

IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL.

Checks should be made payable to: City of Milwaukee

IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED

PLEASE READ CAREFULLY: This Board may only determine if the City Department followed proper administrative procedures. It cannot hear appeals as to whether a Building Order is valid or not (those must be appealed to the Standards and Appeals Commission)

CITY OF MILWAUKEE
2019 APR 15 A 10:14
CITY CLERK'S OFFICE

TO: Administrative Review Appeals Board
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202
414-286-2232

DATE: 4/13/19

RE: 1339 West Greenfield Avenue (Address of property in question)
Milwaukee, WI 53204

Pursuant to Chapter 68 of the Wisconsin Statutes and Section 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by Milwaukee Police Department (Name of City Department)

Amount of the charges \$

Charge relative to: Nuisance Premise

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received :

The alleged nuisance is not attributable to the above address.
Documentation to follow

[Signature]

(Your signature)

Michael F. Bishop Attorney

(Your name - please print)

5414 S. 1st Street Milwaukee WI 53221 262-384-0358

(Your mailing address, zip code AND DAYTIME PHONE NUMBER)



Milwaukee Police Department
Police Administration Building
749 West State Street
Milwaukee, Wisconsin 53233
<http://www.milwaukee.gov/police>

Alfonso Morales
Chief of Police

(414) 933-4444

Friday, April 5, 2019

Abel SANTOS
La Carreta Vieja
1339 W Greenfield Av
Milwaukee, WI 53204

Re: Notice of Nuisance Premises

Dear Abel SANTOS:

This letter is notice to you that the Milwaukee Chief of Police, by the chief's designee, the district commander, has determined that the premises located at 1339 W Greenfield Av, Milwaukee WI 53204 ("the premises") is a nuisance pursuant to Milwaukee Code of Ordinances ("MCO")-§ 80-10, Chronic Nuisance Premises. As an individual or entity that is licensed or subject to a license in the operation of a business upon the premises, you are a responsible party for abating the nuisance activities occurring at the premises.

The Milwaukee Police Department has responded to the following described nuisance activities at the premises on the corresponding dates, which qualify the premises as a nuisance:

1. On Monday, April 1st, 2019, at 1:41 am, Milwaukee police officers were dispatched to the premises to investigate a report of a "Subject with Gun". The investigation revealed that an intoxicated patron had entered the premises, engaged in a verbal and physical altercation with the owner of premises and employees, displayed a firearm and threatened to shoot he licensee, was restrained by employees, and was taken into custody by responding officers. The firearm was found to be a pellet gun. This nuisance activity is contrary to MCO 80-10-2-c-1-L.
2. On Friday, January 25, 2019, at 11:55 pm, Milwaukee police officers were dispatched to the premises to investigate a report of a "Battery". The investigation revealed that an intoxicated patron had engaged in a verbal and physical altercation with employees. The

patron did strike an employee in the face with an object, kick an employee, and pull an employee causing her pain. The patron was taken into custody and was issued citations. This nuisance activity is contrary to MCO 80-10-2-c-1-k.

3. On Monday, October 15, 2018, at 2:24 am, Milwaukee police officers were dispatched to the 1400 block of S Muskego Av to investigate a report of a "Strong Armed Robbery". The investigation revealed that an intoxicated patron had been removed from the premises, engaged in a physical fight with two subjects in front of the premises, was battered by the subjects, and had property taken from his person without consent. The investigation remains open. This nuisance activity is contrary to MCO 80-10-2-c-1-k.
4. On Sunday, September 9, 2018, at 1:35 am, Milwaukee police officers were dispatched to the premises to investigate a report of a "Battery". The investigation revealed that a subject has struck a security guard in the face and security had deployed "pepper spray". The parties were advised. This nuisance activity is contrary to MCO 80-10-2-c-1-k.
5. On Saturday, August 25, 2018, at 12:43 am, Milwaukee police officers were dispatched to the premises to investigate a report of a "Subject with Gun". The investigation revealed that several patrons were physically fighting inside of the premises, security removed several intoxicated patrons, two of the patrons refused to leave the area, one of the patrons retrieved a firearm from his vehicle, and threatened to shoot security. Responding officers took the subjects into custody and recovered two firearms. This nuisance activity is contrary to MCO 80-10-2-c-1-L.

