



Office of the City Clerk

Jim Owczarski
City Clerk
jowcza@milwaukee.gov

Dana J. Zelazny
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March 11, 2022

SMITH-JAMES, Patsy, Agent
Higbee's MKE LLC
1806 15th Av
South Milwaukee, WI 53172

Atty. Jason D Luczak
GRGB LLP
330 E Kilbourn Av #1170
Milwaukee, WI 53202

Dear Ms. Smith-James:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, March 22, 2022, 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 whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class "B" Tavern, Food Dealer and Public Entertainment Premises licenses for the premises located at 608 N Water St. ("District IV").

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 with a 30 day suspension of the Class "B" Tavern, Food Dealer and Public Entertainment Premises licenses based on the police report, neighborhood, and aldermanic testimony. This recommendation is the result of a public hearing before the Committee held on Tuesday, March 8, 2022.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class "B" Tavern, Food Dealer and Public Entertainment Premises licenses based upon the Findings of Fact contained within the Licenses Committee report.

You may file a written response to the report of the Licenses Committee. The written response must be filed with the City Clerk by 4:45 p.m. on Tuesday, March 16, 2022 in Room 205 of City Hall. If you wish to file your objections via e-mail, they must be sent to both jowcza@milwaukee.gov and stasst5@milwaukee.gov. Within 24 hours, you will be sent an e-mail notification that your objections were received. If you do not receive this notification, please contact City Clerk Jim Owczarski at (414) 286-2998. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting the written objections. You will be given approximately five minutes to present the oral argument.

Respectfully,


JAMES R. OWCZARSKI
City Clerk



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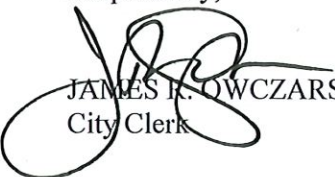
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Respectfully,


JAMES K. OWCZARSKI
City Clerk



COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MEMBER

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

Date: March 10, 2022

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer Licenses of Patsy Smith-James, Agent for Higbee's MKE LLC, for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("District IV").

FINDINGS OF FACT

1. Patsy Smith-James (hereinafter "the Licensee") is the holder of Class "B" Tavern, PEP and Food Dealer Licenses for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("District IV"). Said licenses expire at midnight on April 14, 2022.
2. An application to renew said licenses was filed with the Office of the City Clerk on January 31, 2022.
3. Pursuant to Chapters 85, 90, and 108 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 1, 2022, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On February 22, 2022, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report. The matter was scheduled for a hearing on the police report on March 8, 2022, commencing at approximately 10:30 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Jason Luczak at the hearing, and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On June 13, 2021 at 2:11 a.m., Milwaukee Police were dispatched to North Water Street and East Michigan Avenue for a shooting complaint. Investigation revealed that two groups exited the tavern located at 628 North Water Street and began to re-initiate an argument, about a necklace, which occurred inside the establishment.



City Hall Room 205 • 200 East Wells Street • Milwaukee, WI 53202

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WEBSITE www.milwaukee.gov/district6



Police and security separated the subjects and kept them moving down the street. Ten minutes later, one of the subjects received a gunshot wound to the shoulder at North Water Street and East Michigan Avenue.

- B. On March 28, 2021 at 12:50 a.m., Milwaukee Police responded to 628 North Water Street for a fight complaint. Investigation revealed that three underage subjects, who were intoxicated, were pushed out of the establishment for fighting. While officers were on scene, they observed ten to fifteen underage subjects exit the tavern with a security guard that was seen running inside the club after police arrival. The Licensee was cited for Presence of Minor at License Premise (3 counts).

