



Attorney John A. Birdsall

February 9, 2004

**HAND DELIVERED**

The Honorable Common Council  
of the City of Milwaukee  
City Hall  
200 East Wells Street  
Milwaukee, WI 53202

**Re: Licensee: Debra M. Seibel**  
**Premises: Plainfield Pub**  
**312 W. Plainfield**  
**Renewal: 10 day suspension of Class B Tavern and Tavern Dance**  
**License effective February 10, 2004 through February**  
**20, 2004**

Honorable Members of the Common Council:

**INTRODUCTION**

The following is what the above Licensee, Ms. Seibel, would have presented in defense of the renewal of her Class "B" liquor license had it been legally possible to stay the current license expiration pending a re-hearing by the Utilities and Licenses Committee (U & L). The instant license expires at midnight tonight with an immediate 10 day suspension on February 10, 2004. See, Exhibit 7. Even a referral back to the committee would shut the premises down until the next meeting of the full Council on March 2, 2004. See, Exhibit 7.

For this reason, Ms. Seibel requests that she be afforded 20 minutes to present substantive evidence in her defense that was not heard by the U & L. The "Findings of Fact" relied upon to sustain this suspension do not comport with reality and are based entirely on the testimony of two disgruntled neighbors before the committee hearing on January 27, 2004. Since the U & L

committee did not hear any contravening evidence, it is not surprising that they held a dim view of the Plainfield Pub. This is truly a case of the "squeaky wheels" getting the grease. The attached 31 letters<sup>1</sup> and other evidence directly refute the exaggerated, inaccurate and even false claims of the two neighbors. See, Exhibit 12. In short, the U & L was presented with a dramatically distorted view of the Plainfield Pub, the facts at issue, its owner and its clientele. A suspension under these facts, when viewed in context, is inappropriate and unfair - a straight renewal with no suspension instead is warranted. Ms. Seibel respectfully requests additional time to be heard during the full council meeting on February 10, 2004, as well as your serious consideration of these contravening materials.

### OBJECTIONS TO THE FINDINGS OF FACT

The January 29, 2004, Findings of Fact cite 10 "findings of fact" which are accepted as "true" and result in the conclusion that a renewal is OK only with a 10 day suspension. See, Exhibit 7, pp. 2-4. The accusations of the findings were distorted at the U & L hearing and suffer the same defect in items 5A through 5J:

A. **A neighbor, Mr. Marinello, who lives at 4170 S. 4<sup>th</sup> St., complains of being woken up "regularly" by motorcycles "revved up by patrons leaving this establishment."**

This person's home faces the northbound lane of I-94. The noise from the freeway alone sets off his car alarm - not the revving of motorcycles. The term "regularly" implies a chronic, ongoing problem. However, Mr. Marinello never identified any particular incident nor time frame. Further, it is not physically possible for him to see the entrance to the tavern from his home for the purpose of observing either people or vehicles. See, Exhibits 8-9. This false claim is refuted by, among many others, City of Milwaukee Police Officer Jason Kotarak - a neighbor and patron of the Plainfield Pub. Officer Kotarak writes:

Are people sitting outside revving their Harley's? Absolutely not. Deb and John are one of the few [sic] tavern keepers that I know that make it a priority to remind their customers about being quiet and courteous to the neighbors as they leave the bar.

This reminder is given routinely by Deb and it is also posted on the inside of the tavern's only entrance in large bold type: "**QUIET ZONE - PLEASE RESPECT OUR NEIGHBORS WHEN LEAVING THE PREMISES.**" See, Exhibit 3. Muskego resident Karen Knippel travels a long way to patronize the Plainfield Pub because of the clean, safe and congenial atmosphere. In her letter, she confirms that she and her husband are one of 5 patrons that own motorcycles:

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<sup>1</sup>Two of the letters are from current City of Milwaukee Police Officers, and a retired Milwaukee County Sheriff's Deputy. They are both patrons who know that the factual allegations are not true. They also attest to Ms. Seibel's character, in addition to the quality of the Plainfield Pub and its clientele.

We are all professionals in our 40's and 50's who are responsible, decent and hardworking citizens. We like to go out and ride as a group together. We also obey all drinking & driving laws with a designated driver on each bike. Upon leaving we are very aware of the time and we exhibit common courtesy for the residents in all neighborhoods at all times.

Jeff Jeager points out correctly in his letter that were the revving allegations true, there would surely be many more complaints from other neighbors. Just the opposite is true - all other neighbors uniformly support Deb and John.

- B. Mr. Marinello "called" the police but by the time they arrived, the "offenders" were gone.**

There is no evidence that any "incidents" required police contact or that they were even summoned. If the problem was as chronic as Mr. Marinello implies, there would at least be some further evidence of citizens complaining, as this neighborhood is largely older folks who would be easily disturbed by loud Harleys.

