

JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

January 6, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 051161

Recommendation of non-renewal, based on non-appearance, of the Class "D" Bartender licenses for the following individuals:

Eric Anderson
Tina Baroka
Maria Duenas
Natasha Fisher
Sean Leatherwood, Sr.
Glenn Totsky

Recommendation of renewal, with a 15-day suspension based on the police report, of the Class "D" Bartender license of Joga Singh.

Recommendation of renewal, with a 75-day suspension based on the police report, of the Class "D" Bartender license of Richard Morris (Committee vote: Ayes: 3, Noes: 1)

Recommendation of non-renewal, based on non-appearance, of the Home Improvement Contractor license of Earl Murphy, Agent for "Berm Construction Company, Inc.", for "Berm Construction" at 3046 N. 22nd St.

Recommendation of renewal, with a 10-day suspension based on the police report, of the Class "B" Tavern license of Jorge Diaz-Anavitte for the premises at 2644 S. 13th St. ("JJ Brothers") in the 12 aldermanic district.

Recommendation of renewal, with a 10-day suspension based on the police report, of the Class "B" Tavern and Tavern Dance license of Humphrey Nangah, Agent for "Diamonds, Inc." for the premises at 7607 W. Hampton Ave. ("Diamonds Pub") in the 5th aldermanic district.

Recommendation of renewal, with a 10-day suspension based on the police report, of the Class "B" Tavern license of Gail Wess for the premises at 400 E. Locust St. ("Cottage Club") in the 6th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Recommendation of renewal, with a 25-day suspension based on the police report, of the Class "B" Tavern license and nonrenewal, based on the police report, of the Tavern Amusement (Cabaret/Nite Club) license of Andrea Chavis, Agent for "Diamond Food & Beverages, Inc." for the premises at 6222 W. Fond du Lac Ave. ("Phoenix Bar and Grill") in the 2nd aldermanic district

With regard to the items listed above, the Licenses Committee held an evidentiary hearing on January 3rd, 2006.

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 Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Wednesday, January 18, 2006** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in all caps and is somewhat stylized, with a long horizontal stroke at the end.

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
CCF 051161



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: January 4, 2006
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Eric S. Anderson

FINDINGS OF FACT

1. Eric S. Anderson (hereinafter the "Licensee") was the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on November 23, 2005.
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 28, 2005, 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 19, 2005, 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 3, 2006, commencing at 1:30 p.m. in Room 301B 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. Notice of the hearing as well as a copy of the police report was sent to Eric S. Anderson at 4415 North 56th Street, Milwaukee, Wisconsin 53218 on December 19, 2005 by U.S. prepaid first-class mail in an envelope bearing

the return address of the License Division. The address of 4415 North 56th Street, Milwaukee, Wisconsin 53218 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 3, 2006.

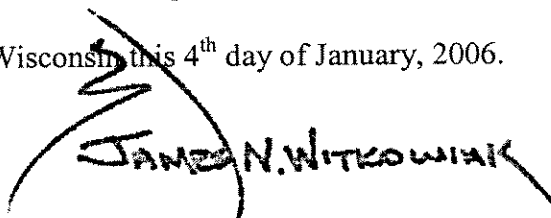
CONCLUSIONS OF LAW

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 recommends that the Class "D" Bartender licensee of Eric S. Anderson be denied 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 4th day of January, 2006.

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style with a large, sweeping initial "J" and "W".

JAMES N. WITKOWIAK
Chair, Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: January 4, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Tina M. Baroka

FINDINGS OF FACT

1. Tina M. Baroka (hereinafter the "Licensee") was the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on November 16, 2005.
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 17, 2005, 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 20, 2005, 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 3, 2006, commencing at 1:30 p.m. in Room 301B 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. Notice of the hearing as well as a copy of the police report was sent to Tina M. Baroka at P.O. Box 250926, Milwaukee, Wisconsin 53225 on

December 20, 2005 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of P.O. Box 250926, Milwaukee, Wisconsin 53225 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 3, 2006.

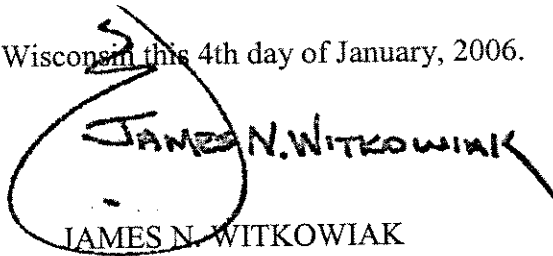
CONCLUSIONS OF LAW

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 recommends that the Class "D" Bartender licensee of Tina M. Baroka be denied 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 4th day of January, 2006.


JAMES N. WITKOWIAK
Chair, Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 5, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Maria J. Duenas

FINDINGS OF FACT

1. Maria J. Duenas (hereinafter the "Licensee") was the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on December 15, 2005.
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 December 16, 2005, 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 19, 2005, 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 3, 2006, commencing at 1:30 p.m. in Room 301B 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. Notice of the hearing as well as a copy of the police report was sent to Maria J. Duenas at 1634 A South 8th Street, Milwaukee, Wisconsin 53204

on December 27, 2005 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 1634 A South 8th Street, Milwaukee, Wisconsin 53204 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 3, 2006.

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 recommends that the Class "D" Bartender licensee of Maria J. Duenas be denied based upon nonappearance.

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

Dated and signed at Milwaukee, Wisconsin this 5th day of January, 2006.


