13/2019
Case: 2019F0000084

- B. On February 20, 2019 at 2:56 am officers were dispatched to a Battery complaint at Site 1A, 231 East Buffalo Street. The officers interviewed the victim, who stated she saw an ex-boyfriend in the bar. She stated he was upset she was there and began throwing drinks. Security attempted to throw the subject out but he ran away. The Licensee was on scene and stated the subject is a regular customer. He was the subject throwing drinks and advised security to throw him out but he ran away.
- C. On March 13, 2019 at 1:40 am officers were monitoring Site 1A, 231 East Buffalo Street. The officers observed security outside of the club, but stated they did not take any action to clear the crowd or ask them to keep the noise down. The officers spoke with the Licensee, who stated he had given security a plan of action but they did not follow it. He stated he would address the situation with them.
- D. On October 18, 2019, an officer received a complaint at desk regarding loud music coming from Site 1A. The caller lives a block away and stated the music is a constant problem, sometimes vibrating his windows. An officer responded to the location and could hear music outside as he pulled up. The officer also observed the side door standing open.
- E. On October 31, 2019, an officer received a complaint at the desk regarding loud music from Site 1A. The caller stated this is an ongoing problem, throughout the week and he cannot get any sleep. An officer responded to the location and could hear loud music from over a block away, rattling windows. The Licensee was on scene and issued a citation.

Charge: Excessive Noise Prohibited
Finding: Guilty
Sentence: Fined \$260.00
Date: 01/30/2020
Case: 19055156

- F. On December 10, 2019 officers, along with agents from the Wisconsin Department of Revenue, conducted a license premise check at Site 1A, 231 East Buffalo Street. The officers located 17 bottles of liquor contaminated with fruit flies. They also located a liquor bottle that appeared to be refilled. The manager, Michael BYERS-DENT, was advised to dispose of the contaminated bottles.
- G. On May 27, 2020 officers were dispatched to a Noise Nuisance at Site 1A 231 East Buffalo Street. Upon arrival the officers observed a subject taking out trash from the building. They explained why they were there and she called the Licensee. The Licensee came down the elevator and stated he was having a private party on the roof for a friend that just passed away. The officers went to the roof with the



Licensee and observed 19 people and open bottles of alcohol. They also observed liquor bottles with pour spouts, which are commonly used in bars. The Licensee stated all the alcohol was privately purchased and he could provide receipts, which he was not able to locate. The Licensee was advised to keep the music down and that this report would be filed.

- H. The Licensee stated the noise complaints and outside incidents were from a year ago. He added that they put silicon and sound proofed the windows and worked with the residents to address with the noise issues. He stated that they now use rubber tips instead of shrink wrap to address the fruit flies. He stated that they have implemented a new security plan and got rid of security staff who did not want to follow directions. He added that most of the complaints were from the Broadway Condominium Association and he worked with them to resolve the issues.
- I. With regard to the gathering referenced in Item "G" above, the applicant stated that the general manager passed away and they had a memorial gathering for him. He added that it was a small open air gathering with staff, family, and friends. He stated that he invited 14-15 staff and they each brought a loved one. He added that the liquor was all purchased privately. He stated that the rooftop is not part of his premises and has nothing to do with his license. He added that it was a giant party and people were socially distanced. He apologizes, but he does not regret having the gathering. He stated that the premises has been closed for seven months because of COVID-19 and he has been very cautious with regards to the pandemic.

Appearing with the applicant:

- J. Attorney Michael Maistelman stated the Licensee would like to withdraw the change of shareholder and transfer of stock applications. He added that the Licensee takes ownership and is doing the right thing and closing during the pandemic. He stated that no citations were issued for the May gathering. He added that the president of the condo association has commended the Licensee for his changes in business practices.

Individual also present:

- K. Alderman Bauman stated he has serious concerns because this license has been before the Committee every year since they opened. He added that there are constant issues of noise, security, and nuisance activities. He stated that at every hearing there are promises of reform and new policies, and then the next year they are back with the same issues. He added that there is a verified noise complaint with a guilty finding. He stated that he is extremely disturbed by the issue in May, where the Licensee 3 or 4 public health mandates, by having a gathering with 19 people during the Safer at Home order, serving alcohol from the bar, having the liquor storage room open, having bottles of liquor on the bar, bottles of liquor on a cart presumably to be served, partygoers are pouring drinks over the side of the building, and the comments the applicant made to the police are despicable. He recommends a 30 day suspension to get the applicant's attention. Ald. Bauman noted that he understands the ability to have a private gathering, but noted that



again, the police were called because of the noise complaint, not because people thought the location was open. He added that there haven't been any noise complaints in the last 7 months because they have been closed.

Individual present in support:

- L. Fred Heller 234 N Broadway #213 stated there have been changes to the security process and there has been a major difference. He added that residents are pleasantly surprised by the change and noise reduction. He stated that security staff is courteous and asks patrons to be quiet when leaving the premises. He added that the MPD has also stepped up their presence.
- M. Alderwoman Lewis stated she is concerned about the gathering of people during the pandemic and the Licensee's cavalier attitude. She added that gatherings of more than 10 people were not allowed in May pursuant to the governor's emergency orders. She stated that a responsible owner should not willfully violate the stay home order. She added that she is empathetic to the death of the manager, but that does not excuse the behavior of the Licensee to willfully disregard the emergency orders.
- N. Alderwoman Lewis moved to amend the application to remove change of shareholder and transfer of stock applications. (Prevailed 5-0)
- O. Alderwoman Lewis moved approval as amended with a 20-day suspension based on the police report, and aldermanic and applicant testimony. (Prevailed 4-1)

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 Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Aaron Ohlsson who holds Class B Tavern and Public Entertainment Premise (PEP) licenses for the premise located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A") has not met the criteria of Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to not renew the Class B Tavern and Public Entertainment Premises without undergoing a twenty (20) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, and aldermanic and Licensee 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 not renew the Class B Tavern and Public Entertainment Premise (PEP) licenses for the premises located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A") without undergoing a



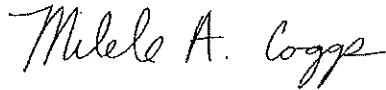
twenty (20) day suspension. The Committee based its recommendation on the police report, and aldermanic and Licensee testimony

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes and one (1) noes**, recommends that the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Aaron Ohlsson for the premises located at 231 East Buffalo Street ("Site 1A") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a twenty (20) day suspension.

The suspension is in effect from September 22, 2020 until 11:59 p.m. on October 11, 2020.

Dated and signed at Milwaukee, Wisconsin this 11th day of September, 2020.



MILELE A. COGGS
Chair, Licenses Committee

/270658





Office of the City Clerk

Jim Owczarski
City Clerk
jowcza@milwaukee.gov

Jessica Celella
Deputy City Clerk
Jessica.Celella@milwaukee.gov

September 22, 2020

Aaron Ohlsson
Copper Penguin Management Group, LLC
231 E Buffalo St
Milwaukee, WI 53202

Atty. Michael Maistelman
8989 N Port Washington Rd
Suite 221
Milwaukee, WI 53217

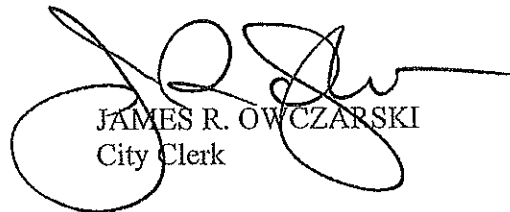
Dear Mr. Ohlsson:

This is to notify you that on Tuesday, September 8, 2020, the City's Licenses Committee voted to recommend to the City's Common Council to renew, with a twenty (20) day suspension, the Class B Tavern and Public Entertainment Premises licenses for the premises located at 231 E Buffalo St ("Site 1A") based on the police report, and aldermanic and applicant testimony.

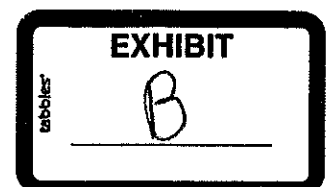
On September 11, 2020, you were mailed a true and correct copy of the findings of fact, conclusions of law, and recommendations of the Licenses Committee with respect to the Class B Tavern and Public Entertainment Premises licenses in which the Committee recommended that the license be renewed, with a twenty (20) day suspension, based on the police report, and aldermanic and applicant testimony. You were further notified that the Milwaukee Common Council would consider the matter at its meeting of Tuesday, September 22, 2020, commencing at 9:00 a.m. in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin. You were advised of the right to file written objections and to appear personally or by counsel to address the Common Council. At that date, time, and place, you did not appear, and you did not file written objections to the report of the Licenses Committee. You were not represented by counsel.

Following consideration of the report of the Licenses Committee, the Common Council voted to renew, with a twenty (20) day suspension, the Class B Tavern and Public Entertainment Premises licenses based on the police report and aldermanic and applicant testimony. Said suspension is effective September 22, 2020 through 11:59 p.m. on October 11, 2020.

Respectfully,



JAMES R. OWCZARSKI
City Clerk



CHAIR

- Licenses Committee
- City Information Management Committee

VICE CHAIR

- Milwaukee Arts Board

MEMBER

- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



NIK KOVAC

ALDERMAN, 3RD DISTRICT

Date: February 15, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Aaron Ohlsson, Agent for the premises located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A").

FINDINGS OF FACT

1. Aaron Ohlsson (hereinafter "the Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises (PEP) Licenses for the premises located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A"). Said licenses expire at midnight on March 19, 2019.
2. An application to renew said licenses was filed with the Office of the City Clerk on December 27, 2018.
3. Pursuant to Chapters 85, 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.
4. On February 1, 2019, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on February 12, 2019, commencing at approximately 1:30 p.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Michael Maistelman, at the hearing and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. The Licensee admitted that the club did not stop having \$1.00 "Bomb Shots" night on Tuesdays as per the amendment to the plan of operation during the last licensing period. The Licensee admitted fault and acknowledged that there was



no excuse to continue that promotion into the current license period. The Licensee confirmed that the event has now ceased, and stated they will no longer be offering "Bomb Shots" at any price point. He stated that there is security along Buffalo St, and the exit on Tuesday has been changed from the alley to Buffalo Street. He stated that he will have uniform security where people are parking on Broadway St. He stated that MPD has 2 squad cars patrolling on Tuesday nights. He stated he wants to meet with the neighbors more often, MPD and Alderman Bauman. He stated they will stop serving alcohol, turn off the music, and the lights on 30 minutes prior to closing. The location also added over 1000 feet of soundproofing to the space to lower the amount of noise being generated.

- B. Attorney Michael Maistelman stated that there is no police report, the premise has no occupancy issues, they have a good relationship with MPD, they have taken over 250 fake IDs, they have passed MPD checks with minors, all of their bartenders are licensed, and the parking is under control. Attorney Maistelman explained that the Licensee did reach out to the condo association, but the person they met with claimed that they spoke on behalf of the Condo Association, but failed to follow up with the bar. He added that they would be happy to continue to work with neighbors, they just need to know who the correct representatives are. He stated that on Earth Day they do a neighborhood cleanup in the Third Ward. He added that MPD Code Red can meet with the applicant to review their security plan.

Individuals appearing with applicant:

- C. Michael Fierstence 1680A North Franklin Place, part of the ownership group, stated that neighbors are contacting MPD and city officials instead of the premises directly, so they are not always aware of issues. However, he indicated that the bar has taken a number of positive steps to turn things around.
- D. Chris Vrakas, another member of the ownership group, 336 North Milwaukee Street, stated they want to be proactive and fix the issues that are happening. He stated that he did not think \$1.00 "Bomb Night" was the issue. He stated that they are willing to increase security from eight to ten guards. He added that they added more sound proofing, changed some security measures, and created a list of banned patrons. He added that people will enter and exit on Buffalo St. He stated that they are open to hiring off-duty MPD officers. They also had contact with the MPD Captain and there are almost always officers patrolling the location.

Individuals present in opposition:

- E. Mike Guertin, 234 N Broadway Street, #403 stated he moved in in March and has been consistently woken up between 11 p.m. and 2 a.m. on Tuesday nights into Wednesday mornings. He added that most of the noise is people coming and going from the premises. He stated that he's called the police about fights and traffic.

- F. David Jensen, 234 N Broadway St #203 stated he has called the police about the premises numerous times, but they just circle the block. He stated that he listed his apartment to move. He stated that Tuesday is the worst night for noise because of people leaving. He stated that he was shocked about the amount of noise after bar close.
- G. Robin Thompson, 234 N Broadway St #416 stated people hangout in their cars in the alley before they go in to the premises. She stated there are after parties going on after bar close in the neighborhood and it's completely unacceptable. She added that the residents are not the ones creating the problems, it's the patrons. She added that she can provide the management company information to the applicant. She stated that the applicant told her they would have eight security guards patrolling on Tuesday nights and she has not seen any.
- H. Sheldon Garrison, 234 N Broadway St #405 stated he has worked with the applicant in the past to try and address some of the issues. He stated the noise on Tuesday is awful and out of control. He stated there are fights and people partying in the streets until after 2 a.m. and that is unacceptable. He stated that calls to the police go unanswered. He added that people smoke outside in the front of the premises and should be moved to the alley. He stated the premise is operating different from the original business plan submitted. He stated that the noise and disorder on Tuesday has gotten worse over the 4 years that he's lived there. He stated he's seen people drinking, smoking, and having sex outside. He provided a video to the committee, that he recorded, of some of the activity going on at bar time.
- I. Fred Heller, 234 North Broadway Street #213 stated he has witnessed the same issues as the previous speakers. He stated that the security guards are not being proactive by asking patrons keep the noise down.

