



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

www.milwaukee.gov

November 2, 2006

Carolyn Hill Robertson
Deputy City Clerk

Tony M. Carter
5477 North 38th Street
Milwaukee, WI 53209


Dear Mr. Carter:

You are hereby notified that the Milwaukee Common Council will hold a hearing on November 14, 2006 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 53202 to consider your Class "B" Tavern and Instrumental Music license renewal application for the premises located at 2712 North Dr. Martin Luther King Jr. Drive, Milwaukee, Wisconsin ("Ray's Rhythm & Blues Lounge"). You voluntarily withdrew your application for a Tavern Dance license.

Attached you will find a copy of the Report of the Licenses Committee which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "B" Tavern and Instrumental Music license with a ten (10) day suspension. The recommendation is the result a hearing held before the Licenses Committee on October 30, 2006, a police report and testimony at the hearing.

You may file a written objection to the report of the Licenses Committee. You may also appear before the Milwaukee Common Council to make oral arguments supporting your written objections and present oral arguments supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least three (3) working days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may then also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Very truly yours,



RONALD D. LEONHARDT
City Clerk

Attachment

cc: License Division
CCF 060747

060727



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: November 2, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Tony M. Carter, Sr., for a Class "B" Tavern and Instrumental Music license for the premises located at 2712 North Drive Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Ray's Rhythm & Blues Lounge").

FINDINGS OF FACT

1. Tony M. Carter (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Instrumental Music license for the premises at 2712 North Doctor Martin Luther King, Jr. Drive in the City and County of Milwaukee, Wisconsin ("Ray's Rhythm & Blues Lounge "). Said license expires at midnight, December 12, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on October 4, 2006.
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 this license on October 5, 2006. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, fights and shootings, drug and criminal activity, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On October 20, 2006, the City Clerk's Office provided notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for suspension or non-renewal of the licenses of the Licensee and the neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report on October 30, 2006 at 9:45 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared at

the hearing and also admitted service of the notice of hearing. The Licensee 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, 2006 at 12:16 a.m. officers of the Milwaukee Police Department responded to a large fight at the licensed premises at 2712 North Doctor Martin Luther King Jr. Drive ("Ray's Rhythm & Blues Lounge"). Other squads were on the scene. Officers observed approximately 50 people in the street being loud, profane, and fighting. Two arrests, one for disorderly conduct (fighting) and one for disorderly conduct and obstructing an officer. Upon observing the number of patrons in the tavern, it appeared to be over its listed capacity of 80 persons. After police were able to maintain control of the fight, several patrons of the tavern left the bar through the front and rear exits and officers were unable to obtain an accurate capacity count. The licensee was given a warning regarding the disorderly conduct and over capacity.
 - B. On May 27, 2006, at 1:46 a.m. officers of the Milwaukee Police Department were dispatched to the intersection of West Center Street and North Doctor Martin Luther King Jr. Drive for a subject with a gun complaint. Upon their arrival, they found a large disturbance in the middle of the street. The incident started inside the licensed premises at 2712 North Doctor Martin Luther King Jr. Drive ("Ray's Rhythm & Blues Lounge") and the subject was escorted outside the tavern by security guards. The manager, Dexter R. Carter, was on the scene and closed the tavern after the altercation occurred. One victim was hit and kicked in the face, a victim of substantial battery and was treated by MFD Unit No. 7. Three suspects were taken into custody in connection with this incident.
 - C. No neighbors appeared in opposition to this license, but one former DJ of the club appeared and testified in support of the license renewal. The local alderman testified that the licensee is supportive of the efforts at improvement being done by the local neighborhood organizations.

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, Tony M. Carter, Sr. 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 Instrumental Music license without undergoing a ten (10) day suspension. The Committee finds the police report as stated above to be true. The applicant withdrew his application for a Tavern Dance license.

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 Instrumental Music license of Tony M. Carter, Sr. for the premises located at 2712 North Doctor Martin Luther King Jr. Drive with a ten (10) day suspension.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, zero (0) noes and two (2) excused recommends that the Class "B" Tavern and Instrumental Music license of Tony M. Carter, Sr. for the premises located at 2712 North Doctor Martin Luther King Jr. Drive be renewed with a ten (10) day suspension.

