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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

April 22, 2010

Bobby G. Ashford
3120 W. Lloyd St.
Milwaukee, WI 52308


Dear Mr. Ashford:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 4, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of your Junk Collector Truck license for the premises at 3002 W. Burleigh St. ("BA's Junking & Towing").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending non-renewal of your license based on a second non-appearance. The recommendation is the result of a public hearing before the Committee held on April 20, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on April 29, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: April 22, 2010

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Bobby G. Ashford for a junk collector truck license.

FINDINGS OF FACT

1. Bobby G. Ashford holds a junk collector truck license. Said license expires at midnight, April 30, 2010.
2. An application to renew said license was untimely filed with the Office of the City Clerk on February 18, 2010.
3. Pursuant to Chapter 92 of the Milwaukee Code of Ordinances the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report dated February 19, 2010 which could form the basis for denial or suspension of this license.
4. On April 8, 2010 the City Clerk's Office provided notice to the Licensee, pursuant to Chapter 92 of the Milwaukee Code of Ordinances of the police report that could be the basis of non-renewal or suspension of this license as well as of the neighborhood objections that could form the basis for suspension or non-renewal of the license of the Licensee. The Licensee was provided a copy of the police report with the notice of hearing. The matter was scheduled for a hearing on the neighborhood objections on April 20, 2010 at 9:00 a.m. The licensee did not appear at hearing on two occasions and 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. A notice of the hearing was sent to Bobby G. Ashford at 3120 West Lloyd Street, Milwaukee, Wisconsin 53208 on April 8, 2010 by U.S. prepaid first-class mail in an envelope bearing the return address of the Licensee

Division. The address of 3120 West Lloyd Street, Milwaukee, Wisconsin 53208 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the two hearings following proper notice and mailing by United States first-class prepaid mail.

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 92 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, has not met the criteria of Chapter 92 of the Milwaukee Code of Ordinances to allow renewal of his junk collector truck license based on two nonappearances.
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 deny the junk collector truck license of Bobby G. Ashford based on two nonappearances.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, recommends by a vote of five (5) ayes and zero (0) noes that the junk collector truck license of Bobby G. Ashford be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 22nd day of April, 2010.


JAMES A. BOHL
Chair, Licenses Committee



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

April 21, 2010

Tracy Metz
6909 W. Hadley St.
Milwaukee, WI 53210

Dear Tracy Metz:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 4, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of your Class "D" Bartender's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of your license based upon non-appearance. The recommendation is the result of a public hearing before the Committee held on April 20, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on April 29, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: April 21, 2010
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Tracy J. Metz

FINDINGS OF FACT

1. Tracy J. Metz (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2009.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 6, 2010.
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 January 7, 2010, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On April 8, 2010 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 April 20, 2010, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear and she 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. A notice of the hearing as well as a copy of the police report was sent to Tracy J. Metz at 6909 West Hadley Street, Milwaukee, Wisconsin 53210

on April 8, 2010 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 6909 West Hadley Street, Milwaukee, Wisconsin 53210 is the address given by the Licensee on her application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on April 20, 2010.

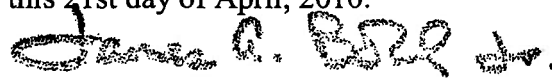
CONCLUSIONS OF LAW

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 on the above facts found, the Committee concludes that the Licensee, Tracy J. Metz 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 "D" Bartender license based upon nonappearance.
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 not renew the Class "D" Bartender license held by Tracy J. Metz based upon nonappearance.

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 "D" Bartender License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 21st day of April, 2010.



JAMES A. BOHL, Jr.
Chairman Licenses Committee



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

April 21, 2010

Christopher Rochon
930A E. Wright Street Upper
Milwaukee, WI 53212

Dear Mr. Rochon:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 4, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of your Class "D" Bartender's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of your license based upon non-appearance. The recommendation is the result of a public hearing before the Committee held on April 20, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on April 29, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: April 21, 2010
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Christopher M. Rochon

FINDINGS OF FACT

1. Christopher M. Rochon (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2009.
2. An application to renew said license was untimely filed with the Office of the City Clerk on February 9, 2010.
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 February 10, 2010, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On April 8, 2010 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 April 20, 2010, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear and she 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. A notice of the hearing as well as a copy of the police report was sent to Christopher M. Rochon at 930A East Wright Street, UR, Milwaukee,

Wisconsin 53212 on April 8, 2010 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 930A East Wright Street, UR, Milwaukee, Wisconsin 53212 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on April 20, 2010.


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 on the above facts found, the Committee concludes that the Licensee, Christopher M. Rochon 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 "D" Bartender license based upon nonappearance.
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 not renew the Class "D" Bartender license held by Christopher M. Rochon based upon nonappearance.

