

CHAIR

- Licenses Committee

MEMBER

- Community and Economic Development Committee
- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

December 10, 2013

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 130710 contains the following recommendation:

Renewal with a thirty (30) day suspension, based on the police report and police and neighborhood testimony, of the Class "B" Tavern and Public Entertainment Premises licenses of Habib Manjee, agent for Lady Bug Club, LLC for the premises located at 622 N. Water Street ("618 Live on Water" in the 4th aldermanic district (Committee vote: 4 ayes and one abstain)

Attached are the original Findings of Fact from the Committee hearing.

This matter has been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, December 17, 2013 at 9:00 A.M.** in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "Tony Zielinski".

Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
File 130710



CHAIR

• Licenses Committee

MEMBER

• Community and Economic
Development Committee
• Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: October 23, 2013

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Licenses Committee hearing regarding Sworn Written Charges seeking revocation of the Class "B" Tavern and Public Entertainment Premises of Habib Manjee, Agent for Lady Bug Club, LLC, for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Club 618 Live on Water").

1. Habib Manjee ("Licensee") is the holder of a Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Club 618 Live on Water"). Said license expires on November 7, 2013.
2. Sworn written charges for revocation of the above licenses were filed with the City Clerk on September 13, 2013, by Lisa Farrell and Thomas B. Wilson III. The complaint alleged that the premises known as "Club 618 Live on Water" is the scene of chronic dangerous, violent, and nuisance activity such as shootings, possession of controlled substances, and fights among patrons from the tavern. A summons along with the sworn written charges of Lisa Farrell and Thomas B. Wilson III were issued and served upon Habib Manjee on October 8, 2013.
3. Said summons and sworn written charges of Lisa Farrell and Thomas B. Wilson III commanded the appearance of Habib Manjee to answer the complaint for revocation of the Class "B" Tavern and Public Entertainment Premises licenses on October 18, 2013 at 10:00 a.m. in Room 301-B of City Hall. At that date time and place, the licensee, Habib Manjee, appeared and answered the complaint as summoned and was represented by counsel, Attorneys David Halbrooks and Michael Rud, 5027 West North Avenue, Milwaukee, WI 53208. Lisa Farrell and Thomas B. Wilson III were represented by Attorney Marc Christopher.
4. Based upon the testimony heard and the evidence received at the hearing, the Committee finds the following:



- A. On January 26, 2013 at 12:03 a.m., Milwaukee police were dispatched to a noise complaint at 622 North Water Street. Officers spoke to an employee (the caller) from Hilton Garden located at 611 North Broadway, who stated that she could hear bass and loud music coming into the west side of the building in the basement where she is employed and found it was coming from Club 618. The caller stated her supervisor told her to call police. The caller escorted police into her building where officers could hear the music. Police then went to Club 618 and spoke with Habib Manjee who stated the music was fine and that he has no bass in the back. Manjee further stated, "What this is fine, I see no problem." Manjee was advised that there was a complaint and a citation would be issued. Manjee then became upset, stating that the police and the alderman were out to get him and are trying to close down his establishment. Manjee further stated that he wanted a supervisor because he did not like how the officer was investigating the assignment. Manjee also stated, "I'm going to pay bums to sit in front of the hotel and go inside" in attempts to hurt the hotel. Per Captain Bastings, a citation was not issued at this time.
- B. On January 30, 2013 at 3:00 p.m., a meeting took place between Captain Basting and the owner of the Club 618, Manjee Habib and Michele Klingbeil, Event Planning. Discussed were complaints of excessive noise in the alley behind the club adjacent to the Hilton Garden Hotel have encouraged Mr. Manjee to invest in adding insulation inside his club. Mr. Manjee has checked the decibel levels of other clubs and has made attempts to gain access to the hotel to measure the noise levels without success. Mr. Manjee has also added another level of security to include monitoring the alley and streets around the club. Mr. Manjee conducts a "roll call" with his security force of 12-15 each weekend night and addresses issues that arise. Mr. Manjee also closely monitors his many cameras and also goes out on the street and assesses the situation. He also refuses admittance to problem customers.
- C. On June 2, 2013 at 2:13 a.m., Milwaukee police were dispatched to 225 East Michigan for a shooting complaint. Officers spoke to the victim who stated an unknown male shot him in the parking lot at 225 East Michigan. The victim further stated that the suspect and his friends were in Club 618 earlier, as was he, and that they got into a fight before he was shot. On Sunday, June 2, 2013, police obtained video surveillance from the Hilton Hotel, which revealed four unknown males exit a SUV at approximately 1:02 a.m. and walk west to the alley between Water and Broadway. On June 4, 2013, police spoke with Habib Manjee and also obtained video surveillance footage, which shows the same four suspects who were observed on video obtained from the Hilton Hotel, entering the club at 1:07 a.m. The same four suspects returned to the SUV at approximately 1:55 a.m., after exiting the club. The suspects were also observed fighting with the victim and witnesses prior to the shooting. Manjee helped police identify the suspects through the archives of the photo ID system that he utilizes. Two of the four suspects were not required to scan their photo ID cards

