

JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

June 7, 2007

To the Honorable, the Common Council

Dear Members:

Common Council File 070041 contains the following recommendations:

Renewal, with a 10-day suspension based on the police report, of the Class "D" Bartender license of John Neitman.

Nonrenewal, based on non-appearance, of the Class "B" Manager license of Enrique Montes.

Renewal, with a 10-day suspension based on the police report and neighborhood objections, of the Class "B" Tavern and Tavern Dance license of Matthew Amann, Agent for "M Gus Amann, Inc." for the premises at 9131 W. Beloit Road. ("Gus Amann's") in the 11th aldermanic district. (Committee vote: Ayes: 3, Noes: 1)

Renewal, with a 10-day suspension based on the police report, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of Terry Cullen, Executor for the "Estate of Thomas Michels" for the premises at 2714 S. 13th St. ("Camelot Show Lounge") in the 14th aldermanic district.

Renewal, with a 75-day suspension based on the police report, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of Terry Cullen, Executor for the "Estate of Thomas Michels" for the premises at 4730 N. 76th St. ("Tommy's Club 76") in the 2nd aldermanic district. (Committee vote: Ayes: 3, Noes: 1)

Renewal, with a 90-day suspension based on the police report and neighborhood objections, of the Class "B" Tavern and Tavern Dance license of Olayinka George for the premises at 5318 W. Center St. ("Infinity Lounge") in the 10th aldermanic district. (Committee vote: Ayes: 3, Noes: 1)

Nonrenewal, based on non-appearance, of the Class "B" Tavern and Instrumental Music application of Charles Garvens, Agent for "RC Stooges, Inc." for the premises at 6700 W. Fairview Ave. ("Stooges Sportz Pub") in the 10th aldermanic district.

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on June 5th 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, June 19, 2007** 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 a cursive style and is enclosed within a hand-drawn circle.

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
Files 070041



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 7, 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 John S. Neitman

FINDINGS OF FACT

1. John S. Neitman (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 May 3, 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 May 4, 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 May 22, 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 June 5, 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;

10/29/2004	operating while intoxicated	Waukesha Muni. Ct.
7/3/2005	implied consent	Waukesha Co. Cir. Ct.
12/8/2005	operating while intoxicated	Waukesha Co. Cir. Ct.

CONCLUSIONS OF LAW

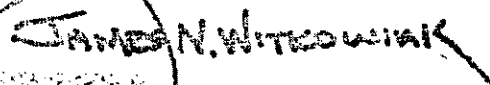
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, John S. Neitman 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 ten (10) 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 John S. Neitman with a ten (10) day suspension based upon a police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes and one (1) excused, recommends that the Class "D" Bartender License be approved with a ten (10) day suspension based upon the police report.

Said suspension is to be in effect from the date of the Common Council meeting of June 19, 2007 through midnight June 29, 2007.

Dated and signed at Milwaukee, Wisconsin this 7th day of June, 2007.


JAMES N. WITKOWIAK
Chairman Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 7, 2007

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Manager License of Enrique Montes.

FINDINGS OF FACT

1. Enrique Montes (hereinafter the "Licensee") is the holder of a Class "B" Manager License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, June 30, 2007.
2. An application to renew said license was untimely filed with the Office of the City Clerk on May 1, 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 May 2, 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 May 22, 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 June 5, 2007, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear. 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. A notice of the hearing as well as a copy of the police report was sent to Enrique Montes at 8500 Springbrook Boulevard, No. 201, Oak Creek,

Wisconsin 53154 on May 22, 2007 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 8500 Springbrook Boulevard, No. 201, Oak Creek, Wisconsin 53154 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on June 5, 2007.

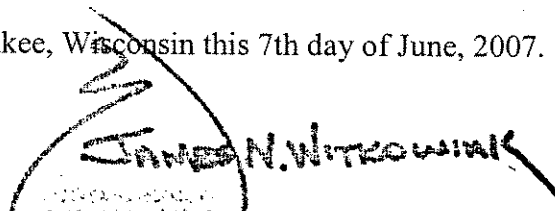
CONCLUSIONS OF LAW

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, Enrique Montes 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 "B" Manager 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 deny the Class "B" Manager license held by Enrique Montes 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, zero (0) noes and one (1) excused, recommends that the Class "B" Manager License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 7th day of June, 2007.


JAMES N. WITKOWIAK
Chairman Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 7, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of Mathew G. Amann, Agent for M Gus Amann, Inc. for a Class "B" Tavern and Tavern Dance license for the premises located at 9131 West Beloit Road in the City and County of Milwaukee, Wisconsin ("Gus Amann's").

FINDINGS OF FACT

1. Mathew G. Amann (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises 9131 West Beloit Road in the City and County of Milwaukee, Wisconsin ("Gus Amann's"). Said license expires at midnight, June 30, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on March 22, 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 23, 2007 that could form the basis for nonrenewal or suspension of the license. There were neighborhood objections to loitering, littering, public urination, trespassing, loud music and noise, lewd and lascivious behavior, disorderly patrons, fights, loud motorcycles entering and leaving the parking lot, failure to erect a fence, disturbing the peaceful enjoyment of the neighborhood, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On May 25, 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 June 5, 2007 at 11:00 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. 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 19, 2004 at 6:00 p.m. two undercover police aides under the direction of the Milwaukee police officers purchased beer from the applicant without showing identification. The applicant was issued a citation for sale to underage and on May 12, 2004 was found guilty and fined \$152.00.
 - B. On March 30, 2005, at 3:38 a.m. officers investigated a cutting complaint at West Allis Memorial Hospital. The investigation revealed that a patron of the bar was attacked and cut by a person in the parking lot of the tavern after closing time. The suspect was arrested and an incident report was filed.
 - C. On July 9, 2006 at 2:11 a.m., Milwaukee police officers were observing the closing of Gus Amann's at 9131 West Beloit Road, when they observed a patron exit the tavern and walk to the American Legion parking lot and intentionally urinate in public view. This subject was issued a citation for disorderly conduct.
 - D. There are two large apartment structures immediately to the rear of this premise. A number of residents of those apartments came forward to testify as to being regularly awoken by patrons at closing time revving motorcycles, engaging in acts of public urination, and carrying on after bar closing time by talking loudly across the parking lot. These neighbors also complain that patrons use the apartment building parking lots for their vehicles. The neighbors of the apartment building have also seen bottles being thrown against the side of the apartment building by patrons of the premises. They can also smell marijuana being smoked by patrons of the premises.
 - E. The licensee responds that he has prohibited motorcycles in the parking lot of the premises and requires that they park on the other side of Beloit Road to help control noise. He is also in the process of erecting a fence between two lines of mature trees that separate the properties to help control noise and the movement of patrons on to the apartment property. The individual that the licensee has determined to be the individual engaging in acts of public urination has not been allowed back into the bar.
 - F. A video tape of the noise generated by the patrons of the tavern was played to the Committee. The neighbors also complain of the loud

entertainment from the karaoke machine, and the licensee has agreed to stop the karaoke.

