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- Licenses Committee
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- Employee's Retirement System Annuity & Pension Board



NIK KOVAC

ALDERMAN, 3RD DISTRICT

June 7, 2019

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 181734 contains the following recommendation:

Renewal, with a ten (10) day suspension, based upon the police report, and applicant and aldermanic testimony of the Class B Tavern, Food Dealer, Sidewalk Dining and Public Entertainment Premises licenses for Thomas Johns for the premises located at 1103 N Old World Third St ("The Pub Club") in the 4th aldermanic district.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nik Kovac'.

Nik Kovac, Chair
Licenses Committee

cc: All Council Members
File 181734

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NIK KOVAC

ALDERMAN, 3RD DISTRICT

Date: June 7, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Food Dealer, Public Entertainment Premises (PEP), and Sidewalk Dining Licenses of Thomas Johns, Agent for MKE TPC LLC for the premises located at 1103 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("The Pub Club").

FINDINGS OF FACT

1. Thomas Johns (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, Public Entertainment Premises (PEP) and Sidewalk Dining Licenses for the premises located at 1103 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("The Pub Club"). Said licenses expire at midnight on July 6, 2019.
2. An application to renew said licenses was filed with the Office of the City Clerk on May 9, 2019.
3. Pursuant to Chapters 68, 85, 90, and 108 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 9, 2019, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On May 23, 2019, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on June 4, 2019, commencing at approximately 9:45 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing.



5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On July 14, 2018, Milwaukee Police Department officers on Code Red deployment observed a subject loitering at 1125 N. Old World Third St. The subject was intoxicated and found to be under 21 years of age. The intoxicated subject told the officers that he had been in The Pub Club, 1103 W. Old World Third St. He stated he got in without showing an ID. He stated in the past he used fake ID's until he became a regular. The officer spoke with security at the Pub Club, who confirmed they allowed the subject in without checking his ID. The officer advised them the subject was underage and to not allow him inside.
 - B. On September 23, 2018 officers observed an argument in front of The Pub Club, 1103 N. Old Word Third St. They spoke with a citizen who stated he was trying to get back inside The Pub Club to be with his friends but security would not let him in. Security then pushed him to the ground and punched him. The citizen did not want to prosecute but did describe the bouncer and stated he was wearing a Pub Club red security shirt. The officer spoke with the manager who did not see anything but did hear an altercation outside. The officer could not locate the described security officer and the cameras were not working because of a recent fire.
 - C. On November 29, 2018 officers conducted underage tavern enforcement in District 1. An underage Police Aid attempted to gain entry to The Pub Club, 1103 N. Old World Third St. The Police Aid was allowed entry and did purchase a Miller Lite beer for \$4.00. The bartender was identified and the manager was advised the business failed the check.
 - D. On March 18, 2019 at 11:30 p.m. an officer conducted a walkthrough of The Pub Club and observed about 100 patrons and only one security guard. The security guard was positioned at the door checking ID's and was not able to observe the entire bar. Due to a lack of security personnel other bars on the block sent their security to help. A fight occurred inside the premises on the dance floor which required additional squads to respond to restore order.
 - E. The applicant stated that he disputed item number one on the police report is the suspect saying he was in the premises, but he was not found in the premises. He indicated he had an issue accepting responsibility for that incident because he did not believe the incident had been proven to have

happened. Ald. Kovac indicated that he found the Licensee's unwillingness to take responsibility for the incident troubling, and was more interested in hearing what the business' plan was to reduce the occurrences of these types of incidents in the future.

- F. The Licensee explained that the business did have a manager who wrote daily reports about incidents, but those reports seemed to be inaccurate in light of the police report. He testified that the police report was the first time he heard of the incidents. He stated that the manger during police report items one through three is no longer employed at the premises. He stated that they had 2 or 3 managers last year, and now has a manager that communicates freely.

Appearing with the applicant:

- G. Andrew Deuster, 9506 N Wakefield Ct, Bayside, Wisconsin stated the surveillance equipment was lost in a fire at the premises. Therefore, there was a period of time when there was no video at the location, but this has since been resolved. He added that security is at the door checking IDsHe testified that some of the security guards are still working at the premises. He stated that he tried to get in touch with the previous manager, but he did not respond. He added that their internal reports states that in #2 in the police report the security did not strike the subject, but restrained him. He stated that the manager reports to his group, and he reports to the agent. He stated that the cameras are now working and communication is a lot better. He added that there is a lead security guard that is at the door and recaps the night with management. He stated there is an incident report sheet that was implemented 5 months ago. He stated that #3 in the police report was a bartender who is no longer employed at the premises. He stated the premises always cooperate with MPD and they do not have a bad relationship. He added that he is open to suggestions on improving security.
- H. James Hernandez, 2632 N Oakland Avenue, Apt 32 stated he is the current manager and there were 2 security guards present during #4 in the police report. He stated there were 4 security guards during the day, but it was slower so he let 2 go, and there was 1 guard inside and 1 outside. He stated that it was slower so he left and went home around 10 PM, but returned after the incident for bar close. He stated that he talks to his head door guard every night and is in constant communication, and puts all incidents in an email. He stated that he talks to MPD all the time when they come in, and cooperates with all investigations.

Individual also present:

- I. Jodi Lemmer, 4th District Legislative Assistant stated Ald. Bauman believes there is a lack of training, preparedness, responsiveness, and responsibility based on the police report and he requests a 10 day suspension.
- J. Alderwoman Coggs asked if there was surveillance at the premises and if they use ID scanners. She asked if the same security is working that was in the incidents in the police report and what steps have been taken to address the issues. She added that she doesn't feel the applicant is taking responsibility for the police report. She asked about the reporting process. She stated that she finds it interesting that no employees said anything about the incidents on the police report.
- K. Alderwoman Lewis asked if there is a written report of incidents that occur at the premises.
- L. Alderman Hamilton stated there was a break down in operations that were slow to be corrected. He added that there was hesitance in accepting responsibility for the incidents. He stated that there have been some changes, but there are still challenges. He added that the underage drinking seems to be acceptable at the premises, and he hopes that will be corrected. Alderman Hamilton moved renewal with a 10 suspension based on the police report and aldermanic and applicant testimony. (Prevailed 5-0)

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 Chapters 68, 82, 85, 90, 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin State Statutes.
2. Based upon the above facts found, the Committee concludes that the Licensee, Thomas Johns who holds Class "B" Tavern, Food Dealer, Public Entertainment Premises (PEP), and Sidewalk Dining licenses for the premise located at 1103 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("The Pub Club") has not met the criteria of Chapters 68, 82, 85, 90, 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin State Statutes, to not renew the Class "B" Tavern, Food Dealer, Public Entertainment Premises

(PEP), and Sidewalk Dining licenses without undergoing a ten (10) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, Licensee, and aldermanic testimony.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern, Food Dealer, Public Entertainment Premises (PEP), and Sidewalk Dining licenses without undergoing a ten (10) day suspension for the premises located at 1103 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("The Pub Club"). The Committee based its recommendation on the police report, Licensee, and aldermanic testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **fives (5) ayes and zero (0) noes**, recommends that the Class "B" Tavern, Food Dealer, Public Entertainment Premises (PEP) and Sidewalk Dining of Thomas Johns for the premises located at 1103 North Old World Third Street ("The Pub Club") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a ten (10) day suspension based upon on the police report, Licensee, and aldermanic testimony

The suspension is in effect between 12:01 a.m. on July 7, 2019 until 11:59 p.m. on July 16, 2019.

Dated and signed at Milwaukee, Wisconsin this 7th day of June, 2019.



NIK KOVAC
Chairman, Licenses Committee