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 "D" Bartender License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 21st day of April, 2010.



JAMES A. BOHL, Jr.
Chairman Licenses Committee



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

April 21, 2010

Brittany Morton
2477 N. Bremen St. #4
Milwaukee, WI 53212


Dear Ms. Morton:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 4, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of your Class "D" Bartender's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of your license based upon non-appearance. The recommendation is the result of a public hearing before the Committee held on April 20, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on April 29, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: April 21, 2010
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Brittany A. Morton

FINDINGS OF FACT

1. Brittany A. Morton (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2009.
2. An application to renew said license was untimely filed with the Office of the City Clerk on March 4, 2010.
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 March 4, 2010, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On April 8, 2010 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 April 20, 2010, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear and she 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. A notice of the hearing as well as a copy of the police report was sent to Brittany A. Morton at 2477 North Bremen Street, No. 4, Milwaukee,

Wisconsin 53212 on April 8, 2010 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 2477 North Bremen Street, No. 4, Milwaukee, Wisconsin 53212 is the address given by the Licensee on her application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on April 20, 2010.

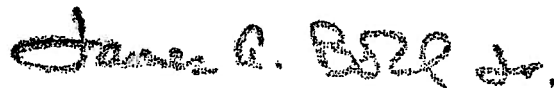
CONCLUSIONS OF LAW

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 on the above facts found, the Committee concludes that the Licensee, Brittany A. Morton 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 "D" Bartender license based upon nonappearance.
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 not renew the Class "D" Bartender license held by Brittany A. Morton based upon nonappearance.

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 "D" Bartender License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 21st day of April, 2010.



JAMES A. BOHL, Jr.
Chairman Licenses Committee



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

April 23, 2010

Michael C. Kozak, Agent
Ten Thirty, Inc.
730 N. Old World Third St.
Milwaukee, WI 53203

Atty. Franklyn M. Gimbel &
Atty. Jason Luczak
Gimbel, Reilly, Guerin & Brown LLP
330 E Kilbourn Ave # 1170
Milwaukee, WI 53202-3146

Dear Mr. Kozak and Attys. Gimbel and Luczak:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 4, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the premises at 730 N. Old World Third St. ("Martini Mike's").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "B" Tavern license with a 60-day suspension and non-renewal of the Tavern Amusement (Cabaret/Nite Club) license based on a police report and neighborhood objections. The recommendation is the result of a public hearing before the Committee held on April 20, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on April 29, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: April 23, 2010

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Michael C. Kozak, as agent for "Ten Thirty, Inc.", for a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) renewal application for the premises located at 730 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Martini Mike's").

FINDINGS OF FACT

1. Michael C. Kozak (hereinafter the "Licensee") is the agent for "Ten Thirty, Inc." doing business at 730 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Martini Mike's"). Said license expires at midnight, May 24, 2010.
2. An application to renew said license was filed with the Office of the City Clerk on March 16, 2010.
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 respond with a report dated March 17, 2010 which could form the basis for non renewal or suspension of this license. There were also alleged neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, including trespassing, public urination, vandalism, fights, disorderly conduct, and thefts; operation of the premises in such a manner that it creates a public nuisance and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On April 9, 2010, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the objections of the neighbors. The matter was scheduled for a hearing on the police report on April 20, 2010 at 11:30 a.m. in Room 301B of the third floor of City Hall. The licensee did appear at the

hearing and was represented by Attorney Franklyn Gimbel, Gimbel, Reilly, Guerin & Brown, 330 East Kilbourn Avenue, Ste. 1170, Milwaukee, WI 53202.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On April 16, 2009 at 5:15 a.m., applicant received two citations: (1) disorderly conduct and (2) trespassing upon buildings/premises at 1721 West Canal Street. He was charged on these two citations on August 7, 2009 and fined \$175.00 on item (1) and \$160.00 on item (2). The licensee asserted he was on a motorcycle at the Potawatomi Casino and that this incident had nothing to do with the operation of Martini Mike's.
 - B. On May 30, 2009 at 2:25 a.m., officers of the Milwaukee Police Department were dispatched to 730 North 3rd Street for a fight with injuries complaint. While officers were in route, the call was updated to shots fired and then a shooting. Upon arrival, officers observed approximately 50 people in the street and coming out of Martini Mikes. Witnesses for the tavern testified it was not 50 people, but more like 15 persons. Several patrons yelled to police that there was a man with a gun in the tavern and two shots had been fired. Back up was called and police observed Michael Kozak and two of his security bouncers outside the tavern. Witnesses stated to officers that a large fight broke out inside the tavern and a patron pulled a handgun from his waistband and chased another patron into the street and pushed the victim to the ground. The suspect then shot the victim two to four times striking the victim in the upper thigh and groin area. The suspect then fled the area. A citation was issued to Kozak for Disorderly Premises which was pending trial to be held on June 29, 2010. The licensee also testified that not all of these persons were in the tavern.
 - C. On June 27, 2009 at 2:28 a.m., officers of the Milwaukee Police Department were dispatched to 730 North 3rd Street for a fight complaint. Officers spoke to Michael Kozak who stated one of his employees Daniel Wagner, was beat up by a subject he only knew as "Dee". Kozak further stated he had gone outside after his bar closed and observed a fight between two females, one of which was Wagner's girlfriend. Kozak stated then he observed Dee" go up to Wagner and punch him in the head causing Wagner to fall. Kozak further stated that five other unknown males then approached Wagner with one of them punching Wagner to his neck. Kozak stated he yelled that he was calling police and all subjects left. Medical personnel was on scene and Wagner stated to officers that he was going to seek treatment at St. Luke's and was having a friend drive him there. Officers stated to Wagner that they would meet him there to obtain his statement after finishing up their investigation at the scene.