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, Mathew G. Amann, Agent for M Gus Amann, Inc. 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 and Tavern Dance license without undergoing a ten (10) day suspension of said license. The Committee finds the neighborhood objections and 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 and Tavern Dance license held by the licensee with a ten (10) day suspension for the premises located at 9131 West Beloit Road in the City and County of Milwaukee, Wisconsin ("Gus Amann's") because of neighborhood objections and a police report found to be true and for the danger the operation of the premise represents to the health, safety, and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noes and one (1) excused recommends that the Class "B" Tavern and Tavern Dance license held by Mathew G. Amann for the premises at 9131 West Beloit Road in the City and County of Milwaukee, Wisconsin ("Gus Amann's") be renewed with a ten (10) day suspension based upon the neighborhood objections and police report.

Said suspension is to be in effect from 12:01 a.m., July 1, 2007 through midnight, July 10, 2007.

Dated and signed at Milwaukee, Wisconsin this 7th day of June, 2007.


JAMES N. WITKOWIAK
Chairman of the Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 7, 2007

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) License of Terry J. Cullen, Estate of Thomas Michels for the premises located at 2714 South 13th Street, in the City and County of Milwaukee, Wisconsin ("Camelot Show Lounge").

FINDINGS OF FACT

1. Terry J. Cullen for the Estate of Thomas Michels (hereinafter "the licensee") is the holder of a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) License for the premises located at 2714 South 13th Street, in the City and County of Milwaukee, Wisconsin ("Camelot Show Lounge"). Said license expires at midnight on June 30, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on March 19, 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 20, 2007, the Milwaukee Police Department responded with a report regarding the premises. There were neighborhood objections to loitering, littering, loud music and noise, fights, gunshots, armed robberies, drugs and criminal activity, prostitution, disorderly patrons and employees, vandalism, fitness of the location based on neighborhood problems due to the management of the location, the premises is operated in such a manner that it constitutes a public nuisance, and has had an adverse impact on the health, safety or convenience and prosperity of the neighborhood.
4. On May 25, 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 June 5, 2007 at 10:15 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. The applicant was represented by Attorney

Michael A.I. Whitcomb, 633 West Wisconsin Avenue, Suite 510, Milwaukee, WI 53203.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On March 30, 2002 at 1:47 AM Milwaukee police officers were sent to the licensed premises at 2714 South 13th Street (“Camelot Show Lounge”) to investigate a subject with a weapon complaint. The bartender stated that there was a fight in the downstairs dressing room between three female employees. The fight moved upstairs to the bar area and others became involved in the fight. The bartender closed the business. One of the fighters stated through the closed door to open the door so he could shoot the place up. The bartender then called the police. Officers issued seven municipal court citations for disorderly conduct. An incident report was filed.
 - B. On October 11, 2002 at 12:18 AM officers of the Milwaukee Police Department responded to the premises at 4730 North 76th St (“Tommy’s Goodtime”) regarding a theft from auto. The investigation revealed that the theft victim had two handguns taken from the auto. The victim related that he had them concealed on his person when he tried to enter the licensed premises, but security discovered them and made the victim return the weapons to his auto. Security did not call police regarding the armed patron. The victim further related that he feels like he got set-up by security because there were no other autos in the lot. An incident report was filed.
 - C. On April 25, 2003 at 12:28 AM officers of the Milwaukee Police Department investigated a fight at Tommy’s Goodtime at 4730 North 76th Street. A drunken male was upset about having to pay a cover charge to get into the tavern, and then was upset while seated at the bar because he was refused to be served alcohol. Then the patron bumped other patrons and a fight ensued. An incident report was filed.
 - D. On December 16, 2003 at 6:50 PM officers of the Milwaukee Police Department were dispatched to 4730 North 76th Street, Tommy’s, for a complaint of recklessly endangering safety. The bartender stated that a patron got into an altercation with a dancer on the stage. When the bartender attempted to pull the patron from the stage, the patron took out a handgun and began to wave the gun around. The suspect was not apprehended. An incident report was filed.
 - E. On February 24, 2005 at 1:40 AM officers of the Milwaukee Police Department responded to the premises at 4730 North 76th Street (“Tommy’s Goodtime”) regarding a shooting, which occurred in the parking lot on the south side of the licensed premises. Employees of the tavern denied any knowledge of a shooting

and could provide no additional information. An incident report was filed.