JAMES N. WITKOWIAK
Chair, Licenses Committee

100534



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: January 4, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Natasha M. Fisher

FINDINGS OF FACT

1. Natasha M. Fisher (hereinafter the "Licensee") was the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on November 14, 2005.
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 15, 2005, 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 19, 2005, 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 3, 2006, commencing at 1:30 p.m. in Room 301B 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. Notice of the hearing as well as a copy of the police report was sent to Natasha M. Fisher at 4072 North 24th Place, Milwaukee, Wisconsin 53209

on December 19, 2005 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 4072 North 24th Place, Milwaukee, Wisconsin 53209 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 3, 2006.

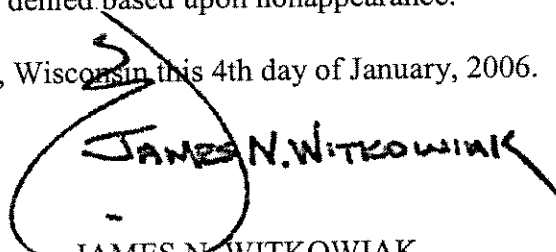
CONCLUSIONS OF LAW

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 recommends that the Class "D" Bartender licensee of Natasha M. Fisher be denied based upon nonappearance.

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

Dated and signed at Milwaukee, Wisconsin this 4th day of January, 2006.


JAMES N. WITKOWIAK
Chair, Licenses Committee

100407



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: January 4, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Sean M. Letherwood, Sr.

FINDINGS OF FACT

1. Sean M. Letherwood, Sr. (hereinafter the "Licensee") was the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on December 12, 2005.
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 December 20, 2005, 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 27, 2005, 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 3, 2006, commencing at 1:30 p.m. in Room 301B 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. Notice of the hearing as well as a copy of the police report was sent to Sean M. Letherwood, Sr. at 3129 North 49th Street, Milwaukee, Wisconsin 53216 on December 27, 2005 by U.S. prepaid first-class mail in an envelope

bearing the return address of the License Division. The address of 3129 North 49th 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 3, 2006.

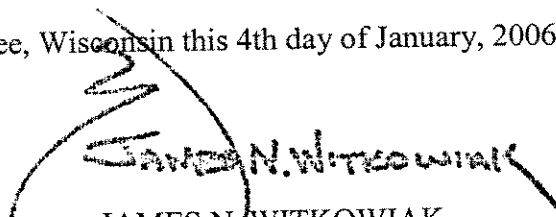
CONCLUSIONS OF LAW

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 recommends that the Class "D" Bartender licensee of Sean M. Letherwood, Sr., be denied based upon nonappearance.

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

Dated and signed at Milwaukee, Wisconsin this 4th day of January, 2006.


JAMES N. WITKOWIAK
Chair, Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: January 5, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Glenn H. Totsky

FINDINGS OF FACT

1. Glenn H. Totsky (hereinafter the "Licensee") was the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on October 21, 2005.
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 24, 2005, 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 19, 2005, 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 3, 2006, commencing at 1:30 p.m. in Room 301B 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. Notice of the hearing as well as a copy of the police report was sent to Glenn H. Totsky at 6034 North 64th Street, Milwaukee, Wisconsin 53218

on December 19, 2005 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 6034 North 64th Street, Milwaukee, Wisconsin 53218 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 3, 2006.

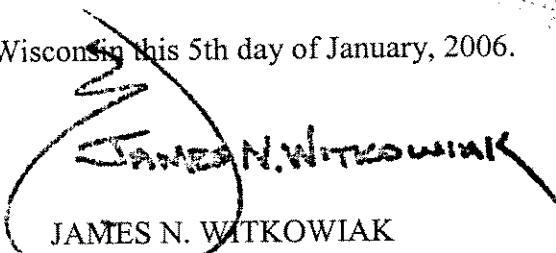
CONCLUSIONS OF LAW

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 recommends that the Class "D" Bartender licensee of Glenn H. Totsky be denied based upon nonappearance.

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

Dated and signed at Milwaukee, Wisconsin this 5th day of January, 2006.


JAMES N. WITKOWIAK
Chair, Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 3, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

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

FINDINGS OF FACT

1. Joga Singh (hereinafter the "Licensee") was the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on December 5, 2005.
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 December 6, 2005, 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 20, 2005, 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 3, 2006, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear but 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 Milwaukee Police Department investigation regarding this application revealed the following convictions:

April 7, 2004
September 17, 2005

Sale to Underage
Sale to Underage

Municipal Court
Municipal Court

CONCLUSIONS OF LAW

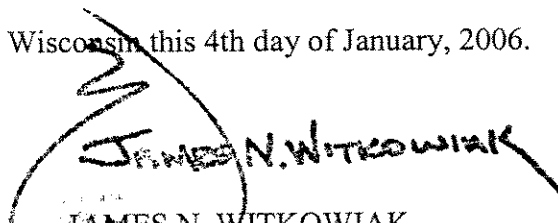
1. The Licenses Committee has jurisdiction to provide findings of fact and conclusions of law and recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Joga Singh, 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 "D" Bartender license held by the licensee because of the information contained in the police report without undergoing a fifteen (15) day suspension. The Committee finds the police report to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its discretion to renew with a fifteen (15) day suspension the Class "D" Bartender license held by Joga Singh based upon the danger that he represents to the health, safety and welfare of the citizens of the City of Milwaukee by his conduct as evidenced by the police report.

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) excused recommends that the Class "D" Bartender License be approved with a fifteen (15) day suspension based upon the police report .