Said suspension is to be in effect from 12:01 a.m. December 13, 2006 through midnight, December 22, 2006.

Dated and signed at Milwaukee, Wisconsin this 2nd day of November, 2006.


JAMES N. WITKOWIAK, Jr., Chair
Licenses Committee

111451



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

www.milwaukee.gov

November 2, 2006

Carolyn Hill Robertson
Deputy City Clerk

John Strege, Agent
Strege, LLC
N92 W17412 Forest Drive
Menomonee Falls, WI 53051

Attorney Joe Ganzer
7161 North Port Washington Road
Milwaukee, WI 53217


Dear Mr. Strege and Mr. Ganzer:

You are hereby notified that the Milwaukee Common Council will hold a hearing on November 14, 2006 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 53202 to consider your Class "B" Tavern and Tavern Dance license renewal application for the premises located at 9316 West Appleton Avenue, Milwaukee, Wisconsin ("Side Pocket Sports Bar").

Attached you will find a copy of the Report of the Licenses Committee which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "B" Tavern and Tavern Dance licenses with a ten (10) day suspension. The recommendation is the result of a hearing held before the Licenses Committee on October 30, 2006, and a police report.

You may file a written objection to the report of the Licenses Committee. You may also appear before the Milwaukee Common Council to make oral arguments supporting your written objections and present oral arguments supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least three (3) working days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may then also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Very truly yours,



RONALD D. LEONHARDT
City Clerk

Attachment

cc: License Division
CCF 060727



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: November 2, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of John N. Strege, as agent for "Strege, LLC." for a Class "B" Tavern and Tavern Dance license for the premises located at 9316 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Side Pocket Sports Bar").

FINDINGS OF FACT

1. John N. Strege (hereinafter the "Licensee") is the agent for "Strege, LLC" doing business at 9316 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Side Pocket Sports Bar"). Said license expires at midnight, December 19, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on September 26, 2006.
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 this license on September 27, 2006.
4. On October 20, 2006, the City Clerk's Office provided notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for suspension or non-renewal of the licenses of the Licensee and included a copy of the police report. The matter was scheduled for a hearing on the police report on October 30, 2006 at 9:15 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared at the hearing and also admitted service of the notice of hearing. The Licensee was represented by Attorney Joseph T. Ganzer, 7161 North Port Washington Road, Milwaukee, WI 53217.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On August 31, 2005, at 5:15 p.m. an underage police aide, under the direction of officers of the Milwaukee Police Department, purchased beer from a bartender at the licensed premises at 9316 West Appleton Avenue. The applicant who was not on the scene was not cited. The bartender was cited and had an initial appearance on October 18, 2005.
 - B. On March 11, 2006 at 11:45 p.m., the applicant received a citation for posting of occupancy capacity at the licensed premises at 9316 West Appleton Avenue ("Side Pocket Sports Bar"). On May 31, 2006 he was found guilty and fined \$5,000.
 - C. On October 8, 2006 at 12:45 a.m. officers of the Milwaukee Police Department conducted a lawful inspection of the licensed premises at 9316 West Appleton Avenue ("Side Pocket Sports Bar"). Upon their arrival, officers conducted a preliminary count of the number of persons in the premises and it was determined that they were over posted capacity. Officers advised the staff that they had to do an official count as the people exited the main doors and the count was 197 people plus the 24 staff totaling 221 persons which exceeded the capacity by 71 persons. A citation for over capacity was issued to the licensee which is pending a hearing date on November 29, 2006.
 - D. At hearing, the Committee was informed that the licensee admits responsibility for the over capacity situation occurring on March 11, 2006, but denied he was over capacity and disputes the accuracy of the count for the incident of October 8, 2006, and is thus contesting it. The reason for the over capacity on March 11, 2006 is because he sponsors two teams, and they were both in the premises at the same time with their friends on the date in question.
 - E. There are no neighbors in the immediate vicinity of this premises, and it is very popular. That accounts for the fact that there were no neighborhood objections to the operation of this premise.

