

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

December 8, 2016

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 160637

Attached is the written objection to file number 160637, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to the recommendation of:

Renewal, with a ten (10) day suspension, based upon the police report, and neighborhood and police testimony of the Class B Tavern and Public Entertainment Premises license(s) for Michael Jost for the premises located at 801 S 2nd St ("La Cage") in the 12th aldermanic district.

Nonrenewal, based on the police report, and applicant, neighborhood, aldermanic, and police testimony of the Rooming House license for Sam Stair for the premises located at 803 S 3rd St ("S2 Real Estate") in the 12th aldermanic district.

Renewal, with a sixty (60) day suspension, based upon the police report, video, and applicant, aldermanic, and police testimony of the Class B Tavern and Public Entertainment Premises license(s) for Angel Velazquez for the premises located at 626 S 5th St ("Kana Mojito Club") in the 12th aldermanic district.

Renewal, with a ten (10) day suspension, based upon the police report and testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises license(s) for Odean Taylor for the premises located at 5007-09 W Center St ("Jay's Uptown Cafe") in the 15th aldermanic district.

This matter will be heard by the full Council at its Tuesday, December 13, 2016 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statements and materials.

Respectfully,

Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 160637

Kuether, Molly

From: Michael Jost <mjjbrook@att.net>
Sent: Tuesday, December 06, 2016 5:11 PM
To: Owczarski, Jim; Kuether, Molly
Subject: Liquor license appeal - LaCage

Follow Up Flag: Follow up
Flag Status: Flagged

Good evening,

Please accept this email as a formal request for LaCage NiteClub/Michael Jost to be heard at the full common council meeting on December 13, 2016 concerning the potential liquor license suspension.

Thank you,
Michael Jost
LaCage NiteClub

Kuether, Molly

From: Sam Stair <sstair@s2support.com>
Sent: Tuesday, December 06, 2016 4:57 PM
To: Owczarski, Jim; Kuether, Molly
Subject: I would like to file an objection over the non-renewal of the rooming house at 803 S. 3rd St.

Follow Up Flag: Follow up
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I would like to file an objection over the non-renewal of the rooming house at 803 S. 3rd St.

Hope you are having a great week!!

Thanks!

Sam Stair
S2 Real Estate
(414) 732-3682 (Cell)
(414) 476-6063 (Office)
9730 W. Bluemound
Suite #4 (Ground Floor)
Wauwatosa, WI 53226

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December 7, 2016

The Honorable Common Council
of the City of Milwaukee
Room 205, City Hall
200 E. Wells Street
Milwaukee, WI 53202

Re: Renewal of Class “B” Tavern, and Public Entertainment Premises Licenses
Licensee: Changolion Productions, LLC
Premises: 626 S. 5th Street
Trade Name: Kana Mojito Club

Honorable Members of the Common Council:

Please be informed that this office represents the above-referenced license renewal applicant. This communication is submitted as the applicant’s written objections to the December 1, 2016, Report of the Licenses Committee (“Committee”) recommending to suspend the licenses for a period of sixty days. The applicant requests that these written objections be considered at the Common Council meeting of Tuesday, December 13, 2016, at which time the Committee's recommendations regarding the license renewals will be considered. The recommendation of the Committee was based upon three incidents contained in a report of the Milwaukee Police Department, two of which were positive, the testimony of the local alderperson, the applicant and police, and a video.

The applicant has a long history of being a responsible owner in the hospitality industry. This licensee has only had minor incidents in previous renewal cycles. Overall, Kana Mojito Club is and has been a positive and responsible entertainment establishment.

The Findings of Fact only cite to one negative incident. The remaining items all reflect positive actions by the applicant. These include two unsubstantiated reports of a fight, both of which were confirmed to be false by the Milwaukee Police Department (“MPD”). Also, it should be noted that the applicant was very cooperative with MPD during every interaction in the Police Report and Findings of Fact.