Said suspension is to be in effect from the action of the Milwaukee Common Council on January 18, 2006 through midnight, February 1 2006.

Dated and signed at Milwaukee, Wisconsin, this 4th day of January, 2006.


JAMES N. WITKOWIAK
Chair, Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: January 4, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Richard A. Morris

FINDINGS OF FACT

1. Richard A. Morris (hereinafter the "Licensee") was the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on December 6, 2005.
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 December 7, 2005, 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 19, 2005, 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 3, 2006, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear but 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 August 6, 1975 the applicant was arrested for Theft.

Charge	Theft
Finding	Guilty, Waukesha County Circuit Court

Sentence 30-days Jail
Date August 6, 1975

B. On November 28, 1991 the applicant was stopped and arrested for Operating an Auto While Intoxicated.

Charge Operating an Auto While Intoxicated
Finding Guilty, Oconomowoc Municipal Court
Sentence Fined plus 6-month driver's license suspension
Date January 10, 1992

C. On November 9, 1995 the applicant was charged in Waukesha County Circuit Court with Disorderly Conduct and Resisting officers from a July 1, 1995 incident.

Charge Disorderly Conduct Resisting
Finding Guilty, Waukesha County Circuit Court
Dismissed and Read-In
Sentence 1-year Probation
Date June 14, 1996

D. On October 4, 1999 the applicant was stopped and arrested for Operating an Auto While Intoxicated (second).

Charge Operating an Auto While Intoxicated 2nd
Finding Guilty, Milwaukee County Circuit Court
Sentence 81-Days House of Corrections, fined \$793.00, 16-month driver's license revocation
Date February 24, 2000

E. On December 30, 2000 the applicant was stopped and arrested for Operating an Auto While Intoxicated (third). No further information.

Charge Operating an Auto While Intoxicated 3rd
Finding Guilty, Waukesha County Circuit Court
Sentence 6-month Jail, Fined \$1,370.00, 32-month driver's license revocation
Date May 10, 2001

F. On August 20, 2004 Richard A Morris was arrested in Waukesha County for the following:

Charge Operating While Intoxicated (fourth)
Finding Guilty
Sentence \$1372.00 Fine and 6 Months in Local Jail and Drivers License Revoked for 3 Years.
Date October 15, 2004

G. There was an open warrant for unpaid fined of \$545.00 for Operating After Revocation issued by Waukesha County Sheriff on 8-3-2005.

Warrant # 05CT1568. A warrant notification letter was sent to the applicant.

CONCLUSIONS OF LAW

1. The Licenses Committee has jurisdiction to provide findings of fact and conclusions of law and 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, Richard A. Morris, 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 "D" Bartender license held by the licensee because of the information contained in the police report without undergoing a seventy-five (75) day suspension. The Committee finds the police report to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its discretion to renew with a seventy-five (75) day suspension of the Class "D" Bartender license held by Richard A. Morris based upon the danger that he represents to the health, safety and welfare of the citizens of the City of Milwaukee by his conduct as evidenced by the police report.

RECOMMENDATION

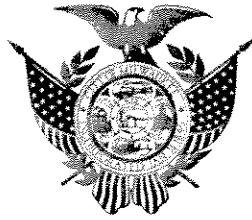
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noes, and one (1) excused recommends that the Class "D" Bartender License be approved with a seventy-five (75) day suspension based upon the information contained in the police report.

Said suspension is to be in effect from the action of the Milwaukee Common Council on January 18, 2006 through midnight, April 2 2006.

Dated and signed at Milwaukee, Wisconsin this 4th day of January, 2006.


JAMES N. WITKOWIAK
Chair, Licenses Committee

100441



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 5, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Home Improvement Contractor License of Earl B. Murphy, Agent, Berm Construction Company, Inc.

FINDINGS OF FACT

1. Earl B. Murphy (hereinafter the "Licensee") agent for Berm Construction Company, Inc., d/b/a Berm Construction was the holder of a Home Improvement Contractor License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, February 28, 2005.
2. An application to renew said license was untimely filed with the Office of the City Clerk on September 7, 2005.
3. Pursuant to Section 90-14-2-b-6 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 September 8, 2005, 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 20, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Section 90-14-2-b-6 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 3, 2006, commencing at 2:00 p.m. in Room 301B 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. Notice of the hearing as well as a copy of the police report was sent to Earl B. Murphy, Agent, Berm Construction Company, Inc. d/b/a Berm Construction at 3046 North 22nd Street, Milwaukee, Wisconsin 53206 on December 20, 2005 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 3046 North 22nd Street, Milwaukee, Wisconsin 53206 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 3, 2006.

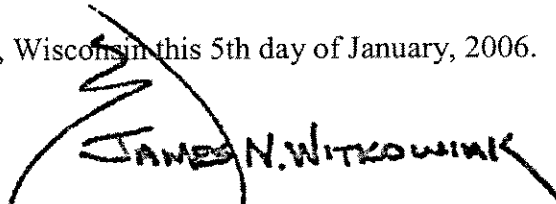
CONCLUSIONS OF LAW

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 Section 90-14-2-b-6 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the Home Improvement Contractor License of Earl B. Murphy, Agent, Berm Construction Company, Inc. be denied based upon nonappearance.

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) excused recommends that the Improvement Contractor License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 5th day of January, 2006.


JAMES N. WITKOWIAK
Chair, Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 5, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Jorge L. Diaz-Anavitate for a Class "B" Tavern renewal application for the premises located at 2644 South 13th Street, in the City and County of Milwaukee, Wisconsin ("JJ Brothers").

