



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

November 8, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 060727

Attached are written objections to the recommendation of renewal of the Class "B" Tavern license with a 90-day suspension, based on the police report, of John Carter for the premises at 507 W. North Ave. ("Carter's House of Jazz") in the 6<sup>th</sup> aldermanic district. (Committee vote: Ayes: 2, Noes: 1 and Abstain: 1)

This matter will be heard by the full Council at its November 14, 2006 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,

A handwritten signature in black ink that reads "James N. Witkowiak". The signature is written in a cursive style and is enclosed within a hand-drawn oval.

James N. Witkowiak, Chair  
Licenses Committee

cc: All Council Members  
City Attorney's Office  
Common Council/City Clerk – License Division  
CCF 060727

November 7, 2006

To: All Members of the Milwaukee Common Council  
200 East Wells Street  
Milwaukee, WI 53202

From: John Carter  
108 East Meinecke Street  
Milwaukee, WI 53212

Re: Appeal of the Report of the Renewal Application of John F. Carter for a Class  
"B" Tavern license for premises located at 507 West North Avenue, in the City  
and County of Milwaukee, Wisconsin ("Carter's House of Jazz").

CITY OF MILWAUKEE  
2006 NOV -7 PM 3:04  
RONALD D. LEGNHEIT  
CITY CLERK

### ANSWER TO FINDINGS OF FACT

1. I John F. Carter am the holder of a Class "B" Tavern license in the City and County of Milwaukee, Wisconsin. Said license does in fact expire at midnight, December 20, 2006.
2. I did in fact file an application to renew said license with the Office of the City Clerk on October 2, 2006.
3. I am aware and do understand that an investigation was done by the Milwaukee Police Department and there were some neighborhood objections to some activity that may or may not have pertained to my establishment or the surrounding areas.
4. On October 30, 2006 I was present before the Common Council regarding the police report and neighborhood objections. I do understand that this can be the basis for suspension or non-renewal of the license to my establishment. At that time I was not represented by an attorney.
5. Pertaining to points A thru I, all these points are pertaining to my background investigation and prior arrest record in which I have had no negative police contact in any personal matter since January, 2002. These issues were addressed on October 30, 2006.

Regarding the issues from points J thru P, I do acknowledge that these issues were in fact terrible situations that occurred and they were reviewed at the time of the initial hearing. For these issues I was given a forty-five (45) day suspension. This suspension was served from December 20, 2005 to February 3, 2006. This suspension was not appealed.

As for point "Q", this incident occurred prior to the decision of the above mentioned suspension but before the business was closed for said suspension. This incident occurred in the area of the tavern but not in the premises. Although

the persons involved in said incident claimed to have been at the tavern on the same night as the shooting, this incident occurred after they left the premises and the tavern was already closed for the night.

During the forty-five (45) day suspension as a community business owner I took it upon myself to start some type of Community Advocacy to deter neighborhood violence in my community. I had t-shirts, flyers and did some word of mouth advertisement to several events that I sponsored so that we as a community could get together and help stop the violence and crime in our neighborhood. I worked closely with Alderman Michael McGee Jr. to coordinate community activities as well as mediation to help deter crime and come to an understanding within our community.

As for point "R", this shooting occurred and the Criminal Investigation Bureau did handle that investigation. This incident occurred after the closing of the business for the night. But I would also like to enter that I was out of town at that time of said incident. I would also like to add that at this time Alderman McGee and I did advocate to the fifth (5<sup>th</sup>) district police department that more police presence was desperately needed in the area. At this time I took it upon myself to hire armed security to help deter the crime in and around the near area of my establishment as well as install an additional three (3) cameras on to my building so that I could assist police in the ability to curb the crime in the area. This brought the total of fifteen (15) cameras on the premises. I have a total of two to four armed security guards to patrol the area outside the premises as well as the two unarmed in-house security guards inside the premises because I do agree that the Milwaukee Police Department is not my personal security. My security is scheduled to patrol the area five (5) hours per day, five (5) days per week. After doing so Alderman McGee and the Milwaukee Police Department have commended my security personal on the difference their presence has made in the community in assisting the police to deter crime. My security personal have gone far and beyond their duties to help make not only my establishment safe and free of crime but have made it their business to also protect the surrounding businesses and residents of the area and assist the Milwaukee Police Department in any way possible to curb crime including citizen's arrest which resulted in the confiscations of firearms and some felony arrests. I would like council to look into public record so that they may see how much this decision to hire security has helped the community.

