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July 21, 2011

Via Email Only (rleonh@milwaukee.gov)

City Clerk Ronald D. Leonhardt  
City Hall  
200 East Wells Street, Room 205  
Milwaukee, WI 53202

Re: Pop Promotions, LLC d/b/a Texture – 606 S. 5<sup>th</sup> Street, Milwaukee, WI  
Objections

Dear City Clerk Leonhardt,

Our office is Counsel to Pop Promotions, LLC d/b/a Texture (“Texture”). On June 21, 2011, the Licenses Committee (“Committee”) met to consider the renewal of Texture’s Class B Tavern and Tavern Amusement license (“License”). The Committee voted to recommend that Texture’s License be non-renewed based upon Items 21-25 of the Synopsis, the objection of one neighbor, and police department testimony.

This letter serves as my client’s written objection to the “Findings of Fact and Conclusions of Law” and recommendation of the Committee. The specific objections are as follows:

1. Paragraph 4 of the Findings of Fact states that the hearing before the Committee was for the consideration of several items, including “neighborhood objections.” The notice submitted to Texture contained no reference to neighborhood objections, but did include hearsay emails from a neighbor.
2. Paragraphs 5A through 5E contain a recitation of the Milwaukee Police Department’s Criminal Record / Ordinance Violation / Incidents Synopsis (“Synopsis”). This recitation of the Synopsis fails to note that the Milwaukee Police Department, on virtually every night that taverns and clubs are open on 5<sup>th</sup> Street, has squads and officers present all throughout the area.

Paragraph 5A recites an incident which occurred on September 6, 2010. As testified to at the Committee hearing, the “large crowd” was actually Texture’s security. Additionally, as testified to at the Committee hearing, the PA-33 for this incident states that a search of the disorderly subjects’ vehicle was conducted, with consent, and no gun was found in the vehicle.

Paragraph 5B recites an incident that occurred on March 14, 2011. This incident

involved a woman who was pulled over blocks from the establishment because of a loud car stereo. The woman claimed to have been coming from Texture that night. Texture provided documentation and testified at the hearing that despite reports that the woman claimed that she was coming from the club, that Texture's ID system revealed that the woman had not been a patron of the club on that night. Because she was not a patron of the club, despite reports to the contrary, this incident should not have been included on Texture's Synopsis and it should have been struck.

Paragraph 5C recites an incident that occurred on March 6, 2011. The Synopsis (and paragraph 5C of the Findings) incorrectly states that MPD officers were monitoring closing at Texture that night. This is incorrect. As testified to at the hearing and as the PA-33 provides, MPD officers were monitoring bar closing on 5<sup>th</sup> Street, not specifically monitoring Texture. Additionally, and as testified to at the Committee hearing, many of the people in the crowd were Texture security who were attempting to gain control of the scene. In truth, there were approximately 10-15 people who were fighting and the fight was brought under control within a matter of minutes.

Paragraph 5D recites an incident that occurred on March 28, 2011. As testified to at the Committee hearing, Texture flagged down police (who were already patrolling the 5<sup>th</sup> Street area) and regardless of the fact that it resulted in a PA-33, Texture testified that it would not hesitate to again contact police in a similar instance. Upon information and belief, this type of use of the police department is encouraged by the Committee and Common Council.

Paragraph 5E recites an incident that occurred on April 2, 2011. The Findings fail to recite the fact that Texture played video of this incident for the Committee and the video conclusively proved that the female "victim's" alleged version of events were not the truth. In fact, the video proved that it was the female who twice attacked the male driver and the male driver was only trying to defend himself from the female's attacks. Additionally, as testified to at Committee and as the documentation from Texture conclusively proved, Texture's ID system revealed that neither the female driver nor her cousin had been a patron of the club on the night that this incident occurred, despite their reported claims to the contrary. The male driver of the other vehicle never claimed to be at the establishment. Because no person who was involved in this incident had been a patron of the club on the evening that it occurred, this incident should have been struck.

3. Paragraph 5F recites testimony provided by the only objecting neighbor. Texture objected to this testimony at the Committee hearing and does not believe that most, if any, of the complained of behavior is emanating from Texture nightclub. Texture illustrated to the Committee that there are numerous other establishments that are significantly closer in distance to the neighbor's property than Texture and that it is likely that the source of any disturbances the neighbor is complaining of are coming from those establishments.

4. Paragraph 5G describes the testimony of Lieutenant James MacGillis of the Milwaukee Police Department. The Findings fail to include Lt. MacGillis's testimony that neither he nor the Milwaukee Police Department were objecting to renewal of Texture's License.
5. Paragraph 5I describes the fact that Texture informed the Committee that it would not be seeking renewal of its License past the 2011-2012 license year as the lease at its 5<sup>th</sup> Street location was set to expire in 2012. Despite a Committee member's concern about lack of accountability, should Texture's License be renewed, it intends to operate in a very responsible and accountable manner. Texture has nothing to gain by operating the club poorly. This will only result in patrons who do not feel safe and do not want to attend the club. Further, as most if not all members of the Common Council are aware, Texture's owners are involved in other business ventures throughout the City of Milwaukee and they are from the area. Texture's owners have no desire other than to operate a well-respected, well-run business as they know that their failure to do so will only negatively affect their ability to continue being successful in all of their ventures. Further, Texture has proven that it can and will continue to improve its operations every year. The Committee complemented Texture at its 2010 hearing for the improvements that it had made from the prior year. Despite comments to the contrary at the 2011 hearing, the record shows that Texture operated with significantly less problems in 2010-2011 than it had the prior year. At its 2010 hearing, the Committee considered 13 items on Texture's Synopsis, while at its 2011 hearing the Synopsis was composed of only 5 items, 2 of which should have been struck as they had nothing to do with patrons of the establishment.
6. The Licenses Committee has failed to forward *its own* report and recommendation, including Findings of Fact, Conclusions of Law, and a recommendation to the Common Council as required by § 90-11-2-c-2, Milwaukee Code of Ordinances.