Individuals present in support:

- J. Rutger Alexander Krueger, 104 East Mason Street stated he works Tuesdays as a DJ at the premises and he sees the security guards and the sound proofing, and the premises is trying to fit the needs of the neighbors.
- K. John Keller, 4035 South Austin Street stated he works as a DJ at the premises at the exit is on Buffalo Street on Tuesdays.
- L. Tina Keller, 4035 South Austin Street stated she agrees with the previous speaker and likes that Tuesday brings the community together.
- M. Courtney Ward, 104 East Mason Street stated she works at the premises and they have made changes to get people out earlier. She added that Tuesday is service industry night. She stated that there are signs saying "please respect our

neighbors". She added that they no longer offer \$100 bottles in VIP in an effort to reduce the intoxication level at the premise.

- N. Travis Lynch, 5635 West Capitol Drive stated he is a DJ at the premises, is in support, and he has witnessed patrons being told to exit out the front.
- O. Jessica Fetter, 3208 North Holton Street stated she works at the premises on Friday nights and the security team is responsive.
- P. Sergio Peralta, 1660 North Prospect Avenue stated the security is responsive and respectful.
- Q. Anise Vaughn, 222 South 3rd Street stated she is an employee of the premises and has noticed the changes that have been implemented.
- R. Kelly Schmitz, 1525 East Royal Place stated is the general manager and has done the staff training and hired security.
- S. Alderman Bauman stated there should not be this level of disorder on a Tuesday night. He stated there has been compelling testimony and Tuesday nights are outrageous. He recommends nonrenewal unless Tuesday night ends at 11 p.m. or 12 a.m.. He stated that that level of noise is on school night is unacceptable. He stated that, while he is sensitive to resident concerns about the police response, it is not MPD's job to police the premises and their patrons. He added that a 30 day suspension is in order based on the compelling testimony and having the same discussion last year with the same assurances. In his opinion, the problems are getting worse, not better. He stated this is an escalating problem.
- T. Alderman Kovac stated that noisy patrons on Tuesday can put the licenses at risk because the premises is responsible for their patrons.
- U. Alderwoman Dodd stated the testimony and the video is very compelling and raises some huge concerns. She stated that neighbors need their sleep and what was on the video was unacceptable. She stated that the premises needs to adjust their plan or they will face discipline.
- V. Alderman Witkowski stated it is not a police responsibility to control the patrons leaving the premises. He stated the premises needs to control their patrons as they exit the premises. He stated that residents should be able to have peaceful enjoyment of their homes.
- W. He added that there are no police reports and no communications from the neighbors since April. He stated that a 30 day suspension is harsh given the circumstances and he would like a warning letter. He stated that he will provide a copy of the updated plan of operation to the Committee, the neighbors, Alderman Bauman, and MPD.

- X. Alderwoman Dodd moved approval with a 30 day suspension based on neighborhood, applicant, and aldermanic testimony. The motion failed on a 2-1 vote, with two excused.
- Y. Alderman Witkowski indicated that he believed some discipline was in order, but was not in support of a 30 day suspension. He moved approval with a 10 day suspension based on neighborhood, applicant, and aldermanic testimony. The motion prevailed on a 2-1 vote, with two excused.

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 Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Aaron Ohlsson who holds Class "B" Tavern and Public Entertainment Premises (PEP) licenses for the premise located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A") has not met the criteria of Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances to not renew the Class "B" Tavern and Public Entertainment Premises (PEP) licenses without undergoing a ten (10) day suspension. The Committee finds the aldermanic objections as stated above to be true. The Committee based its recommendation on the applicant, neighborhood and aldermanic 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 not renew the Class "B" Tavern and Public Entertainment Premises (PEP) licenses without undergoing a ten (10) day suspension for the premises located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A"). The Committee based its recommendation on the applicant, neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **two (2) ayes, one (1) noes, and two (2) excused**, recommends that the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Aaron Ohlsson for the premises located at 231 East Buffalo Street ("Site 1A") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a ten (10) day suspension based upon the applicant, neighborhood and aldermanic testimony.

The suspension is in effect between 12:01 a.m. on March 20, 2019 until 11:59 p.m. on March 29, 2019.

Dated and signed at Milwaukee, Wisconsin this 15th day of February, 2019.

A handwritten signature in black ink, appearing to read "Nick", written in a cursive style.

NIC KOVAC
Chairman, Licenses Committee

1255272



Office of the City Clerk

Jim Owczarski
City Clerk
jowcza@milwaukee.gov

Richard G. Pfaff
Deputy City Clerk
rpfaff@milwaukee.gov

February 26, 2019

Aaron Ohlsson
Copper Penguin Management Group, LLC
231 E Buffalo St
Milwaukee, WI 53202

Atty. Michael Maistelman
8989 N Port Washington Rd
Suite 207
Milwaukee, WI 53217

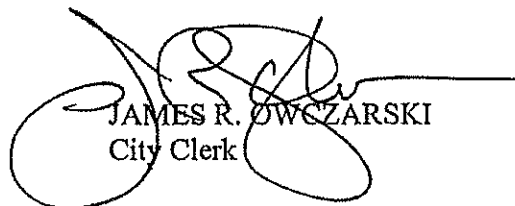
Dear Mr. Ohlsson:

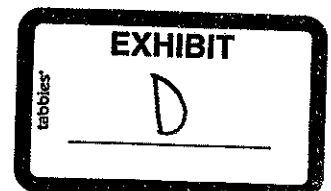
This is to notify you that on Tuesday, February 26, 2019, the City's Licenses Committee voted to recommend to the City's Common Council to renew with a ten (10) day suspension the Class B Tavern and Public Entertainment Premises licenses for the premises located at 231 E Buffalo St ("Site 1A") based on applicant, aldermanic, and neighborhood testimony.

On February 15, 2019, you were mailed a true and correct copy of the findings of fact, conclusions of law, and recommendations of the Licenses Committee with respect to the Class B Tavern and Public Entertainment Premises licenses in which the Committee recommended that the license be renewed with a ten (10) day suspension based on applicant, aldermanic, and neighborhood testimony. You were further notified that the Milwaukee Common Council would consider the matter at its meeting of Tuesday, February 26, 2019, commencing at 9:00 a.m. in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin. You were advised of the right to file written objections and to appear personally or by counsel to address the Common Council. At that date, time, and place, you did not appear, and you did not file written objections to the report of the Licenses Committee. You were not represented by counsel.

Following consideration of the report of the Licenses Committee, the Common Council voted to renew with a ten (10) day suspension the Class B Tavern and Public Entertainment Premises licenses based on applicant, aldermanic, and neighborhood testimony. Said suspension is in effect from 12:01 a.m. March 20, 2019 until 11:59 p.m. on March 29, 2019.

Respectfully,


JAMES R. OWCZARSKI
City Clerk



STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2020ML031223
Court Case No.:

vs.

CRIMINAL COMPLAINT

FUENTES, CAESAR A
2403 WEST PIERCE STREET
MILWAUKEE, WI 53204
DOB: 10/06/1997

Defendant(s).

For Official Use

THE BELOW NAMED COMPLAINANT BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: FIRST DEGREE RECKLESS HOMICIDE, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Sunday, December 6, 2020, at or near 207 East Buffalo Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause the death of Andra Nicholson Jr., another human being, under circumstances which showed utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b), 939.63(1)(b) Wis. Stats.

Upon conviction for this offense, a **Class B Felony**, the defendant may be sentenced to a term of imprisonment not to exceed **sixty (60) years**.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony **may be increased by not more than 5 years**.

Probable Cause:

Complainant is a City of Milwaukee Police Detective and bases this complaint upon review of police reports as well as involvement in this investigation. Those reports and that investigation revealed the following:

First Responding Officers

On December 6, 2020, the City of Milwaukee Police Department received a 911 phone call at approximately 3:31 a.m. from AN Sr., the father of the above mentioned victim Andra Nicholson Jr., who stated that he received a phone call that his son had been shot. AN Sr. stated that he drove to the area of 207 E. Buffalo Street, City and County of Milwaukee, State of Wisconsin, where he located his son, the victim Andra Nicholson Jr., alone and bleeding near the alley.

When City of Milwaukee Police officer Mark Horstmeyer arrived on scene, he was flagged down by the victim's family members and found the victim lying on his back near the alley with several apparent gunshot wounds to his body. The victim was in and out of consciousness and gasping for air. Officer Horstmeyer attempted to stop the bleeding from the victim's gunshot wounds to his abdomen and right flank. As the Fire Department arrived on scene, the victim became pulseless and non-breathing, so Officer Horstmeyer began chest compressions. Those lifesaving measure were ultimately unsuccessful and the victim died of his injuries.



While police were on scene, witness AW, the uncle of the victim, arrived on scene.

Scene Investigation

Complaint is further based upon the statement of City of Milwaukee Police Detective Thaddeus Schimmels, who was sent to the area of 207 E. Buffalo Street to conduct a scene investigation regarding the homicide. The victim's body was located in the loading dock area, west of the alley which was west of Site bar located at 231 E. Buffalo Street.

Immediately near the victim's body, Detective Thaddeus Schimmels found a **cellphone** laying near the victim's right side. No weapons were found on or near the victim's body.

Near the sidewalk, Detective Thaddeus Schimmels recovered seven (7) fired 9mm cartridge casings. These casings were later taken to the Milwaukee Police Department Intelligence Fusion Center where the NIBIN analysts determined that all 7 casings were consistent with a having been fired by the same firearm.

Autopsy

Complaint is further based upon the statement of Dr. Jessica Lelinski, an Assistant Medical Examiner with the Milwaukee County Medical Examiner' Office, who is trained and experienced in the field of forensic pathology and is duly licensed to practice medicine in the State of Wisconsin.

Dr. Lelinski performed an autopsy on the victim, Andra Nicholson Jr. and determined that he had suffered 6 gunshot wounds. The first observed gunshot wound entered the victim's upper right lateral arm, exited the victim's medial right upper arm and reentered the chest, going through the right lung and the bullet was recovered by the spine. The second gunshot entered the torso on the right flank, went through the victim's kidney and liver and was recovered from the right psoas muscle. The third observed gunshot entered the victim's mid right back, went through the liver and exited the victim's upper abdomen. The fourth gunshot entered the victim's right elbow and exited the victim's right upper arm. The fifth wound was to the victim's left hand. The last wound to be documented was to the victim's left lower leg, where it entered the left lower ankle and exited the left lower leg.

Dr. Lelinski determined that the cause of the victim's death was multiple gunshot wounds and the manner of death was homicide.

Statement of TB

Complaint is further based upon the statement of TB, a citizen witness that lives in the 300 block of East Buffalo Street, City and County of Milwaukee, State of Wisconsin and who states that on the above date, at approximately 3:10 a.m. he heard seven (7) gunshots.

Statement of AW

Complaint is further based upon the statement of AW, the victim's uncle, who stated that in early morning hours of December 6, he received a phone call from the victim. A check of AWs phone shows that this phone call occurred at 2:58 a.m.

The victim told AW that he was downtown and needed a ride home. The victim told AW that he had been at a bar called Site and that he had gotten into a fight with someone at the bar. The victim stated that the fight was about who had the better high school basketball team. The victim told AW that when

he told this person that he went to Whitefish Bay High School, this person called him a "Whitefish Bay nigger." The victim then stated that he hit this person and was told to leave.

The victim then told AW that he would call AW back because the victim was going to call his cousin to see if his cousin was able to come get him. AW stated that he then received a phone call from the cousin who stated that he was going to get the victim.

AW then received another phone call from the victim, which his cell phone showed occurred at 3:07 a.m. During this phone call which lasted several minutes, the victim confirmed that his cousin was going to pick him up.

While they were talking over the phone, **AW heard five or six gunshots** and heard the victim yell out in pain, "I'm hit, he got me, come help me uncle, he got me." AW asked the victim where he was and all the victim could say was "Shake Shack." The victim stopped talking.

AW stated that he then called the cousin and the victim's father at 3:11 a.m. to let them know that the victim had been shot. This consistent with the victim being on a cell phone when he was shot.

AW stated that he then went downtown, but by the time he got there the victim's father and cousin had already found the victim alone and bleeding.

Bar Security Video

Complaint is further based upon the security video from Site Bar, which shows portion of this incident. At the end of the night, the victim and the Defendant can be seen engaged in conversation at the end of the bar, when the victim suddenly punches the Defendant. The victim then walks out of the bar.

Security video shows the Defendant and several staff members also leave the bar moments later. At different times, all the staff come back into the bar. Some before the Defendant returns into the bar, some after.

When the Defendant returns to the bar, he now can be seen to have an extended firearm magazine sticking out of his pocket. The video shows the Defendant walks up to the bar, withdraw his firearm which has an extended magazine, which he then places on the bar for a brief moment, before putting back in his jacket pocket. This is consistent with the Defendant having armed himself with a firearm while outside the bar.

The Defendant then engages in conversation with the owner of the bar for a period of time. The video shows the Defendant leaving the bar at approximately 3:07 or 3:08 a.m.

Statement of Witness AL

Complaint is further based upon the statement of witness AL, who states that on the above date, at the above place he was in the bar, Site 1A, towards the end of the night and saw the victim, an old Whitefish Bay High School classmate. He saw that the victim was at the bar talking to some people.

AL stated that he went outside to make sure people got rides home, when he saw the victim come running out of the bar. The victim told AL that he had just punched a guy in the bar. AL stated that the victim seemed intoxicated and that AL told him he should go home.

AL stated that he then saw a Hispanic male, whom he identified as the above named Defendant through a photo array, come running out of the bar, yelling, and looking for the person that had hit him.

AL stated that the Defendant ran eastbound on Buffalo Street, away from the location where the victim and AL were standing.