- C. Ms. Seibel contends that the noise is from another neighbor and it even disturbed her 6 times during the summer. But "another witness has personally observed the patrons exiting the premises and revving the engines of the bikes."**

The latter is simply not credible. The neighbor that Ms. Seibel refers to, is Robert M. Czubinski who writes about his former roommate, Chris Fuhrman:

As for the Harley Davidson noise, yes, I had a roommate who has a bike. When neighbors came to me about him working on his bike and starting it at 2 a.m. because he works 2<sup>nd</sup> shift in Chicago, I told him that it was unacceptable and it had to stop, and it did. He has moved to a new neighborhood.

Mr. Fuhrman concedes in his letter that he lived at 4151 S. 3<sup>rd</sup> St., and would often test his Harley at 1- 2 a.m. He would drive it up and down the alley, and even got stranded on the Plainfield Ave. one night, right next to one of the objecting neighbors' homes. He admits that neighbors, particularly the Seibels (who live above their tavern), complained. He stopped immediately and has now moved away for unrelated work reasons.

- D. **"Another neighbor" says that "noise from patrons of this tavern is a major problem." It comes from the "open windows." Further, "patrons leaving the tavern rev the engines on their motorcycles for 10-15 minutes before departing." This has woken up her 4 year old daughter. She called the police, but the "patrons" departed before they arrive.**

Again, the "revving" accusation, particularly for the extremely long time alleged, is without merit. Any motorcycle noise is more in line with Officer Kotarak's observations and Ms. Knippel's experience. The noise complaint is also without merit. The simple truth is that everyone of the 31 people who wrote on the Plainfield Pub's behalf and the 22 persons who signed the petition describe it as a "clean, quiet, safe and relaxing neighborhood type bar." It is the type of place that most of them compare to Cheer's - where everyone knows your name. Further, the patrons like the older crowd and the fact you never need to raise your voice to be heard. To the extent that the complaining neighbor is extra sensitive, those worries should be ameliorated now that the Seibels have instituted \$6,000.00 worth of major improvements, including a new front door, all new windows and central air conditioning.

- E. **"Patrons are disorderly and loud at closing time." These same "patrons" are also accused of "causing beer bottles and beer cans to be thrown" into her child's play area. "Patrons" also "urinate" between "garages." This, it is claimed, "caused ... neighbors" to put up a fence.**

As discussed above, the "noise" complaints are simply not grounded in reality and are refuted by all patrons and other neighbors who wrote on the Seibels' behalf. There are typically very few patrons around at closing time. More importantly is that the clientele of the Plainfield Pub is simply not a "loud" crowd. Paul Wallus, a retired Milwaukee County Deputy Sheriff who frequents the tavern, describes Deb and John as "honorable people who care about their patrons as well as the neighborhood." Mr. Wallus urges the Council to consider that "others living in the neighborhood" are the real source of the problems. Indeed, Mr. Fuhrman certainly admits his misdeeds on his Harley. Officer Kotarak notes as to litter, or rowdy behavior:

I can also speak from personal experience that just 2 houses to the south of the Beaver's (the complaining neighbor), there were parties in the back yard all summer long that carried on long into the night after the pub has closed. While walking to my vehicle, I've been invited from a distant yell, "come on over and have one." Has anybody complained about that noise?

The "patrons" Ms. Beaver alone complains of simply do match the descriptions of the quiet, respectful and orderly people who frequent the Plainfield Pub. Is it possible that the neighborhood parties were the source of Ms. Beaver's litter and disorderly behavior? It is the only reasonable explanation. Were the extreme incidents described truly due to patrons,

one could be sure that other immediate neighbors would have suffered the same fate. They have not. Further, the Seibels have sold their south side home and are an established and committed part of this neighborhood. They have invested their life savings into this establishment and have made every effort to be an asset to the neighborhood, where they themselves now live.

From the start they sent around flyers introducing themselves and encouraged anyone with a comment or complaint to see them personally. See, Exhibit 1. Neither of the objecting neighbors had come to them until the renewal hearing. The Seibels posted signs on the back door of the tavern indicating that it is to be kept closed at all times (See, Exhibit 2), and on the front door asking that the patrons respect the neighbors. See, Exhibit 3. When the Harley issue was raised last summer, they held a "Neighborhood Meeting" and sent out a flyer inviting all neighbors. See, Exhibit 4. In short, had patrons of the Plainfield Pub been responsible for the kind of conduct alleged, Ms. Seibel would have acted immediately to correct it. In reality, however, these allegations were unknown until the time of the U & L hearing.

