

JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

April 27, 2007

To the Honorable, the Common Council

Dear Members:

Common Council File 061378 contains the following recommendations:

Nonrenewal, based on non-appearance, of the Class “D” Bartender licenses of Patrice Jordan and Barbara Rucker.

Renewal, with a 30-day suspension based on the police report, of the Class “D” Bartender license of Jason Trostorff (committee vote: Ayes: 3, Noes: 1)

Renewal, with a 10-day suspension based on the police report, of the Class “A” Liquor & Malt license of Intisar Hasan, Agent for “Citizen, Inc.” for the premises at 2717 W. Lincoln Ave. (“Lincoln Avenue Food & Liquor”) in the 8th aldermanic district.

Renewal, with a 10-day suspension based on neighborhood objections, of the Class “B” Tavern license of William Rivera, Agent for “La Pica Restaurant Lounge and Beer Garden” for the premises at 2078 S. 8th St. (“La Pica Lounge”) in the 12th aldermanic district. (Committee vote: Ayes: 3, Noes: 1)

Renewal of the Class “B” Tavern, with a 10-day suspension, and renewal of the Tavern Amusement (Cabaret/Nite Club) license, with a 30-day suspension, based on neighborhood objection, of May Xiong, Agent for “Asian Moon, LLC”, for the premises at 3419 W. Forest Home Ave. (“The Moon”) in the 8th aldermanic district. (Committee vote: Ayes: 4, Noes: 1)

Renewal of the Class “B” Tavern license with a fifteen (15) day suspension, amending the premises to remove the beer garden from the premises, and amending the hours to be open until 10:00 p.m. Sunday through Thursday, and until midnight on Friday and Saturday nights, based upon neighborhood objection and the police report, of the Class “B” Tavern license of Martin Beaudoin, Agent for “CMR Foods, LLC” for the premises at 2498 N. Bartlett Ave. (“The Red Dot”) in the 3rd aldermanic district.

Nonrenewal, based on non-appearance, of the Extended Hours Establishment license of Jafferali Babwari, Agent for “A&J, Inc. of Milwaukee” for the premises at 9622 W. Fond du Lac Ave. (“One Stop Pantry”) in the 5th aldermanic district.

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on April 24th 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, May 8, 2007** at 9:00 A.M. in the Common Council Chambers.

Respectfully,



James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
Files 061378



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: April 27, 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 Patrice Jordan

FINDINGS OF FACT

1. Patrice Jordan (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 April 10, 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 April 11, 2007, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On April 13, 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 April 24, 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 Patrice Jordan at 1350 East Locust Street, No. 509, Milwaukee, Wisconsin

53212 on April 13, 2007 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 1350 East Locust Street, No. 509, Milwaukee, Wisconsin 53207 is the address given by the Licensee 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 April 24, 2007.

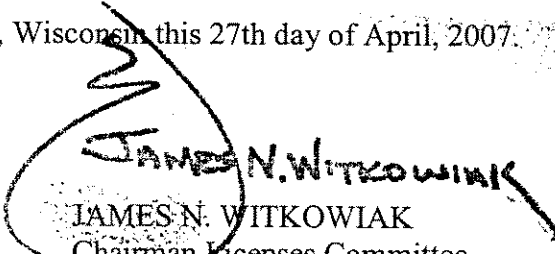
CONCLUSIONS OF LAW

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, Patrice Jordan 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 Patrice Jordan based upon nonappearance.

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) excused, recommends that the Class "D" Bartender License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 27th day of April, 2007.


JAMES N. WITKOWIAK
Chairman Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: April 27, 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 Barbara A. Rucker

FINDINGS OF FACT

1. Barbara A. Rucker (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 March 23, 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 March 26, 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 April 10, 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 April 24, 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 Barbara A. Rucker at 8869 West Appleton Avenue, No. 5, Milwaukee,

Wisconsin 53225 on April 10, 2007 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 8869 West Appleton Avenue, No. 5, Milwaukee, Wisconsin 53225 is the address given by the Licensee 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 April 24, 2007.

