

**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

July 20, 2007

To the Honorable, the Common Council

Dear Members:

Common Council File 070556 is a substitute motion suspending the Class "B" Tavern license for 90 days and revoking the Tavern Dance license for the premises at 9316 W. Appleton Avenue ("Side Pocket Sports Bar") in the 2<sup>nd</sup> aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Common Council File 070190 contains the following recommendations:

Renewal, with a 30-day suspension based on the police report, of the Class "B" Tavern and Tavern Dance license of Keith Winters for the premises at 2911 W. North Ave. ("Mary's Rainbow Inn") in the 15<sup>th</sup> aldermanic district.

Renewal, with a 90-day suspension based on neighborhood objections and the police report, of the Class "B" Tavern license of Montal Hinton for the premises at 2525 N. Holton Ave. ("Montal's Lounge") in the 6<sup>th</sup> aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

With regard to the files listed above, the Licenses Committee held an evidentiary hearing on July 17th 2007.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, July 31, 2007** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

**JAMES N. WITKOWIAK**

James N. Witkowiak, Chair  
Licenses Committee

cc: All Council Members  
Files 070556 and 070190



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: July 20, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

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

**FINDINGS OF FACT**

1. John N. Strege (hereinafter the "Licensee") is the agent for "Strege, LLC" doing business at 9316 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Side Pocket Sports Bar "). Said license expires at midnight, December 19, 2007.
2. A complaint seeking revocation of this license was filed with the City Clerk on July 11, 2007. The complaint was filed by Alderman Joe Davis, Sr. The complaint alleged that on April 18, 2007 this premises was fined \$5,000 for being over capacity. The complaint further alleged that on October 21, 2006 and June 24, 2007 Milwaukee police were sent to this location for firearm-related incidents.
3. The Milwaukee Police Department also filed a report that could form the basis of revocation or suspension of this license on July 6, 2007.
4. The complaint seeking revocation along with the police report and a copy of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes was served upon the licensee on July 11, 2007. The matter was scheduled for a hearing on the complaint of Alderman Joe Davis on July 17, 2007 at 3:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared at the hearing and also admitted service of the notice of hearing. The Licensee was represented by Attorney Joseph T. Ganzer, Hodan, Doster & Ganzer, S.C., 7161 North Port Washington Road, Milwaukee, WI 53217.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. On August 31, 2005, at 5:15 p.m. an underage police aide, under the direction of officers of the Milwaukee Police Department purchased beer from a bartender at the licensed premises at 9316 West Appleton Avenue. The applicant who was not on the scene was not cited. The bartender was cited and had an initial appearance on October 18, 2005.
  - B. On March 11, 2006 at 11:45 p.m., the applicant received a citation for posting of occupancy capacity at the licensed premises at 9316 West Appleton Avenue ("Side Pocket Sports Bar"). On May 31, 2006 he was found guilty and fined \$5,000.
  - C. On October 8, 2006 at 12:45 a.m. officers of the Milwaukee Police Department conducted a lawful inspection of the licensed premises at 9316 West Appleton Avenue ("Side Pocket Sports Bar"). Upon their arrival, officers conducted a preliminary count of the number of persons in the premises and it was determined that they were over posted capacity. Officers advised the staff that they had to do an official count as the people exited the main doors and the count was 197 people plus the 24 staff totaling 221 persons, which exceeded the capacity by 71 persons. A citation for over capacity was issued to the licensee which is pending a hearing date on November 29, 2006. The licensee was found guilty of posting of occupancy capacity on April 16, 2007 and fined \$5,000.00.
  - D. On October 21, 2006 at 1:38 a.m. Milwaukee Police Department squads were dispatched to the licensed premises at 9316 West Appleton Avenue, Milwaukee, Wisconsin ("Side Pocket Sports Bar") for a possible shooting complaint. The investigation at the scene revealed that a man had been jumped and sustained a laceration above the left eye and bleeding from the ear. The injuries required 10 stitches to close at St. Joseph's Hospital. The bar manager informed police that he had escorted the victim from the bar 20 minutes prior because he had attempted to take another unknown man's necklace. At about 1:30 a.m., the bar manager observed a group of unknown men jumping on one man. The bar manager also stated he did not hear any shots being fired. There were 12 casings found in the parking lot just northeast of the entrance to the tavern. A witness stated he met some friends at Side Pocket Sports Bar when a fight broke out in the bar and shots were fired outside the bar. The group then left and met up at the Citgo gas station at 8336 West Appleton Avenue where they were talking to an unknown woman and heard 3 to 4 rapid gunshots. A man was holding his right leg and saying he was shot. Side Pocket Sports Bar was not cited for any of these incidents.

- E. On June 24, 2007 at 12:50 a.m., Milwaukee Police Department squads were dispatched to the licensed premises at 9316 West Appleton Avenue, Milwaukee, Wisconsin ("Side Pocket Sports Bar") for a shooting. The investigation at the scene revealed that there was a man that was involved in a fight inside the bar and was escorted by security outside the premises as well as other subjects. Once that person was outside, he produced a firearm and fired shots towards other patrons and security. The security guard returned fire and struck another individual.
- F. A number of neighbors appeared and testified to the events constituting the complaint of Alderman Davis.
- G. Located in close proximity to this tavern is a residential treatment facility for at-risk youth. There is genuine concern that the shootings occurring at this tavern will eventually cause harm to the residents of the treatment facility.
- H. One witness testified that on June 24, 2007, and prior to the shooting, a drug deal had been seen.

#### CONCLUSIONS OF LAW

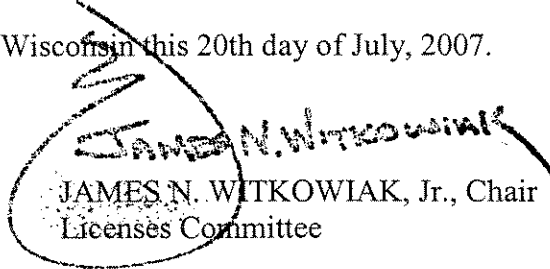
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, John W. Strege, as agent for "Strege, LLC" at 9316 West Appleton Avenue has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow the operation of his Class "B" Tavern license without undergoing a ninety (90) day suspension of said license. Further, based upon the above facts found, the Committee concludes that the Tavern Dance license of this premises should be revoked. The Committee finds the complaint 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 suspend the Class "B" Tavern license of John W. Strege, as agent for "Strege, LLC" for the premises located at 9316 West Appleton Avenue for ninety (90) days, and revoke the Tavern Dance license of this premises.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes recommends that the Class "B" Tavern license of J ohn W. Strege, as agent for "Strege, LLC" for the premises located at 9316 West Appleton Avenue be suspended for ninety (90) days. The Committee recommends that the Tavern Dance license of this premises be revoked.

Said suspension is to be in effect from the time of the Common Council action on July 31, 2007 through the same time on October 29, 2007.

Dated and signed at Milwaukee, Wisconsin this 20th day of July, 2007.

  
JAMES N. WITKOWIAK, Jr., Chair  
Licenses Committee

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