AL stated that the bar's management and security then came out and told the victim that he was banned from the bar.

AL further stated that at this point, the Defendant returned, observed the victim and **began making threats to kill the victim.** AL stated that he could see **an extended magazine for a handgun sticking out of the Defendant's pocket.**

AL then stated that he did not want to be a part of this altercation so he walked across the street from the bar to wait for his ride. AL stated that when his ride came, he left and that the victim, the Defendant, and bar security were still all outside.

Statement of Witness KS

Complaint is further based upon the statement of witness KS, who worked at Site bar on the above date. KS stated that she did not see a physical fight but did hear arguing between the victim and the Defendant, whom she has known for a year. KS stated that she then saw the victim run out of the bar and heard that the victim had punched the Defendant.

KS stated that when she went outside she saw the Defendant running down the street to her right yelling **"I'm going to kill you."** KS stated that she looked to her left and saw the victim standing with two males. KS and staff told the victim he was banned and that he should walk further west toward Shake Shack to get his ride.

KS stated that the Defendant then returned and the owner and security got in between. KS stated that she then went inside the bar. Later when back inside the bar office, the security guard told her that the Defendant had a gun, which KS had never seen.

Statement of BG

Complaint is further based upon the statement of BG, who states that on the above date he was working as a DJ at Site and had known the victim since high school. BG stated that at the end of the night, he saw the victim and the Defendant at the end of the bar arguing about high school basketball. BG stated that when the Defendant stated that he was from Milwaukee, the victim stated "I'm from Whitefish Bay, fuck Milwaukee." BG stated that the Defendant stated that, "I'll beat anybody's ass from Whitefish Bay." BG stated that during the argument, the Defendant used the "n-word" a few times.

BG stated that the victim then "sucker-punched" the Defendant and ran out of the bar towards the alley. BG stated that the Defendant, went outside after the victim, and was followed by the bar's security and management.

BG stated that he remained inside for some time and then walked outside to see the Defendant and the victim in the alley to the west of the bar arguing. BG stated that the victim was angry and was yelling that the Defendant had **pulled a gun on him.** BG stated that the victim yelled "go ahead and shoot me" and **the Defendant stated, "don't test me."**

BG stated that the security guards got between them and eventually the Defendant went inside. BG stated that he was outside alone with the victim, and that he tried to get the victim to leave. BG stated that the victim said, "I called my people" and that a "a shooter is on the way." BG stated that he then left.

Statement of AR

Complaint is based upon the statement of AR, a security guard at the bar, who states that on the above date, at the end of the night, he saw the victim and the Defendant at the end of the bar arguing about being from the northside or southside of Milwaukee. He stated that he saw the victim "sucker punch" the Defendant, at which point the victim walked out of the bar.

AR stated that the Defendant then went outside after the victim. AR stated that he then attempted to stop the Defendant but the Defendant walked around him.

AR stated that when he got outside, he saw the Defendant walking away down the street and KS telling the victim that he needed to leave.

AR stated that the Defendant then returned and began arguing with the victim again, and that KS went back inside. AR stated that the Defendant then pulled out a firearm with an extended magazine, pointed it at the victim, and stated "If I ever see you again, I will kill you." AR stated that the victim said, "go ahead and shoot me."

AR stated that people started to leave when the gun came out and that the Defendant was calmed down and sent back into the bar. When AR walked inside the bar, he stated that he thought the victim was alone outside. AR stated that when he got inside the bar, he walked into the office and told KS that the Defendant had a gun.

Statement of the Defendant

Complaint is further based upon the statement of City of Milwaukee Police Officer Murray Hayes who states that on December 6th, 2020, he was working at the Milwaukee Police Department District 2 station when the above mentioned Defendant turned himself in at 5:30 a.m. The Defendant did not have his firearm on him when he turned himself in.

The Defendant stated that he had discharged his firearm outside of his friends club, Site 1A in the area of Water Street and Buffalo Street.

The Defendant's family later turned over a Glock 17 Gen 5 9mm semi-automatic handgun that they stated the Defendant had on him that night. NIBIN analysis showed that this firearm was consistent with having fired all seven casings found at the homicide scene.

****End of Complaint****

Electronic Filing Notice:

This case was electronically filed with the Milwaukee County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases. Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party. If you are not represented by an attorney and would like to register an electronic party, you will need to contact the Clerk of Circuit Court office at 414-278-4120. Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Criminal Complaint prepared by Grant I. Huebner.

Subscribed and sworn to before me on 12/13/20

Electronically Signed By:

Grant I. Huebner

Assistant District Attorney

State Bar #: 1036890

Electronically Signed By:

Detective Jake Puschnig

Complainant

STATE OF WISCONSIN, CIRCUIT COURT, MILWAUKEE COUNTY

Probable Cause Statement and Judicial Determination

Ohlsson, Aaron R Name of Arrested Person

01/03/1990 Date of Birth

Case No. 20-346-0026

- 1. I state as follows:
a. I am the arresting officer in this case.
b. I am a law enforcement officer and make this statement on information and belief.
2. The above-named person was arrested without a warrant on 12/12/2020 at 11:04 a.m.
How identified: verbally WI D.L. Other (specify):
Agency case no. Arresting Officer: Department: Milwaukee Police Department
3. I have probable cause to believe that the arrested person committed the following offense(s):
Offense(s) Statute Number(s)
Obstructing an Officer 946.41
4. Information for following summary provided by: Alleged Victim: Other: Detective Jake PUSCHNIG
5. I believe the arrested person committed this offense(s) because: Summarize below and/or documentation attached.

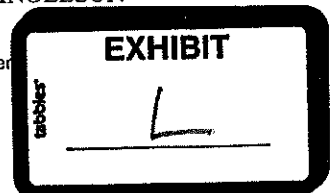
The alleged victim(s) did not consent to the above listed offense(s):
On Sunday, December 6, 2020, at 3:33 AM, Milwaukee Police Department Squad 1342, Police Officer Mark HORSTMAYER was dispatched to the address of 207 E. Buffalo St., City of Milwaukee, County of Milwaukee, regarding a shooting complaint. Upon his arrival at 3:34 AM, Police Officer HORSTMAYER located the victim, who was identified as Andra L. NICHOLSON Jr., B/M, 07/18/1995 on the ground towards the east end of the front of the location. NICHOLSON had sustained multiple gunshot wounds to his chest, arms and left leg. Life saving measures were performed by both members of the Milwaukee Police Department and members of the Milwaukee Fire Department, but NICHOLSON succumbed to his injuries and died.

Aaron OHLSSON, w/m 01/03/90 was interviewed on scene. OHLSSON stated there was an argument inside his bar between Andra (victim) and Caesar FUENTES, during this argument Andra punched FUENTES to the side of his head and fled outside the bar, FUENTES followed him outside and there was a breif exchange between Andra and FUENTES. OHLSSON stated he did not observe FUENTES with a firearm.

On 12/10/20, Detectives Jake PUSCHNIG and SCHIMMELS interviewed Site bar security Alexander A RAMIREZ, w/m 12/08/94, during this interview RAMIREZ he stated he observed Andra punch FUENTES then walk from the location. RAMIERZ stated he then goes outside and sees FUENTES walking away and the bar owner OHLSSON following FUENTES. RAMIREZ stated he then observed FUENTES and OHLSSON come back to the location. FUENTES was now arguing with Andra. RAMIREZ stated that he then observed FUENTES pull out a Black Glock firearm with an extended magazine. RAMIREZ stated that FUENTES pointed the firearm at Andra and stated "If I ever see you again I will kill you".

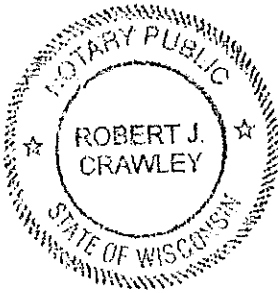
On 12/11/20 at 12:59am, Detective EMANULESON received a call from OHLSSON, who inquired about his request for a follow up interview, Detective EMAULESON informed OHLSSON Detectives spoke with RAMIREZ and he stated he (OHLSSON) was outside when FUENTES pointed his firearm at Andra. OHLSSON denied observing FUENTES with a firearm and added he did not observe FUENTES with a firearm during the "cool down" period inside the bar

On 12/11/20 at 5:00am, Detective EMANULESON began to review video obtained from the bar Site, on some the cameras including Camera #6 includes audio. On 12/06/20 at 2:53:10 on camera #6, Detective EMANULESON



ding Camera #6 includes audio. On 12/06/20 at 2:53:10 on camera # during conversation between OHLSSON and FUENTES you can clearly see the extended magazine sticking out of Caesar's left front pants pocket.

OHLSSON intentionally was untruthful during this homicide investigation, and was provided the opportunity to provide a correct and truthful statement but chose not to.



Subscribed and sworn to before me on 12th day of December, 2020. Notary Public, State of Wisconsin. My commission expires: 01-05-2024

Signature of Officer: Jake Puschnig. Name Printed or Typed: Jake Puschnig. Date: 12/12/2020 12:30. Time: pm

Probable Cause Determination

I have reviewed the probable cause statement from the arresting officer. Based on this statement:

1. I find probable cause to believe that the arrested person committed the offense(s) as listed above OR as follows:

Bail is set as follows:

2. I do not find sufficient probable cause to have been presented and direct that the arrested person be released from this custody. Reason(s) probable cause not found (optional):

Telephone Conference Call Determining Probable Cause. The initial probable cause was determined by a telephone conference call. The judge/commissioner instructed me to affix the decision, his/her signature, and date and time in the appropriate location, to be countersigned later by the judge/commissioner. Officer's Signature

BY THE COURT: Circuit Court Judge/Court Commissioner. Name Printed or Typed. Date. Time: am pm

Distribution: 1. Court-Original; 2. Sheriff; 3. Facility; 4. D.A.; 5. Arrested Person/Counsel

Milwaukee County Arrest - Detention Report

MPD ID #: 000542495 MPD BK #: 112013733 SID / FBI #: 1268876 / 184791FD8

N Juvenile

Arrestee (Bar Code Label)	Last OHLSSON		First AARON		Middle RYAN		DOB 1/3/1990		Age 30		
	Sex M	Race W	HANU N	Social Security # 390063268		Driver's License # / State O4250169000308 WI					
	Home Address 1680 N FRANKLIN PL				Apt	City MILWAUKEE	State WI	Zip 53202			
	Marital Status S	Military Branch None		Place of Birth (City and State) WAUESHA, WI		US Citizen YES	Country of Citizenship US				
	Home Telephone # 2624087533		Work Telephone #		Height 510	Weight 275	Build HEAVY	Eyes BRO			
	Hair BRO	Glasses / Contacts NO	Teeth	Complexion FA	Mustache / Beard BD		Chin	Hand R			
	Occupation			Employer			School				
	Alias/Maiden Names JAMES MICHAEL D							DOB			
	Scars/Marks/Tattoos										

Mugshot

Arrest	Date 12/12/2020	Time 11:04	Agency ID MPD	District / Bureau D1	Arrest Address 231 E BUFFALO ST, MILWAUKEE, WI-53202		
	Agency ID MPD	Arresting Officer Emp ID 018437		Arresting Officer Name Puschniq, Jake			District / Bureau 93
	Agency ID	Arresting Officer Emp ID		Arresting Officer Name			District / Bureau
	Agency ID	Arresting Officer Emp ID		Arresting Officer Name			District / Bureau

Conveyance	Conveyed To: CJF / District Station / Hospital / Other		Date 12/12/20	Time 11:57 AM	By: Squad / Ambulance / Med Unit	
	Agency ID MPD	Employee ID 011010	Name X. Jutiki		District / Bureau 1	Squad # 1/21
	Conveyed To: CJF / District Station / Hospital / Other		Date	Time	By: Squad / Ambulance / Med Unit	
	Agency ID	Employee ID	Name		District / Bureau	Squad #
Released By Doctor			Date Returned to CJF		Time Returned to CJF	

Arrestee demeanor: **Cooperative / Argumentive / Combative** Physical Observation: **OK / Sick / Injured / Intoxicated / Incapacitated**

NURSE Employee ID Signature Print Remarks

Officer Processing Case Liaison/Arresting Officer Employee Name **Puschniq** Agency ID

CJM Warrant # / Comm #	Offense Date 12/12/2019	Count Case # / Summary	Issuing Agency	Drug/Weapon/Gambling Type	Amount (Drug/Theft)
Statute / Ordinance # 946.41(1)	Charge Description Resisting Or Obstructing An Officer		PARMOT M	Stain / Mark S	Ball
1 Modifiers: DV DDV WHILE ARMED 2ND/SUB. DOCS 1000* HAB CRIM MASKED ATTEMPT OTHER:					
If Dispo: REFL / ARL / Other:		Def. To Appear at: DA's		Date: 02-21-2021	Time: 8:30 Sig: LT RB
Remarks: Case Number: 203460026 OFFICE BAUSSBAW					

Detailed History for Police Call #203410287 As of 12/14/2020 11:58:30

Output for:

Priority:1 Type:1356 - SHOOTING
 Location:207 E BUFFALO ST,MKE
 LocCross:btwn N WATER ST and N BROADWAY
 Info:17 ft NW

Created:	12/06/2020 03:31:20	PD28	028570
Entered:	12/06/2020 03:31:57	PD28	028570
Dispatch:	12/06/2020 03:33:02	PD02	028566
Enroute:	12/06/2020 03:33:02	PD02	028566
Onscenc:	12/06/2020 03:34:31	PD02	028566
Transprt:	12/06/2020 06:56:58	PD14	008579
Complete:	12/06/2020 07:07:41	PD02	028566
Closed:	12/06/2020 10:41:29	PD06	021354

IC:1313 PrimeUnit:1342 Dispo:C1 Type:1356 - SHOOTING
 Agency:MWPD DAREA:D2(D1) Squad Area:140 RptDist:4828
 Case #:IR203410032, IR203460026 Detail

03:31:20 CREATE Location:N WATER ST / E BUFFALO ST,MKE Type:1356 Info:17 ft NW DAREA:D1 RptDist:4828 TypeDesc:SHOOTING LocDesc: < 200/ 200> Priority:1 Response:IPO Agency:MWPD LocType:H

03:31:20 ALI E911Phne:414/803-9555 E911Pilot:414/511-0080 E911Add:144 N JACKSON N ST,XX E911Subs:T-MOBILE USA E911Srce:WPH2 AliLong:-87.908564 AliLatitude:43.033748

03:31:20 ALIGEO GeoLong:-87.908564 GeoLat:43.033748

03:31:20 ALIGEO GeoLong:-87.908564 GeoLat:43.033748 ClosestAdd:227 E BUFFALO ST AddDesc:17 ft NW ClosestInt:E BUFFALO ST / N WATER ST InterDesc:129 ft E

03:31:57 ENTRY Comment:CALLER STATES THAT HIS SON WAS SHOT ON WATER/ BUFFALO.

