

unopened bottles of intoxicating liquor or fermented malt beverages by a charitable organization, as defined in s. 202.11 (1), at an auction held to raise money for the charitable organization.

(11m) WINE COLLECTORS. The sale by a wine collector to any other wine collector of manufacturer-sealed bottles or containers of wine that the selling wine collector has held for at least 8 years if the selling wine collector has provided prior notice of the sale to the department. No more than one sale in any 12-month period may be conducted by a wine collector under this paragraph.

Cross-reference: See also s. Tax 8.03, Wis. adm. code.

(12) BED AND BREAKFAST ESTABLISHMENTS. The provision by a bed and breakfast establishment, as defined under s. 254.61 (1), of not more than 2 complimentary 4-fluid-ounce glasses of wine per day to a person renting a room at the bed and breakfast establishment for consumption on the premises of the bed and breakfast establishment.

(13) WINE SAMPLING ON "CLASS A" PREMISES.

(a) The provision of wine taste samples of not more than 3 fluid ounces each, free of charge, by a "Class A" licensee to customers and visitors for consumption on the premises. No "Class A" licensee may provide more than 2 taste samples per day to any one person. This subsection applies only between the hours of 11 a.m. and 7 p.m. Notwithstanding s. 125.07 (1) (a) 1., no "Class A" licensee may provide taste samples under this subsection to any underage person. No "Class A" licensee may provide as taste samples under this subsection wine that the "Class A" licensee did not purchase from a wholesaler.

(b) Notwithstanding par. (a) and s. 125.10 (1), a municipality may prohibit the provision of wine under this subsection.

History: 1981 c. 79, 202; 1983 a. 222, 360, 538; 1985 a. 337; 1987 a. 399; 1989 a. 253; 1991 a. 269; 1993 a. 226; 1995 a. 225; 2001 a. 16; 2007 a. 9, 85, 216; 2011 a. 179, 200; 2013 a. 20.

125.07 Underage and intoxicated persons; presence on licensed premises; possession; penalties.

(1) ALCOHOL BEVERAGES; RESTRICTIONS RELATING TO UNDERAGE PERSONS.

(a) Restrictions.

1. No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
3. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.
4. No adult may intentionally encourage or contribute to a violation of sub. (4) (a) or (b).

(b) Penalties.

1. In this paragraph, "violation" means a violation of this subsection or of a local ordinance that strictly conforms to par. (a) if the violation results in an imposition of a forfeiture or a conviction. For purposes of determining previous violations under subd. 2., the 30-month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.
2. A person who commits a violation may be:
 - a. Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.

- b. Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.
 - c. Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.
 - d. Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.
3. A court shall suspend any license or permit issued under this chapter to a person for:
- a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
 - b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
 - c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations.
4. The court shall promptly mail notice of a suspension under this paragraph to the department and to the clerk of each municipality which has issued a license or permit to the person.
5. A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to subd. 3. but is not subject to subd. 2. or s. 125.11.
6. Only one penalty may be imposed under this paragraph for each underage person who is provided alcohol beverages contrary to this section or a local ordinance in conformity with this section.

(2) SALES OF ALCOHOL BEVERAGES TO INTOXICATED PERSONS.

(a) Restrictions.

- 1. No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
- 2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(b) Penalties. Any person who violates par. (a) shall be fined not less than \$100 nor more than \$500 or imprisoned for not more than 60 days or both.

(3) PRESENCE IN PLACES OF SALE; PENALTY.

(a) Restrictions. An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:

- 1. An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
- 2. An underage person who enters or is on a Class "A" or "Class A" premises for the purpose of purchasing items other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
- 3. Hotels, drug stores, grocery stores, bowling centers, movie theaters, painting studios, billiards centers having on the premises 12 or more billiards tables that are not designed for coin operation and that are 8 feet or longer in length, indoor golf simulator facilities, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises,

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NOTICE: UNPUBLISHED OPINION. RULE 809.23(3), RULES OF CIVIL PROCEDURE, PROVIDE THAT UNPUBLISHED OPINIONS ARE OF NO PRECEDENTIAL VALUE AND MAY NOT BE CITED EXCEPT IN LIMITED INSTANCES.

**STATE of Wisconsin, Plaintiff-Respondent,
v.
Bradley G. CARTER, Defendant-Appellant.**

No. 91-0226.

Court of Appeals of Wisconsin.

July 3, 1991.

Appeal from a judgment and an order of the circuit court for Iowa county, James P. Fiedler, Judge.

Circuit Court, Iowa County

AFFIRMED.

SUNDBY, Judge.

Bradley G. Carter, owner of the Sportsman's Bar in Highland, Wisconsin, appeals from an order denying his motion to dismiss the complaint against him and from the judgment convicting him of selling an alcoholic beverage to an underage person not accompanied by his parent, guardian or spouse, contrary to sec. 125.07(1)(a), Stats. The underage person was a police officer who was assigned, together with an of-age officer, to enter licensed premises and attempt to purchase alcoholic beverages. The officers' assignment included not only the Sportsman's Bar, but other licensed premises in Iowa County. The operation was ordered by the Iowa County Sheriff in response to complaints of sales by licensees to underage persons.

On February 16 and 17, 1990, the two officers visited a number of licensed establishments and issued numerous citations, five of which came to trial. The officer was served by Carter on the evening of February 17, 1990. Approximately one month later, Carter was notified that he was being charged with violating sec. 125.07(1), Stats.

Carter filed a motion to dismiss the complaint, alleging entrapment. The trial court denied his motion and found him guilty of the charged offense.

The sole issue is whether the police improperly entrapped Carter. This court ¹ concludes that Carter was not entrapped. It therefore affirms the order denying Carter's motion to dismiss and his conviction.

"Entrapment is the inducement of one to commit a crime not contemplated by him for the mere purpose of instituting criminal prosecution against him." State v. Hochman, 2 Wis.2d 410, 413, 86 N.W.2d 446, 448 (1957). ² Entrapment is a judicially created defense in Wisconsin. State v. Brown, 107 Wis.2d 44, 51 n. 8, 318 N.W.2d 370, 374 n. 8 (1982). "Entrapment occurs when, for the purpose of obtaining evidence, a law enforcement officer conceives the idea of a crime and induces the defendant to commit the conduct constituting the crime." *Id.*, 318 N.W.2d at 374-75 n. 8.

Under both the federal and Wisconsin formulation, two distinct elements must be present to constitute an entrapment: (1) the police must have induced the commission of the offense so that they could prosecute for it; and (2) the defendant prior to the inducement must not have been disposed to commit offenses of the nature or character charged. Wis J I--Criminal 780 at 4. The pattern instruction states that the following paragraph should be given when an illegal sale is involved:

A mere offer to buy does not create more than the usual opportunity to commit an offense. For example, when the police desire to obtain evidence against a person who they have some reason to believe is ... (selling liquor after hours) ... it is not improper for the police to pretend to be somebody else and to offer, either directly or through an informer or other decoy, (to purchase the goods which are being sold illegally).... In such a situation, the police are creating only the usual opportunity to commit this kind of an offense.

Id. at 3.

In both Sorrells v. United States, 287 U.S. 435 (1932) and Sherman v. United States, 356 U.S. 369 (1958), the Court said that merely affording opportunity for the commission of an offense does not constitute entrapment. In the commentary to the pattern instruction, the Wisconsin Jury Instructions Committee states that "a mere offer to buy (narcotics, obscene literature, etc.) made by an officer, informer, or other decoy, accompanied by no further inducements, is permissible." Wisconsin J I--Criminal 780 at 4.

There is no need to reach the question of the defendant's predisposition to commit the offense, unless the police went beyond merely creating the opportunity for the defendant to commit the offense. One commentator has stated that:

The difficult question presented by the defense of entrapment is in determining when improper inducements have been employed, i.e., when more than the usual opportunity has been created by the inducements. Since Wisconsin has never had a case in which the defendant has been entrapped, its cases are not helpful in determining what inducements the police will not be allowed to employ. A few cases in other jurisdictions (primarily federal) provide an indication of some specific appeals or inducements which the police have not been allowed to employ. For example, when the following inducements were employed, the defense of entrapment was sustained: persistent coaxing; appeals to desperate illness; sympathy, pity, or friendship; and offers of inordinate sums of money.

Note, Criminal Law--The Doctrine of Entrapment, 1960 Wis.L.Rev. 536, 543 (1960) (emphasis in original; footnotes omitted).

Carter argues that the police did more than merely offer him an opportunity to commit the offense. Specifically, he terms "reprehensible" the police conduct which was itself unlawful, i.e., sending an underage officer into Carter's establishment to make an illegal purchase.

If the fact that the act performed by the officer is itself unlawful created an entrapment defense, it would be difficult for the police to obtain evidence of such crimes as gambling, illegal sales or prostitution. This court concludes that the fact that the police officer who solicited the sale from Carter of an alcoholic beverage was underage is not an excessive or improper inducement. The court also concludes that the conduct of the officers intended to convince Carter that they were of age did not constitute improper inducements. The court finds no significance in the delay in charging Carter until the investigation was complete.

Carter argues, however, that the test for whether a defendant has been entrapped is different where the offense is a strict liability offense, where a guilty intent is not an element of the offense. Carter cites Brown, 107 Wis.2d 44, 318 N.W.2d 370 (1982).

In Brown, the defendant claimed that a state highway patrol officer, by his manner of operating his vehicle, caused the defendant to exceed the speed limit. At trial, Brown requested jury instructions on self-defense, coercion or necessity, and entrapment. The trial court rejected Brown's proposed instructions and instructed the jury that if it found that Brown's vehicle was exceeding the speed limit, it should find him guilty. In other words, the trial court concluded that the defenses Brown sought to raise did not apply to a strict liability offense. The supreme court reversed, concluding that a defendant in a civil forfeiture action for speeding may claim that his violation of the law should be excused if it was caused by the state, itself, through the actions of a law enforcement officer. Brown, 107 Wis.2d at 56, 318 N.W.2d at 376.

The court noted that, "The public policy for recognizing entrapment as a defense is not to avoid some other harm to the defendant but to deter reprehensible police conduct. The applicable principle is that courts must be closed to the trial of a crime instigated by the government's own agents." *Id.* at 55, 318 N.W.2d at 376 (citation omitted).

Thus, the court did not hold that a different test as to entrapment must be applied where the alleged offense is a strict liability offense. The public policy remains the same, to close the courts to the trial of the crime instigated by the government's own agents.

Carter's offense in this case was not instigated by the police, in the sense that the police conceived the idea of an offense and induced Carter to commit the conduct constituting the offense. The officers merely gave Carter the opportunity to commit the offense of selling the intoxicants to an underage person. Carter acknowledges that the Iowa county sheriff acted in response to complaints of sales by licensed taverns to underage persons. This court finds nothing reprehensible in the methods used by the sheriff to obtain evidence as to which licensed operators were engaged in such sales.

By the Court.--Judgment and order affirmed.

This opinion will not be published. See Rule 809.23(1)(b)4, Stats.

1 This appeal is decided by one judge pursuant to sec. 752.31(2)(g), Stats.

2 The state does not argue that the defense of entrapment is not available to a person charged with an offense punishable by a forfeiture.

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**eVINEYARD RETAIL SALES-MASSACHUSETTS, INC.
v.
ALCOHOLIC BEVERAGES CONTROL COMMISSION.
SJC-09948.**

Supreme Judicial Court of Massachusetts, Suffolk.