FINDINGS OF FACT

1. Jorge L. Diaz-Anavitate (hereinafter the "Licensee") is the holder of a Class "B" Tavern license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, January 21, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on November 1, 2005.
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. There was a Milwaukee Police Department report dated November 2, 2005, which could form the basis for non-renewal or suspension of the license. There were also neighborhood objections to loitering, littering, parking and traffic problems, loud noise, late night disturbances, fights, shootings, drug activity, presence of underage persons, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On December 20, 2005, 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 a police report along with a copy of that report that could form the basis for suspension or non-renewal of the license of the Licensee and neighborhood objections. The matter was scheduled for a hearing on the police report and neighborhood objections on January 3, 2006 at 10:45 a.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 and he was represented by Attorney Roberto R. Ledesma, 2855 South 13th Street, Milwaukee, WI 53215

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On December 20, 2003 at 3:03 AM, officers of the Milwaukee Police Department discovered three patrons in the tavern after hours. The applicant was on the scene at the time of the violation. The applicant was issued a citation for patrons after hours and on July 20, 2004 he was found guilty and fined \$343.00.
 - B. On November 26, 2004, at 11:30 PM, officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 2644 South 13th Street, Milwaukee, Wisconsin ("JJ Brothers"). Officers discovered two underage patrons in the tavern. The applicant, who was on the scene, was issued a citation for presence of underage which was dismissed on February 11, 2005 and the applicant was also issued a citation for safe egress from all doors and he was found guilty on February 11, 2005 and fined \$343.00.
 - C. A Milwaukee Police Department officer received anonymous information about a person dealing drugs (cocaine) inside the licensed premises at 2644 South 13th Street, Milwaukee, Wisconsin ("JJ Brothers"). The informant gave the officer a description of the suspect. The officer conducted a follow-up on March 23, 2005 at 11:28 PM, on this information and observed a subject matching the description and he admitted to officers that he had illegal drugs in his pocket. The officers found seven clear corner cut baggies containing white powder which tested positive for cocaine (2.69 grams). The subject has a prior conviction for cocaine and one arrest for possession of a controlled substance. An incident report was filed. At the hearing, the licensee insisted the person was being followed by police officers and attempted to hide in his tavern.

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, Jorge L. Diaz-Anavitte, for the licensed premises at 2644 South 13th Street, Milwaukee, Wisconsin ("JJ Brothers") 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. The Committee finds the police report and neighborhood objections 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 renew the Class "B" Tavern license of Jorge L. Diaz-Anavitate for the premises at 2644 South 13th Street in the City and County of Milwaukee, Wisconsin ("JJ Brothers") with a ten (10) day suspension.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes one (1) excused recommends that the Class "B" Tavern license be renewed with a ten (10) day suspension.

Said suspension is to be in effect from 12:01 a.m. January 22, 2006 through midnight January 31, 2006.

Dated and signed at Milwaukee, Wisconsin this 5th day of January, 2006.


JAMES N. WITKOWIAK
Chair, Licenses Committee

100406



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: January 4, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Humphrey F. Nangah, agent for Diamonds, Inc. for a Class "B" Tavern and Tavern Dance renewal application for the premises located at 7607 West Hampton Avenue, in the City and County of Milwaukee, Wisconsin ("Diamonds Pub").

FINDINGS OF FACT

1. Humphrey F. Nangah (hereinafter the "Licensee") as agent for Diamonds Inc. is the holder of a Class "B" Tavern and Tavern Dance license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, January 21, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on November 1, 2005.
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. There was a Milwaukee Police Department report dated November 2, 2005, which could form the basis for non-renewal or suspension of the license. There were also neighborhood objections to loitering, littering, parking and traffic problems, loud noise, late night disturbances, fights, shootings, drug activity, presence of underage persons, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On December 20, 2005, 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 a police report along with a copy of that report that could form the basis for suspension or non-renewal of the license of the Licensee and neighborhood objections. The matter was scheduled for a hearing on the police report and neighborhood objections on January 3, 2006 at 8:45 a.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 and he was represented by Attorney Scott Connors, 10125 West North Avenue,

Milwaukee, WI 53226

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

The following 2 incidents are in regards to Jennie M. Nuell, Vice-President/Secretary of the corporation applying for this license:

- A. On April 1, 1985 Jennie M. Nuell was arrested in Milwaukee for possession with intent to deliver (felony) which was amended to possession of controlled substance-THC (misdemeanor). On July 2, 1985 she was found guilty and sentenced to 1 year probation.
- B. On November 15, 1989 Jennie M. Nuell was arrested by Milwaukee Police for possession with intent to deliver/manufacture controlled substance (felony). On June 6, 1990 she was convicted and sentenced to 3 years probation.
- C. On November 14, 2003 at 1:00 am officers of the Milwaukee Police Department were sent to the licensed premises at 7607 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("Diamonds Pub") for a fight. Enroute the call was changed to a shooting, with the victim currently at 7719 W. Hampton Ave. The victim stated he was in the tavern when a fight erupted (he stated that he was not involved). As he and others were being pushed out the door by security people, he heard 5 shots and he was shot in the buttocks. Two bartenders stated that they heard no shots. Three bullet casing were found outside the tavern entrance on the sidewalk. An incident report was filed.
- D. On December 20, 2003 at 12:50 am officers of the Milwaukee Police Department were flagged down by Humphrey F. Nangah because of trouble with a person at the licensed premises at 7607 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("Diamonds Pub"). A male and a female became involved in a fight and the female hit the male with a bar stool. A battery report was filed.
- E. On July 23, 2005 at 1:00 am, officers of the Milwaukee Police Department conducted a premises check at the licensed premises at 7607 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("Diamonds Pub"). They observed the maximum capacity sign posted properly over the main entrance, which had a limit of 100 people. Because of the large crowd it was believed that the premises was over capacity. The premises was closed and the patrons were counted as they left the premises. A total of 177 patrons and 11 employees were counted. The licensee was issued a citation for exceeding posted occupancy and a hearing date is scheduled for February 6, 2006. Because that matter is

pending, the committee will hold the matter for this year and not consider it for purposes of the 2006 renewal.