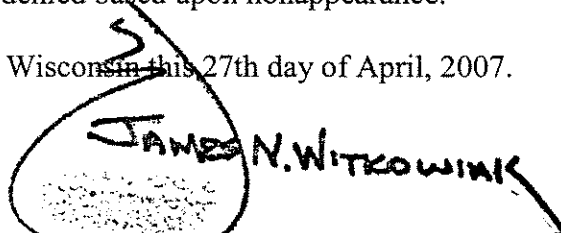
CONCLUSIONS OF LAW

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, Barbara A. Rucker 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 Barbara A. Rucker based upon nonappearance.

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) excused, recommends that the Class "D" Bartender License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 27th day of April, 2007.


JAMES N. WITKOWIAK
Chairman Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: April 27, 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 Jason R. Trostorff

FINDINGS OF FACT

1. Jason R. Trostorff (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 March 26, 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 March 28, 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 April 10, 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 April 24, 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 Wisconsin driver's license revealed the following convictions;

10/24/2001	underage alcohol possession	Walworth Co. Cir. Ct.
11/05/2003	operating an auto while intoxicated	Franklin Muni. Ct.
6/19/2006	operating while intoxicated	Milwaukee Co. Cir. Ct.

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, Jason R. Trostorff, 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 thirty (30) 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 Jason R. Trostorff with a thirty (30) 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 three (3) ayes, one (1) no and one (1) excused, recommends that the Class "D" Bartender License be approved with a thirty (30) day suspension based upon the police report.

Said suspension is to be in effect from the date of the Common Council meeting of May 8, 2007 through midnight June 7, 2007.

Dated and signed at Milwaukee, Wisconsin this 27th day of April, 2007.


JAMES N. WITKOWIAK
Chairman Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: April 27, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Intisar Hasan, Agent for "Citizen, Inc." for a Class "A" Liquor and Malt license for the premises located at 2717 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Lincoln Avenue Food & Liquor").

FINDINGS OF FACT

1. Intisar Hasan, Agent for "Citizen, Inc." (hereinafter the "Licensee") is the holder of a Class "A" Liquor and Malt license for the premises located at 2717 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Lincoln Avenue Food & Liquor"). Said license expires at midnight, May 15, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on March 2, 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. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license on March 5, 2007. There were also neighborhood objections to loitering, littering, noise, parking and traffic problems, trespassing, public urination, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On April 10, 2007, 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 of the neighborhood objections, and included a copy of the police report. The matter was scheduled for a hearing on the police report on April 24, 2007 at 9:00 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

not represented by counsel. The Licensee admitted receipt of the notice of the hearing.

6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. On May 30, 1992 at 5:25 p.m. a Milwaukee police aide, under the direction of City of Milwaukee police officers, who was under the age of 21, entered 1600 West Becher Street and was able to purchase a 40 ounce bottle of Miller beer from the clerk. Officers identified the clerk at Tahseena Hasan. Officers asked Hasan for her operator's license and she could not produce one. Officers also found that the Class "A" Malt license was not properly displayed. The licensee received citations for sale to underage prohibited, no responsible person upon licensed premise and display of license. Citations were issued to Tahseena Hasan for sale to underage and Class "D" Operator license required.

As to Intisar Hasan: The citation for sale to underage prohibited resulted in a finding of not guilty on October 9, 1992. The citations for no responsible person upon license premise and failure to properly display the license were dismissed also on October 9, 1992.

As to Tahseena Hasan: The citation for sale to underage prohibited resulted in a finding of guilty. The citation for Class "D" Operator license required was dismissed.