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,

John W. Strege, as agent for "Strege, LLC" at 9316 West Appleton Avenue has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Tavern Dance license without undergoing a ten (10) day suspension. The Committee finds the police and report to be true.

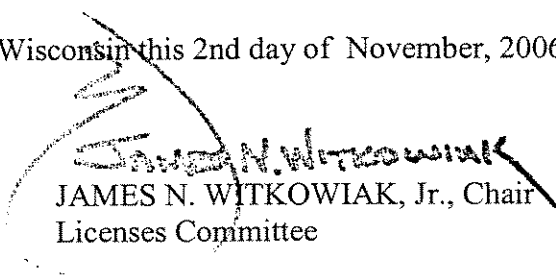
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Tavern Dance license of John W. Strege, as agent for "Strege, LLC" for the premises located at 9316 West Appleton Avenue with a ten (10) day suspension.

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) excused recommends that the Class "B" Tavern and Tavern Dance license of John W. Strege, as agent for "Strege, LLC" for the premises located at 9316 West Appleton Avenue be renewed with a ten (10) day suspension.

Said suspension is to be in effect from 12:01 a.m. December 20, 2006 through midnight, December 29, 2006.

Dated and signed at Milwaukee, Wisconsin this 2nd day of November, 2006.


JAMES N. WITKOWIAK, Jr., Chair
Licenses Committee

111450



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

www.milwaukee.gov

November 2, 2006

Carolyn Hill Robertson
Deputy City Clerk


Michael R. Nohelty
3667 South 76th Street
Milwaukee, WI 53220

Dear Mr. Nohelty:

You are hereby notified that the Milwaukee Common Council will hold a hearing on November 14, 2006 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 53202 to consider your Class "B" Tavern license renewal application for the premises located at 1438 West Lincoln Avenue, Milwaukee, Wisconsin ("Asti's").

Attached you will find a copy of the Report of the Licenses Committee which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "B" Tavern license with a twenty (20) day suspension. The recommendation is the result a hearing held before the Licenses Committee on October 30, 2006 and a police report.

You may file a written objection to the report of the Licenses Committee. You may also appear before the Milwaukee Common Council to make oral arguments supporting your written objections and present oral arguments supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least three (3) working days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may then also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Very truly yours,

RONALD D. LEONHARDT
City Clerk

Attachment

cc: License Division
CCF 060727



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: November 2, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Michael R. Nohelty, for a Class "B" Tavern license for the premises located at 1438 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Asti's").

FINDINGS OF FACT

1. Michael R. Nohelty (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises at 1438 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Asti's"). Said license expires at midnight, December 10, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on October 6, 2006.
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 this license on October 10, 2006. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, vandalism and trespassing, public urination, drug and criminal activity, fights, sales to underage, failure to comply with municipal ordinance requirements, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On October 19, 2006, the City Clerk's Office provided notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report and neighborhood objections that could form the basis for suspension or non-renewal of the licenses of the Licensee and included a copy of the police report. The matter was scheduled for a hearing on the police report on October 30, 2006 at 2:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared at the

hearing and also admitted service of the notice of hearing. The Licensee 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 October 19, 1994, the licensee was issued a citation for open doors after hours. The licensee was charged and found guilty of this offense on December 6, 1994 and fined \$200.00.
 - B. On April 17, 1996 at the licensed premises at 1438 West Lincoln Avenue ("Asti's"), the licensee was issued a citation for presence of minor prohibited and was found guilty of this offense on August 7, 1996 and fined \$665.00.
 - C. On June 5, 1996 at the licensed premises at 1438 West Lincoln Avenue, the licensee was issued a citation for presence of minor prohibited and on November 11, 1996 he was found guilty and fined \$300.00.
 - D. On December 28, 2003 at 12:52 AM officers of the Milwaukee Police Department observed a subject go into the side door of the licensed premises at 1438 West Lincoln Avenue ("Asti's") and come back out with two six-packs of beer. The investigation revealed that the beer was sold by a relief bartender, who was cited. That case was dismissed in Municipal Court. The licensee was not on the scene and was not cited. An incident report was filed.
 - E. On December 11, 2004 at 7:20 PM an underage police aide, under the direction of City of Milwaukee police officers, purchased beer from a bartender at the licensed premises at 1438 West Lincoln Avenue without showing ID. The bartender and the licensee, who was not on the scene, were cited and charged with sale to underage (licensee responsible) and on February 9, 2005 was found guilty and fined \$152.00.
 - F. On March 31, 2005 at 1:47 AM officers of the Milwaukee Police Department observed a person urinating on the side of the licensed premises at 1438 West Lincoln Avenue ("Asti's"). Officers attempted to gain entry to the tavern, but found the doors locked. After a short time, officers were allowed in. The bartender admitted hiding people in the basement of the tavern so they could drink after police left. The licensee was issued citations for immediate entry for police and safe egress and on June 15, 2004 both were dismissed.
 - G. On March 30, 2006 at 8:21 PM, Milwaukee Police officers conducted a license premise check at 1438 West Lincoln Avenue ("Asti's").