**F. A male patron was vomiting outside on the Sunday of the last Packer game. "No one from the tavern cleaned this up" according to the neighbor (Ms. Beaver).**

The first part is true. A young man did come in drunk during the last Packer game on December 28, 2004. However, Deb refused to serve him and insisted on him eating something to sober him up. The only reason he was allowed to stay was because he was with a known patron who committed to keeping the man quiet and orderly. The second part is simply not true. In her letter Ms. Knippel gives what she terms the "unedited" version - directly contradicting the complaining neighbor's alone account:

The gentleman entered the bar very intoxicated with a group of his friends and was refused service. After sitting stewing about it, he said he would walk home. My husband followed him outside because he wanted to make sure he didn't get behind the wheel of a car. Upon his exit the man vomited and kept walking, my husband came back inside and reported to the owners Deb and John. John, being the consummate professional, quietly walked in the back and got a bucket of hot water to wash down the sidewalk not once but 4 times. After the outside was cleaned up, he walked over to the group the intoxicated man had come in with, and calmly asked them never to bring him in there again. All of this took place and was completed within 20 minutes of the unfortunate incident.

Every single person who witnessed the incident confirms the Seibel's actions in their letters.

**G. This "conduct" occurs during the "spring," "summer," and Packer Sundays.**

This "fact" implies (as with Mr. Marinello's comments in Item A), the existence of repeated problems over the nearly the entire license year. All available evidence, however - none of which was heard by the U & L committee - points the other way. In fact, to the extent that a Harley was revved or noise was complained of, immediate action was taken. Further, the strong implication is that the Seibels' arrival as owners has brought a host of problems into an otherwise nice neighborhood. Exactly the opposite is true according to the 50 people who wrote letters and signed the petition. Al and Deb Pionke describe the Plainfield Pub as a "hidden treasure," and Carla and Patrick Murphy note that

You can go into this bar without the worry of any fights or any obnoxious drunks hanging around. They would be asked to leave. After all most people don't want to deal with any of that and there are very few bars you can go into without having that worry. A single woman can walk into that bar and be welcomed and not worry about anything happening to them, they treat everyone as if they were family and that means a lot.

**H. Capacity of 55 persons.**

This is true. There is no indication that was ever a problem. In fact, the crowds are rarely larger than 10-20.

**I. Ms. Seibel sent her husband out to clean up the vomit from finding F.**

That the committee finding this as "true" seems to directly contradict there own finding of Ms. Beaver's accusation about not cleaning up. This alone cast great doubt over the accuracy and veracity of her other complaints and the other findings.

**J. Mr. Witkowski spoke to Ms. Seibel about keeping the back door open and was offended by her answer. The second time he saw it open, he called the police.**

While Ms. Seibel concurs that Mr. Witkowski did ask her to keep the door closed, she further asserts that she did comply and that any other times that the door was opened, was for garbage removal or through inadvertence. The door is not, and has never been, an entrance and the sign insisting on keeping it closed is observed by her patrons. See, Exhibit 2.

## NOTICE OF OBJECTIONS

On January 15, 2004, the City Clerk sent a "notice" of the hearing. A licence problem was noted with some boilerplate language about "Neighborhood Objections" and allegations about noisy motorcycles and trash in yards, etc., with absolutely no indication of who was objecting or when the violations were to have occurred. See, Exhibit 6. Obviously, one can only defend against specific charges by specific individuals. Neither was provided, nor were they detailed even after further inquiry by the Seibels. Despite this "notice," **no evidence whatsoever** was heard about loitering, parking, speeding or "conduct which is detrimental to the health safety and welfare of the neighborhood. See, Exhibit 6. No "littering" or "damage to private property" complaints were ever previously brought to the Seibels' attention - they faced them for the first time at the U & L hearing. To the extent they occurred, all evidence points to other sources - particularly the neighbors to the south of the complaining witness. The noise complaints regarding the Harley's were known to have occurred with Mr. Fuhrman, but had been addressed and resolved long ago. The lingering memory of an already resolved problem does not warrant a 10 day suspension.

Following some very poor advice from other bar owners prior to the U & L hearing, Ms. Seibel did not seek counsel, bring any witnesses, or prepare any defense whatsoever. Even if she had, she largely did not know what it was that she had to defend herself against. In short, the committee heard only one very thin sliver of the story and concluded that these "problems" - taken out of context and exaggerated - warranted discipline. These "problems," however, do not comport with reality as discussed above.

## CONCLUSION


A 10 day suspension is inappropriate under these facts. The only explanation for the U & L committee's findings and conclusions is that they heard unrebutted accusations. These were presented without any critical examination as to other possible explanations for any noise or other problems that may have existed. They certainly did not hear the Seibels' side of the story, who arrived utterly unprepared to respond to vague and/or unknown boilerplate accusations. Ms. Seibel thus appeared without the benefit of the many witnesses that would refute the complaining neighbors and affirm the quality and character of the Plainfield Pub. Had the committee heard the above evidence, they too would have concluded that a straight renewal was the correct action. Fortunately, this Council can still make the right decision based on all the evidence.

The Honorable Common Council of the City of Milwaukee  
February 9, 2004  
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Thank you very much for your kind consideration and attention. Naturally, should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

**BIRDSALL LAW OFFICES, S.C.**

A handwritten signature in cursive script that reads "John A. Birdsall". The signature is written in dark ink and is positioned above the printed name.