Argued January 10, 2008.

Decided March 18, 2008.

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David Hadas, Assistant Attorney General, for the defendant.

Mitchel S. Ross (Francis X. Hubbard & Stephen V. Miller with him), Boston, for the plaintiff.

Present: MARSHALL, C.J., GREANEY, IRELAND, SPINA, COWIN, CORDY, & BOTSFORD, JJ.

CORDY, J.

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Wine.com, Inc. (wine.com), is a corporation in the business of selling wine directly to consumers throughout the country. The plaintiff, eVineyard Retail Sales-Massachusetts, Inc. (eVineyard), is a wholly owned subsidiary of wine.com, through which it sells wine to customers in Massachusetts.¹ eVineyard is licensed by G.L. c. 138, § 15, to sell at retail alcoholic beverages that are "not to be drunk on the premises" to citizens and residents of the Commonwealth.

As part of an Attorney General "sting" operation, an underage decoy — a nineteen year old cooperating individual (CI) — ordered wine from wine.com over the Internet. To place her order, the CI opened an account with eVineyard, submitting her name, address, and a fictitious date of birth, which indicated that she was twenty-two years of age. She agreed to the Web site's terms of service, which state that wine will not be sold or delivered to persons under the age of twenty-one years.²

The CI's wine order was processed by eVineyard, and delivered to her by Federal Express, with whom eVineyard contracts for the delivery of all of its orders. In the contract, Federal Express agreed to deliver wine orders to customers in compliance with certain age verification requirements. eVineyard paid Federal Express an extra two dollars per delivery for its carriers to check identification and verify that each recipient is twenty-one

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years of age or older.³ eVineyard places labels on

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its packages informing the carrier that the packages contain alcohol and that a driver should not deliver the package to anyone under twenty-one years of age or visibly intoxicated, and that, if reasonable doubt about age exists, the driver should verify age and record the recipient's driver's license number or other identification. Federal Express also requires that certain labels be used on packages containing alcohol. Federal Express delivered the wine, in this case, to the underage CI without asking for identification or proof of age.

As a result of this and a second sting operation, eVineyard was administratively charged with two counts of violating G.L. c. 138, § 34, which prohibits the sale or delivery of alcohol to minors. The Alcoholic Beverages Control Commission (commission) held a hearing to assess whether eVineyard violated G.L. c. 138, § 34. The commission found that it had, and ordered a ten-day suspension of its license, five days for each violation. Only the first violation is before us.⁴ Federal Express, which is separately licensed by the commission to "transport and deliver ... alcoholic beverages" in the Commonwealth pursuant to G.L. c. 138, § 22, admitted responsibility for delivering to a minor, in connection with this same sale. Accordingly, Federal Express was found to have violated G.L. c. 138,

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§ 34, and the commission ordered a three-day suspension of its license to deliver alcohol.

eVineyard filed a petition for review of the commission's decision in the Superior Court, pursuant to G.L. c. 30A, § 14, challenging the finding of a violation, and, in the alternative, contending that it was entrapped into violating the law. A Superior Court judge allowed eVineyard's motion for judgment on the pleadings, concluding that the "single wrong that violated the spirit of G.L. c. 138, § 34," was the delivery of wine by Federal Express. We transferred the commission's

appeal to this court on our own motion. We reverse.

Scope of review. "The scope of review of the commission's decision, both in the Superior Court and in [the appellate courts], is defined by G.L. c. 30A, § 14." Howard Johnson Co. v. Alcoholic Beverages Control Comm'n, 24 Mass.App.Ct. 487, 490, 510 N.E.2d 293 (1987), quoting Burlington v. Labor Relations Comm'n, 390 Mass. 157, 161, 454 N.E.2d 465 (1983). A decision may be set aside if "the substantial rights of any party may have been prejudiced" because it is based on an error of law or on an unlawful procedure, is arbitrary or capricious, is unwarranted by the facts found by the agency, is unconstitutional, is in excess of statutory authority or jurisdiction, or is not supported by substantial evidence. G.L. c. 30A, § 14(7). Substantial evidence is "such evidence as a reasonable mind might accept as adequate

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to support a conclusion." G.L. c. 30A, § 1(6).

"Our review of the commission's decisions under the Liquor Control Act, G.L. c. 138, is undertaken within the context of the commission's considerable statutory powers." BAA Mass., Inc. v. Alcoholic Beverages Control Comm'n, 49 Mass. App.Ct. 839, 842, 733 N.E.2d 564 (2000). General Laws c. 10, § 71, confers on the commission "general supervision of the conduct of the business of ... selling alcoholic beverages." The commission also has "comprehensive powers of supervision over licensees, including the power to revoke, modify, or suspend licenses." Howard Johnson Co. v. Alcoholic Beverages Control Comm'n, *supra* at 491, citing G.L. c. 138, § 23.

The reviewing court may not substitute its judgment on questions of fact for that of the agency. Olde Towne Liquor Store, Inc. v. Alcoholic Beverages Control Comm'n, 372 Mass. 152,

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154, 360 N.E.2d 1057 (1977). When questions of law are at issue, we exercise de novo review, giving "substantial deference to a reasonable interpretation of a statute by the administrative agency charged with its administration [and] enforcement." Commerce Ins. Co. v. Commissioner of Ins., 447 Mass. 478, 481, 852 N.E.2d 1061 (2006).

Mootness. eVineyard first argues that the suspension imposed on it is unenforceable because the license it was holding at the time of the violation, March of 2004, expired, and it subsequently obtained a new license.⁵ Consequently, it contends, the commission's decision is moot. We disagree.

General Laws c. 138, § 15, authorizes the issuance of licenses for the sale of alcohol, at retail, for consumption off the premises.⁶ Such a license is renewed annually. *Id.*

The suspension of a license does not merely impact the actual license held by the licensee; it impacts the licensee's right to hold a license. See Wang v. Board of Registration in Med., 405 Mass. 15, 19, 537 N.E.2d 1216 (1989) (revocation of registration revoked right to reestablish status as licensed physician in Massachusetts by completing renewal process). Whether through a new or renewed certificate issued by the licensing authority, a licensee obtains the privilege of selling alcoholic beverages. G.L. c. 138, §§ 15, 16A. See Jubenville v. Jubenville, 313 Mass. 103, 106, 46 N.E.2d 533 (1943) ("A liquor license once granted does not run with the business. It is a nontransferable personal privilege, revocable at pleasure, and conveying no vested interest to the licensee"). That privilege may be suspended at any time by the commission "upon satisfactory proof that [a licensee] has violated or permitted

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a violation

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of any condition thereof, or any law of the commonwealth." G.L. c. 138, § 64. See G.L. c. 138, § 23.

eVineyard's position would allow a licensee facing suspension to evade the sanction by allowing its former license to expire and then obtaining a new one. This is plainly not what the Legislature intended with regard to G.L. c. 138, § 64. Cf. Perry v. Medical Practice Bd., 169 Vt. 399, 404, 737 A.2d 900 (1999), and cases cited ("It is well settled that a licensee may not evade disciplinary action merely by resigning or allowing a license to expire.... Otherwise, the licensee could apply for admission in another jurisdiction, or subsequently reapply in the same jurisdiction, and maintain that he or she has never been disciplined for professional misconduct." [Emphasis in original]).⁷ The commission may proceed to suspend a licensee's current license based on an offense committed by it under its prior license.

Statutory violation. General Laws c. 138, § 34, makes it unlawful for anyone to make "a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age" (emphasis added).⁸ The statute evidences the Legislature's strong policy against the sale of alcoholic beverages to minors. See Michnik-Zilberman v. Gordon's Liquor, Inc., 390 Mass. 6, 10-12, 453 N.E.2d 430 (1983); Howard Johnson Co. v. Alcoholic Beverages Control Comm'n, 24 Mass.App.Ct. 487, 492-493, 510 N.E.2d 293 (1987). This policy is consistently recognized in other provisions of G.L. c. 138, including § 34A (prohibiting purchase of alcohol by persons

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under age of twenty-one years and misrepresentation of age), § 34B (requiring identification cards), and § 34C

(prohibiting transportation of alcohol by minor). The purpose of these provisions is to protect the welfare of minors from the danger of alcohol. See Fran's Lunch, Inc. v. Alcoholic Beverages Control Comm'n, 45 Mass.App.Ct. 663, 664, 700 N.E.2d 843 (1998).

It is well settled that a "statute is to be construed as written, in keeping with its plain meaning." Stop & Shop Supermarket Co. v. Urstadt Biddle Props., Inc., 433 Mass. 285, 289, 740 N.E.2d 1286 (2001), and cases cited. The plain language of the statute is unambiguous: it forbids both the sale and the delivery of alcohol to minors.⁹ The commission's interpretation

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of the statute as allowing it to proceed separately against both the licensed seller of alcohol, eVineyard, and the licensed deliverer, Federal Express, accords with the statute's language and with its legislative intent.

There is no question in this case that both a sale and a delivery of alcohol was made to a person under the age of twenty-one years in violation of G.L. c. 138, § 34. Nor is there any question that eVineyard was responsible for both: the order was taken by eVineyard, payment was received and accepted by eVineyard, and delivery was effectuated by eVineyard through its delivery contract with Federal Express.¹⁰ eVineyard cannot evade responsibility for making sales to minors, which it has an affirmative duty not to do, by delegating the task of delivery to a third party. Cf. Miller Brewing Co. v. Alcoholic Beverages Control Comm'n, 56 Mass.App.Ct. 801, 809-810, 780 N.E.2d 80 (2002) (beer supplier's license properly suspended because supplier had affirmative duty to sell only to licensed purchasers).¹¹

Entrapment. The defense of entrapment rests on the notion

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that a defendant should not be punished for violations that arise out of law enforcement efforts to instigate criminal behavior and lure "otherwise innocent" persons to commit crimes. See Sorrells v. United States, 287 U.S. 435, 448-449, 53 S.Ct. 210, 77 L.Ed. 413 (1932). The law of entrapment focuses on whether the government induced the crime, and if so, whether the defendant was predisposed to commit it. Commonwealth v. Shuman, 391 Mass. 345, 351, 462 N.E.2d 80 (1984). eVineyard contends that the sting operation at issue resulted in its first offense, and that there was no evidence that it had a predisposition to sell to minors. It also argues that the CI wrongfully misrepresented her age on the eVineyard Web site, in violation of the commission's investigative guidelines that prohibit decoys from lying about their age.¹² We reject these arguments.

To raise an entrapment defense properly, eVineyard must produce evidence of government inducement. Solicitation by a government agent alone is

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insufficient to show inducement. Commonwealth v. Shuman, *supra*. eVineyard has shown nothing more than solicitation. Arthurs v. Board of Registration in Med., 383 Mass. 299, 317-318, 418 N.E.2d 1236 (1981) (no entrapment where undercover State police detective went to doctor nine times falsely asserting that he could not sleep, and doctor prescribed, in all but one visit, controlled substances that were prohibited other than for legitimate medical purposes).