03:32:11 SELECT

03:32:02 -PREMIS Comment:PPR

03:32:53 INFO Priority:1 Comment:THE LOCATION OF THE SHOOTER IS UNKNOWN. CALLER SAYS THAT HE GOT A CALL THAT HIS SON WAS SHOT AT LOCATION. HE FOUND HIS SON ALONE AND BLEEDING AT LOCATION.

03:33:00 INFO Priority:1 Comment:MEDICAL IS RESPONDING.

03:33:02 DISPER 1342 Operator:024643 OperNames:HORSTMAYER, MARK T

03:33:02 DISPER 1341 Operator:029416 OperNames:BRIDGER,KRISTINA R

03:33:02 DISPER 1313 Operator:017456 OperNames:BENITEZ, CASSANDRA L

03:33:02 -PRIU 1342

03:33:03 -HOLD

03:33:32 NOTIFY Notified:SGT TS 7472

03:33:35 INFO Location:N WATER ST / E BUFFALO ST,MKE LocDesc: < 200/ 200> Priority:1 Comment:CLLR STS HER SON WAS SHOT, MFD RESP, STS VIC SHOT IN MULTIPLE PLACES, STS VIC IS AWAKE, STS VIC IS ON THE SIDEWALK

03:33:35 ALI E911Phne:414/803-1833 E911Pilot:414/511-0050 E911Add:808 N OLD WORLD THIRD - W ST,XX E911Subs:T-MOBILE USA E911Srce:WPH2 AliLong:-87.908649 AliLatitude:43.033748

03:33:35 ALIGEO GeoLong:-87.908649 GeoLat:43.033748 ClosestAdd:223 E BUFFALO ST AddDesc:21 ft NW ClosestInt:E BUFFALO ST / N WATER ST InterDesc:106 ft E

03:33:42 BACKER 1331 UnitID:1342 Location:N WATER ST / E BUFFALO ST,MKE Operator:029209 OperNames:MOORE, DORIAN A



03:34:31 ONSCN 1342 1341
 03:34:56 MISC 1341 Comment:BLOCKING TRAFFIC
 03:35:05 CLARFY Name:None-->FEMALE CALLER Phone:None-->(414) 803-1833 Contact?:None-->EITHER Call/InPerson Comment:STS SQD ONSCENE AND CLLR WILL SPEAK TO SQD, TC DISCONNECTED, NFI
 03:35:05 SUBJ S#:1 Sex:M InvType:VIC
 03:35:18 INFO Name:ANDRA NICHOLSON Phone:(414) 803-9555 Priority:1 Contact?:EITHER Call/InPerson Language?:English Comment:CALLER STATES THAT A SQD IS NOW ON SCENE. NFI.
 03:35:18 SUBJ S#:1 Race:B Sex:M Age:26 Name:ANDRA NICHOLSON JR
 03:35:18 NOMORE
 03:35:31 MISC 1342 Comment:*** CONFIRMED SHOOTING C/B NIC 1 GSW TO ABDOMEN ***
 03:35:36 INFO Priority:1 Comment:NOTIFIED 7472 SGT TS
 03:35:48 CHANGE 1342 Location:N WATER ST / E BUFFALO ST,MKE-->207 E BUFFALO ST,MKE Comment:JUST EAST OF BUILDING IN DOCK AREA
 03:35:51 CLOS 1342 1341
 03:35:55 CHGLOC 1313 1331
 03:35:48 -PREMIS Comment:PPR
 03:36:04 MISC 1341 Comment:SQD TO BLOCK TRAFFIC AT BUFFALO / BROADWAY
 03:36:09 CHGLOC 1331 Location:E BUFFALO ST / N BROADWAY,MKE
 03:36:27 BACKER 1330 UnitID:1342 Location:207 E BUFFALO ST,MKE Operator:024601 OperNames:FLESSERT JR, MARK A
 03:36:38 MISC 1342 Comment:*** CONFIRMED SHOOTING 26 YOA C/B NIC 1 GSW TO ABDOMEN ***
 03:38:18 MISC 1342 Comment:MEDICAL NOT OS, SUBJ STILL IS C&B
 03:38:23 MISC 1342 Comment:MEDICAL NOW OS
 03:39:29 MISC 1342 Comment:DOING COMPRESSIONS
 03:40:06 MISC 1341 Comment:SUBJ IS 26YOA BM C&B SHOT TO ABDOMEN
 03:40:22 *ONSCN 1331
 03:40:44 MISC 1342 Comment:SS TRAFFIC 1 BLOCK EAST OF WATER- 1330
 03:41:35 MISC 1313 Comment:SUBJ WALKED AWAY FROM LOC OF SHOOTING0 BLU SWEATSHIRT
 03:42:11 ONSCN 1313 1330
 03:44:14 IC 1313 Comment:**CP WATER/BUFFALO, S/E FROM NORTH OR SOUTH ON WATER**
 Comment:**CP WATER/BUFFALO, S/E FROM NORTH OR SOUTH ON WATER**
 03:44:26 BACKER 1390 UnitID:1313 Location:207 E BUFFALO ST,MKE Operator:025700 OperNames:O'CONNELL, DANIEL J
 03:45:11 ONSCN 1390
 03:45:15 BACKER 6350 UnitID:1313 Location:N WATER ST / E BUFFALO ST,MKE Operator:017601 OperNames:SUVAKA, SCOTT C Comment:PER 6LT
 03:45:31 LOGM 6350 Message:012012060945013091 MessageType:Text Received:12/06/2020 03:44:28 Comment:LOGM
 03:45:33 CASE 1342 Incident#:IR203410032 Comment:024643
 03:47:39 *RFT 1330 Comment:INQUIRY QPER,NICKERSON,JEREMIAH,C,M,B,06291997,,,,
 03:47:49 MISC 1342 Comment:2 CASINGS RECOVERED AT 207 E BUFFALO
 03:49:07 *RFT 1330 Comment:INQUIRY QPER,NICKERSON,JEREMIAH,C,M,B,06291997,,,,
 03:49:47 CLOS 1313 Location:**CP WATER/BUFFALO, S/E NORTH OR SOUTH**
 03:51:15 *RFT 1330 Comment:INQUIRY QPER,NICKERSON,JEREMIAH,C,M,B,06291997,,,,
 03:51:40 *RFT 1330 Comment:INQUIRY QPER,NICHOLSON,JEREMIAH,C,M,B,06291997,,,,
 03:55:40 *ONSCN 6350
 03:57:50 MISC 1342 Comment:7 9MM CASINGS REC
 03:58:13 *RFT 1342 Comment:INQUIRY QPER,NICHOLSON,ANDRE,L,M,B,06181996,,,,
 03:59:20 *RFT 1342 Comment:INQUIRY QPER,NICHOLSON,ANDRAE,L,M,B,06181996,,,,
 04:01:01 *RFT 6350 Comment:INQUIRY QVEH,,885ZSW,AT,00,,,
 04:02:43 *RFT 1342 Comment:INQUIRY QPER,NICHOLSON,ANDRA,L,M,B,06181996,,,,

04:03:20 *RFT 6350 Comment:INQUIRY QVEH,,885ZSW,AT,00,,,
 04:03:48 *RFT 6350 Comment:INQUIRY QVEH,,AJG6419,AT,00,,,
 04:12:12 MISC 1313 Comment:SIL HYUN TUS, LISTED UNDER MOTHER OF VIC'S
 04:12:29 MISC 1313 Comment:SS- PER LT CHECK WITH D6- ADVISED 7472 SGT TS OF REQ
 04:14:08 BACKER 6330 UnitID:1313 Location:**CP WATER/BUFFALO, S/E NORTH OR SOUTH**
 Operator:028775 019770 OperNames:CONNER,DAVID II HERRMANN, JORDAN T
 Comment:PER 7472 SGT TS TG1
 04:14:57 INFO Location:320 E BUFFALO ST,MKE Name:THOMAS BIRD Phone:(414) 403-5077
 LocCross:btwn N BROADWAY and N MILWAUKEE ST Priority:1 Contact?:By phone CALL
 only Language?:English Comment:CLLR STS HE HEARD 7 BANGS AROUND 3:10 AM //
 CLLR WILLING TO SPEAK WITH AN OFFICER ABOUT WHAT HE HEARD IF
 NEEDED / NFI
 04:15:17 INFO Location:N WATER ST / E BUFFALO ST,MKE Name:FIRE 9 Phone:(414) 445-2624 LocDesc:
 < 200/ 200> Priority:1 Contact?:EITHER Call/InPerson Comment:CLLR STS DOE, NFI
 04:15:28 CLARFY Name:FEMALE CALLER-->FIRE 9 Phone:(414) 803-1833-->(414) 445-2624
 Contact?:EITHER Call/InPerson-->EITHER Call/InPerson
 04:17:49 MISC 1313 Comment:CHK LOC FOR A SIL HYUN TUS VEH LISTED TO NICHOLSON, LAURA
 04:19:02 NOTIFY Notified:7472 SGT TS Comment:DOE
 04:21:47 *RFT 6330 Comment:INQUIRY QVEH,,186UZV,AT,11,,,
 04:22:14 MISC 1313 Plate:186UZV Comment:VIC RECEIVED CITATION IN A 2014 HYUN TUS GLS
 04:22:20 CHGLOC 6330 Comment:CHK AREA FOR VEH
 04:24:45 *ONSCN 6330
 04:25:39 BACKER 9318 UnitID:1313 Location:**CP WATER/BUFFALO, S/E NORTH OR SOUTH**
 04:26:16 BACKER 9323 UnitID:9318 Location:**CP WATER/BUFFALO, S/E NORTH OR SOUTH**
 Operator:016613 OperNames:EMANUELSON, JEFFREY N
 04:26:28 BACKER 9324 UnitID:9323 Location:**CP WATER/BUFFALO, S/E NORTH OR SOUTH**
 Operator:009128 OperNames:FEDEL, MICHAEL A
 04:26:40 BACKER 9325 UnitID:9323 Location:**CP WATER/BUFFALO, S/E NORTH OR SOUTH**
 Operator:019743 OperNames:SCHIMMELS, THADDEUS J
 04:26:58 BACKER 9322 UnitID:9323 Location:**CP WATER/BUFFALO, S/E NORTH OR SOUTH**
 Operator:018117 OperNames:GRETENHARDT, MICHAEL G
 04:31:22 MISC 1331 Comment:CAMERAS IN MAIN ENTRANCE OF 220 E BUFFALO
 04:33:06 ONSCN 9318 9323 9324
 04:34:04 MISC 1313 Comment:VIC WAS AT A BAR IN AREA- 6330 TO CHECK BARS IN AREA WATER
 CLOSE TO JUNEAU AND OLD WORLD 3RD.
 04:34:47 ONSCN 9322
 04:34:54 ONSCN 9325
 04:36:52 MISC 1331 Comment:CAMERAS AT 241 E BUFFALO, 249 E BUFFALO AND 243 E BUFFALO
 04:37:56 MISC 1331 Comment:CAMERAS AT 207 E BUFFALO IN ALLEY
 04:44:54 MISC 1313 Comment:DOB 05/24/83 ADDRESS 3318 N 29TH ST
 04:52:52 CLEAR 6330
 04:53:31 CONTCT 1330 1341 1390 ContactTime:30 Comment:RE
 04:59:47 BACKER 1927 Operator:013441 OperNames:GONZALEZ, ANGELA M
 05:09:10 BACKER 1923 UnitID:1927 Location:207 E BUFFALO ST,MKE Operator:028440
 OperNames:BEAMON, JENNIFER E Comment:10 11
 05:09:13 AVAIL 1923
 05:09:21 *RFT 1342 Comment:INQUIRY QPER,NICHOLSON,ANDRA,L,M,B,07181996,,,,,
 05:12:32 ONSCN 1927
 05:19:14 MISC 1330 Comment:MEDIA OS
 05:19:55 MISC 1341 Comment:10 4
 05:20:09 MISC 1341 Comment:MEDIA OS
 05:22:36 ONSCN 1923
 05:32:14 *RFT 1342 Comment:INQUIRY QVEH,,885ZSW,AT,11,,,
 05:33:54 MISC 1313 Comment:PER 2324-D2 DISPATCH- SHOOTING SUSP IS AT D2- ADVISED

05:34:24 CONTCT 1313 1342 1330 1331 1341 1390 1923 1927 6350 9318 ContactTime:60
 05:34:24 CONTCT 9322 9323 9324 9325 ContactTime:60
 05:44:52 BACKER 9368 UnitID:1342 Location:207 E BUFFALO ST,MKE Operator:015501 OperNames:RICE,
 NICHOLAS T
 05:48:50 ONSCN 9368
 05:53:33 *RFT 1342 Comment:INQUIRY QVEH,,885ZSW,AT,11,,
 05:54:23 CLEAR 1923
 06:10:12 *RFT 1342 Comment:INQUIRY QVEH,,885ZSW,AT,11,,
 06:14:34 BACKOS 2324 UnitID:1313 Location:D2,MKE Operator:017839 024295 OperNames:HAYES, MURRAY
 F PUPOVAC, RADIVOJE Comment:W/ C1
 06:14:40 COMBIN Service:P Call:#203410383 Type:1844 Agency:MWPD Comment:PER SQD
 06:26:39 *RFT 1342 Comment:INQUIRY QVEH,,AJG6419,AT,11,,
 06:32:06 *CHGLOC 1390 Location:2836 S 70TH Comment:RE
 06:32:12 *CHGLOC 6350 Location:2836 S 70TH ST Comment:CHECK FOR SUSPECT CAR
 06:35:38 CONTCT 1313 1342 1330 1331 1341 1390 1927 2324 6350 9318 ContactTime:60
 06:35:38 CONTCT 9322 9323 9324 9325 9368 ContactTime:60
 06:38:14 *MISC 1342 Comment:TOW REF FOR GRAY HYUNDAI SONATA AJG6419, #2011503
 06:39:24 CONTCT 1342 ContactTime:60 Comment:TOW CALLED IN
 06:48:29 *ONSCN 6350
 06:49:00 MISC 1342 Comment:SS MFD FOR BODILY FLUID FLUSH
 06:49:23 *RFT 1390 Comment:INQUIRY QVEH,,AHU3966,AT,00,,
 06:49:26 NOTIFY 1342 Notified:MFD Comment:RE FLUSH
 06:49:48 *ONSCN 1390
 06:50:01 *RFT 6350 Comment:INQUIRY QVEH,,AHU3966,AT,00,,
 06:56:31 MISC 1390 Plate:198XVX Comment:SUSP VEH AT 2836 S 70TH- GRY CHEV MAL VIN-
 1G1ZD5ST9KF119772
 06:56:58 TRANSP 2324 Location:COLUMBIA ST MARYS HOSPITAL,MKE Mileage:704 Comment:MED
 CLEARANCE
 06:58:30 CLEAR 9368
 07:03:33 CONTCT 1313 1342 1331 ContactTime:30 Comment:1313
 07:03:38 CLEAR 1341
 07:04:17 CLEAR 9325 Dispo:C8 DispoLevel:0
 07:04:23 CLEAR 9318
 07:04:31 CLEAR 9323 Dispo:C8 DispoLevel:0
 07:04:39 CLEAR 9324 Dispo:C8 DispoLevel:0
 07:07:41 CMLPT 2324 Mileage:710.3
 07:15:21 CHGLOC 1313 Location:D1,MKE
 07:15:44 MISC 1313 Comment:TOW OS
 07:19:11 *ONSCN 1313
 07:19:56 CHGLOC 1342 Location:TOW LOT #Z,MKE Comment:842
 07:30:25 *CHGLOC 1331 Location:D1 Comment:RE
 07:31:46 *CHGLOC 1330 Location:D1 Comment:RE
 07:35:30 *MISC 1390 Comment:2011508 TOW REFERENCE #
 07:37:08 *ONSCN 1331
 07:37:16 ONSCN 1342
 07:37:24 MISC 1342 Comment:ENDING 847
 07:39:47 *ONSCN 1330
 07:40:08 CLEAR 1927 Dispo:C8 DispoLevel:0
 07:51:00 CLEAR 1330
 07:51:17 CLEAR 1390
 07:59:06 CLEAR 1313
 07:59:06 -ICX 1313
 08:04:25 *RFT 6350 Comment:INQUIRY QVEH,,140VTS,AT,00,,

08:06:41 *RFT 6350 Comment:INQUIRY QPER,SANTIAGO,EDUARDO,,M,W,11051983,,,,
 08:08:02 CLEAR 1331 Dispo:C8 DispoLevel:0
 08:08:59 *CHGLOC 1342 Location:D1
 08:12:06 *RFT 6350 Comment:INQUIRY QVEH,,198XVX,AT,00,,
 08:12:52 CLEAR 9322 Dispo:C18 DispoLevel:0 Comment:PER C1B LT
 08:13:57 MISC 2324 Comment:NR ON CITY/D1 CHANNEL
 08:14:36 REDIR 6350 DAREA:D1-->D6
 08:21:19 MISC 6350 Comment:SS
 08:21:22 BACKER 6120 UnitID:6350 Location:2836 S 70TH ST Operator:011325 017105
 OperNames:MARSHALL, CHRISTINA L MIELCAREK, MARK J
 08:29:44 ONSCN 1342
 08:29:46 CLEAR 1342 Dispo:C8 DispoLevel:0
 08:36:59 *ONSCN 6120
 08:41:19 *CHGLOC 6350 Location:CITY TOW LOT Comment:FOLLOWING EVIDENCE TOW, STARTING
 MILES 23055
 08:42:33 CHGLOC 6350 Location:TOW LOT,MKE
 08:52:04 *ONSCN 6350
 08:52:19 *MISC 6350 Comment:ending 23058
 09:14:12 CONTCT 2324 ContactTime:30
 09:33:20 *CLEAR 6120 Dispo:C18 DispoLevel:0
 09:39:24 *CHGLOC 6350 Location:D6 Comment:RE
 09:48:25 *ONSCN 6350
 09:48:45 CLEAR 6350 Dispo:C8 DispoLevel:0
 09:50:49 TRANSP 2324 Location:CB #C1,MKE Mileage:710
 10:02:20 CMPLT 2324 Mileage:3.5
 10:02:49 MISC 2324 Comment:ENDING MILES 713.5
 10:09:12 REDIR 2324 DAREA:D6-->D2
 10:33:08 *CHGLOC 2324 Location:D2 Comment:REG
 10:41:29 CLEAR 2324 Dispo:C1 DispoLevel:0 Comment:C8
 10:41:29 -CLEAR
 10:41:29 CLOSE
 23:24:29 XREF Service:P Call:#203412364 Type:1811 Agency:MWPD Comment:RELATED
 23:24:32 -PREMIS Comment:PPR
 [12/08/2020]
 12:05:19 XREF Service:P Call:#203431163 Type:FU Agency:MWPD
 12:05:32 -PREMIS Comment:PPR
 [12/09/2020]
 12:15:36 XREF Service:P Call:#203441025 Type:FU Agency:MWPD
 12:15:51 -PREMIS Comment:PPR
 [12/11/2020]
 05:21:31 CASE Incident#:IR203460026 Comment:016613
 05:21:32 -PREMIS Comment:PPR

CONTACT INFO:

Name	Phone	RPaddr	Contact?	Language?	Resolved?	Satisfied?
FEMALE CALLER	(414) 803-1833		EITHER Call/InPerson			
ANDRA NICHOLSON	(414) 803-9555		EITHER Call/InPerson	English		
THOMAS BIRD	(414) 403-5077		By phone CALL only	English		
FIRE 9	(414) 445-2624		EITHER Call/InPerson			

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:203460026

OtherEvent #: 20-LP-1455

Incident

231 E BUFFALO ST Milwaukee, WISCONSIN 53202

Incident Date/Time:: 12/06/2020 02:40:00
CAD Number:: 203410287
District:: 1
Beat:: 140
Reporting Area:: 4828

Business Agent (1)

OHLSSON, AARON R

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/03/1990
Sex:: MALE
Race:: NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER
Phone 1 Number:: (262)-408-7533
Phone 1 Type:: Cell
Address:: 1680 N FRANKLIN PL
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53202

Licensed Persons Involved (2)

OHLSSON, AARON RYAN

Person Involvement:: Agent (License Holder)
DOB:: 01/03/1990
Sex:: MALE
Race:: WHITE
Address:: 1680 N FRANKLIN PL
Apartment or Suite:: A
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53202

SCHMITZ, KELLY J

Person Involvement:: Manager
DOB:: 09/19/2091
Sex:: FEMALE
Race:: WHITE
Address:: 1525 E ROYALL PL
Apartment or Suite:: 36
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53202

Licensed Premise Data (1)

EXHIBIT

tabbles

N

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:203460026

OtherEvent #: 20-LP-1455

SITE 1A

Address:: 231 E BUFFALO ST
Apartment or Suite:: 1A
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53202
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Business Was Cited For Violation:: Yes
Citation Number: (Additional Citations List In Narrative): 0681LPPTJP
Violation/Ordinance Number:: 90-15-3-a-1
Licensee was cooperative: (If not explain in narrative): No
Licensee or Manager was on premises at time of violation/incident:: Yes

Narrative (1)

LICENSE PREMISE REPORT

Plumley, Molly D 019452

12/16/2020

This report is written by PO Molly PLUMLEY, assigned to District One, Late Power shift.

On Wednesday, December 16, 2020 I was assigned as Desk Officer and asked to conduct follow up regarding a violation for patrons in a tavern after hours at Site 1A (231 E Buffalo). On December 6, 2020 at 3:33 AM PO HORSTMEYER was dispatched to a Shooting/Homicide investigation at 207 E. Buffalo. It was later determined that both the Suspect, and the Victim were inside of Site 1A tavern after hours.

I was provided a clip of surveillance video from a camera inside of the bar (Main Bar South). The video shows the Agent of the bar (OHLSSON, Aaron R. W/M 1/3/90) sitting at the bar with other patrons, and staff members. During the video, I observed multiple alcoholic beverages on top of the bar that appeared to be open for consumption. The video also shows the Victim of the shooting investigation punch someone who was later identified as the suspect of the shooting investigation. OHLSSON is sitting at the bar with other patrons and appears to be having a conversation while this altercation occurs. The video that captured this incident is time stamped at 2:41 AM.

I was also provided with a transcript of an audio recording from multiple cameras in the tavern. In the transcript "Kelly" is identified as SCHMITZ, Kelly J. (W/F 5/9/1991) who is also a bar manager for the location, and "Caesar" is identified as FUENTES, Caesar A. (W/M 10/6/1997) who is the suspect in the shooting investigation (IR#203410032).

Transcript:

Camera #10

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:203460026

OtherEvent #: 20-LP-1455

2:44:20 Kelly walks in and starts to talk

Kelly states that "dude I was like get the fuck out of here I said leave, and he is like I called my uber I was like you better starting walking down if Caesar comes back this way he will fuck you up I was like what is wrong with you"

Somebody mentions "who was it"

Kelly states "I literally said did you seriously just sucker punch him for no fucking reason and run out he is like im sorry I was like don't say you are sorry to me I was like what the fuck is wrong with you, I will go to fucking war for Ceaser I 'don't give a fuck"

Kelly states "dude sprinted out here and he runs outside and goes to the left of the building and is tucked by two other random dudes and the other two random dudes are like he is outside he is outside he is fine I was like you need to call your uber and he is like I already called my uber and he is like he is outside leave him alone I was like you better get the fuck out of here and better start walking to water street and call your uber from there cause Ceaser took off that way sprinting that way to go and find him and he is like screaming I will fucking kill you I don't give a shit I will go to war for Ceaser, Ceaser was the first he was the first responder for hunter and I will go to fucking war for that guy he is a fire fighter and he saves lifes"

Kelly states "I will kill anyone for that guy" Kelly mentions he was sucker punched for no reason. Kelly states you don't sucker punch someone especially someone who means a lot to me and here

At 2:46:55 Kelly walks out of the bar.

At 2:48:20 Ceaser comes in the bar and he can here a loud noise.

Camera #6

2:48:30 Caesar walks into camera view. At this time you can clearly see an extended magazine in his pocket. Caesar is pacing in the bar.

2:48:50 Caesar asks Geroge about his phone

2:49:34 Caesar takes the firearm out of his pocket and places it on the bar, you can hear it on the bar

2:49:40 Aaron(bar owner) comes inside "now im fucking pissed I gave you a shot to " unable to understand Aaron talks about the sign and says it cost him \$400 to \$500. Caesar says he is sorry

Aaron states "I walked you to the dude to fuck him up and you fucked up the sign"

2:50:00 Alex Ramirez comes inside the

2:50:29 Aaron "I gave you a shot"

Caesar "you know my dad"

Aaron "I do know your dad, I do and I gave you chance to beat the shit out of that guy"

2:51:03 Caesar "Kelly told me not to though"

02:51:10 Aaron "you fucked up though I gave you a shot I walked you right to him"

Caesar "I went to my car first"

Aaron "I never gave anybody a shot"

2:52:30 its hard to understand what they are saying

2:53:05 Aaron states "I gave you a shot but you had to pull the pistol on him"

2:54:06 they walk off camera

03:37:15 Aaron and Kelly are seen on camera going to the front door

03:40:20 Alex says "Kelly was going to give me a ride should I just call a lyft"

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Aaron states "yes"

3:41:20 Alex leaves the bar

03:41:40 Aaron and Kelly talk quietly, Aaron and Kelly are on their phones when they are talking.

Camera #1

02:54:07 Caeser walks on the camera

02:54:14 Caeser walks off camera

02:56:05 Caser walks on camera again along with Aaron the bar owner and start to talk and Caeser is telling Aaron he is sorry

03:00:50 Caeser gives Aaron is phone number

03:01:45 Aaron shakes hands with caeser and tells him he has to go

03:01:58 Ceaser and Aaron walk in the back hallway. I was told by Detective Fedel that this hallway leads to the exit.

