



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

September 14, 2007

To the Honorable, the Common Council

Dear Members:

Common Council File 070402 contains the following recommendations:

Renewal, with a 90-day suspension based on the police report, of the Class "D" Bartender License of Marco Tapia.

Renewal, with a 60-day suspension based on the police report and the danger that the operator's conduct represents to the health, safety and welfare of the citizens of Milwaukee, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of Sean Rafaelli, Agent for "DLR, Inc." for the premises at 2601 W. State St. ("Rickey's on State") in the 4<sup>th</sup> aldermanic district. (Committee vote: Ayes: 3, Noes: 1, Excused: 1)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on September 11th 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 **Tuesday, September 25, 2007** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

  
James N. Witkowiak, Chair  
Licenses Committee

cc: All Council Members  
Files 070402



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: September 14, 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 Marco A. Tapia

**FINDINGS OF FACT**

1. Marco A. Tapia (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 untimely filed with the Office of the City Clerk on August 6, 2007.
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 August 7, 2007, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On August 29, 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 September 11, 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. On February 8, 2006 the licensee was charged by Milwaukee County for armed robbery with use of force and the licensee pled guilty on May 10, 2006 and a four year probation sentence was imposed.

#### 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, Marco A. Tapia, 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 without undergoing a ninety (90) day suspension of said license. The Committee finds the police report 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 should exercise its discretion to renew the Class "D" Bartender license held by Marco A. Tapia with a ninety (90) day suspension based upon a police report.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes and one (1) excused recommends that the Class "D" Bartender License be renewed with a ninety (90) day suspension based upon the police report.

Said suspension is to be in effect from the date of the Common Council meeting of September 25, 2007 through midnight December 23, 2007.

Dated and signed at Milwaukee, Wisconsin this 14th day of September, 2007.

  
JAMES N. WITKOWIAK  
Chairman Licenses Committee



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: September 14, 2007

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of Sean A. Raffaelli, as agent for "DLR, Inc." for the premises located at 2601 West State Street in the City and County of Milwaukee, Wisconsin ("Rickey's On State").

**FINDINGS OF FACT**

1. Sean A. Raffaelli, as agent for DLR, Inc (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, September 23, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on June 14, 2007.
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 June 15, 2007, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license. There were also neighborhood objections to loitering, littering, loud music and noise, fights, shootings, drug and criminal activity, prostitution, disorderly conduct, sales and presence of underage, mismanagement of the location, and conduct which has had an adverse impact on the health, safety, or convenience and prosperity of the neighborhood.
4. On September 4, 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 neighborhood objections and 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 and neighborhood objections on September 11,

2007, commencing at 3:30 p.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the Licensee appeared and admitted receipt of notice for the hearing, as well as notice of the objection to renewal of licenses. 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:

The following is relative to a previous stockholder: James M. Kopatich:

- A. On January 13, 1969 James M. Kopatich was convicted of the following:

Charge: 1. Forgery  
2. Theft  
Finding: Convicted on both  
Sentence: 1. 1 year prison  
2. 2 years prison concurrent Date: 3-20-1969

- B. On August 6, 1976 James M Kopatich was arrested by Greendale Police for the following:

Charge: Theft Movable Property (Felony)  
Finding: Convicted  
Sentence: 2 years 6 months probation  
Date: 1-26-1977

- C. On April 30, 1983 James M. Kopatich was arrested by Walworth County Sheriff for the following:

1. Attempt Burglary  
2. Possession of Burglarious Tools  
3. Criminal Trespass Land  
4. Resisting or Obstructing an officer  
Finding: 1. Convicted-Attempt Burglary-Building or Dwelling-Party To (Felony)  
2. Dismissed  
3 & 4 No Prosecution  
Sentence: 1. Sentence Withheld - Placed on Probation for 3 Years  
Date: 11-7-1983  
Case: 83-CR222

James M. Kopatich has an open warrant issued by Panola County Texas Sheriff's Office on April; 25, 1996 for probation violation (Original Charge Possession Marijuana). A notice informing him of the warrant was mailed to his listed residence on 2-2-2004. As of June 15, 2006 this

warrant is no longer in the system.

At hearing the Committee was informed that Mr. Kopatich is no longer a stockholder and that his employment was terminated in July, 2004, and thus Mr. Kopatich has had no association with the current owners of "Rickey's on State" since that time.

- D. On October 28, 2005 at 1:07 a.m., a tavern check was conducted at the licensed premises at 2601 West State Street, Milwaukee, Wisconsin (Rickey' On State) and officers believed there were possible underage patrons in the bar. A routine wanted check on patron revealed that the subject had a felony warrant for violation of probation in Illinois. No violations were found in the premises.
- E. On December 5, 2005 at 11:10 p.m., officers of the Milwaukee Police Department conducted a tavern check at the licensed premises at 2601 West State Street (Rickey's On State). The investigation revealed several violations and the manager, Michael Siegal, was issued several citations for the following violations for posting of occupancy; safe egress from door; license and permit required; and charges to be posted. Following plea negotiations, and a plea of no contest, Mr. Siegal was found guilty of license and permit required and forfeited \$212.00 on that citation, and charges to be posted and forfeited \$343.00 on that citation. Counsel explained that a sign with the charges had fallen down, but had been posted. The citation for safe egress was dismissed as a result of the negotiations.
- F. On December 26, 2005 at 1:47 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 2601 West State Street (Rickey's On State) for a shots fired complaint, which was upgraded to a shooting while officers were enroute. The investigation revealed no shooting occurred. However, eight 9 mm casings were found outside the front door of the licensed premises. The investigation revealed that there been a fight inside the premises which resulted in one patron firing a gun outside of the premises. A security camera showed this subject to be a black male wearing a dark jacket with white rings on the shoulders. A report was filed regarding this incident. While there, officers also conducted a tavern check and found an underage subject in the bar. The bar manager, Michael Siegal, was also cited for a disorderly premise and presence of underage person in bar. Mr. Siegal was issued a citation for presence of underage which was dismissed without prejudice on April 19, 2006. Mr. Siegal was issued a citation for disorderly premise and no April 10, 2006 he was found guilty and forfeited \$354.00. At hearing, the Committee was informed by the licensee that pat down searches are made of patrons entering the premises. Counsel for Mr. Siegal, who was present at the Committee, informed the Committee that the bar itself called the