Moreover, even if we were to reach the issue of predisposition,

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we agree with the commission that in the absence of a scienter requirement in the statutes, the "question is not whether eVineyard was predisposed to sell alcohol to persons whom it knew to be underage, but whether eVineyard's [Internet] practices evidenced a willingness to sell alcohol in a manner that could allow minors to make purchases by the simple expedient of misrepresenting their age."¹³

Finally, the operation was conducted by the Attorney General's office in compliance with its own guidelines for sting operations concerning Internet alcohol sales to minors. These guidelines allow decoys to misrepresent their age when ordering alcohol via the Internet,¹⁴ but prevent them from transmitting by facsimile or otherwise providing false identification documents to an Internet retailer. The commission's on-premises guidelines are inapplicable to remote, Internet-based, sting operations, particularly when conducted by the Attorney General's office. Cf. BAA Mass., Inc. v. Alcoholic Beverages Control Comm'n, 49 Mass.App.Ct. 839, 846, 733 N.E.2d 564 (2000) (telephone orders).

Because the sting operation was conducted in accordance with applicable guidelines and free of entrapment, the commission properly relied on the evidence obtained from it in suspending eVineyard's license. Fran's Lunch, Inc. v. Alcoholic Beverages Control Comm'n, *supra* at 665, 700 N.E.2d 843. The judgment entered in the Superior Court is reversed in part, and the decision of the commission suspending eVineyard's license for five days is affirmed.

So ordered.

Notes:

1. Wine sold in Massachusetts is shipped to customers from the premises of eVineyard Retail Sales-Massachusetts, Inc. (eVineyard), in Avon. We

refer to Wine.com, Inc. (wine.com), and eVineyard collectively as eVineyard.

2. At five locations the Web site informs and warns viewers that the purchaser and recipient of wine must be at least twenty-one years of age. According to eVineyard, by using the Web site, and agreeing to its "terms of service," the purchaser acknowledges that she is twenty-one years of age or older and contracts with it not to use the Web site unless she is at least twenty-one years of age.

3. The agreement between Federal Express and eVineyard, which lays out the conditions for shipping with Federal Express Ground, provides that the customer (eVineyard) may not ship alcohol to anyone under the age of twenty-one years, and that the customer agrees to "Indemnify, defend and hold harmless" Federal Express for "any and all claims, losses, damages, fine, costs, expenses and judgments . . . arising out of or related to Customer's non-compliance with the above." The agreement also provides that Federal Express is not eVineyard's agent.

4. The Attorney General's second sting operation appeared to yield results similar to the first. eVineyard was charged with both violations, while Federal Express was only charged with the first. eVineyard filed a motion to dismiss the second violation, arguing that because Federal Express had not been charged, it could not defend itself, as it had no knowledge of the conditions of delivery. The Alcoholic Beverages Control Commission (commission) took the motion under advisement, and heard evidence only as to the first violation. However, in its decision, it found both violations, and ordered a five-day suspension for each. In light of the inadequate record, the Superior Court judge vacated the violation order concerning the second violation, and the commission did not appeal. Thus, only the first violation is before us.

5. Holders of alcoholic beverage licenses can have their licenses renewed for the next annual licensing period automatically, pursuant to G.L. c. 138, § 16A, if the licensee applies during November for the subsequent year. eVineyard claims that in November, 2006, it inadvertently failed to apply for a 2007 license. If the licensee fails to apply for renewal in accordance with the terms of the statute, another application "shall be treated as an application for a new license." G.L. c. 138, § 16A. eVineyard subsequently applied for and obtained a new license for 2007.

6. In relevant part, G.L. c. 138, § 15, provides: "The local licensing authorities in any city or town which votes to authorize the granting of licenses for the sale of all alcoholic beverages . . . may grant licenses for the sale at retail of such alcoholic beverages . . . not to be drunk on the premises, to applicants therefor who are citizens and residents of the commonwealth. . . ."

7. The cases relied on by eVineyard to the contrary are inapposite. See Commonwealth v. Murphy, 68 Mass.App.Ct. 152, 153-154, 860 N.E.2d 961 (2007) (motorist who operated outside hours allowed by "hardship license," obtained after previous license was suspended, could be charged with violating hardship license but not with driving on suspended license); New Palm Gardens, Inc. v. Alcoholic Beverages Control Comm'n, 15 Mass.App.Ct. 963, 963-964, 446 N.E.2d 733 (1983) (finding appeal from preliminary injunction enjoining denial of 1982 license moot where, in interim, commission recommended issuance and, due to passage of time, no license could be issued for 1982); INTMB, Inc. vs. Westborough, Worcester Superior Court, No. 041814A, 2004 WL 2345081 (Sept. 29, 2004) (prior violations by past license holder at same location irrelevant to current license violations against new license holder).

8. In relevant part, G.L. c. 138, § 34, provides: "Whoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person . . . shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both."

9. eVineyard argues that G.L. c. 138, § 34, is a penal statute — one designed to enforce the law by punishing offenders instead of by enforcing restitution for those damaged — and that any ambiguity in its language should be strictly construed in favor of the defendant. See Collatos v. Boston Retirement Bd., 396 Mass. 684, 686, 488 N.E.2d 401 (1986). Even if we were to assume that the statute is penal, the language of the statute is unambiguous.

10. Consequently, we need not decide whether the "sale" took place at the time the order was accepted by eVineyard or only on delivery of the wine by Federal Express. In other words, we are not presented with a situation where eVineyard is charged with violating the statute by accepting orders from minors over the Internet, where no alcohol is in fact ever delivered to such persons.

11. General Laws c. 138, § 34B, provides a safe harbor for licensees who unknowingly sell or deliver alcohol to minors but only if they have "reasonably relie[d] on . . . a liquor purchase identification card or motor vehicle license . . . or on a valid passport . . . for proof of a person's identity and age." The transaction in this case did not fall within the safe harbor because none of the acceptable forms of identification was sought either at the time of the acceptance of the order or at the time the alcohol was delivered to the CI. If Federal Express had reasonably relied on the forms of identification set forth in the statute at the time it delivered the wine, we would be presented with a very different situation. To the extent that the safe harbor provisions would have protected Federal Express from liability under G.L. c. 138, § 34B, we see no reason why that protection would not ordinarily extend to the Internet seller (here, eVineyard), at least in the circumstances of this case.

12. The commission's guidelines to "be used when conducting underage drinking stings on licensed premises" provide that "[a]t no time shall the underage person attempt to misrepresent their [sic] age or provide any identification. . . . If asked for identification, the underage person should leave the establishment."

13. General Laws c. 138, § 34, has no scienter requirement. See Commonwealth v. Joslin, 158 Mass. 482, 495, 33 N.E. 653 (1893); Commonwealth v. Montalvo, 50 Mass.App.Ct. 85, 87-88, 735 N.E.2d 391 (2000).

14. They instruct the decoys to respond to any question received via the Internet about their date of birth with a birth date that corresponds to the age of twenty-two years.



Office of the City Clerk

Jim Owczarski
City Clerk

Rebecca N. Grill
Deputy City Clerk

June 13, 2014

Victor Jones
Victor's on Van Buren, Inc
1230 N Van Buren St
Milwaukee, WI 53202

Dear Mr. Jones:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, June 24, 2014, 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 and Public Entertainment Premises license(s) for the premises located at 1230 N Van Buren St ("Victor'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 a 10 day suspension of the Class B Tavern and Public Entertainment Premises license(s) based upon the police report and establishment's management style. This recommendation is the result of a public hearing before the Committee held on Tuesday, June 10, 2014.

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

You may file written objections to the report of the Licenses Committee. The written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, June 18, 2014 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 jlcelel@milwaukee.gov. You will be sent an e-mail notification that your objections were received within 24 hours. 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,

Rebecca Grill
Deputy City Clerk



CHAIR

• Licenses Committee

MEMBER

• Community and Economic
Development Committee
• Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: June 13, 2014

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Victor R. Jones, Agent for Victor's On Van Buren, Inc. for a Class "B" Tavern and Public Entertainment Premises license for the premises located at 1230 North Van Buren Street in the City and County of Milwaukee, Wisconsin ("Victor's").

FINDINGS OF FACT

1. Victor R. Jones (hereinafter the "Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises license for the premises located at 1230 North Van Buren Street in the City and County of Milwaukee, Wisconsin ("Victor's"). Said license expires at midnight, June 30, 2014.
2. An application to renew said license was timely filed with the office of the City Clerk on April 30, 2014.
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 May 1, 2014.
4. On May 30, 2014 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 June 10, 2014, commencing at 9:30 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee appeared 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 April 11, 2013 at 11:30 p.m. Milwaukee police in conjunction with Marquette Public Safety, performed a tavern check at Victor's (1230 North Van Buren Street). The purpose of the tavern check was to locate underage drinkers. Upon entering officers observed a rush of young patrons, appearing to be underage attempting to leave out of the front and back doors. The officers requested the lights be turned up and the music off. Vic R. Jones was on the scene and cooperated with the



officers. The officers allowed persons that presented their fake ID along with their real ID to leave. Fifty-seven underage persons did so. An additional 40-50 underage patrons were identified inside the tavern without any form of state ID. None of the underage patrons were accompanied by a parent or legal guardian. All of the underage patrons were advised citations would be mailed to them.

- B. The tavern was operating with three security members, two at the front door and one roaming the tavern, Identification is required of all patrons entering the tavern and there is a working video surveillance system. The practice for identifying patrons from out of state was they had to present a second picture ID along with their state ID. The doormen were allowing student photo identification to be the second form of ID. The Marquette student ID's only display a photo and name of a student, not a date of birth.
- C. On April 24, 2013 a meeting was held between representatives of the Milwaukee Police Department, the City Attorney's office, and the owners of Victor's. Discussed was the incident from April 11, 2013 where there were over 100 underage customers in their establishment. It was reported that the shuttle van from Victor's was picking up students at the freshman dorm. The owners presented a plan to address this issue and to prevent further occurrences. The shuttle bus will be used to only take people home in the future and they are providing an educational program for their employees to assist in recognizing fake IDs. The applicant was cited for presence of minor at licensed premises and found guilty on June 15, 2013 and fined \$374.00.
- D. On January 1, 2014 at 11:25 a.m. a Milwaukee officer was flagged down in front of Victor's at 1230 North Van Buren Street. regarding a disorderly subject. The intoxicated subject was harassing a patron and refused to leave the club. He was escorted outside by the bouncer and began fighting. He was restrained until the officer was flagged down. The subject was arrested and cited for disorderly conduct.

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, Victor R. Jones, 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 Public Entertainment Premises license without undergoing

a ten (10) day suspension of said license based upon a lack of proper management of the licensed premises and 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 Public Entertainment Premises license for the premises located at 1230 North Van Buren Street in the City and County of Milwaukee, Wisconsin ("Victor's ") with a ten (10) day suspension based upon a lack of proper management of the licensed premises and the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noes and one (1) abstention recommends that the Class "B" Tavern and Public Entertainment Premises license be renewed with a ten (10) day suspension based upon the lack of proper management of the licensed premises and the police report.

Said suspension is to be in effect between 12:01 a.m. on July 1, 2014 through midnight, July 10, 2014.

Dated and signed at Milwaukee, Wisconsin this 13th day of June, 2014.



TONY ZIELINSKI, Chair
Licenses Committee

204257



**CITY OF MILWAUKEE
OFFICE OF THE CITY CLERK**

Friday, May 30, 2014

COMMITTEE MEETING NOTICE

AD 04

JONES, Victor R, Agent
VICTOR'S ON VAN BUREN, INC
1230 N VAN BUREN St

MILWAUKEE, WI 53202

You are requested to attend a hearing which is to be held in Room 301-B, Third Floor, City Hall on:

Tuesday, June 10, 2014 at 09:30 AM

Regarding: Your Class B Tavern and Public Entertainment Premises License Renewal Applications as agent for "VICTOR'S ON VAN BUREN, INC" for "VICTOR'S" at 1230 N VAN BUREN St.