Camera #13

02:48:35 Caeser walks into view and is pacing around the bar, you observe a white male bartender in the bar and he walks around behind the bar. Another male is on the side of the bar and walks behind the bar,

2:39:34 Caeser takes out his firearm from his pocket and places it on the bar. At this time the male bartender is looking at Caeser. You can clearly tell this is a firearm with an extended magazine

2:49:39 Caeser picks up the gun and places it back inside his pocket.

At 2:49:55 Caeser and Aaron (Bar owner) are having a conversation.

Camera #15 Back Office

3:03:20 Aaron walks into the back office by himself.

Aaron states "I gave him a chance".

Aaron states "the dude gave him a chance" and Caeser did not punch him

3:05:30 Aaron states "if you want him he is over here" Aaron points

3:07:20 Aaron states want to see the punch

3:07:40 employees start to watch the punch on Aarons phone.

3:14:30 Aaron tells Kelly that he told Caeser where he was and Caeser did not hit him

Aaron states that Caeser said he has way too much respect for Kelly and you

Aaron states that he is his family but he is never coming back. He states that he knew his dad for years and years

3:31:00 Aaron states "tonight was interesting and this is why we don't allow people we don't know to stay after hours"

03:31:20 Aaron states "I will see you guy later"

The majority of the transcript is regarding the shooting/homicide investigation. However, at 3:31 AM OHLSSON states "tonight was interesting and this is why we don't allow people we don't know to stay after hours.

It should be noted that the call for the shooting investigation came in at 3:31:20 for the address of 207 E. Buffalo (CAD#203410287).

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I issued OHLSSON citation #0681LPPTJP for Class B Premises Allow Patron After Hours (90-15-3-a-1) with a future court date of 06/07/2021. PO CHADWICK and PO WUNDER (Sq#1441) went to OHLSSON's home address of 1680 N. Fanklin Pl. and served him with the citation.

Officer (2)

Reporting Officer:	Plumley, Molly D (019452)	12/16/2020 20:09:00
Section: (Work Location):	14	
Approving Officer:	Woller, Vincent (012437)	12/17/2020 02:11:07
Section: (Work Location):	13	

(1) No person may impersonate an inspector, agent or other employee of the department or of the department of justice.

(2)

(a) Whoever violates sub. (1) with the intent to mislead another may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(b) Whoever violates sub. (1) to commit, or abet the commission of, a crime is guilty of a Class H felony.

History: 1989 a. 253; 1997 a. 283; 2001 a. 109.

125.11 Penalties.

(1) GENERAL PENALTY. Any person who violates any provision of this chapter for which a specific penalty is not provided, shall be fined not more than \$1,000 or imprisoned for not more than 90 days or both. Any license or permit issued to the person under this chapter may be revoked by the court.

(2) FELONY. If a person is convicted of a felony under this chapter, in addition to the penalties provided for the felony, the court shall revoke any license or permit issued to the person under this chapter.

History: 1981 c. 79; 1985 a. 120, 302; 1989 a. 253.

125.115 Responsibility for commission of a crime.

(1) A person may be convicted of the commission of a crime under this chapter only if the criteria specified in s. 939.05 exist.

(2) This section does not apply to civil forfeiture actions for violation of any provision of this chapter or any local ordinance in conformity with any provision of this chapter.

History: 1985 a. 47.

125.12 Revocations, suspensions, refusals to issue or renew.

(1) REVOCATION, SUSPENSION, NONISSUANCE OR NONRENEWAL OF LICENSE.

(a) Except as provided in this subsection, any municipality or the department may revoke, suspend or refuse to renew any license or permit under this chapter, as provided in this section.

(b)

1. In this paragraph, "violation" means a violation of s. 125.07 (1) (a), or a local ordinance that strictly conforms to s. 125.07 (1) (a).

2. No violation may be considered under this section or s. 125.04 (5) (a) 1. unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this section or s. 125.04 (5) (a) 1.

(c) Neither a municipality nor the department may consider an arrest or conviction for a violation punishable under s. 101.123 (8) (d), 945.03 (2m), 945.04 (2m), or 945.05 (1m) in any action to revoke, suspend, or refuse to renew a Class "B" or "Class B" license or permit.

(2) REVOCATION OR SUSPENSION OF LICENSES BY LOCAL AUTHORITIES.

(ag) *Complaint.* Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging one or more of the following about a person holding a license issued under this chapter by the municipality:

1. The person has violated this chapter or municipal regulations adopted under s. 125.10.

2. The person keeps or maintains a disorderly or riotous, indecent or improper house.

3. The person has sold or given away alcohol beverages to known habitual drunkards.

4. The person does not possess the qualifications required under this chapter to hold the license.

5. The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.

5m. The person has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to s. 961.65.

6. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.
- 6m. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

125.12(2)(ag)7.

7. The person received the benefit from an act prohibited under s. 125.33 (11).

(ar) Summons. Upon the filing of the complaint, the municipal governing body or a duly authorized committee of a city council shall issue a summons, signed by the clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the municipal governing body or the committee on a day and place named in the summons, not less than 3 days and not more than 10 days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least 3 days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under ch. 801 for service in civil actions in circuit court.

(b) Procedure on hearing.

1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.
2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the municipal governing body and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked, except that, if a complaint under par. (ag) 4. is found to be true with respect to a license issued under s. 125.51 (4) (v), the license shall be revoked.
3. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both. If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided under subd. 2.
4. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
5. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the municipal governing body finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The municipal governing body or the committee may require the complainant to provide security for such costs before issuing the summons under par. (ar).

(c) Effect of revocation. When a license is revoked under this subsection, the revocation shall be recorded by the clerk and no other license issued under this chapter may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

(d) Judicial review. The action of any municipal governing body in granting or failing to grant, suspending or revoking any license, or the failure of any municipal governing body to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the municipality. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the municipal governing body in the manner provided in ch. 801 for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The municipal governing body, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, the matter shall be deemed at issue and hearing may be had within 5 days, upon due notice served upon

the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within 10 days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the court of appeals.

- (3) REFUSALS BY LOCAL AUTHORITIES TO RENEW LICENSES.** A municipality issuing licenses under this chapter may refuse to renew a license for the causes provided in sub. (2) (ag). Prior to the time for the renewal of the license, the municipal governing body or a duly authorized committee of a city council shall notify the licensee in writing of the municipality's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub. (2) (b) and judicial review shall be as provided in sub. (2) (d). If the hearing is held before a committee of a city council, the committee shall make a report and recommendation as provided under sub. (2) (b) 3. and the city council shall follow the procedure specified under that subdivision in making its determination.
- (3m) REFUSALS BY LOCAL AUTHORITIES TO ISSUE LICENSES.** If a municipal governing body or duly authorized committee of a city council decides not to issue a new license under this chapter, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision.
- (4) SUSPENSION OR REVOCATION OF LICENSES ON COMPLAINT OF THE DEPARTMENT.**
- (ag) Complaint.** A duly authorized employee of the department may file a complaint with the clerk of circuit court for the jurisdiction in which the premises of a person holding a license issued under this chapter is situated, alleging one or more of the following about a licensee:
1. That the licensee has violated this chapter.
 2. That the licensee keeps or maintains a disorderly or riotous, indecent or improper house.
 3. That the licensee has sold alcohol beverages to known habitual drunkards.
 4. That the licensee has failed to maintain the premises in accordance with the standards of sanitation prescribed by the department of health services.
 5. That the licensee has permitted known criminals or prostitutes to loiter on the licensed premises.
 6. That the licensee does not possess the qualifications required under this chapter to hold the license.
 7. That the licensee has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.
 - 7m. That the licensee has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that section or under a federal law or a law of another state that is substantially similar to s. 961.65.
 8. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.
 - 8m. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.
- (ar) Summons.** Upon the filing of the complaint, the clerk of the court shall issue a summons commanding the licensee to appear before the court not less than 20 days from its date of issuance and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served at least 20 days before the date on which the person is commanded to appear. Service shall be in the manner provided in ch. 801 for civil actions in circuit court.
- (b) Procedure on hearing.** If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the court finds the allegations sufficient, it shall order the license either suspended for not more than 90 days or revoked, except that, for allegations under par. (ag) 6. with respect to a license issued under s. 125.51 (4) (v), it shall order the license revoked. The clerk of the court shall give notice of the suspension or revocation to the person whose license is suspended or revoked. If the licensee appears and answers the complaint, the court shall fix a date for the hearing not more than 30 days after the return date of the summons. The hearing shall be had before the court without a jury. If upon the hearing the court finds the allegations of the complaint to

be true, it shall order the license either suspended for not more than 90 days or revoked, except that, if upon the hearing the court finds allegations under par. (ag) 6. to be true with respect to a license issued under s. 125.51 (4) (v), the court shall order that license revoked. If the court finds the allegations of the complaint to be untrue, the complaint shall be dismissed.

- (c) *Effect of revocation or suspension.* When a license is revoked or suspended under this subsection, the clerk of court shall notify the authority which issued the license. If the license is revoked, no other license may be issued under this chapter to the person whose license was revoked or to any person related to him or her as owner, lessor, bailor or lender, within the 12 months after the date of revocation and no other license may be granted for the premises covered by the revoked license within 60 days of the date of revocation. The findings and order of the court shall be filed within 10 days after the hearing and the order shall be final unless appeal is taken to the court of appeals. If an appeal is taken from a revocation, any period during which the order is stayed shall be added to the 12 months and 60 days, respectively. No part of the fee paid for any license which is revoked may be refunded. Whenever any court has revoked or suspended any license under this subsection, no further proceedings shall be commenced under this subsection except upon grounds arising after the original revocation or suspension.
- (5) **REVOCATIONS OR SUSPENSIONS OF, OR REFUSALS TO RENEW, PERMITS BY THE DEPARTMENT.** The department may, after notice and an opportunity for hearing, revoke, suspend or refuse to renew any retail permit issued by it for the causes provided in sub. (4) and any other permit issued by it under this chapter for any violation of this chapter or ch. 139, except that, for a violation of sub. (4) (ag) 6. with respect to a license issued under s. 125.51 (4) (v) or a violation of s. 125.535 or 139.035, the department shall revoke the license or permit. A revocation, suspension or refusal to renew is a contested case under ch. 227.
- (6) **REVOCATION OR SUSPENSION OF INTOXICATING LIQUOR WHOLESALERS' PERMITS FOR CERTAIN VIOLATIONS.**
- (a) Any person may file a sworn written complaint with the department alleging that an intoxicating liquor wholesaler has violated s. 125.54 (7) (a). The complaint shall identify the specific legal basis for the complaint and sufficient facts for the department to determine whether there is cause to find that a violation has occurred. The department shall provide a copy of the complaint to any wholesaler against whom allegations are made, along with notice of the time period under par. (b) to show cause why the wholesaler's permit should not be revoked or suspended or to request a hearing.
- (b) Within 30 days of receiving a copy of the complaint under par. (a), any wholesaler against whom allegations are made may file a sworn written response or a written request for an evidentiary hearing before the department under s. 227.44.
- (c) Subject to pars. (d) 1. and (dm), if no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which a response or request for hearing is due under par. (b), the department shall make a written decision as to whether a violation has occurred and either dismiss the complaint or take action under par. (e). Any decision under this paragraph shall include findings of fact and conclusions of law and shall state all reasons for the decision. The department shall provide a copy of the decision to the complainant and to any wholesaler against whom allegations are made.
- (cm) Subject to pars. (d) 2. and (dm), if a request for an evidentiary hearing is made under par. (b), the hearing shall be conducted in the manner specified for a contested case under ss. 227.44 to 227.50, except that the hearing shall be conducted within 45 days of receiving the request for hearing under par. (b) and the department shall make its written decision, including whether a violation has occurred and whether the complaint is dismissed or action is taken under par. (e), within 15 days after the hearing. In addition to service of the decision as provided under s. 227.48, the department shall provide a copy of the decision to the complainant.
- (d)
1. If no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which a response or request for hearing is due under par. (b), the department may extend the time period for making a decision under par. (c) by an additional 60 days if the department provides notice within the time period specified in par. (c) that an additional 60 days is necessary for investigation.
 2. If a request for an evidentiary hearing is made under par. (b), within 45 days of receiving the request for hearing under par. (b), the department may extend the time period for conducting the hearing by an additional 45 days if the department provides notice within 45 days of receiving the request for hearing under par. (b) that an additional 45 days is necessary for investigation.

- (dm) Within 45 days of receiving any response or request for hearing under par. (b) or, if no response or request for hearing is made, within 45 days of the date on which a response or request for hearing is due under par. (b), the department may elect to file a complaint in circuit court under sub. (4) that includes all allegations of the complaint under par. (a) for which the department determines there is cause to find that a violation of s. 125.54 (7) (a) has occurred. If the department files a complaint in circuit court as provided under this paragraph, the department shall not conduct a hearing under par. (cm) or make a written decision under par. (c), but shall proceed with the matter as provided under sub. (4).
- (e) If the department finds the allegations under par. (a) true and sufficient, the department shall either suspend for not less than 10 days nor more than 90 days or revoke the wholesaler's permit, and give notice of the suspension or revocation to the wholesaler.
- (f) A revocation or suspension proceeding under this subsection is a contested case under ch. 227, except that ss. 227.44 to 227.50 apply to a proceeding under this subsection only if a request for an evidentiary hearing is made under par. (b).

History: 1981 c. 79; 1983 a. 516; 1987 a. 93; 1993 a. 98; 1995 a. 27 s. 9126 (19); 1995 a. 417, 448; 1997 a. 27, 35, 166, 187; 1999 a. 9; 2005 a. 14, 25, 442; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 12.