John A. Birdsall

JAB/mor

cc: Debra A. Seibel  
Assistant City Attorney Bruce Shrimpf

Attachments



## EXHIBITS

1. The Plainfield Pub's first flyer.
2. Sign on the back door.
3. Sign on the front door.
4. Flyer inviting all neighbors "Neighborhood Meeting" on August 18, 2003.
5. Milwaukee Police Department Complaint #M0980, dated 12/28/2003.
6. Committee notice of the hearing, dated January 15, 2004.
7. U & L Committee Findings of Fact, dated January 29, 2004.
8. City of Milwaukee plat map of land use.
9. City of Milwaukee landscape map.
10. Photographs
  - a. NW corner of 3<sup>rd</sup> and Plainfield, facing West - view of the pub,
  - b. 4170 South 4<sup>th</sup> Street - view of the freeway, and
  - c. Inside the Plainfield Pub.
11. Letters:
  - a. Jason Kotarak  
4275 S. Taylor Ave.  
Milwaukee, WI 53207
  - b. Paul Wallus  
450 E. Oak Lane  
Oak Creek, WI 53154
  - c. Robert Czubinski  
4151 S. 3<sup>rd</sup> Str.  
Milwaukee, WI 53207
  - d. Chris Fuhrman
  - e. Karen Knippel  
S80W17493 Haven Dr.  
Muskego, WI 53150
  - f. Jeff Edgar  
407 W. Bottsford  
Milwaukee, WI 53207
  - g. Carla and Patrick Murphy  
2909 E. Somers  
Cudahy, WI 53110
  - h. Al and Deb Pionke  
4737 S. 81<sup>st</sup> St.  
Greenfield, WI 53220
  - i. Mike Szydel  
5345 So. Lake Dr.  
Cudahy, WI 53110

- j. Robert Imis  
4143 S. Pennsylvania Ave.  
St. Francis, WI
- k. Scott and Chris Hanson  
4401 S. 5<sup>th</sup> St.  
Milwaukee, WI 53207
- l. Frank and Donna Walker  
170 W. Van Norman Ave.  
Milwaukee, WI 53207
- m. Anna Pecor  
4025 W. Anita Lane  
Franklin, WI 53132
- n. Todd Czubinski  
172 W. Wilbur Ave.  
Milwaukee, WI 53207
- o. Mr. And Mrs. Klem Rewolinski
- p. Terri Finger  
433 W. Bolivar Ave.  
Milwaukee, WI 53207
- q. Laurel Walecki  
4471 S. 5<sup>th</sup> Pl.  
Milwaukee, WI 53207
- r. Judy Zemmer  
2414 W. Woodward Dr.  
Oak Creek, WI 53154
- s. Deb Kraus  
3177 W. Mangold Ave., #3  
Milwaukee, WI 53221
- t. Jeannene Fojtik  
1228 ½ Milwaukee Ave.  
So. Milwaukee, WI 53172
- u. Robert Ertel  
4112 S. 3<sup>rd</sup> St.  
Milwaukee, WI 53207
- v. Joan Wasilowski  
2664 E. Henry Ave.  
Cudahy, WI 53110
- w. Kathy Weber  
4025 W. Anita Ln.  
Franklin, WI 53132
- x. Nancy
- y. Jim and Maureen Toczak  
4429 S. 5<sup>th</sup> St.  
Milwaukee, WI 53207
- z. Mr. and Mrs. John Efer  
2861A S. Wentworth Ave.  
Milwaukee, WI 53207

- aa. Janet and John Amaro  
207 W. Armour Ave.  
Milwaukee, WI 53207
- bb. Jerry Zansen  
4275A S. Taylor Ave.  
Milwaukee, WI 53207
- cc. Garry Schoenrock
- dd. Richard Webb  
4144 S. 3<sup>rd</sup> St.  
Milwaukee, WI 53207
- ee. Lana Larris  
4144 S. 3<sup>rd</sup> St.  
Milwaukee, WI 53207

Dear Neighbors,

We would like to introduce ourselves, John and Deb Seibel. We will be the new owners of the Plainfield Pub (formally Dominic's) in the near future. We are in our late forties and come from large families some of which live right here in the neighborhood. Our goal is to run a quiet, enjoyable Pub where you would want to bring your family and friends.

As a courtesy to you, signs will be posted for our patrons not to disturb our neighbors. If you should have any problems please call or stop by to let us know. Our hours of operations will be as follows:

Monday ~ Closed

Tuesday ~ Thursday ~ 2:00p.m. to 2:a.m.

Friday ~ 2:00 p.m. to 2:30a.m.

Saturday ~ 11:00 a.m. to 2:30 a.m..

Sunday ~ 11:00 a.m. to 2:00 a.m.

We will also be serving pizzas, popcorn & pretzels.

We invite you all to stop in and introduce yourselves!

