

JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

June 3, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 050142

Recommendation of renewal with a 10-day suspension, based on the police report, of the Public Dance Hall and Billiard Hall license of Thomas Holmes, Agent for "T&R Entertainment, LLC", for the premises at 2342 W. North Ave. ("Amistad Pavillion") in the 15th Aldermanic District.

Recommendation of renewal with a 10-day suspension, based on neighborhood objections and the police report, of the Class "B" Tavern license of Craig Dampeer, Agent for "Framar, Inc.", for the premises at 5319 W. Center St. ("Vibe") in the 10th Aldermanic District.

Recommendation of renewal with a 30-day suspension, based on neighborhood objections and the police report, of the Class "B" Tavern and Tavern Dance license of Olayinka George for the premises at 5318 W. Center St. ("Infinity Lounge") in the 10th Aldermanic District.
(Committee Vote: Ayes: 4, Noes: 1)

Recommendation of renewal with a 20-day suspension, based on the police report, of the Class "B" Tavern license of Dolores Burns, Agent for "SJ Burns, Inc.", for the premises at 518 N. Water St. ("Sweeny's") in the 4th Aldermanic District.

Recommendation of renewal with a 45-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 items listed above, the Utilities and Licenses Committee held an evidentiary hearing on May 31st, 2005.

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 **Tuesday, June 14, 2005** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in all caps and is somewhat stylized. A large, hand-drawn circle is drawn around the signature, extending upwards and to the left, partially overlapping the word "Respectfully,".

James N. Witkowiak, Chair
Utilities & Licenses Committee

cc: All Council Members
CCF 050142



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: June 2, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Public Dance Hall and Billiard Hall license of Thomas J. Holmes as agent for T & R Entertainment, LLC for the license premises at 2342 West North Avenue in the City and County of Milwaukee, Wisconsin ("Amistad Pavilion").

FINDINGS OF FACT

1. Thomas J. Holmes (hereinafter the "Licensee") is the holder of a Public Dance Hall and Billiard Hall license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, June 30, 2005.
2. An application to renew said license was untimely filed with the Office of the City Clerk on May 4, 2005.
3. Pursuant to Chapter 108 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On May 5, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On May 20, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 108 of the Milwaukee Code of Ordinances of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on May 31, 2005, commencing at 8:45 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the licensee appeared and admitted receipt of the police report. He was represented by counsel, Attorney Martin E. Kohler, 735 North Water Street, Suite 1212, Milwaukee, Wisconsin 53202.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On September 12, 2004 at 12:10 a.m., in the City of Milwaukee, Milwaukee County, Wisconsin, officers responded to the licensed premises located at 2342 West North Avenue in the City and County of Milwaukee, Wisconsin ("Amistad Pavilion") regarding a fight with guns. While on the scene, officer received further information of a shooting. Security personnel and the applicant all claim there were not shots fired in the premises. Officers observed approximately 300 people, ranging in age from 17-25, hanging out of vehicles in the 2300 block of North 24th Street. At least two victims suffered shooting injuries. An incident report was filed.
- B. On October 21, 2004 at 11:30 p.m., in the City of Milwaukee, Milwaukee County, Wisconsin, officers responded to the licensed premises located at 2342 West North Avenue in the City and County of Milwaukee, Wisconsin ("Amistad Pavilion"), regarding a large crowd and shots fired. Officers observed a large crowd of 200 teens in the parking lot, screaming and causing a disturbance. An additional 100 teens were crossing the street away from the premises, also causing disturbances. Up to 20 additional officers were required to clear the area. The applicant was cited for Posting of Occupancy Required. Mr. Thomas was cited in Milwaukee County for the following:

Charge: Posting of Occupancy (Misdemeanor)

Finding: Guilty, Municipal Court

Sentence: Fined \$343.00

Date: January 19, 2005

Case: 04125884

At the hearing, the licensee informed the committee that while the incident was true, in fact he has a legal occupancy of 350 persons, but had not been sent the occupancy placard by the City. The licensee decided, however, not to contest the citations.

- C. On November 25, 2004 at 9:30 p.m., in the City of Milwaukee, Milwaukee County, Wisconsin, officers responded to the licensed premises located at 2342 West North Avenue in the City and County of Milwaukee, Wisconsin, regarding shots fired. Security reported that shots had been fired in the parking lot and officers recovered six spent cartridges in the parking lot. While on the scene, about 100 people came running out of the premises screaming "shots fired." After obtaining additional back-up, officer checked the premises. The officers found no evidence of shots

being fired in the premises. An incident report was filed. The licensee claims the casings were found on the sidewalk, not the parking lot.