There is a possibility that your application may be denied for one or more of the following reasons: failure of the applicant to meet the statutory and municipal license qualifications; pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, on behalf of the licensee, his or her employes, or patrons (if the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholder holding 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, of any of the offenses enumerated in s. 125.12(2)(ag), Wis. Stats., as amended); the appropriateness of tavern location and premises; neighborhood problems due to management or location; failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-c. of the Milwaukee Code of Ordinances; and any factors which reasonably relate to the public health, safety and welfare. See attached police report and/or written correspondence regarding this application. Please be advised the public will be able to provide information to the committee in person. The committee will receive and consider evidence regarding the above mentioned criteria.

Notice for applicants with warrants or unpaid fines:

Proof of warrant satisfaction or payment of fines must be submitted at the hearing on the above date and time. Failure to comply with this requirement may result in a delay of the granting/denial of your application.

Failure to appear at this meeting may result in the denial of your license. Individual applicants must appear only in person or by an attorney. Corporate or Limited Liability applicants must appear only by the agent designated on the application or by an attorney. Partnership applicants must appear by a partner listed on the application or by an attorney. If you wish to do so and at your own expense, you may be accompanied by an attorney of your choosing to represent you at this hearing.

You will be given an opportunity to speak on behalf of the application and to respond and challenge any charges or reasons given for the denial. No petitions can be accepted by the committee, unless the people who signed the petition are present at the committee hearing and willing to testify. You may present witnesses under oath and you may also confront and cross-examine opposing witnesses under oath. If you have difficulty with the English language, you should bring an interpreter with you, at your expense, so that you can answer questions and participate in your hearing.

You may examine the application file at this office during regular business hours prior to the hearing date. Inquiries regarding this matter may be directed to the person whose signature appears below.

Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in the first floor information booth in City Hall.

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at (414) 286-2998, Fax - (414) 286-3456, TDD - (414) 286-2025.

JIM OWCZARSKI, CITY CLERK

BY: Rebecca N. Grill

Rebecca N. Grill
Deputy City Clerk

If you have questions regarding this notice, please contact the License Division at (414) 286-2238.

This report is written by P.O. Robert FERRELL, District One, Power Shift, Sq 1440.

On Thursday, 04-11-13, at 23:30, Milwaukee Police Squads working in conjunction with Marquette Public Safety, performed a tavern check at Victor's (1230 N Van Buren St). The purpose of the tavern check was to locate underage drinkers. Marquette University Public Safety department officer Brian LARSON, was riding with Milwaukee Police to assist with the processing of Marquette University students found, and document underage student behavior off campus.

Upon our arrival with three two man squads, there was a rush of young patrons, appearing to be underage trying to get out of the tavern past uniformed officers who walked in the front. As these young patrons were stopped at the door, others attempted to flee out the back door, and were met by uniformed Milwaukee Police officers stationed there who prevented their leaving.

At that time the tavern was asked if they would turn the lights up and their music off. The agent on scene that night (JONES, Vic R) stated he would help in any way and cooperated fully with police requests during the investigation. Milwaukee Police uniformed officers on scene then announced to all the patrons present that all would be identified prior to leaving, to determine their age. Officers observed approximately 100 people crowding the exits who appeared to be underage and called for additional squads to help with interviews and scene security. An additional four squads showed up with six more officers and Sq 1314 (Sgt. Daniel GLICK) responded.

At that time officers on scene told the crowd that anyone who presented their fake Id's, and real identification could leave immediately. 57 underage patrons presented their fake, and real Id's to leave immediately. While an additional 40-50 underage patrons were identified inside the tavern without any form of state ID.. None of the involved underage patrons were accompanied by a parent/ legal guardian. All of the underage subjects who were found inside the tavern, were advised citations would be mailed to them. One underage individual was conveyed back to Marquette University and turned over to the Public Safety Department for his behavior, for additional academic action.. Of all the underage patrons only six were not Marquette University students.

The tavern was operating with three security members, two at the front door one roaming the tavern. The tavern Id's all patrons entering the tavern, and has a working video surveillance system for the establishment. The practice for identifying patrons from out of state is that they present a second picture Id with the state id that is presented. At the time of the incident doormen were allowing student photo id's to be the second form shown. The Marquette student id only displays a photo and name of student, not a date of birth. The two doormen working were identified as (EDU, Christopher G M/W 04-04-81, and STAUB, Caleb NMI M/W 06-14-90), both stated they carded everyone who entered.

Although citations are still be written to the underage patrons found that night the approximate number of individuals found to be underage is around 100 people.

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

Date: April 24, 2013

TO: Assistant Chief Edith Hudson
South Command

FR: Captain Stephen Basting
District One Commander

RE: Licensed Premise Meeting – Victor's



At the request of Captain Basting, the owners of Victor's attended a meeting to discuss licensed premise issues at their business located at 1230 N. Van Buren. In attendance were: owners Richard Jones, James Jones, John Jones and Victor Jones, Jr. Representing the Milwaukee Police Department were: Captain Stephen Basting, Sgt. Scott Charles, Sgt. Chad Raden, Assistant City Attorney Jay Unora and Michele Klingbeil. The meeting was held on Thursday, April 24, 2013 at 4:00 p.m. in the Assistant Chief's Conference Room on the 7th floor of the Police Administration Building.

Captain began the meeting with a discussion on the history of policing in the downtown district and the evolution of a very vibrant entertainment-focused area of the city. He discussed the development of policing strategies that implemented partnering with owners of establishments and the creation of the Responsible Entertainment Deployment. He informed the owners that their presence is a value to the opportunities for nightlife that young entrepreneurs are seeking when looking for a place to live and work.

Captain mentioned that the incident at Victor's on April 11 was very disturbing. After 50 years of business, he believed they should have realized there were over 100 underage customers in their establishment. He stated that the culture of drinking for young people has changed dramatically from a social event to "let's see how drunk I can get", which leads to more disorder. It was reported that the shuttle van from Victor's was picking up students at the freshman dorm.

The owners presented a plan to address this issue and prevent further occurrences. It is attached to this document. Victor, Jr. stated that he also met with other club owners, particularly Habib from Ladybug Club 618, and was very impressed with their ID card readers. He stated that their scanner had broken and was sent in for repairs. Jay Unora asked when they expected their scanner to be returned and he said they were going to purchase new equipment. He mentioned that they are primarily presented with Illinois IDs and are somewhat hesitant to confiscate fake ones. Sgt. Charles advised him to call the police and we would come and verify the authenticity and confiscate them if necessary.

The question was raised by the owners about Marquette's involvement and Sgt. Charles stated that the college is very proactive and Captain mentioned that they have academic sanctions for off-campus behavior. They have been active in charitable donations to Marquette and are a "little mad at them" about this. The shuttle bus will be used to only take people home in the future and they are providing an educational program for their employees to assist in recognizing false IDs.

The amount of the citations that could be issued is \$26,332.50. One citation for \$332.50 will be issued, they must plead guilty and the rest will be held in abeyance with no further violations within a two year period. This incident will not be brought forth at the license renewal hearing.



Victor's on Van Buren

1230 N. Van Buren
Milwaukee, WI

Phone: 414-272-2522

Current changes made at Victor's to Thursday nights to deter underage admission to the establishment.

- Discontinued College Night title & theme
- Discontinued bus shuttle service entirely
- Stopped advertising College Night in Onion newspaper ad and in social media
- Expanding the training for security on fake ID's
 - Met with local police officers and observed various fake ID's from Wisconsin and out of state
 - Requested police officer Rob Ferrell (414)526-1578 to assist with any future promotions that may include college students (ex: graduation parties, pub crawls in spring of 2013)
- Requested an ID handbook from our Miller distributor
- Called the Tavern League about their ID information
- Sent our current handheld ID scanner in for repairs in Feb 2013
- Met with bar owner Habib at Club 622 on Water St. to view demonstration of his current scanning system
- Spoke with Ben Silbert about another type of ID scanning system- Bar & Club Stats, Inc. (914)227-2271
- Making a future financial plan for Thursdays specials at Victor's
 - Planning to promote our early food buffet (5-8pm) in conjunction with Comedy Café shows and Brewers Games
 - Promotion aimed at Jazz in the Park customers
 - Promotion of higher end products and classic cocktails to attract older clientele (ex: old fashions, frozen summer selections)
- We plan to have a diligent program to educate all employees about proper ID procedures

MILWAUKEE POLICE DEPARTMENT
REPORT OF INCIDENTS INVOLVING LICENSED PERSONS OR PREMISES

TO: Edith Hudson
Assistant Chief

Business Name: Victor's
Address of Licensed Premises: 1230 N Van Buren St
Business Phone: (414)272-252
Type of License: Class B
District: 1

Violation / Incident #
Date of Incident: 01/01/14

Licensee or Manager on premises at time of violation / incident? [X] Yes [] No

Licensee cooperative? [X] Yes [] No (If no, explain in narrative section)

Licensee Notified by Officer: P.O. Daniel W. Fardy
Date: 01/01/14 Time: 11:45am

Licensee or Agent's Name: Jones, Victor R.
Home Address: 2968 N Shepard Av
Date of Birth: 03/28/30
Home Phone: (414)963-0167

Co-Licensee Name:
Home Address:
Class S License Number:
Date of Birth:
Home Phone:

Bartender Name:
Home Address:
Class D License Number:
Date of Birth:
Home Phone:

Licensed Person / Public Pass. Vehicle, etc.:
Home Address:
Class D License Number:
Date of Birth:
Home Phone:

VIOLATION/INCIDENT - DESCRIBE FACTS AND CIRCUMSTANCES IN NARRATIVE SECTION

Name of Person Cited: Collen, Chrictopher M.
Citation Number: 48929111151
Violation & Ord. / Status No.: 106-1-1 DC
Date of Birth: 04/13/86
Court Date: 01/02/14

Name of Person Cited:
Citation Number:
Violation & Ord. / Status No.:
Date of Birth:
Court Date:

Name of Person Cited:
Citation Number:
Violation & Ord. / Status No.:
Date of Birth:
Court Date:

Name of Person Cited:
Citation Number:
Violation & Ord. / Status No.:
Date of Birth:
Court Date:

Name of Person Cited:
Citation Number:
Violation & Ord. / Status No.:
Date of Birth:
Court Date:

Investigating Officer: P.O. Daniel W. Fardy
District / Bureau: 11
Date: 01/02/14

Signature of P.O. Daniel W. Fardy
Commanding Officer
Date: JAN 03 2014

DISPOSITION - FOR LICENSING ONLY

Table with 5 columns: Citation No., Case Number, Disposition, Judge, Date. Includes rows for License Investigation, Received F-13-14, and Referred.

By: [Signature]

PA-33E Narrative

This report is written by P.O. Daniel FARDY, assigned District 1Days.

On Wednesday 1-01-14 at 11:25am Squad 1191(FARDY) was flagged down in front of Victor's nightclub, 1230 N Van Buren St, regarding a disorderly subject, later identified as Christopher M. COLLEN(W/M 4-13-86).

Investigation revealed that COLLEN was intoxicated, harassing a patron, and refusing to leave the club. COLLEN was escorted out by the bouncer, Gabriel M. SAYEG(W/M 8-11-86), and began fighting with SAYEG. SAYEG and bartender Nicholas A. PIERCY(W/M 10-20-87), restrained COLLEN until I was flagged down.

