



CITY OF MILWAUKEE
OFFICE OF THE CITY CLERK

Friday, July 22, 2022

COMMITTEE MEETING NOTICE

AD 03

BARTH, Austin E, Agent
Josh's Fine Dining LLC
504 E Locust St
Des Moines, IA 50309

You are requested to attend a hearing which is to be held in Council Chambers on:

Thursday, July 28, 2022 at 08:30 AM

Regarding: Your Class B Tavern, Food Dealer, Public Entertainment Premises and Sidewalk Dining License Renewal Applications as agent for "Josh's Fine Dining LLC" for "Up-Down MKE" at  Brady St.

There is a possibility that your application may be denied for one or more of the following reasons: The recommendation of the committee regarding the application shall be based on evidence presented at the hearing. Per MCO 85-4-4, unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of the following: failure of the applicant to meet municipal 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 or permitted activity, by the applicant or by any employee or other agent of the applicant. If the activities of the applicant involve a licensed premises, whether the premises tends to facilitate a public or private nuisance or has been the source of congregations of persons which have resulted in any of the following: disturbance of the peace; illegal drug activity; public drunkenness; drinking in public; harassment of passers-by; gambling; prostitution; sale of stolen goods; public urination; theft; assaults; battery; acts of vandalism including graffiti, excessive littering, loitering, illegal parking, loud noise at times when the licensed premise is open for business; traffic violations; curfew violations; lewd conduct; display of materials harmful to minors, pursuant to s. 106-9.6; or any other factor which reasonably relates to the public health, safety and welfare, or failure to comply with the approved plan of operation. See attached police report or correspondence.

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: _____

Jim Cooney
License Division Manager

If you have questions regarding this meeting, please contact the staff assistant, Yadira Melendez at (414) 286-2775 or stas5@milwaukee.gov

MILWAUKEE POLICE DEPARTMENT LICENSING

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS SYNOPSIS

DATE: 06/14/22

LICENSE TYPE: Class B Tavern

NEW:

RENEWAL:

No. 339255

Application Date: 06/29/2021

License Location: 615 E Brady St

Business Name: Up Down MKE

Licensee/Applicant: BARTH, Austin E
(Last Name, First Name, MI)

Date of Birth: 06/23/1992

Home Address: 1684 n. Jackson Street

City: Milwaukee

State: WI Zip Code: 53202

Home Phone: 515-681-6153

This report is written by Police Officer Corstan D. COURT, assigned to the License Investigation Unit, Days.

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

1. On 01/07/2021 an officer received an email from a citizen regarding an incident at Up Down MKE, 615 E. Brady St., on 01/02/2021. The citizen stated his son was at the bar and got into an argument with another patron and that patron pointed a gun at his son. The citizen attempted to contact the bar but received no response. The officer advised the citizen his son should file a police report. The citizen stated his son was reluctant to file a report. The officer went to the bar to speak with the day shift manager about possible security footage. The manager stated he had no knowledge of an incident occurring. He texted the night manager who stated someone had watched the video and did not observe a gun. On 01/14/2021 the officer received an email from the bar. The email contained a copy of a video from 01/02/2021. The video showed two groups of people in an argument outside the bar. The parties separate and walk off in different directions.
2. On 03/09/2021 officers conducted a license premise check at The Up Down, 615 E. Brady St. The bartender provided the tavern licenses and her Class D Operator's license. The employees were cooperative.

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3. On 03/04/22 at 12:17am, Milwaukee Police were dispatched to 1672 N. Jackson Street from a theft which occurred at 615 E. Brady Street. Investigation revealed that the caller left her jacket on a coat rack inside the tavern and when she returned, items were missing from her jacket. Officers interviewed the manager of the establishment who was extremely helpful and told officers that there were no cameras pointing at her jacket but he will look through surveillance video to see if he could see any suspects.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:220630006

OtherEvent #: 22-LP-0257

Incident

615 E BRADY ST MILWAUKEE, WISCONSIN 53202

Incident Date/Time:: 03/03/2022 23:05:00
CAD Number:: 220630015
District:: 1
Beat:: 130
Reporting Area:: 3981

Business Agent (1)

BARTH, AUSTIN ERIC

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 06/23/1992
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (515)-681-6153
Phone 1 Type:: Phone
Address:: 203 W COVENTRY CT
Apartment or Suite:: 110
City:: GLENDALE
State:: WISCONSIN
Zip Code:: 53217

Licensed Persons Involved (2)

ONEILL, COLIN

Person Involvement:: Manager
DOB:: 05/23/1994
Sex:: MALE
Race:: WHITE
Phone 1 Number:: 414-585-0880
Phone 1 Type:: WORK
Address:: 1846 N HUMBOLDT AV
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53202

SYDOW, KRISTIAN ERIK

Person Involvement:: Employee
DOB:: 07/10/1969
Sex:: MALE
Race:: WHITE
Address:: 745 E LINCOLN AV
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53207

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:220630006

OtherEvent #: 22-LP-0257

Licensed Premise Data (1)

UP DOWN BAR

Phone 1 Number:: (414)-585-0880
Phone 1 Type:: Work
Address:: 615 E BRADY ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53202
License Type:: Alcohol
Licensee Notification Was Made:: No
Business Was Cited For Violation:: No
Licensee was cooperative: (If not explain in narrative): Yes
Licensee or Manager was on premises at time of violation/incident:: No

Narrative (1)

INITIAL INVESTIGATION

Roecker, Jacob A 029459

03/10/2022

This report was written by P.O. Jacob ROECKER, assigned to District One, Late Shift.