Point "S" refers to an incident in which a car that was parked illegally in front of the premises was investigated by police officers on March 24, 2006. This investigation ended with me receiving two (2) citations, one for serving alcohol to a minor, which was dismissed, and the other citation was for allowing a minor in a premises in which alcohol is served. This citation I did pay a fine of \$354.00. We did acknowledge that we were aware that this person was only twenty (20) years of age but we were accustomed to accepting him into the premises as he frequented our establishment with his twenty-six (26) year old wife. Therefore

questions were not asked at the time. A minor present in a tavern is legal so long as they are accompanied by an adult who is legally responsible for the said minor. In this case it was a spouse.

As for point "T" regarding the permits to carry firearms by security, all issues regarding this incident, to my understanding have been exonerated as permits were renewed where need be as well as the security personal now makes it a point to always carry their permits on their person. At this time no other violations were found and it is my understanding that the security guards were very cooperative during this investigation.

As for point "U", on June 24, 2006 although it is correct that a citation was issued for noise nuisances at this time. I did in fact have the door to the premises opened. The reasons for this are because I was in the middle of retrieving supplies from the car and taking them into the building. I did prop the door open so that I could get the supplies in the establishment. At that time the music was playing because the business was open at the time. I do apologize for this incident and did comply with the issued citation and paid a fine of \$228.

As for points "V", "W", and "X", my license was renewed was renewed regardless of a forty-five (45) day suspension which was served through out and yes I have accumulated a younger crowd but as was said in the first hearing, the younger crowd keeps coming and with the help of my security staff, there have been no new altercations in which the police have been involved and looking at the minutes of the last hearing Common Council can see that there were no neighbors present to object nor complain about my renewing my license again this year. Although ten individuals from the same neighborhood did come to support me and speak on my behalf only five of those individuals were allowed to give a statement.

#### ANSWER

1. I do acknowledge that the Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the I the licensee, John F. Carter, for the licensed premises at 507 West North Avenue (Carter's House of Jazz") have not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of my Class "B" Tavern license without undergoing a ninety (90) day suspension. But in fact I did comply with said criteria as I did fulfill a forty-five (45) day suspension in December, 2005 as mentioned before in this same letter. I do agree that the police report is true with the addition of the inserts and answers to all points that were mentioned in this same letter.

3. I do agree that the City of Milwaukee does have an obligation to protect the health, safety and welfare of its citizens. However, I do not agree that an additional ninety (90) day suspension is necessary in order for my license to be renewed. With an additional suspension my employees will be without income to provide for their families. At this time my employees consist of two full time (2) bartenders, two (2) in house security persons, one (1) D.J., and the security company personal which is hired by on going contract. I too have a family to support. I am a single parent supporting five (5) children, two which have recently started attending college this past fall and one of which is a newborn. I two will be unable to support my family if such a suspension is passed.

In conclusion, I would like to again ask that the Common Council to reconsider the ninety (90) day suspension and allow my business to continue to function as I have made it a point to assure the security not only of my patrons but also of my neighbors. I ask that my license be renewed so that I may continue to provide support for my own family as well as that of my employees.

Please be aware that during the time of a closure of my establishment will mean that the security company will not be present in the area so that this may become an opportunity for those individuals which look for an opportunity to take advantage of those unable to defend their selves to come back into the community in which I have with the support of others worked so hard to clean up and make disarray of the community once again and therefore the police will again wind up with more calls or complaints in the area.

I do understand that my renewal of my license does need to meet some penalty for the issues that have arisen in the past year, however, I do not agree with a suspension for ninety (90) days.

Please reconsider your decision and I greatly appreciate your time in this matter. Please be assured that I will continue to work as hard as needed to continue the strive to better our communities.

Sincerely,

A handwritten signature in cursive script that reads "John F. Carter". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

John F. Carter  
Proprietor