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Office of the City Clerk

**Ronald D. Leonhardt**  
City Clerk

**Jim Owczarski**  
Deputy City Clerk

April 21, 2011

May Y. Xiong, Agt  
Asian Moon, LLC  
3419-A W. Forest Home Ave.  
Milwaukee, WI 53215


Atty. Brian C. Randall  
Friebert, Finerty & St John SC  
Two Plaza East  
330 E. Kilbourn Ave., Ste 1250  
Milwaukee, WI 53202

Dear Ms. Xiong:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, May 3, 2011, 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 the renewal of your Class "B" Tavern, Tavern Amusement, and Billiard Hall licenses for the premises at 3419 W. Forest Home Ave. ("The Moon").

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 non-renewal of your Class "B" Tavern, Tavern Amusement, and Billiard Hall licenses based upon aldermanic testimony, police report, and an incident report. The recommendation is the result of a public hearing before the Committee held on Monday, April 18, 2011.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, April 28, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,  
  
RONALD D. LEONHARDT  
City Clerk

Enclosure



**JAMES A. BOHL JR.**  
Alderman, 5th District

Date: April 21, 2011

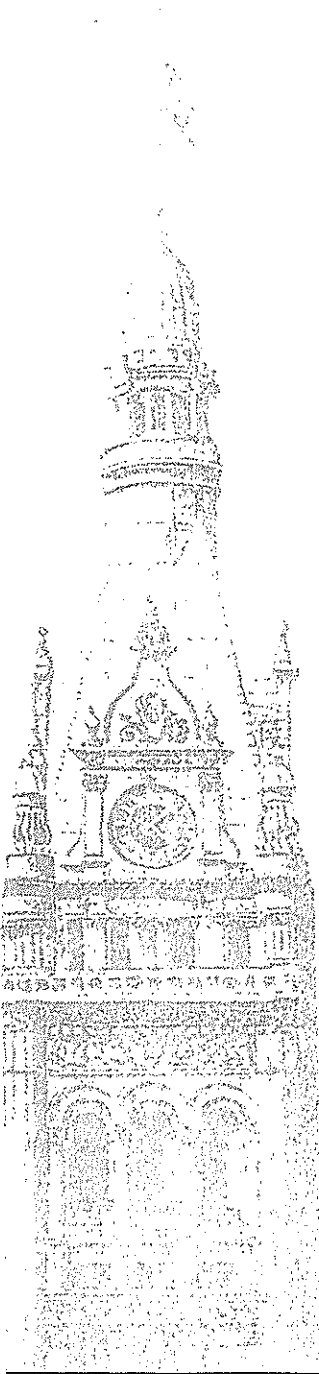
To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of May Y. Xiong, as agent for "Asian Moon , LLC" for Class "B" Tavern, Tavern Amusement, and Billiard Hall licenses renewal application for the premises located at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("The Moon ").

#### FINDINGS OF FACT

1. May Y. Xiong (hereinafter the "Licensee") is the agent for "Asian Moon, LLC" doing business at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("The Moon "). Said license expires at midnight, May 12, 2011.
2. An application to renew said licenses was filed with the Office of the City Clerk on March 8, 2011.
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 Police Department responded with a report dated March 9, 2011, which could form the basis for nonrenewal or suspension of the licenses. The applicant was further advised "there is a possibility that your application could be denied for 'failure of the applicant to meet the statutory and municipal license qualifications; pending charges against or the conviction of any felony, misdemeanor, municipal 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.”

4. On April 11, 2011, 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 objections of the neighbors. The matter was scheduled for a hearing on the police report on April 18, 2011 at 9:15 a.m. in Room 301B of the third floor of City Hall. The licensee did appear at the hearing and was represented by Attorney Brian Randall, Friebert, Finerty & St John, S.C., Two Plaza East, 330 East Kilbourn Avenue, Suite 1250, Milwaukee, WI 53202-3146.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On November 5, 2010 the applicant received a citation for building code violations which is pending.
  - B. On May 9, 2010 at 1:05 a.m., Milwaukee police were in the area of 3400 West Forest Home and could hear excessively loud music coming from inside the Moon Bar at 3419 West Forest Home, which could be heard from farther than 50 feet. Officers conducted a license premise check and spoke with May Xiong regarding the excessive noise. A citation was issued for excessive noise prohibited. A check with the municipal website could not locate the citation.
  - C. On July 31, 2010 at 12:07 a.m., Milwaukee police were dispatched to a trouble with subject complaint at 3419 West Forest Home. Upon arrival, officers observed several security guards near the front entrance with a subject who was on the ground and in handcuffs. Police spoke to security guard Elvin Martinez who stated they were detaining the subject because he began physically

resisting guards when they asked him to leave the tavern. Police spoke with May Xiong who stated the subject lit a cigarette in the bar and was asked to step outside. The subject then attempted to go to the women's restroom and that is when security went to remove the subject. The subject was cited for disorderly conduct and taken to the district on an outstanding warrant.