On Friday, March 4th, 2022 at 12:17 AM (WHILE IN FULL DUTY UNIFORM EQUIPPED WITH AN ACTIVATED AXON BODY WORN CAMERA AND OPERATING A MARKED BLACK IN COLOR MILWAUKEE POLICE SQUAD CAR, SPECIFICALLY SQUAD 118) I was dispatched to a Theft complaint at the address of 1672 N. Jackson St. The caller stated that she hung her coat up on a coat rack while inside of the bar and when she came back to her coat, several items were missing. This incident occurred in the City and County of Milwaukee, in the State of Wisconsin.

Upon arrival I observed a group of approximately 6-7 people standing on the sidewalk who flagged me down in the 1600 block of N. Jackson St. I met with the victim, identified as Emily A. WITHAAR (w/f, 09/14/1999), who stated that she and her friends were at the Up Down Bar, located at 615 E. Brady St, earlier in the night. WITHAAR and the others stated that they arrived at the bar at approximately 11:05 PM. WITHAAR stated that she hung her coat up on the rack provided by the bar upon entering the bar. WITHAAR stated that around approximately 12:00 AM she went to her coat and observed that several items were missing from her coat.

I then went to the Up Down Bar, located at 615 E. Brady St to check for video footage of the incident. I was met at the front door by the one of the managers of the bar who stated he traded contact info with WITHAAR. The manager stated that he did not have any cameras directly pointing out to the coat rack and would comb through the video to check for any subjects leaving the bar with extra items in their hands and contact WITHAAR regarding his findings.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:220630006

OtherEvent #: 22-LP-0257

The manager was extremely helpful and I left my contact card to have him contact me if he found any video footage of possible suspects.

End of Report.

Officer (2)		
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Reporting Officer:	Roecker, Jacob A (029459)	03/04/2022 00:38:00
Section: (Work Location):	13	
Approving Officer:	Borchert, Lori C (016019)	03/11/2022 00:16:59
Section: (Work Location):	13	

2022-2023 Plan of Operation for 615 E BRADY ST

1. Litter & Security Plans			
How are the grounds kept clean? <input checked="" type="checkbox"/> Sweep <input checked="" type="checkbox"/> Pressure Wash <input checked="" type="checkbox"/> Pick Up Litter <input type="checkbox"/> Other:			
How often will grounds be cleaned? <input checked="" type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Other:			
Who cleans the grounds? <input type="checkbox"/> Licensee <input type="checkbox"/> Building Owner <input checked="" type="checkbox"/> Employees <input type="checkbox"/> Hired Maintenance <input type="checkbox"/> Other:			
How are noise issues prevented and/or addressed? <input checked="" type="checkbox"/> Security <input checked="" type="checkbox"/> Manager approaches customer(s) <input type="checkbox"/> Call Police <input checked="" type="checkbox"/> Signs Posted <input type="checkbox"/> Other:			
Are there designated outdoor smoking areas? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. If Yes, Describe: <u>Ground floor patio, 2nd floor patio</u>			
Number of garbage cans: Inside <u>19</u> Locations: <u>Behind bars, restrooms, + throughout floor</u> Outside <u>3</u> Locations: <u>Downstairs + upstairs patios</u>			
Is a crowd control barrier used? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, Describe: <u>For line control at front entry</u>			
Number of restrooms: <u>5</u>		Name of solid waste contractor: <u>Road Runner</u>	
Are there parking spaces on the premises? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, list number of spaces: <u>2</u> and describe security plans: <u>Monitored with security cameras</u>			
Are there designated loading areas? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, describe security plans:			
Do you have security personnel on the premise? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, how many? <u>6</u>			
AND What are their responsibilities? <u>Crowd monitoring, ID checks, cleaning</u>			
What security equipment do they use? <u>Flashlights, walkie-talkie radios, ID scanner</u>			
List their licensing, certification or training credentials: _____			
Are there security cameras? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, list all locations: <u>Offices, bar areas, storage areas, outside</u>			
Are searches and/or identification checks conducted upon entry? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, describe: <u>All IDs are checked upon arrival</u>			
2. Percentage of Sales (must total 100%)			
Alcohol <u>77</u> %	Food Sales <u>13</u> %	Entertainment <u>8</u> %	Other <u>2</u> %
3. Businesses On The Premises (choose all that apply):			
<input checked="" type="checkbox"/> Restaurant <input type="checkbox"/> Cafe/Coffee Shop <input type="checkbox"/> Cocktail Lounge <input type="checkbox"/> Convenience Store <input type="checkbox"/> Night Club <input type="checkbox"/> Liquor Store <input checked="" type="checkbox"/> Tavern <input type="checkbox"/> Sports Facility <input type="checkbox"/> Hotel <input type="checkbox"/> Banquet Hall <input type="checkbox"/> Supermarket <input type="checkbox"/> Private/Fraternal/Veterans' Club <input type="checkbox"/> Other:			
4. Hours of Operation and Age Restriction			
Are there any changes to the current hours of operation or age restriction? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, Describe:			
Please Note: If you will be open earlier or later than the hours listed on your current license for even one event or holiday (for example, St. Patrick's Day, Brewers Opening Day, etc.) during the license period, this must be reported and printed on your license. Your hours of operation and age restriction are listed on your current license.			
5. Floor Plan and Capacity			
Are you requesting any changes to your capacity or floor plan*? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, describe: _____ and submit a new floor plan with this renewal application. A sample plan can be found online at www.milwaukee.gov/licenses under License Forms and Related Information.			
Alcohol/Food Establishments: A "Permanent Extension of Premises Application" is required if you are adding any square footage to the licensed premises.			
6. Sidewalk Dining: SD 1462 Fee: \$225.00			
Are there any changes to the sidewalk dining site plan? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, submit an updated site plan with this application.			
7. Food License: FREST 16302 Fee: \$1,250.00		8. Weights and Measures: Fee:	
Your current food license includes the following food operations: DHS - MODERATE, Sales \$200,001 - \$2,000,000, Tavern Restaurant, Restaurant.		Number/Type of Devices:	
Are there any changes to your food operations as listed above? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if Yes, explain.		Are there any changes to the number or types of devices? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, contact our office for further instructions.	