D. On November 28, 2004 at 11:51 p.m., in the City of Milwaukee, Milwaukee County, Wisconsin, officers responded to 24th and West North Avenue regarding a fight. Officers were met by security from the Amistad Pavilion at 2342 West North Avenue, who related that a subject had been fighting in the premises and had been kicked out. Several of those subjects went to their vehicles in the parking lot. One of them fired several shots in the direction of premises security. No one was injured. The premises was not licensed for sale of alcohol at the time. Several liquor bottles were recovered from the scene. The applicant was cited for Disorderly Premises and Basic Liquor License Required. Both citations were dismissed in Municipal Court. An incident report was filed. At the hearing, the licensee stated the tavern security found patrons attempting to gain access with alcohol. It was seized and discarded in trash containers and that was what the officers observed. The licensee produced photographic evidence showing liquor bottles had been confiscated and were in the trash.

E. On February 5, 2005 at 12:15 a.m., in the City of Milwaukee, Milwaukee County, Wisconsin, officers checked the licensed premises located at 2342 West North Avenue in the City and County of Milwaukee, Wisconsin. Security related to officers that the applicant had often carried a concealed hand gun and/or a stun gun. Officers spoke with the applicant regarding this claim. The applicant was found to be carrying a loaded 9 mm handgun, which was concealed under his shirt. Additionally, a stun gun was recovered from the front ticket booth. Officer also discovered an exit door block. There were approximately 300 patrons in the premises at the time. The applicant was arrested for carrying a concealed weapon and possessing an electronic stun gun, as well as being cited for Safe Egress to All Doors. There is no disposition on the carrying a concealed weapon or stun gun cases. The licensee advised the committee that the district attorney declined prosecution of this matter. An incident report was filed.

The licensee was cited for the following:

Charge: Safe Egress to All Doors (Misdemeanor)

Finding: Guilty, Municipal Court

Sentence: Fined \$343.00

Date: March 28, 2005

Case: 05023519

- F. On February 27, 2005 at 12:45 a.m., officers responded to the licensed premises located at 2342 West North Avenue in the City and County of Milwaukee, Wisconsin ("Amistad Pavilion"), regarding a large fight. Security personnel at the scene related that a fight had occurred in the premises, but that all parties were removed and that there were no injuries. While on the scene, officer observed numerous vehicles leaving the premises and were now cruising the area. Several squads were called to block off the area to move the cruisers out of the area. The licensee advised the committee that he called the police. An incident report was filed.

CONCLUSIONS OF LAW

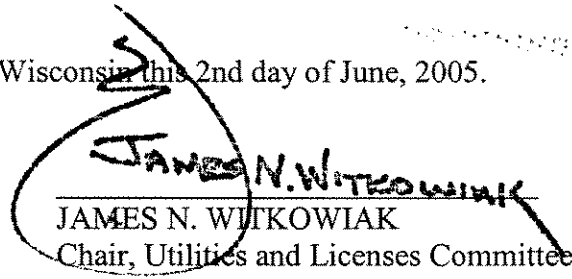
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Thomas J. Holmes, Agent for T & R Enterprises, LLC, for the licensed premises at 2342 West North Avenue ("Amistad Pavilion") has not met the criteria of Chapter 108 of the Milwaukee Code of Ordinances and allows renewal of his Public Dance Hall and Billiard Hall license without undergoing a (10) ten day suspension. The Committee finds the police report 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 Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion to renew the Public Dance Hall and Billiard Hall license for the premises at 2432 West North Avenue in the City and County of Milwaukee, Wisconsin ("Amistad Pavilion") with a ten (10) day suspension.

RECOMMENDATION

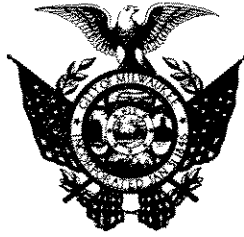
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes, recommends that the Public Dance Hall and Billiard Hall license be renewed with a ten (10) day suspension based on the police report.

Said suspension is to be in effect from 12:01 a.m., July 1, 2005 and 12:01 a.m., July 10, 2005.

Dated and signed at Milwaukee, Wisconsin this 2nd day of June, 2005.

A handwritten signature in black ink, written in a cursive style, that reads "JAMES N. WITKOWIAK". The signature is written over a horizontal line and is partially enclosed by a large, hand-drawn circle.

JAMES N. WITKOWIAK
Chair, Utilities and Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 2, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report of the Renewal of Craig Dampeer, Agent for Framer, Inc. for a Class "B" Tavern License for the premises located at 5319 West Center Street in the City and County of Milwaukee, Wisconsin ("Vibe").