- D. On September 9, 2010 at 1:24 a.m., Milwaukee police were dispatched to 3419 West Forest Home for a battery complaint. Police spoke to May Xiong who stated there was a fight in the lower bar area but she did not see who was involved. Xiong stated her boyfriend attempted to break up the fight and have everyone go outside. Officers observed several cameras inside and outside of the building and asked to view some of the video. Xiong stated to police the system was new and that it should be able to be view on-line sometime on September 10, 2010. Police spoke with several witnesses and one witness reported seeing the fight inside the bar when it moved outside.
- E. On September 26, 2010 at 12:30 a.m., Milwaukee police responded to a fight complaint at 3419 West Forest Home. Officers spoke with May Xiong who stated there was a fight that broke out over a pool game and that the subjects were escorted out of the bar by security. Ms. Xiong further stated that there were multiple gunshots that came from outside but did not see who fired the shots. Officers also spoke with Adam Alicea who provides security for the bar and Alicea stated a fight broke out over a pool game and that the subjects were escorted out by security. Alicea stated an unknown male exited an auto armed with a handgun and fire twice in the air and twice towards the building and crowd of patrons outside. Alicea stated he gave chase and fired once at the male. Officers then disarmed Alicea and continued to investigate the incident.
- F. On October 3, 2010 at 12:56 a.m., Milwaukee police conducted a license premise check at 3419 West Forest Home. Upon approaching the main entrance, officers could hear loud music being played from within the tavern further than 50 feet away. Police spoke with May Xiong regarding the loud music who asked officers for a break.

Xiong was cited for the loud music. Xiong was issued a citation for excessive noise prohibited which is pending a hearing on May 17, 2011 at 1:30 p.m.

- G. On December 11, 2010 at 12:20 a.m., Milwaukee police conducted a license premise check at 3419 West Forest Home. Upon approaching the bar, officers could hear loud music coming from the bar from more than 75 feet away from the entrance. As officers entered the bar, they observed no security on the premise. Police also observed three individuals that appeared to be under the age of 21 and investigation found the subjects were underage. Police spoke with May Xiong who stated she thought the subjects could be in her tavern if they were 18 years of age. Xiong was cited for presence of minor/underage for each subject and the loud music. Xiong was advised that music should not be heard from more than 50 feet from the building. Xiong was issued citations for presence of minor/underage (3 citations) and a citation for excessive noise prohibited all of which are pending a hearing on May 17, 2011 at 1:30 p.m.
- H. On January 9, 2011, applicant received a citation for excessive noise prohibited at 3419 West Forest Home.
- I. On January 23, 2011 at 2:11 a.m., Milwaukee police were dispatched to 3419 West Forest Home for a fight complaint. Police spoke with May Xiong who stated there was an argument between two males and that there was no fight, just "a lot of yelling". The altercation then moved outside into the street. Xiong stated she stayed inside to watch the bar. Police then spoke with security guard David Moore who stated there were approximately 20 people shouting and arguing and "it was about to get physical in the streets." Moore stated he got in between the two main parties and was successful in splitting them up.
- J. Alderman Donovan submitted an incident report dated September 9, 2010 of the Milwaukee Police Department, which Alderman Kovac moved to make part of the record. The incident report stated as follows:

A complainant stated that as he attempted to defend himself from the suspects when several more

subjects joined in and began to batter him. So he ran up the stairs in an attempt to exit the bar and leave the area. The complainant stated that he was able to exit the bar and reach his car, but was unable to get in as a group of subjects followed him out and continued to batter him. The complainant stated he ran towards the parking lot east of South 34<sup>th</sup> Street in an attempt to get away from the subjects. When he heard an unknown A/M (Asian male) (Suspect #1) state “watch out, get out of the way” and “let me shoot at this nigga.” Immediately after the complainant heard approximately 2 shots fired and a muzzle flash from the unknown handgun Suspect #1 held in an unknown hand. Upon hearing the shots, he dove in an unknown direction in an attempt to avoid being shot and laid there as the group that surrounded him quickly fled scene in unknown directions.

