

ALDERMAN, 12TH DISTRICT

January 5, 2007

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 060833

Common Council File 060833 contains the following recommendations:

Non-renewal of the Class "D" Bartender license of Anna Kayde based upon non-appearance.

Non-renewal of the Class "D" Bartender license of Andrae Morris based upon non-appearance.

Renewal, with a 10-day suspension based on the police report, of the Class "D" Bartender license of Mark Caplan. (Committee vote: Ayes: 3, Noes: 1, Excused: 1)

Renewal, with a 10-day suspension based on the police report, of the Class "B" Tavern license of Geninne Carter for the premises at 3501 N. 6th St. ("Gee Gee's on 6th Street") in the 6th aldermanic district. (Committee vote: Ayes: 4, Noes: 1)

Renewal, with a 90-day suspension, of the Class "B" Tavern license and non-renewal of the Tavern Dance license, based on the police report, of Jesus Lopez for the premises at 1500 W. Mitchell St. ("El Gallo De Oro") in the 12th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on January 2nd, 2007.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, a roll call vote will be taken to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Wednesday**, **January 17**, **2006** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

James N. Witkowiak, Chair

Licenses Committee

cc: All Council Members

Files 060833



ALDERMAN, 12TH DISTRICT

Date:

January 4, 2007

To:

All Members of the Milwaukee Common Council

From:

Licenses Committee

Re:

Report on the Renewal Application of the Class "D" Bartender

License of Anna M. Kayde

- 1. Anna M. Kayde (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2006.
- 2. An application to renew said license was filed with the Office of the City Clerk on November 6, 2006.
- 3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On November 7, 2006, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
- 4. On December 15, 2007 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 2, 2007, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.
- 5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. A notice of the hearing as well as a copy of the police report was sent to Anna M. Kayde at 6614 Vista Avenue, Wauwatosa, Wisconsin 53213 on

December 15, 2006 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 6614 Vista Avenue, Wauwatosa, Wisconsin 53213 is the address given by the applicant on her application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on January 2, 2007.

CONCLUSIONS OF LAW

- 1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
- 2. Based on the above facts found, the Committee concludes that the licensee, Anna M. Kayde, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license based upon nonappearance.
- 3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Bartender license held by Anna M. Kayde based upon nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License be denied.

Dated and signed at Milwaukee, Wisconsin this 4th day of January, 2007.

JAMES N. WITKOWIAK

Chairman Licenses Committee



ALDERMAN, 12TH DISTRICT

Date: January 4, 2007

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender

License of Andrae B. Morris

FINDINGS OF FACT

1. Andrae B. Morris (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2006.

- 2. An application to renew said license was filed with the Office of the City Clerk on November 20, 2006.
- 3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On November 21, 2006, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
- 4. On December 15, 2006 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 2, 2007, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.
- 5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. A notice of the hearing as well as a copy of the police report was sent to Andrae B. Morris at 3644 North 39th Street, Milwaukee, Wisconsin 53216 on December 15, 2007 by U.S. prepaid first-class mail in an envelope

bearing the return address of the License Division. The address of 3644 North 39th Street, Milwaukee, Wisconsin 53216 is the address given by the applicant on his application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on January 2, 2007.

CONCLUSIONS OF LAW

- 1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
- 2. Based on the above facts found, the Committee concludes that the licensee, Andrae B. Morris has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license based upon nonappearance.
- 3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Bartender license held by Andrae B. Morris based upon nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License be denied.

Dated and signed at Milwaukee, Wisconsin this 4th day of January, 2007.

JAMES N. WITKOWIAK

Chairman Licenses Committee

113559



ALDERMAN, 12TH DISTRICT

Date:

January 4, 2007

To:

All Members of the Milwaukee Common Council

From:

Licenses Committee

Re:

Report on the Renewal Application of the Class "D" Bartender

License of Mark A. Caplan

- 1. Mark A. Caplan (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2006.
- 2. An application to renew said license was filed with the Office of the City Clerk on October 9, 2006.
- 3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 10, 2006, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
- 4. On December 18, 2006 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 2, 2007, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and admitted receipt of the notice. The licensee was not represented by counsel.
- 5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. The licensee's driver's license revealed the following:

February 2, 2006 operating while intoxicated Waukesha County Circuit Court

The licensee is a manager at Potawatomi and has worked in the alcohol B. beverage industry for the last 15 years. The licensee has had both an assessment and group therapy.