FINDINGS OF FACT

1. Craig Dampeer (hereinafter the "Licensee") is the holder of a Class "B" license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, June 30, 2005.
2. An application to renew said license was untimely filed with the Office of the City Clerk on May 9, 2005.
3. Pursuant to Chapter 90 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 10, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license. There were also neighborhood objections to loitering, littering, parking and traffic problems, loud music, noise, physical violence, shootings, public urination, trespassing, vandalism, and conduct detrimental to the health, safety and welfare of the community.
4. On May 23, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 108 of the Milwaukee Code of Ordinances of the neighborhood objections and of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on May 31, 2005, commencing at 10:00 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the licensee appeared and admitted receipt of the police report. He was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. On November 19, 2001 the applicant was charged in Milwaukee County Circuit Court with Theft stemming from incidents in which credit card information was stolen while the applicant was working as a police officer at the Grand Avenue Mall.

Charge: Theft
Finding: Guilty, Circuit Court
Sentence: 2-years probation
Date: April 17, 2002
Case: 01CM010293

NOTE: The applicant is on probation until April 17, 2004. His Probation Officer related that she does not object to the issuance of this license.

B. On November 10, 2004 at 1:30 a.m., Milwaukee Police Officers were sent to the licensed premises located at 5318 West Center Street, in the City and County of Milwaukee, Wisconsin (The Infinity Lounge) to investigate a shots fired complaint. They found two cars damaged by bullet impacts. They also recovered five 9 mm spent casings, two bullet fragments and one bullet from the street in front of the Infinity Lounge, 5318 West Center Street and Vibe, 5319 West Center Street. The operators of each tavern admitted hearing shots but stated that the problem did not occur in his tavern, and that it probably was related to the other tavern.

C. On December 12, 2004, Milwaukee Police Officers conducted a license premises check of the licensed premises located at 5319 West Center Street in the City and County of Milwaukee, Wisconsin ("The Vibe") due to loud music coming from the tavern. Officers found the amusement machines on the premises did not have valid Amusement Machine Premises Permits. The licensee, Craig Dampeer, was issued citations for the following:

Charge: a. Amusement Machine Premise Permit
b. Noise Nuisance
Finding: a. Guilty
b. Dismissed w/o Prejudice

Sentence: a. \$212.00

Date: April 4, 2005

Case: a. 05005588
b. 05005589

- D. On December 17, 2004 at 11:10 p.m., Milwaukee Police Officers performed a licensed premises check at the licensed premises at 5319 West Center Street in the City and County of Milwaukee, Wisconsin ("The Vibe"). They observed that a DJ was conducting his business on the premise and Craig Dampeer did not have a Pre-recorded Music Machine License.

Charge: Pre-Recorded Music License Required

Finding: Guilty

Sentence: \$200.00

Date: April 27, 2005

Case: 05007936

- E. On December 18, 2004 at 11:01 p.m., Milwaukee Police Officers performed a licensed premises check at the licensed premises located at 5319 West Center Street, in the City and County of Milwaukee, Wisconsin. When Officers entered the tavern, the music level dropped and they found a DJ in a small room in the tavern. A citation was issued to the licensee for not having a pre-recorded music license. NOTE: On the report filed by the officer regarding this violation, he also indicated that at about 12:55 a.m. on December 19, 2004, while patrolling in the 5300 block of West Center Street, police observed a large crowd arguing and beginning to fight directly in front of the Vibe tavern. Two persons that were patrons of the Vibe were issued citations for Disorderly Conduct.

Charge: Pre-Recorded Music License required

Finding: Dismissed w/o Prejudice

Date: April 27, 2005

Case: 05007935

- F. Neighbors complain of disorderly patrons, noise, litter, and patrons arguing at closing time. The neighbors are not certain, however, if this location at 5319 West Center Street or the location at 5318 West Center Street (Infinity Lounge) or both, is the source of the noise, disorderly conduct, and litter.

CONCLUSIONS OF LAW

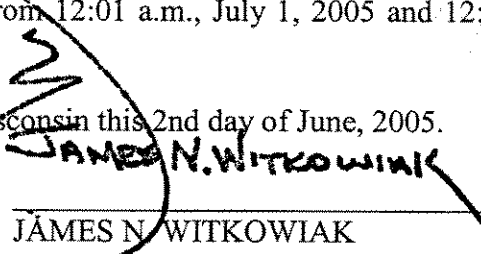
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Craig Dampeer, Agent for Frammer, Inc., for the licensed premises at 5319 West Center Street ("Vibe") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license with a ten (10) day suspension. The Committee finds the police report and neighborhood objections as to the extent 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 Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion to renew the Class "B" Tavern license for the premises at 5319 West Center Street in the City and County of Milwaukee, Wisconsin ("Vibe") with a ten (10) day suspension.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of 5 (five) ayes and 0 (zero) noes, recommends that the Class "B" Tavern license be renewed with a ten (10) day suspension based on the police report and neighborhood objections as stated above.

Said suspension is to be in effect from 12:01 a.m., July 1, 2005 and 12:01 a.m., July 10, 2005.