When officers went to St. Luke's, they were told that no one by the name of Daniel Wagner ever checked in. Officers attempted to contact Wagner by his cell phone, which no one answered.

- D. On July 26, 2009 at 2:00 a.m., the applicant received a citation for excessive noise prohibited on Old World Third Street and was found guilty on October 2, 2009 and fined \$221.00.
- E. On March 6, 2010 at 1:57 a.m., officers of the Milwaukee Police Department were dispatched to the area of 720 North Old World Third Street for a subject with gun complaint. An anonymous caller stated he observed a burgundy Cadillac circling the area and believed he observed the passenger waving a gun out of the window. Officers checked the area and could not locate the auto. While in the area, officers observed a heavy presence of vehicular and pedestrian traffic. Autos were honking horns and revving their engines while pedestrians would occasionally hoot and holler as the cars passed. Officers observed that the cars would then stop in the vicinity of Martini Mike's. As police monitored the area, a citizen approached police and stated, "This is ridiculous! It's like this every time they're open (meaning Martini Mike's) I have a young child that gets woken up by this every weekend." Officers inquired if the citizen ever tried to talk with the owner regarding the noise to which he replied, "Yeah, but he (Mike Kozak) doesn't care." Officers conducted follow up the next day and spoke to the doorman/bouncer regarding the closing time and noise issues. The bouncer stated to officers that, "it would be great if you guys (the police) could allocate some time to come and help us out." Officers further advised that every effort should be made to prevent excessive noise from the bar's patrons as they leave the tavern and to be respectful and aware of the neighbors that are in the area.
- F. This premise only operates on Friday and Saturday nights. Those are the nights that neighbors complain of being disturbed by the operation of this premise. The licensee insists that the tavern starts closing at 1:30 a.m. and by 2:00 a.m. everyone is out.
- G. A number of objecting neighbors testified to a customer of Martini Mike's with a horn on his vehicle that emulates the sound and volume of a locomotive horn. The customer has sounded that horn when leaving the premise to the consternation of the neighbors. Testimony also revealed that individual has been talked to by the licensee and the individual has been told that if he continues to blow it he will not be welcomed back to the premise. However, further testimony revealed that while the customer does not sound the horn directly in front of the premise, he is prone to sounding it when a few blocks away, and it still can be heard.
- H. A number of objecting neighbors also testified to litter that is present

around the premise consisting of broken liquor bottles and glassware. One neighbor complained that when walking her dog, the dog suffered a cut paw because of broken glass. The licensee testified that he stopped using real glass serving containers in December, 2009 when plastic serving containers were used. However, there is still a good deal of litter (to include broken glass) complained about by the neighbors. The licensee maintained that some of the litter is attributable to products he serves, but some is not. However, he undertakes to clean all of the litter whether or it is from his premise or not.

- I. All neighbors complain of the noise generated by patrons leaving the premise at closing time. Some of the noise is from vehicular stereos, some from arguments and physical altercations by and between patrons, some is from cruising.
- J. Some neighbors also complain of patrons urinating upon their property. The licensee is aware of the problem and testified that he undertakes to clean the areas with bleach to alleviate the problem. One neighbor, who was with a child of three asked one of the individuals urinating to stop, and was greeted by the patron with an uplifted index finger.
- K. The neighbors complained about parking problems caused by the patrons of the premise. However, the licensee has placed cones to stop illegal parking, and the neighbors did state that it has helped the problem. The licensee has also put up a sign that asks the patrons to respect his neighbors, and he promised the Committee that he will make the signs bigger to better capture the attention of departing patrons.
- L. The licensee also testified that he keeps waiting lines to get in the tavern down to no more than ten patrons.