I arrested COLLEN for City Disorderly Conduct and warrants.

**MILWAUKEE POLICE DEPARTMENT
LICENSE INVESTIGATION UNIT**

**CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS
SYNOPSIS**

DATE: 05/01/14
LICENSE TYPE: BTAVN
NEW:
RENEWAL: X

No. 185413
Application Date: 04/30/14
Expiration Date:

License Location: 1230 N. Van Buren St.
Business Name: Victor's

Aldermanic District: 03

Licensee/Applicant: Jones, Victor R
(Last Name, First Name, MI)
Date of Birth: 03/28/1930

Home Address: 2968 N. Shepard Ave.
City: Milwaukee **State: WI** **Zip Code: 53211**
Home Phone: (414) 963-0167

This report is written by Police Officer Mary SIKORA, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On March 23, 2007 plain clothes Milwaukee Police Officers conducted an underage alcohol buy at 1230 N. Van Buren St. (Victor's). A 20 year old Milwaukee Police Aide successfully purchased two 12 ounce bottles of Miller Lite beer from the bartender, Tanya Armstrong.

As to the licensee, Victor R Jones (03/28/1930):

Charge: Class B Licensee's Responsibility
Finding: Guilty
Sentence: Fine
Date: 08/23/2007
Case: 07053688
Citation: 5976797-1

As to bartender, Tanya Armstrong:

Charge: Sale of Alcohol to Underaged Person
Finding: Guilty
Sentence: Fine
Date: 06/18/2007
Case: 07040266
Citation: 59752615

As to bar manager, Vic Jones (02/04/1956)

Charge: Presence of Minor at Licensed Premises
Finding: Guilty
Sentence: Fine
Date: 07/18/2007
Case: 07040287
Citation: 59752453

=====

2. On 08/07/08 at 3:11 am, Milwaukee police were dispatched to 1230 N Van Buren for a Trouble With Subject complaint. Police spoke to the caller who stated he was at Victors bar and was getting up to leave when he stepped on a piece of glass. The victim stated he felt a sharp pain immediately and grabbed a bar stool hitting his shin causing more pain. The victim stated he spoke to the bar manager regarding what happened but that the manager didn't do anything about it so he left the bar. Officers spoke to the manager, Victor Jones, regarding the victim's complaint and Jones stated the victim complained earlier about the doorman bumping into him causing him to spill his drink but that the victim never told him about any injury to his foot.
3. On 09/07/08 at 12:52 am, Milwaukee police were dispatched to 1230 N Van Buren for a Theft complaint. Investigation revealed a patron was dancing inside Victors bar and when she returned to her table and found that her wallet was stolen from her purse. Officers spoke to the owner Victor Jones, who advised he did not have any video of theft. A report was filed.

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4. On 12/28/09 at 12:15 am, Milwaukee police were dispatched to 1230 N Van Buren for a Battery complaint. Investigation revealed two patrons who are married became involved an argument that turned physical inside the tavern. A witness to this incident called for police and the male patron was arrested for battery domestic violence.

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5. On 04/18/10 at 2:15 pm, Milwaukee police were dispatched to 1230 N Van Buren for a Theft complaint. Police spoke to the victim who stated on 04/18/10 at 1:30 am he was at Victor's and was punched in the face and robbed of his money while in the men's bathroom. The victim provided descriptions of the actor and spoke to a friend of his that witnessed this incident. Bouncers then escorted all parties involved out of the bar. Officers were unable to speak with employees that work at Victor's due to the bar being closed. A report was filed.
6. On 05/02/10 at 2:42 am, Milwaukee police were dispatched to 1230 N Van Buren for a Battery complaint. Investigation revealed that as patrons were leaving the bar, words were exchanged and a fight broke out between the two parties. Both subjects were cited for this incident.

=====

Re: Jones, Victor R.

7. On 04/11/13 at 11:30pm Milwaukee Police in conjunction with Marquette Public Safety, performed a tavern check at Victor's (1230 N. Van Buren St). The purpose of the tavern check was to locate underage drinkers. Upon entering officers observed a rush of young patrons, appearing to be underage attempting to leave out of the front and back doors. The officers requested the lights be turned up and the music off. Vic R. Jones was on the scene and cooperated with the officers. The officers allowed persons that presented their fake ID along with their real ID to leave. 57 underage persons did so. An additional 40-50 underage patrons were identified inside the tavern without any form of state ID. None of the underage patrons were accompanied by a parent or legal guardian. All of the underage patrons were advised citations would be mailed to them.

The tavern was operating with three security members, two at the front door and one roaming the tavern. Identification is required of all patrons entering the tavern and there is a working video surveillance system. The practice for identifying patrons from out of state was they had to present a second picture ID along with their state ID. The doormen were allowing student photo identification to be the second form of ID. The Marquette student ID's only display a photo and name of a student, not a date of birth.

On 04/24/13 a meeting was held between representatives of the Milwaukee Police Department, the City Attorney's office, and the owners of Victor's. Discussed was the incident from 04/11/13 where there were over 100 underage customers in their establishment. It was reported that the shuttle van from Victor's was picking up students at the freshman dorm. The owners presented a plan to address this issue and to prevent further occurrences. The shuttle bus will be used to only take people home in the future and they are providing an educational program for their employees to assist in recognizing fake IDs. The applicant was cited as follows:

Charge: Presence of Minor at Licensed Premises
Finding: Guilty, Municipal Court
Sentence: \$374.00 fine
Date: 06/15/13
Case: 13052722

8. On 01/01/14 at 11:25am an officer was flagged down in front of Victor's at 1230 N. Van Buren St. regarding a disorderly subject. The intoxicated subject was harassing a patron and refused to leave the club. He was escorted outside by the bouncer and began fighting. He was restrained until the officer was flagged down. The subject was arrested and cited for Disorderly Conduct.



Office of the City Clerk

Jim Owczarski
City Clerk

Rebecca N. Grill
Deputy City Clerk

July 11, 2014

Joseph Kuntz
The Chalk House MKE, LLC
1137 N Old World Third St
Milwaukee, WI 53203

Atty. Michael J Whitcomb
Michael A Whitcomb Law Offices
633 W Wisconsin Ave #510
Milwaukee, WI 53233

Dear Mr. Kuntz:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, July 22, 2014, 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 and Public Entertainment Premises license(s) for the premises located at 1137 N Old World Third St ("The Loaded Slate MKE").

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 a 30 day suspension of the Class B Tavern and Public Entertainment Premises license(s) based upon the police report and neighborhood testimony. This recommendation is the result of a public hearing before the Committee held on Tuesday, July 8, 2014.

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

You may file written objections to the report of the Licenses Committee. The written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, July 16, 2014 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 jlcecl@milwaukee.gov. You will be sent an e-mail notification that your objections were received within 24 hours. 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



CHAIR

• Licenses Committee

MEMBER

• Community and Economic
Development Committee
• Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: July 11, 2014

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Joseph M. Kuntz, Agent for The Chalk House MKE, LLC for Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 1137 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("The Loaded Slate MKE").

FINDINGS OF FACT

1. Joseph M. Kuntz (hereinafter the "Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 1137 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("The Loaded Slate MKE"). Said licenses expire at midnight, September 3, 2014.
2. An application to renew said licenses was filed with the office of the City Clerk on June 2, 2014.
3. Pursuant to Chapters 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. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of these licenses on June 3, 2014.
4. On June 25, 2014 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances, Chapter 125 of the Wisconsin Statutes and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on July 8, 2014, commencing at 10:00 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee appeared and was represented by Attorney Michael J. Whitcomb.
5. Based upon the sworn testimony heard and the evidence from the synopsis Police report received at the hearing, the Committee finds the following:
 - A. On March 2, 2013 at 12:00 a.m. Milwaukee police conducted a license check at 1137 North Old World Third Street. The investigation revealed underage patrons were inside the bar and were cited. Police spoke with Paul Schemelzer who was the doorman/security person, who stated they must have had fake IDs because he checked everyone's ID as they entered. Schemelzer was advised to ask for a school ID or some other form of ID when suspicious of a patron. The agent, Joseph Kuntz, was advised to have his security refer to the identification reference book that was provided to them earlier in the year by police.



- B. On March 7, 2013 at 12:20 a.m., Milwaukee police conducted a license premise check at 1137 North Old World Third Street. Upon entering the tavern, police observed an employec of the bar standing on top of the counter with a bottle of liquor in her hand pouring it into the mouths of patrons. Police spoke with the agent Joseph Kuntz and explained that this is a health code violation and the employee would have to stop. Kuntz stated he was unaware that it was a violation and was issued a warning.
- C. On April 6, 2013 at 12:10 a.m., Milwaukee police conducted a license premise check at 1137 North Old World Third Street. The investigation revealed the bar had patrons under the age of 21 and those patrons were cited for presence of underage and obstructing. Officers spoke with Jerome Mellon who was advised of the underage patrons. Mellon stated that he would hold a meeting with his security about the on-going problem with underage patrons.
- D. On July 28, 2013 Milwaukee police were flagged down for a battery complaint in the 1100 block of North Old World Third Street. The investigation revealed the victim, Nicholas P. Zillman, had been hit in the head with a hammer. Both Zillman and the unidentified suspect were observed inside The Loaded Slate Tavern (1137 North Old World Third Street) shortly before the incident. Zillman appeared to be intoxicated and was uncooperative with police during the investigation. An incident report was filed.
- E. On September 13, 2013 at 12:04 a.m. a Milwaukee police officer conducted a licensed premise check at 1137 North Old World Third Street (Loaded Slate). The officer observed that the business appeared to be very near its posted capacity of 99, and asked the person at the door to let 5 patrons exit the business to every 2 allowed to enter in order to alleviate the crowd. The officer also observed a bartender pouring liquor directly into the mouth of a patron. The officer also observed some patrons leave their drinks at the bar and go to the back of the establishment which is consistent behavior for underage patrons. Because the officer was alone, he advised Kuntz to have the bartender cease his actions and the possibility of underage patrons in his establishment. No additional action was taken at that time. On September 20, 2013 12:08 a.m. Milwaukee police conducted a licensed premise check at 1137 North Old World Third Street (Loaded Slate). Officers at the exits checked patron identification as they exited the business and discovered 13 were under the legal drinking age of 21. One patron became combative and was placed in handcuffs. Capacity inside the business is 99 with the back bar open. The back bar was closed and officers estimate the crowd at 125-130. Additionally, the rear exit was padlocked from the inside. A total of 29 citations were written to patrons for violations of municipal ordinance including presence

2

13

of minor/underage, possession/consumption of alcohol, minor misrepresent age, obstructing issuance of citation, loitering taverns, and resist/obstruct officer. The applicant was cited for sale of alcohol to underage person.

As to the applicant:

Charge: Sale of Alcohol to Underage Person

Finding: Not guilty plea entered. No additional information.

F. On September 26, 2013 at 3:00 p.m. Milwaukee Police Captain Aaron Raap, Sgt. Scott Charles, Sgt. Jeffrey Lintonen, Police Officer Xavier Benitez, Police Officer Adam Bradley and Michele Klingbeil met with Attorney Michael Whitcomb, Joe Kuntz and Shawn Mellon at 1137 North Old World Third Street (Loaded Slate) at the request of Joe Kuntz. The business owners are looking for techniques to prevent underage patrons from entering the bar. Several suggestions were made to prevent underage patrons from entering the business and to help alleviate over capacity issues.