Sincerely,

John and Deb



EXHIBIT

1

**THIS DOOR IS TO  
BE CLOSED AT**

**ALL TIMES**

**Thank You,  
Deb and John**

# **Quiet Zone**

**Please respect our  
Neighbors when leaving the premises.**

**Thank you,  
Deb & John**

**EXHIBIT**

**3**

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**Neighborhood Meeting**

**Monday August 18, 2003  
Plainfield Pub  
7:00 p.m.**

**We would like to invite our neighbors to a meeting to  
discuss complaint's regarding the Plainfield Pub.**

**Certain issues have been brought to our attention and  
we would like to address these issues with you along  
with any other complaint's you may have.**

**Deb & John  
Owners  
Plainfield Pub**

**Free Tap Beer and Soda**

**EXHIBIT**

**4**

INITIATE: 18:12:37 12/28/03 CALL NUMBER: M0980  
ENTRY: 18:16:37 CURRENT STATUS: CLOSED  
DISPATCH: 18:18:25 PRIMARY UNIT: 92E (DISPATCH EXCEPTION)  
ONSCENE: 18:24:27 JURISDICTION: MP  
CLOSE: 18:41:15 DISPOSITION: C15  
LOCATION: 312 W PLAINFIELD AV, MIL (S 3RD ST & S 4TH ST)  
AREA: D2  
EAT: 2L TYPE: 1851 WELFARE CITIZEN  
DIST: P040 PRIORITY: 2  
CORE BOX: 00000380 EMS GRID: UNK

3:16:37 TC07 ENTRY RP:PLAINFIELD PUB /ANOM FEMALE\PH:REFUSED\TX:CHECK  
FOR MALE WHO WAS VOMITING OUTSIDE BAR, AMB NOT SENT,  
CALLER STATESTHAT SUBJECT WALKED A WAY, W/M WEARING ALL  
DARK CLOTHING,NFI  
3:16:37 TC07 PRIOR MP 1625 10/04/03 @ 02:44:16  
3:18:25 D02C SUGGEST 26E  
3:18:25 D02C DISPATCH 92E  
3:24:27 D02C ONSCENE 92E  
3:41:15 D02C CLEAR 92E C15, UNABLE TO LOCATE COMPLT.







CITY OF MILWAUKEE  
OFFICE OF THE CITY CLERK

Thursday, January 15, 2004

AD 13

COMMITTEE MEETING NOTICE

Debra A. Seibel, Agt.  
Plainfield Pub, LLC  
312 W Plainfield Av  
Milwaukee, WI 53207

You are requested to attend a hearing which is to be held in Room 301-B,  
Third Floor, City Hall on:

Tuesday, January 27, 2004 at 1:30 PM

Regarding:

Your Class 'B' Tavern renewal application as agent for "Plainfield Pub, LLC" for  
"Plainfield Pub" at 312 W Plainfield Av.

There is a possibility that your application may be denied for the following reasons:

Neighborhood Objections to: Loitering, littering, traffic problems - such as parking  
and speeding, excessive noise from patrons during and after hours, damage to  
private property and conduct which is detrimental to the health, safety, and  
welfare of the neighborhood.

Failure to appear at this meeting may result in the denial of your application.

You will be given an opportunity to speak on behalf of the application and to respond and challenge any  
charges or reasons given for the denial. You may present witnesses under oath and you may also confront  
and cross-examine opposing witnesses under oath. If you wish to do so and at your own expense, you may  
be accompanied by an attorney of your choosing to represent you at this hearing. If you have difficulty with  
the English language, you should bring an interpreter with you, at your own expense, so that you can answer  
questions and participate in your hearing.

You may examine the application file at this office during regular business hours prior to the hearing date.  
Inquiries regarding this matter may be directed to the person whose signature appears below.

PLEASE NOTE: Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour  
limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking  
tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

RONALD D. LEONHARDT, CITY CLERK

BY

Jim R. Copeland  
License Division Manager



**JAMES A. BOHL JR.**  
Alderman, 5<sup>th</sup> District

Date: January 29, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Debra A. Seibel, as agent for "Plainfield Pub, LLC" for a Class "B" Tavern license for the premises located at 312 West Plainfield Avenue in the City and County of Milwaukee, Wisconsin ("Plainfield Pub").