- F. On June 28, 2005 at 10:30 PM officers of the Milwaukee Police Department were sent to 2714 South 13th Street (“Camelot Show Lounge”) for a fight in progress. They spoke to a bartender, Joel Hall, who stated that at about 10:15 p.m. an entertainer employed by the Camelot, started yelling at patrons and wanted to fight. The entertainer, stated that she believed that someone put something in her drink that made her sick and she knew that something wasn’t right.
- G. On March 24, 2006 at 9:20 PM while investigating a man with a gun complaint in the area of 2600 South 13th Street, police were conducting tavern checks in the area. As they approached the Camelot, a male ran back into the tavern. Officers interviewed him and he later was arrested for possession of controlled substance with intent to deliver THC.
- H. On October 20, 2006 at 11:39 PM, officers of the Milwaukee Police Department were dispatched to 2710 South 13th Street for a shots fired complaint. The investigation revealed that one shot was fired inside of Camelot Lounge. The bullet had traveled through the wall of the bar as well as the wall of the house next door. Officers did recover the bullet. Officers arrested the subject who fired the shot and recovered and inventoried the gun. The arrested subject blew a .10 on the intoxilizer that was administered and was charged with endangering safety by reckless use of a dangerous weapon and carrying a concealed weapon.
- I. The licensee explained that a bartender brought a handgun into the premise, a cousin wanted to see the weapon and it accidentally discharged. At all times customers were subject to searches and as a result of this incident the premises was voluntarily closed for ten days and all employees and entertainers in addition to customers are now required to be searched. All individuals involved in this incident were fired.
- J. On February 20, 2007 at 10:08 PM, officers of the Milwaukee Police Department were dispatched to a battery complaint at 13th and Cleveland. The investigation revealed there was an argument between two dancers at the Camelot Dance Club that resulted in one stabbing the other.
- K. The licensee explained that the February 20 incident involved a new dancer who did not get along well with the other dancers on the premises. The new dancer was leaving the premises and confronted one of the regular dancers in a parking lot with a knife that the new dancer had in her car. As a result of the incident, the new dancer was fired and the premises was again voluntarily closed so that security could be reassessed.
- L. No neighbors testified in opposition to this license.

CONCLUSIONS OF LAW

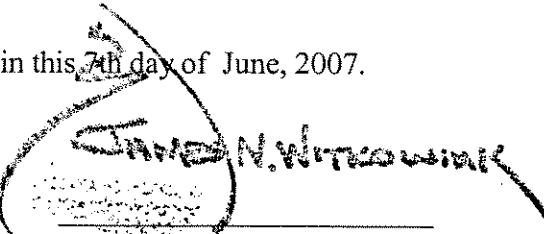
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Terry J. Cullen for the Estate of Thomas Michels, 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 his Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) License without undergoing a ten (10) day suspension of said license. The Committee finds that 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 judgment of the Licenses Committee that the full Common Council of the City of Milwaukee should renew with a ten (10) day suspension the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) License held by the Licensee, Terry J. Cullen for the Estate of Thomas Michels, for the premises located at 2714 South 13th Street, in the City and County of Milwaukee, Wisconsin, ("Camelot Show Lounge "), based upon his past activities as a Licensee and for the danger that the continued operation of the premises poses to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) License of Terry J. Cullen for the Estate of Thomas Michels, for the premises located at 2714 South 13th Street, in the City and County of Milwaukee, Wisconsin ("Camelot Show Lounge "), be renewed with a ten (10) day suspension.

Said suspension is to be in effect from 12:01 a.m., July 1, 2007 through midnight, July 10, 2007.

Dated and signed at Milwaukee, Wisconsin this 7th day of June, 2007.



JAMES N. WITKOWIAK
Chairperson
Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: June 7, 2007

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) License of Terry J. Cullen, Estate of Thomas Michels for the premises located at 4730 North 76th Street, in the City and County of Milwaukee, Wisconsin ("Tommy's Club 76").

FINDINGS OF FACT

1. Terry J. Cullen for the Estate of Thomas Michels (hereinafter "the licensee") is the holder of a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) License for the premises located at 4730 North 76th Street, in the City and County of Milwaukee, Wisconsin ("Tommy's Club 76"). Said license expires at midnight on June 30, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on March 19, 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 20, 2007, the Milwaukee Police Department responded with a report regarding the premises. There were neighborhood objections to loitering, littering, loud music and noise, fights, gunshots, armed robberies, drugs and criminal activity, prostitution, disorderly patrons and employees, vandalism, fitness of the location based on neighborhood problems due to the management of the location, the premises is operated in such a manner that it constitutes a public nuisance, and has had an adverse impact on the health, safety or convenience and prosperity of the neighborhood.
4. On May 25, 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 June 5, 2007 at 10:30 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. The applicant was represented by Attorney

Michael A.I. Whitcomb, 633 West Wisconsin Avenue, Suite 510, Milwaukee, WI 53203.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On March 30, 2002 at 1:47 AM officers of the Milwaukee Police Department were sent to 2714 South 13th Street (“Camelot Show Lounge”) to investigate a subject with a weapon complaint. The bartender stated that there was fight in the downstairs dressing room between three female employees. The fight moved upstairs to the bar area and others became involved in the fight. The bartender closed the business. One of the fighters stated through the closed door to open the door so he could shoot the place up. The bartender then called the police. Officers issued seven municipal court citations for disorderly conduct. An incident report was filed.
 - B. On October 11, 2002 at 12:18 AM officers of the Milwaukee Police Department responded to the licensed premises at 4730 North 76th Street (“Tommy’s Goodtime”) regarding a theft from auto. Investigation revealed that the theft victim had two handguns taken from the auto. The victim related that he had them concealed on his person when he tried to enter the licensed premises, but security discovered them and made the victim return the weapons to his auto. Security did not call police regarding the armed patron. The victim further related that he feels like he got set-up by security because there were no other autos in the lot. An incident report was filed.
 - C. On April 25, 2003 at 12:28 AM officers of the Milwaukee Police Department investigated a fight at Tommy’s Goodtime, 4730 North 76th Street. A drunken male was upset about having to pay a cover charge to get into the tavern, and then was upset while seated at the bar because he was refused to be served alcohol. Then the patron bumped other patrons and a fight ensued. An incident report was filed.
 - D. On December 16, 2003 at 6:50 PM officers of the Milwaukee Police Department were dispatched to 4730 North 76th Street, Tommy’s, for a complaint of reckless endangering safety. The bartender stated that a patron got into an altercation with a dancer on the stage. When the bartender attempted to pull the patron from the stage, the patron took out a handgun and began to wave the gun around. The suspect was not apprehended. An incident report was filed.
 - E. On February 24, 2005 at 1:40 AM officers of the Milwaukee Police Department responded to the licensed premises at 4730 North 76th Street (“Tommy’s Goodtimes”) regarding a shooting, which occurred in the parking lot on the south side of the licensed premises. Employees of the tavern denied any knowledge of a shooting and could provide no additional information. An incident report was

filed.