B. On Saturday, February 24, 2001 at 7:25 p.m. officers of the Milwaukee Police Department observed a young looking male leaving the Lincoln Food and Liquor store located at 2417 West Lincoln Avenue with a brown paper bag. Upon asking this person for identification, it was found that he did not have any. At this time it was found that this person was 18 years old, and had liquor in the bag. He stated the cashier "Spotty" sells alcohol to underage buyers. He further stated that he selected various bottles of alcoholic beverages, and went to the counter where "Spotty", later identified as Iqtidar Hasan, asked him if he wanted to buy the alcohol. When the 18 year old said yes "Spotty" then motioned to a subject (identified as John A. Groll, Jr.) who came to the counter. The 18 year old gave Mr. Groll the money and he paid Iqtidar Hasan for the beverages. The 18 year old then left the store with the liquor. While talking with this subject, the officers observed two more young looking males enter the store. A short time later they exited the store with a brown paper bag which was found to contain alcoholic beverages. One of the subjects was 18 years old and the other was 19 years old. Both of these subjects stated they came to this liquor store to buy booze because "Spotty" sells to underage buyers. Both of these subjects took alcoholic beverages to the counter where "Spotty" asked if they wanted to buy. They said yes, and

“Spotty” motioned to John Groll, and he approached the counter where they gave Mr. Groll the money, and he gave the money to Iqtidar Hasan. The underage persons then left the store with the liquor. All underage persons were issued citations for possession of alcohol by underage person. However, all the citations were dismissed in Municipal Court.

- C. On January 20, 2002, at 12:52 p.m. officers of the Milwaukee Police Department were sent to a “Man with a Gun” at the liquor store at 2717 West Lincoln Avenue. Their investigation revealed that a John F. Groll, of 1838 North 13th Street, pointed what was found to be a CO2 pellet pistol at two juvenile subjects, and he was charged with a state disorderly conduct. Groll claimed to be an employee of Lincoln Liquor and Food Store, however, the co-owner of the store, Lotidar Hasan, related that Groll was not. Hasan related that Groll does come into the store almost every day for a couple of hours and takes out the garbage and stocks the shelves, but again claims that Groll was not an employee. Groll related that he pointed the pistol at the two juveniles because they are constantly harassing and threatening him while he works at the store. John Groll was charged with disorderly conduct and on October 31, 2002 was found guilty and charged \$50.00.
- D. On May 13, 2003, at 8:10 p.m. City of Milwaukee police officers observed a person they knew to be under 21 years of age exit the licensed premises at 2717 West Lincoln Avenue (“Lincoln Food and Liquor”) carrying two cases of beer. The investigation revealed that one clerk refused to sell the underage person beer, but a second person identified as Ansar Hasan did without asking for identification. Ansar Hasan was cited for sale to underage which was dismissed.
- E. On August 7, 2004 at 1:15 p.m. a 16 year old volunteer from the tobacco compliance initiative entered Lincoln Food & Liquor at 2717 West Lincoln Avenue at the direction of City of Milwaukee police officers. The underage person was able to purchase a package of Newport cigarettes from Iqtidar Hasan. Iqtidar Hasan (secretary/treasurer) was charged with sale of tobacco to underage and was found guilty on December 15, 2004 and fined \$75.00.
- F. On November 3, 2005 at 5:58 p.m. City of Milwaukee police officers accompanied by an underage police aide conducted a premises check at the licensed premises at 2717 West Lincoln Avenue (“Lincoln Avenue Food & Liquor Store”). The police aide entered the premises and purchased a 6-pack of Corona Beer from the cashier Rajinder S. Dhaliwal. The cashier asked for identification which the police aide produced, the identification clearly read under 21 until August 7, 2006 and the cashier sold her the beer anyway. The licensee was on the premises at the time of the sale. The licensee and the cashier were issued citations.

As to Intisar Hasan:

He was cited for sale to underage licensee responsibility and found guilty and given a suspended sentence on March 22, 2006.

As to Rajinder Dhaliwal:

He was cited for sale of alcohol to underage person and found guilty on March 22, 2006 and fined \$87.00.