- K. The following citation applies to Long Yang, listed as a corporate officer: On November 5, 2010, Yang received a citation for building code violations. He is scheduled to appear in court on May 5, 2011 for an arraignment at 8:30 a.m.
- L. Officer Carlos Felix testified regarding a nuisance letter sent to the Licensee.
- M. Sergeant Jay Karas testified that the responses by the Licensee regarding the nuisance were denied by the captain.
- N. Alderman Donovan voiced objections based upon shooting incidents, noise, and yearly nuisance stemming from the establishment.

#### CONCLUSIONS OF LAW

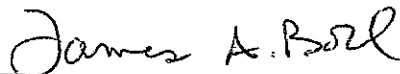
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.

2. Based upon the above facts found, the Committee concludes that the licensee, May Y. Xiong, as agent for "Asian Moon, LLC" who holds Class "B" Tavern, Tavern Amusement, and Billiard Hall licenses for the premises located at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("The Moon ") 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 the Class "B" Tavern, Tavern Amusement, and Billiard Hall licenses. The Committee finds the police report, aldermanic testimony and incident 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 deny the Class "B" Tavern, Tavern Amusement, and Billiard Hall licenses held by May Y. Xiong, Agent, "Asian Moon, LLC" based upon the police report, aldermanic testimony, and incident 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) no, and one (1) abstention, recommends that the Class "B" Tavern, Tavern Amusement, and Billiard Hall licenses of May Y. Xiong, as agent for "Asian Moon, LLC" for the premises located at 3419 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("Asian Moon "), be denied based upon the police report, aldermanic testimony, and incident report.

Dated and signed at Milwaukee, Wisconsin this 21<sup>st</sup> day of April, 2011.



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JAMES A. BOHL, Jr.  
Chair, Licenses Committee

101110



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Office of the City Clerk

**Ronald D. Leonhardt**  
City Clerk

**Jim Owczarski**  
Deputy City Clerk

April 21, 2011

Karen L. Davis  
3618 N. 12<sup>th</sup> St.  
Milwaukee, WI 53206

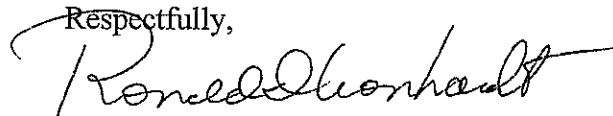
Dear Ms. Davis:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, May 3, 2011, 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 the renewal of your Class "D" Bartender's 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 nonrenewal of your Class "D" Bartender license based upon a second nonappearance. The recommendation is the result of a public hearing before the Committee held on Monday, April 18, 2011.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, April 28, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

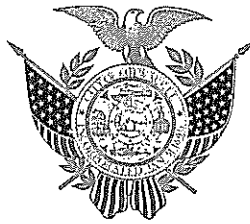
Respectfully,



RONALD D. LEONHARDT  
City Clerk

Enclosure



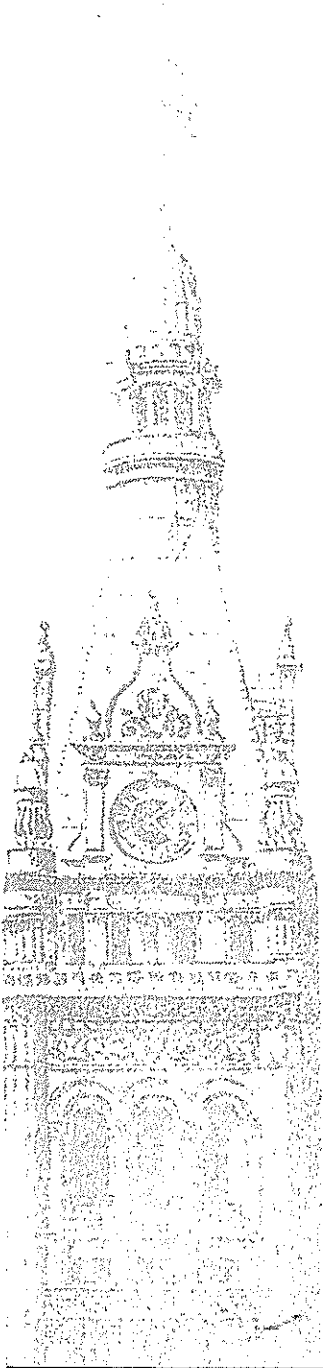


**JAMES A. BOHL JR.**  
Alderman, 5th District

Date: April 21, 2011  
To: All Members of the Milwaukee Common Council  
From: Licenses Committee  
Re: Report on the Renewal Application of the Class "D"  
Bartender License of Karen L. Davis.