Charge: Presence of Minor at License Premise (3 counts)
Finding: Guilty
Sentence: \$384.00 fine x 3
Date: 10/04/21
Case: 21020181/21020182/21020183

- C. Atty. Jason Luczak, counsel for the Licensee, stated that the June 13 shooting incident did not involve a fight inside of the establishment, security assisted police in separating the groups outside, and the shooting occurred several minutes after the parties had left the establishment. Counsel stated that the gun was likely retrieved from a vehicle as the establishment pats customers down upon entry. Counsel also highlighted that the establishment checks the ID of every customer and the minors likely used fake IDs to gain entry and then disposed of the fake IDs.

Individuals also present:

- D. Ald. Coggs asked the Licensee if the establishment uses ID scanners and if they were in use on the night of March 28, 2021. Ald. Coggs also asked about cameras near the door and focused on the area where IDs are checked.
- E. The Licensee confirmed that ID scanners were used but the minors likely had fake IDs. The Licensee further stated that IDs are checked upon entry and then again when the customers pay their cover charge. The Licensee also stated that cameras are present in the area where IDs are checked and noted that police had not requested the footage or scanner information. The Licensee noted that the establishment frequently finds fake IDs disposed of in the restroom and trash cans, but that they did not find IDs related to the March 28 incident.
- F. Mary Youngers - 608 North Broadway – voiced her opposition to renewal based on the police reports and because she is aware of a person who died as a result of a fight outside of the establishment. Ms. Youngers also noted that she had been subpoenaed to testify in relation to an incident involving the establishment. She further noted issues with the establishment going back several years.
- G. Atty. Luczak noted that the death of the person was from several years ago. He further noted that Ms. Youngers has not directly seen any issues tied to the bar in



recent years. He further asked Ms. Youngers if she could say, from her own observation, whether commotion was coming from this establishment or a neighboring establishment and Ms. Youngers acknowledged she could not.

- H. Donald Aranson - 608 North Broadway – voiced his opposition to renewal based on the incidents in the police report.
- I. Alderman Bauman asked Mr. Cooney for a history of the disciplinary measures taken in relation to this establishment.
- J. Mr. Cooney stated that the establishment had received a 10-day suspension in 2018, a 20-day suspension in 2019, a 15-day suspension in 2020, and was renewed with a warning letter in 2021.
- K. Ald. Bauman asked about management and the Licensee stated she personally is present every night. Ald. Bauman voiced concerns regarding the issues with this establishment and a neighboring establishment. Ald. Bauman recommended a 30-day suspension based on police report and neighborhood testimonies.
- L. Atty. Luczak asked for renewal with a warning letter. He was unsure whether a warning letter had in fact been issued in 2021. He further noted the Licensee's involvement with Operation Code Red and her cooperation with police. He also noted the neighboring business is much larger and has a longer history of issues.
- M. Alderman Borkowski moved renewal with a 30-day suspension based upon police reports, aldermanic testimony, and neighborhood testimony. (Prevailed 4-0)

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Patsy Smith-James who holds Class B Tavern, Public Entertainment Premise (PEP) and Food Dealer licenses for the premise located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("District IV") has not met the criteria of Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to not renew the Class B Tavern, Public Entertainment Premises, and Food licenses without undergoing a thirty (30) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, aldermanic testimony and neighborhood testimony.
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 not renew the Class B Tavern, Public Entertainment Premise (PEP), and Food Dealer licenses for the premises



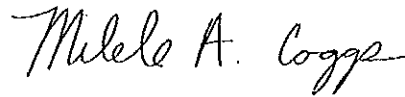
located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("District IV") without undergoing a thirty (30) day suspension. The Committee based its recommendation on the police report, aldermanic testimony and neighborhood testimony.

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, Public Entertainment Premises (PEP), and Food Dealer Licenses of Patsy Smith-James for the premises located at 628 North Water Street ("District IV") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a thirty (30) day suspension.

The suspension is in effect between 12:01 a.m. on April 15, 2022 until 11:59 pm on May 14, 2022.

Dated and signed at Milwaukee, Wisconsin this 11 day of March, 2022.



MILELE A. COGGS
Chairman, Licenses Committee

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