Paragraph 5 of the Findings states that "Based upon the testimony heard and evidence received, the **Committee makes the following findings of fact**" [emphasis added]. Texture objects to this statement, as the Committee has never adopted these findings. Because the Findings of Fact and Conclusions of Law were never adopted by the Committee, it would be more properly characterized as the City Attorney's proposed Findings of Fact and Conclusions of Law.

7. The City of Milwaukee's treatment of numerous other establishments, including its treatment of Pizza Shuttle at its license renewal hearing held on January 27, 2009, demonstrates that Texture's Equal Protection rights as guaranteed under the United States Constitution were violated.

Attached hereto and incorporated herein are police reports for establishments known as Quarters (hearing on 6/2/10), Discount Cigarettes & Beer (hearing on

5/10/10), and Bosses Lounge (hearing on 4/20/10).

Quarters is a tavern located on Center Street. It had three new items on its police report (a fourth item was included but this item consisted of a summary of a meeting between MPD, the tavern owner, and the tavern's attorney). These incidents included a citation for patrons dancing when there was no tavern dance license, a shots fired complaint, and *a murder*. The murder occurred in front of the tavern with the victim having received multiple wounds to the head and back. MPD determined through the tavern's surveillance cameras that the victim and suspect were both at the tavern and left shortly before the murder occurred. This video also showed that the suspect had been armed while inside the tavern. Quarters' license was recommended for renewal by the Committee with a 30-day suspension.

Discount Cigarettes & Beer is located on 27<sup>th</sup> Street. It had four new items on its police report. These incidents included a citation for sale to underaged, an allegation of sale to underaged, a second citation for sale to underaged, and a third citation for sale to underaged. Discount Cigarettes & Beer's license was recommended for renewal by the Committee with a 30-day suspension.

Bosses Lounge is located on North Avenue. It had six new items on its police report. These items included a battery complaint, an incident in which an individual drove by the tavern and waived a gun out the vehicle window, two false hold up alarms, a fight that occurred between patrons after leaving the bar, a citation for presence of underaged, and a shooting incident in which five people were wounded. Bosses Lounge's license was recommended for renewal by the Committee with a 20-day suspension.

On January 27, 2009, the Licenses Committee held a hearing to consider the renewal of Pizza Shuttle, 1827 N. Farwell Avenue. Pizza Shuttle had an extensive police report. Attached to this letter is a copy of Pizza Shuttle's police report. Pizza Shuttle's report contained a total of 26 items, including 25 from 2008. In addition, Pizza Shuttle's CADS reports, obtained through the MPD, show that there were approximately 100 police calls related to the establishment between November 2007 and January 2009. There are numerous incidents in the Pizza Shuttle report that presented valid cause for concern. For example, the report recounts numerous fight complaints, numerous issues with guns, complaints of loud music from cars, cars being used to block traffic, disorderly patrons, and drugs. In fact, incident No. 24 on Pizza Shuttle's police report required the MPD to be on scene for almost two hours, involved multiple fights and also involved hundreds of patrons who were spectators and encouraged the fighting. Incident No. 24 states at its conclusion, "Police did speak with management regarding the volume of calls received by the restaurant and that no other businesses in the area have needed this type of police response."

In spite of this extensive police report, the MPD did not object to renewal of the

license and the City Attorney's office made no appearance at the hearing to oppose the license renewal or assist the MPD. It is also remarkable that despite the high volume of police calls to Pizza Shuttle, the property received no nuisance letters from the City of Milwaukee.

As stated *supra*, Pizza Shuttle had 25 items on its police report that were considered at the 2009 hearing. In reviewing this police report (which is also attached), 24 of the incidents occurred between February and July. The 25<sup>th</sup> and final incident occurred on October 18<sup>th</sup>, and was a situation in which juveniles were "trashing" the dining room and yelling obscenities. Pizza Shuttle's license was renewed with a warning letter.

8. Texture objects to the 30-minute time limit enforced by Chairman Bohl pursuant to § 90-11-2-b-2-g, Milwaukee Code of Ordinances. This time limit is not enforced equally to all parties during contested hearings and the enforcement scheme also changes from hearing to hearing. This time limit is inappropriate and a violation of Texture's rights as it does not allow licensees with sufficient time to adequately address all allegations made against its License, an item in which Texture has a recognized, protected property interest. The 30-minute time constraint and its inconsistent enforcement violate Texture's right to both due process and equal protection.
9. On November 23, 2011, the Common Council considered the renewal application of Scooters Pub & Dukes On Water ("Dukes") located at 150-58 E. Juneau Avenue in the 3<sup>rd</sup> Aldermanic District. Dukes had four items on its Synopsis, three of which were used as a basis for the Committee's recommendation for renewal of Dukes' license with a 10-day suspension. Enclosed is a copy of Dukes' Synopsis. Ultimately, the Council renewed Dukes' license with only a warning letter. The three items relied upon for the recommendation were three fights, two of which resulted in injuries (a broken nose and a head wound).

As described above, while Texture had five items on its Synopsis, two of those items have been conclusively proven to not be connected to patrons of the establishment, leaving Texture with what should have been three incidents on its Synopsis. The three remaining incidents on Texture's Synopsis were an incident in which security had to remove two patrons who refused to leave the premises after closing, a fight for which video shown at Committee proved was quickly under control, and a situation in which a group of patrons waiting in line after the club was at capacity were disbursed by police. Unlike Dukes, none of Texture's three remaining incidents involved injuries, and only one was a fight.