at the door the night of the shooting because they frequent the club often.

- D. On July 5, 2013 at 12:59 a.m., Milwaukee police were on directed patrol of the area at 622 North Water Street and Michigan and Clybourn Streets. Police heard four shots in the area just north/east of their location and an officer walked through the parking lot east towards Broadway Street. Another officer drove a squad northbound through the alley and onto Michigan Street. Officers observed several subjects crossing the street and one subject being carried. As an officer approached the subjects, an officer confirmed a shooting occurred via police radio. The officer observed that the subject being carried was shot to the stomach and another was shot to the upper leg. MFD arrived on scene and an officer questioned the victim who was shot to the leg and found that he was under the age of 21. When the officer asked why he was in an area with bars even though he was not at the legal drinking age, the subject stated that he and his friend were walking in the area of Club 618 because they knew there were going to be "HOES" (women) in the club and wanted to holler at them (talk to them). Further investigation found that one of the shooting victim's brothers was in the club with friends from Miller record label. Miller record label represented the group that performed at Club 618.
- E. On July 13, 2013 at 1:00 a.m., Milwaukee police observed multiple subjects fighting near the intersection of North Water Street and East Michigan Avenue. Officers from the Mounted Patrol, Motorcycle Unit, and Neighborhood Task Force were needed to disperse the crowd and break up fights. Police observed multiple subjects one of which was refusing police orders from an officer on scene. This subject was placed into custody and eventually handcuffed and placed in the back of a squad. This subject appeared to police to be under the influence of alcohol. Officers could also detect an overwhelming smell of burnt marijuana coming from the crowd that had refused to disperse. The subject eventually calmed down and was released on scene. At approximately 1:50 a.m., police heard a gunshot coming from 630 North Broadway. Witnesses advised police that a subject in a white van had a gun. Police located the van and conducted a traffic stop, and found the driver to be the subject that police retained in the back of the squad earlier. Police recovered a gun and the suspect was arrested and charged with endangering safety by use of a deadly weapon and OWI. A passenger was arrested as well on warrants and told police that he and his friend (the driver of the auto) were at Club 618 when a fight took place outside of the club. This subject denied seeing his friend with a gun, however heard shots being fired prior to the traffic stop and his arrest. The subject also stated that his friend was "wasted" drunk. While the traffic stop was being conducted, police heard several more shots being fired just south of their location.
- F. On July 23, 2013 at 9:00 a.m., at the request of Captain Basting, Habib Manjee and his attorney Mike Maistelman along with Captain Basting, Lt. Looney and Michele Klingbeil met at the Police Administration Building to discuss the

recent shootings and shots fired incidents in the area surrounding the club. In addition to the noise and clientele issues that have caused problems in the past, the most recent incidents that have prompted discussion of a revocation of license requested by the Hilton Garden Hotel. Discussed were adding more security to monitor the alley and streets around the club and soundproofing to the building. Mr. Manjee stated he too is tired of the all problems and has cancelled all of his outside promoters. In addition, he plans to close for a couple weeks in fall to re-assess, and that he is looking to change his venue to something other than the type of music that he currently offers and possibly return to electronic dance music and having teen night that was successful in the past. Captain Bastings asked that he submit a written plan and Attorney Maistelman gave assurance that they would complete it this week.