Dated and signed at Milwaukee, Wisconsin this 2nd day of June, 2005.



JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 2, 2005

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Olayinka M. George for a Class "B" Tavern and Tavern Dance license for the premises located at 5318 West Center Street in the City and County of Milwaukee, Wisconsin ("Infinity Lounge").

FINDINGS OF FACT

1. Olayinka M. George (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the licensed premises at 5318 West Center Street in the City and County of Milwaukee, Wisconsin ("Infinity Lounge"). Said license expires at midnight, June 30, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on March 17, 2005.
3. Pursuant to Chapter 90 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 report was dated March 18, 2005 and could form a basis for non-renewal or suspension. There were also neighborhood objections to littering, loitering, loud music, parking, and traffic problems, shooting and gunshots, vandalism, trespassing, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On May 23, 2005, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections and of the police report, including a copy of the report. The matter was scheduled for a hearing on the neighborhood objections on May 31, 2005 at 10:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared at the hearing but was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing,

the Committee finds the following:

- A. On September 8, 1982, the licensee was found guilty of the issuance of a worthless check.
- B. On August 17, 1999 at 1:10 AM officers of the Milwaukee Police Department conducted a tavern check at the licensed premises located at 5318 West Center Street in the City and County of Milwaukee, Wisconsin (then known as "Stepping Up Lounge"). Upon their arrival, officers found an underage person drinking beer inside the tavern. The licensee was on the scene.

The licensee was cited for Sale of Alcohol to Underage Person and on November 5, 1999, was sentenced to a six month hold open.

- C. On August 17, 1999 at 1:10 AM, City of Milwaukee police officers entered the licensed premises located at 5318 West Center Street in the City and County of Milwaukee, Wisconsin ("Stepping Up Lounge"). Upon their arrival, officers found an underage person drinking beer inside the tavern. The licensee was on the scene. The licensee was cited for sale of alcohol to an underage person on November 5, 1999 and sentenced to a six month hold open.
- D. On November 26, 1999, at 10:53 PM an underage police aide along with two undercover police officers entered the licensed premises located at 5318 West Center Street in the City and County of Milwaukee, Wisconsin ("Stepping Up Lounge"). The police aide walked past the doorman who did not ask for any identification. The police aide purchased two alcoholic drinks from the bartender. The investigation revealed that there were two unlicensed bartenders on the scene who were not being supervised by a licensed bartender. The licensee arrived on the scene approximately 20 minutes into the officers' investigation. The doorman was arrested on a warrant for delivery of a controlled substance. The bartender was cited for sale of alcohol to an underage person and Class "D" bartender license required. She was found guilty of sale of alcohol to an underage person and the charge with respect to Class "D" Bartender license required was not issued. She was fined \$146 on the citation for sale of alcohol to an underage person on February 8, 2000. Another bartender, Lathsha McAfee, was cited for Class "D" bartender license required and on February 8, 2000 a warrant was issued on that citation. The licensee, George M. Olayinka, was cited for Class "D" bartender license required (licensee responsibility), sale of alcohol to underage person (licensee responsibility), no responsible person upon a licensed premise, presence of an underage person (licensee responsibility), presence of an underage person upon a licensed premises (licensee responsibility), and Class "D" bartender license required (licensee responsibility).

The licensee was found guilty on the citation for sale of alcohol to an underage person, presence of an underage person (licensee responsibility). The remaining citations were dismissed without prejudice. The licensee was fined \$146 on sale of alcohol to an underage person and \$346 on presence of underage person (licensee responsibility) on February 8, 2000.