Based upon the past practice and conduct of the Common Council in the Dukes matter and based upon the precedent set in the Pizza Shuttle matter referenced above (wherein Pizza Shuttle had 25 items on its Synopsis and received a warning letter), Texture's right to equal protection requires that its License be renewed without suspension, and only a warning letter.

10. That prior to the June 21, 2011 Committee hearing, Texture submitted several public records requests to the Milwaukee Police Department. Attached hereto and incorporated herein are these public records requests.

On June 2, 2011, Salvatore Safina, a member of Pop Promotions, LLC d/b/a Texture, submitted a public records request in which he requested any and all tavern reports and/or PA-33s as well as all CADS reports relating to Texture. The time frame for Mr. Safina's request was July 26, 2010 through June 2, 2011. In response to his request, Mr. Safina received all documents except for CADS #10-249-0191 which is the CADS report that is referenced in the PA-33 for the September 6, 2010 incident which was included on the Synopsis and used as a basis for the Committee's recommendation of non-renewal. Based upon Mr. Safina's public records request, CADS #10-249-0191 was a responsive record that the Milwaukee Police Department had a duty to produce. The Milwaukee Police Department's failure to produce this record resulted in Texture not being able to fully prepare its case before the Committee.

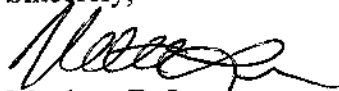
On June 16, 2011, Texture's legal counsel submitted a public records request which requested copies of any and all Incident Reports that were related to the PA-33s which were related to the new items on Texture's Synopsis. In response to this request, the Milwaukee Police Department only produced one Incident Report and this lone report was related to the incident that occurred on March 6, 2011. All PA-33s are written based upon actual Incident Reports and therefore an Incident Report exists for each and every one of the five PA-33s and Synopsis Items. The Incident Reports provide significantly more detail than the PA-33s and allow for licensees such as Texture to better and more fully prepare to defend the protected property interest they have in renewal of their licenses. The Milwaukee Police Department represented to Texture that except for the March 6, 2011 Incident Report that there were allegedly no other Incident Reports that related to the four other PA-33s. There are four other Incident Reports relating to the 9/6/10, 3/14/11, 3/28/11, and 4/2/11 incidents and the Milwaukee Police Department has failed to provide those reports to Texture as required by law. The Milwaukee Police Department's failure to produce these records resulted in Texture not being able to fully prepare its case before the Committee.

Because of the Milwaukee Police Department's failure to comply with the public records law and the ensuing damages caused to Texture as a result, equity requires that the matter of Texture's License be remanded back to the Committee for a new hearing which can commence at such time that all public records have been provided to Texture as requested.

Texture's rights to Due Process and Equal Protection have been violated by the actions of the City of Milwaukee. As explained above, Texture's business operations in 2010-2011 require that the City of Milwaukee renew its License with the issuance of only a warning letter.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew D. Lerner", written in a cursive style.

Matthew D. Lerner  
Attorney at Law

Enc.

Cc: Pop Promotions, LLC d/b/a Texture

MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS

DATE: 04/08/10

LICENSE TYPE: BTAVN

NEW:

RENEWAL: X

No. 16663

Application Date: 04/07/10

Expiration Date:

License Location: 900 E Center St

Business Name: Quarters

Aldermanic District: 03

Licensee/Applicant: Fischer, Daniel R

(Last Name, First Name, MI)

Date of Birth: 07/11/1952

Home Address: 902 E Center St

City: Milwaukee

Home Phone: (414) 263 - 8950

State: WI

Zip Code: 53212

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

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

1. On 04/15/2005 at approximately 10:40PM, an underage police aide, under the direction of police officers was able to purchase a 12oz. Bottle of Miller Draft Beer from the cashier, Cherissa L Fischer (W/F, 03/0-5/1984) of Quarters Bar at 900 E Center St. There was no one at the entrance checking for underage persons prior to entering the licensed premise.

As to the Licensee: FISCHER, Daniel R

1. Charge: Sale of Alcohol to Underage Person  
Finding: Guilty Suspended Sentence  
Date: 06/09/2005  
Case #: 05052002
  2. Charge: Presence of Minor Prohibited  
Finding: Guilty  
Date: 06/09/2005  
Case #: 05052003
- =====



Fischer, Daniel R

3. On 02/17/10 at 1:30 am, Milwaukee police conducted a License Premise Check at 900 E Center Street. Officers observed approximately twelve patrons dancing on the dance floor and found the tavern not to have a tavern dance license. Police spoke to the bartender Cherissa Fischer who stated she was also co-owner of the tavern. Cherissa was advised by officers that a dance license was required and a citation was issued to the licensee Daniel Fischer.

Charge: Tavern Dance License Required

Finding: Pre-trial 05/24/10 8:30 am

Sentence:

Date:

Case: 10032143

4. On 03/20/10 at 1:21 am, Milwaukee police were dispatched to 900 E Center for a Shots Fired complaint. An anonymous caller stated shots had been fired inside the Quarters tavern. Police spoke to the bartender Cherissa Fischer who stated there were no shots fired but that two patrons were arguing with one another and were escorted out of the bar. Police did not find any evidence supporting shots being fired. Call was advised.
5. On 03/28/10 at 1:50 am, Milwaukee police were dispatched to Bremen and Center for a Shooting complaint. Arriving officers observed a male lying on the ground in front of Quarters tavern with multiple gun shot wounds to the head and back. The victim later died from his wounds. Officers questioned the bartender Cherissa Fischer if the victim had been in the tavern prior to the shooting and Fischer stated no. Fischer further stated that she heard shots fired and observed a victim outside the bar. Fischer stated she then called police from her cell phone. Upon viewing the bar's surveillance video, police determined that the victim and suspect were both patrons in the bar and were observed leaving the tavern shortly before the shooting occurred. Police also found that surveillance video showed the suspect had been armed while inside the bar. Five casings were recovered at the scene and placed on inventory.
6. On 03/29/10 at 2:15 pm, the owner of Quarter's Night Club, Daniel Fischer, and his attorney Andy Arenas, met with District Five personnel regarding the homicide that occurred outside of his business. The meeting took place at District Five and in attendance was Assistant City Attorney Adam Stevens, Assistant City Attorney Ben Wesson, Lieutenant Michael Brunson as well as a few police officers. Mr. Fischer relayed that his business is open on Wednesdays, Thursdays, Fridays and Saturdays and that he usually opens the bar up at 9:30 pm. Mr. Fischer stated he tries to shut down the tavern approximately one hour prior to closing time. Fischer further stated that he has 4 to 5 employees and that two of his children help manage and bartend. He further stated he has two security guards. Fischer stated he charges between three to five dollars for a cover charge and that he has two interior cameras, one of which is connected to a recording system. Fischer stated he has seven cameras on the exterior and that he monitors the tavern from his residence, which is the upper portion of the tavern. Fischer stated that up to a month ago, his crowd was generally neighborhood individuals, however due to the fact that other establishments have closed in the past month, he is seeing a lot of new faces.

MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS

DATE: 04/19/10  
LICENSE TYPE: ALQML  
NEW:  
RENEWAL: X

No. 2848  
Application Date: 03/03/2010  
Expiration Date:

License Location: 5320 South 27<sup>th</sup> Street  
Business Name: Discount Cigarettes & Beer

Aldermanic District: 13

Licensee/Applicant: Patel, Urmila R.  
(Last Name, First Name, MI)  
Date of Birth: 09/27/1972

Home Address: 7038 South Carmel Drive  
City: Franklin  
Home Phone: (414) 421-4961

State: WI Zip Code: 53132

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

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

1. On 06/11/2009 at 6:45pm an underage subject, working in conjunction with Milwaukee police, was able to purchase a six-pack of Miller beer from the cashier at 5320 South 27<sup>th</sup> Street (Discount Cigarettes & Beer). The cashier, Rajesh J. Patel, received a citation for Sale to Underage Prohibited.

Charge: Sale of Alcohol to Underaged Person  
Finding: Guilty  
Sentence: \$160.00 fine  
Date: 08/05/2009  
Case: 08098647

2. On 10/01/2009 at 9:45am Milwaukee Police officer John Arrendondo received an anonymous complaint regarding a claim of tobacco and liquor sales at 5320 South 27<sup>th</sup> Street (Discount Cigarettes & Beer) to underage persons. Officer Arrendondo's investigation uncovered no violations.
3. On 11/14/2009 at 11:50pm a Milwaukee Police Department aide, who had not yet attained the age of 21, was able to purchase a 12 pack of Miller Lite brand beer from the cashier at 5320 South 27<sup>th</sup> Street (Discount Cigarettes and Beer). This police aide was working in conjunction with Milwaukee Police who cited the cashier. No record of this citation can be located in Milwaukee Municipal Court records (citation #5080057-4), therefore no disposition is available.

4. On 02/25/10 at 4:23 pm, Milwaukee police were conducting Sales of Alcohol to Underage Persons and had a Milwaukee police aide, who is under the age of 21, along with an uncover police officer enter 5320 S 27<sup>th</sup> Street in attempts to purchase alcohol. The aide brought a 30 pack of Milwaukee's Best to the counter and the cashier identified as Rajesh Patel asked for ID in which the aide provided. Patel stated to the aide that he was underage and if he was a cop, stating "cops are in here all the time to check up". The aide responded no and Patel took his money. When the aide ask for his change, Patel stated, " You are under 21 and don't get no change". Patel was then questioned by police and when asked why he sold the alcohol, Patel stated, " I checked ID". Patel was issued a citation for Sale to Underage 2<sup>nd</sup> offense.

Charge:	Sale of Alcohol To Underage 2 <sup>nd</sup> Offense
Finding:	Guilty
Sentence:	Fined \$368.00
Date:	04/21/10
Case:	10036647

MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS

DATE: 02/08/10

LICENSE TYPE: BTAVN

NEW:

RENEWAL: X

No. 16451

Application Date: 01/27/10

Expiration Date:

License Location: 408 E North Avenue

Business Name: Bosses Lounge

Aldermanic District: 06

Licensee/Applicant: Harris, Tommy L

(Last Name, First Name, MI)

Date of Birth: 01/08/67

Male:

Female:

Home Address: 2737 N 59<sup>th</sup> Street

City: Milwaukee

State: WI

Zip Code: 53210

Home Phone: (414) 313-4233

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

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

1. On 09/13/95, applicant was charged with 1<sup>st</sup> Degree Intentional Homicide Party To in Milwaukee County. On 02/09/96, the charge was amended to Disorderly Conduct Party To/ Use Of Dangerous Weapon.

Charge: Disorderly Conduct Party To/Use of Dangerous Weapon  
Finding: Convicted  
Sentence: 8 months HOC  
Date: 02/09/98  
Case: 95CM001876

- =====
2. On 07/30/09 at 11:17 am, Milwaukee police were dispatched to 2725 W Auer Street for a Battery complaint. Officers spoke to the victim who stated he and friend were at Bosses Lounge when the victim noticed a known patron "mean mugging" him. This patron then came up to the victim and started punching him in the face and head area. The victim stated the suspect was demanding his wallet but that he (the victim) refused to give it up. The victim stated he then heard the suspect tell another guy to get the victims wallet and felt someone going through his pockets. The victim then fell to the ground and where he was kicked several more times. The suspects obtained the victim's wallet and cell phone and fled the bar. Officers on a later date contacted and spoke to Tommy Harris regarding the incident. Harris stated he was working the night of the incident and wasn't aware of any problems. Officers also spoke to the bartender Rebecca Moses, who is no longer employed at Bosses. Moses stated she couldn't recall the incident and that there have been so many fights inside the bar, she can't remember one incident from the other. The suspect was ordered into the DA's office regarding possible charges. As of 01/28/10, a check of CCAP revealed no charges were issued.

