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- Licenses Committee

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- Zoning, Neighborhoods and Development



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ALDERWOMAN, 6TH DISTRICT

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- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

February 2, 2023

To the Honorable, the Common Council

Honorable Members:

Re: Common Council File Number 221531

Attached are written objections to file number 221531, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to a recommendation of:

Nonrenewal of the Class B Tavern, Public Entertainment Premises and Food Dealer licenses based upon the preponderance of the evidence in the police report which was included in the notice, resident and applicant testimony that demonstrates the operation results in a threat to health, safety or welfare of the public for Felipe Martinez Jr., for the premises located at 626 S 5th St. ("Walkers Lounge & Events") in the 12th aldermanic district.

This matter will be heard by the full Council at its Tuesday, February 7, 2023 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Respectfully,

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 221531



Gimbel • Reilly • Guerin • Brown

LLP

Writer's E-mail
jlgimbel@grglaw.com

February 1, 2023

VIA EMAIL ONLY (jowcza@milwaukee.gov)

Honorable Members of the Milwaukee Common Council
c/o Office of the City Clerk
200 East Wells Street
Milwaukee, Wisconsin 53202

Re: Walker's Lounge and Events LLC, 626 South 5th Street
Appeal of Licenses Committee Recommendation

Dear Members of the Common Council:

We represent Mr. Felipe Martinez, owner and operator of Walker's Lounge and Events at 626 South 5th Street. We write today in objection to the Licenses Committee's recommendation of nonrenewal. The recommendation appears to have been based, almost exclusively, on generalities and accusations, rather than documented deficiencies at the establishment or failures on the part of employees, management, or ownership. Additionally, we must point out that, as of this writing, neither counsel nor Mr. Martinez received the License Committee's Findings of Fact and Conclusions of Law.

On January 23, 2023, we submitted a detailed item-by-item response to all the entries on the police report. They are a part of the record and most items will not be addressed again.

However, the key item on the police report and the event that apparently was the basis of the recommended non-renewal must be elaborated upon. Its recitation of events surrounding a, thankfully, non-life-threatening shooting on January 1, 2023 was incomplete. On January 1, 2023 a fight occurred between groups of patrons at Walker's Lounge. Members of one group left the establishment, retrieved a firearm from a vehicle, and returned to the establishment, at which point the shooting occurred. Walker's Lounge displays signage prohibiting firearms and employs security guards to check patrons at the front door prior to allowing entry. While the police report provided to the Committee suggests a lack of cooperation on the part of the establishment and Mr. Martinez, this is objectively inaccurate. The unimpeached testimony of Mr. Martinez was that, on the night of the incident, he and other employees worked with responding officers to provide information and secure the scene. Mr. Martinez later provided video footage of the incident and ID scanner data to one of the responding officers who had been identified as a point of contact. Further, Mr. Martinez had sought out an opportunity to meet with the detective assigned to the case to provide further details or any other information he may have. Until shortly before the Committee meeting, those requests went unanswered. But on the day of the Committee meeting, Mr. Martinez confirmed with Detective Patterson that the MPD had the videos.

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Mr. Martinez did take the initiative to examine and address the lapses that contributed to the January 1st incident. He sought out a new, larger security team to conduct consistent and effective searches of patrons. This new security team will also be subject to rolling refresher training on security protocols and emerging best practices. Additionally, a new, stricter dress code and carry-in policy has been enacted, prohibiting masks, beanies, oversized jackets, and large bags, in an attempt to diminish the likelihood that a concealed weapon could evade detection by the security team upon entry. The establishment will also continue the practice of scanning every patron's ID card and providing that information whenever it is requested by law enforcement.

Mr. Martinez, in collaboration and consultation with neighboring businesses, has also begun staggering closing time to limit the number of patrons congregating outside afterhours, has contributed to the cost of a security vehicle that patrols the area, and instituted a policy whereby his security team will monitor the outside area surrounding the establishment at closing time and assist departing patrons to their vehicles. Mr. Martinez has worked, and will continue to work, with the neighboring businesses to ensure that their patrons are "good guests" in the neighborhood and are respectful of their surroundings.

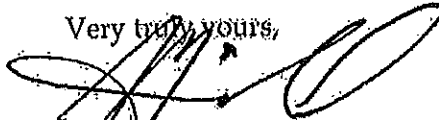
Criminal behavior, including thefts from vehicles and gun violence, is, unfortunately, not isolated to any one establishment, street, neighborhood, city, or state. Rather, they are a national concern plaguing communities large and small. Mr. Martinez, as a small business owner, is mindful of the need to also be a proactive partner and help ameliorate these issues in whatever ways he can. He has answered that call by employing and actively training his security team, posting signage establishing the rules for and expected conduct of patrons, and collaborated with neighboring business owners to pool their security resources and expand their reach. There is nothing in the record indicating that Mr. Martinez has been deficient as a business owner or community partner.

Without much inquiry from the Licenses Committee about the shooting, and before counsel had an opportunity to make a closing statement, a recommendation of nonrenewal was made. This recommendation was arbitrary, oppressive, and capricious for several reasons. The notion that Mr. Martinez has not made meaningful changes in the wake of the January 1 (again, thankfully) non-life-threatening incident is contradicted by sworn testimony at the Committee Hearing and demonstrable efforts by the establishment to directly address the very issues that arose that night. The alluded-to lack of cooperation with law enforcement on the part of the establishment was further contradicted by sworn testimony.

Since Mr. Martinez has not received a suspension in the past, he is requesting renewal with a warning letter (as a licensee with a shooting outside its doors received at the same hearing) or proportionate suspension. The recommendation of nonrenewal is incompatible with the City's emphasis on progressive discipline and would only serve to darken yet another Milwaukee business. It would further disincentivize an active, engaged, collaborative community member from his continued efforts.

Mr. Martinez is an asset to the area and he is only requesting the opportunity to continue working with key stakeholders to make his neighborhood better. You can give him that opportunity. Doing otherwise based on the record here would be unreasonable and counterproductive.

Very truly yours,



JOSHUA L. GIMBEL

cc: Attorney Todd Farris (*via email only*)
James Cooney (*via email only*)