

JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

May 25, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 060062

Attached are written objections to the recommendation of the Licenses Committee for revocation, based upon the police report and neighborhood objection, of the Tavern Dance license of John Raymond, Agent for "Conundum, Inc." for the premises at 1818 N. Hubbard St. ("Roots") in the 6th aldermanic district. (Committee vote: Ayes: 2, Noes: 1)

This matter will be heard by the full Council at its May 31, 2006 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,



JAMES N. WITKOWIAK

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 060062



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May 25, 2006

Milwaukee Common Council
ATTN: Mr. Ronald Leonardt - City Clerk
Room 205
City Hall
200 E. Wells Street
Milwaukee, WI 53202

In re: Revocation of Dance Tavern License for John M. Raymond, Agent for Conundrum, Inc.
Premises Located at: 1818 N. Hubbard Street, City of Milwaukee, County of Milwaukee, Wisconsin ("Roots")

John M. Raymond, by his attorneys, Levy & Levy, S.C., by Mark A. Langholz, does hereby make the following objections to the License Committee Finding of Fact.

1. The Findings of Fact failed to state and acknowledge the steps taken by "Roots" in its attempts to alleviate the noise concerns articulated by the complainant in this matter. After the partner who was responsible for handling any noise issues was fired from "Roots", John Raymond learned of the seriousness of the issue upon receiving citations from the Milwaukee Police Department. John Raymond then initiated a series of steps in his attempt to alleviate any noise concerns. Among the steps were to move the location where the sound emanated to a different location within the building; direct patrons away from the door leading to the outside on the lower level of the building which is in close proximity to the neighboring condominium; building and placing wooden boxes in the windows of the building in an attempt to prevent sound from exiting through the windows. The Findings of Fact failed to acknowledge that the complainant Manuel Torres, has acknowledged the creation of the boxes for covering the windows did improve the situation to a certain degree. John Raymond acknowledges a failure in initiating communication directly with the neighbors about the issue.
2. The Findings of Fact failed to acknowledge a meeting which took place between Mr. Raymond and the complainant as well as another neighbor in which complainant and neighbor agreed at that meeting to request that the License Committee hold

LEVY & LEVY, S.C.

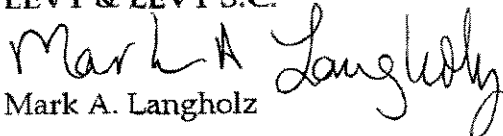
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- open the complaint for a period of time based upon the fact that Mr. Raymond had presented to complainant a proposal for installing sound abatement equipment in the form of new windows and doors and also agreeing to cancel much of the music between the time of the meeting and the time of final installation of the sound abatements.
3. The Findings of Fact failed to acknowledge that Mr. Raymond submitted a copy of the bid for the sound abatement project to Alderman McGee in April 2006.
 4. While the Findings of Fact list seven (7) police contacts and citations being written, the summary of those contacts is that police did not report hearing any noise violation on four (4) of those occasions.
 5. The Findings of Fact indicate complainants have attempted to bring this problem to the attention of the owner for the last two (2) years. Mr. Raymond acknowledges a problem over the past year but questions the Findings of Fact in which it lists the issues have been ongoing for two (2) years.
 6. The Findings of Fact fail to acknowledge that Mr. Raymond has in fact taken bids for sound abatement changes which would cost over \$10,000.00 to complete and a commitment by Mr. Raymond to have the changes installed.
 7. Mr. Raymond respectfully proposes the following actions by the Common Council: the Common Council entered an order suspending the Tavern Dance license for ninety (90) days during which time the sound abatement items will be installed and demonstrated to the complainants. The ninety (90) day suspension was suggested by Alderman McGee at the license hearing as he appeared with and on behalf of residents in his district. The ninety (90) day suspension was initially recommended by a member of the license committee and Mr. Raymond would respectfully ask the Common Council to follow that recommendation.

Consistent with policies of the Common Council, by this filing of the objections to the Findings of Fact Mr. Raymond requests the opportunity for his counsel to address the Common Council for five (5) minutes to present oral argument.

Very truly yours,
LEVY & LEVY S.C.


Mark A. Langholz

MAL/jb

cc: John M. Raymond