- E. On January 9, 2000 at 1:30 AM officers of the Milwaukee Police Department responded to a loud music complaint at the licensed premises located at 5318 West Center Street in the City and County of Milwaukee, Wisconsin ("Stepping Up Lounge"). As the officers approached the tavern they could hear the music coming from the tavern as they entered the 5200 block of West Center Street. Upon their arrival the officers advised the licensee to turn down the music. Mr. George stated "ya, ok", and shrugged his shoulders. The officers conducted a check of the tavern. During this check the music was not shut down, and the licensee again was advised to turn the music down, which he did. A citizen complainant stated that the tavern had been called by the citizen to complain to the manager regarding the music, but whoever answered the phone told him to "Fuck Off", and hung up the phone.
- F. On March 2, 2000 at 11:30 PM Milwaukee Police Department officers were dispatched to a loud music complaint at the licensed premises located at 5318 West Center Street in the City and County of Milwaukee, Wisconsin ("Stepping Up Lounge"). Officers stood mid-block in the 5400 block of West Center Street and were able to hear music being played in the premises. Upon entering the tavern, officers found a coin-operated dart machine being operated without a valid permit. The licensee, Olayinka M. George, stated that people are constantly complaining about the music being loud, and he is getting tired of the police entering his establishment every week. Regarding the expired permit on the machine, he stated that it is not his responsibility because he does not own the machine. George M. Olayinka was cited for noise nuisance and video game permit required. He was found guilty of the noise nuisance complaint and fined \$100.
- G. On June 20, 2000 the licensee was found guilty of littering of premises and fined \$115.
- H. On August 14, 2000, Sgt. Alan Johnson of the Milwaukee Police Department, District #7, late shift, filed a report revealing that within the last six months there had been 5 calls for police service made from the licensed premises. There have been 28 other calls from the area regarding the licensed premises at 5318 West Center Street in the City and County of Milwaukee, Wisconsin. Those calls have included problems at the tavern, trouble with subjects, loud music, fights, and noise nuisances. The responding squads spent 14 hours and 47 minutes at these calls. A Tavern Directed Patrol Mission has spent 121 hours since July 1, 2000 monitoring the tavern and the area around it. This resulted in 73 field interviews, 14 city arrests, 15 state arrests, and 118 parking citations.
- I. On May 16, 2002 officers of the Milwaukee Police Department were dispatched to licensed premises at 5318 West Center Street ("Stepping Up Lounge") to investigate a battery complaint. The victim, Kenneth Johnson, stated to police that he was beaten without consent by 6 to 8 unknown black males while inside the licensed premises at 5318 West Center Street ("Stepping Up Lounge"). Mr. Johnson sustained several serious lacerations as a result and received several stitches. Officers spoke with the licensee, Olayinka George, who stated that he

did observed several subjects fighting inside the premises but that he was unaware that anyone was hurt. A substantial battery report filed.

- J. On June 12, 2002 officers of the Milwaukee Police Department were dispatched to investigate a shooting at the licensed premises located 5318 West Center Street in the City and County of Milwaukee, Wisconsin ("Stepping Up Lounge"). The victim, Christopher Stovall, stated he had been shot in the left elbow and left leg after exiting the tavern by unknown person(s).
- K. On May 20, 2003 at 11:07 PM officers of the Milwaukee Police Department were dispatched to the licensed premises at 5318 West Center Street ("Stepping Up Lounge"). While patrolling the rear of the tavern, police heard numerous gunshots come from inside the tavern. Numerous persons were coming out of the rear of the tavern, two of them being victims of the shooting. One had been shot in the neck and the other in the hand. One other victim was discovered inside the tavern with a gunshot wound to the chest. The investigation revealed that the shooting was as a result of an argument that started inside the tavern.
- L. On November 29, 2003 at about 2:10 AM, officers of the Milwaukee Police Department were dispatched to the licensed premises located at 5318 West Center Street on a complaint of shots fired. They were met by the licensee, Olayinka M. George, who stated he saw a male pull out a gun on the street in front of the tavern and fire 3 shots. Four casings were found on the scene. At the hearing the licensee stated that he reported this incident.
- M. On February 27, 2004 at about 12:33 AM officers of the Milwaukee Police Department were flagged down at the licensed premises located 5318 West Center Street (now named "Infinity Lounge") regarding a battery complaint. A patron was struck with an unknown object. The complainant sated that she entered the tavern along with other friends, one of which was underage, and they were not asked for identification. The owner of the premises, Mr. George, insisted that he asks all patrons entering for a IDs.
- N. Neighbors testified to patrons urinating upon exiting the premises, loud music and congregations of individuals drinking outside of the licensed premises. One witness testified that he has driven past the tavern five times at 10:30 in the evening and each of those five times was able to observe such congregations.
- O. On March 31, 2004 at 11:15 p.m., an underage Milwaukee police aide, at the direction of Milwaukee police officers, entered Infinity Lounge, 5813 West Center Street. The aide was able to purchase a bottle of Corona beer from the bartender.
- P. On November 10, 2004 at 1:30 a.m., Milwaukee Police responded to 5318 West Center Street, Infinity Lounge, with several other squads to investigate a shots fired complaint. Officers found 2 autos outside of the Infinity Lounge that appeared to have been damaged by bullet impacts. They recovered five 9mm spend casings, two bullet fragments and one bullet from the street in front of the

Infinity Lounge and the Vibe, 5319 West Center Street. Each tavern owner believed the problem to have come from the other's tavern ("The Vibe") located at 5319 West Center Street.

- Q. On December 14, 2004 at 11:55 p.m., Milwaukee Police responded to 5318 West Center Street, Infinity Lounge, for a fight inside the tavern. When police arrived Olayinka M. George stated that the bouncers broke up the fight before arrival of the police.
- R. Objecting neighbors testified to numerous episodes of noise, litter, unruly and disorderly patrons at closing time. The neighbors were not certain if those problems emanate from this location or 5319 West Center Street, ("The Vibe").