- F. On August 7, 2005 at 12:50 AM, officers of the Milwaukee Police Department conducted a tavern check at the licensed premises at 7607 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("Diamonds Pub"). They observed 20-25 persons standing on the sidewalk, waiting to get into Diamonds. The officers were going to check the premises for over capacity. They observed 3 females walking along the west side of the building. They appeared upset and were very vocal. They then attempted to re-enter the premises, and confronted some of the patrons that were leaving. One of the three punched one of the persons in the face and then was taken to the ground. She then punched another female twice to the face and head. That person was an off-duty police officer. The subject was arrested and conveyed to St. Joseph's emergency room for medical clearance. Witnesses told officers the off-duty officer was confronted by a group of females inside the tavern, who then followed her to the bathroom. The off-duty officer was hit and punched in the bathroom by the same person who was arrested above. One arrest was made for battery to a police officer.

At the hearing the licensee explained that the officer actually instigated the episode in the restroom.

- G. During the hearing, the alderman of the Fifth District introduced letters sent by him to the licensee regarding an off-duty police officer who was robbed while leaving the licensed premises. The alderman asked for a plan to deal with such problems and received no response.

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 Humphrey F. Nangah, has sufficiently met the criteria of Chapter 125 of the Wisconsin Statutes to allow renewal of the Class "B" Tavern license held by Humphrey F. Nangah, agent for Diamonds, Inc. for the premises at 7607 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("Diamonds Pub").
3. Also, based upon the above facts found, the Committee concludes that the licensee, Humphrey F. Nangah, agent for Diamonds, Inc., for the licensed premises at 7607 West Hampton Avenue ("Diamonds Pub") 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 Tavern Dance license without undergoing a ten (10) day suspension of said license. The Committee finds the police report and neighborhood objections as stated above to be true.

4. 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 renew the Class "B" Tavern license held by Humphrey F. Nangah as agent for Diamonds, Inc. for the premises at 7607 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("Diamonds Pub") and exercise its discretion to renew the Tavern Dance license of Humphrey F. Nangah, agent for Diamonds, Inc. for the premises at 7607 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("Diamonds Pub") with a ten (10) day suspension.

RECOMMENDATION

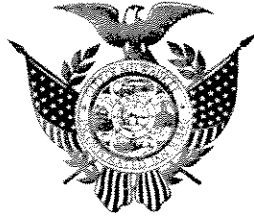
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) excused recommends that the Class "B" Tavern license be renewed and the Tavern Dance license held by Humphrey F. Nangah, agent for Diamonds, Inc., for the premises at 7607 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("Diamonds Pub") be renewed with a ten (10) day suspension.

Said suspension is to be in effect from 12:01 a.m. January 22, 2006 through midnight January 31, 2006.

Dated and signed at Milwaukee, Wisconsin this 4th day of January, 2006.


JAMES N. WITKOWIAK
Chair, Licenses Committee

100401



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 5, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Gail Wess for a Class "B" Tavern license renewal application for the premises located at 400 East Locust Street, in the City and County of Milwaukee, Wisconsin ("Cottage Club").

FINDINGS OF FACT

1. Gail Wess (hereinafter the "Licensee") is the holder of a Class "B" Tavern license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, January 31, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on November 1, 2005.
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. There was a Milwaukee Police Department report dated November 2, 2005, which could form the basis for non-renewal or suspension of the license.
4. On December 20, 2005, 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 a police report along with a copy of that report that could form the basis for suspension or non-renewal of the license of the Licensee. The matter was scheduled for a hearing on the police report and neighborhood objections on January 3, 2006 at 9:15 a.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 but 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 4, 2005, at approximately 11:50 PM, officers of the

Milwaukee Police Department conducted a premises check at Cottage Club, 400 E. Locust Street, along with a City of Milwaukee Inspector. Officers were unable to gain immediate access to the premises due to the door being dead bolted shut. Officers observed several patrons drinking at the bar. When the bartender opened the door he told officers he kept the door locked so that underage persons do not walk in. The City inspector observed two exit signs with the light bulbs not working. The rear exit door was dead bolted inside with a key, and the occupancy sign was not posted. The bartender did not have his Class "D" bartenders license on the premises. The licensee was issued a citation for immediate entry to police, failed to appear for arraignment and a warrant was issued. The police department files indicate that the above warrant is open and a letter notifying her of the open warrant was sent to the applicant. She was also issued a citation for fire prevention code by the City Inspector and on August 4, 2005 was found guilty and fined \$150.00.