- G. Captain Bastings, District 1, testified in favor of revocation. In a little over a month there were 2 shooting incidents and one shots fired incident. His greatest fear was a shooting downtown because of the fear of downtown that it would spread. He tries to work with establishments to correct problems, rather than issue citations. The licensee was going to move speakers and add insulation to mitigate the noise complaints coming from the Hilton Hotel. The previous year there hadn't been issues with the tavern, which had made changes requested by the Captain in the past. Despite the cooperation of the licensee and the police department involvement, the disorder continues and seems to be getting worse. He is also concerned about the activities occurring near the hotel entrance.
- H. Officer Paul Bjorkquist testified as to the shooting that occurred in the parking lot and the club's use of ID scanners in identifying the shooters. A video was shown of the shooting in the parking lot on June 2nd, 2013.
- I. Officer Jeff Cline testified that he was seldom assigned to 618, but were assigned there on July 12th where he saw a fight just south of 618. Officers could not break up the fight or disperse the crowd. The fight occurred just over a minute. One subject was detained, who was released once he calmed down. Some minutes later the security at 618 started letting people leave the premise. He heard gunshots and people were saying "white van" and the van was stopped.
- J. Officer Eric Fjeld testified that he was also present at the fight/shooting on July 12th conducting traffic control a block away. The Lady Bug security staff said that the people ejected from the club were involved in the fight.
- K. Officer Christopher Martin testified he heard 4 shots being fired and ran to the location and saw four individuals carrying a fifth man who had been shot. He didn't know if the shooter or the victim had been at 618- the men had been downtown to meet women because they knew the club was having a large event that evening.

- L. Officer Adam Bradley testified that Officer Martin and he were partners that evening. Later investigation showed that the victim had been shot in front of the hotel. It was later discovered a building window had been shot out at 610 N. Broadway.
- M. Lisa Farrell, 611 N. Broadway, testified that she was the general manager of the Hilton Garden Hotel. The concerns were that employees and guests didn't feel safe, what they and their children saw outside their windows, and loud music. Because of the shootings, guests have mentioned their safety concerns to her and the social media coverage has had a negative impact on the hotel.
- N. Kanitra Murphy, 2928 W. Wells, Apt 203 - testified that she is an employee of the Hilton Garden Hotel as a night auditor. During the weekdays there are few complaints, but on weekends (Friday-Saturday) she gets noise complaints from guests on the back side of the hotel. The complaints have decreased, but she is still getting complaints about club music. She could feel the bass from the music by putting her hand on a guest room window. She also observes cruising at closing time of Lady Bug and believes patrons of this club also block traffic.
- O. Montrell Wilder, 2459 N. Gordon Pl. - testified that he was employed as security at Hilton Garden Hotel who works Thursday-Saturday nights investigating primarily noise complaints relating to music or people yelling. A lot of times the noise is coming from the club or from vehicles being driven by or from people going to/from the club. He is not armed and needs to call his supervisor or the police if his actions do not stop the problem.
- P. Donielle Berry, 5078 N. 22nd St. - works Thursday-Saturday nights as security at the Hilton. He observes a lot of heavy traffic and people stopping/partying in the street. He stops the public from coming into the hotel who are not guests. He worked the night of July 4th/morning of July 5th when the man was shot and he worked to make sure guests knew that they were safe, but no-one was allowed to enter or exit.
- Q. Rachel Forman, works at the Grand Avenue Club at 210 E. Michigan St. - testified that she is concerned about the violence as it is hard to convince their mentally ill clientele that it is safe to come down to their programs in the evening.
- R. John Halverson, operations manager for the Grain Exchange, testified that because of the street traffic they close their front doors at 9 p.m. and employees leave with at least one other person, rather than alone. He sees broken bottles, drunken individuals, public urination and illegal parking.
- S. Brian Ward, 622 N. Broadway - testified that he has had to be escorted past police lines because of the shooting on July 4th. On July 12th or 13th there were

a lot of cars in the street and a shot was fired a few feet from them. This was the shooting previously mentioned involving the white van.

