

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### VICE CHAIR

- Community and Economic Development Committee

### MEMBER

- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

September 30, 2016

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 160629 contains the following recommendations:

Nonrenewal, and designating the location as unfit based upon the police report, and police and neighborhood testimony of the Class B Tavern and Public Entertainment Premises license(s) for Jennie Nuell for the premises located at 4001 W Fond du Lac Ave (“All Star Sports Bar”) in the 7th aldermanic district.

Renewal, with a thirty (30) day suspension, based upon the police report, and aldermanic and applicant testimony of the Class B Tavern and Public Entertainment Premises license(s) for Jason Moeller for the premises located at 1577 W Morgan St (“Coop’s Tavern”) in the 13th aldermanic district.

Approval of the Food Dealer-Restaurant and renewal, with a warning letter, based upon previous neighborhood testimony of the Food Peddler license(s) for the premises located at 2018 S 1st St #330 (“Dave Fromans”) in the 14th aldermanic district.

Respectfully,

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

Tony Zielinski, Chair  
Licenses Committee

cc: All Council Members  
File 160629

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### VICE CHAIR

- Community and Economic Development Committee

### MEMBER

- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: September 30, 2016

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Jennie M. Nuell agent for Maximum Capacity, LLC for a Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 4001 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar").

### FINDINGS OF FACT

1. Jennie M. Nuell (hereinafter the "Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 4011 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar"). Said licenses expire at midnight, October 22, 2016.
2. An application to renew said licenses was filed with the office of the City Clerk on August 19, 2016.
3. Pursuant to Chapters 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. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of these licenses on August 23, 2016.
4. On September 14, 2016 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances, Chapter 125 of the Wisconsin Statutes and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on September 27, 2015, commencing at 11:00 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear but was represented by Attorney Andrew Arena.
5. Based upon the sworn testimony heard and the evidence from the synopsis Police report received at the hearing, the Committee finds the following:
  - A. On October 10, 2015 Milwaukee police responded to a shots fired complaint at 4001 West Fond du Lac Avenue. Officers observed a subject, Quincy Price, with blood on his face and chest walking south across Fond du Lac Avenue. The subject told officers he was exiting All Star Bar (4001 West Fond du Lac Avenue) when he heard a commotion. Before he knew it, he was in between a fight involving several men and

women. Price stated he had pain to his chest and head and received twelve stitches at St. Joseph's Hospital. While at the hospital, officers were notified of a second victim, Aaron Brady. Brady also told officers he had gotten caught up in a fight between several men and women. Brady received sixteen stitches and told officers he did not remember how he got to the hospital. On October 16, 2015 Milwaukee police spoke to the applicant who stated she had been working the night of October 10, 2015 and that it had been business as usual. She further stated she did not observe any fighting. Video footage was not available.

- B. On April 20, 2016 a patron at All Stars Sports Bar (4001 West Fond du Lac Avenue) was struck in the face by a known actor when she denied his romantic advances. A Milwaukee police incident report was filed.
- C. On June 1, 2016 Milwaukee police conducted a licensed premise, check at 4001 West Fond du Lac Avenue (All Stars Sports Bar). During this check, officers observed a completely nude female as well as another female wearing pasties over her nipples. A third female told the officers they are required to pay the bar before they can perform for tips. Also during this check, officers discovered there was no one present with a valid managers or bartenders license. Officers also discovered two of the three dancers were under 25 years of age, which is a violation of the establishment's license. The nude female, Lashaun Jones, was cited for indecent exposure. Lashaun Jones was issue a citation for indecent exposure and this has not been adjudicated (in warrant status for failure to appear). Jennie Nuell was issued citations for liquor license required, responsible person on premises required, public entertainment license required and tavern charges to be posted. All of the citations had a pretrial on August 31, 2016.
- D. On June 2, 2016, Marcus Nuell and a Laticia McCarver were sitting on the steps of All Stars Sports Bar (4001 West Fond du Lac Avenue) when they were approached by two unknown subjects who displayed a firearm and demanded property. Shots were fired as the subjects ran from the location. A Milwaukee police incident report was filed.
- E. On July 21, 2016, an individual identified as Sidney Voss left All Stars Sports Bar (4001 West Fond du Lac Avenue) and was sitting on his motorcycle when an unknown actor and a security guard from the business engaged in a shooting. One of the shots fired struck Voss in the spine. The applicant was on the scene and told officers she did not know who the security guard was that had fired the shots. A Milwaukee police incident report was filed.
- F. On July 20, 2016 Milwaukee police conducted a licensed premise check at 4001 West Fond du Lac Avenue (All Stars Sports Bar and Grill) and discovered a 17 year old patron. No citations were issued at the time of investigation.
- G. On August 13, 2016 Milwaukee police responded to a shooting at 4001 West Fond du Lac Avenue (All Stars Sports Bar and Grill). The investigation revealed four shooting

victims in the parking lot just outside the main entrance of the business. Two of the victims succumbed to their injuries. A review of security camera footage appears to show the suspect in the shooting comes from inside of the tavern and does not go to a vehicle prior to drawing a gun and shooting four people. A Milwaukee police incident report was filed.

