



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

May 22, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council Files 060015, 060062 and 051717

Common Council File 060015 contains the following recommendations:

Recommendation of renewal, with a 15-day suspension based on the police report, of the Class "A" Liquor and Malt license of Samuel Love, Agent for "L&S Liquors, Inc." for the premises at 7900 W. Silver Spring Dr. ("L&S Liquors II") in the 2nd aldermanic district. (Committee vote: Ayes: 3, Noes: 1)

Recommendation of renewal, with a 30-day suspension of the Class "B" Tavern license and non-renewal of the Tavern Dance license, based on the police report and neighborhood objections, of the licenses of William Rivera, Agent for "La Pica Restaurant Lounge & Beer Garden, LLC" for the premises at 2078 S. 8th St. ("La Pica Lounge") in the 12th aldermanic district.

Recommendation of renewal, with a 40-day suspension of the Class "B" Tavern and non-renewal of the Tavern Dance license, based on neighborhood objections, of the licenses of Roberto De Leon for the premises at 1117 W. Lincoln Ave. ("Club Mi Casita Bar") in the 12th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Recommendation with renewal, with a 60-day suspension based on the police report, of the Class "B" Tavern and Tavern Dance license of Norman Landry for the premises at 408 E. North Ave. ("Blue Gardenia") in the 6th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on May 16th, 2006.

Common Council File 060062 contains the following recommendation:

Recommendation of 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)

Common Council File 051717 contains the following recommendation:

Recommendation of revocation, based upon failure to comply with the required stage size, of the Center for Visual and Performing Arts license, of William Stace for the premises located at 2844 N. Oakland Ave. ("Miramar Theater") in the 3rd aldermanic district.

With regard to the files listed above, the Licenses Committee held an evidentiary hearing on May 18th, 2006.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, a roll call vote will be taken to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Wednesday, May 31, 2006** at 9:00 A.M. in the Common Council Chambers.

Respectfully,



James N. Wilkowiak, Chair
Licenses Committee

cc: All Council Members
Files 060015, 060062 and 051717



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: May 19, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Licenses Committee on a complaint seeking revocation of a Tavern Dance license held by John M. Raymond, agent for Conundrum, Inc. for the premises located at 1818 North Hubbard Street in the City and County of Milwaukee, Wisconsin ("Roots").

FINDINGS OF FACT

1. On December 13, 2005 the Milwaukee Common Council granted a Tavern Dance license to John M. Raymond, agent for Conundrum, Inc. for the premises located at 1818 North Hubbard Street in the City and County of Milwaukee, Wisconsin ("Roots"). Said license expires at midnight on December 20, 2006.
2. On May 9, 2006 one Manuel Torres and one Kathy Torres, both residents of the City of Milwaukee, filed a complaint seeking revocation of the Tavern Dance license of the licensee. The complaint alleged that noise emanating from the premises or patrons engaging in noisy and disorderly conduct at closing time, on various dates caused loss of sleep. They also alleged that litter emanated from this premises and its patrons.
3. On May 12, 2006 a summons and complaint seeking revocation was served upon John M. Raymond regarding the operation of the premises by Sergeant Chet Ulickey of the Milwaukee Police Department. It commanded the licensee to appear before the Licenses Committee. A hearing was held before the Licenses Committee on Thursday, May 18, 2006 at 8:00 a.m.
4. The licensee appeared and admitted service of the summons and complaint. The licensee was represented by Mr. Mark Longholz, Levy & Levy, S.C., N61W6085 Columbia Road, Cedarburg, WI .
 - A. On January 1, 2006, January 11, 2006, January 18, 2006, January 19, 2006, February 4, 2006, February 8, 2006, February 9, 2006, February 25, 2006, March 4, 2006, April 6, 2006, April 7, 2006, April 14, 2006, April 20,

2006, and April 29, 2006 Mr. and Mrs. Torres testified that they have been disturbed by noisy patrons and loud music emanating from either this premise or patrons of the premise.