- G. On September 28, 2006 City of Milwaukee police officers were conducting sales of alcohol to minors and sent in a police aide who was under 21 years of age to purchase alcohol. The aide entered the licensed premises at 2717 West Lincoln Avenue and was able to purchase a 6-pack of Miller Lite even though his license showed he was under the age of 21. The clerk was identified as Iqtidar Hasan and he received a citation for sale to underage and found guilty and fined \$85.00 on January 8, 2007.
- H. The licensee claims that the police aide came fifteen minutes before closing time (a fact that appears to be confirmed by the police report) and at the time of the sale he was rushed and did not properly check the ID of the aide.
- I. The Committee notes, however, that this licensee has a long record of sales to underage persons.
- J. No neighbors appeared to testify as to the neighborhood objections.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide 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, Intisar Hasan, Agent for "Citizen, Inc," who holds a Class "A" Liquor and Malt license for the premises located at 2717 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Lincoln Avenue Food & Liquor") 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 "A" Liquor and Malt license without undergoing a ten (10) day suspension of said license. The Committee finds the police report as stated above to be true.

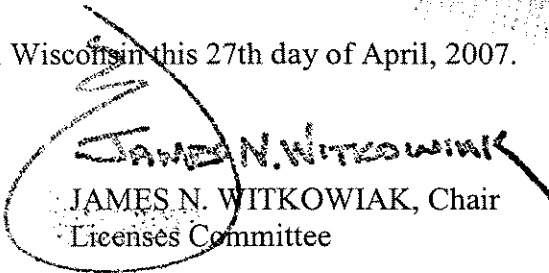
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "A" Liquor and Malt license of Intisar Hasan, Agent for Citizen, Inc. for the premises located at 2717 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Lincoln Avenue Food & Liquor ") with a ten (10) day suspension because of the danger this premises poses to the health, safety and welfare of the citizens of Milwaukee.

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) excused recommends that the Class "A" Liquor and Malt license held by Intisar Hasan be renewed with a ten (10) day suspension.

Said suspension is to be in effect from 12:01 a.m., May 16, 2007 to midnight on May 25, 2007.

Dated and signed at Milwaukee, Wisconsin this 27th day of April, 2007.


JAMES N. WITKOWIAK, Chair
Licenses Committee

118332



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: April 27, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of William Rivera, agent for La Pica Restaurant Lounge & Beer Garden LLC for a Class "B" Tavern license for the premises located at 2078 South 8th Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge").

FINDINGS OF FACT

1. William Rivera (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises 2078 South 8th Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge"). Said license expires at midnight, May 19, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on March 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. The police department filed a police report dated March 7, 2007 that could form the basis for nonrenewal or suspension of the license. There were neighborhood objections to loitering, littering, loud music and noise, drug and criminal activity, public urination, fights, parking and traffic problems, sales and presence of underage patrons, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On April 13, 2007, the City Clerk's Office originally 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 police report and neighborhood objections, and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections for April 24, 2007 at 2:45 p.m. in Room 301B of the third floor of City Hall. At said date, time and

place, the licensee appeared and admitted receipt of the notice and police report. The applicant 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 March 2, 2006 at 11:40 PM officers of the Milwaukee Police Department conducted a licensed premises check at the licensed premises at 2078 South 8th Street in the City and County of Milwaukee, Wisconsin, ("La Pica Lounge"). The officers found the rear door locked. They also found a 19 year old underage person on the premises. Another patron walked into the bar while the officer were there and was observed to have dropped what was suspected to be cocaine. The patron was arrested for possession of a controlled substance (cocaine). The licensee was issued citations for presence of underage prohibited and safe egress from entrance doors and serving room. On May 30, 2006 the licensee was found guilty of safe egress from entrance doors and serving room and was fined \$343.00. The citation for presence of underage was dismissed. This report was read to the Committee at renewal time for the last license year, but the disposition was not known at the time last year.
 - B. Objecting neighbors related to the Committee constant problems with loud music from the juke box and fights that take place late at night. However, it also appears that the licensee has been somewhat cooperative with the neighbor experiencing the loud music complaints in that they have set the juke box to lower levels of volume when calls are made complaining about being disturbed by it. In addition, one of the persons from the tavern management has gone to the neighbor's home to listen when complaints of music being too loud are made. The most recent fight was on Saturday April 21, 2007. The last time the neighbor has been disturbed by loud music was on April 16, 2007.
 - C. Another neighbor related to the Committee that she has recently installed a driveway and the patrons from the tavern park in front of her driveway, blocking it a total of eight times since November, 2006, when the driveway was installed. The persons from the tavern related that they can readily see the driveway and can observe when it appears that it has been parked in by a patron. The personnel from the tavern have promised to be more vigilant in making certain that the driveway remain clear for the neighbor to use.

