

THE JEFF SCOTT OLSON LAW FIRM, S. C.

**131 West Wilson Street, Suite 1200
Madison, Wisconsin 53703**

Jeff Scott Olson

Phone: 608 283 6001
Fax: 608 283 0945

Andrea J. Farrell

E-Mail: jsolson@scofflaw.com
Website: www.scofflaw.com

April 19, 2017

Ms. Beth Weirick
Milwaukee Downtown
Business Improvement District # 21
600 East Wells Streets
Milwaukee WI 53202

Sent via email to: bweirick@milwaukeedowntown.com

Re: Application of PPH 1, LLC

Dear Ms. Weirick:

I am writing to follow-up on testimony that Deborah Tomczyk, the attorney for Business Improvement District #21, gave to the Licenses Committee at their hearing on April 17, 2017 with regard to the license application for PPH 1, LLC at 730 N. Old World 3rd Street in the City of Milwaukee. At that hearing, and in a letter to the Committee dated April 17, you, Ms. Tomczyk and others on your board indicated that the location where PPH has applied for licensure is inappropriate and expressed a willingness to help us find an alternate location(s) for this establishment that “could have lesser adverse secondary effects.” In fact, the motion made by Alderwoman Lewis to hold the matter to the call of the chair was predicated on this very offer from you and others to assist us in finding a

“more appropriate” location. Despite the record failing to offer any objective evidence to support your premise that an adult entertainment establishment would have harmful secondary effects in the proposed location, we accept your offer to assist us in finding an alternative downtown location.

Understanding the desire of the Committee for us to work together to find a win-win on this matter, we invite you to provide us with locations within the general boundaries of BID #21 (Lake Michigan on the east, I-94 on the west, McKinley/Juneau on the north and Clybourn on the south) that you believe would be appropriate for our club. We will seriously consider and explore the viability of any location you suggest within the generally accepted boundaries of downtown. Like you and your supporters, we are bullish on downtown Milwaukee. Unlike you and other objectors, we don't think Milwaukee's downtown renaissance is so fragile that it will be mortally damaged by one business. Ours is a legal business, and we have the desire, and the right, to benefit from the renewal and to contribute to the vibrancy of Milwaukee's downtown just like other entrepreneurs. Downtown is the entertainment heart of our city, and Executive Lounge would be one small component added to the mix of entertainment available to residents and visitors.

We've had previous suggestions from you that we apply for a location in the Menomonee Valley or on the near west side. However, we don't believe that suggestion is in the spirit of the motion or the will of the committee. It seemed clear that the Alderpersons were not asking BID 21 to speak on behalf of other

neighborhoods so that you may simply pass the buck. They weren't asking you to assist us in finding a location in the 12th or 6th or 7rd or 8th District so that the city could once again restart and replay this process with a new set of objectors. It was clear from comments made by the Committee that they were looking for us to find a solution that works for all parties within an area that BID #21 represents and could therefore lend their support.

You sent us particulars of five sites at the following addresses:

1101 St. Paul Avenue
2325 W. St. Paul Avenue
1741 W. St. Paul Avenue
199 N 25th Street
324 N. 15th & W. St. Paul Avenue

None of these locations is appropriate for our needs. None is "downtown," which is the most basic of our criteria. The site that is closest to downtown, 1101 St. Paul, is very close to Marquette Law School. 119 N. 25th Street is occupied and requires 9 month's notice to vacate. 324 N. 15th Street is almost 70,000 square feet - 7 times the space we are seeking.

While we do not have any interest in pursuing areas outside of downtown, we have taken the liberty to share the locations you offered with representatives of the Menomonee Valley Partners, making it clear that BID # 21 and our downtown stakeholders would support an adult entertainment establishment in their neighborhood. Corey Zetts, the Executive Director of the Menomonee Valley Partners (MVP), expressed opposition to each and every site you offered and indicated that MVP would object to any application that was

made on those sites. We hope this predictable response is evidence that the only real compromise desired by the Committee is a site within BID 21's borders and that you work with us in a spirit of cooperation that resolves this issue once and for all.

After carefully combing through the City's Comprehensive Plan, I note that in two places, it refers to the North Old World Third District as, among other things, an entertainment district. Allowing Executive Lounge to operate in that district, therefore, is not contrary to the Comprehensive Plan, your assertions to the contrary notwithstanding. It is clear that you are not opposed to entertainment, *per se*, but you wish to choose the type of entertainment offered – symphony, good; erotic dance, not good. That is censorship, plain and simple.

Our ownership group has been very patient throughout this process so that we could give the city the time it needed to find a solution that works best for the taxpayers of Milwaukee. We have voluntarily agreed to postpone our license hearing several times in order to allow city officials to work towards an agreeable solution. We have asked the federal court to postpone its long awaited decision regarding the constitutionality of Milwaukee's current ordinances in hopes of a mutually agreeable outcome.

As owners of several businesses in the city, we have no desire to see the city lose \$10 million or more in legal settlements that will negatively affect city services. With your offer to the Licenses Committee to assist us in finding a suitable downtown location, we now include you among the parties who are


dedicated to finding a successful and speedy resolution to this issue.

Considering that the next License Committee meeting is in less than a week away we would be happy to agree to a delay in the Committee's decision to a special meeting that will still allow for Common Council action on May 9. We will be happy to make ourselves available at your convenience to discuss this matter or tour any site within the BID # 21 boundaries that you suggest.

Thank you for your willingness to work with us to become a contributing member of downtown Milwaukee's thriving business community.

We look forward to your immediate response.

Sincerely yours,
THE JEFF SCOTT OLSON LAW FIRM, S. C.

A handwritten signature in blue ink that reads "Jeff Scott Olson". The signature is fluid and cursive, with the first name "Jeff" being the most prominent.

Jeff Scott Olson

JSO:sfc

cc: Licenses Committee Members
Milwaukee Alderpersons
Deborah Tomczyk, Esq.
The Honorable Mayor Tom Barrett
Assistant City Attorney La Keisha Butler