- H. On August 18, 2016 the applicant along with representatives from the Milwaukee Police Department and the City Attorney's office met at Milwaukee Police District #7. The applicant was cooperative and stated she is placing the business up for sale and does not want to be involved any more with the bar. The applicant stated she has a minimum age of 25 for patrons and believes the average age is around 35. She further stated she had purchased a camera system and given it to a church across the street to possibly have them pointed at the bar. It was suggested the applicant hire professional security for outdoor security. The applicant was issued a nuisance letter.
- I. On September 22, 2016 the Licensee submitted a letter to the City Clerk's Office requesting to withdraw her renewal application.
- J. Attorney Andrew Arena again requested to surrender the license and withdraw the renewal application during the hearing. He added that the problems seem to be operator error. He believes it will be boarded up and will be a blight on the neighborhood, but another operator should have the opportunity to try to have a successful business. He added giving the unfit location designation will put a financial strain on the applicant.
- K. Pursuant to Milwaukee Code of Ordinances § 85-17, the Licenses Committee considered the Licensee's request and by a vote of five (5) ayes and zero (0) noes denied Licensee's request to withdraw and proceeded with the renewal hearing.
- L. Captain Boris Turcinovic stated the premise is not being run responsibly and too many department resources are being used for problems at the premises. He opposes the renewal.
- M. Lydia Melton, 3315 North 40th Street, stated she has called the alderman's office many times to complain. She added patrons of the premise have destroyed her property, and bullets have gone through her windows. She stated the applicant does not know how to run the business.
- N. Hazel Johnson, 3939 West Concordia Avenue, stated she has had problems with the premise since it opened. She added the patrons park in her lot and in front of her garage.
- O. Jewel Henry, 3301 North 40th Street, stated when the premise is open there is chaos and when the premises is closed it is peaceful and quiet. She often sees litter from the premise and a patron broke her car window. She added there are fights and she has called the police many times.

- P. Ruthie Brock, 3301 North 40th Street, stated she has called the applicant regarding trash and has cleaned up the trash herself multiple times because she got no response. She added she is elderly and cannot always be cleaning up after the patrons. She stated she cleaned up two grocery bags worth of liquor bottles, glassware, and other litter from the premise.
- Q. Alderman Rainey stated he is disheartened by all the testimony from the neighbors regarding the problems from the premises. He added his residents have the right to live in a safe and peaceful environment.

### **CONCLUSIONS OF LAW**

1. 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 Chapters 90 and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Jennie M. Nuell, has not met the criteria of Chapters 90 and 108 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Public Entertainment Premises licenses based upon the police report, aldermanic testimony and being declared an unfit location. The Committee finds the police report, aldermanic, and neighborhood testimony as stated above to be true, and finds this location is unfit for a Class "B" Tavern and Public Entertainment Premises license.
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 and Public Entertainment Premises licenses for the premises located at 4001 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar") based upon the police report, aldermanic and neighborhood testimony and declare the location unfit for a Class "B" Tavern and Public Entertainment Premises.

### **RECOMMENDATION**

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes recommends that the Class "B" Tavern and Public Entertainment Premises licenses not be renewed based upon the police report, aldermanic and neighborhood testimony and declare it an unfit location.

Said nonrenewal begins at 12:01 a.m. on October 23, 2016.

The applicant also submitted a request to withdraw the application for renewal of the Class "B" Tavern and Public Entertainment Premises licenses, which was denied by a vote of five (5) ayes and zero (0) noes.

Dated and signed at Milwaukee, Wisconsin this 30th day of September, 2016.

A handwritten signature in black ink that reads "Tony Zielinski". The signature is written in a cursive style with a large, stylized "T" and "Z".

TONY ZIELINSKI, Chair  
Licenses Committee

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## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### VICE CHAIR

- Community and Economic Development Committee

### MEMBER

- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: September 30, 2016

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Jason L. Moeller agent for PTG, LLC for a Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 1577 West Morgan Avenue in the City and County of Milwaukee, Wisconsin ("Coop's Tavern").