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, Michael C. Kozak, as agent for "Ten Thirty, Inc." who holds a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license for the premises located at 730 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Martini Mike's") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of the Class "B" Tavern license without undergoing a sixty (60) day suspension of said license and nonrenewal of the Tavern Amusement

(Cabaret/Nite Club) license. The Committee finds the police report and neighborhood objections, as stated above to be true.

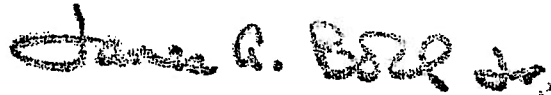
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern license of Michael C. Kozak, as agent for "Ten Thirty, Inc." for the premises located at 730 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Martini Mike's") with a sixty (60) day suspension; to not renew the Amusement (Cabaret/Nite Club) license held by Michael C. Kozak based upon the police report and neighborhood objections.

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 Class "B" Tavern license held by Michael C. Kozak be renewed with a sixty (60) day suspension and further recommends that the Tavern Amusement (Cabaret/Nite Club) license of Michael C. Kozak for the premises located at 730 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Martini Mike's") not be renewed.

Said suspension of the Class "B" Tavern license is to be in effect from 12:01 a.m., May 25, 2010 through midnight, June 23, 2010.

Dated and signed at Milwaukee, Wisconsin this 23rd day of April, 2010.



JAMES A. BOHL, Chair
Licenses Committee



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

April 23, 2010

Stojan Coralic
3101 W. Cold Spring Rd.
Greenfield, WI 53221


Atty. David Halbrooks
Atty. Matt Lerner
Maistelman & Associates
5027 W. North Ave.
Milwaukee, WI 53208-1132

Dear Mr. Coralic, Atty. Halbrooks and Atty. Lerner:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 4, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider renewal of the Class "B" Tavern license for the premises at 2936 S. 13th St. ("Brew House").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "B" Tavern license with a 90-day suspension based on the police report and testimony from neighbors, the police and the local alderman. The recommendation is the result of a public hearing before the Committee held on April 20, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on April 29, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: April 23, 2010

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Stojan Coralic for a Class "B" Tavern and Tavern Dance renewal application for the premises located at 2936 South 13th Street in the City and County of Milwaukee, Wisconsin ("The Brew House").

FINDINGS OF FACT

1. Stojan Coralic (hereinafter the "License") is the holder of Class "B" Tavern and Tavern Dance license for the premises located at 2936 South 13th Street in the City and County of Milwaukee, Wisconsin ("The Brew House"). Said license expires at midnight, May 19, 2010.
2. An application to renew said license was timely filed with the office of the City Clerk on March 26, 2010. Previously the Milwaukee Common Council, on the recommendation of the Licenses Committee revoked this license, and the licensee appealed that revocation. On March 5, 2010 the Circuit Court of Milwaukee County reversed that action and remanded the matter to the Milwaukee Common Council for further proceedings. However, in the meantime the license in question came up for renewal, and on April 20, 2010 the Licenses Committee again considered this matter, however, on the issue of the renewal of the Class "B" Tavern and Tavern license.
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 Department responded with a report that could form the basis of non-renewal or suspension of these licenses on March 29, 2010. There were also alleged neighborhood objections to loitering, littering, loud music and noise; parking and traffic problems; drug and criminal activity, including trespassing, public urination, vandalism, fights, gunshots, shootings, disorderly congregation of patrons, disorderly conduct, and thefts; presence of underage persons; harassment of and threats against neighbors; the excessive and inappropriate use of police resources; operation of the premises

under a collusive agreement; operation of the premises in such a manner that it creates a public nuisance; and conduct which is detrimental to the health, safety and welfare of the neighborhood.

4. On April 9, 2010 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 an amended 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 April 20, 2009, commencing at 3:00 p.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and was represented by Attorneys David Halbrooks and Matthew Lerner, Maistelman & Associates, 5027 West North Avenue, Milwaukee, WI 53208. At the hearing of April 9, 2010 it was agreed by the licensee and Alderman Zielinski (who did not participate in the vote of the Committee) that the transcript of the previous testimony of both opponents and supporters could be used by the Committee in its deliberations.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On February 6, 2009 at 1:30 a.m., officers of the Milwaukee Police Department were dispatched to 2936 South 13th Street for a subject with a gun complaint. Officers spoke to the caller who stated a patron who was still in the tavern was armed with a black semi-automatic handgun. The caller provided a description of the patron and stated this patron had the gun in the waistband. Officers entered the tavern and located the subject who matched the description given and recovered the handgun. Further investigation revealed this subject to be under the age of 21 and highly intoxicated. He was also found to be in possession of a half full Heineken beer. This subject was arrested and charged with reckless use of a weapon and issued a citation for possession/consumption of alcohol-underage. On February 7, 2009, officers conducted a follow-up at the tavern and spoke to the bartender Sylvia Lagiewka regarding the violation found. Lagiewka stated she could not believe that an underage person would be in the tavern because she had security at the door checking patrons' identifications. Lagiewka stated she would further discuss this with her security. Officers then spoke to the licensee Stojan Coralic and explained the violations found. Officers issued a citation to the bartender Sylvia Lagiewka for presence and sale to underage and one to Stojan Coralic for licensee responsibility. The bartender, Sylvia Lagiewka, was found guilty on her citation on March 30, 2009 and fined \$367.00.
 - B. At hearing it was disclosed that the underage patron had been in the premises two times before.

- C. On May 9, 2009 at 2:20 a.m. a Milwaukee Police Department squad was sent to a shooting at 2952 South 13th Street. A detective interviewed the victim as well as a witness who stated he observed the suspect and accomplices inside The Brew House prior to the shooting. The incident occurred outside the tavern.
- D. On September 27, 2009 at approximately 1:55 a.m. Milwaukee Police Department squads were dispatched to a fight at 2936 South 13th Street (The Brew House). Officers spoke to Ricardo D. Artega who stated there was an argument between two females where one of the females threw a boot at the other then they left. While the females were walking towards their vehicles, in the street, they were causing a disturbance by yelling obscenities and screaming. Other patrons were in the street in front of The Brew House and across the street impeding traffic and causing vehicles to stop.
- E. On October 3, 2009 at 2:15 a.m. a Milwaukee Police Department squad was flagged down for shots fired in the 2900 block of South 13th Street by several witnesses who stated people were shooting from a maroon Dodge Intrepid at the corner of South 13th Street and West Montana Street. As an officer exited his squad, the driver of the Intrepid accelerated away at a high rate of speed in an attempt to elude the officer. The officer pursued the Intrepid until it was involved in an accident. An officer spoke to the front seat passenger who stated they were leaving The Brew House and that somebody had been shooting at them. Several of the callers and witnesses stated that they heard several people arguing outside The Brew House. The bar patrons were standing in the street, stopping their cars in the street and playing loud music prior to the gun shots. They heard multiple gunshots in the area where patrons from The Brew House were congregating.
- F. On October 11, 2009 at 12:20 a.m., a Milwaukee Police Department sergeant and an officer conducted a tavern check at The Brew House at 2936 South 13th Street. A subject was in the men's restroom that appeared to be under the age of 21. He was asked for identification and he stated he did not have any. The subject was taken outside where he showed his Wisconsin identification that showed a birth date of August 22, 1990. The subject stated that he was not carded when he entered the tavern. The manager stated that everyone was carded when they entered the tavern. A citation was issued to Stojan Coralic for presence of minor at licensed premises and was found guilty on December 2, 2009 and fined \$367.00.
- G. On November 12, 2009, the Milwaukee Police Department, the Department of Neighborhood Services and the Wisconsin Department of Revenue conducted a licensed premise investigation at the premises located at 2936 South 13th Street in the City and County of Milwaukee,

Wisconsin (“Brew House”). The investigation revealed that the tavern manager, Ricardo D. Arteaga, was purchasing liquor and wine from a retailer for resale in the premises and not from an authorized wholesaler as required by Wis. Stat. § 125.69(6). All of the liquor and wine on the premises was confiscated because it was contraband and was illegally purchased for resale. The investigation also revealed that the licensee did not have the invoices or receipts for all liquor purchases on the premises as required by TAX 8.21 of the Wisconsin Administrative Code. There was also evidence that bartenders employed by the premises might be “marrying” liquor bottles. At the hearing of January 19, 2010, Mr. Arteaga testified that he did not know of the requirements of Wisconsin law and the sources of supply and keeping of receipts until the tavern inspection.

- H. At the hearing of January 19, 2010, adjoining neighbors, including other business operators, testified to numerous episodes of gunshots and loud and unruly patrons, particularly at closing time emanating from the premises. They also testified to broken bottles from patrons of this premises and witnessing what they believed were drug transactions involving patrons of this premises. One of them testified that he has talked to Mr. Rick Arteaga regarding patrons throwing beer bottles on to his premises and defecating on his front lawn. One adjoining business owner has lost business because his patrons will not use his banquet facility because of the disturbances caused by patrons of the Brew House. Neighbors also testified to watching the security personnel of the Brew House stand by and watch as two individuals from the Brew House drank outside of the premises, and they did nothing.
- I. One neighbor took a video tape and showed the video to the Committee. The video clearly showed loud and disorderly patrons at closing time and the sound of gunfire was clearly heard on the video. One neighbor testified to having witnessed a window being shot out by patrons of this premises.
- J. . The Licensee testified at the hearing of January 19, 2010 that he entered into a nuisance abatement plan with the Milwaukee Police Department and that he has increased the security presence of his security staff on Fridays and Saturdays, has installed an ID machine to verify IDs and begins shutting down approximately 35 minutes before mandatory close, but does not close 35 minutes early.
- K.. At the hearing of January 19, 2010 the District Captain testified that while this location has gotten better, it is none the less the only problem tavern in his Police District. It is a drain on police resources and the police are required to go to this tavern every night that it is open. Based on the police inspection detailed above the District Captain does not believe that

the personnel of this tavern do not have the ability to run the tavern properly particularly when the patrons exit at closing time.