CONCLUSIONS OF LAW

- The Committee has jurisdiction to hold hearings and provide Findings of Fact, 1. Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
- Based on the above facts found, the Committee concludes that the licensee, Mark 2. A. Caplan has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license held by him without undergoing a ten (10) day suspension of said license.
- In order to protect the health, safety and welfare of the citizens of the City of 3. Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" Bartender license held by Mark A. Caplan with a ten (10) day suspension of said license based upon the danger his activities represent to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noes and one (1) excused, recommends that the Class "D" Bartender License be renewed with a ten (10) day suspension.

Said suspension is to be in effect after the Common Council considers this matter on January 17, 2007 through midnight, January 27, 2007.

Dated and signed at Milwaukee, Wiscopsin his 4th day of January, 2007.

MESN. WITKOWIAK

Chairman Licenses Committee



ALDERMAN, 12TH DISTRICT

Date:

January 4, 2007

To:

All Members of the Milwaukee Common Council

From:

Licenses Committee

Re:

Report on the Renewal Application of the Class "B" Tavern License of Geninne Carter for the premises located at 3501 North 6th Street in the City

and County of Milwaukee, Wisconsin ("Gee Gee's On 6th Street").

- Geninne Carter (hereinafter "the Licensee") is the holder of a Class "B" Tavern 1. License. Said license expires at midnight on January 31, 2007.
- An application to renew said license was filed with the Office of the City Clerk on 2. December 15, 2006.
- Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of 3. the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On November 7, 2006, the Milwaukee Police Department responded with a report that could from the basis for renewal of said license. There were also neighborhood objections to loud music and noise, parking and traffic problems, cruising, loitering, littering, shootings, fighting, drug and criminal activity, prostitution and conduct which is detrimental to the health, safety and welfare of the neighborhood.
- On December 18, 2006, the City Clerk's Office provided timely notice to the 4. Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee Police Department report and neighborhood objections and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report and neighborhood objections on January 2, 2007 commencing at 9:15 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report. The licensee

- appeared and was not represented by counsel. No neighbors appeared to give testimony, and as a result the neighborhood objections were not considered.
- 5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. January 21, 2006 at 2:00 a.m. the licensee received a citation for presence of minor prohibited at the licensed premises at 3501 North 6th Street in the City and County of Milwaukee, Wisconsin ("Gee Gee's On 6th Street"). The licensee was charged with presence of minor prohibited and on March 16, 2006 was found guilty and fined \$100.00.
 - B. On March 26, 2006 at 1:19 a.m. officers of the Milwaukee Police Department responded to a shooting outside of the licensed premises at 3501 North 6th Street in the City and County of Milwaukee, Wisconsin ("Gee Gee's On 6th Street"). The investigation revealed that three people were shot and there were two suspects. Both victims and suspects were patrons of the licensed premises at 3501 North 6th Street in the City and County of Milwaukee, Wisconsin ("Gee Gee's On 6th Street") on the date in question

CONCLUSIONS OF LAW

- 1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
- 2. Based upon the above facts found, the Committee concludes that the Licensee, Geninne Carter has not met the criteria to allow renewal of her Class "B" Tavern license without undergoing a ten (10) day suspension of said license. The Committee finds the incidents recited in the police report, as stated above to be true.
- 3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern license of Geninne Carter for the premises located at 3501 North 6th Street in the City and County of Milwaukee, Wisconsin ("Gee Gee's On 6th Street ") with a ten (10) day suspension based upon the past activities of the Licensee and the danger that the continued operation of the premises poses to the health, safety and welfare of the citizens of the City of Milwaukee.

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) noe, recommends that the Class

"B" Tavern license of Geninne Carter for the premises located at 3501 North 6th Street ("Gee Gee's On 6th Street") in the City and County of Milwaukee, Wisconsin be renewed with a ten (10) day suspension.