### FINDINGS OF FACT

1. Jason L. Moeller (hereinafter the "Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 1577 West Morgan Avenue in the City and County of Milwaukee, Wisconsin ("Coop's Tavern"). Said licenses expire at midnight, November 4, 2016.
2. An application to renew said licenses was filed with the office of the City Clerk on August 30, 2016.
3. Pursuant to Chapters 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. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of these licenses on August 31, 2016.
4. On September 14, 2016 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances, Chapter 125 of the Wisconsin Statutes and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on September 27, 2016, commencing at 9:00 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee appeared and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence from the synopsis police report received at the hearing, the Committee finds the following:
  - A. On October 3, 2015 at 1:06 a.m., Milwaukee police responded to a trouble with a subject complaint at the intersection of South 16<sup>th</sup> Street and West Morgan Avenue. The caller stated they live near a bar in the area and there were several subjects in the street arguing. When officers arrived they did not observe anyone arguing and were unable to contact the caller.

- B. On October 3, 2015 at 2:24 a.m., Milwaukee police responded to a trouble with a subject call at 3516 South 16<sup>th</sup> Street. Officers observed several vehicles near the west side of Coop's Tavern in the street blocking the intersection of West Morgan Avenue and South 16<sup>th</sup> Street. When officers approached, the vehicles fled. One of the vehicles was stopped by police and the driver was cited. The caller told police she wished to remain anonymous, and that loud subjects outside the bar woke her up. The caller expressed concern regarding activity at the bar in the past year. She stated she knows a Milwaukee police officer owns the bar and she does not want to get anyone in trouble.
- C. On April 7, 2016 Milwaukee police responded to a fight at 1577 West Morgan Avenue (Coop's Tavern). The investigation revealed a female was loud and disorderly inside the business and tried to start an altercation with another group. The group this female was with, as well as another group, left the business. The bartender, Vyronica Cavazos, told officers she did not know if anything happened outside the business.
- D. On April 17, 2016 Milwaukee police responded to a fight complaint at South 16<sup>th</sup> Street and West Morgan Avenue. Coop's Tavern (1577 West Morgan Avenue) is located at this intersection. Officers discovered two females standing outside the building. These individuals told officers they had been inside the bar and were now waiting for a ride home. Officers then spoke to the bartender, Abigail Sindelar, who stated there had been a group in the bar including an intoxicated male. Two additional males in the group walked the intoxicated male out of the business and then returned, remaining in the bar until close. The caller, who wishes to remain anonymous, told officers he heard subjects arguing loudly and observed a subject stumbling southbound from West Morgan Avenue and South 16<sup>th</sup> Street.
- E. On May 10, 2016 Milwaukee police responded to an officer assist at 1577 West Morgan Avenue (Coop's Tavern). The investigation revealed there had been a fight inside the business. The applicant's wife, Milwaukee Police Sergeant Lynne Moeller, became aware of the disturbance and responded to the business. Sergeant Moeller was off duty at the time. The bartender, Vyronica Cavazos, told officers she had stopped serving two patrons who were becoming loud. The two subjects became involved in a fight with Cavazos's sister. Sergeant Moeller told officers that when she arrived, these same two subjects grabbed her by the hair and punched her in the face. The two subjects were arrested for battery on a law enforcement officer.
- F. The applicant stated a lot of the incidents are occurring outside the premises after patrons leave and he is not responsible. He added that neighbors are not complaining to him.
- G. Lynn Moeller, 1577 West Morgan Avenue, stated she is the wife of the applicant and a police officer and was assaulted by patrons. She stated residents are not present to complain and she has not been contacted by Alderman Witkowski. She stated they have not received complaints and all the problems in the area are not the responsibility of the bar. She added that restraining orders have been placed against some of the subjects in



the police report and there have not been problems since. She stated the complaints are anonymous and the premise has not received any citations.

- H. Alderman Witkowski stated the neighbors would not be complaining if the premise did not exist and he would like progressive discipline because the behavior is not changing. He stated he has not received any complaints since May. He added last year the applicant used the same excuse about incidents occurring outside his bar that he is not responsible because the patrons left the bar. He stated other taverns in his district are not experiencing these problems.
- I. Alderman Zielinski stated the applicant's responses are troubling because he is stating that the premise is not responsible for the actions of patrons after they leave. He recommends hiring a consultant because he does not believe the applicant knows how to effectively run his business and does not have a corrective plan of action.

#### 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 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 Licensee, Jason L. Moeller, has not met the criteria of Chapters 90 and 108 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Public Entertainment Premises licenses without undergoing a thirty (30) day suspension of said licenses based upon the police report, aldermanic testimony and applicant testimony. The Committee finds the police report, aldermanic testimony and applicant testimony, as stated above, to be true.
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 renew the Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 1577 West Morgan Avenue in the City and County of Milwaukee, Wisconsin ("Coop's Tavern") with a thirty (30) day suspension based upon the police report, aldermanic testimony and applicant testimony.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes recommends that the Class "B" Tavern and Public Entertainment Premises licenses be renewed with a thirty (30) day suspension based upon the police report, aldermanic testimony and applicant testimony.