Officers found three bags of suspected marijuana located in the back of the tavern by the pool table. It tested positive for marijuana and was placed on inventory. Also found were baggies and a metal pipe with marijuana residue. The licensee's wife, Francine Nohelty, arrived on scene and was angry and wanted to know why police were there. It was explained to her that police were conducting a licensed premises check. Officers explained what they had found and Mrs. Nohelty stated she did not believe anybody was packaging or selling narcotics in her tavern. She also stated that she can't be there 24 hours a day. Officers also found the north rear exit door locked with a side bolt, two dead bolts and a padlock. The east exit door was also locked and had a table in front of it. Mrs. Nohelty stated that she had to keep the north door locked or else people sneak in because the door cannot be seen from the bar. The licensee further stated the east door is warped and does not open at all. The licensee was advised that the doors must be in working order and unlocked from the inside during business hours. No other violations were found.

- H. On April 5, 2006 at 10:52 PM, Milwaukee police officers were sent to 1438 West Lincoln Avenue ("Asti's") for a shots fired complaint. The investigation revealed that a window was broken with possibly a beer bottle after a verbal argument in the bar occurred between an employee of the bar (employee was not working at the time) and two patrons. The wife of the licensee, Francine Nohelty, responded to the tavern after the bartender called her. Mrs. Nohelty stated she did not want a report filed since the damage was minor. Officers were talking with witnesses regarding this incident and one patron was found to have a felony warrant. The subject was identified as Gerald Buffett and he was arrested and conveyed to District 2 for processing. Further investigation found the north rear door was locked with a slide bolt and padlock, a dead bolt and the doorknob was locked. The east exit door was also locked and had a table in front of it. Mrs. Nohelty stated if she does not keep the north door locked, people sneak in because the door cannot be seen from the bar. She further stated the east door is warped and does not open at all. Officers were there previously (3-30-06) and advised her that the rear doors had to remain unlocked for safe egress during business hours. Officers also had affixed a placard on the rear door that stated the slide locks had to remain unlocked during business hours, which was removed. The licensee, Michael Nohelty, was cited for safe egress from all entrance doors and was charged with this offense on September 14, 2006 and fined \$343.00. No other violations were found.
- I. On September 3, 2006 at 1:15 AM, Milwaukee police officers conducted a tavern check at 1438 West Lincoln Avenue ("Asti's").

Officers observed a male who appeared to be underage inside the tavern. Officers asked this male for an ID and the male attempted to leave. Officers at this time observed the male reach into his waistband area and pull out a silver handgun and toss it behind an arcade game. This male subject was immediately arrested and the gun was recovered. This subject was identified as Duane Miller. Officers later spoke with the licensee's wife, Francine Nohelty who stated she was aware of what occurred earlier. Officers advised that Michael Nohelty would be receiving a citation for presence of underage. Duane Miller also received a citation for presence of underage.

