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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

September 29, 2011

Valdemar Escobar, Agt.
El Rey Del Pollo LLC
3433 W. National Ave.
Milwaukee, WI 53215

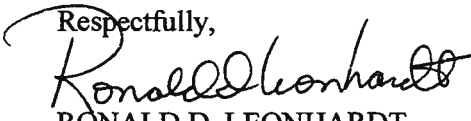
Dear Mr. Escobar:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, October 11, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "B" Tavern and Record Spin licenses for the premises at 3433 W. National Ave. ("Fiesta Garibaldi Chicken Palace").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending to not renew your Class "B" Tavern and Record Spin licenses based upon your second nonappearance. The recommendation is the result of a public hearing before the Committee held on Monday, September 26, 2011.

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

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, October 6, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: September 29, 2011

To: All members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal applications of Valdemar Escobar, Agent for "El Rey Del Pollo, LLC" for Class "B" Tavern and Record Spin licenses with a change of agent for the licensed premises at 3433 West National Avenue in the City and County of Milwaukee, Wisconsin ("Fiesta Garibaldi Chicken Palace").

FINDINGS OF FACT

1. Valdemar Escobar (hereinafter the "Licensee") is the holder of Class "B" Tavern and Record Spin licenses for the premises known as Fiesta Garibaldi Chicken Palace located at 3433 West National Avenue in the City and County of Milwaukee, Wisconsin.
2. Applications to renew said licenses were filed with the Office of the City Clerk on June 16, 2011.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On June 17, 2011, the Milwaukee Police Department responded with a police report which could form the basis for nonrenewal or suspension of this licensee.
4. On September 14, 2011, the City Clerk's Office provided notice to the Licensee of police reports and neighborhood and aldermanic objections that could form the basis of nonrenewal or suspension of this licensee. On September 26, 2011, the Licenses Committee met at City Hall for a hearing to consider the licensee's renewal applications. The licensee did not appear and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearings, the Committee finds the following:
 - A. A notice of the hearing, as well as a copy of the police report, were sent to Valdemar Escobar at 3433 West National Avenue, Milwaukee, Wisconsin 53215 on September 14, 2011 by U.S. prepaid first-class mail in an envelope bearing the return address

address of the License Division. The address of 3433 West National Avenue, Milwaukee, Wisconsin 53215 is the address given by the Licensee 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 September 26, 2011. The notice of the hearing was also mailed to Valdemar Escobar at 821 A West Lincoln Avenue, Milwaukee, Wisconsin 53215. The envelope was not returned to the License Division by the United States Postal Service.

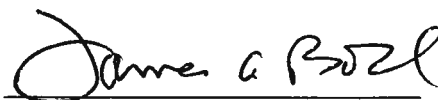
CONCLUSIONS OF LAW

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 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Valdemar Escobar, Agent for "El Rey Del Pollo, LLC" d/b/a "Fiesta Garibaldi Chicken Palace" for the premises located at 3433 West National Avenue, in the City and County of Milwaukee, Wisconsin has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern and Record Spin licenses.
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 discretion to not renew the Class "B" Tavern and Record Spin licenses with a change of agent for "El Rey Del Pollo, LLC" d/b/a "Fiesta Garibaldi Chicken Palace" for the premises located at 3433 West National Avenue in the City and County of Milwaukee, Wisconsin based upon two consecutive nonappearances, one on September 7, 2011 and another on September 26, 2011.

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 "B" Tavern and Record Spin licenses with a change of agent for "El Rey Del Pollo, LLC." d/b/a "Fiesta Garibaldi Chicken Palace" for the premises located at 3433 West National Avenue in the City and County of Milwaukee, Wisconsin not be renewed based on nonappearance.

Dated and signed at Milwaukee, Wisconsin this 29th day of September, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee