



JAMES A. BOHL JR.
Alderman, 5th District

Date: October 17, 2008

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Tavern Dance license of Sonja D. Wright for the premises located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz & Blues")

FINDINGS OF FACT

1. Sonja D. Wright (hereinafter "the Licensee") is the holder of Class "B" Tavern and Tavern Dance Licenses for the premises located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz & Blues"). Said licenses expire at midnight on November 8, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on October 1, 2008.
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 October 2, 2008, the Milwaukee Police Department responded with a report regarding the renewal of said license, which could form a basis of non-renewal or suspension. There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, sales and presence of underage, over capacity, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On October 7, 2008, 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 the neighborhood objections, and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the

police department report and neighborhood objections on October 14, 2008 at 2:45 p.m. in Room 301B of City Hall, 200 East Wells Street. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report. The Licensee was not represented by counsel.

5. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact:

A. On September 25, 2002 at 9:50 p.m., the applicant received a citation for Retail Theft at 7401 W. Good Hope Road.

Charge:	Retail Theft
Finding:	Guilty
Sentence:	Fined \$336.00
Date:	November 20, 2002
Case:	02142369

B. On February 9, 2008 at 1:30 a.m., Milwaukee police conduct a license premise check at 2001 N. 30th Street. Investigation revealed two patrons were underage and consuming alcohol. One of these subjects produced an ID but the photo did not match the patron. This subject refused to identify himself and was arrested and identified at the station through fingerprints. Police also found that the liquor license was granted but never issued to the licensee, Sonja Wright. A count of patrons was conducted and 65 patrons were found inside the tavern with no capacity permit found. Once all patrons were out of the tavern, several baggies of marijuana were found on the floor. Citations were issued to the underage patrons, as well as citations for Resisting/Obstructing and Underage Misrepresentation. The licensee, Sonja Wright, was issued a citation for Presence of Underage and Liquor License Required.

Charge:	Presence of Minor At Licensed Premises Liquor License Required
Finding:	Guilty on both citations
Sentence:	Fined \$367.00 with balance due by November 17, 2008
	Fined \$997.00 with balance due by November 17, 2008
Date:	September 18, 2008
Case:	08026030
	08026029

At the licensing hearing, the licensee testified that she is seeking a reopening of this case because on the date in question she was not operating the premise under her name since the license had not yet been paid for and she did not have it. She was operating the premise for the prior owner.

C. On March 8, 2008 at 11:17 a.m., the licensee received a citation for Littering of Public Property at 2700 N. 30th Street.

Charge: Littering of Public Property
Finding: Guilty
Sentence: Fined \$130.00
Date: April 20, 2008
Case: 08036540

D. On May 17, 2008, Milwaukee police conducted a license premise check at 2001 N. 30th Street in the City and County of Milwaukee, Wisconsin. The investigation found the tavern capacity permit was 80 and 126 patrons were found inside the tavern. Officers did speak to an employee who was working the front door for "90 % of the night" and he stated to police that only 79 patrons were inside. A citation was issued to Sonja Wright for Over Capacity.

Charge: Over Capacity
Finding: Court date November 7, 2008 at 1:30 pm Branch I
Pre-Trial
Sentence:
Date:
Case: 08067833

E. On May 19, 2008 at 2:10 a.m., Milwaukee police observed patrons still inside the tavern at 2001 N. 30th Street. Police spoke to the bartender/manager who stated that out of the 10 subjects inside the tavern all but four were employees. Police cited the licensee Sonja Wright for patrons after hours.

Charge: Patrons After Hours
Finding: Court date November 7, 2008 1:30 pm Branch I
Pre-Trial
Sentence:
Date:
Case: 08067832

F. On June 29, 2008 at 1:15 a.m., Milwaukee police conducted a tavern check at 2001 N. 30th Street. Investigation revealed three females under the legal drinking age inside the tavern. These patrons were each cited for Presence of Underage. Officers spoke to the manager, John Carter, who stated he was unaware how the underage persons gained entry. Carter was issued a citation for Presence of Underage as well as the licensee, Sonja Wright.

As to Sonja Wright:

Charge: Presence of Underage at License Premise
Finding: Court date of October 24, 2008 1:30 pm Branch 3
Pre-Trial
Sentence:
Date:
Case: 08085902

As to John Carter:

Charge: Presence of Underage at License Premise
Finding: Guilty
Sentence: Fined \$1,101.00
Date: August 20, 2008
Case: 08085792

G. At the licensing hearing, the licensee testified that she has installed sixteen security cameras and new lighting for the exterior of the premise, and that she has fired the former security firm that was her source of security during the incident of May 17, 2008. Further, the licensee testified that she has a minimum age of 30 years for customers to be able to enter her premise.

H. No neighbors appeared in opposition to the renewal of this license.

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, Sonja D. Wright, 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 her Class "B" Tavern and Tavern Dance license for the premise located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz and Blues") without undergoing a ten (10) day suspension of said licenses. The Committee finds that the incidents in the police department report, as stated above, to be true.

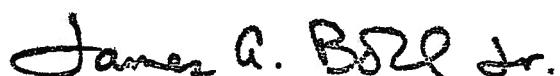
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Tavern Dance of Sonja D. Wright, for the premises located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz & Blues"), with a ten (10) day suspension of said licenses based upon her past activities as a licensee, and for the danger the operation of this premises posed to the health, safety and welfare of the citizens of the community.

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 and (1) excused recommends that the Class "B" Tavern and Tavern Dance licenses of Sonja D. Wright, for the premises located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin be renewed with a ten (10) day suspension of said licenses.

Said suspension is in effect from 12:01 a.m., November 9, 2008 through midnight, November 18, 2008.

Dated and signed at Milwaukee, Wisconsin this 17th day of October, 2008.



JAMES A. BOHL, Jr., Chairman
Licenses Committee