- L. One objector testified in opposition to the renewal of this license on April 20, 2010. It was one of the same individuals who testified on January 19, 2010, and he testified that the patrons of Brew House congregate, play music loudly and cause disturbances and interruptions of traffic at closing time out side of the premise.
- M. Supporters of the renewal of the license included individuals renting from the licensee, customers, and business associates of the licensee. The only residents testifying in support of the licensee were those individuals renting form the licensee.
- N. At hearing the licensee withdrew his tavern dance license, and the manager, Mr. Arteaga testified that he will no longer be the manager after May 2010.

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, Stojan Coralic, has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a ninety (90) day suspension of said license based upon the police report and neighborhood objections. The Committee finds the police report and neighborhood objections, 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 license for the premises located at 2936 South 13th Street in the City and County of Milwaukee, Wisconsin ("The Brew House") with a ninety (90) day suspension based upon the police report and neighborhood objections.

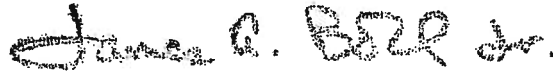
RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noe and one (1) excused recommends that the Class

"B" Tavern license be renewed with a ninety (90) day suspension based on the police report and neighborhood objections.

Said suspension is to be in effect from the date of the Common Council action on May 4, 2010 and for 90 days there after.

Dated and signed at Milwaukee, Wisconsin this 23rd day of April, 2010.

A handwritten signature in black ink, appearing to read "James A. Bohl". The signature is stylized and somewhat cursive.

JAMES A. BOHL, Chair
Licenses Committee



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

April 23, 2010

May Y. Xiong, Agent
Asian Moon, LLC
2747 W. Bottsford Ave.
Greenfield, WI 53221

Dear Ms. Xiong:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 4, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of your Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the premises at 3419 W. Forest Home Ave. ("The Moon").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of your Class "B" Tavern license with a 30-day suspension and renewal of your Tavern Amusement (Cabaret/Nite Club) license with a 60-day suspension based on the police report and on agent and aldermanic testimony. The recommendation is the result of a public hearing before the Committee held on April 20, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on April 29, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: April 23, 2010

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of May Y. Xiong, as agent for "Asian Moon , LLC, for a Class "B" Tavern, Billiard Hall and Tavern Amusement (Cabaret/Nite Club) renewal application for the premises located at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("The Moon ").

FINDINGS OF FACT

1. May Y. Xiong (hereinafter the "Licensee") is the agent for "Asian Moon, LLC" doing business at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("The Moon "). Said license expires at midnight, May 12, 2010.
2. An application to renew said license was filed with the Office of the City Clerk on March 2, 2010.
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 respond with a report dated March 3, 2010 which could form the basis for non renewal or suspension of this license. There were also alleged neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, fights, shootings, vandalism, thefts, operation of the premises in such a manner that it creates a public nuisance and conduct which are detrimental to the health, safety, and welfare of the neighborhood. However, no neighbors appeared in opposition to the renewal of this license.
4. On April 9, 2010, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the objections of the neighbors. The matter was scheduled for a hearing on the police report on April 20, 2010 at 9:30 a.m. in

Room 301B of the third floor of City Hall. The licensee did appear at the hearing and 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 March 22, 2009 at 1:03 a.m., officers of the Milwaukee Police Department were dispatched to 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin for a battery complaint. Officers spoke to Myron Davis who stated he works security for the bar and that a crowd began to form at the door and before he knew it there were 25 people rushing at him. Davis stated that at one point while he and two other guards tried to keep the crowd back, he was hit in the head with an unknown object. Davis further stated fights were also breaking out inside the tavern and that he and the other guards were doing their best to handle the situation. Davis was observed to have a cut to the top of his head and a swollen right eye. Davis stated that one of the other guards was also battered but left the scene due to the situation getting out of control. Police also spoke to Lee Xiong who was the manager on scene. Xiong stated he really did not know what happened but that fight broke out. While talking with police, Xiong was unaware that he no longer had security on the scene. Xiong kept the bar open until police arrived and officers asked him to close the bar up for the night.
 - B. On July 18, 2009 at 2:40 a.m. officers of the Milwaukee Police Department were dispatched to 1122 South 37th Street for a battery complaint. Officers spoke to the victim who stated he was at the Asian Moon bar when two patrons approached him and one subject punched him in the face causing pain. The victim stated that both subjects then left the tavern. Officers followed up the tavern and spoke with Xiong who stated he did not remember the incident occurring inside his tavern.
 - C. In the 2009 license year, this location had the Class "B" Tavern license renewed with a fifteen day suspension and the cabaret license renewed with a thirty (30) day suspension. In the 2009 license year the Class "B" Tavern license was renewed with a ten (10) day suspension and the cabaret license was renewed with a thirty (30) day suspension.
 - D. The current licensee took over personal management of the premise on March 12, 2010 and she changed and improved the services at that time.
 - E. The local alderman testified that he continues to get complaints about the patrons at closing time being disorderly and even firing guns in the