Said suspension is to be in effect between 12:01 a.m. on November 5, 2016 through 11:59 p.m., December 4, 2016.

Dated and signed at Milwaukee, Wisconsin this 30th day of September, 2016.

A handwritten signature in black ink that reads "Tony Zielinski". The signature is written in a cursive style with a large, stylized "T" and "Z".

TONY ZIELINSKI, Chair  
Licenses Committee

220301

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### VICE CHAIR

- Community and Economic Development Committee

### MEMBER

- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: September 30, 2016

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application for Matthew J. Schmehl for Food Dealer-Restaurant and Food Peddler licenses for "Dave Fromans, LLC" at 2018 South 1<sup>st</sup> Street No. 330.

### FINDINGS OF FACT

1. Matthew J. Schmehl (hereinafter the "Applicant") applied for Food Dealer-Restaurant application and Food Peddler licenses transfer and renewal. Said licenses expired on September 2, 2016.
2. An application for a Food Dealer-Restaurant and Food Peddler licenses in the name of Matthew J. Schmehl was filed on June 8, 2016.
3. On September 19, 2016 the City Clerk's Office provided timely notice to the Applicant pursuant to Chapters 68 and 85 of the Milwaukee Code of Ordinances. The matter was scheduled for a hearing on September 27, 2016, commencing at 1:15 p.m. in Room 301B of City Hall. At said date, time and place, the Applicant did appear and was not represented by counsel.
4. Based on the sworn testimony heard and the evidence received at the hearing of September 27, 2016, the Committee finds:
  - A. On April 13, 2016, Milwaukee police were dispatched to trouble with a subject at 811 South 2<sup>nd</sup> Street. The complainant stated that a hot dog stand was located outside of his window and that there were on-going problems with patrons urinating and regurgitating on his building, as well as littering. Police spoke with the owner of the hot dog stand, Matthew J. Schmehl, who presented his food dealer's license, which was valid until September 2, 2015. Schmehl stated that every night he is there he does pick up all the garbage around his area. Schmehl also stated most of his patrons are from La Cage Lounge and the Fluid Tavern and all the littering and disturbance would still happen if his business was not there.
  - B. The Applicant stated he made an agreement to located his cart away from the apartment building of a neighbor who filed a complaint. He stated he was between Fluid and La

Cage and moved to the east side of 2<sup>nd</sup> Street and National Avenue. Applicant stated on Friday and Saturday he is off the street by 3:00 a.m.

- C. Alderman Perez stated he has received neighborhood complaints about litter and unruly patrons at the Applicant's hot dog cart.
5. Previously, the Licensee applied to add a food cart to his Peddler's License. The hearing for that application was heard on May 10, 2016.
6. At that time, the Licensee failed to appear. There were, however, neighbors present and the Licenses Committee took their testimony. Based on the sworn testimony and evidence heard, the Committee found:
  - A. Bill Wardlow, 811 South 2<sup>nd</sup> Street, stated this hot dog cart has been under his bedroom window on Friday and Saturday nights, people have used his yard as a toilet, and has witnessed an altercation with the vendor and customers. He added the cart has also blocked entrances to businesses and his residence. He added there is trash, napkins, food, etc. in his yard from the cart.
  - B. Adam Clausen, 8167 South 2<sup>nd</sup> Street, stated he agrees with the previous speaker and has experienced similar things.
  - C. Sheldon Garrison, 234 North Broadway Street, stated he does not want a hot dog cart in his neighborhood.
7. On May 10, 2016, Alderman Bohl moved denial based on nonappearance and neighborhood testimony. The motion passed (5-0).

### **CONCLUSIONS OF LAW**

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68 and 85 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Applicant, Matthew J. Schmehl has not met the criteria of Chapters 68 and 85 of the Milwaukee Code of Ordinances to allow the renewal of the Food Peddler licenses, and granting of the Food Dealer-Restaurant application but a warning letter should be issued based on the previous neighborhood 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 should exercise its discretion to renew the Food Dealer-Restaurant and Food Peddler licenses of Matthew J. Schmehl with a warning letter based on the previous neighborhood testimony.

## RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes, recommends that the Food Dealer-Restaurant be granted and Food Peddler licenses of Matthew J. Schmehl be renewed with a warning letter based upon the previous neighborhood testimony.

Dated and signed at Milwaukee, Wisconsin this 30th day of September, 2016.

A handwritten signature in black ink that reads "Tony Zielinski". The signature is written in a cursive style with a large, stylized "T" and "Z".

TONY ZIELINSKI  
Chairman Licenses Committee

232756