- B. On July 23, 2005, at 12:40 AM, officers of the Milwaukee Police Department while on patrol observed a subject, later identified as Steven Wess drinking on a city sidewalk in front of 400 E. Locust Street, which is the Cottage Club Bar. As the officers approached the subject, he dropped the liquor bottle which was in his right hand. He then was observed throwing a clear plastic baggie, which contained a green plant-like substance from his left hand. He told the officers, "This is my bar, I am the manager here". Steven Wess was arrested and searched, and a green plant-like substance was found in a white napkin. Other officers were called to the scene. When they attempted to enter the premises, the door was locked. They knocked repeatedly and were not given immediate entrance for more than 30 seconds. Inside the premises they found one underage person. She told officers she was never asked for an ID when she entered, nor when purchasing. She was issued a citation and released. An officer walked behind the bar in attempt to see the license, which was not posted. Behind the cash register the officer observed a glass which contained a clear baggie containing a green plant-like substance, which was suspected to be marijuana. Officers observed a doorway to an upstairs residence, which was over the bar. Wess gave the officers permission to search the upstairs residence. When they went upstairs they detected a strong odor of fresh marijuana plant. The officer entered the dining room and observed a green plant-like substance on a large yellow envelope. He then walked into the living room and observed 2 boxes of sandwich baggies, which are commonly used for bagging marijuana. He then found a box for a digital scale under a table in the living room. The officer recovered several plastic baggies, which had marijuana residue inside of them, from the bedroom. One officer recovered a blue Nike gym bag, which contained five 1-gallon clear plastic baggies, which contained a green plant-like substance, suspected marijuana. The total weight of the marijuana that was seized was 2,245.2 grams (five pounds of marijuana). Steven Wess stated to

officers that he was keeping the bag of marijuana for a friend who sells marijuana. Steven Wess was issued a citation for immediate entry to police and public drinking, which was dismissed on August 15, 2005. He was found guilty of immediate entry to police and fined \$200.00 on August 15, 2005.

- C. At the hearing, the Committee was informed that the licensee does not own the building.
- D. Also at the hearing, the Committee was told that the marijuana found in the glass behind the cash register was from a patron and that the bar operator took it from the patron.
- E. The police report presented to the Committee also contained a felony that Steven Wess has been charged with maintaining a drug trafficking house and a municipal citation for maintaining a disorderly premises, both of which are pending. The Committee specifically did not consider those matters for the 2006 renewal year, and will consider them when adjudicated by the trial court for subsequent renewal years.

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, Gail Wess, for the licensed premises at 400 East Locust Street ("Cottage Club") 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 her Class "B" Tavern license without undergoing a ten (10) day suspension. 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 discretion to renew the Class "B" Tavern license of Gail Wess for the premises at 400 East Locust Street in the City and County of Milwaukee, Wisconsin ("Cottage Club") with a ten (10) day suspension.

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 Gail Wess for the premises at 400 East Locust

Street in the City and County of Milwaukee, Wisconsin ("Cottage Club") be renewed with a ten (10) day suspension.

Said suspension is to be in effect from 12:01 a.m. February 1, 2006 through midnight February 10, 2006.

Dated and signed at Milwaukee, Wisconsin this 5th day of January, 2006.



JAMES N. MIKOWAR
Chair, Licenses Committee

100396



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 5, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Andrea N. Chavis, as agent for "Diamond Food & Beverages, Inc." for a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license for the premises located at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill").

FINDINGS OF FACT

1. Andrea N. Chavis (hereinafter the "Licensee") is the agent for "Diamond Food & Beverages, Inc." doing business at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill"). Said license expired at midnight, December 15, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on October 25, 2005.
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 October 26, 2005. There were also neighborhood objections to loitering, littering, parking, cruising and traffic problems, vandalism, public urination and drunkenness, trespassing, loud music and noise, late night disturbances, fights, gun shots, criminal activity, drug activity, prostitution, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. This matter was first heard by the Licenses Committee on November 21, 2005 pursuant to a notice dated November 11, 2005. At that time the licensee agent was not represented by counsel and the Committee recommended nonrenewal of the Class "B" Tavern and Tavern Entertainment (Cabaret/Nite Club) license held by the licensee. On December 9, 2005 the Milwaukee Common Council received notification of the retention of counsel by the licensee and objections to

the report and recommendation of the Licenses Committee to not renew the Class "B" Tavern and Tavern Entertainment (Cabaret/Nite Club) license of the licensee. On December 13, 2005 the Milwaukee Common Council considered the objections of the licensee and heard oral argument on the question. Also on December 13, 2005 the Milwaukee Common Council, after hearing argument and considering the objections of the licensee, adopted the recommendation of the Licenses Committee to not renew the Class "B" Tavern and Tavern Entertainment (Cabaret/Nite Club) license held by the licensee.

5. On December 14, 2005 the licensee sought review of that decision in the Circuit Court of Milwaukee County pursuant to Wis. Stat. § 125.12 (2) (d). The licensee also sought a temporary injunction to keep the premises open during the Holiday Season and pending review of the action of the Milwaukee Common Council. On December 15, 2005 the Honorable Daniel Noonan, Judge of the Circuit Court of Milwaukee County, heard argument from the parties and declined to enter a temporary injunction requested by the licensee and dismissed this matter without prejudice upon the agreement of the parties that the matter would be reconsidered by the Licenses Committee and the Milwaukee Common Council, this time with agent of the licensee represented by counsel and further that item number 9 (a single underage service of alcohol) contained in the police report would specifically not be considered in the renewal process. As a result no alcohol service at the licensed premises has been operating since midnight, December 15, 2005.
6. On December 20, 2005, 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 suspension or non-renewal of the license. The Licensee was also provided a copy of the report, and the neighborhood objections. The matter was scheduled for a hearing on the police report and the neighborhood objections on January 3, 2006 at 2:30 p.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared and was represented by Attorney Michael A.I. Whitcomb, 633 West Wisconsin Avenue, Suite 510, Milwaukee, Wisconsin 53203.
7. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. The applicant was interviewed regarding the license application on November 5, 2001. The applicant stated she worked at the licensed premises for the prior three years. She stated at that time that she applied for a Class "D" Bartender license to work on the premises on October 30, 1998. She also stated at that time that she applied for a Class "B" Manager license for the premises on October 17, 2001. The same applicant also applied for a Class "B" Manager license to be the manager

of "The Matrix" located at 352 East Capitol Drive in the City and County of Milwaukee, Wisconsin. The application for a Class "B" Manager's license for "The Matrix" was also filed on October 17, 2001. The applicant stated she works at the Phoenix during the days and evenings at "The Matrix."