- F. On June 28, 2005 at 10:30 PM officers of the Milwaukee Police Department were sent to 2714 South 13th Street, Camelot Show Lounge, for a fight in progress. They spoke to a bartender, Joel Hall, who stated that at about 10:15 pm, an entertainer employed by the Camelot, started yelling at patrons and wanted to fight. The entertainer, stated that she believed that someone put something in her drink that made her sick and she knew that something wasn't right.
- G. On March 24, 2006 at 9:20 PM while investigating a man with a gun complaint in the area of 2600 South 13th Street, police were conducting tavern checks in the area. As they approached the Camelot, a male ran back into the tavern. Officers interviewed him and he later was arrested for Possession of Controlled Substance With Intent To Deliver THC.
- H. On May 9, 2006 at 9:00 PM, officers of the Milwaukee Police Department were conducting an undercover investigation regarding complaints of prostitution at Tommy's Good Times Saloon at 4730 North 76th Street. This establishment holds a tavern amusement license and offers live entertainment consisting of topless female dancers. Officers found several female dancers who did not wear costumes that covered the cleft of their buttocks or the nipple or areola of their breasts. One particular dancer, later identified as Joy C. Beamon,, offered an undercover officer \$100.00 for a "private dance" that was to take place at a hotel and it was told to the officer that it would consist of everything he wanted to do. (Beamon verbally stated to the undercover officer that nothing was off limits including anal sex, oral sex and sexual intercourse.) Continuing investigation led to the arrest of Beamon at the Park Manor Motel at 7730 West Appleton Avenue d

Incidents I-M were not previously reported and were received by the License Investigation Unit on March 12, 2007.

- I. On August 17, 2005 at 1:00 AM, officers of the Milwaukee Police Department were flagged down at 4730 North 76th Street by a subject who stated he was robbed. The victim stated 3 unknown males robbed him in the parking lot of Tommy's. A license premises check was also conducted and no violations were found.
- J. On November 6, 2005 at 11:42 PM, officers of the Milwaukee Police Department were dispatched to Tommy's 4730 North 76th Street for a stabbing complaint. The investigation revealed that a patron inside the night club became disorderly and was being escorted out of the club. The patron then pulled out a pocket knife and stabbed one victim in the chest and abdomen and stabbed another victim in the left hand. Victim #1 required surgery for his injuries.

- K. On December 30, 2005 at 1:00 AM, officers of the Milwaukee Police Department were investigating a Recklessly Endangering Safety complaint that occurred in the street in front of Tommy's, 4730 North 76th Street. The investigation revealed that the victim was intentionally run over by a motor vehicle. The victim suffered a broken toe and other leg injuries. The suspect who ran over the victim was seen earlier talking with the victim just outside the tavern prior to this incident.
- L. On January 28, 2006 at 3:23 AM, officers of the Milwaukee Police Department were dispatched to 4730 North 76th Street regarding a battery complaint. Officers spoke to the victim, who is employed by Tommy's, and stated that her ex-boyfriend came to the location and broke out all her windows to her vehicle that was parked in the parking lot. The victim stated she tried to stop him but that he then punched her in the face with a closed fist. A domestic violence battery report was filed.
- M. On January 29, 2006 at 2:19 AM, officers of the Milwaukee Police Department were dispatched to Tommy's, 4730 North 76th Street for an armed robbery complaint that occurred in the parking lot. Officers spoke to the victim who stated an unknown actor displayed a handgun and then struck him in the face, causing a laceration to the victims' right eyebrow. The suspect then obtained various items from the victim and fled the scene. Officers were unable to speak with the licensee of Tommy's due to the fact the tavern was closed when this incident occurred.
- N. On February 6, 2006 at 1:42 AM, officers of the Milwaukee Police Department were dispatched to 4730 North 76th Street, Tommy's, for an armed robbery complaint. The investigation revealed that a security guard was checking the parking lot after closing time when a subject approached him and pointed a chrome handgun and repeatedly told the security guard "Don't move." The security guard ran back to the tavern and was able to close the door before the suspect gained entry. Nothing was obtained. This incident did not appear to be connected with the operation of the licensed premise.
- O. On October 9, 2006 at 1:12 AM, officers of the Milwaukee Police Department were dispatched to Tommy's, 4730 North 76th Street, for an entry into autos complaint. Officers spoke to the night manager/security guard, Donn J. Bark, who stated he was outside by the front door of Tommy's when he heard glass breaking. Bark stated that believed it was coming from the south side of the parking lot. Bark stated he observed a parked car with a broken window and saw a male subject running east towards the alley. Bark then called for police. Officers were unable to locate the driver/owner of the car.
- P. On December 3, 2006 at 12:48 AM, officers of the Milwaukee Police Department

were dispatched to 4730 North 76th Street for a shooting complaint. The investigation revealed that a shooting had occurred in front of Tommy's after the victim had argued with an unknown suspect inside the bar. The victim was treated for a gunshot wound to his left thigh. This incident occurred involving two groups of individuals, and the management of the premises attempted to keep them separated upon exiting the premises. However, the two groups met outside and that is when the incident occurred.

- Q. On February 1, 2007 at 1:17 AM, officers of the Milwaukee Police Department were dispatched to 4730 North 76th Street to check for a possible shooting scene. Upon officers' arrival, the tavern appeared to be closed and the door was locked. Officers checked the area and did not locate a scene. Officers spoke to Donn Bark, who stated he was employed at Tommy's. Bark stated that a fight broke out by the exit door and that he heard one shot fired. Bark stated he didn't call police because there was so much commotion going on. Another employee on scene, identified as Thomas Beringer, was holding a casing wrapped in a napkin that he found on the floor inside the tavern. Officers also recovered another casing inside the tavern. A check of all licenses revealed they were current and properly displayed. The licensee asserts that the casing was not in the tavern but found outside of the premises.
- R. On February 3, 2007 at 1:30 AM, officers of the Milwaukee Police Department conducted a tavern check at Tommy's, 4730 North 76th Street. While officers were conducting the tavern check, a patron attempted to make his way out the back door upon observing officers. He was stopped and investigation revealed this subject to be in possession of large amounts of marijuana. This patron was arrested and charged with possession of controlled substance. Four arrests were made for patrons who had outstanding warrants. The licensee asserts that this individual was in fact being sought by the police.
- S. On February 12, 2007 at 1:24 AM, officers of the Milwaukee Police Department were dispatched to Tommy's, 4730 North 76th Street, for a shots fired complaint. Investigation revealed shots were fired in front of the tavern with officers recovering six shot gun shells that were lying in front of the tavern. The front windows of the club had been shot out and officers were advised that there were no injuries. No one inside the club was able to relate any information regarding the shots fired. The licensee asserts that this incident was an aberration in that an individual simply fired four shots into the windows of the premises and ran off.
- T. No neighbors appeared in opposition to the operation of this premise.