- J. At hearing, Mr. Nohelty claimed that the door with the table in front of it is not an exit door, and that he has been told that he need only have one exit remaining that can be opened from the inside. The licensee further explained to the Committee that there are no doors to the East, only South, North, and West.
- K. The licensee also claimed that floor dope will be found in most taverns in the City.
- L. With respect to the underage person on the premises, the licensee testified that he is fighting that citation because the individual had been carded when he ordered an alcoholic beverage, the check showed the person was underage, and he was leaving as the police came in to do a tavern check.
- M. No neighbors appeared to testify as to the neighborhood objections.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Michael R. Nohelty, has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a twenty (20) day suspension. 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

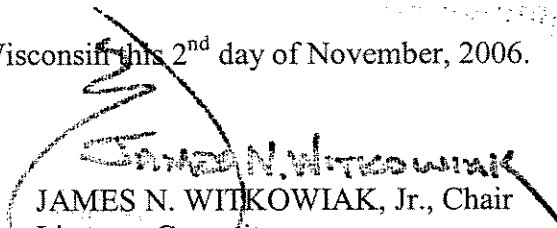
the Class "B" Tavern license of Michael R. Nohelty for the premises located at 1438 West Lincoln Avenue ("Asti's") with a twenty (20) day suspension.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes recommends that the Class "B" Tavern license of Michael R. Nohelty for the premises located at 1438 West Lincoln Avenue ("Asti's") be renewed with a twenty (20) day suspension.

Said suspension is to be in effect from 12:01 a.m. December 11, 2006 through midnight, December 30, 2006.

Dated and signed at Milwaukee, Wisconsin this 2nd day of November, 2006.


JAMES N. WITKOWIAK, Jr., Chair
Licenses Committee

111483



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

www.milwaukee.gov

November 2, 2006

Carolyn Hill Robertson
Deputy City Clerk

John F. Carter
108 East Meinecke Street
Milwaukee, WI 53212

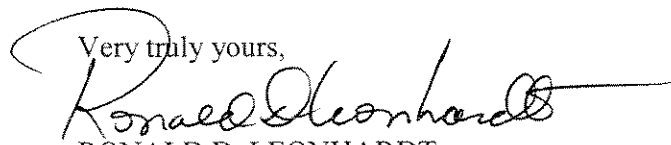
Dear Mr. Carter:

You are hereby notified that the Milwaukee Common Council will hold a hearing on November 14, 2006 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 53202 to consider your Class "B" Tavern renewal application for the premises located at 507 West North Avenue, Milwaukee, Wisconsin ("Carter's House of Jazz").

Attached you will find a copy of the Report of the Licenses Committee which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "B" Tavern license with a ninety (90) day suspension. The recommendation is the result a hearing held before the Licenses Committee on October 30, 2006 and a police report.

You may file a written objection to the report of the Licenses Committee. You may also appear before the Milwaukee Common Council to make oral arguments supporting your written objections and present oral arguments supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least three (3) working days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may then also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Very truly yours,



RONALD D. LEONHARDT
City Clerk

Attachment

cc: License Division
CCF 060727



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: November 2, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of John F. Carter for a Class "B" Tavern license for premises located at 507 West North Avenue, in the City and County of Milwaukee, Wisconsin ("Carter's House of Jazz").