CONCLUSIONS OF LAW

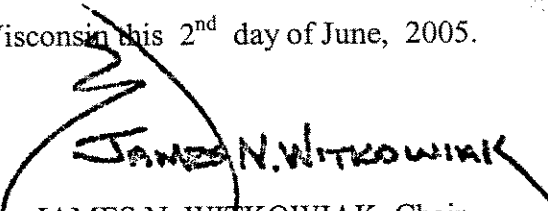
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Olayinka M. George, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class "B" Tavern and Tavern Dance license without undergoing a thirty (30) day suspension of said license, because the danger his activities represents to the health, safety and welfare of the citizens of the City of Milwaukee. The Committee finds the police report and neighborhood objections, to the extent 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 Utilities and Licenses Committee that the full Common Council of the City of Milwaukee exercise its discretion to renew Class "B" Tavern and Tavern Dance License of Mr. Olayinka M. George for the premises at 5318 West Center Street in the City and County of Milwaukee, Wisconsin ("Infinity Lounge") with a thirty (30) day suspension.

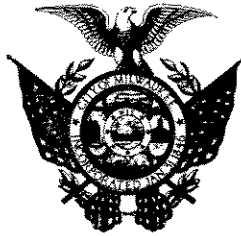
RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee by a vote of four (4) ayes and one (1) noes recommends that the Class "B" Tavern and Tavern Dance License of Mr. Olayinka M. George be renewed with a thirty (30) day suspension.

Said suspension is to be in effect between 12:01 a.m., June 24, 2005 and midnight, July 23, 2005.

Dated and signed at Milwaukee, Wisconsin this 2nd day of June, 2005.


JAMES N. WITKOWIAK, Chair
Utilities and Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 2, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern license of Dolores A. Burns, as agent for "S J Burns, Inc" for "Sweeny's" located at 518 North Water Street in the City and County of Milwaukee, Wisconsin ("Sweeny's").

FINDINGS OF FACT

1. Delores A. Burns (hereinafter the "Licensee") is the holder of a Class "B" Tavern license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, June 23, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on May 4, 2005.
3. Pursuant to Chapter 90 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 5, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On May 19, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on May 31, 2005, commencing at 3:15 p.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the licensee appeared and admitted receipt of the police report. Licensee was represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. On April 6, 2004 at 1:00 a.m., officers made a lawful inspection of the licensed premises located at 518 North Water Street, in the City and County of Milwaukee, Wisconsin (Sweeny's). Officers discovered two underage patrons attempting to leave the tavern as officers were checking. The applicant was not on the scene and not cited.

B. On April 29, 2004 at 12:50 a.m., officers made a lawful inspection of the licensed premises located at 518 North Water Street in the City and County of Milwaukee (Sweeny's). Officers discovered 24 underage patrons in the tavern. Officers also found two patrons who had used false ID to gain entry. The applicant, who was not on the scene, was cited for door open after hours and presence of underage prohibited. No further information.

Charge: Door Open After Hours
Presence of Underage Prohibited

Finding: Guilty, Municipal Court
Guilty, Municipal Court

Sentence: Fined \$343.00
Fined \$343.00

Date: July 16, 2004

Case: 04061688
04061689

C. On August 5, 2004 at 11:00 p.m., two underage police-aides, under the direction of police officers purchased a beer from a bartender at the licensed premises located at 518 North Water Street in the City and County of Milwaukee, Wisconsin (Sweeny's) without showing ID. Officers discovered two additional underage patrons in the tavern at the time of the violations. The bartender was cited for sale to underage and presence of underage. The applicant, who was not on the scene, was not cited. An incident report was filed.

D. On October 7, 2004 at 1:45 a.m., officers made a lawful inspection of the licensed premises located at 518 North Water Street in the City and County of Milwaukee, Wisconsin (Sweeny's). Officers discovered five underage patrons in the tavern. The bartender on duty, Philips Burns, of the same address as the applicant, stated he told the door man to check ID's. He became upset and stated, "I don't give a damn, write the dame

[sic] tickets.” The applicant, who was not on the scene, was cited for presence of underage prohibited. No further information.