CONCLUSIONS OF LAW

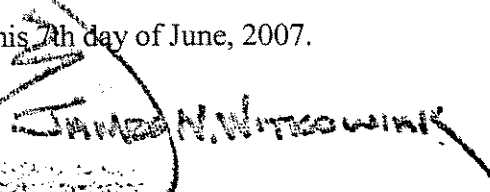
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Terry J. Cullen for the Estate of Thomas Michels, 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 his Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) License without undergoing a seventy-five (75) day suspension of said license. The Committee finds that 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 judgment of the Licenses Committee that the full Common Council of the City of Milwaukee should renew with a seventy-five (75) day suspension the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) License held by the Licensee, Terry J. Cullen for the Estate of Thomas Michels, for the premises located at 4730 North 76th Street, in the City and County of Milwaukee, Wisconsin, ("Tommy's Club 76 "), based upon his past activities as a Licensee and for the danger that the continued operation of the premises poses to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) no and one (1) excused, recommends that the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) License of Terry J. Cullen for the Estate of Thomas Michels, for the premises located at 4730 North 76th Street, in the City and County of Milwaukee, Wisconsin ("Tommy's Club 76 "), be renewed with a seventy-five (75) day suspension.

Said suspension is to be in effect from 12:01 a.m., July 1, 2007 through midnight, September 13, 2007.

Dated and signed at Milwaukee, Wisconsin this 21st day of June, 2007.



JAMES N. WITKOWIAK
Chairperson
Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: June 7, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Olayinka M. George for a Class "B" Tavern and Tavern Dance license for the premises located at 5318 West Center Street in the City and County of Milwaukee, Wisconsin ("Infinity Lounge").

FINDINGS OF FACT

1. Olayinka M. George (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the licensed premises at 5318 West Center Street in the City and County of Milwaukee, Wisconsin ("Infinity Lounge"). Said license expires at midnight, June 23, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on March 9, 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 report was dated March 12, 2007 and could form a basis for non-renewal or suspension. There were also neighborhood objections to littering, loitering, loud music and noise, public urination, drug and criminal activity, vandalism, damage to private property, parking on private property, disturbing the peace, causing the normal flow of traffic on roadways to be impeded, endangering safety by exceeding capacity, excessive and inappropriate use of police resources, fitness of location based on the appropriateness of the location, neighborhood problems due to mismanagement, and the premises is operated in such a manner that it causes a public nuisance, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On May 22, 2007, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections and of the police report, including a copy of the report. The matter was scheduled for a hearing on the neighborhood objections on June 5, 2007 at 4:00 p.m. in Room 301B of the third floor of

City Hall. At said date, time and place the licensee appeared at the hearing 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. Licensee was charged with issue of worthless check-non criminal and found guilty on September 8, 1982.
 - B. On Tuesday, August 17, 1999 at 1:10 AM officers of the Milwaukee Police Department conducted a tavern check at the Stepping Up Lounge located at 5318 West Center Street. Upon their arrival, officers found an underage person drinking beer inside the tavern. The Licensee was on the scene. The Licensee was charged with sale of alcohol to underage person and found guilty on November 5, 1999 and fine \$145.00.
 - C. On Friday, November 26, 1999 at about 10:53 PM an underage police aide along with two undercover Milwaukee Police Department officers entered the Stepping Up Lounge located at 5318 West Center Street. The police aide walked directly past the doorman who did not ask for identification. The police aide purchased two alcoholic drinks from the bartender . The investigation revealed that there were two unlicensed bartenders on the scene who were not supervised by a licensed person. The licensee arrived on the scene approximately 20 minutes into the officers' investigation. The doorman was arrested on a warrant for delivery of a controlled substance.
 - D. As to the bartender, she was charged with sale of alcohol to underage person and found guilty on February 8, 2000 and fined \$146.00. She was also charged with Class "D" bartender license required which was not issued on January 11, 2000.

As to a 2nd bartender, she was issued a citation for Class "D" bartender license required on February 8, 2000 and a warrant was issued.

As to the Licensee, he was charged with Class "D" bartender license required (licensee responsibility) which was dismissed. He was charged with sale of alcohol to underage person (licensee responsibility) and found guilty and he was fined \$146.00. He was cited for responsible person upon a licensed premises and this was dismissed without prejudice. He was charged with presence of underage person (licensee responsibility) and was found guilty and fined \$346.00. The Licensee was charged with Class "D" bartender licensed required (licensee responsibility) which was dismissed. All of these occurred on February 8, 2000.
 - E. On January 9, 2000 at 1:30 AM, officers of the Milwaukee Police Department responded to a loud music complaint at the Stepping Up Lounge located at 5318 West Center Street. As the officers approached the tavern, they could hear the music coming from this tavern as they started to enter the 5200 block of West

Center Street. Upon their arrival the officers advised the licensee to turn down the music. Mr. George stated "ya, ok", and shrugged his shoulders. At this time, officers conducted a check of the tavern. During this check the music was not turned down, and the licensee again was advised to turn the music down, which he did. A citizen/complainant stated that he called the tavern to complain to the manager regarding the music, but whoever answered the phone told him to "Fuck Off", and hung up the phone. The Licensee was cited for noise nuisance which was dismissed without prejudice on May 21, 2000.