police because of disorderly patrons.

- G. On February 7, 2006 at 1:18 a.m., officers of the Milwaukee Police were dispatched to the licensed premises at 2601 West State Street (Rickey's On State) regarding a large fight inside the tavern. Upon arrival, officers found no fight but several tables and chairs overturned, as well as broken glass all over the floor. Five patrons were found left in the bar and officers conducted field interviews. One subject had a suspect alert for burglary. That subject was taken into custody. Two other patrons were under the age of 21 and they told officers no one at the door asked them for ID to gain entry. Both subjects were cited for underage drinking. One of them also received a citation for resist/obstructing. Sean Raffaelli, licensee of Rickey's, was issued citations for disorderly premise and presence of underage. Sean Raffaelli was cited for disorderly premise presence of underage and on April 10, 2006 he was found guilty and the matter was dismissed without prejudice and he was fined \$354.00. At hearing, the Committee was informed that the licensee has acquired a device for checking ID's for underage patrons, and that on this occasion that device was purchased in late January 2006, and claimed that it was tavern personnel who called the police on this occasion.
- H. On February 13, 2006, officers of the Milwaukee Police Department conducted a tavern check of the licensed premises at 2601 West State Street (Rickey's On State) and found the bar manager, Michael Siegal, operating as a manager after his licensed was determined to have been expired as of June 30, 2005. A citation for manager's license required was issued to Mr. Siegal on June 15, 2006 and he forfeited \$175.00. Mr. Siegal was present in the tavern on December 26, 2005 and February 7, 2006, and should have been cited, but was not.
- I. For the 2006/2007 license year this premises was renewed with a thirty day suspension.
- J. On November 10, 2006, officers of the Milwaukee Police Department were dispatched to the licensed premises at 2601 West State Street (Rickey's On State) for a fight. The investigation revealed four subjects attempted to enter the tavern with one being denied entry due to the policy of no patrons under 25 being allowed in. A loud verbal argument started between these subjects and security which escalated to physical fighting. Officers observed property damage to the tavern. Because of the fight, most of the patrons inside the tavern left. Officers viewed video from the security camera, which showed security did, in fact, spend 10-15 minutes attempting to diffuse the situation before the fight actually started. One employee did suffer a possible broken nose, chipped tooth and swollen hand. Another employee suffered a large laceration to the forehead. The four subjects were arrested and charged with disorderly conduct..

- K. On March 25, 2007, officers of the Milwaukee Police Department were dispatched to the licensed premises at 2601 West State Street (Rickey's On State) for a shots fired complaint. Officers spoke to the bar manager, identified as Michael Siegal, who stated that there was no fight or any shooting at the club prior to the officers arrival. The call came in from an anonymous caller and officers made the call baseless. However, at 3:04 a.m., detectives were sent to St. Joseph's Hospital for two shooting victims. One with a gunshot wound to his hand and chest and the other was shot to the left side of his head. Both victims stated they were shot while attempting to leave Rickey's on State. Officers contacted Mr. Siegal and had him respond back to Rickey's in an attempt to locate and preserve a crime scene. Mr. Siegal was questioned by detectives and admitted to them that a large fight erupted inside the tavern near the stage with a chair being thrown. Mr. Siegal then stated he heard what he thought was a shot being fired. Video was recovered from the tavern that showed a fight breaking out and a subject with a gun getting up from the ground and firing shots toward the front door of the tavern. Because of Mr. Siegal's initial false statements to the officers who responded earlier to the shots fired complaint, the opportunity to gather witnesses, recover evidence and preserve the crime scene were compromised. At hearing, the Licensee told the Committee that Mr. Siegal is no longer the manager at the premises.

#### 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 finds that the Licensee, Sean A. Raffaelli, as agent for "DLR, Inc.", has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license held by the licensee without undergoing a sixty (60) day suspension of said license. The Committee finds the police report as stated above to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to renew the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license for the licensed premises at 2601 West State Street in the City and County of Milwaukee, Wisconsin ("Rickey's On State") held by Sean A. Raffaelli as agent for "DLR, Inc." with a sixty (60) day suspension based upon the danger that his conduct represents 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) noe and one (1) excused, recommends that the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license held by the licensee for the premises located at 2601 West State Street in the City and County of Milwaukee, Wisconsin ("Rickey's On State") be renewed with a sixty (60) day suspension.

Said suspension is to be in effect between the Council action on September 25<sup>th</sup> until midnight, November 23, 2007.

Dated and signed at Milwaukee, Wisconsin this 14th day of September, 2007.



JAMES N. WITKOWIAK  
Chairman of the Licenses Committee

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