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.

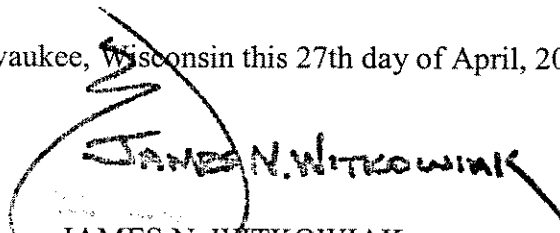
2. Based upon the above facts found, the Committee concludes that the licensee, William Rivera, agent for La Pica Rest Lounge & Beer Garden, LLC has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a ten (10) day suspension of said license. The Committee finds the neighborhood objections 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 discretion to renewal with a ten (10) day suspension the Class "B" Tavern license held by the licensee for the premises located at 2078 South 8th Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") because of neighborhood objections.

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 license held by William Rivera for the premises at 2078 South 8th Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") be renewed with a ten (10) day suspension based upon the neighborhood objections.

Said suspension is to be in effect from 12:01 a.m., May 20, 2007 through midnight, May 29, 2007.

Dated and signed at Milwaukee, Wisconsin this 27th day of April, 2007.


JAMES N. WITKOWIAK
Chairman of the Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: April 27, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of May Y. Xiong, as agent for "Asian Moon , LLC, for a Class "B" Tavern, Billiard Hall and Tavern Amusement (Cabaret/Nite Club) renewal application for the premises located at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("The Moon ").

FINDINGS OF FACT

1. May Y. Xiong (hereinafter the "Licensee") is the agent for "Asian Moon, LLC" doing business at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("The Moon "). Said license expires at midnight, May 12, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on March 2, 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. The Police Department did not respond with a report indicating a basis for non renewal or suspension of this license. However, there were neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, trespassing, public urination, disorderly patrons, and conduct which are detrimental to the health, safety, and welfare of the neighborhood.
4. On April 10, 2007, 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 objections of the neighbors. The matter was scheduled for a hearing on the police report on April 24, 2007 at 9:00 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 Timothy

Baldwin, Gimbel, Reilly, Guerin & Brown, 330 East Kilbourn Avenue, Suite 1170, Milwaukee, WI 53202.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. The adjoining neighbors testified to loud music emanating from this establishment that can be heard as far as one and one-half blocks away. They testified that this is a regular problem, particularly on weekends. This causes disturbances since at least one spouse of one of the objecting neighbors must get up early.
 - B. One neighbor has called the police on eight occasions in the last eighteen months regarding the excessive noise. This neighbor has a spouse who must get up at 4:30 AM, and finds that the music coming from this establishment very aggravating. When he hears the music, he gets up and walks in the direction of the sound and knows it is coming from this location.
 - C. The licensee points out that there have been no citations issued for excessive noise and claims that there is a limit device on the volume of the sound system that prevents it from going above pre-set levels.
 - D. At closing time the objecting neighbors also point to customers leaving at closing time and squealing tire and speeding away from the bar.
 - E. The objecting neighbors also testify to litter that appears in the bushes of the parking lot used by patrons of this establishment and owned by an Aurora pharmacy.
 - F. The Committee finds the testimony of the objecting neighbors to be very credible.