4
G. On May 3, 2014 a 19 year old Milwaukee police aide, working in conjunction with Milwaukee police, was able to gain entry into and then purchase a beer from the bartender at 1137 North Old World Third Street (Loaded Slate). The applicant received two citations.

Charge 1: Sale to Underage Prohibited

2: Presence of Minor at Licensed Premise

Finding

1: No information available

2: Due for review 06/24/2014 1:15pm

H. Attorney Michael J. Whitcomb stated that underage individuals used fake IDs which were not detected by the establishment's scanner to gain access to the establishment. The applicants contacted him immediately following the September 2013 underage incident to determine a way to improve their operations. They then met with the police to discuss how to prevent underage individuals from entering the establishment. The police department will keep the applicant updated with a book showing the new types of fake IDs that are circulating. They have purchased a scanner that captures information to verify which IDs have been checked. On May 3, 2014, a waitress who served an underage individual was filling in behind the bar and did not realize that IDs had not been checked at the door during the transition from food to bar service. She has since been trained properly. The bartender who poured alcohol into a patron's mouth has been reprimanded. The applicant and Mr. Mellon will give the objector their cell phone numbers in case noise is an issue in the future. The applicant has spoken with management of the neighboring residential

building to be proactive about complaints. He states the business is an active member of the community. Noise may be coming from other establishments in the area as well.

- I. Shawn Mellon, 1710 North Commerce, testified that stated the security guard was told not to engage with the person with a hammer on July 28, 2013, as security personnel are to avoid individuals with weapons.
- J. Alderman Robert Bauman was present and he is concerned with the pattern of issues with noise and underage incidents on the police report. There is a consistent pattern of poor management. He states the noise emanating from the establishment has a strong negative impact on the growth of the neighborhood. Individuals should be able to move downtown without having to hear noise in their homes.
- K. Jacklyn Bercheck, 1141 North Old World Third Street stated that the business is disrespectful of neighbors when it comes to noise issues. She has moved from the 9th floor to the 27th floor in her building in attempt to avoid the noise. She has heard music noise between the hours of 12 a.m. and 2 a.m. She attributes noise to this specific establishment because she contacted the police and the noise was turned down after they investigated the report. She has attempted to contact the establishment via telephone to discuss issues and could not reach anyone. She was aware of neighboring businesses when she moved to the building, but did not anticipate being able to hear music from the establishment. She states she hears noise through her walls every weekend. Now that she has moved, the noise is muffled.

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 Chapters 90 and 108 of the Milwaukee Code of Ordinances.
- 2. Based upon the above facts found, the Committee concludes that the Licensee, Joseph M. Kuntz, has not met the criteria of Chapters 90 and 108 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Public Entertainment Premises licenses without undergoing a thirty (30) day suspension of said licenses based upon the police report and neighborhood testimony. 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

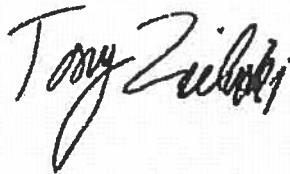
the Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 1137 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("The Loaded Slate MKE ") with a thirty (30) day suspension based upon the police report and witness testimony to the Committee.

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) abstention recommends that the Class "B" Tavern and Public Entertainment Premises licenses be renewed with a thirty (30) day suspension based on the police report and witness testimony.

Said suspension is to be in effect between 12:01 a.m. on September 4, 2014 through midnight, October 3, 2014.

Dated and signed at Milwaukee, Wisconsin this 11th day of July, 2014.



TONY ZIELINSKI, Chair
Licenses Committee

205149



**CITY OF MILWAUKEE
OFFICE OF THE CITY CLERK**

Wednesday, June 25, 2014

COMMITTEE MEETING NOTICE

AD 04

KUNTZ, Joseph M, Agent
The Chalk House MKE LLC
1137 N Old World Third St

Milwaukee, WI 53203

You are requested to attend a hearing which is to be held in Room 301-B, Third Floor, City Hall on:

Tuesday, July 08, 2014 at 10:00 AM

Regarding: Your Class B Tavern and Public Entertainment Premises License Renewal Applications as agent for "The Chalk House MKE LLC" for "The Loaded Slate MKE" at 1137 N Old World Third St.

There is a possibility that your application may be denied for one or more of the following reasons: failure of the applicant to meet the statutory and municipal license qualifications; pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, on behalf of the licensee, his or her employees, or patrons (if the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholder holding 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, of any of the offenses enumerated in s. 125.12(2)(ag), Wis. Stats., as amended); the appropriateness of tavern location and premises; neighborhood problems due to management or location; failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-c. of the Milwaukee Code of Ordinances; and any factors which reasonably relate to the public health, safety and welfare. See attached police report and/or written correspondence regarding this application. Please be advised the public will be able to provide information to the committee in person. The committee will receive and consider evidence regarding the above mentioned criteria.

Notice for applicants with warrants or unpaid fines:

Proof of warrant satisfaction or payment of fines must be submitted at the hearing on the above date and time. Failure to comply with this requirement may result in a delay of the granting/denial of your application.

Failure to appear at this meeting may result in the denial of your license. Individual applicants must appear only in person or by an attorney. Corporate or Limited Liability applicants must appear only by the agent designated on the application or by an attorney. Partnership applicants must appear by a partner listed on the application or by an attorney. If you wish to do so and at your own expense, you may be accompanied by an attorney of your choosing to represent you at this hearing.

You will be given an opportunity to speak on behalf of the application and to respond and challenge any charges or reasons given for the denial. No petitions can be accepted by the committee, unless the people who signed the petition are present at the committee hearing and willing to testify. You may present witnesses under oath and you may also confront and cross-examine opposing witnesses under oath. If you have difficulty with the English language, you should bring an interpreter with you, at your expense, so that you can answer questions and participate in your hearing.

You may examine the application file at this office during regular business hours prior to the hearing date. Inquiries regarding this matter may be directed to the person whose signature appears below.

Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in the first floor information booth in City Hall.

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at (414) 286-2998, Fax - (414) 286-3456, TDD - (414) 286-2025.

JIM OWCZARSKI, CITY CLERK

BY: Rebecca N. Grill
Rebecca N. Grill
Deputy City Clerk

If you have questions regarding this notice, please contact the License Division at (414) 286-2238.

MILWAUKEE POLICE DEPARTMENT

REPORT OF INCIDENTS INVOLVING LICENSED PERSONS OR PREMISES

TO: Captain Stephen Basting

Business Name: The Loaded Slate *1137 N OW THIRD*
Address of Licensed Premises: *113 North Old World 3rd St*
Business Phone: 414-273-5700 Type of License: Class B Tavern

District: 1

Violation / Incident # 13-209-0024 Date of Incident: 07-28-13

Licensee or Manager on premises at time of violation / incident? Yes No

Licensee cooperative? Yes No (If no, explain in narrative section)

Licensee Notified by Officer: PO David Grandsard

Date: 072813 Time: 0145

Licensee or Agent's Name: *KUNTZ, JOSEPH*
Jerome S. Mellon
Home Address: 1710 N Commerce St Apt #34

Date of Birth: 063080
Home Phone: 414-745-0888

Co-Licensee Name: Joseph M. Kuntz
Home Address: 133 W. Oregon St. #406
Class S License Number:

Date of Birth: 121982
Home Phone: 414-412-2999

Bartender Name:
Home Address:
Class D License Number:

Date of Birth:
Home Phone:

Licensed Person / Public Pass. Vehicle, etc.: Jerome S. Mellon
Home Address: 1710 N Commerce St Apt #34
Class D License Number: 0198845

Date of Birth: 063080
Home Phone: 414-745-0888

VIOLATION/INCIDENT - DESCRIBE FACTS AND CIRCUMSTANCES IN NARRATIVE SECTION

Name of Person Cited:		Date of Birth:
Citation Number:	Violation & Ord. / Statute No.:	Court Date:
Name of Person Cited:		Date of Birth:
Citation Number:	Violation & Ord. / Statute No.:	Court Date:
Name of Person Cited:		Date of Birth:
Citation Number:	Violation & Ord. / Statute No.:	Court Date:
Name of Person Cited:		Date of Birth:
Citation Number:	Violation & Ord. / Statute No.:	Court Date:
Name of Person Cited:		Date of Birth:
Citation Number:	Violation & Ord. / Statute No.:	Court Date:

Investigating Officer: *[Signature]* District / Bureau: _____ Date: *8/12/13*
Commanding Officer

DISPOSITION - FOR LICENSING ONLY

Citation No.	Case Number	Disposition	Judge	Date
LICENSE INVESTIGATION UNIT				
		Received <i>8/15/13</i>		
		Referred <i>[Signature]</i>		
		By <i>[Signature]</i>		

This report is written by P.O. David GRANDSARD assigned to District 1, Early Shift Harbor Patrol.

On Sunday, July 28th, 2013 at approximately 1:45A while assigned to Squad 1596 (P.O. Scott LAMMERS and I) were on foot patrol in the 1100 block of N Old World Third St was flagged down for a Battery Complaint. During the investigation the victim, Nicholas P ZILLMAN (w/m, 10-22-89), stated that he had been struck in the head with a possible hammer by an unknown actor. ZILLMAN had a 1 1/2" laceration on the top of his head. ZILLMAN was highly intoxicated and refused medical services. P.O. GRANDSARD informed ZILLMAN to continue direct pressure to the laceration to help stop the bleeding. P.O. GRANDSARD called for an ambulance to the location. Bell Ambulance 405 responded to the scene and ZILLMAN refused medical services and transport to the hospital. ZILLMAN stated that he did not want to waist our time on this incident and left the scene. ZILLMAN refused to provide any description of what had happened prior to the incident occurred.

After talking to several patrons regarding the incident both ZILLMAN and the suspect were observed inside The Loaded Slate Tavern shortly before the battery. ZILLMAN and the suspect were seen outside on the sidewalk outside the tavern shortly after and ZILLMAN was struck on the head with a hammer. The suspect fled from the scene. Neither the suspect or the weapon was located.

There were no calls from The Loaded Slate Staff and the door man "Karran" did not try to break up the fight or inform PO LAMMERS or I when we arrived onscene. The tavern did not have any working video cameras.