Said suspension is to be in effect between 12:01 a.m. February 1, 2007 and midnight, February 10, 2007.

Dated and signed at Milwaukee, Wisconsin this 4th day of January, 2007.

AMES N. WITKOWIAK

Chairman, Licenses Committee

113524



ALDERMAN, 12TH DISTRICT

Date: January 4, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Jesus Lopez for a Class "B" Tavern and Tavern Dance license for the premises located at 1500 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Gallo De Oro").

- 1. Jesus Lopez (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises located at 1500 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Gallo De Oro"). Said license expires at midnight, January 30, 2007.
- 2. An application to renew said license was filed with the Office of the City Clerk on November 10, 2006.
- 3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license on November 16, 2006. There were also neighborhood objections to the renewal of the Tavern Dance license held by the licensee based on loud music, noise, parking and traffic problems, cruising, loitering, littering, shootings, gun shots, fighting, drunkenness, public urination, trespassing, vandalism, disturbances of the peace, drug and criminal activity, prostitution, and conduct detrimental to the health, safety and welfare of the neighborhood and the general past history of this location. However, no neighbors appeared to testify as to those objections and the Committee did not consider them.
- 4. On December 18, 2006, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for nonrenewal or suspension and included a copy of the police report. The matter was scheduled for a hearing on the police report on January 2, 2007 at 10:00 a.m.

- in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared at the hearing and was represented by Attorney Craig Mastantuono, 817 North Marshall Street, Milwaukee, WI 53202.
- 5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On October 15, 1989 the licensee was arrested by the Milwaukee Police for carrying a concealed weapon (misdemeanor). The licensee was charged with carrying a concealed weapon and on February 26, 1990 was found guilty and sentenced to four days in the House of Corrections.
 - B. On October 31, 1993 the licensee was cited by the Milwaukee police for sale of intoxicants to intoxicated person. The licensee was charged with sale of intoxicants to intoxicated person and on May 2, 1994 was found guilty and fined \$325.00.
 - C. On December 11, 2004 an underage City of Milwaukee police aide entered the licensed premises at 1500 West Mitchell Street ("El Gallo De Oro) at the direction of Milwaukee police. The aide was able to purchase three beers from the bartender, Rosalba Sanchez. The licensee was issued a citation for sale of alcohol to underage person and charged with this offense on February 11, 2005 and fined \$167.00. The bartender, Rosalba Sanchez, was issued a citation for sale of alcohol to underage person which was dismissed without prejudice on February 11, 2005.
 - D. On February 9, 2005 at 1:12 a.m. Milwaukee Police Department officers conducted a licensed premises check at the licensed premises at 1500 West Mitchell Street, Milwaukee, Wisconsin ("El Gallo De Oro"). The rear door was locked with a slide bolt. The licensee was charged with safe egress from all entrances and found guilty on April 22, 2005 and fined \$343.00.
 - E. On February 25, 2005 at 9:35 p.m. Milwaukee Police Department officers responded to a fight at the licensed premises at 1500 West Mitchell Street ("El Gallo De Oro"). No tavern violations were issued, but two patrons were cited for disorderly conduct.
 - F. On November 25, 2005 at 1:51 a.m., Milwaukee Police Department officers were dispatched to the licensed premises at 1500 West Mitchell Street ("El Gallo De Oro") for a subject with a gun. Officers spoke to the caller/victim, identified as Bennett Stephens. Mr. Stephens stated he is employed by Wisconsin Security Solutions and while on duty and in full uniform, he was providing security at the main entrance for El Gallo De Oro tavern. Mr. Stephens stated he had a confrontation with a patron

earlier that night. That patron then returned shortly before closing and Mr. Stephens denied him access to the tavern. Mr. Stephens stated that the patron then struck him in the face and started to walk away. Mr. Stephens followed the patron when the patron drew a pistol from the small of his back and Mr. Stephens then drew his pistol. However, no shots were fired. The patron fled the area. Officers did talk to the licensee, Jesus Lopez, who stated he did not witness this incident. Lopez further stated there were no security cameras anywhere in the tavern or outside of the tavern. No violations were found at this time.