#### FINDINGS OF FACT

1. Debra a. Seibel (hereinafter the "Licensee") is the agent for "Plainfield Pub, LLC" doing business at 312 West Plainfield Avenue in the City and County of Milwaukee, Wisconsin ("Plainfield Pub "). Said license expires at midnight, February 10, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on December 10, 2003.
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 Milwaukee Police Department responded with a report on December 11, 2003. There were no incidents in the police report that could form the basis for nonrenewal or suspension of the license. However, there were neighborhood objections to loitering, littering, traffic problems, parking problems, speeding, excessive noise from patrons during and after hours, damage to property and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 15, 2004, 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 police report and the neighborhood objections that could form the basis for nonrenewal or suspension and included a copy of the police report. The matter was scheduled for a hearing on the neighborhood objections on January 27, 2004 at 1:30 p.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared at the hearing but was not represented by counsel and also admitted service of the notice of hearing.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. One of the neighbors adjacent to this property has lived in the area for 34 years. He has experienced no problems with the former owners of the premises. However, in the last year, since this licensee took over, he has regularly been awoken between 1:30 a.m. and 2:00 a.m. by motorcycles being revved up by patrons leaving this premises. The present owner has held this license since February 13, 2003.
  - B. He has called the Milwaukee Police Department but by the time the police arrive the offenders have gone from the area. This is a residential area.
  - C. The licensee contends that the noise from the motorcycles is generated by a neighbor who lives four or five houses up the street. The licensee complains that the neighbor has disturbed her as well approximately six times during the summer. However, another witness has personally observed the patrons exiting the premises and revving the engines of the bikes.
  - D. Another neighbor complains that noise from patrons of this tavern is a major problem. Although the door is closed the windows remain open and noise emanates from the bar. She complains that patrons leaving the tavern rev the engines on their motorcycles for 10 or 15 minutes before departing. This has caused her four-year-old child to wake up. This neighbor has called the police, but by the time they come the patrons have departed.
  - E. Patrons are disorderly and are loud at closing time. Patrons have also caused beer bottles and beer cans to be thrown into children's play areas on private property of the neighbor. The neighbor also complains that patrons urinate between garages. This has caused objecting neighbors to have to erect a fence.
  - F. On the Sunday of the last Packer game a male patron exited the premises and was vomiting. The neighbor complained that no one from the tavern cleaned this up.
  - G. The conduct complained of by the objecting neighbors occurs during the spring and summer and Sundays when Packer games are televised.
  - H. The premises has a capacity of 55 persons.
  - I. The licensee testified to the committee that she sent her husband out to clean up the vomit from the patron referenced in finding F, above. She

also testified at committee that the patron arrived at the tavern in an intoxicated state, and that she gave the patron food and no alcoholic beverages in an effort to sober him up.

- J. The alderman of the district testified that on at least two occasions he entered the tavern and noticed that the door was open after 10:00 p.m. On one occasion he called this to the attention of the licensee who stated, "Well I'm entitled to have the cool Bay View air too." On a second occasion when the door was open, the alderman of the district called the police.

### 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, Debra A. Seibel, as agent for "Plainfield Pub, LLC" for a Class "B" Tavern license for the premises located at 312 West Plainfield Avenue in the City and County of Milwaukee, Wisconsin ("Plainfield Pub ") 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 her Class "B" Tavern license without undergoing a ten (10) day suspension because of her Class "B" Tavern license. The Committee finds the neighborhood objections, to the extent set forth 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 Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern license of Debra A. Seibel, as agent for "Plainfield Pub, LLC" for a Class "B" Tavern license for the premises located at 312 West Plainfield Avenue in the City and County of Milwaukee, Wisconsin ("Plainfield Pub ") with a ten (10) day suspension based upon neighborhood objections.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes and one (1) excused recommends that the Class "B" Tavern license of Debra A. Seibel, as agent for "Plainfield Pub, LLC" for a Class "B" Tavern license for the premises located at 312 West Plainfield Avenue in the City and County of Milwaukee, Wisconsin ("Plainfield Pub ") be renewed with a ten (10) day suspension.