MILWAUKEE POLICE DEPARTMENT

REPORT OF INCIDENTS INVOLVING LICENSED PERSONS OR PREMISES

TO: Aaron Raap

Business Name: Loaded Slate
Address of Licensed Premises: 1137 N Old World Third St
Business Phone: 414 273-5700 Type of License: BTAV

District: 1

Violation / Incident # Date of Incident: 09-20-13

Licensee or Manager on premises at time of violation / incident? Yes No

Licensee cooperative? Yes No (If no, explain in narrative section)

Licensee Notified by Officer: PO Benitez Date: 9-20-13 Time: 0008

Licensee or Agent's Name: Joseph M Kuntz Date of Birth: 12-19-82
Home Address: 1827 N Dr Martin Luther King Dr Home Phone: 414 412-2999

Co-Licensee Name: Date of Birth:
Home Address: Home Phone:
Class S License Number:

Bartender Name: Date of Birth:
Home Address: Home Phone:
Class D License Number:

Licensed Person / Public Pass. Vehicle, etc.: Date of Birth:
Home Address: Home Phone:
Class D License Number:

VIOLATION/INCIDENT - DESCRIBE FACTS AND CIRCUMSTANCES IN NARRATIVE SECTION

Name of Person Cited: Joseph Kuntz Date of Birth: 12-19-82
Citation Number: 6153834-1 Violation & Ord. / Statue No.: 90-19-1-a-3 Court Date: 11-12-13

Name of Person Cited: Stephen Sevenich Date of Birth: 06-14-93
Citation Number: 6153832-6 Violation & Ord. / Statue No.: 90-19-1 Court Date: 11-12-13

Name of Person Cited: Stephen Sevenich Date of Birth: 06-14-93
Citation Number: 6153831-5 Violation & Ord. / Statue No.: 105-138-2 Court Date: 11-12-13

Name of Person Cited: Stephen Sevenich Date of Birth: 06-14-93
Citation Number: 6153833-0 Violation & Ord. / Statue No.: 90-18-3 Court Date: 11-12-13

Name of Person Cited: Date of Birth:
Citation Number: Violation & Ord. / Statue No.: Court Date:

Investigating Officer: PO Xavier Benitez District / Bureau: 14 Date: 09-24-13

CAPT. Aaron Raap
Commanding Officer

SEP 26 2013

Date

DISPOSITION - FOR LICENSING ONLY

Citation No.	Case Number	Disposition	Judge	Date

LICENSE INVESTIGATION UNIT

Received *9-31-13*

Referred *LCU*

By *[Signature]*

This report is being submitted by PO Xavier BENITEZ assigned to District 1, Power Shift.

On Friday September 13, 2013 at 12:04am I conducted a tavern check at 1137 N Old World Third St (Loaded Slate) Upon entering the tavern I observed that that the tavern had a lot of patrons close to the capacity amount of 99. I asked the door security what his count was? The security stated that he did not know because he did not have a counter and was not sure of the amount of patrons in the tavern. I advised the security to let five patrons out to two patrons in to keep his number at a manageable amount due to if not already being at capacity. Upon making my way to the main bar I observed a bartender pouring liquor directly from the bottle to the mouths of patrons. I then told owner Joseph KUNTZ to have his bar tender get off the top of the bar and cease from pouring liquor to the patrons mouths directly. As I walked through I observed that some of the patrons appeared under the legal drinking age and that about 5 patrons immediately left their drinks at the bar as they moved to the rear of the tavern. This is usually common with underage patrons avoiding contact with police. Due to me being alone, I advised KUNTZ of possible underage patrons. KUNTZ stated that he would have more security.

On Friday September 20, 2013 at 12:08am my partner PO BRADLEY and I along with other squads conducted a tavern check at 1137 N Old World Third St (Loaded Slate)

PO BRADLEY and I did a walk through of the tavern while the other squads posted at the rear and side exits. The owner of the tavern Joseph KUNTZ stated that he had two security persons and himself checking IDs at the door and that there are no underage patrons in his tavern. Immediately patrons started to make there way to the main exit of the tavern. The patrons that were attempting to leave were very young and appeared to be possibly under the legal drinking age. As the patrons were leaving officers were checking IDs for fake identification at the exit door. KUNTZ asked PO BRADLEY if he should close down because there were eight officers in his bar scaring his patrons away. PO BRADLEY advised KUNTZ that there were just two possibly three officers in his tavern. PO BRADLEY advised KUNTZ the reason people are leaving his bar is because they were under aged. As PO BRADLEY and I continued our way to the back of the tavern we encountered three subjects who appeared to be underage. I asked one of the subjects for his ID and he handed me a Minnesota ID that was not him he then became very nervous and tried hiding his college ID. The other subject with him later identified as Neil LYNCH put his hands on my left shoulder and shoved me. I then took control of his right arm and took him to the ground decentralizing him. LYNCH was then placed in handcuffs due to his combative nature. The capacity of the tavern is 99 with the back bar opened. At the time of the tavern check the back bar was closed. Approximately there were 125 to 130 patrons in the tavern. Due to the tavern being over capacity and some of the patrons being combative KUNTZ was ordered to close the tavern. I told KUNTZ that everyone exiting would have to have their IDs checked by the officers as they exit. After the bar was exited a total of 13 patrons were underage. After finishing the tavern check I observed that the rear exit door was pad locked from the inside. KUNTZ stated that he has had problems with people sneaking in through that door and that he temporally locks the door with the pad lock. KUNTZ stated that he could not give me an exact count on the patrons inside the tavern because he does not have counters but ordered some on line. I told him that a rough count was 125 to 130 patrons.

Violation & Ord. / Statue No.:		Court Date:
Name of Person Cited: Ryan J Loftus	Date of Birth: 6-15-95	Citation Number: 48911911277
Violation & Ord. / Statue No.: 90-19-1 Presence of Minor/Underage		Court Date: 11-12-13
Name of Person Cited: Mary H Franke	Date of Birth: 12-18-92	Citation Number: 48919811118
Violation & Ord. / Statue No.: 90-18-2 Possession/Consumption alcohol		Court Date: 11-12-13
Name of Person Cited : Mary H Franke	Date of Birth: 12-18-92	Citation Number: 48919811117
Violation & Ord. / Statue No.: 90-19-1 Presence of Minor/Underage		Court Date: 11-12-13
Name of Person Cited: Leo C Shubert	Date of Birth: 11-30-92	Citation Number: 48919811116
Violation & Ord. / Statue No 90-19-1 Presence of Minor/Underage		Court Date: 11-12-13
Name of Person Cited: Mitchell J Raasch	Date of Birth: 5-19-93	Citation Number: 48907411094
Violation & Ord. / Statue No.: 90-18-3 Minor Misrepresent Age		Court Date: 11-12-13
Name of Person Cited: Mitchell J Raasch	Date of Birth: 5-19-93	Citation Number: 48907411095
Violation & Ord. / Statue No.: 90-18-2 Possession/Consumption alcohol		Court Date: 11-12-13
Name of Person Cited: Neil Peter Lynch	Date of Birth: 10-12-92	Citation Number: 48989711073
Violation & Ord. / Statue No.: 90-19-1 Presence of Minor/Underage		Court Date: 11-12-13
Name of Person Cited: Neil Peter Lynch	Date of Birth: 10-12-92	Citation Number: 48907011199
Violation & Ord. / Statue No.: 90-18-3 Minor Misrepresent Age		Court Date: 11-12-13
Name of Person Cited: Neil Peter Lynch	Date of Birth: 10-12-92	Citation Number: 48907011200
Violation & Ord. / Statue No.: 50-25-5 Obstructing issuance of citation		Court Date: 11-12-13
Name of Person Cited: Samuel E Wesley	Date of Birth: 3-6-95	Citation Number: 48907011202
Violation & Ord. / Statue No.: 90-18-3 Minor Misrepresent Age		Court Date: 11-12-13
Name of Person Cited: Samuel E Wesley	Date of Birth: 3-6-95	Citation Number: 48907011201
Violation & Ord. / Statue No.: 90-19-1 Presence of Minor/Underage		Court Date: 11-12-13
Name of Person Cited: Mackenzie L Sevcik	Date of Birth: 7-10-95	Citation Number: 48917311244
Violation & Ord. / Statue No.: 90-18-3 Minor Misrepresent Age		Court Date: 11-12-13
Name of Person Cited: Mackenzie L Sevcik	Date of Birth: 7-10-95	Citation Number: 48917311243
Violation & Ord. / Statue No.: 90-19-1 Presence of Minor/Underage		Court Date: 11-12-13
Name of Person Cited: Caroline C Newman	Date of Birth: 8-19-95	Citation Number: 48917311242
Violation & Ord. / Statue No.: 90-18-2 Possession/Consumption alcohol		Court Date: 11-12-13
Name of Person Cited: Caroline C Newman	Date of Birth: 8-19-95	Citation Number: 48917311241
Violation & Ord. / Statue No.: 90-19-1 Presence of Minor/Underage		Court Date: 11-12-13

MILWAUKEE POLICE DEPARTMENT

REPORT OF INCIDENTS INVOLVING LICENSED PERSONS OR PREMISES

TO: Aaron Raap

Business Name: Loaded Slate

Address of Licensed Premises: 1137 N Old World Third St

District: 1

Business Phone: 414 273-5700

Type of License: BTAV

Violation / Incident #

Date of Incident: 09-26-13

Licensee or Manager on premises at time of violation / incident? Yes No

Licensee cooperative? Yes No (If no, explain in narrative section)

Licensee Notified by Officer: PO Benitez

Date: 9-20-13 Time: 0008

Licensee or Agent's Name: Joseph M Kuntz

Date of Birth: 12-19-82

Home Address: 1827 N Dr Martin Luther King Dr

Home Phone: 414 412-2999

Co-Licensee Name:

Date of Birth:

Home Address:

Home Phone:

Class S License Number:

Bartender Name:

Date of Birth:

Home Address:

Home Phone:

Class D License Number:

Licensed Person / Public Pass. Vehicle, etc.:

Date of Birth:

Home Address:

Home Phone:

Class D License Number:

VIOLATION/INCIDENT - DESCRIBE FACTS AND CIRCUMSTANCES IN NARRATIVE SECTION

Name of Person Cited:

Date of Birth:

Citation Number:

Violation & Ord. / Statue No.:

Court Date:

Name of Person Cited:

Date of Birth:

Citation Number:

Violation & Ord. / Statue No.:

Court Date:

Name of Person Cited:

Date of Birth:

Citation Number:

Violation & Ord. / Statue No.:

Court Date:

Name of Person Cited:

Date of Birth:

Citation Number:

Violation & Ord. / Statue No.:

Court Date:

Name of Person Cited:

Date of Birth:

Citation Number:

Violation & Ord. / Statue No.:

Court Date:

Investigating Officer: PO Xavier Benitez

District / Bureau: 14

Date: 09-27-13

Aaron Raap
Commanding Officer CAPT.

OCT 15 2013

Date

DISPOSITION - FOR LICENSING ONLY

Citation No.	Case Number	Disposition	Judge	Date

LICENSE INVESTIGATION UNIT

Received *10/15/13*

Referred *Lin*

By *[Signature]*

At the request of Attorney Michael Whitcomb and the owners of The Loaded Slate, a meeting was scheduled at their establishment to seek advice on underage alcohol consumption on their premises. In addition to Attorney Whitcomb, owners Joe Kuntz and Shawn Mellon were present. In attendance from MPD were: Captain Aaron Raap, Sgt. Scott Charles, Sgt. Jeffrey Lintonen, PO Xavier Benitez, PO Adam Bradley and Michele Klingbeil. The meeting was held on Thursday, September 26, 2013 at 3:00 p.m. at 1137 N Old World 3rd Street.

Captain Raap started the meeting by stating that there had been licensed premise checks on September 13th, with warnings issued about capacity and underage alcohol service. This was followed up by additional checks on September 20th, which resulted in citations issued for underage consumption and the closing of the bar for the evening, when patrons became combative.

Attorney Whitcomb stated that the owners would like to create an open dialogue and facilitate the sharing of information regarding techniques to prevent underage patrons from entering the bar with false IDs. Captain inquired whether the owners had surveyed neighboring bar owners to see what techniques they were using. The owners stated that they can purchase a card reader for \$600.00 that will take a photo of the ID – and questioned the usefulness of such a machine. Officers Bradley and Benitez explained that they would then have proof the ID was checked, and patrons could not state that someone did/did not check their ID. The owners also stated that they have noticed that on Thursday nights, their patrons are older until about 10:30 p.m., and then it changes to 25 years of age and younger. They would like the officers to provide some training for them to more easily identify false IDs.