- F. On March 2, 2000 at 11:30 PM officers of the Milwaukee Police Department were dispatched to a loud music complaint at the Stepping Up Lounge located at 5318 West Center Street. Officers stood mid-block in the 5400 block of West Center Street and were able to hear music being played in the premises. Upon entering the tavern, officers found a coin-operated dart machine being operated without a valid City permit. The Licensee, Olayinka George, stated that people are always complaining about the music being loud, and he is getting tired of the police entering his establishment every week. Regarding the expired permit on the machine, he stated that its not his responsibility because he does not own the machine. The Licensee was charged with noise nuisance and found guilty and fined \$100.00. The Licensee was cited for video game permit required which was not issued. He was also cited for littering of premises and on June 20, 2000 was found guilty and fined \$115.00.
- G. On August 14, 2000, Sgt, Alan Johnson of District #7 late shift filed a report that revealed the following information. Within the last six months there had been 5 calls for police service made from this location. There have been 28 other calls from the area of this tavern. These calls have been problems at the tavern, including trouble with subjects, loud music, fights, and noise nuisances. Responding squads spent 14 hours and 47 minutes at these calls. A Tavern Directed Patrol Mission has spent 121 hours since July 1,2000 monitoring this tavern and the area around it, resulting in 73 field interviews, 14 city arrests, 15 state arrests, and 118 parking citations.
- H. On May 16, 2002 officers of the Milwaukee Police Department were dispatched to The Stepping up Lounge 5318 West Center Street to investigate a battery complaint. The victim stated to police that he was beaten without consent by 6 to 8 unknown black males while inside the Stepping Up Lounge. The victim sustained several serious lacerations as a result and received several stitches. Officers spoke with the owner Olanyinka George who stated that he did observed several subjects fighting inside the business but that he was unaware that anyone was hurt. A substantial battery report was filed.
- I. On June 12, 2002 officers of the Milwaukee Police Department were dispatched to investigate a shooting at the Stepping Up Lounge 5318 West Center Street. The victim stated he was shot in the left elbow and left leg after exiting the tavern by unknown person(s).

- J. On May 20, 2003 at 11:07 PM officers of the Milwaukee Police Department were sent to a fight in the street at the Steppin Up Tavern, 5318 West Center Street. While patrolling the rear of the tavern, the police heard numerous gun shots which came from inside the tavern and numerous people coming out of the rear of the tavern, 2 of them being victims of the shooting. One was shot in the neck and the other in a hand. One other victim was discovered inside the tavern with a gunshot wound to the chest. The investigation showed that the shooting was as a result of an argument that started inside the tavern.
- K. On Saturday, November 29, 2003 at about 2:10 AM, officers of the Milwaukee Police Department were dispatched to 53rd and Center for a complaint of shots fired. They were met by Olayinka M. George who stated he saw a male pull out a gun on the street in front of the tavern and fire 3 shots. Four casings were found on the scene.
- L. On February 27, 2004 at about 12:33 AM officers of the Milwaukee Police Department were flagged down for a battery complaint. The complainant stated that she got into an argument with a patron at the Infinity Lounge, 5318 West Center Street and was struck with an unknown object. The complaint stated that when she entered the tavern along with other friends, one of which was underage, they were not asked for identification. The owner of the tavern insisted that they ask all patrons entering for a picture ID.
- M. On March 31, 2004 at 11:15 PM, an underage police aide, at the direction of officers of the Milwaukee Police Department, entered Infinity Lounge, 5318 West Center Street. The aide was able to purchase a bottle of Corona beer from the bartender. As to the Licensee, George M. Olayinka, he was charged with sale to underage and found guilty on June 18, 2004 and fined \$75.00. The bartender was charged with sale to underage and found guilty on May 21, 2004 and fined \$152.00.
- N. On November 10, 2004 at 1:30 AM officers of the Milwaukee Police Department responded to 5318 West Center Street (Infinity Lounge), with several other squads to investigate a shots fired complaint. Officers found 2 autos outside of the Infinity Lounge that appeared to have been damaged by bullet impacts. They recovered 5 9mm spend casings, 2 bullet fragments and 1 bullet from the street in front of the Infinity Lounge and the Vibe, 5319 West Center Street. Each tavern owner believed the problem to have come from the other's tavern.
- O. On December 14, 2004 at 11:55 PM, officers of the Milwaukee Police Department responded to 5318 West Center Street (Infinity Lounge), for a fight inside the tavern. When police arrived Olayinka M. George, the Licensee, stated that the bouncers broke up the fight before arrival of the police.

- P. On December 18, 2005, at 1:38 AM, officers of the Milwaukee Police Department were flagged down by the Licensee at 5318 West Center Street. He reported a fight inside the bar. Five citations were issued for disorderly fighting.
- Incident "L" above was previously reported, disposition now added.
- Q. On December 6, 2006 at 12:31 AM, officers of the Milwaukee Police Department were dispatched to 54th and Center Streets for a shots fired complaint. Upon arrival, officers observed several subjects walking to their autos that had exited from the Infinity Lounge. When asked if they had heard any gun shots, the subjects stated no. Officers then spoke to Olayinka George, Licensee of the bar, who stated he had not heard any shots either. Officers then spoke to the caller who stated he heard 10-12 shots fired and observed "many" people running out of the rear exit of the tavern, No casings were found on the scene and no witnesses could provide any descriptions of the person(s) shooting. The licensee and his witness deny that any shooting took place, and, in fact, assert that a disgruntled patron called in a false claim of shots fired in an effort to harm the licensee. However, believing that this claim of "shots fired" was false, the licensee did not share that information with the police or in any way seek to have the patrons prosecuted for falsely claiming that there had been shots fired.
- R. On February 23, 2007 at 12:05 AM, officers of the Milwaukee Police Department were dispatched to 5318 West Center Street for a loud music complaint. About one block away from the Infinity Tavern, officers could clearly hear loud bass music coming from the tavern. Officers spoke with Olayinka George and had him turn down the music. The Licensee complied with the officers' request. As officers were exiting the tavern, the music was turned back up to the previous noise level. A citation was issued for noise nuisance. Officers were about to conduct a capacity check, but many patrons began to leave and officers were unable to conduct a proper head count. This matter is scheduled for a new court date on August 15, 2007.
- S. On February 28, 2007 at 12:36 AM, officers of the Milwaukee Police Department were dispatched for a noise nuisance complaint. Upon arrival, officers could only hear music when the front door was open. Music could not be heard from the alley rear, from the street, or when the door was closed. Due to no complainant information, no citation was issued. While officers were there, a patron walked up to one of the officers and kissed him on the right cheek. This patron, who was highly intoxicated, was arrested and cited for mashing.
- T. Neighbors complain of numerous instances of shots being fired when this premise is in operation. However, in almost all cases they are not certain if the shots are originating from this tavern or as a result of the tavern's operation. Some witnesses testified that on those days when the tavern is not operating (it only operates on Tuesdays and Thursdays) no shots are heard in the neighborhood. At least one neighbor has experienced individuals who are patrons of this

establishment seeking to have fights with him each day that the tavern is open when he is out in the neighborhood.

