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Via Email Only ([jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov))

City Clerk Jim Owczarski

City Hall

200 East Wells Street, Room 205

Milwaukee, WI 53202

Re: Pop Promotions, LLC d/b/a Texture – 606 S. 5<sup>th</sup> Street, Milwaukee, WI  
Objections

Dear City Clerk Owczarski,

Our office is Counsel to Pop Promotions, LLC d/b/a Texture (“Texture”). On July 10, 2012, the Licenses Committee (“Committee”) met to consider the renewal of Texture’s Class B Tavern and Tavern Amusement license (“License”). The Committee voted to recommend that Texture’s License be non-renewed based upon certain items in the police report synopsis, and the objection of two neighbors.

This letter serves as my client’s written objection to the” Findings of Fact and Conclusions of Law” and recommendation of the Committee. The specific objections are as follows:

1. Paragraph A, E & K of the Findings of Fact states that both the victim and suspect were patrons of Texture at the night in question. This allegation was on the police report. Texture submitted first hand testimony that revealed that the suspect’s vehicle was never seen at the club prior to the incident and the suspect was not in the club that evening since none of the security saw him nor did he show up on any security videos. Texture was unable to cross-examine the police synopsis since the author of the report was not present at the hearing.
2. Paragraph F of the Findings of Fact fails to state that the neighbor has any first hand knowledge of any of the problems which can be definitely attributed to Texture.
3. Paragraph G of the Findings of Fact are irrelevant as even if threats of legal action for defamation were made to the neighbor by legal counsel they cannot be attributable to Texture and informing a party that their actions are actionable is not illegal. Furthermore, Texture objects to the fact that the neighbor’s house was videotaped prior to the last licensing hearing for the following reasons: These actions took place prior to the current license year; the License Committee heard

this testimony at last years hearing and acted upon it. Furthermore, she was making false and defamatory accusations about Texture and at the end of last year's hearing she was confronted about her proof for making such false and misleading accusations. This neighbor did not have any first hand specific knowledge about problems in the past Licensing period specifically caused by Texture.

4. Paragraph K of the Findings of Fact specifically the allegations that Texture informed the committee last year that it would not reapply for the 2012-2013 year is irrelevant and was made during the license renewal hearing from the prior year and therefore could not be used as the basis for the current year. Additionally, because Texture had made progress in the past year, attended most of Walker's Point Neighborhood Association meetings and never heard of any complaints, Texture decided to reapply for its license. Mr. Salvo did not testify that Texture did not always use the ID Scanner but that the night in question the ID Scanner was not working.
5. The Licenses Committee has failed to forward *its own* report and recommendation, including Findings of Fact, Conclusions of Law, and a recommendation to the Common Council as required by § 90-11-2-c-2, Milwaukee Code of Ordinances.
6. A total of 7 people testified in support of Texture. Only two people testified in opposition and those opposed were not able to cite any eye witness testimony to support their allegations against Texture.
7. The last paragraph of the "Findings of Fact" (contained on page 5), states that "Based upon the testimony heard and evidence received, the **Committee makes the following findings of fact**" [emphasis added]. Texture objects to this statement, as the Committee has never adopted these findings. Because the Findings of Fact and Conclusions of Law were never adopted by the Committee, it would be more properly characterized as the City Attorney's proposed Findings of Fact and Conclusions of Law.
8. All references in the Findings of Fact and Conclusions of law to the Police Report/Synopsis should be stricken as hearsay because Texture put forward evidence which called into question the validity and accuracy of the Police Report/Synopsis.
9. During Texture's License Renewal hearing, its Counsel was cut off at numerous times by the Committee from asking certain questions of witnesses. Depriving Texture of its ability to put on its evidence and properly cross-examine witnesses.

Texture's rights to Due Process and Equal Protection have been violated by the actions of the Licenses Committee. As explained above, Texture's business operations in 2012-2013 require

that the City of Milwaukee renew its License with the issuance of only a warning letter.

Thank you for your attention to this matter.

Sincerely,

/s/

Michael S. Maistelman  
Attorney at Law

Enc.

Cc: Pop Promotions, LLC d/b/a Texture