FINDINGS OF FACT

1. John F. Carter (hereinafter the "Licensee") is the holder of a Class "B" Tavern license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, December 20, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on October 2, 2006.
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. There was a Milwaukee Police Department report dated October 3, 2006, which could form the basis for non-renewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, shootings, fights, presence of underage persons, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On October 19, 2006, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections and the police report along with a copy of the police report that could form the basis for suspension or non-renewal of the license of the Licensee. The matter was scheduled for a hearing on the police report and neighborhood objections on October 30, 2006 at 10:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report and he was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On September 1, 1991, in Milwaukee, Wisconsin, the licensee was charged with Possession with Intent to Deliver Narcotics on February 7, 1992 and found guilty and sentenced to 1 year in the House of Correction which was stayed and 2 years probation.
- B. On August 25, 1993, in Milwaukee County, Wisconsin, the licensee was charged with Battery and on June 2, 1994 he was found guilty and fined \$300.00.
- C. On September 5, 1994, in City of Milwaukee, the licensee was issued a citation for Lead Abatement Permit and on October 17, 1994 he was found guilty and fined \$273.79
- D. On July 4, 1995 in Milwaukee County, the licensee was charged with Battery and on February 6, 1996 he was found guilty and sentenced to 30 days in the House of Correction and 12 months probation.
- E. On January 10, 1996, in Milwaukee, Wisconsin, the licensee was charged with Burglary-Building or dwelling and on June 10, 1996 he was found guilty and sentenced to 5 years in state prison which was stayed and 4 years probation, and 6 months in the House of Correction.
- F. On July 8, 1997, at 2735 West Clarke Street, the licensee was issued a citation for Resisting/Obstructing an Officer and on August 28, 1997 he was found guilty and fined \$111.10.
- G. On August 3, 1997, at 3707 West Good Hope Road, the licensee was issued a citation for Resisting/Obstructing an Officer and on September 23, 1997 he was found guilty and fined \$111.10.
- H. On May 21, 1998 in Brookfield, Wisconsin, the licensee was charged with Retail Theft and on March 23, 1999 he was found guilty and sentenced to 1 year probation and costs.
- I. On January 16, 2002, in Menomonee Falls, Wisconsin, the licensee was issued a citation for Issue of Worthless Check and on February 27, 2002 he was found guilty and fined an undisclosed amount.

The following incident occurred after subject applied for license in 2004, but before it was granted. The licensee at the time was Mary A. Anderson, DOB: 5-5-61.

- J. On November 13, 2004, at 2:16 AM, officers of the Milwaukee Police Department investigated a personal injury accident, 1200 West Garfield Avenue. One officer was instructed to make a notification to a family member regarding a possible life-threatening injury in the 3400 block of North 11th Street. Officers went to the address they were given, and spoke to the occupant (not a family member). They were told that another female, a friend of the first victim, was upstairs on the bed, and may have also been injured in the accident. The officers went to the bedroom and found the female. She was

- questioned regarding the accident, and she said that she had been in the accident. She told officers she and her two friends were involved in underage drinking, and were at the licensed premises at 507 West North Avenue in the City and County of Milwaukee, Wisconsin ("What Goes Up Must Come Down Tavern"). When asked more questions about the accident, she became very uncooperative. This victim was conveyed to Froedtert Hospital for treatment by Milwaukee Fire Department personnel.
- K. On November 19, 2004, officers of the Milwaukee Police Department conducted follow-up investigation regarding the accident at the licensed premises at 507 West North Avenue in the City and County of Milwaukee, Wisconsin ("What Goes Up Must Come Down Tavern"). The officers interviewed the bar manager, John F Carter, who stated that he heard about the fatal accident, and he was working that night. He then stated that none of the victims were inside his tavern. John Carter was issued a citation for presence of minors on Class "B" premises and on January 13, 2005 he was found guilty and fined \$354.00
- L. On January 10, 2005 at 2:10 AM, officers of the Milwaukee Police Department were flagged down by a female who stated she had just gotten in a fight with a bartender, Tasha Weatherall, from the licensed premises at 507 West North Avenue in the City and County of Milwaukee, Wisconsin ("Carter's Tavern"). The female said she and Ms. Weatherall were kicked out of the bar and that Ms. Weatherall told someone in the bar to "Get her Pistol". The female stated she started to walk across the street when she heard 3-4 shots coming from behind her. She said that as she turned around, she saw the bartender firing a gun at her. She then saw Ms. Weatherall run to a vehicle, a 2002 Cadillac. A description of the vehicle was broadcast, and the vehicle was stopped a short while later. As the officer approached the driver's side of the vehicle he could see the barrel of a pistol sticking out between the drivers seat and the middle counsel. The driver was identified as Tasha Weatherall. The driver was removed and pistol was recovered. The officers then spoke to licensee, John Carter, who stated that Tasha Weatherall is a bartender at his bar, and that she did get into a fight inside of his tavern on that date. One arrest was made for Carrying Concealed Weapon, and Reckless Endangering Safety. At the 2005 hearing the Committee was told that Ms. Weatherall was off duty at the time and that she was fired.
- M. On January 19, 2005 at 1:53 AM, officers of the Milwaukee Police Department were dispatched to investigate a shooting at the licensed premises at 507 West North Avenue (Carter's Tavern'). Upon arrival, there were four security persons from Carter's Tavern standing in front of the premises. As the officers approached they asked if anyone had heard or seen anyone shooting a gun or if anyone had been shot at that location. All of the security persons responded by saying "No one has been shot here and we didn't hear any shots being fired." At that time a green Cadillac was seen driving away from 507 West North Avenue. About 5 minutes later, officers were dispatched to Mt Sinai Hospital to investigate a shooting victim. A green Cadillac had just left the hospital after dropping off a shooting victim. The officers returned to 507 West North Avenue. They identified the driver as John Carter, the licensee. He told officers a female patron got into a fight in the tavern and she was removed. A couple of minutes later she came back into the tavern