- T. Thomas Wilson III, 400 N. Broadway, #311, testified he was one of the complainants and was concerned for his safety due to 618 patron crowds.
- U. Beth Weireck, Executive Director of downtown business district, testified that the downtown area near 618 Live was experiencing problems despite all the district's work to sustain a positive night time economy.
- V. Police Officer Tom Boland testified that he spends 1.5-2 hours at 618 in a typical shift. Security at the establishment escorts the crowds out and to the parking lots and does a good job at closing. The establishment has a staggered closing time with another bar, which works well. He did not see the July 4th or July 12th incidents. He does not take a position on the revocation.
- W. Police Sgt. Scott Charles testified that the bar does an excellent job at closing and does a good job screening at the door with checking IDs and wandng people. He only hears muffled music in the alley. He thinks that it's just a few bad people ruining it for everyone else. There are other factors that affect the street traffic - some nights are vey quiet
- X. Lisa Stinebocker, Legal Investigation, LLC, conducted surveillance of Lisa Farrell at her husband's home in New Berlin and testified that she has video of Ms. Farrell spending nights there. Atty. Halbrooks would like to have them added to the record so they can be used by the court in the future.
- Y. Atty. Halbrooks presented video (played at the hearing) explaining all the noise-muffling steps the club has taken.
- Z. Nick Morato went through the procedures that 618 Live goes through for security, operations, and general management of the establishment.
- AA. Per Mr. Morato, on the July 5th fight, those were not patrons of the club - they were underage. On July 12th, the individual may have been a patron, but the club did pat him down and were pro-active in assisting the police.
- BB. Michael Kenny, 3116 E. Grange, Cudahy - testified that he is the regional manager for CPS Standard Parking, manages two parking lots in the area. He has armed security at some of his parking lots, but not all of them. The armed guards are to ensure that people are paying for parking and to protect the property and the customers on the lot. The night of the July shooting, the guard was at another lot because there was no wedding scheduled that evening and would not have seen what was taking place. If 618 was not in operation, he is 85% sure he wouldn't have a guard at this lot.

- CC. Myles O'Neill, 245 N. Broadway, testified he is the co-owner of The Wicked Hop and that he hasn't been aware of any problems from 618 patrons. Wicked Hop is about 3 blocks from 618. His customers feel safe in the neighborhood.
- DD. Homer Blow, 2003 W. Capitol Dr., with WNOV Radio, he has done some work at the club and has observed their security measures, which are very tight. He has been paid by the club at times as an independent contractor.
- EE. Sheik Mohammed Ozar, 8055 5. 20th St., feels the facility should remain open and is well run.
- FF. Zolli Jonakin, 3406 N. 11th St., testified he trains 618 Live security and is in charge of pat downs at the establishment.
- GG. Torey Lowe testified that 618 Live is a well-run establishment.
- HH. Anwar Jenkins, 4597 N. Houston Ave., Running Rebels, testified that 618 Live runs a good operation.
- II. Ald. Dudzik recused himself at 7:00 p.m. because he fears that Mr. Morato is polling the audience for names of potential speakers. Atty. Halbrooks assured the chair that the individual's name was on the list, but he was confirming the correct pronunciation. Ald. Zielinski allowed testimony to continue.
- JJ. Atty. Halbrooks made a list of witnesses present since 10 a.m. to testify.
- KK. Cedric Peoples - 5679 N. Bethlehem.
- LL. Andre Lewis -1619W Good Hope Rd., Glendale -part-time employee of the club
- MM. Bonnie Taylor - 2118 N. 27th St - twice-a-week customer of the club, a very safe club.
- PP. The actual hearing time pursuant to City Clerk timing equipment was 6.5 hours.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold a revocation hearing 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 Chapters 90 and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the sworn written charges filed in this matter are true and that the licensee Lady Bug Club, LLC, by agent Habib Manjee, has not met the criteria of Chapters 90 or 108 of the Milwaukee Code of

Ordinances or Chapter 125 of the Wisconsin Statutes to allow the continued operation of the premises without a suspension of those licenses for 30 days.

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 suspend the Class "B" Tavern and Public Entertainment Premises licenses held by Habib Manjee for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Club 618 Live on Water") for 30 days based upon the police report, testimony and exhibits provided by witnesses to the Committee that substantiate the allegations contained in the sworn written charges of Lisa Farrell and Thomas B. Wilson III.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) recused recommends that the Class "B" Tavern and Public Entertainment licenses held by Habib Manjee for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Club 618 Live on Water") be suspended for 30 days.

Said suspension is to be in effect between 12:01 a.m., November 6, 2013 and 11:59 p.m., December 5, 2013.

Dated and signed at Milwaukee, Wisconsin this 23rd day of October, 2013.


T. ANTHONY ZIELINSKI, Chairman,
Licenses Committee