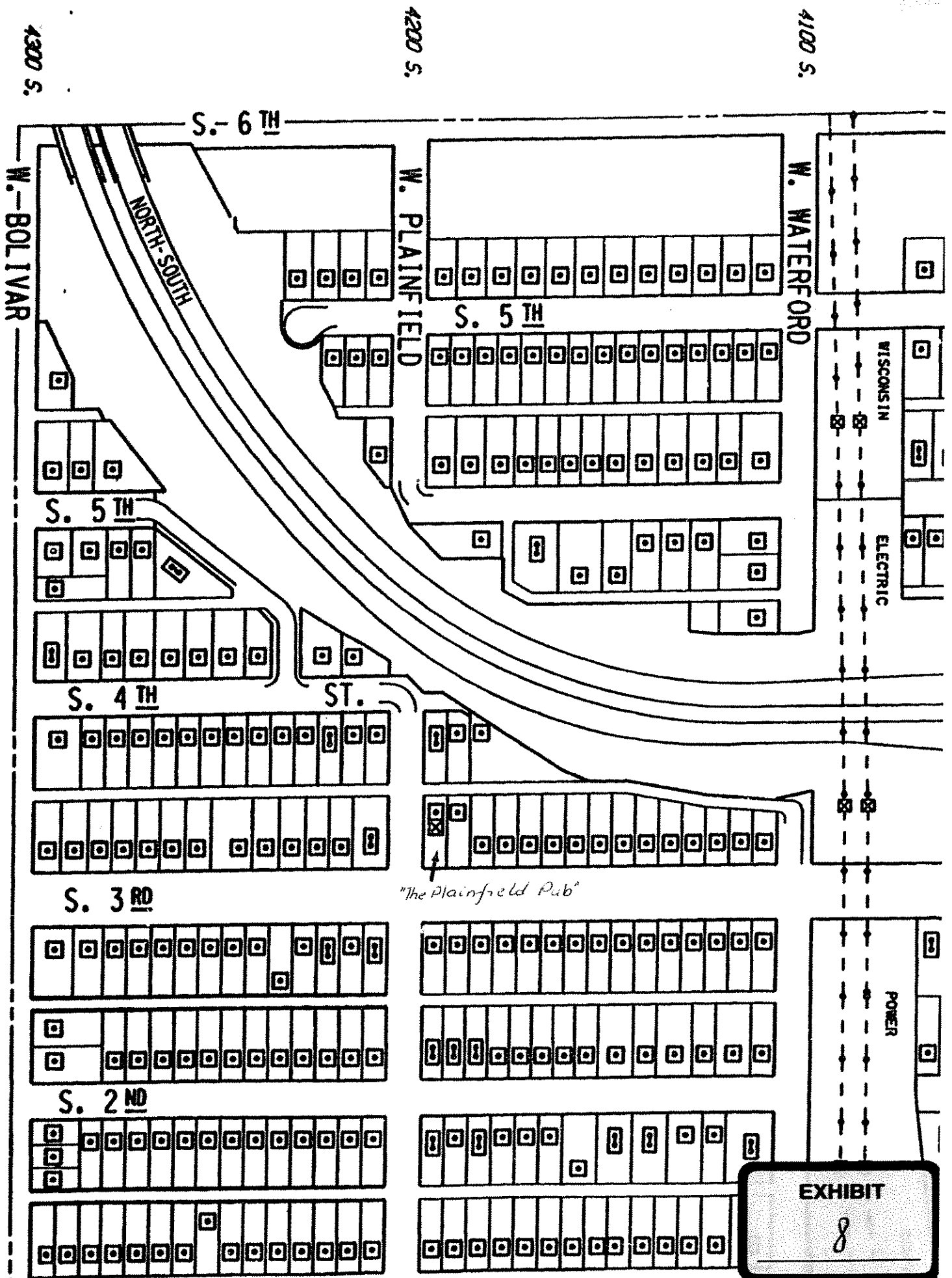
Said suspension is to be in effect from midnight, February 10, 2004 through midnight, February 20, 2004.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2004.

A handwritten signature in black ink that reads "James A. BOHL Jr." The signature is written in a cursive style with some capital letters.

JAMES A. BOHL, Jr., Chair  
Utilities and Licenses Committee

77256



4300 S.

4200 S.

4100 S.

S. 6<sup>TH</sup>

NORTH-SOUTH

W. PLAINFIELD

W. WATERFORD

W. BOLIVAR

S. 5<sup>TH</sup>

S. 5<sup>TH</sup>

S. 4<sup>TH</sup>

ST.

S. 3<sup>RD</sup>

*"The Plainfield Pub"*

S. 2<sup>ND</sup>




































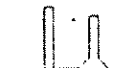
WISCONSIN

ELECTRIC

POWER

EXHIBIT  
8

# LAND USE SYMBOLOGY

	SINGLE FAMILY RESIDENTIAL
	TWO FAMILY RESIDENTIAL
	MULTI-FAMILY RESIDENTIAL
	CONDOMINIUM
	ACCESSORY BUILDING
	DORMITORY
	FIRE STATION
	HOTEL/MOTEL
	MANUFACTURING AND WAREHOUSING
	POLICE STATION
	PLAYGROUND
	PUBLIC SCHOOL
	ROOMING HOUSE
	STORAGE TANK
	UTILITY COMPANY
	HOSPITAL
	HOSPITAL HELICOPTER LANDING PAD
	SKILLED CARE FACILITY/GROUP HOME
	PLACE OF WORSHIP
	NON-PUBLIC EDUCATION
	GOVERNMENTAL OR QUASI-PUBLIC BUILDING
	COMMERCIAL WITH RESIDENCE
	COMMERCIAL
	MIXED COMMERCIAL
	OFFICE OR PROFESSIONAL SERVICES
	PARK
	CEMETERY
	PARKING LOT
	PARKING STRUCTURE
	BASKETBALL COURT
	TENNIS COURT
	FENCE
	ELECTRICAL LINE TRANSMISSION TOWER
	ELECTRICAL LINE
	UNDER CONSTRUCTION
	BOATER'S DOCK







View #1  
NW Corner of 3<sup>rd</sup> and Plainfield, facing west



View #2  
4170 South 4<sup>th</sup> Street - view of the freeway

EXHIBIT  
10



View #3  
Inside the bar

**EXHIBIT**

11

TABLER

RE: 10 day suspension of Deb and John's Plainfield Pub.