Captain stated that with over 1/3 of the licensed premises in the city in District One, there are approximately 12 establishments that are problematic and he does not want The Loaded Slate to become one of them. He wants them to be successful with their business but not adversely affect the neighbors. He continued by stating that bartenders standing on the bar pouring alcohol into mouths of patrons is an example of creating an environment that will have a reputation for attracting the wrong clientele. Also, allowing the number of patrons to exceed the capacity is easily remedied by just counting.

Loaded Slate Meeting
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Officers Bradley and Benitez gave some examples of false IDs and how to recognize them. They also suggested that the doormen and bouncers not be allowed to consume alcohol while on duty. In addition, they discussed the recent training that four of our officers attended which can be accessed by bar owners as well.

Sgt. Charles closed the meeting with the following suggestions for the owners:

- o Over capacity is not an issue – everyone can count
- o Keep back door unlocked – it is a fire hazard and decreases the capacity
- o Post a sign at the door – regarding dress code and if patron looks under 25 they will be asked for a 2nd form of ID
- o The owners control the door – once the patrons are in, it is their problem – what happens on the street is a police problem

7. He also shared the information from the training that our officers attended and strongly encouraged them to look into it. He suggested that they coordinate the training with the rest of the owners on OW3rd. When the owners asked if they could call the police to check IDs, Captain stated that is not within our duties. Sgt. Charles suggested that if a patron becomes belligerent, they can suggest to them to call the police to validate their ID.

Officers Bradley and Benitez also suggested that the owners ask other doormen on the street to share their knowledge and techniques. They will return in the evening to provide a short training session for their staff.

PA-33E Narrative

This report is written by P.O. Anthony KRUEGER, District One, Early Shift, Sqd. 1421.

On the evening of Saturday May 3rd, 2014 through the morning of Sunday May 4th, 2014 District One personnel performed an underage tavern enforcement initiative. This was supervised by Sq 1413, Sgt. David LIGAS, and staffed with MPD officers Robert FERRELL, District One, Power Shift, Jennifer RAMOS, District One, Late Shift and myself. For the underage persons in this initiative we used two MPD police aides who work in the Police Administration Building. They were P.A. Paige CARLONI, W/F 12-15-93, Sensitive Crimes Day Shift, and P.A. Kourtney HARTL, W/F 06-18-94, Central Booking Day Shift.

Prior to attempting any checks of licensed class B tavern establishments the police aides were given instructions. CARLONI and HARTL were told that they were not allowed to consume any intoxicating beverages. They could not lie if asked if they were underage, or show any form of documentation, which could be construed as identification. It was explained that they had to order a Miller Lite Beer, directly from a bartender behind a bar, then meet the plainclothes officer observing them with the alcoholic beverage for a photo in the tavern and then leave together. It was explained that at all times the plainclothes officer shadowing them would be in visual sight and observe the financial transaction for alcoholic beverages.

After this briefing Sq 1413 Sgt. LIGAS, escorted P.O. Anthony KRUEGER who was in plainclothes and P.A. HARTL. While P.O. FERRELL escorted P.O. RAMOS in plainclothes, and P.A. CARLONI to multiple taverns located throughout the District One boundaries.

On Saturday, May 3rd, 2014 at 11:15 PM P.A. HARTL gained entry to the class "B" licensed tavern, Loaded Slate located at 1137 N Old World Third St. P.A. HARTL wasn't challenged at the point of entry by security staff, although one was present (b/m 20's, medium build). After gaining entry the underage P.A. HARTL, while being observed by P.O. KRUEGER, did approach the bar and ordered a Miller Lite from the bartender, (w/f, early-mid 20's, 5'5" wearing white tank top). P.A. HARTL again was not challenged for identification to verify her age. Upon exchange of money with the bartender P.A. HARTL was served an alcoholic beverage consisting of a Miller Lite Beer. At that time P.O. KRUEGER took a photo of P.A. HARTL inside the tavern and both left together to perform additional checks of nearby class "B" licensed establishments.

After the checks were completed the above listed tavern was notified of the violation(s) and informed that a PA33 and citations regarding would be filed. I was able to identify the bartender who served P.A. HARTL by description and her on scene identification. She was identified as Alba, Julia (W/F, 08-28-92, of 2965 N Maryland Ave., Milwaukee, WI 53211). Alba did not recognize P.A. HARTL or remember the transaction.

**MILWAUKEE POLICE DEPARTMENT
LICENSE INVESTIGATION UNIT**

**CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS
SYNOPSIS**

DATE: 06/03/2014
LICENSE TYPE: BTAVN
NEW:
RENEWAL: X

No. 188701
Application Date: 06/02/2014
Expiration Date:

License Location: 1137 N. Old World Third St.
Business Name: The Chalk House MKE LLC

Licensee/Applicant: Kuntz, Joseph M
(Last Name, First Name, MI)
Date of Birth: 12/19/1982

This report is written by Police Officer Gilbert Gwinn, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 06/11/2003, the applicant was cited at 2844 N. Downer Av. in the city of Milwaukee for Possession of Alcohol by Underage Person.

Charge: Possession Of Alcohol By Underage Person
Finding: Guilty – Milwaukee Municipal Court
Sentence: \$165.00 Penalty
Date: 07/31/2003
Case#: 03103101

2. On 07/11/2003, the applicant was cited in the Milwaukee River in the city of Milwaukee for Boating Adoption of State Statutes.

Charge: Boating Adoption of State Statutes
Finding: Guilty
Sentence: \$75.20 Penalty
Date: 05/10/2011
Case#: 03117767

3. On 03/21/2011, the applicant was cited at 1135 N. Water Street in the city of Milwaukee for Class D Operator's Liquor License.

Charge: Class D Operator's Liquor License
Finding: Guilty
Sentence: Fined \$368.00
Date: 09/19/11
Case: 11043404

4. On 03/21/2011, the applicant was cited at 1135 N. Water Street in the city of Milwaukee for Evading Law by Giving Away Alcohol.

Charge: Evading Law by Giving Away Alcohol
Finding: Dismissed w/o Prejudice
Date: 09/19/11
Case: 11043405

- On 01/03/2006 the Wisconsin Department of Transportation revoked the applicant's driver's license for 9 months for Operating While Intoxicated.
- On 02/28/2005 the Wisconsin Department of Transportation revoked the driver's license of Jerome Mellon for 6 months for Operating While Intoxicated. Jerome Mellon is listed on the application as Vice President and Member.

Incidents # 3 & 4 previously reported, disposition now added on 04/11/12.

5. On 02/10/12, applicant received a citation for Excessive Noise Prohibited at 1137 N 3rd Street.

Charge: Excessive Noise Prohibited
Finding: Guilty
Sentence: Fined \$230.00
Date: 04/03/12
Case: 12029762

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6. On 08/03/12 at 1:30 am, Milwaukee police conducted a License Premise Check at 1137 N Old World Third Street. Investigation revealed the bar had underage patrons, some which fled upon seeing police. Officers observed there was no one at the door checking ID's and spoke with Joe Kuntz. Kuntz stated it was unusually busy this particular night and had the doorman also acting as a barback, stocking coolers. Kuntz was advised he must always have someone at the door checking ID's. The underage patrons were cited.
 7. On 03/02/13 at 12:00 am, Milwaukee police conducted a License Premise Check at 1137 N Old World Third Street. Investigation revealed underage patrons were inside the bar and were cited. Police spoke with Paul Schemelzer who was the doorman/security person, who stated they must have had fake ID's because he checked everyone's ID as they entered. Schemelzer was advised to ask for a school ID or some other form of ID when suspicious of a patron. The agent, Joseph Kuntz, was advised to have his security refer to identification reference book that was provided to them earlier in the year by police.

8. On 03/07/13 at 12:20 am, Milwaukee police conducted a License Premise Check at 1137 N Old World Third Street. Upon entering the tavern, police observed an employee of the bar standing on top of the counter with a bottle of liquor in her hand pouring it into the mouths of patrons. Police spoke with the agent Joseph Kuntz and explained that this is a health code violation and the employee would have to stop. Kuntz stated he was unaware that it was a violation and was issued a warning.
9. On 04/06/13 at 12:10 am, Milwaukee police conducted a License Premise Check at 1137 N Old World Third Street. Investigation revealed the bar had patrons under the age of 21 and those patrons were cited for presence of underage and obstructing. Officers spoke with Jerome Mellon who was advised of the underage patrons. Mellon stated that he would hold a meeting with his security about the on going problem with underage patrons.

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10. On 07/28/2013 Milwaukee police were flagged down for a battery complaint in the 1100 block of North Old World Third Street. Investigation revealed the victim, Nicholas P. Zillman, had been hit in the head with a hammer. Both Zillman and the unidentified suspect were observed inside The Loaded Slate Tavern (1137 North Old World Third Street) shortly before the incident. Zillman appeared to be intoxicated and was uncooperative with police during the investigation. Milwaukee police incident report # 132090024 filed.
11. On 09/13/2013 at 12:04am a Milwaukee police officer conducted a licensed premise check at 1137 North Old World Third Street (Loaded Slate). The officer observed that the business appeared to be very near its posted capacity of 99, and asked the person at the door to let 5 patrons exit the business to every 2 allowed to enter in order to alleviate the crowd. The officer also observed a bartender pouring liquor directly into the mouth of a patron. The officer also observed some patrons leave their drinks at the bar and go to the back of the establishment which is consistent behavior for underage patrons. Because the officer was alone, he advised the Kuntz to have the bartender to cease his actions and the possibility of underage patrons in his establishment. No additional action was taken at that time. On 09/20/2013 at 12:08am Milwaukee police conducted a licensed premise check at 1137 North Old World Third Street (Loaded Slate). Officers at the exits checked patron identification as they exited the business and discovered 13 were under the legal drinking age of 21. One patron became combative and was placed in handcuffs. Capacity inside the business is 99 with the back bar open. The back bar was closed and officers estimate the crowd at 125-130. Additionally, the rear exit was padlocked from the inside. A total of 29 citations were written to patrons for violations of municipal ordinance including Presence of Minor/Underage, Possession/Consumption of Alcohol, Minor Misrepresent Age, Obstructing Issuance of Citation, Loitering Taverns, and Resist/Obstruct Officer. The applicant was cited for Sale of Alcohol to Underage Person.

As to the applicant:

Charge: Sale of Alcohol to Underage Person
Finding: Not guilty plea entered. No additional information.
Sentence:
Date:
Case: 13093297

12. On 09/26/2013 at 3:00pm Milwaukee police Captain Aaron Raap, Sgt. Scott Charles, Sgt. Jeffrey Lintonen, PO Xavier Benitez, PO Adam Bradley and Michele Klingbeil met with Attorney Michael Whitcom, Joe Kuntz and Shawn Mellon at 1137 North Old World Third Street (Loaded Slate) at the request of Joe Kuntz. The business owners are looking for techniques to prevent underage patrons from entering the bar. Several suggestions were made to prevent underage patrons from entering the business and to help alleviate over capacity issues.

13. On 05/03/2014 a 19 year old Milwaukee police aide, working in conjunction with Milwaukee police, was able to gain entry into and then purchase a beer from the bartender at 1137 North Old World Third Street (Loaded Slate). The applicant received two citations.

Charge	1:	Sale to Underage Prohibited
	2:	Presence of Minor at Licensed Premise
Finding	1:	No information available
	2:	Due for review 06/24/2014 1:15pm
Sentence	:	
Date	:	
Case	:	Citation #48928511229