As a consequence, you may be subject to a collections action for the cost of future enforcement for any of the nuisance activities listed in MCO § 80-10-2-c that occur at the premises.

You are directed to respond to my office within 10 days of receipt of this notice with an acceptable, written course of action that you will undertake to abate the nuisance activities occurring at the premises, or file an appeal. You may appeal this nuisance determination to the Administrative Review Appeals Board. Any appeal must be in writing and a processing fee will be charged. Please contact the Office of the City Clerk at (414) 286-2231 for additional information.

If you elect to provide a written course of action, I shall evaluate it to determine if it is a reasonable attempt at abating the nuisance activity.

Prior to responding with a written course of action, it is highly recommended that you obtain records relating to police responses regarding the premises. You may obtain these records from the Computer Aided Dispatch System (CADS) at the Open Records Section of the Milwaukee Police Department (District Three Station, 2333 North 49th Street, Second Floor) between 8:00 AM and 3:45 PM. There is a cost of 25 cents per page for these records.

Once you are able to determine the type of nuisance activity occurring at the premises, please review the following examples of nuisance abatement measures that you may include in your written course of action to abate the nuisance activity. These suggestions are not exclusive, may not apply to the particular premises, and you may propose other nuisance abatement measures that would be appropriate under your particular circumstances.

- Exchange names and telephone numbers with the owners and operators of neighboring premises.
- Participate in a local block watch, neighborhood association, and business association.
- Attend the monthly crime prevention meetings conducted by the local Milwaukee Police District Community Liaison Officer who can be contacted at (414) 935-7228.
- Monitor the property for evidence of drug activity. This may include observation of clear corner cuts of baggies strewn about, excessive quantities of plastic sandwich baggies found in odd places, presence of numerous weight scales or communication devices and drug paraphernalia such as unusual pipes, empty cigar wrappers, burned hollow tubes, etc.
- Install "No Loitering" signs in the front and rear of the exterior of the premises. This signage permits police to cite loitering individuals in the yard and sidewalk area.
- Install "No Trespassing" signs in the front and rear of the exterior of the premises. This signage permits police to cite trespassers in commercial properties.
- Participate in the E-Notify system for email updates regarding the premises.
- Regularly file open records requests for Milwaukee Police Department Computer Aided Dispatch System (CADS) reports regarding the property.
- Institute a standing complaint with the local Milwaukee Police district station that will allow the police department to remove any individuals loitering on the property.
- Draft and serve a no trespassing order against identified nuisance persons and provide the local police district station a copy of the served order.
- Install and maintain a digital security surveillance system.
- Employ security personnel.
- Enroll in Respect 21 or MARTS program (contact CLO for more information)

If you propose a course of action which is rejected by me or fail to timely respond to this request, and a subsequent nuisance activity occurs on or after 13 days after receipt of this notice, you will be subject a collections action for the cost of any police services and enforcement.

Once you have been billed for the costs of police services and enforcement for three or more separate nuisance activities within one year of the date of this notice of nuisance premises, the premises may be designated a chronic nuisance, pursuant to MCO § 80-10-6, and each and every subsequent incident of nuisance activity at the premises may be deemed a separate violation and result in a citation being issued to you for failure to abate the nuisance activity. Each citation would subject you to a forfeiture of not less than \$1,000.00 or more than \$5,000.00. Upon default of payment of a chronic nuisance citation you would be subject to imprisonment in the county jail or house of correction for a period of not less than 40 days or more than 90 days for each violation.

Please contact P.O. Kevin VODICKA at (414) 935-7763 with any questions, and I look forward to hearing from you.

Best regards,

ALFONSO MORALES
CHIEF OF POLICE

A handwritten signature in cursive script that reads "Alexander Ramirez". The signature is written in black ink and is positioned above the printed name and title.

ALEXANDER RAMIREZ
CAPTAIN OF POLICE

Attachment: Copy of Milwaukee City Ordinance 80-10
CC: City Clerk – License Division
City Hall Common Council

v. 9/15

Receipt of A.R.A.B. Appeal Fee

Date:	4/15/19
Received Of:	Atty. Michael F. Bishop for Abel Santos
Property at:	1339 W Greenfield Ave
Received By:	CL
Check # (If Applicable):	
Amount Received	\$25

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