Harris, Tommy L

3. On 10/30/09 at 1:29 am, Milwaukee police were dispatched to 408 E North Avenue for a Man With Gun complaint. Officers spoke to Michael Williams who stated he works security for Bosses Lounge and that he observed a late model black Infiniti pull up in front of the tavern as a subject waved a gun from the passenger side window. Squads that were in area found a car matching the description and conducted a traffic stop with no gun being found. A wanted check revealed one occupant had an outstanding warrant and he was arrested and conveyed to the district.
4. On 11/05/09 at 1:25 am, Milwaukee police were dispatched to 408 E North Avenue for a Hold Up Alarm. Officers spoke to Tommy Harris who stated there were several females fighting across the street from the bar and that one of his employees might have pushed the hold up alarm. Harris stated the females left before police arrived.
5. On 12/26/09 at 2:31 am, Milwaukee police were dispatched to 408 E North Avenue for a Hold Up Alarm. Officers spoke to the bartender Kamona Dixon who stated there were no problems.
6. On 01/14/10 at 12:41 am, Milwaukee police were dispatched to 2244 N Buffum Street for a Fight complaint. Upon police arrival, officers observed a large fight/argument in the vicinity of North and Buffum. Officers stopped one of the actors and conducted a field interview. Police found this subject to be in possession of .38 special Smith & Wesson and placed the actor under arrest. The suspect stated to police that there was no fight going on just a verbal argument with a couple of people after leaving the tavern located at 407 E North.
7. On 01/21/10 at 1:27 am, Milwaukee police were dispatched to 400 E North Avenue for a Shooting complaint. Upon arrival, officers found a victim who was shot to the back. The victim, who is under the age of 21, stated he was at Bosses when he got into a fight. The victim further stated as he was leaving the tavern, he heard gunshots and then felt pain to his lower back. Officers were able to confirm the victims' presence in the tavern by viewing video that was recorded by the tavern. Further investigation found an additional 4 victims who sustained gunshot wounds as a result from the fight inside the tavern. Victim # 2 sustained a gunshot to the left foot. Victim # 3 sustained a gunshot wound the right foot. Victim # 4 sustained a gunshot wound to the right hip and victim # 5 sustained a gunshot to the abdomen. A bullet also struck the window of the Development Day Care, which is located at 413 E North Avenue. This day care is located across from Bosses Lounge. A house located at 2244 N Buffum was also struck by gunfire as four occupants were sleeping inside. Officers interviewed a resident who stated he was awoken by loud shouting and then an unknown amount of gunfire. The resident further stated that there are problems at Bosses Lounge every Wednesday night. The licensee Tommy Harris was cited for Presence of Underage.

Charge: Presence of Underage  
Finding: Court date of 03/15/10  
Sentence:  
Date:  
Case: Citation # 60877736

MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS

DATE: 12/03/08  
LICENSE TYPE: BTAVN  
NEW:  
RENEWAL: X

No. 15252  
Application Date: 12/02/08  
Expiration Date:

License Location: 1827 N Farwell Avenue  
Business Name: Pizza Shuttle

Aldermanic District: 03

Licensee/Applicant: Gold, Mark H

(Last Name, First Name, MI)

Date of Birth: 01/08/63

Male:

Female:

Home Address: 915 W El Patio Lane  
City: Mequon  
Home Phone:

State: WI Zip Code: 53092

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

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

1. On 10/21/07 at 3:00 am, Milwaukee Police were dispatched to Farwell and Royal Streets for a Fight complaint. Investigation revealed a fight had occurred inside the Pizza Shuttle that continued onto the streets. As police arrived, the fight dispersed with the victim not wanting to prosecute the unknown subject who had struck him. While investigating the fight on the street, officers received another call from Pizza Shuttle regarding another fight. Officers responded and issued two citations to the patrons for Disorderly Conduct.  
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2. On 02/10/08 at 3:13 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Squads responded and advised the incident.
3. On 02/20/08 at 3:00 am, Milwaukee police were dispatched to 1827 N Farwell for Trouble With A Subject. Police spoke to the manager Don who stated he was having trouble with a customer causing a disturbance. Squads responded and advised the incident.
4. On 02/24/08 at 2:12 am, Milwaukee police were dispatched to 1827 N Farwell for a Subject With Gun complaint. An employee Chad advised the telecommunicator that security for the restaurant had broken up a fight and that a subject was seen with a silver firearm by security personnel. An ambulance was also requested for a female patron who was trampled by the suspect as he fled the scene. Reports were filed regarding this incident.