Applicant also revealed to police officers that she worked as a bartender at "The Matrix" and was going to be the manager of that location as well. The applicant had been tending bar at "The Matrix" since February, 2001.

- B. On Saturday, April 28, 2001, at 1:40 a.m., officers of the Milwaukee Police Department were approached by security guards at the licensed premises at 352 East Capitol Drive in the City and County of Milwaukee, Wisconsin ("The Matrix"). The security guards were having trouble with a customer. In the subsequent investigation, the police officers spoke with the licensed applicant, Andrea Chavis, who represented herself to the officers as the manager of "The Matrix." When asked if she had a Class "B" Manager's license, she replied, "Yes." When she was asked to produce the license she stated that she did not actually have it, but indicated it had been approved but not yet issued. The applicant was issued a citation for Class "B" Manager's license required. The case was heard on October 17, 2001 and she was found not guilty on October 17, 2001, being the same date she applied for a Class "B" Manager's license as manager of "The Matrix."
- C. On Sunday, October 21, 2001, vice control officers conducted an investigation regarding a complaint of "nude strippers" at the licensed premises at 6222 West Fond du Lac Avenue ("Diamond Inn"). The officers entered the premises undercover at 10:15 p.m. Prior to being allowed to enter they were verbally informed of a \$20 cover charge. No such cover charges were posted at the entry. One of the officers observed a female dancing in a sexually suggestive manner, that she was nude, with her breasts, buttocks, and genitalia fully exposed to the officer's view. The dancer inserted several objects into her vaginal cavity, including two beer bottles, rubber balls, and glow sticks. The officer observed at least two separate male patrons placing US currency into the vaginal cavity of the dancer. The undercover officers called for uniformed officers for the purpose of conducting a license premises check. They spoke to a person who identified himself as the "manager", in the absence of the owner who was "out of town." The "manager" said that he was overseeing the day-to-day operations of the business. The manager was asked to produce a Class "B" Manager's license. This individual did not have such a license. The "manager" was on the premises and observed the dancer's performances. The manager did nothing to stop the performance. The bartender working at the bar was asked to see her bartender license. That individual did not have one. A sergeant on the scene located a quantity (2.42 grams) of

cocaine powder, contained in film canister and a quantity (2.33 grams) of marijuana contained in a sandwich baggie. Both had been discarded on the floor of the tavern. The items were inventoried. In addition, the premises did not have a tavern amusement license allowing them to have cabaret performances or floor shows.

As a result of this incident, the following citations were issued:

1. Display of license, § 90-16 of the Milwaukee Code of Ordinances (bartender).
2. Prohibited performance or costume (dancer).
3. Prohibited performance or costume (manager's responsibility).
4. Class "B" manager's license required (acting manager).
5. Display of license/license required (licensee responsibility).
6. Display of license/license required (licensee responsibility).
7. Prohibited performance or costume (licensee responsibility).
8. Tavern charges to be posted (licensee responsibility).
9. Report of changes required (licensee).

The following disposition occurred as to the above citations:

1. Warrant issued regarding display of license (bartender).
2. Case dismissed as to prohibited performance or costume (dancer).
3. Guilty and fined \$824.00 on March 11, 2003, commitment issued for prohibited performance or costume (manager).
4. Case dismissed as to Class "B" Manager's license required.
5. Case dismissed (display of license/license required, licensee responsibility).
6. Guilty and fined \$339.00 on March 11, 2002 (display of license/license required, licensee responsibility).
7. Case dismissed March 11, 2002 (prohibited performance or costume, licensee responsibility).
8. Guilty and fined \$339.00 on March 11, 2002 (tavern charges to be posted, licensee responsibility).
9. Case dismissed on March 11, 2002 (report of changes required, licensee responsibility).

- D. On April 5, 2003, at 1:34 a.m., officers of the Milwaukee Police Department responded to a shooting at the licensed premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill"). It was determined that two patrons who were at the club suffered gunshot wounds during an altercation. The licensee, Andrea Chavis, stated that she did not hear or see the shooting in that the incident happened outside of the club. The police investigation demonstrated that there were three substantial battery cutting victims at St. Joseph's Hospital as a result of that altercation and that it occurred inside

the club. The two shooting victims were shot as they exited the club along the north exit.