parking lot (which is actually the parking lot for St. Luke's Hospital). St. Luke's has also complained to him about the litter in the parking lot on the nights Moon is operating.

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, May Y. Xiong, as agent for "Asian Moon LLC" who holds a Class "B" Tavern, Billiard Hall and Tavern Amusement (Cabaret/Nite Club) license for the premises located at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("The Moon ") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of the Class "B" Tavern license without undergoing a thirty (30) day suspension of said license and renewal of the Tavern Amusement (Cabaret/Nite Club) license with a sixty (60) day suspension of said license. The Committee finds the police report and 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 license of May Y. Xiong, as agent for "Asian Moon, LLC" for the premises located at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("The Moon ") with a thirty (30) day suspension; and renew with a sixty (60) day suspension the Tavern Amusement (Cabaret/Nite Club) license held by May Y. Xiong, Agent, "Asian Moon, LLC" based upon the police report and testimony.

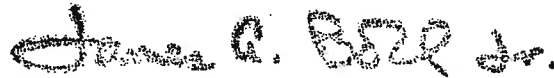
RECOMMENDATION

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 Class "B" Tavern license held by May Y. Xiong as agent for "Asian Moon, LLC" be renewed with a thirty (30) day suspension and further recommends that the Tavern Amusement (Cabaret/Nite Club) portion of the tavern license of May Y. Xiong, as agent for "Asian Moon, LLC" for the premises located at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("Asian Moon ") be renewed with a sixty (60) day suspension.

Said suspension of the Class "B" Tavern license is to be in effect from 12:01 a.m., May 13, 2010 through midnight, June 12, 2010.

Said suspension of the Tavern Amusement (Cabaret/Nite Club) license is to be in effect from 12:01 a.m., May 13, 2010 through midnight, July 12, 2010.

Dated and signed at Milwaukee, Wisconsin this 23rd day of April, 2010.

A handwritten signature in black ink, appearing to read "James A. Bohl, Jr.", written in a cursive style.

JAMES A. BOHL, Chair
Licenses Committee



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

April 23, 2010

Tommy L. Harris, Agent
H Rentals, LLC
2737 N. 59th St.
Milwaukee, WI 53210

Atty. Michael Maistelman
Maistelman & Associates, LLC
5027 W North Ave
Milwaukee, WI 53208-1132

Dear Mr. Harris and Atty. Maistelman:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 4, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of the Class "B" Tavern and Tavern Dance licenses for the premises at 408 E. North Ave. ("Bosses Lounge").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the licenses with a 20-day suspension based on a police report. The recommendation is the result of a public hearing before the Committee held on April 20, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on April 29, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: April 23, 2010

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Tommy L. Harris, Agent for H Rentals, LLC, for a Class "B" Tavern and Tavern Dance renewal application for the premises located at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Bosses Lounge").