5. On 03/02/08 at 2:27 am, Milwaukee police were dispatched to 1827 N Farwell for an Indecent Exposure complaint. Police spoke to security for Pizza Shuttle who stated they were detaining a male that had urinating on the building. The subject was cited for Disorderly Conduct and released.
6. On 03/15/08 at 1:13 am, Milwaukee police were dispatched to 1827 N Farwell for a loud music complaint. The caller stated subjects were playing loud music in the parking lot of Pizza Shuttle. Officers arrived and were unable to locate any subjects on the lot playing loud music.
7. 03/16/08 at 2:53 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Officers spoke to an employee "Bill" who stated he had three armed security guards at the door of his restaurant and that several subjects outside this business were making gestures as if they were armed with guns. "Bill" stated these subjects also were saying that " There is going to trouble if they are not allowed into the restaurant." No gun was found on scene by any patron however one subject was cited for Trespassing.
8. On 03/20/08 at 2:36 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Officers spoke to the manager "Bill" who stated three subjects were yelling and swearing at him refusing to leave. "Bill" also indicated that the subjects were intoxicated. The incident was advised.
9. On 03/27/08 at 12:46 am, Milwaukee police were dispatched to 1827 N Farwell regarding several calls about males in front of the restaurant that appeared as if they were about to drag race their autos. Calls were also received about several subjects in front of the Pizza Shuttle possibly arguing. The manager "Bill" also called police and stated that there were thirty autos blocking traffic and that subjects were running in the streets and playing music. Squads responded and the area was eventually cleared.
10. On 03/29/08 at 3:52 am, Milwaukee police were dispatched to 1827 N Farwell for Trouble With Subjects complaint. Investigation revealed a group of subjects were at the restaurant arguing and refusing to leave. Once police arrived all parties involved were gone.
11. On 03/30/08 at 2:06 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Police spoke to an employee, Sharin, as well as security who stated a large group had gathered and were fighting in the parking lot of the restaurant. The subjects involved were gone once police arrived.
12. On 04/05/08 at 1:28 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. The call was advised but police ended up writing parking citations for several parking violations found. Police were dispatched again at 4:23 am for subjects that refusing to leave the restaurant. Once police arrived, subjects were gone.
13. On 04/19/08 at 1:06 am, Milwaukee police were dispatched to 1827 N Farwell for Crowd Control at the restaurant. Security personnel requested MPD for a large crowd that gathered outside of the location. Police arrived and cleared the area.

14. On 05/04/08 at 3:32 am, Milwaukee police were dispatched to 1827 N Farwell for a Large Fight complaint. A security guard for the restaurant was injured and had sustained lacerations to the knee and elbow while trying to break up a fight. A report was filed.
15. On 06/23/08 at 1:02 am, Milwaukee police were dispatched to 1800 N Farwell for a Fight complaint. Police arrived and observed numerous subjects standing in and around the Pizza Shuttle restaurant as well as multiple autos stopped in traffic. Due to heavy pedestrian and vehicle traffic, more squads were dispatched to help assist clearing the area. Four traffic citations were issued and the area was eventually cleared.
16. On 05/17/08 at 3:38 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for traffic control. When squads responded they did not locate any autos.
17. On 05/25/08 at 2:10 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for a Trouble With Subject complaint. Police were advised that a patron was refusing to leave but upon officers arrival, the subject left. Squads were again dispatched to the restaurant at 2:39 am regarding a Fight In Progress in which security was detaining subjects. Citations were issued to the parties involved.
18. On 05/31/08 at 1:28 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for a Fight complaint. Security was reporting that 300 plus people were at the location and that there was a fight. The caller stated they had only four security guards and needed more help. Updated calls were given to responding squads that indicated that a male was armed with a revolver. As police approached, they observed security has an auto stopped in the street at gunpoint. Police issued several citations and a report was filed regarding the subject who was armed and fled the restaurant.
19. On 06/01/08 at 1:53 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Investigation revealed people were fighting outside the restaurant and in the parking lot. A victim was identified but he refused to prosecute.
20. On 06/07/08 at 1:00 am, Milwaukee police were dispatched to 1827 N Farwell for reports of Shots Fired and Cruising. Squads responded and were not able to locate any suspects. Police were dispatched again at 2:05 am for a complaint of Battery- DV related. Investigation found security personnel used pepper spray on a suspect that was unrelated to the Battery DV complaint. Reports were filed. Police again were dispatched at 3:26 am, for another Battery complaint between two patrons and citations were issued in the incident.
21. 06/16/08 at 1:08 am, Milwaukee police were dispatched to 1827 N Farwell for a Loud Music complaint. Squads were advised that there were 20-30 subjects outside of the restaurant crowding the streets playing loud music and getting in and out of their cars. Squads responded and cleared the area. At 1:35 am, police were flagged down by an employee of Pizza Shuttle about patrons causing problems inside the restaurant. Police again responded and at the request of management, ordered everyone that was inside the restaurant to leave if they were not ordering food. It should be noted an underage party was held downtown that ended up with numerous patrons from that club going to Pizza Shuttle. On that particular night, the restaurant did not have security personnel on scene.



22. On 06/20/08, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Police spoke to Christopher Albert, security for Pizza Shuttle who stated patrons who were intoxicated were refusing to leave the property. Albert stated these patrons were screaming profanities and police were called. Citations were issued to two patrons for Trespassing and one citation was issued for Obstructing An Officer.
23. On 06/17/08 at 1:40 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Police spoke to security who stated there was a verbal altercation in the parking lot between two females. When security approached these two women, one subject's boyfriend jumped in and became loud and disorderly to the security guards. Security asked these subjects to leave but they refused. One citation was issued for Disorderly Conduct.
24. On 07/06/08 at 1:12 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Investigation revealed a fight took place in the parking lot of Pizza Shuttle with approximately 200-300 people scattered though the waiting area of the restaurant. These patrons appeared to be spectators to the fight and were egging the participants on. A report for property damage was also taken. While on scene, police were advised of another fight inside the mens room of the restaurant. Both subjects involved in that were cited for Disorderly Conduct. While police were issuing citations for the fight, security again advised police of a verbal confrontation between other patrons in which security tried to break up but that both parties directed their anger at security. Officers advised these two subjects to leave or they would both receive citations. They left without incident. Police were on scene for 1 hour and 41 minutes. Police did speak with management regarding the volume of calls received by the restaurant and that no other businesses in the area have needed this type of police response.
25. On 07/07/08 at 1:00 am, Milwaukee police were dispatched to a Fight at 1827 N Farwell. Investigation revealed security was detaining four subjects who were observed in an auto parked in the parking lot of Pizza Shuttle with one actor being in possession of marijuana. Police arrested and charged one actor with Possession of Marijuana.
26. On 10/18/08 at 1:01 am, Milwaukee police were dispatched to 1827 N Farwell for A Trouble With Subject complaint. Police spoke to the manager William Kopatichi who stated a group of club juveniles entered his business causing a disturbance in and around the restaurant. Kopatichi stated the juveniles were trashing the dining room area while yelling obscenities and arguing outside of the restaurant so he called police. The subjects were gone upon police arrival. Police observed that no security was on scene of the business. Kopatichi stated that the owner cancelled security services and was in the process of contracting with a new company. No citations were issued regarding the incident.

**MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT**

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

**DATE: 09/02/10**  
**LICENSE TYPE: BTAVN**  
**NEW:**  
**RENEWAL: X**

**No. 17178**  
**Application Date: 09/01/10**  
**Expiration Date:**

**License Location: 150-58 E Juneau Ave**  
**Business Name: Scooters Pub & Dukes on Water**

**Aldermanic District: 03**

**Licensee/Applicant: Bates, Elizabeth B**  
(Last Name, First Name, MI)  
**Date of Birth: 09/19/64**

**Male:** **Female: X**

**Home Address: 9702 N Cederburg Rd**  
**City: Mequon**  
**Home Phone: (262) 242-3750**

**State: Wi** **Zip Code: 53092**

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

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

1. On 07/13/2003 at 11:28 AM Milwaukee Police were sent to 1580 N Farwell Ave, to investigate a battery complaint which occurred on Saturday, 7-12-2003 at 158 E Juneau Ave. Security officers at 158 E Juneau Ave physically removed the intoxicated victim from the tavern. The victim and his companion made an effort to re-enter the tavern through a rear door and a struggle ensued with them and the security officers. The victim alleged that he was punched once to the face with a closed fist. On 07/25/2003 at 9:00 AM the victim called Police District #5 and stated that he talked to his employer and that his supervisor recommended dropping his complaint. He then refused to follow through with a complaint against the security officers at the tavern. Incident Report Filed
2. On 01/10/2004 at 2:40 AM a bartender at the licensed premises at 150 E Juneau Av, Mel's on Water, was cited for Disorderly Conduct after she sprayed two patrons with water because they would not leave the bar. The citation was dismissed in Municipal Court. Incident Report Filed
3. On 10-16-05 at 11:30pm, Milwaukee Police observed a commotion in front of 158 E Juneau at Mel's On Water Tavern. Investigation revealed that a patron, who had been inside the bar, was refused service because he was highly intoxicated and causing a disturbance. This subject was identified as David Rosko, (w/m 01-24-83). Security escorted Rosko out of the tavern when Rosko became irate and started to verbally abuse other patrons. Rosko then intentionally knocked over 20 pint glasses, which were stacked behind the bar. Rosko was issued two citations for disorderly conduct and vandalism.

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4. On 06/26/07 at 1:00 am, Milwaukee Police were flagged down by security for Scooters Pub for a property damage complaint. Officers spoke to the manager Brian Wysocki who stated that a male patron intentionally broke the mirror inside the men's room. Investigation revealed that a patron indeed broke the bathroom mirror by punching it. This subject was bleeding from the right hand near the knuckle area. A citation was issued to the patron for vandalism.

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5. On 03/02/08 at 2:30 am, Milwaukee police were dispatched to 154 E Juneau for a Trouble With Subject/Property Damage complaint. Police spoke with security from Dukes/Scooters who stated two patrons were causing a disturbance inside the tavern and broke a window on the rear door after they were removed from the tavern. These subjects were detained until police arrived. Citations were issued to the suspects for Disorderly Conduct and Vandalism.

6. On 04/20/08 at 10:32 pm, Milwaukee police were in the area of 154 E Juneau when officers heard loud music coming from the tavern. Officers spoke to the bartender Lisa Olson and asked for her bartenders' license, which she provided but was expired. Another employee who was at the bar but not on duty was able to show her bartenders' license, which was valid. Officers could not locate any of the taverns licenses until an employee showed the police where they were located. Officers advised the employees that the doors must be kept closed and the licenses must be prominently displayed in the room in which beverages were being sold.

7. On 04/30/08 at 10:15 pm, Milwaukee police were conducting sales of alcohol to underage persons and had a Milwaukee police aide who is under the age of 21, enter Dukes/Scooters in attempts to purchase alcohol. The bartender Todd Wargula served the aide without first asking for proper ID. The security at the door never asked for any ID from the aide as he entered the tavern. A citation was issued to Wargula for Sale of Alcohol To Underage.

As to Wargula:

Charge:	Sale Of Alcohol To Underage Person
Finding:	Guilty
Sentence:	Fined \$160.00
Date:	06/18/08
Case:	08057959

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8. On 11/09/08 at 1:50 am, Milwaukee police observed a disturbance at 158 E Juneau in front of the Dukes On Water tavern. Police spoke with a patron who stated his sister was punched by a security guard while inside the tavern. Officers spoke to the security guard who was identified as Gilbert Abdullah. Abdullah stated that a female patron was arguing with another patron when Abdullah asked this patron to leave. The female subject then began to swing her fists at him at which time he "bear hugged" her and pushed her towards the door. Abdullah denied hitting anyone. Officers also spoke to the bartender/manager Todd Wargula who stated he did not observe a fight, only Abdullah pushing a group of people towards the door. Police were able to view video surveillance, which showed the events as Abdullah stated. The patron was cited for disorderly conduct and later loitering for refusing to leave the area when asked to by police.