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, May Y. Xiong, as agent for "Asian Moon LLC" who holds a Class "B" Tavern, Billiard Hall and Tavern Amusement (Cabaret/Nite Club) license for the premises located at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("The Moon ") 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

the Class "B" Tavern license without undergoing a ten (10) day suspension of said license and renewal of the Tavern Amusement (Cabaret/Nite Club) license with a thirty (30) day suspension of said license. The Committee finds the neighborhood objections 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 May Y. Xiong, as agent for "Asian Moon, LLC" for the premises located at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("The Moon ") with a ten (10) day suspension and to renew with a thirty (30) day suspension the Amusement (Cabaret/Nite Club) license held by May Y. Xiong, Agent, "Asian Moon, LLC" based upon the neighborhood objections.

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 held by May Y. Xiong as agent for "Asian Moon, LLC" be renewed with a ten (10) day suspension and further recommends that the Tavern Amusement (Cabaret/Nite Club) portion of the tavern license of May Y. Xiong, as agent for "Asian Moon, LLC" for the premises located at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("Asian Moon ") be renewed with a thirty (30) day suspension.

Said suspension of the Class "B" Tavern license is to be in effect from 12:01 a.m., May 13, 2007 through midnight, May 22, 2007.

Said suspension of the Tavern Amusement (Cabaret/Nite Club) license is to be in effect from 12:01 a.m., May 13, 2007 through midnight, June 11, 2007.

Dated and signed at Milwaukee, Wisconsin this 27th day of April, 2007.


JAMES N. WITKOWIAK, Chair
Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: April 27, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Martin A. Beaudoin, Agent for "CMR Foods, LLC" for a Class "B" Tavern license for the premises located at 2498 North Bartlett Avenue in the City and County of Milwaukee, Wisconsin ("The Red Dot").

FINDINGS OF FACT

1. Martin A. Beaudoin, Agent for "CMR Foods, LLC" (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises located at 2498 North Bartlett Avenue in the City and County of Milwaukee, Wisconsin ("The Red Dot"). Said license expires at midnight, May 19, 2007.
2. An application to renew said license was untimely filed with the Office of the City Clerk on February 15, 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 February 16, 2007, the Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license. There were also neighborhood objections to the renewal due to the premises being operated in such a manner that it creates a public nuisance and the conduct on the premises includes loud and raucous noise which has a substantial adverse impact on the health, safety, convenience and prosperity of the neighborhood. Additional objections include loitering, littering, trespassing, loud music, disorderly patrons during and after hours, disturbing the peace and public urination.
4. On April 10, 2007 the License Division of the Office of the City Clerk provided notice to the licensee of the police report and neighborhood objections and included a copy of the police report. The matter was originally scheduled for a hearing on the police report and neighborhood objections for April 24, 2007 at

9:30 A.M. The licensee did appear at that time and he was represented by Attorney Andrew Arena, Kopp, Arena & Bishop, S.C., 1110 North Old World Third Street, Suite 515, Milwaukee, WI 53203.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On October 3, 2006 the applicant received a citation for noise nuisance at the licensed premises at 2498 North Bartlett Avenue (“The Red Dot”). The licensee was charged with noise nuisance and found guilty on November 17, 2006 and fined \$100.00.
 - B. On November 28, 2006, officers of the Milwaukee Police Department were dispatched to investigate a loud music complaint at the licensed premises at 2498 North Bartlett Avenue (“The Red Dot”). Officers spoke to the complainant who stated she wanted a citation issued for loud music that it has been coming from the tavern for the last three nights. Due to the time the officers received this call, the tavern had been closed. Officers conducted a follow-up the next day and issued a citation to the bar manager, John Sekutowski, who stated he took full responsibility for the loud music and that the levels were at an acceptable manner. The licensee was charged with noise nuisances and a trial was scheduled for March 22, 2007 and on that date he was found guilty and fined \$237.00.
 - C. Two of the objecting neighbors live immediately next door to the tavern and the beer garden. They complained of loud and unruly patrons at this premises until 2 AM, and on weekends beginning early in the day. Of particular note is the beer garden occupied by the premise which has concrete and steel construction. The neighbors believe that form of construction serves to enhance the loud nature of the music because it causes the sound to reverberate off the hard surfaces. The adjoining neighbors have talked to tavern personnel about lowering the volume of the music, but were told by tavern personnel that if the music is turned down the customers will leave. These neighbors have called the police on three occasions and asked that noise citations not be issued on the belief that it could be worked out, but on two occasions the noise went back up to unacceptable levels and a third call to police was necessary before it was worked out.
 - D. The same objecting neighbors experienced a situation on September 30, 2006 when eight patrons threatened the neighbor's wife at 3:15 AM.
 - E. The adjoining neighbors have had drunken patrons in their yard, one of whom smoked marijuana, and experience numerous instances of urination on their property and in their bushes. On one occasion, the wife of the neighbor was disturbed by a patron urinating and talking on a cell phone