- U. Neighbors also complain of the manner in which garbage is handled from this establishment. The licensee admitted that he does not have garbage cans, but accumulates the refuse from this location and on certain days loads it into his van and conveys the refuse to a City dump.
- V. Some objecting neighbors have seen acts of public urination outside of the premise.
- W. The licensee had supporters appear and testify on his behalf, but almost all were not neighbors of the establishment and many were connected to the establishment as employees or others involved in its operation. Of note, even some of the supporters have admitted to the Committee that they have seen fights and that some patrons do lose control of their conduct while attending the premise. The same individual admitting to these facts also admitted to hearing gunshots in the area, but denied they occurred inside the tavern. The objectors were neighbors who put up with the noise, litter, gunshots they attribute to this location, and rowdy and unruly patrons.

CONCLUSIONS OF LAW

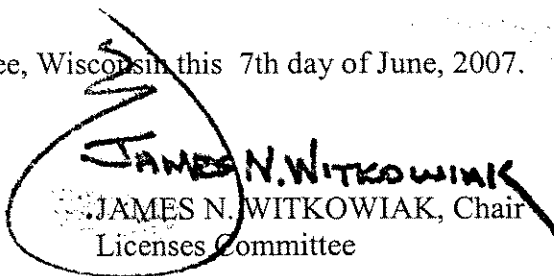
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the Common Council of the City of Milwaukee should exercise its discretion to renew the Class "B" Tavern and Tavern Dance license of Mr. Olayinka M. George for the premises located at 5318 West Center Street in the City and County of Milwaukee, Wisconsin ("Infinity Lounge") with a ninety (90) day suspension. The Committee makes that recommendation based upon the police report and neighborhood objections and for the continuing danger this premises represents to the health, safety, and welfare of the citizens of the City of Milwaukee. 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 Class "B" Tavern and Tavern Dance license of Mr. Olayinka M. George for the premise located at 5318 West Center Street in the City and County of Milwaukee, Wisconsin be renewed with a ninety (90) day suspension.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee by a vote of three (3) ayes, one (1) noe, and one (1) excused recommends that the Class "B" Tavern and Tavern Dance license of Mr. Olayinka M. George be renewed with a ninety (90) days suspension.

Said suspension is to be in effect from 12:01 a.m. on, June 24, 2007 through midnight, September 21, 2007.

Dated and signed at Milwaukee, Wisconsin this 7th day of June, 2007.


JAMES N. WITKOWIAK, Chair
Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: June 7, 2007

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Instrumental Music License of Charles D. Garvens, Agent for RC Stooges, Inc. for the premises located at 6700 West Fairview Avenue, in the City and County of Milwaukee, Wisconsin ("Stooges Sportz Pub").

FINDINGS OF FACT

1. Charles D. Garvens (hereinafter "the licensee") is the holder of a Class "B" Tavern and Instrumental Music License for the premises located at 6700 West Fairview Avenue in the City and County of Milwaukee, Wisconsin ("Stooges Sportz Pub"). Said license expires at midnight on June 30, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on May 7, 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 May 8, 2007, the Milwaukee Police Department responded with a report regarding the premises. There were neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, public urination, fights, sales to intoxicated persons, presence of underage, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On May 22, 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 June 5, 2007 at 3:45 p.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 Charles D. Garvens, Agent for RC Stooges, Inc., 17614 West West Lane, New Berlin, Wisconsin 53146 on May 22, 2007 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 17614 W. West Lane, New Berlin, Wisconsin 53146 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on June 5, 2007.
- B. On April 8, 1995 officers of the Milwaukee Police Department settled a disturbance in front of the tavern. Checking inside, officers discovered about 20 patrons and the bartender. A check of the bartender revealed that he did not have a Class "D" bartender's license. The last license expired on December 31, 1994. The licensee was charged with responsible person on premise, found guilty on May 21, 1996 and fined \$380.00.
- C. On May 31, 1995 two police aides under the direction of City of Milwaukee police officers conducted a sting operation at the licensed premises located at 6700 West Fairview (Stooges). They both asked for and were served beer without being asked for identification from the bartender. The licensee was charged with sale to underage and on September 7, 1996 was found guilty and fined \$140.96.
- D. On February 10, 1996, officers of the Milwaukee Police Department entered the licensed premises located at 6700 West Fairview (Stooges) as directed by Captain Lindstedt of the Third District to check for proper licensing for live entertainment. The officers interviewed the bartender, Kathy Topples, who stated that she did not know if a license for live entertainment had been applied for. Officers also asked to see her Class "D" bartender's license and she stated that she did not have one because she was just filling in. The applicant then appeared on the scene and he stated that he did not know a special license was needed for live entertainment and he also stated he knew that Topples did not have a valid Class "D" license. He further stated that it was difficult to get a licensed bartender. The applicant received a written warning regarding license for live entertainment. The applicant was charged with responsible person on licensed premises and found guilty on December 4, 1996 and fined \$150.00.
- E. On April 28, 1997, the applicant filed an application for the renewal of this license. He answered "NO" to question # 5a which asks "Since filing of the last application, has any individual, partner, corporate officer, director, member/manager of limited liability company or agent been convicted of any felony or misdemeanor (other than traffic unrelated to alcoholic beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any municipality?" This was a false statement. The applicant was

charged with truth of statements & affidavits-falsifying and on August 26, 1997 was found guilty and fined \$111.10.