To whom it concerns,

I'm am writing on behalf of the Plainfield Pub to voice my opinion that a 10 day suspension is wrong, unjust and has no merit whatsoever.

Let me start by saying that I am a Milwaukee Police Officer and that I do frequent the Plainfield Pub on a regular basis on my off time. I also have numerous co-workers who frequent the Plainfield Pub on a regular basis with me for the simple fact that Police Officers choose their "hangouts" very carefully. They frequent places where they can go relax, talk to friends, have a good time and know they won't have to deal with the "rif raff" or other problems they would normally deal with while working. I know that there are numerous establishments in this city that you can go into on any given night and go in the bathroom and find someone smoking marijuana, or run your finger across the top of the toilet tank and find cocaine residue, or watch a fist-fight that will eventually spill over outside into the "neighborhood." These are the types of bars that deserve 10-day suspensions, not the Plainfield Pub. From my personal observations, Deb and John simply do not tolerate any type of nonsense.

Since Deb and John opened, they have run the cleanest, friendliest, no-nonsense neighborhood type bar. In fact, a large majority of their crowd *is* their neighbors. You couldn't ask for a friendlier crowd to relax with.

I remember when they first opened, Deb and John went out of their way to walk around the neighborhood, handing out flyers, introducing themselves to their neighbors and asking their neighbors to please bring any concerns they might have about the bar to their attention.

One of your two complainants, Mrs. Beaver and her husband are both Milwaukee Police Officers as well. Wouldn't you hope that they would have enough professionalism to walk across the street and address their concerns with Deb and John?

As far as Mrs. Beaver's complaints about noise, I would like to point out a few things. First of all, they have a freeway that runs practically through their front yard. Just think about how many tractor-trailer semi's come rolling around that curve of the freeway day and night laying on their jake-brake that makes a louder rumble than any Harley-Davidson I've ever heard. And what about the airport that sits not even a mile from their house? There's also the train tracks another mile to the west, where even I (who lives 5 blocks east of the bar) can hear rolling through town day and night. As for Harley noise, please keep in mind that nearly a million bikes rolled through town this past summer due to

the 100th anniversary. They rolled straight through that very same freeway that runs through their front yard. ***Did anybody request that the freeway be shut down for 10 days?***

Do a few customers that visit the bar ride Harleys? Absolutely. Do Harley's make some noise when you start them? Of course. Are people sitting outside and revving their Harley's? Absolutely not. Deb and John are one of the few tavern keepers that I know that make it a priority to remind their customers about being quiet and courteous to the neighbors as they leave the bar.

I can also speak from personal experience that just 2 houses to the south of the Beavers, there were parties in the back yard all summer long that carried on long into the night after the Pub has closed. While walking to my vehicle I've been invited from a distant yell "come on over and have one." Has anybody complained about that noise?

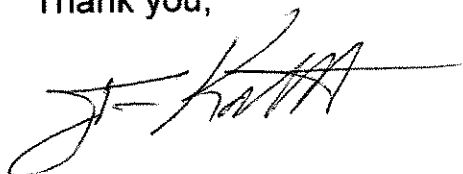
The point I'm trying to make is that if you live in a location that has nothing but noise around it, why try to pin it all on a small tavern where someone is trying to make an honest living?

Deb and John have been fortunate to have established a successful business with probably a much larger clientel than previous owners, which perhaps some of the complainants might not be used to. Do we punish Deb and John for that?

The only thing a 10-day suspension of the Plainfield Pub's license accomplishes, is making it that much harder for Deb and John to pay the bills. They will open back up and run the same clean, friendly, neighborhood bar it has always been, and yet, you will still have your cronic complainers.

In closing, I ask that you please please please reconsider suspending the Plainfield Pub's license over a couple frivolous complaints, that have absolutely no merit, from a couple people. Deb and John work hard to run the best business they can with absolutely the best clientel you will find. Please do not punish them for it.

Thank you,



Jason Kotarak  
4275 S. Taylor Ave.  
Milwaukee, WI 53207  
414-483-7683

January 30, 2004

To Whom It May Concern:

I am a retired, 27-year veteran of the Milwaukee County Sheriff's Department. I periodically stop in for a couple of drinks at Deb & John's Plainfield Pub and I am writing this letter in support of them.

In my career with the Sheriff's department, I have always had to quickly assess the character of the people I have had to deal with. I believe Deb and John are honorable people who care about their patrons as well as the neighborhood. Even though I live in Oak Creek, I drive the distance to go to Deb and John's Plainfield Pub because I feel comfortable there and comfortable with the other patrons.

I understand there are issues with the neighborhood but I think it would be unjust to simply point at Deb and John and say they are the main cause of the problem. I sincerely hope that whatever decision you come to takes into account that some of the problems may be caused by others living in the neighborhood.

Sincerely,

A handwritten signature in cursive script that reads "Paul Wallus".

Paul Wallus  
450 E. Oak Lane  
Oak Creek, WI 53154