and stated that she had been shot. Carter was asked why he did not tell officers he had a shooting victim in the car, and why he drove away from the scene. He said he did not know whether she had been shot and he wanted to get her to the hospital quickly. He then became very uncooperative and confrontational. An incident report was filed. At the 2005 hearing, the licensee claimed he was cooperative. However, it is clear, in light of all the facts that the security personnel and the licensee were attempting to deceive the officer.

- N. On January 26, 2005, officers from the Milwaukee Police Department were notified that the licensed premises at 507 West North Avenue ("The Carter") may be operating without a license. John Carter was operating the tavern, but as yet has not been issued a valid tavern license. Mary Anderson the previous owner held a valid Class "B" tavern license for the premises. Officers contacted Mary Anderson. She said she turned the tavern over to John Carter on April 1, 2004. She said she is no longer involved in the premises, and does not receive any monies from Mr. Carter. She was advised to surrender her license to City Hall. On January 26, 2005, officers conducted a premises check at the licensed premises at 507 West North Avenue (Carter's Tavern). The applicant told the officers he was leasing the tavern from Anderson. The tavern was closed by the applicant. He was issued the citation for Class "B" license required which was dismissed without prejudice on October 21, 2005. At the 2005 hearing, the Committee was informed that the license in the name of Mr. Carter was granted on January 21, 2004 and issued on February 1, 2005. Thus for over a year Mr. Carter was operating under Ms. Anderson's Class "B" license.
- O. On July 27, 2005, at 1:25 AM, officers of the Milwaukee Police Department conducted a premises check of the licensed premises at 570 West North Avenue in the City and County of Milwaukee, Wisconsin ("The Carter"). The customers were counted with the total number being 57 patrons, not including 7 employees. The posted maximum capacity for the premises is 25. The amusement machines, and the juke box were checked and it was found that the licenses for the machines had expired on June 30, 2005. The licensee was issued a citation for posting of occupancy capacity for which he was found guilty on October 21, 2005. The licensee was also issued 2 citations for amusement machine license required and both of these were dismissed on October 21, 2005.
- P. On October 29, 2005 at about 1:45 am, a triple shooting occurred at the licensed premises at 507 West North Avenue in the City and County of Milwaukee, Wisconsin ("The Carter"). An unknown person fired several shots on a crowded sidewalk. John Carter, the licensee, stated that as he was closing the tavern, he heard one gunshot. Then he heard several more gunshots. There were three victims, one with a gunshot wound to the knee, one with a wound to an ankle and a third with a wound to a bicep. The victims drove themselves to the hospital. All the victims were customers of the tavern. At the 2005 hearing, the licensee claimed the shootings did not occur at the premises but "up the block."
- Q. On December 10, 2005, officers of the Milwaukee Police Department responded to the area of the 5th and North Avenue for a shooting. The investigation revealed several

subjects were shot when there was an exchange of gunfire in the middle of North 5th Street. One victim was shot to his upper thigh and left upper buttocks. The second victim sustained a gunshot wound to the left arm and right thigh. A third victim sustained a gunshot wound to the right bicep. Also injured were two occupants of a residence nearby who were struck by the gunfire. (Injuries were not listed on report). The first three reported victims all stated they had been in Carter's bar prior to the incident.