1. CURRENT APPROVED ENTERTAINMENT for Up-Down MKE 615 E BRADY ST

The following types of entertainment have been approved for your current Public Entertainment Premises license:

Disc Jockey, 60 Amusement Machines

2. ADDING ENTERTAINMENT

If applicable, check any entertainment you wish to add: **ONLY CHECK ENTERTAINMENT TYPE(S) YOU ARE ADDING. YOUR CURRENT APPROVED ENTERTAINMENT IS LISTED ABOVE.**

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Instrumental Musicians | <input type="checkbox"/> Bands | <input type="checkbox"/> Battle of the Bands | <input type="checkbox"/> Comedy Acts |
| <input type="checkbox"/> Disc Jockey | <input type="checkbox"/> Magic Shows | <input type="checkbox"/> Poetry Readings | <input type="checkbox"/> Dancing by Performers |
| <input type="checkbox"/> Jukebox | <input type="checkbox"/> Wrestling | <input type="checkbox"/> Patron Contests | <input type="checkbox"/> Patrons Dancing |
| <input type="checkbox"/> Adult Entertainment/
Strippers/Erotic Dance | <input type="checkbox"/> Karaoke | <input type="checkbox"/> Bowling Alley
How many? _____ | <input type="checkbox"/> Pool Tables
How many? _____ |
| <input type="checkbox"/> Motion Pictures (movies by admission)
How many screens? _____ | <input type="checkbox"/> Amusement Machines
How many? _____ | <input type="checkbox"/> Concerts
Approx. # per year? _____ | <input type="checkbox"/> Theatrical Performances
Approx. # per year? _____ |
| <input type="checkbox"/> Other: _____ | | | |

No entertainment changes can take place until approved by Common Council and a new license has been issued and posted on the premises.

3. REMOVING ENTERTAINMENT

If applicable, list any entertainment you wish to remove:

4. PROMOTERS/SOUND AMPLIFICATION

Will promoters ever be used for any of the entertainment? No Yes If Yes, Describe:

At any time will sound amplification be used? No Yes If Yes, Describe:

For music playlists inside the restaurant

5. SIGNATURE

I understand that after the license has been issued, a change to the plan of operation will require a written request to change and approval from the Common Council.

I agree to inform the City Clerk within 10 days of any substantial changes in the information supplied in this application.

I understand that I shall not willfully refuse to provide the services offered under this license, or add charges or require deposits not required of the general public because of race, color, sex, religion, national origin or ancestry, age, handicap, lawful source of income, marital status, sexual orientation, gender identity or expression, familial status or the fact that a person is now or has been a member of the military service, whether dressed in uniform or not; and shall not seek such information as a condition of employment, or penalize any employee or discriminate in the selection of personnel for training or promotion on the basis of such information.

I have knowledge of the City Ordinances currently regulating public entertainment, and understand that the license may be subject to suspension, non-renewal or revocation, if I violate any rule, law or regulation of the city of Milwaukee and State of Wisconsin.

Signature of Sole Proprietor, a Partner, or if a Corporation or LLC, the Agent must sign