- G. On March 30, 2006, Milwaukee Police Department officers conducted a tavern license check at the licensed premises at 1500 West Mitchell Street ("El Gallo De Oro"). Upon entering the tavern, officers observed 30 clear plastic baggies containing suspected cocaine inside of a Corona bucket. Officers tested the substance, which was positive for cocaine. Officers arrested several patrons for possession of cocaine and resisting/obstructing officer. Police spoke with the licensee, Jesus Lopez, who stated that he can't watch everyone that enters his tavern and that everyone uses drugs. At hearing, the Committee was told that Mr. Lopez did not express himself well, and that he was simply trying to explain to the officer that he cannot know if someone brings drugs into his establishment, but he does care very much if they do.
- On April 5, 2006 at 11:50 p.m., Milwaukee Police Department officers H. conducted follow-up at the licensed premises at 1500 W Mitchell Street ("El Gallo De Oro"). Upon entering the tavern, officers observed a subject, later identified as Pedro Garza, drop a folded dollar bill. Inside this dollar bill was a white powdery substance suspected of cocaine. The dollar bill was recovered and tested positive for cocaine. It was placed on inventory. Garza was arrested and charged with POCS-Cocaine. Another officer observed a subject who appeared to be underage and was drinking a 16 oz bottle of Corona malt liquor at the bar. The officer asked this subject for identification and he refused to identify himself. The officer arrested the subject, who was later identified as Hipolito Clemente-Cruz and charged Clemente-Cruz with resisting/obstructing an Officer and possession/consumption of alcohol by underage. Officers then spoke to Jesus Lopez, who was issued a citation for sale to underage and presence of underage which was dismissed without prejudice on June 16, 2006 and presence of underage for which he was found guilty and fined \$354.00 on June 16, 2006.
- I. On June 24, 2006 at 6:30 p.m., the licensee received a citation for presence of minor prohibited at 1500 West Mitchell Street ("El Gallo De Oro"). The licensee was charged with presence of minor prohibited and found guilty on August 14, 2006 and fined \$367.00. At hearing, the Committee was told that at the time of this incident Mr. Lopez was

- transitioning from using Wisconsin Security Solutions to hiring his own guard who had been an employee of Wisconsin Security Solutions.
- J. It was suggested to Mr. Lopez during the last renewal hearing that he install security cameras, but they have not been installed to the present time.
- K. Mr. Lopez uses the assistance of two daughters (one of whom lives on the premises) and a daughter-in-law (who also lives on the premises) to assist him in operating this establishment. Mr. Lopez does not personally tend bar, but opens and closes the premises.
- L. Since June, 2006, Mr. Lopez' record has improved and the police regularly ask the security guard how things are going.

CONCLUSIONS OF LAW

- 1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
- 2. Based upon the above facts found, the Committee concludes that the licensee, Jesus Lopez who holds a Class "B" Tavern and Tavern Dance license for the premises located at 1500 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Gallo De Oro") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a ninety (90) day suspension and further concludes that nonrenewal of the Tavern Dance license for this premises is warranted. The Committee finds the police report as stated above to be true.
- 3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern license of Jesus Lopez for the premises located at 1500 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Gallo De Oro") with a ninety (90) day suspension and to not renew the Tavern Dance license for this premises based upon the incidents recited in the police report and found to be true and the danger those incidents pose to the health, safety and welfare of the citizens.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes recommends that the

Class "B" Tavern license held by Jesus Lopez be renewed with a ninety (90) day suspension and that the Tavern Dance license for the premises located at 1500 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Gallo De Oro"), Milwaukee, Wisconsin not be renewed.

Said suspension of the Class "B" Tavern license is to be in effect from 12:01 a.m. January 31, 2007 through midnight, April 30, 2007.

Dated and signed at Milwaukee, Wisconsin this 4th day of January, 2007.

JAMES N WITKOWIAK, Chair

Licenses Committee

113556