



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

August 23, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 060252

Common Council File 060252 contains the following recommendation:

Recommendation of non-renewal, based on the police report and neighborhood objections, of the Tavern Dance license of William Rivera, Agent for "La Pica Restaurant Lounge & Beer Garden, LLC" for the premises at 2078 S. 8<sup>th</sup> St. "(La Pica Lounge)" in the 12<sup>th</sup> aldermanic district.

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on August 17<sup>th</sup>, 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, September 6, 2006** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

JAMES N. WITKOWIAK

James N. Witkowiak, Chair  
Licenses Committee

cc: All Council Members  
Files 060252



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: August 23, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of William Rivera, agent for La Pica Restaurant Lounge & Beer Garden LLC for a Tavern Dance license for the premises located at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge").

**FINDINGS OF FACT**

1. William Rivera (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge"). Said license expired at midnight, May 19, 2006. On May 16, 2006 the Licenses Committee of the Milwaukee Common Council recommended renewal of the Class "B" Tavern license with a thirty (30) day suspension and non renewal of the Tavern Dance License based upon police report and neighborhood objections. On May 31, 2006 the Milwaukee Common Council approved the recommendation of the Licenses Committee as to the Class "B" Tavern license, and returned the recommendation regarding the Tavern Dance license to the Licenses Committee for further proceedings. This is the report of the Licenses Committee on the returned file.
2. An application to renew said license was untimely filed with the Office of the City Clerk on April 7, 2006.
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 police department filed a police report dated April 10, 2006 that could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, screeching tires and speeding, loud yelling, parking and traffic problems, public urination, vandalism, drugs and criminal activity, sales to underage, presence of underage, disturbing the peace, trespassing, and conduct which is detrimental to the health, safety and welfare of the neighborhood.

4. On May 9, 2006 the City Clerk's Office originally 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 police report and neighborhood objections. The matter was originally scheduled for a hearing on the police report and neighborhood objections for May 16, 2006 at 10:15 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant was not represented by counsel. On August 1, 2006 the City Clerk provided notice of the continued hearing on the Tavern Dance license renewal application, and included therewith a copy of the police report that could form the basis of non renewal of suspension of said license, and also noticed the licensee on the objections of the neighbors to renewal of this license.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On March 3, 1989 in Milwaukee County the applicant was charged with possession with intent to deliver a controlled substance. On April 29, 1991 he was found guilty of this charge and sentenced to 3 years and 6 months in prison.
  - B. On March 2, 2006, at 11:40 p.m. officers of the Milwaukee Police Department conducted a license check of the licensed premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee Wisconsin ("La Pica Lounge"). The officers found the rear door locked. They also found a 19-year old underage person on the premises. Another patron walked into the bar while the officers were there and was observed by police to have dropped suspected cocaine. The patron was arrested for possession of a controlled substance (cocaine). The licensee was issued a citation for safe egress and presence of underage persons. This matter was set for a pretrial on May 30, 2006. The Licensee was found guilty and forfeited \$343.00 and the presence of underage person citation was dismissed.
  - C. The police department had to respond to the licensed premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") on March 18, 2006 because of a complaint of the theft of a cell phone.
  - D. On March 9, 2006, the Milwaukee Police Department had to report to the licensed premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") wherein three citations were issued, two of which were for a minor upon a Class "B" premises.
  - E. On March 2, 2006, the Milwaukee Police Department had to report to the licensed premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") wherein two persons were

arrested, one for resisting/obstructing an officer and one for the possession of illegal drugs.

F. Also, on May 1, 2006 the Milwaukee Police Department reported that they were receiving complaints from the licensed premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") because of loud, intoxicated and disorderly patrons leaving the location.

G. One Rita Konieczny, a neighbor, reported the following incidents wherein she was disturbed because of loud bands, loud music, littering, public urination, patrons screeching car tires, and patrons in her yard:

1/19/06	7:00-12:30
1/20/06	10:00-2:00
1/21/06	9:00-2:10 (called William Rivera)
1/22/06	4:00-8:00
1/26/06	7:00-2:00 (called William Rivera)
1/27/06	7:00-2:00
1/28/06	8:00-2:00
2/2/06	5:00-2:00
2/3/06	8:30-2:10 (called William Rivera)
2/4/06	7:00-2:10
2/5/06	7:00-2:00
2/9/06	5:00-2:10
2/10/06	9:00-2:00
2/11/06	9:00-2:05
2/16/06	5:00-1:00
2/17/06	7:00-2:00 (called William Rivera)
2/18/06	5:00-1:30
2/19/06	5:00-2:00
2/22/06	11:00-1:45
2/23/06	9:00-2:00 (called William Rivera)
2/24/06	8:00-2:00
2/25/06	8:00-2:00
2/26/06	5:00-2:00 (tried to call no one answered)
3/2/06	5:00-2:00 (called police-did not help)
3/3/06	8:45-2:10 (called disturbing the peace, they said they can't do anything. They have a music and dance license and can play as loud as they want. I should call neighborhood services. I did, they don't do that kind of thing. Talked to operator 57 and insisted he send out a police car. I don't know if he did.
3/4/06	9:00-2:10
3/5/06	8:00-2:00
3/9/06	6:00-2:00

3/10/06	8:30-2:00 (called William Rivera)
3/11/06	9:00-2:10 (called William Rivera)
3/12/06	8:00-2:00
3/16/06	7:00-1:00
3/17/06	7:00-2:00
3/18/06	7:00-2:10 (at 11:45 patrons were arguing in the middle of the street out side a truck that was double-parked)
3/23/06	9:00-2:00
3/24/06	5:30-2:00
3/25/06	3:30-7:30
	9:30-2:00
3/26/06	3:30-2:00
3/30/06	6:00-2:10
3/31/06	9:30-2:00
4/1/06	8:30-2:00
4/2/06	Jukebox day and night
4/6/06	9:00-2:00
4/7/06	9:00-2:00
4/8/06	9:30-2:10
4/9/06	Jukebox day and night
4/13/06	10:00-2:00
4/14/06	9:30-2:00
4/15/06	9:20-2:10
4/16/06	7:00-2:00
4/20/06	9:30-2:00
4/21/06	9:30-2:10 (called William Rivera 3 times)
4/22/06	9:00-2:00
4/27/06	8:00-2:00
4/28/06	9:00-2:10
4/29/06	8:10-2:20 (called William Rivera)
4/30/06	Jukebox 6:00-2:00
5/2/06	6:00-11:00
5/3/06	5:00-12:00
5/4/06	8:15-2:10 (called William Rivera)
5/5/06	5:30-Bongos – 9:00-2:30
5/6/06	9:30-2:30 (Called police)

Saw patrons on the side of my house, it actually scared me.

H. Rita Konieczny also complained of disturbances she was forced to suffer to Alderman James Witkowiak on the following dates:

12/15/05	7:00 pm-1:00 am
12/16/05	10:00 pm-2:00 am
12/17/05	9:00 pm-2:00 am
12/18/05	6:30 pm-1:00 am
12/22/05	7:00 pm-1:00 am