#### FINDINGS OF FACT

1. Karen L. Davis (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2010.
2. An application to renew said license was filed with the Office of the City Clerk on February 16, 2011.
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. On February 18, 2011, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On April 5, 2011 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 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 the police department report on April 18, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear and she was not represented by council. This was the Licensee's second nonappearance.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:



- A. A notice of the hearing as well as a copy of the police report was sent to Karen L. Davis at 3618 North 12<sup>th</sup> Street, Milwaukee, Wisconsin 53206 on April 5, 2011 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 3618 North 12<sup>th</sup> Street, Milwaukee, Wisconsin 53206 is the address given by the Licensee on her application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on April 18, 2011.


#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, 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 on the above facts found, the Committee concludes that the Licensee, Karen L. Davis, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license based upon a second nonappearance.
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 should exercise its discretion to not renew the Class "D" Bartender license held by Karen L. Davis based upon a second nonappearance.

#### 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 renewal of the Class "D" Bartender License be denied based upon a second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 21<sup>st</sup> day of April, 2011.

  
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JAMES A. BOHL, Jr.  
Chair, Licenses Committee

101110



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Office of the City Clerk

**Ronald D. Leonhardt**  
City Clerk

**Jim Owczarski**  
Deputy City Clerk

April 21, 2011

Adam J Dion  
4606 Vettelson Rd.  
Hartland, WI 53029

Dear Mr. Dion:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, May 3, 2011, 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 the renewal of your Class "D" Bartender's 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 nonrenewal of your Class "D" Bartender license based upon a second nonappearance. The recommendation is the result of a public hearing before the Committee held on Monday, April 18, 2011.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, April 28, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT  
City Clerk

Enclosure

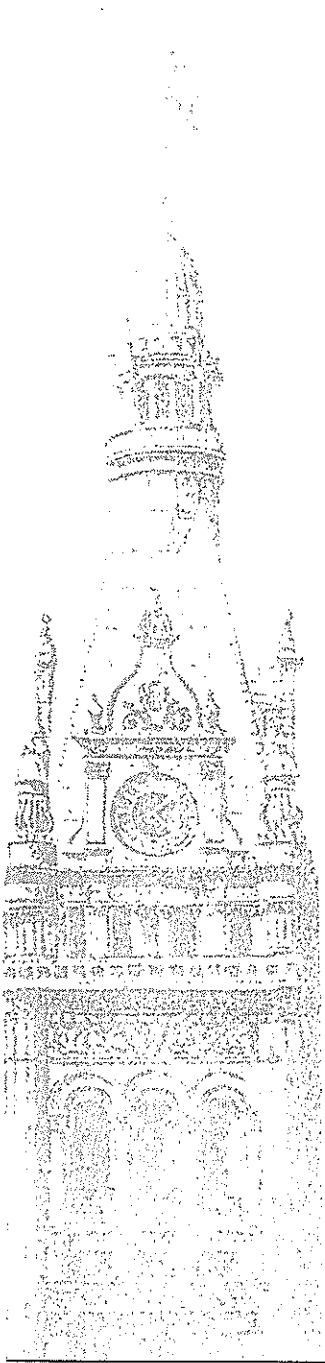


**JAMES A. BOHL JR.**  
Alderman, 5th District

Date: April 21, 2011  
To: All Members of the Milwaukee Common Council  
From: Licenses Committee  
Re: Report on the Renewal Application of the Class "D"  
Bartender License of Adam J. Dion.

#### FINDINGS OF FACT

1. Adam J. Dion (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2010.
2. An application to renew said license was filed with the Office of the City Clerk on February 2, 2011.
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. On February 3, 2011, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On April 5, 2011 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 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 the police department report on April 18, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear and he was not represented by council. This was the Licensee's second nonappearance.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:



- A. A notice of the hearing as well as a copy of the police report was sent to Adam J. Dion at 4606 Vettelson Road, Hartland, Wisconsin 53029 on April 5, 2011 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 4606 Vettelson Road, Hartland, Wisconsin 53029 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on April 18, 2011.

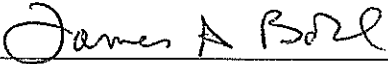
#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, 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 on the above facts found, the Committee concludes that the Licensee, Adam J. Dion, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license based upon a second nonappearance.
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 should exercise its discretion to not renew the Class "D" Bartender license held by Adam J. Dion based upon a second nonappearance.

#### 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 renewal of the Class "D" Bartender License be denied based upon a second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 21<sup>st</sup> day of April, 2011.