while she was watching from a window in the home on December 28, 2006 at 10:30 PM. The patron talked on the cell phone while urinating, invited others to join him at The Red Dot, finished, zipped up his trousers and waved at the wife of the neighbor.

- F. The objecting neighbors have seen sex acts taking place in motor vehicles and have experienced disturbances from patrons, who finding the interior of the tavern too loud to talk on cell phones, go outside to make calls, and thus further creating loud noises to the neighbors.
- G. The objecting neighbors also experience patrons sitting on cars outside of the premises and in the neighbors' back yard engaging in loud activity until late hours and early mornings.
- H. The children of the objecting neighbor are afraid to use the back yard of their home because of the loud and raucous behavior of the patrons of this location, particularly the use of the beer garden. They experience foul and profane language, not appropriate to children of the age of the neighbor's children (2 years and 5 years). This occurs even during daytime hours when the children are using the yard for play purposes.
- I. The neighbors also experience litter on their property occasioned by the operation of this premise which includes broken bottles and vomit.
- J. The next door neighbors provided a dramatic video tape that was played for the Committee that detailed all of the above activity visually.
- K. At the time the next door neighbors moved in, the current licensee did not own the premises and it was operated as a restaurant that did not disturb them.
- L. Other neighbors, not as close as the next door neighbors, testified to very similar activity that disturbs them emanating from this location, but they are not as severely impacted as the immediate neighbors.
- M. There are two other taverns in the area that offer food and at least one of which has a beer garden which do not cause disturbances to the neighbors.
- N. The Licensee asserts he has added sound proofing to the beer garden and removed speakers in an effort to improve the situation. The neighbors simply want the noise levels lowered.

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, Martin A. Beaudoin, agent for "CMR Foods LLC", holds a Class "B" Tavern license for the premises located at 2498 North Bartlett Avenue in the City and County of Milwaukee, Wisconsin ("Red Dot ") 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 fifteen (15) day suspension of said license. The Committee also recommends nonrenewal of that portion of the premises comprising the beer garden premises and modification of the hours of operation as closing at 10:00 p.m. Sunday through Thursday and closing at midnight Fridays and Saturdays. The Committee finds the police report and neighborhood objections as stated above to be true.

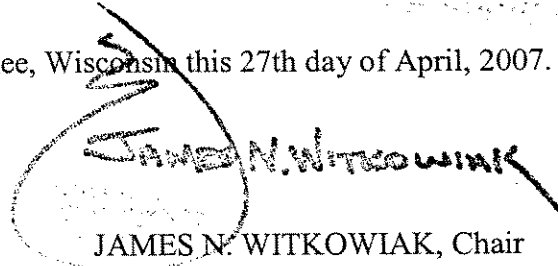
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern license of Martin A. Beaudoin as agent for the "CMR Foods LLC" for the premises located at 2498 North Bartlett Avenue in the City and County of Milwaukee, Wisconsin ("Red Dot ") with a fifteen (15) day suspension because of the danger this premises poses to the health, safety and welfare of the citizens of Milwaukee based upon the police report, and neighborhood objections. The Committee also recommends nonrenewal of that portion of the premises comprising the beer garden and modification of the hours of operation as closing at 10:00 p.m. Sunday through Thursday and closing at midnight Fridays and Saturdays.