- E. On June 14, 2003, at 10:00 p.m., a Milwaukee Police Department detective assigned to the Vice Control Division entered the licensed premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill") to investigate a complaint of illegal strippers. The detective observed a female dancer on the stage clad in a small brassier and underpants. She was gyrating in front of a patron next to the stage and pulled down her brassier exposing both breasts entirely. The patrons placed a dollar bill between the dancer's exposed breasts and the dancer accepted the bill by clenching her breasts around it using her hands to push her breasts together. She did not have any covering on her breasts when doing this. When asked to talk to the owner, the doorman took the detective to James H. Harrison. Mr. Harrison talked to the detective. Mr. Harrison showed the detective a copy of the Milwaukee supplemental application for entertainment and the box marked "exotic dancers male and female strippers" was not marked. Mr. Harrison stated that Andrea Chavis is his stepdaughter. The detective stated to Mr. Harrison that "you own and control the tavern and take care of the day to day operations, but put the tavern license in your step daughters [sic] name because of your criminal record?" Mr. Harrison stated that he did not believe that was against the law. The detective was also taken into the VIP room where there were five female dancers who were using the room as a changing room.

Citations were issued to Ollie L. Harrison and James Harrison for certain performances and costumes prohibited and change in entertainment. As a result of a plea negotiation, a guilty adjudication was entered on certain performances and costumes prohibited and the change in entertainment citation was dismissed. On October 8, 2003, a guilty finding was entered and a fine of \$500 was imposed.

- F. On September 6, 2003 at 2:09 a.m., City of Milwaukee Police Officers were dispatched to 6249 West Fond du Lac Avenue for shots fired into a residence. An auto driving eastbound on Fond du Lac Avenue was struck through the driver's window injuring the driver. While checking the area, police found seven 9mm casings in the parking lot adjacent to the licensed premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill").
- G. This licensed premises, specific with reference to Class "B" Manager's license required, prohibited costumes and performances, display of license, and tavern charges to be posted and reported was the subject of a warning letter issued by the Milwaukee Common Council on November 26, 2002. The committee has determined that the incidents of April 5,

2003 and June 14, 2003 indicate that the previous warning of the Common Council was not taken seriously by the operators of this premise.

- H. In the year 2003, for the 2004 license year, this premises had its Class "B" Tavern and Tavern Nite Club Entertainment (Cabaret) license renewed with a sixty (60) day suspension.
- I. On June 27, 2004 at 1:30 a.m. City of Milwaukee Police Officers conducted a license premises check of the licensed premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill"). The occupancy permit listed the occupancy limit as 99. Approximately 300 persons were on the premises. Andrea Chavis was issued a citation for Class "B" Manager license required which was dismissed without prejudice on September 10, 2004. Ms. Chavis was also issued a citation for illegal occupancy and found guilty on September 10, 2004 and fined \$300.00
- J. On January 22, 2005 at 8:00 p.m. at Froedtert Hospital a Milwaukee detective interviewed a victim of a shooting. The victim stated that he had been at the licensed premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill"). He had been there to perform rap songs with other artists. As he was leaving the tavern he was getting into the front passenger seat of his manager's car and that suddenly gunshots were fired at the vehicle and that he felt 2 bullets enter his chest. As he pretended to be dead in the vehicle, the shooter reached in and took his wallet from his back pant pocket. An armed robbery/reckless injury report was filed. At the hearing, the licensee related that she does not have "rap" performances, but occasionally and on this occasion, patrons entertain impromptu. At the material time in question the licensed premises specifically excluded providing "rap" entertainment.
- K. On February 14, 2005 at the licensed premises at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar & Grill") Andrea Chavis was issued a citation for Class "D" Bartender license required which was dismissed without prejudice on April 22, 2005. Ms. Chavis was issued a citation for posting of occupancy capacity and found guilty on April 22, 2005 and fined \$100.00.
- M. Other than the local representative of the alderman, who appeared in opposition to the renewal of this license, no objecting neighbors appeared to testify.
- N. A number of supporting neighbors testified that they have not been disturbed by the activities of the patrons of the license premises. One in particular testified that she regularly holds family parties and functions at

the premises and, indeed, has held her wedding reception at the license premises.

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, Andrea N. Chavis, as agent for "Diamond Food & Beverages, Inc." at 6222 West Fond du Lac Avenue has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes allow renewal of her Class "B" Tavern license without undergoing a twenty-five (25) day suspension of said license and has not met the criteria of Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances such that non-renewal of the Tavern Amusement (Cabaret/Nite Club) license held by the licensee is appropriate. 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 with a twenty-five (25) day suspension and non renewal of the Tavern Amusement (Cabaret/Nite Club) license of Andrea N. Chavis, as agent for "Diamond Food & Beverages, Inc." for the premises located at 6222 West Fond du Lac Avenue.

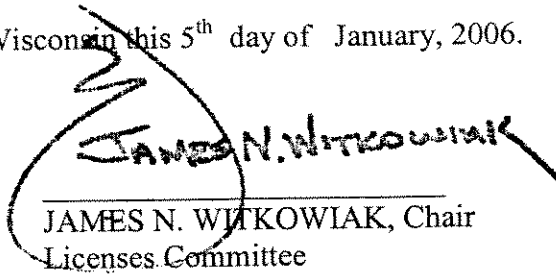
RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) excused and recommends that the renewal of the Class "B" Tavern license be approved with a twenty-five day suspension and that the Tavern Amusement (Cabaret/Nite Club) license be non-renewed.

The Class "B" Tavern license suspension will be in effect upon action of the Milwaukee Common Council on January 18, 2006 through midnight, February 11, 2006.

The nonrenewal for the Tavern Amusement (Cabaret/Nite Club) license is to take effect upon action of the Milwaukee Common Council on January 18, 2006.

Dated and signed at Milwaukee, Wisconsin this 5th day of January, 2006.

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style and is enclosed within a hand-drawn circle.

JAMES N. WITKOWIAK, Chair
Licenses Committee

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