Due process and equal protection rights of licensees are discussed. *Tavern League of Wisconsin v. City of Madison*, 131 Wis. 2d 477, 389 N.W.2d 54 (Ct. App. 1986).

A license never should have been issued when a notice of application had not been published as required under s. 125.04 (3) (g), and a license issued without publication is void under s. 125.04 (2). Selling liquor under a void license constitutes a violation of s. 125.66 (1). Under s. 125.12, a renewal licensee, if refused, is guaranteed a right to be heard by the municipality, and the municipality must show cause for refusal, but a new licensee, if refused, has no such guarantee. When an original license is void, the applicant is a new licensee. *Williams v. City of Lake Geneva*, 2002 WI App 95, 253 Wis. 2d 618, 643 N.W.2d 864, 01-1733.

Notices sent by the city did not violate the requirement in sub. (3) that the "council shall notify the licensee in writing of the municipality's intention not to renew the license" because they stated that "there is a possibility that your application may be denied." As the matter cannot be affirmatively decided before the hearing, it is of course only a possibility that the applicant's license will not be renewed at the time the notice is sent. *Questions, Inc. v. City of Milwaukee*, 2011 WI App 126, 336 Wis. 2d 654, 807 N.W.2d 131, 10-0707.

85-2.5 License and Permit Procedures

3.5. LICENSEE or PERMITTEE means a person licensed, permitted or otherwise approved under the provisions of this code to operate a particular type of business or to conduct a certain activity for which the code requires that a license, permit or other approval be granted or issued by the city before any person may operate that type of business or conduct that activity.

4. OBJECTION means a written statement submitted by an interested party to the city clerk that includes information personally known to the objector that could form the basis for nonrenewal or suspension of a license or permit as provided in s. 85-4-4, or as expressly provided elsewhere in this code for a license or permit as a basis for denying renewal or suspension of the license.

5. OBJECTOR means a person or party affected by the operation or proposed operation of a licensee, or who is or may be affected by the issuance or continuance of a permit, whose written objection is sufficient under this code to initiate proceedings for non-renewal, suspension or revocation of a license or permit.

6. PERSON means any individual, firm, partnership, association, corporation, limited liability company or limited liability partnership.

85-2.5. Notice of Hearing Upon Council Member Request. **1.** CITY CLERK TO NOTIFY. Upon request of the local council member, the city clerk may provide, by mail, written notice, regarding an application for any business license processed by the city clerk, which is scheduled for a hearing before the licensing committee of the common council, to up to 100 single-family residences in the immediate area of the property for which a license is sought, or to each resident of the circular area having a radius of 250 feet, centered on the property for which a license is sought, whichever is greater.

2. EXCEPTION. Notwithstanding sub. 1, those interested parties who have made written requests to the city clerk to be notified of a hearing for a particular license application shall be provided notice by the city clerk regardless of their residence.

85-2.7. Hearing Procedure, New License. **1.** HEARING; NOTICE. The licensing committee shall make a recommendation on whether or not

to grant each new license. If there is a possibility of denial, the licensing committee shall hold a hearing. No hearing shall be heard unless the city clerk, or other city official or department authorized to receive applications for licenses, has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 3 days' notice of the hearing. The notice shall contain:

a. The date, time and place of the hearing.

b. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial. If the possibility of denial is based on the fitness of the location of the premises to be licensed, the notice shall also be served upon the owner of the premises so that the owner has at least 3 days' notice of the hearing. Notice to the owner of the premises shall contain the same information and statements included under this paragraph related to the notice to the applicant.

c. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

d. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

2. POSSIBILITY OF DENIAL. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by an attorney, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

3. DUE PROCESS. A due process hearing shall be conducted in the following manner:

a. All witnesses shall be sworn in.
b. The chair shall ask those opposed to the granting of the license to proceed first.

c. The applicant shall be permitted an opportunity to cross-examine.

d. After the conclusion of the opponent's testimony, the applicant shall be

permitted to present the applicant's own witnesses, subject to cross-examination.

e. Committee members may ask questions of witnesses.

f. The applicant shall be permitted a brief summary statement.

4. RECOMMENDATION. The recommendation of the committee regarding the applicant shall be based on evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

a. Whether or not the applicant meets the municipal requirements.

b. The appropriateness of the location and premises where the licensed premises is to be located and whether use of the premises for the purposes or activities permitted by the license would tend to facilitate a public or private nuisance or create undesirable neighborhood problems such as disorderly patrons, unreasonably loud noise, litter, and excessive traffic and parking congestion. Probative evidence relating to these matters may be taken from the plan of operation submitted with the license application.

c. The fitness of the location of the premises to be maintained as the principal place of business, including but not limited to whether there is an overconcentration of businesses of the type for which the license is sought, whether the proposal is consistent with any pertinent neighborhood business or development plans, or proximity to areas where children are typically present.

d. The applicant's record in operating similarly licensed premises.

e. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the activity to be permitted by the license being applied for.

f. Any other factors which reasonably relate to the public health, safety and welfare.

5. FACTORS NOT CONSIDERED FOR RECOMMENDATION. The recommendations of the committee regarding the applicant shall not be based on evidence presented at the hearing related to the type or content of any music, or the actual or likely financial or non-financial effects on actual or potential competitors.

6. Committee Decision. The committee may make a recommendation immediately following the hearing or at a later

date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

7. DOCUMENT. If the common council grants the application for a license, the city clerk, or other city official or department authorized by the code to issue licenses, shall issue an appropriate document to the applicant confirming that fact. The document shall also contain any restrictions or conditions which the common council may place on approval.

85-3. Notice and Service. 1. NOTICE OF POSSIBLE NON-RENEWAL, SUSPENSION OR REVOCATION. a. Unless otherwise provided, the city clerk, or other city official or department authorized by the code to receive applications for licenses or permits, shall provide written notice of the possibility of non-renewal, or of suspension or revocation of a license or permit to the applicant addressed to the person or agent at the address most recently provided by the applicant.

b. Written notice of possible non-renewal, suspension or revocation shall include:

b-1. The date, time and place of a hearing to be held by the committee.

b-2. A statement of the common council's intent to revoke, suspend or not renew the license or permit if objections, charges or allegations are found to be true.

b-3. A statement of the specific reasons for revocation, suspension or non-renewal.

b-4. A statement that an opportunity will be provided to respond to and challenge the reasons for revocation, suspension or non-renewal, and to present witnesses under oath and to confront and cross-examine witnesses under oath.

b-5. A statement that the applicant may be represented by an attorney of the applicant's choice at the expense of the applicant.

b-6. A statement that, if the applicant requires the assistance of an interpreter, the applicant may employ an interpreter at the expense of the applicant.

b-7. A statement that, upon conclusion of a hearing before the committee, the committee will prepare a written report and recommendation to the common council, and shall provide a copy of the report and recommendation to the applicant.

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2. SERVICE OF DOCUMENTS.

Service of notices of meetings and service of other documents including committee reports and recommendations shall be made upon any party entitled to such notice and service by placing the same in the United States first class mail, postage prepaid.

3. OBJECTIONS. a. How Made.

Notice of an objection to the renewal of a license or in support of suspension of a license or permit by an interested party shall not be included in the notice of hearing if the objection has not been received by the city clerk within 45 days of the expiration of the license. Failure to timely submit an objection shall not be a bar to testimony or other evidence that relates to any matter actually identified in the notice of hearing as a basis for nonrenewal or suspension. An objection shall include information that could form the basis of a license nonrenewal or suspension and may be transmitted in writing or by electronic means. Any city official, or the official's delegate, shall forward an objection from an interested party, or from a resident as provided in s. 90-1-19, to the city clerk. The information provided by an official or the official's delegate to the city clerk shall include the name of the objector, contact information for the objector, and information known to the objector that may form a basis for nonrenewal or suspension. The submission by a city official or the official's delegate of a written summary of the objection to the city clerk shall be treated in the same manner as other objections. The city clerk is authorized to establish forms for the purpose of assisting persons wishing to submit an objection.

b. Exception. If application for renewal is filed with the city clerk after the deadline for renewal application established by the city clerk and prior to the expiration of the license, an objection may be submitted in fewer than 45 days prior to the expiration of the license and may be considered at a regularly scheduled meeting of the licensing committee provided sufficient and timely notice is given.

85-4. Hearing Procedure; Non-Renewal, Suspension or Revocation. 1. **AUTHORITY OF COMMITTEE.** The committee shall conduct hearings with respect to the non-renewal, suspension or revocation of a license or permit pursuant to this section. The chair of the committee shall be the presiding officer.

1.5. MULTIPLE LICENSE TYPES.

When the committee conducts a hearing relating to the possible denial, non-renewal, suspension

or revocation of a business type license and the licensee holds one or more other types of licenses or permits issued by the city clerk for the same premises, the committee shall also consider possible non-renewal, suspension or revocation of the other licenses or permits at the same hearing. Notice of possible denial, non-renewal, suspension or revocation of the non-alcohol beverage licenses or permits shall be provided in accordance with s. 85-3.

2. **COMMITTEE HEARING PROCEDURE.** a. The chair shall advise the applicant of the right to proceed to a due process hearing represented by counsel with all testimony, both direct and cross examination, under oath or that the applicant may simply make a statement to the committee.

b. The chair shall direct that oaths be administered and subpoenas issued upon request of any party.

c. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this section. The chair shall open the hearing with a statement that a notice was sent to the applicant, and, if the applicant appears, shall further inquire whether the notice was received. Unless expressly provided elsewhere in this code, the chair shall advise the licensee and parties seeking nonrenewal, suspension or revocation of the license that each side will be limited to 30 minutes for testimony and oral argument. This time may be extended by the chair, subject to approval by the committee, if additional time is necessary for a full and fair presentation of the facts and arguments. When permitted by the chair, questioning by committee members and relevant responses shall not count against the time limitation. In the event that the applicant does not admit receipt of the notice and also denies knowledge of the contents of the notice, the chair shall ascertain whether the applicant wishes to immediately proceed to a full hearing or whether the applicant wishes the matter to be held to the call of the chair or to a time certain. The decision to proceed or to hold the matter shall be made by the committee.

d. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

3. **RECORD.** An electronic or stenographic record shall be made of all licensing proceedings before the licensing committee and the common council. An

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electronic record shall audibly, accurately and completely reflect the testimony and statements made by participants in the proceedings. Recordings shall be maintained in a manner prescribed by the city clerk. An electronic record shall be made available for stenographic transcription or for transcription by other means at the expense of the person or party seeking the transcription of all or any portion of the record.

4. GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION. The recommendations of the committee regarding the applicant shall be based on evidence presented at the hearing. Unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of:

a. Failure of the applicant to meet municipal qualifications.

b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed or permitted activity, by the applicant or by any employee or other agent of the applicant.

c. If the activities of the applicant involve a licensed premises, whether the premises tends to facilitate a public or private nuisance or has been the source of congregations of persons which have resulted in any of the following:

- c-1. Disturbance of the peace.
- c-2. Illegal drug activity.
- c-3. Public drunkenness.
- c-4. Drinking in public.
- c-5. Harassment of passers-by.
- c-6. Gambling.
- c-7. Prostitution.
- c-8. Sale of stolen goods.
- c-9. Public urination.
- c-10. Theft.
- c-11. Assaults.
- c-12. Battery.
- c-13. Acts of vandalism including graffiti.
- c-14. Excessive littering.
- c-15. Loitering.
- c-16. Illegal parking.
- c-17. Loud noise at times when the licensed premise is open for business.
- c-18. Traffic violations.

- c-19. Curfew violations.
- c-20. Lewd conduct.
- c-21. Display of materials harmful to minors, pursuant to s. 106-9.6.
- c-22. Any other factor which reasonably relates to the public health, safety and welfare.
- c-23. Failure to comply with the approved plan of operation.

5. HEARING OFFICER. Where it is impractical for the committee to hold an evidentiary hearing, the committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the committee as well as to the applicant, the applicant's agent, manager, operator or any other employee of the applicant, and to the person bringing the complainant or objector. The chair of the committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report. Notice of the committee hearing on the report shall be given to all parties. The committee may take and reserve additional evidence at the time of said hearing. The committee may accept or reject the report of the hearing officer or make any changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The committee shall transmit its recommendation to the common council for action as provided in sub. 6.

6. COMMITTEE REPORT. The committee may make a report and recommendations immediately following the hearing or at a later date. The committee may recommend that the license or permit be renewed, not renewed, suspended or revoked. In addition, if the committee determines that circumstances warrant, the committee may recommend that the license or permit be renewed conditioned upon a suspension of the license or permit for a defined period of time. When the committee elects to recommend that a license or permit be renewed with a period of suspension, the license or permit may be suspended for a period of not less than 10 days and no more than 90 days.

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85-5. Council Action. 1. REPORT TO BE PROVIDED. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation upon the applicant and upon the complainant or objector, if any. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. A copy of the report shall be distributed to each member of the common council.