Charge: Presence of Underage Prohibited

Finding: Guilty, Municipal Court

Sentence: Fined \$500.00

Date: January 31, 2005

Case: 04122318

- E. On January 13, 2005 at 1:10 a.m., officers made a lawful inspection of the licensed premises located at 518 North Water Street in the City and County of Milwaukee, Wisconsin (Sweeny’s). Officers discovered two underage patrons in the tavern. Both had false ID’s. While investigating two additional patrons attempted to obstruct the investigation. All four were cited. The applicant, who was on the scene, was not cited. An incident report was filed.
- F. On February 2, 2005 at 10:00 p.m., officers made a lawful inspection of the licensed premises at 518 North Water Street in the City and County of Milwaukee, Wisconsin (Sweeny’s). Officers discovered 16 underage patrons in the tavern. All of the underage patrons had false ID’s and were cited for misrepresenting age. Another patron was cited for disorderly conduct during the investigation. The applicant, who was on the scene, was cited for presence of underage. The citation was not issued by the City Attorney’s Office. An incident report was filed.
- G. On February 26, 2005 at 12:49 a.m., officers made a lawful inspection of the licensed premises located at 518 North Water Street in the City and County of Milwaukee (Sweeny’s). Officers observed an underage patron in the tavern. The patron stated she was not asked for ID upon entering or when she was served a drink. The bartender on duty was cited. The applicant, who was not on the scene, was not cited. An incident report was filed.

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 Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.

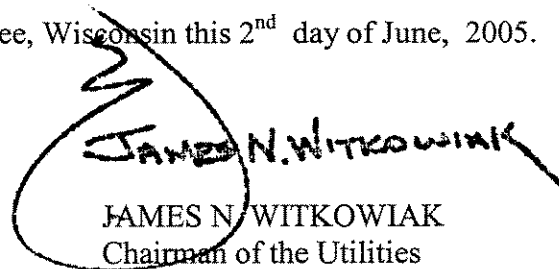
2. Based upon the above facts found, the Committee recommends that the licensee, Dolores A. Burns, as agent for "S J Burns, Inc" for "Sweeny's" at 518 North Water Street in the City and County of Milwaukee, Wisconsin, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern license held by the licensee without undergoing a twenty (20) day suspension. The Committee finds the police report to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to grant renewal of the Class "B" Tavern license for the licensed premises at 518 North Water Street in the City and County of Milwaukee, Wisconsin ("Sweeny's") held by Dolores A. Burns, as agent for "S J Burns, Inc" for "Sweeny's" at 518 North Water Street in the City and County of Milwaukee, Wisconsin with a twenty (20) day suspension based upon the danger that her conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes, recommends that the Class "B" Tavern license be renewed with a twenty (20) day suspension based on the police report, that could form a basis of renewal or suspension of said license.

Said suspension is to be in effect between 12:01 a.m., June 24, 2005 and midnight, July 13, 2005.

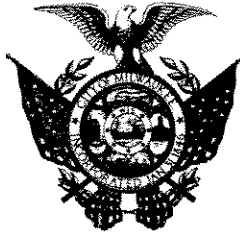
Dated and signed at Milwaukee, Wisconsin this 2nd day of June, 2005.



JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee

93657



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 2, 2005

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Norman G. Landry for a Class "B" Tavern and Tavern Dance license for the premises located at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia").

FINDINGS OF FACT

1. Norman G. Landry (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). Said license expires at midnight, June 30, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on April 29, 2005.
3. Pursuant to Chapter 90 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 report was dated May 2, 2005 and could form a basis for non-renewal or suspension. There were also neighborhood objections to littering, loitering, loud music, parking, and traffic problems, shooting and gunshots, vandalism, trespassing, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On May 20, 2005, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections and of the police report, including a copy of the report. The matter was scheduled for a hearing on the neighborhood objections on May 31, 2005 at 11:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared at the hearing but was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. On September 8, 2002, Milwaukee Police Officers were dispatched to man with a gun complaint to the licensed premises at 408 E. North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). Officers found two males on the premises, a Derry Groce and a Gary Wethersby, both of whom had a handgun on his person. Wethersby was observed by officers to drop on the floor a black bag containing what appeared to be crack cocaine. Groce charged with Felon in Possession of Firearm, and Wethersby was charged with Carrying concealed Weapon and Possession of Controlled Substance With Intent to Deliver While Armed.
 - B. On September 25, 2002 at 8:40 p.m. Milwaukee Police Officers observed suspicious activity of numerous persons loitering in front of the licensed premises located at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). Youthful appearing persons would enter and leave the tavern. Officers entered the tavern after about 30 minutes and discovered 3 patrons on the premises were underage. The Bartender, Derry Groce, was convicted for Presence of Underage. An Incident Report was filed.
 - C. On February 13, 2003 at 11:20 p.m. Milwaukee Police Officers conducted a license premises check of the licensed premises located at 408 East North Avenue, in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). In the tavern, they observed a youthful appearing male at a table with cans of Miller beer and empty shot glasses in front of him. He was 18 years old. The bartender on duty, Derry L. Groce, stated that the patron produced identification as proof of age. The 18 year old had no identification on his person. Groce, the bartender, was given a warning on this date and a citation was issued to the patron for Presence of Underage.
 - D. On April 8, 2003, at 1:29 a.m., Milwaukee Police responded to a shooting at the licensed premises located at 408 East North Avenue, in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). The licensee, Norman Landry and the bartender, Gary Groce, stated that someone had shot five times through the front door. Milwaukee Fire Department was on the scene and treated the victim, who was in the tavern at the time. The victim had been shot in the lower left leg. Landry stated that two female patrons were involved in an altercation and one of them left the tavern with three males. Moments later someone fired five shots through the door. The victim who was shot in the leg was underage. The applicant was cited for underage person, but the case was dismissed in Municipal Court. An Incident Report was filed.
 - E. On August 4, 2004 a Milwaukee Police Officer made a lawful inspection of the licensed premises located at 408 East North Avenue, in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). The officer observed a large crowd in the tavern. Upon exiting the tavern, the Officer observed the front passenger window of his squad car had been smashed with two beer bottles. After receiving