The sole incident by which could warrant any punishment, under the law, is a fight between two females who had a personal disagreement regarding a relationship with an unknown male. The victim was attacked in the female restroom and the incident was recorded on a phone by an unknown individual. This video was posted to social media and played at the hearing. Neither tavern staff nor the licensee observed the fight as it was in the bathroom. As soon as the applicant was informed that there was a fight, he sought to provide medical attention but the victim had left the establishment. Security tried to stop the attacker when she ran out of the tavern but were unable to stop her. Thereby, the identities of the individuals as well as the severity of the victim’s injuries were unknown at the time, which is why police were not called. The applicant did not believe there was anything that could be done to further assist at the time.

The Findings of Fact incorrectly state that tavern staff allowed the attacker in after-hours. Tavern staff testified that they believed they were carded and entered towards the end of the night—roughly 2:00am. Staff testified that they had identification showing they were of age. The victim and the victim’s friend confirmed that the attacker was not in after-hours in their report to the MPD. Police did not cite the bar for having under-age individuals on-premise—likely because they had false identification. As well, the applicant did not testify that the fight occurred after-hours. He believed it was around the end of the night.

Once MPD informed the applicant about the severity of the attack and other further details, the applicant had a staff meeting about it to remind them not to allow patrons into the bar when closing procedures have commenced and that security must pay attention to areas out-of-sight, such as the woman’s restroom. He stated that he would buy an ID scanner, hire female security and/or bathroom attendant to prevent similar incidents.

Police and the local alderperson testified that the applicant should have immediately contacted MPD about the incident. The applicant apologized for not doing so, but asserted that he had no idea the severity and did not have helpful information to share with MPD. He now understands to err on the side of caution and inform MPD of any potentially concerning incident.

It is accepted that entertainment establishments will have altercations between patrons despite licensees’ best efforts to prevent them. Had this incident occurred in a visible area, security

would have stopped it immediately. Likewise, if the applicant or staff had known the severity of the injuries MPD would have been contacted. The applicant understands now that he should contact MPD if anything happens and he is truly sorry for this incident.

Failing to contact the police does not warrant a sixty day suspension of the applicant's licenses. Other establishments have had much more severe incidents and poorer applicant-behavior who have been punished less. Numerous licensees have failed to call MPD, even when they knew an incident was severe at the time, and have not been punished for it! This punishment shocks the conscious.

The sixty-day suspension of the licenses for these reasons is severe, excessive and unprecedented punishment based upon the little evidence presented to the Committee. Under Wisconsin law, no punishment is appropriate based upon the testimony and evidence presented to the Committee.

The licensee has run a successful restaurant and tavern for the past three years. The police report and testimony do not support a sixty-day suspension. Adhering to the Committee's policy of progressive discipline, a warning letter or 10-day suspension is the appropriate punishment.

The licensee hereby respectfully requests the following relief:

1. Vote not to accept the recommendation of the Licenses Committee and grant renewal of the licenses with a written warning; or
2. Vote not to accept the recommendation of the Licenses Committee and grant renewal of the licenses with a 10-day suspension

Thank you for your consideration.

Sincerely,

/s/

Michael J. Whitcomb

c: Changolion Productions, LLC

Kuether, Molly

From: Owczarski, Jim
Sent: Wednesday, December 07, 2016 4:26 PM
To: Kuether, Molly
Cc: Schunk, Jason; Celella, Jessica
Subject: FW: 5007-09 W Center St ("Jay's Uptown Cafe")

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

Jim Owczarski, CMC
City Clerk
(414)-286-2998
@mkeclerk

From: Mike Maistelman [<mailto:mmaistelman@gmail.com>]
Sent: Wednesday, December 07, 2016 3:50 PM
To: Owczarski, Jim; Krychowiak Molly
Cc: Butler, La Keisha; Taylor Odean; Kirchenberg Ashley; Rud Michael
Subject: 5007-09 W Center St ("Jay's Uptown Cafe")

The Licensee objects to the Findings of Fact and Conclusions of Law and wishes to be able to speak at the Common Council Hearing on 12/13/16.

Thank you, Mike

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Attorney Michael S. Maistelman
Maistelman & Associates, LLC
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