  
\_\_\_\_\_  
JAMES A. BOHL, Jr.  
Chair, Licenses Committee

101110



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Office of the City Clerk

Ronald D. Leonhardt  
City Clerk

Jim Owczarski  
Deputy City Clerk

April 21, 2011

Tara A. Gardner  
6055 W. Appleton Ave., #10  
Milwaukee, WI 53210

Dear Ms. Gardner:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, May 3, 2011, 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 the renewal of your Class "D" Bartender 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 with a twenty (20) day suspension of your Class "D" Bartender license based upon the police report. The recommendation is the result of a public hearing before the Committee held on Monday, April 18, 2011.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, April 28, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT  
City Clerk

Enclosure



**JAMES A. BOHL JR.**  
Alderman, 5th District

**Date:** April 21, 2011  
**To:** All Members of the Milwaukee Common Council  
**From:** Licenses Committee  
**Re:** Report on the Renewal Application of the Class "D"  
Bartender License of Tara A. Gardner.

#### FINDINGS OF FACT

1. Tara A. Gardner (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2010.
2. An application to renew said license was filed with the Office of the City Clerk on March 22, 2011.
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. On March 24, 2011, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On April 5, 2011 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 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 the police department report on April 18, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did appear and she was not represented by council.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. The Licensee's Wisconsin driver's license revealed the following:

11/21/08, operating while intoxicated (1<sup>st</sup>), Milwaukee County Circuit Court.  
10/29/10, blood alcohol content, DOT action.  
11/23/10, operating while intoxicated (2<sup>nd</sup>), Milwaukee County Circuit Court.

#### CONCLUSIONS OF LAW


1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, 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 on the above facts found, the Committee concludes that the Licensee, Tara A. Gardner, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license without undergoing a twenty (20) day suspension based upon the police report.
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 should exercise its discretion to renew the Class "D" Bartender license, held by Tara A. Gardner, with a twenty (20) day suspension based upon the police report.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) no, recommends that the Class "D" Bartender License be renewed with a 20-day suspension based upon the police report.

Said suspension is to be in effect from midnight May 3, 2011 and for twenty days thereafter.

Dated and signed at Milwaukee, Wisconsin this 21<sup>st</sup> day of April, 2011.

  
\_\_\_\_\_  
JAMES A. BOHL, Jr.  
Chair, Licenses Committee

101110





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Office of the City Clerk

**Ronald D. Leonhardt**  
City Clerk

**Jim Owczarski**  
Deputy City Clerk

April 21, 2011

William T. Roberson, III  
6703 N. 75<sup>th</sup> St., #6  
Milwaukee, WI 53223

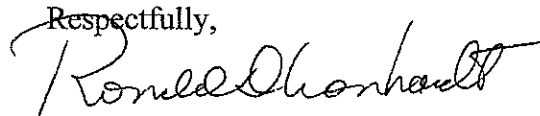
Dear Mr. Roberson, III:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, May 3, 2011, 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 the renewal of your Class "D" Bartender's 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 nonrenewal of your Class "D" Bartender license based upon a second nonappearance. The recommendation is the result of a public hearing before the Committee held on Monday, April 18, 2011.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, April 28, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT  
City Clerk

Enclosure



**JAMES A. BOHL JR.**  
Alderman, 5th District

**Date:** April 21, 2011  
**To:** All Members of the Milwaukee Common Council  
**From:** Licenses Committee  
**Re:** Report on the Renewal Application of the Class "D"  
Bartender License of William T. Roberson, III.

#### FINDINGS OF FACT

1. William T. Roberson, III (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2010.
2. An application to renew said license was filed with the Office of the City Clerk on October 29, 2010.
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. On November 2, 2010, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On April 5, 2011 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 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 the police department report on April 18, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear and he was not represented by council. This was the Licensee's second nonappearance.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. A notice of the hearing as well as a copy of the police report was sent to William T. Roberson, III at 6703 North 75<sup>th</sup>

Street, No. 6, Milwaukee, Wisconsin 53223 on April 5, 2011 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 6703 North 75<sup>th</sup> Street, No. 6, Milwaukee, Wisconsin 53223 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on April 18, 2011.

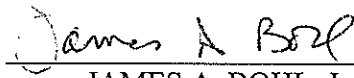
#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, 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 on the above facts found, the Committee concludes that the Licensee, William T. Roberson, III, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license based upon a second nonappearance.
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 should exercise its discretion to not renew the Class "D" Bartender license held by William T. Roberson, III based upon a second nonappearance.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and zero (0) noes, recommends that the renewal of the Class "D" Bartender License be denied based upon a second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 21<sup>st</sup> day of April, 2011.

  
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JAMES A. BOHL, Jr.  
Chair, Licenses Committee

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