back-up, the officers reentered the tavern and counted 60 patrons. The premises is posted for 25. The applicant was cited for over capacity but the case was dismissed in Municipal Court. An Incident Report was filed.

- F. On August 5, 2004, at 12:35 a.m. Milwaukee Police Officers made a lawful inspection of the licensed premises located at 408 East North Avenue, in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). Officers observed a fight in progress in the tavern and the bartender was just standing there observing the fight. Both women involved in the fight were made to leave the premises. An Incident Report was filed.
- G. On August 12, 2004 at 12:35 a.m. officers made a lawful inspection of the licensed premises located at 408 East North Avenue, in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). Officers counted 31 patrons in the tavern. The occupancy posted is 25. The applicant was on the premises. The licensee was charged with Exceeding Posted Capacity, found guilty in Municipal Court and fined \$200.00 on November 5, 2004, Case No. 04100915.
- H. On August 17, 2004, at 12:25 a.m. Milwaukee Police Officers made a lawful inspection of the licensed premises located at 408 East North Avenue, in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). Officers were unable to gain access to the tavern, as the front door was locked. However, there were patrons inside. Upon finally gaining entry, officers counted 29 patrons in the tavern. It is posted for 25. The applicant was on the scene at the time of the violation. The licensee was charged with Exceeding Posted Capacity, which was dismissed in Municipal Court and Immediate Entry for Police on which the licensee was found guilty in Municipal Court and was fined \$200.00 on November 15, 2004, Case No. 04103751.
- I. On November 1, 2004 at 8:45 p.m., Milwaukee Police Officers, acting on information that there was illegal drug activity in the licensed premises made a lawful inspection of the licensed premises located at 408 East North Avenue, in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). Officers observed a suspect matching the description given to them. The suspect, who was 20 years old, was in possession of 22 packets of cocaine and an unopened bottle of liquor, which he stated he purchased at the tavern. The applicant, who was not on the scene, was cited for Presence of Underage, but the case was dismissed. No further information. Licensee states he does not sell packaged goods, only drinks in open containers.
- J. On February 19, 2005 the applicant was charged in Milwaukee County Circuit Court with receiving stolen property from an incident of November 26, 2004 offense. No further information. The case is pending. There is a May 3, 2005 calendar call, Case No. 2005CM000803.
- K. On March 7, 2005 at 9:03 p.m., Milwaukee Police Officers, acting on information that there was illegal drug activity in the licensed premises made a lawful inspection of the licensed premises located at 408 East North Avenue, in the City

and County of Milwaukee, Wisconsin ("Blue Gardenia"). A 14 year old suspect was arrested in the tavern for possession of a controlled substance with intent to deliver marijuana. The applicant was not on the scene, but was cited with Presence of Underage, found guilty in Municipal Court and fined \$343.00 on April 28, 2005, Case No. 05036906. (Note: The applicant has two open warrants for Building and Zoning Violations. Warrant Notification Letter sent.)

- L. The licensee claims there are drug houses in his block, and there is nothing he can do about it.

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, Mr. Norman G. Landry, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern and Tavern Dance License without undergoing a forty-five (45) day suspension. The Committee finds the police report 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 Utilities and Licenses Committee that full Common Council of the City of Milwaukee should exercise its discretion to renew the Class "B" Tavern and Tavern Dance License held by Mr. Norman G. Landry for the premises at 408 East North Avenue, in the City and County of Milwaukee, Wisconsin ("Blue Gardenia") with a forty-five (45) day suspension.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee by a vote of three (3) ayes, two (2) noes, recommends that the Class "B" Tavern and Tavern Dance License of Mr. Norman G. Landry be renewed with a forty-five (45) day suspension.

Said suspension is to be in effect between 12:01 a.m., July 1, 2005 and midnight, August 14, 2005.

Dated and signed at Milwaukee, Wisconsin this 2nd day of June, 2005.


JAMES N. WINOWAK, UNIK
Utilities and Licenses Committee