- B. The Torres' testified, and the licensee confirmed, that the music from the premise starts at approximately 10 PM and continues to closing time.
- C. The Milwaukee Police Department confirmed that noise complaints were called in by Mr. and Mrs. Torres to the Department.
- D. On January 19, 2006 at 1:30 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 1818 North Hubbard Street in the City and County of Milwaukee ("Roots") for a noise complaint. As officers exited their auto, they could hear loud music coming from the licensed premises approximately 100 feet away. The police noted that there have been several complaints regarding loud music coming from the licensed premises. A citation was issued to John Raymond for noise nuisance and that matter has been set for pretrial on May 31, 2006.
- E. On March 5, 2006 at 1:21 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 1818 North Hubbard Street in the City and County of Milwaukee ("Roots") for a noise nuisance complaint. The officer who responded did not, at the time, hear loud music coming from the bar; however, he had a complaint regarding the loud music and issued a citation based on this complaint. John Raymond was issued a citation for noise nuisance and that matter has been set for pretrial on May 31, 2006.
- F. On March 10, 2006 at 1:15 p.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 1818 North Hubbard Street in the City and County of Milwaukee ("Roots") for a noise nuisance complaint. As officers exited their auto, loud music could be heard coming from the licensed premises, Roots. Officers spoke to John Raymond and a citation for noise nuisance was written. That matter has been set for pretrial on May 31, 2006.
- G. On March 18, 2006 at 11:00 p.m. officers of the Milwaukee Police Department were dispatched to 1818 North Commerce Street for a noise nuisance. Officers spoke to the bar manager, John Kuehl, who stated he had just told the band to turn down the noise 15 minutes prior to officers arriving. There was a complaint for loud music and a citation was written to John Kuehl, and this matter is pending pretrial for July 10, 2006.

- H. On April 20, 2006 at 12:30 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 1818 North Hubbard Street in the City and County of Milwaukee ("Roots") for a noise nuisance complaint. Upon arrival, the officers noted that the licensed premises was closed and locked and no patrons were observed or vehicles leaving. The complainant, Manuel Torres of 1801 North Commerce Street, No. 200, did want a citation written and officers issued a noise nuisance citation to John Raymond.
- I. On April 30, 2006 at 1:29 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 1818 North Hubbard Street in the City and County of Milwaukee ("Roots") for a noise nuisance complaint. The complainant, Manuel Torres of 1801 North Commerce Street, No. 200, stated that the music was too loud, causing a disturbance. Officers found music playing inside the establishment; however, they were not able to hear the music from the street. A citation for noise nuisance was written to John Raymond.
- J. On May 14, 2006 at 12:05 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 1818 North Hubbard Street in the City and County of Milwaukee ("Roots") for a noise nuisance complaint. The caller, Manuel Torres of 1801 North Commerce Street, No. 200, stated that the loud music from the licensed premises was causing a disturbance. Officers were about 100 feet away from the bar and could hear a band playing. The manager, John Kuehl, who was on the scene was written a citation for noise nuisance.
- K. Mr. and Mrs. Torres, as well as other neighbors have been disturbed by the noise emanating from this location and its patrons at closing time, and have attempted to bring this to the attention of the licensee at various times during the last two years, but to no avail. They testified that at first the operators of the premises appeared to at least attempt to resolve the problem, but in the last several months, have not been willing to be of great assistance.

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 Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, John M. Raymond licensee of the premises located 1818 North Hubbard Street in the City and County of Milwaukee, Wisconsin ("Roots") has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of

Ordinances to allow the continued operation of the Tavern Dance License for the premises at 1818 North Hubbard Street in the City and County of Milwaukee, Wisconsin ("Roots").

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 discretion and judgment to revoke the Tavern Dance License held by John M. Raymond as agent for Conundrum Inc., for the premises located 1818 North Hubbard Street in the City and County of Milwaukee, Wisconsin ("Roots").

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of two (2) ayes, one (1) no, and two (2) excused recommends that the Tavern Dance license held by John M. Raymond for the premises located 1818 North Hubbard Street in the City and County of Milwaukee, Wisconsin ("Roots") be revoked.

Dated and signed at Milwaukee, Wisconsin this 19th day of May, 2006.


JAMES N. WITKOWIAK
Chairman of the Licenses Committee

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