- R. On March 17, 2006 at 2:00 a.m., officers of the Milwaukee Police Department responded to a shooting at the licensed premises at 507 West North Avenue ("Carter's House of Jazz"). The investigation revealed the victim, Antwon Jackson, had been shot with an unknown type of handgun. The Criminal Investigation Bureau handle the investigation.
- S. On March 24, 2006 at 12:50 a.m., an officer of the Milwaukee Police Department observed an illegally parked auto in front of the licensed premises at 507 West North Avenue ("Carter's House of Jazz"). The officer issued a parking citation and discovered the owner was a Brandon Ellis. The officer believed the owner of the auto may have been inside the tavern and parked his squad and observed the area for a while. The officer shortly later observed a young black male leave Carter's House of Jazz and entered the above listed auto. As the driver began to leave, he made an illegal U-turn and was stopped by the officer. This subject did provide the officer with a valid ID and stated he had just come from Carter's House of Jazz where he had purchased and consumed two drinks, which Ellis refused to identify. When asked how he obtained the drinks, Ellis stated he ordered them from a black female bartender. Ellis was issued a citation for presence of underage and was instructed by the officer he could not drive due to his license being revoked. The officer observed the Ellis did not appear to be intoxicated and his speech was not slurred. However, the officer could smell an odor of an alcohol beverage on his breath. The officer then proceeded to the tavern and spoke to John F. Carter in regards to the above violations. Carter informed the officers that he does not check ID's, that his bouncers do and that he does not serve alcohol, his bartender does. The bartender was identified as Jacqueline S. Davis and Ellis informed the officers that she was gone for the night. Ellis then stated that the police, the district captain and the alderman were targeting him regarding his tavern. Carter was issued two citations one for presence of underage for which he was found guilty on May 26, 2006 and fined \$354.00 and sale to underage which was dismissed without prejudice on May 26, 2006.
- T. On April 1, 2006 at 12:43 a.m., officers of the Milwaukee Police Department were in the area on an armed robbery investigation when they observed four armed security officers in front of the licensed premises at 507 West North Avenue ("Carter's House of Jazz"). Officers interviewed the security guards who stated they were contracted through John Carter, owner of the bar. The investigation revealed two out of the four security guards did not have their permit on their person or had an expired permit. Officers then took two of the firearms from security officers who did not have their permits and placed the guns in the owners' cases and into the auto of the security officers for transport back to the business. No other violations were found.
- U. On June 4, 2006 at 10:11 p.m., the applicant received a citation for noise nuisances at the

licensed premises at 507 West North Avenue. The licensee was charged with noise nuisance on found guilty on July 25, 2006 and fined \$228.00.

- V. This license was renewed in 2005 with a forty-five (45) day suspension.
- W. The licensee testified to the Committee that he appeals to a younger crowd and that he has tried music appealing to an order crowd, but the younger crowd keeps on coming. The licensee also testified that when trouble occurs at closing, he has gone to closing earlier in order to alleviate problems.
- X. Five individuals appeared in support of the licensee. No neighbors appeared in support of the neighborhood objections.

CONCLUSIONS OF LAW

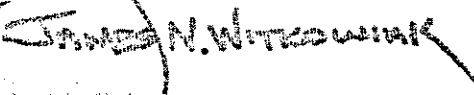
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, John F. Carter, for the licensed premises at 507 West North Avenue (“Carter’s House of Jazz”) has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class “B” Tavern license without undergoing a ninety (90) day suspension. 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 discretion to renew the Class “B” Tavern license of John F. Carter for the premises at 507 West North Avenue in the City and County of Milwaukee, Wisconsin (“Carter’s House of Jazz”) with a ninety (90) day suspension.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of two (2) ayes, one (1) noe, one (1) abstain and one (1) excused recommends that the Class "B" Tavern license held by John F. Carter for the premises at 507 West North Avenue in the City and County of Milwaukee, Wisconsin (“Carter’s House of Jazz”) be renewed with a ninety (90) day suspension.

Said suspension is to be in effect from 12:01 a.m. December 21, 2006 through midnight March 20, 2007.

Dated and signed at Milwaukee, Wisconsin this 2nd day of November, 2006.



JAMES N. WITKOWIAK
Chairman of the Licenses Committee

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