2. FILING WRITTEN STATEMENTS OR RESPONSES. Following a recommendation by the committee that the license or permit not be renewed, or that the license or permit be revoked or suspended, the applicant may submit a written statement including objections, exceptions and arguments of law and fact. When the proceedings have been commenced upon the complaint or objection of an interested party who has appeared and offered evidence, the complainant or objector may also submit a written statement in response. Written statements shall be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

3. COPIES TO BE PROVIDED TO COMMON COUNCIL MEMBERS. A copy of any statement in response to the report and recommendations of the committee that is timely filed shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

4. PROCEDURE AT MEETING OF THE COMMON COUNCIL. a. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendations. The city clerk shall notify the applicant, and the complainant or objector, if any, by United States first class mail, postage prepaid, 5 working days prior to the hearing before the common council, and shall also notify the city attorney, that the council will convene to act upon the report and recommendations.

b. Each member of the common council shall be asked to affirm that he or she has read the report and recommendations of the committee. When a written statement has been timely filed by the applicant, or by a complainant or objector, each member of the common council shall be asked to affirm that he or she has read the statement. If members of the

council have not read the recommendation and report of the committee and any statement in response that has been timely filed, the chair shall allocate time for the members to do so.

c. Oral argument on behalf of the applicant, and oral argument by the complainant or objector, if any, shall be permitted only to those parties having timely filed a written statement. Oral argument shall be limited to 5 minutes. The city attorney shall also be permitted to make an oral presentation of not more than 5 minutes.

d. Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by designated agents or counsel. Partnerships shall be represented only by a partner or counsel. Limited liability companies shall be represented only by designated agents or counsel. Complainants and objectors shall appear only in person or counsel. Any person making an appearance before the council who requires the services of an interpreter shall obtain one at his or her own expense.

e. The common council shall determine by a majority roll call vote of those in attendance and voting whether to adopt the recommendation of the committee. The city clerk shall provide written notice of the decision to the applicant, and to the complainant or objector, if any, including a written statement or summary of the reasons for the decision.

f. Unless otherwise expressly provided, the revocation of a license or permit shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for revocation shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for renewal shall be effective on the date the common council takes action to suspend the license or permit, or on the date of the expiration of the license or permit, whichever is later. A license or permit may be suspended for not less than 10 days and no longer than 90 days.

g. If a retail alcohol beverage license for a premises is suspended and the licensee also holds a public entertainment premises license for the premises, the public entertainment premises license shall be suspended for the same time period as the alcohol beverage license.

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c-1-c. The appropriateness of tavern location and premises. Evidence of the appropriateness of the location may be included in the report provided by the chief of police or chief's designee under par. b-2-a.

c-1-d. Neighborhood problems due to management or location.

c-1-e. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholder holding 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, of any of the offenses enumerated in s. 125.12(2)(ag), Wis. Stats., as amended.

c-1-f. Failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-c.

c-1-g. Any other factor or factors which reasonably relate to the public health, safety and welfare.

c-2. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend that the license be renewed or not renewed. In addition, if the committee determines that circumstances warrant it, the committee may recommend that the license be renewed conditioned upon a suspension of the license for a defined period of time. When the committee elects to recommend that a license be renewed with a period of suspension, the license may be suspended for not less than 10 days and no longer than 90 days. Such suspension shall commence on the effective date of the license renewal. Following the hearing, the committee shall submit a report to the common council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the council should take. The committee shall provide the complainant and applicant with a copy of the report. The applicant and complainant, if any, may file a written statement in response to the report including objections, exceptions and arguments of law and fact. A written statement must be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

d. Council Action. d-1. The applicant shall be given 5 working days' notice of the date set for hearing by the full common council.

d-2. At the meeting of the common council, the chair shall allow oral argument by an applicant or complainant who has timely submitted a written statement in response to the recommendations of the licensing committee. The city attorney shall also be permitted a statement. Oral arguments shall not exceed 5 minutes on behalf of any party. Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

d-3. Prior to voting on the committee's recommendation, all members of the council who are present shall signify that they have read the recommendation and report of the licensing committee and any written statements in response that have been filed thereto. If they have not, the chair shall allocate time for the members to do so. If they have read the report and recommendation, then a roll call vote shall be taken as to whether or not the recommendation of the committee shall be accepted. The applicant shall be provided with written notice of the results of the vote taken by the common council.

3. REQUEST TO SURRENDER A LICENSE. See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

90-12. Revocation or Suspension of Licenses. 1. CAUSES. Any license issued under this chapter may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Such licenses shall be suspended or revoked for the following causes:

a. The making of any material false statement in any application for a license.

b. The conviction of the licensee, his agent, manager, operator or any other employee for keeping a gambling house or a house of prostitution or any felony related to the licensed operation.

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c. A showing that such licensee has violated any state law or city ordinance prohibiting the sale of intoxicating liquors or fermented malt beverages to underage persons, or to any person intoxicated or bordering on the state of intoxication.

d. The violation of the provisions in ss. 90-7 through 90-10 and 90-13 through 90-31.

e. The violation of any of the excise laws of this state.

f. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood; or

g. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholder holding 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, of any of the offenses enumerated in s. 125.12(2)(ag), Wis. Stats., as amended.

h. Failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-c.

i. For any other reasonable cause which shall be in the best interests and good order of the city.

3. STATE LAW APPLICABLE. Except as hereinafter provided, the provisions of ss. 125.12(2)(ag) to (c), Wis. Stats., shall be applicable to proceedings for the suspension and revocation of all licenses granted under this chapter.

4. COMMENCEMENT OF PROCEEDINGS. Suspension or revocation proceedings may be instituted by the licensing committee of the common council upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any city resident.

5. PROCEDURES FOR REVOCATION OR SUSPENSION. a. Complaint; Summons; Report.

a-1. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a licensee involving conduct which would violate statutes or ordinances that are grounds for revocation or suspension of a license, the city clerk shall issue a summons, as authorized by Wisconsin statutes, demanding that the licensee appear before the licensing committee, not less than 3 days nor more than 10 days from the date of issuance, to show cause why the license should not be revoked or suspended.

a-2. A police officer shall serve the summons upon a licensee in accordance with Wisconsin statutes, and shall also serve a copy of the complaint with a copy of this subsection upon the licensee.

a-3. The chief of police shall prepare a report with information relating to the allegations contained in the written charges or complaint. The report shall first state whether the chief of police has information relating to the allegations contained in the written charges or complaint. The report may be offered and made part of the permanent record of the hearing without motion. Information contained in the report shall be admissible and may be considered by the committee as a public record to the extent that the information in the report sets forth the activities of department personnel, or provides information about matters observed by police personnel under a duty imposed by law, or contains factual findings resulting from an investigation made under authority of law, unless the sources of information or other circumstances indicate lack of trustworthiness. A copy of the report shall be provided to the licensee at least 3 days prior to the time scheduled for appearance upon the summons and complaint.

b. Committee Hearing. b-1. Upon receipt of evidence that the summons has been served, the licensing committee shall convene at the date and time designated in the summons for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the full common council in connection with the proposed revocation or suspension.

b-2. If the licensee appears before the committee at the time designated in the summons and denies the charges contained in

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the complaint, an evidentiary hearing in connection with the revocation or suspension shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the city attorney and the licensee in connection with the revocation or suspension.

b-3. The procedure at evidentiary hearing shall be as follows:

b-3-a. The chief of police or complainant shall first present evidence in support of the complaint. The chief of police or complainant may offer the report prepared under par. a-3.

b-3-b. After the chief of police or complainant rests, the licensee may present evidence in opposition to the written charges or complaint.

b-3-c. The chief of police or complainant and the licensee may subpoena and present witnesses. All witnesses shall testify under oath and shall be subject to cross-examination.

b-3-d. The chief of police or complainant and the licensee shall each be limited to 30 minutes for testimony and oral presentation unless the chair, subject to approval of the committee, extends the time to assure a full and fair presentation.

b-3-e. Questions by committee members and responses to members' questions shall not be counted against the time limitations.

b-3-f. At the close of the testimony, the chief of police or complainant and the licensee shall be given a reasonable time to make arguments upon the evidence produced at the hearing.

b-4. The chair of the licensing committee shall be the presiding officer. The chair shall direct that oaths be administered and subpoenas issued upon request of either side. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members present and voting.

b-5. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

b-6. A record shall be made of all licensing proceedings before the committee and before the common council as provided in s. 85-4-3.

c. Committee Report. c-1. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation on the licensee and transmit a copy thereof to the city attorney. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. The report shall be distributed to each member of the common council.

c-2. The committee shall provide the licensee, and the complainant, if any, with a copy of the report. The licensee and complainant may file a written statement or response including objections, exceptions and arguments of law and fact to the report to the common council. A written statement or response must be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

c-3. Any written statement or response to the report and recommendations of the committee shall be filed by the close of business on the day that is 3 working days prior to the date on which the matter is to be heard by the common council. Copies of written statements shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

d. Council Action. d-1. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendations. Not less than 5 working days prior to the hearing before the common council, the city clerk shall notify the licensee and complainant by United States first class mail, postage prepaid, sent to the last known address of the licensee and complainant, and shall also notify the city attorney, of the time and place that the common council will convene. Each member of the common council shall be asked to affirm that he or she has read the report and recommendations of the committee. When written statements or responses are timely filed to a committee report and recommendations that the license be suspended or revoked, each member of the common council shall be asked to affirm that he or she has read the statements or responses. If

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members of the council have not read the recommendations and report of the committee and any statements or responses that have been filed, the chair shall allocate time for the members to do so. Oral argument in support of the report and recommendations presented by the city attorney, oral argument on behalf of the licensee in opposition to the report and recommendations and oral argument by the complainant objecting to the report and recommendations shall be permitted where written statements or responses have been timely filed. Argument shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendations and the written exceptions. Licensees shall appear only in person or by counsel. Corporate licensees shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

d-2. The common council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the committee. Such vote shall be a roll call vote. If the common council finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation with the committee's report and recommendation and in accordance with Wisconsin statutes, the city clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the accused.

7. REQUEST TO SURRENDER A LICENSE. See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

90-13. Alterations to Premises. Except as provided in s. 200-26-6-b, any alteration, change or addition resulting in expansion of a licensed premises shall be approved by the licensing committee prior to issuance of a permit pursuant to s. 200-24 by the department of neighborhood

services. An applicant whose license application has been denied by the committee may appeal the decision to the common council.

90-14. Restrictions as to Location of Premises.

1. 300 FEET RESTRICTION. No "Class A" or "Class B" license for the sale of intoxicating liquor may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any church, school, day care center or hospital, except that this prohibition may be waived by a majority vote of the common council. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, day care center or hospital to the main entrance of the premises covered by the license.

2. EXCEPTIONS. The prohibition in sub. 1 does not apply to any of the following:

a. Premises covered by a "Class A" or "Class B" license on June 30, 1947.

b. Premises covered by a "Class A" or "Class B" license prior to the occupation of real property within 300 feet thereof by a school, day care center, hospital or church building.

c. A restaurant located within 300 feet of a church, day care center or school. This paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of its gross receipts.

90-15. Hours of Operation. 1. "CLASS A" RETAILER'S INTOXICATING LIQUOR LICENSE. No premises for which a "Class A" retailer's intoxicating liquor license has been issued shall be permitted to remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.

2. CLASS "A" FERMENTED MALT BEVERAGE RETAILER'S LICENSE. No holder of such a license shall sell fermented malt beverages between the hours of 9:00 p.m. and 8:00 a.m., except a brewery that operates a bonafide 3rd shift for at least 9 months of a previous year may sell fermented malt beverages to its employees in a designated employee shopping area on brewery premises between the hours of 8:00 a.m. to 11:00 p.m.

3. CLASS "B" FERMENTED MALT BEVERAGE AND "CLASS B" TAVERN LICENSES. a. Closing Hours - Prohibited Hours. a-1. No person holding such licenses shall permit a patron to enter or remain on the

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clerk at least 45 days prior to the date on which the license expires, provided that the renewal was filed by the date established by the city clerk. If the applicant fails to file within the time frame established by the city clerk, an objection may be filed within 10 days of the filing of the renewal application. An objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

2. Procedure for Nonrenewal. If there is a possibility that the licensing committee will not renew the license, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

108-11. Nonrenewal, Revocation or Suspension of Licenses.

1. PROCEDURE. a. Procedures for Revocation or Suspension. Any license issued under this chapter may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

b. Due Process Hearing and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

2. REQUEST TO SURRENDER A LICENSE OR WITHDRAW A RENEWAL APPLICATION. Whenever any licensee wishes to surrender a license or withdraw a renewal application, the procedures for disqualification of a license provided in s. 85-13 shall apply.

3. GROUNDS FOR NONRENEWAL, SUSPENSION OR REVOCATION. The recommendation of the committee regarding the licensee shall be based on evidence presented

at the hearing. Probative evidence concerning nonrenewal, suspension or revocation may include evidence of circumstances cited in s. 85-4-4.

4. COUNCIL ACTION. Following the receipt of a report and recommendation of the committee, the common council shall consider the report and recommendations pursuant to the procedures provided in s. 85-5.

5. WHEN ALCOHOL BEVERAGE LICENSE SUSPENDED. If a retail alcohol beverage license for a premises is suspended and the licensee also holds a public entertainment premises license for the premises, the public entertainment premises license shall be suspended for the same time period as the alcohol beverage license.

108-12. Appeal Rights. Any aggrieved applicant for, or holder of, a public entertainment premises license may seek judicial review to appeal the common council's denial of a new license or license transfer, or the suspension, nonrenewal or revocation of an existing license pursuant to s. 68.13, Wis. Stats.

108-15. Alteration of Premises. Any alteration, change or addition resulting in expansion of a licensed premises shall be approved by the licensing committee prior to issuance of a license, pursuant to s. 200-24, by the department of city development. An applicant whose application has been denied by the committee may appeal the decision to the common council.

108-16. Standards for Special Event Campgrounds. All special event campgrounds shall meet the following standards:

1. The campground operator shall obtain a campground permit from the department of neighborhood services in accordance with ch. DHS 178, Wis. Adm. Code. The permit application shall be accompanied by a plan of operation and a site plan that meets all applicable requirements of ch. DHS 178, Wis. Adm. Code. The department of neighborhood services shall not issue a campground permit to any permit applicant who has outstanding violations of the code of ordinances. For an indoor campground, a certificate of occupancy