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 license held by Martin A. Beaudoin be renewed with a fifteen (15) day suspension. The Committee also recommended nonrenewal of the extension of premises and modification of the hours of operation as closing at 10:00 p.m. Sunday through Thursday and closing at midnight Fridays and Saturdays.

Said suspension is to be in effect between 12:01 A.M. on May 20, 2007 through midnight June 3, 2007.

Dated and signed at Milwaukee, Wisconsin this 27th day of April, 2007.



JAMES N. WITKOWIAK

JAMES N. WITKOWIAK, Chair
Licenses Committee

118352



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: April 27, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Extended Hours Establishment renewal application of Jafferli J. Babwari, agent for A&J, Inc. of Milwaukee for the premises located at 9622 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("One Stop Pantry").

FINDINGS OF FACT

1. Jafferli J. Babwari, agent for A&J, Inc. of Milwaukee (Licensee) holds an Extended Hours Establishment license for the premises located at 9622 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("One Stop Pantry"). Said license expires at midnight, April 30, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on February 12, 2007.
3. Pursuant to Section 84-7 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation and the police department had no report to file. There were neighborhood objections to loud noise, disturbing the peace, illegal drug activity, drinking in public, harassment of passers-by, gambling, prostitution, sale of stolen goods, public urination, armed robberies, theft, assaults, battery, vandalism, excessive littering due to the owner's failure to clean debris and litter on the property, loitering, illegal parking, loud music and noise, traffic violations, cruising, curfew violations, lewd conduct, and conduct which is detrimental to the health, safety, welfare and prosperity of the neighborhood.
4. On April 10, 2007 the City Clerk's Office provided timely notice to the Licensee, pursuant to Section 84-7 of the neighborhood objections. The matter was scheduled for a hearing on the neighborhood objections on April 24, 2007 at 10:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did not appear and 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. A notice of the hearing as well as a copy of the police report was sent to Jafferali J. Babwari at 2438 South 93rd Street, West Allis, Wisconsin 53227 on April 10, 2007 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 2438 South 93rd Street, West Allis, Wisconsin 53227 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 April 24, 2007.

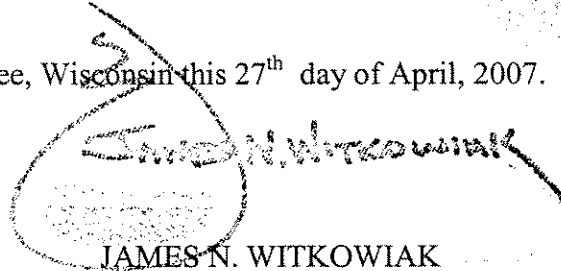
CONCLUSIONS OF LAW

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 Section 84-7 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Jafferali J. Babwari who holds an Extended Hours Establishment license for the premises at 9622 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("One Stop Pantry") has not met the criteria of Section 84-7 of the Milwaukee Code of Ordinances to allow renewal of the Extended Hours Establishment license for this premises because of his nonappearance before the Committee.
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 deny the Extended Hours Establishment license held by Jafferali J. Babwari for the premises at 9622 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("One Stop Pantry") because of the Licensee's nonappearance.

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) excused recommends that the Extended Hours Establishment renewal application held by Jafferali J. Babwari for the premises at 9622 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("One Stop Pantry") be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 27th day of April, 2007.

A handwritten signature in black ink, appearing to read "James N. Witkowiak", is written over a circular embossed seal. The seal contains some illegible text and a central emblem.

JAMES N. WITKOWIAK
Chairman of the Licenses Committee

118378