9. On 01/25/09 at 2:04 am, Milwaukee police were flagged down for a disturbance complaint at 158 E Juneau. The complainant stated to police that he was at the bar when the bouncers for no apparent reason began to punch him. Officers then spoke with Kevin Carstedt, a bouncer for Scooters who stated the patron/complainant had been bothering a female patron all night despite her repeated attempts to get him to leave her alone. The two patrons began to argue and the male patron attempted to throw a beer at the female. Another patron got between the two and physically attempted to remove the male subject when they both fell to the ground, which caused the complainants face to bleed. Officers spoke to bar manager Todd Wargula who provided video surveillance which indeed showed the accounts of what Carstedt provided to police. The complainant was then issued a citation for Disorderly Conduct.

10. On 06/27/09 at 12:05 am, applicant received a citation for Disorderly Conduct at 1227 N Water Street.

Charge: Disorderly Conduct  
Finding: **dismissed w/o prejudice**  
Date: 04/12/10  
Case: 09101275

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Item # 10 previously reported, disposition now added on 09/02/10.

11. On 09/17/09 at 12:10 am, Milwaukee police witnessed 2 male subjects arguing and fighting outside of Dukes bar located at 158 E Juneau. Investigation found the subjects had been playing pool inside Dukes when they began to argue. The argument turned physical with one patron sustaining a broken nose. The incident was captured on video and suspect was charged with substantial battery.

12. On 12/13/09 at 1:13 am, Milwaukee police were dispatched to 150 E Juneau for a Battery. Officers spoke to the victim who stated that a bouncer from Scooters Pub broke a bottle over his head for no reason. Officers spoke with the manager of the tavern and were able to view video both inside and outside of the tavern. The video showed the victim being asked by the bouncers to leave the tavern when several of the victim's friends start to harass the bouncers. These patrons were eventually lead outside of the tavern where they continued to cause a disturbance and attempts to re-enter the bar were made. It was unclear as to how the victim sustained his head injury since nothing was observed on video regarding it. Citations for disorderly conduct were issued to the patrons.

13. On 04/06/10 at 1:11 am, Milwaukee police were dispatched to Water and Juneau for a Noise Nuisance complaint. Officers spoke to the caller who stated he lives at the Blatz Condo's on Broadway and can hear music being played from Dukes every night and that he was tired of it. Officers conducted follow up at the bar and spoke to the manager Jeremy Durst. Officers observed music playing from speakers that were mounted on the outside of the building. At that time, the music was playing at a reasonable sound level. A check of the licenses found the tavern did possess a record music license however it was only until 1:00 am. A citation was issued for Excessive Noise Prohibited.

Charge: Excessive Noise Prohibited  
Finding: Trial 11/01/10 8:30 am  
Sentence:  
Date:  
Case: 10054659

14. On 07/30/10 at 12:45 am, Milwaukee police observed a fight in front of Scooters at 154 E Juneau. The fight involved six people which consisted of two bouncers, the bar manager and three patrons. Investigation found a patron tried to exit the door with a glass drink and when he was told he needed to put it in a plastic cup before exiting to the patio. The patron became upset and began hitting one of the bouncers. Additional bouncers came to assist and the patrons' friends also began to fight with the bouncers as police arrived. The patrons were cited for disorderly conduct.



Matthew Lerner <lerner40@gmail.com>

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## Public Records Request - URGENT ATTENTION REQUESTED

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Matthew Lerner <lerner40@gmail.com>

Thu, Jun 16, 2011 at 10:16 AM

To: mpdopenrecords@milwaukee.gov

To Whom It May Concern:

Pursuant to Wis. Stats. §§ 19.31 through 19.39, the undersigned hereby requests any and all documents, including but not limited to the documents relating to the following:

1. Copies of any and all Incident Reports relating to the PA-33 Tavern Reports which have a "Date of Incident" listed as 9/6/10, 3/6/11, 3/14/11, 3/28/11, and 4/2/11 for the establishment known as Texture located at 606 S. 5th Street.

Pursuant to Wis. Stats. § 19.35(4)(a), your response to the above-referenced request must be given "as soon as practicable and without delay." I request that the information I seek be provided in electronic format, if possible.

Should you deny my request in full or in part, please provide the specific reasons and the legal authority for withholding such information. I expect you to release all segregable portions of otherwise exempt material.

This matter is scheduled for a hearing before the Licenses Committee on Tuesday, June 21st and we request that these materials be provided to us no later than Friday, June 16th.

Thank you for your assistance.

Matt

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Attorney Matthew D. Lerner  
Maistelman & Associates, LLC  
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414-908-4254

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From: **Salvatore Safina** <[salsafina@gmail.com](mailto:salsafina@gmail.com)>  
Date: Thu, Jun 2, 2011 at 12:17 PM  
Subject: PA-33 and CADS for 606 s 5th street  
To: [mpdopenrecords@milwaukee.gov](mailto:mpdopenrecords@milwaukee.gov)

Salvatore G Safina

1033 N Old World 3rd street Unit 502

Milwaukee, WI 53203

Ph [414.236.1372](tel:414.236.1372) fax [414.291.8862](tel:414.291.8862)

email [salsafina@gmail.com](mailto:salsafina@gmail.com)

To Whom It May Concern:

Pursuant to Wis. Stats. §§ 19.31 through 19.39, the undersigned hereby requests any and all documents, including but not limited to the documents relating to the following:

1. Copies of any and all tavern reports and/or PA-33 reports for the business located at 606 S. 5th Street.
2. Copies of any and all Computer Aided Dispatch System (CADS) reports for the business located at 606 S. 5th Street.

The time frame for this request is July 26, 2010 through today. Pursuant to Wis. Stats. § 19.35(4)(a), your response to the above-referenced request must be given "as soon as practicable and without delay." I request that the information I seek be provided in electronic format, if possible.

Should you deny my request in full or in part, please provide the specific reasons and the legal authority for withholding such information. I expect you to release all segregable portions of otherwise exempt material.

Thank you,

Salvatore G Safina