FINDINGS OF FACT

1. Tommy L. Harris (hereinafter the "License") is the holder of Class "B" Tavern and Tavern Dance license for the premises located at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Bosses Lounge"). Said license expired at midnight, April 14, 2010.
2. An application to renew said license was timely filed with the office of the City Clerk on January 27, 2010.
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 Department responded with a report that could form the basis of non-renewal or suspension of these licenses on February 8, 2010. There were also alleged neighborhood objections to loitering, littering, loud music and noise; parking and traffic problems; drug, gang and other criminal activity, including trespassing, public urination, prostitution, vandalism, fights, gunshots and shootings, disorderly conduct, and thefts; operation of the premises in such a manner that it creates a public nuisance; and conduct which is detrimental to the health, safety and welfare of the neighborhood. No neighbors appeared in opposition to the renewal of this license, and those that appeared were supportive of renewal with the change made by the licensee.
4. On April 9, 2010 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 an amended 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 April 20, 2009, commencing at 2:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and was represented by Attorney Michael Maistelman, 5027 West North Avenue, Milwaukee, WI 53208.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On July 3, 2009 at 11:17 a.m., officers of the Milwaukee Police Department were dispatched to 2725 West Auer Street for a battery complaint. Officers spoke to the victim who stated he and friend were at Bosses Lounge when the victim noticed a known patron “mean mugging” him. This patron then came up to the victim and started punching him in the face and head area. The victim stated the suspect was demanding his wallet but that he (the victim) refused to give it up. The victim stated he then heard the suspect tell another guy to get the victim’s wallet and felt someone going through his pockets. The victim then fell to the ground where he was kicked several more times. The suspects obtained the victim’s wallet and cell phone and fled the bar. Officers on a later date contacted and spoke to Tommy Harris regarding the incident. Harris stated he was working the night of the incident and was not aware of any problems. Officers also spoke to the bartender Rebecca Moses, who is no longer employed at Bosses. Moses stated she could not recall the incident and that there have been so many fights inside the bar, she cannot remember one incident from the other. The suspect was ordered into the District Attorney’s office regarding possible charges. As of January 28, 2010, a check of Milwaukee County Court system revealed no charges were issued.
 - B. On October 30, 2009 at 1:29 a.m., officers of the Milwaukee Police Department were dispatched to 408 East North Avenue for a man with gun complaint. Officers spoke to Michael Williams who stated he works security for Bosses Lounge and that he observed a late model black Infiniti pull up in front of the tavern as a subject waved a gun from the passenger side window. Squads that were in area found a car matching the description and conducted a traffic stop with no gun being found. A wanted check revealed one occupant had an outstanding warrant and he was arrested and conveyed to the district.
 - C. On November 5, 2009 at 1:25 a.m., officers of the Milwaukee Police Department were dispatched to 408 East North Avenue for a hold up alarm. Officers spoke to Tommy Harris who stated there were several females fighting across the street from the bar and that one of his

employees might have pushed the hold up alarm. Harris stated the females left before police arrived.

- D. On December 26, 2009 at 2:31 a.m., officers of the Milwaukee Police Department were dispatched to 408 East North Avenue for a hold up alarm. Officers spoke to the bartender Kamona Dixion who stated there were no problems.
- E. On January 14, 2010 at 12:41 a.m., officers of the Milwaukee Police Department were dispatched to 2244 North Buffum Street for a fight complaint. Upon police arrival, officers observed a large fight/argument in the vicinity of North and Buffum. Officers stopped one of the actors and conducted a field interview. Police found this subject to be in possession of .38 special Smith & Wesson and placed the actor under arrest. The suspect stated to police that there was no fight going on, just a verbal argument with a couple of people after leaving the tavern located at 407 East North Avenue.
- F. On January 21, 2010 at 1:27 a.m., officers of the Milwaukee Police Department were dispatched to 400 East North Avenue for a shooting complaint. Upon arrival, officers found a victim who was shot in the back. The victim, who is under the age of 21, stated he was at Bosses when he got into a fight. The victim further stated as he was leaving the tavern, he heard gunshots and then felt pain to his lower back. Officers were able to confirm the victim's presence in the tavern by viewing video that was recorded by the tavern. A further investigation found an additional four victims who sustained gunshot wounds as a result from the fight inside the tavern. Victim # 2 sustained a gunshot to the left foot. Victim # 3 sustained a gunshot wound the right foot. Victim #4 sustained a gunshot wound to the right hip and victim # 5 sustained a gunshot to the abdomen. A bullet also struck the window of the Development Day Care, which is located at 413 East North Avenue. This day care is located across from Bosses Lounge. A house located at 2244 North Buffum was also struck by gunfire as four occupants were sleeping inside. Officers interviewed a resident who stated he was awoken by loud shouting and then an unknown amount of gunfire. The resident further stated that there are problems at Bosses Lounge every Wednesday night. The licensee Tommy Harris was cited for presence of underage which had a court date of March 15, 2010. The licensee was found guilty and fined \$250.00.
- G. The licensee has changed the plan of operation to impose an age distinction of 27 and eliminated hip-hop music from the repertoire.
- H. The Committee considered changes made by the licensee, but was still concerned about the violence, particularly gun violence, at this location.

CONCLUSIONS OF LAW

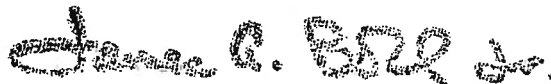
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Tommy J. Harris, has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Tavern Dance licenses without undergoing a twenty (20) day suspension of said licenses based upon the police report. 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 Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Tavern Dance licenses for the premises located at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Bosses Lounge") with a twenty (20) day suspension based upon the police report.

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 Tavern Dance licenses be renewed with a twenty (20) day suspension based on the police report.

Said suspension is to be in effect from the date of the Common Council action on May 4, 2010 and for 20 days there after.

Dated and signed at Milwaukee, Wisconsin this 23rd day of April, 2010.



JAMES A. BOHL, Chair
Licenses Committee