- F. On July 5, 1998, officers of the Milwaukee Police Department were driving by the licensed premises located at 6700 West Fairview (Stooges) at 1:00 AM and observed that the front door of the tavern was propped open and loud music was heard coming from the inside. The applicant was charged with open door after hours and on October 15, 1998 was found guilty and fined \$200.00.
- G. On October 2, 1998, officers from the Milwaukee Police Department Vice Control Division went to the licensed premises located at 6700 West Fairview (Stooges) regarding a complaint of an illegal gambling device being operated on the premises. One Cherry Master video slot machine was on the premise and was set up for use and was operational. The applicant was charged with permitting premises to be used for commercial gambling and was found guilty but the circuit court amended the charge to a county disorderly conduct charge on May 21, 1999 and the applicant was fined.
- H. On August 3, 2003 at 11:37 PM officers of the Milwaukee Police Department responded to the licensed premises at 6700 West Fairview (Stooges) regarding a large fight. Upon arrival, the bartender related that there had been a stage party in the back room. One of the patrons got into an argument with another. "They took the fight outside". No fight was found. An incident report was filed.
- I. On February 2, 2003 at 12:34 AM officers of the Milwaukee Police Department responded to the licensed premises at 6700 West Fairview (Stooges) regarding a loud music complaint. Upon arrival officers could hear music coming from the tavern from 300 feet away. The applicant was cited for sound level which was dismissed on May 15, 2003.
- J. On February 9, 2003 at 2:13 AM officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 6700 West Fairview, (Stooges). Officers discovered more than six video machines with expired tags. They also observed two "Cherry Master" video gambling machines. The vice control division was advised of those machines and the applicant was cited for expired tags and no video gaming center license. The applicant was charged with video gaming center license required and was found guilty on April 25, 2003 and fined \$210.00. The applicant was cited for amusement machine permit which was dismissed on April 25, 2003.
- K. On February 23, 2003 at 12:30 AM officers of the Milwaukee Police Department responded to the licensed premises at 6700 West Fairview (Stooges) regarding a loud music complaint. A complainant who lives across the street related he could hear music inside his home, which was coming from the bar at around 12:00 midnight. The applicant was charged with Sound Level and on June 30, 2003 was

found guilty.

- L. On April 24, 2004, at about 1:44 AM, an officer of the Milwaukee Police Department was dispatched to a "tavern violation" (loud music) complaint at 6704 West Fairview Avenue (Stooges). The officer interviewed the complainant who related that the band playing inside Stooges had been disturbing him since 8:30 p.m. that evening and he demanded a citation be issued. The officer indicates that he could hear the band's music from 100 feet away despite the doors being closed. The manager/bartender was cited for noise nuisance violation.
- M. On March 10, 2005 at 12:50 AM officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 6700 West Fairview (Stooges). Officers discovered an underage patron drinking beer in the tavern. The applicant was charged with permitting underage to loiter and found guilty on May 2, 2005 and fined \$167.00.
- N. On March 13, 2005 at 1:30 AM officers of the Milwaukee Police Department were dispatched to a fight at the licensed premises at 6700 West Fairview (Stooges). The bartender (caller) related that there was a large fight in the back room which continued outside. The suspects were not longer on the scene. The applicant was charged with disorderly premises and found guilty on May 2, 2005 and fined \$354.00.
- O. On August 19, 2005 at 12:00 AM, Charles D. Garvens was issued a citation at 6700-6704 Fairview Avenue for Building & Zoning Violations. He was found guilty on this citation on April 20, 2006 and fined \$565.00.
- P. On October 30, 2006 at 1:50 AM, officers of the Milwaukee Police Department were dispatched to 6704 West Fairview (Stooges) for a noise nuisance complaint. Upon arrival, officers spoke to the caller and from where they were standing, could clearly hear loud music coming from Stooges. A citation was issued to the owner, Denise Garvin, for noise nuisance. The charge was dismissed in municipal court.
- Q. On November 4, 2006, officers of the Milwaukee Police Department were dispatched to 6700 West Fairview (Stooges) for a fight complaint. Officers detained three highly intoxicated subjects who were shouting profanities at the officers. Several patrons who were in the fight were no longer on scene when officers arrived. Officers spoke to the owner who stated the subjects that officers detained were ones that were in the fight. They all received disorderly conduct citations and were later released.
- R. On November 4, 2006 at 12:30 AM, officers of the Milwaukee Police Department were dispatched to 6704 West Fairview (Stooges) for a loud music complaint. Officers spoke to with the complainant regarding loud music coming from Stooges

with officers clearly hearing it while talking with the caller. Officers observed the door spring on the door to be broken which would not fully close the door as patrons entered or exited the tavern, Officers issued a citation to the Charles Garvens for noise nuisance and on March 27, 2007 he was found guilty and fined \$400.00.

- S. Adjoining neighbors complain of noisy patrons that awaken the neighbors at night, litter, including broken bottles, and vomit, all attributable to the patrons of this establishment.
- T. The License Division manager testified to receiving a phone call from the licensee inquiring as to why a hearing was being scheduled, since the licensee has closed this premises and had no intention of appearing and responding to the police and neighborhood objections.
- U. At the present time this establishment is closed and the neighbors report that since it has closed the neighborhood is much more quite and peaceable enjoyment of their properties may be had.

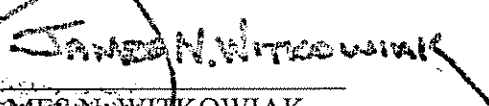
CONCLUSIONS OF LAW

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 concludes that the Licensee, Charles D. Garvens, Agent for RC Stooges, Inc., 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 his Class "B" Tavern and Instrumental Music License based upon the police report, neighborhood objections and nonappearance. 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 judgment of the Licenses Committee that the full Common Council of the City of Milwaukee should not renew the Class "B" Tavern and Instrumental Music License held by the Licensee, Charles D. Garvens for the premises located at 6700 West Fairview Avenue ("Stooges Sportz Pub") in the City and County of Milwaukee, Wisconsin, based upon his past activities as a Licensee and for the danger that the continued operation of the premises poses to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "B" Tavern and Instrumental Music License of Charles D. Garvens be denied based upon the police report, neighborhood objections and nonappearance.

Dated and signed at Milwaukee, Wisconsin this 7th day of June, 2007.



JAMES N. WITKOWIAK
Chairperson, Licenses Committee

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