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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

October 23, 2009

Sonja D. Wright
6475 North 55th Street
Milwaukee, Wisconsin 53223

Dear Ms. Wright:

You are hereby notified that the Milwaukee Common Council will hold a hearing on November 3, 2009, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of your Class "B" Tavern and Tavern Dance licenses for the premises located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz & Blues").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of your license based upon a police report. The recommendation is the result of a public hearing before the Committee held on October 20, 2009.

Your written objections must be filed with the City Clerk by 4:45 p.m. on October 29, 2009 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear before the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: October 23, 2009

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Applications of the Class "B" Tavern and Tavern Dance licenses of Sonja D. Wright for the premises located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz & Blues")

FINDINGS OF FACT

1. Sonja D. Wright (hereinafter "the Licensee"), is the holder of Class "B" Tavern and Tavern Dance licenses for the premises located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz & Blues"). Said licenses expire at midnight on November 8, 2009.
2. Applications to renew said licenses were filed with the Office of the City Clerk on September 2, 2009.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On September 3, 2009, the Milwaukee Police Department responded with a report regarding the renewal of said licenses that could form a basis of non-renewal or suspension. There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, operation of the premises in such a manner that it creates a public nuisance, fights, shootings, vandalism, thefts, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On October 9, 2009, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and of the

neighborhood objections, and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report and neighborhood objections on October 22, 2009 at 2:15 p.m. in Room 301B of City Hall, 200 East Wells Street. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report. The Licensee was not represented by counsel.

5. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact:

A. On May 17, 2008, Milwaukee police conducted a license premise check at 2001 N. 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz and Blues"). The investigation found the tavern capacity permit was 80 and 126 patrons were found inside the tavern. Officers did speak to an individual who stated that he was working the front door for "90 % of the night." He stated to police that only 79 patrons were inside. A citation was issued to Sonja Wright for Over Capacity.

Charge: Over Capacity
Finding: Guilty
Sentence: Fined \$10,000 with a balance due of \$9,900 due by February 7, 2011.
Date: November 7, 2008
Case: 08067833

B. On May 19, 2008 at 2:10 a.m., Milwaukee police observed patrons still inside the tavern at 2001 N. 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz and Blues"). Police spoke to the bartender/manager who stated that out of the 10 subjects inside the tavern, all but four were employees. Police cited the licensee, Sonja Wright, for patrons after hours.

Charge: Patrons After Hours
Finding: Guilty
Sentence: Fined \$1,094.09 with a balance due of \$858.09 by February 7, 2011.
Date: November 7, 2008
Case: 08067832

C. On June 29, 2008 at 1:15 a.m., Milwaukee police officers conducted a tavern check at 2001 N. 30th Street

("Fitzgerald's Jazz and Blues"). The investigation revealed three females under the legal drinking age inside the tavern. These patrons were each cited for Presence of Underage. Officers spoke to the manager, John Carter, who stated he was unaware how the underage persons gained entry. Carter was issued a citation for Presence of Underage as was the licensee, Sonja Wright.

As to Sonja Wright:

Charge: Presence of Underage at License Premise
Finding: Guilty
Sentence: Fined \$500 with a balance of \$400 due by
February 7, 2011
Date: October 24, 2008
Case: 08085902

As to John Carter:

Charge: Presence of Underage at License Premise
Finding: Guilty
Sentence: Fined \$1,101.00
Date: August 20, 2008
Case: 08085792

- D. On September 18, 2008 at 12:28 a.m., officers of the Milwaukee Police Department were flagged down by security personnel of the licensed premises located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz and Blues"). The officers observed approximately thirty patrons leaving the tavern when they heard the sound of breaking glass and observed chairs being thrown inside the tavern. The security personnel then called for police to enter the tavern. The investigation revealed that the bartender, John Carter, became involved in a fight with his son, one Lavohn Carter. John Carter told police that the fight was a personal family matter. Lavohn Carter refused to cooperate with the police lawful orders to settle down and continued to yell and cause a disturbance. Lavohn Carter was arrested and cited for disorderly conduct. Police officers were later sent to St. Joseph's Hospital for a victim who sought medical attention for pain to her neck from being hit by a chair while she was a patron at Fitzgerald's. The woman informed officers that Lavohn Carter was upset with his father, John Carter, because he was allowing male strippers

to perform at the tavern. At the hearing of October 20, 2009, the licensee stated that the police report is incorrect in that the event was a bachelorette party and the argument was not over a male stripper.

- E. On December 14, 2008 at 2:00 a.m., officers of the Milwaukee Police Department conducted a licensed premise check at the licensed premise located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin (“Fitzgerald’s Jazz and Blues”). The investigation revealed that there were 101 patrons in the premise and that the legal capacity of the premise was 80 patrons. The officers also observed a security system that showed the exterior of the front door causing the officers to believe that the security system was set up to allow the licensee to observe officers about to enter the building. The licensee, Sonja Wright, was issued a citation for over capacity, which was refused by the City Attorney’s Office.

- F. On December 18, 2008 at 10:04 p.m., officers of the Milwaukee Police Department, along with an Agent from the Wisconsin Department of Revenue Alcohol and Tobacco enforcement, conducted a licensed premise check at the licensed premise located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin (“Fitzgerald’s Jazz and Blues”). The investigation revealed that 41 unopened bottles of liquor on the premise were purchased from non-distributors and they were confiscated by the Wisconsin Department of Revenue. Another eleven bottles of alcohol were suspected of having been illegally refilled and were confiscated by the Agent from the Wisconsin Department of Revenue.

- G. On December 23, 2008 at 12:00 p.m., officers of the Milwaukee Police Department assigned to District Three along with Ms. Sonja Wright, met at District Three to discuss problems continuing at the licensed premise located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin (“Fitzgerald’s Jazz and Blues”). Present at the meeting was one Vincent Ashford who identified himself as providing security services for Fitzgerald’s. Mr. Ashford freelances as a security guard under the name of L & V Armed Security. He is also employed by SPI Security. During the meeting, it was discovered that Ashford’s security firm is not in the data base of the state licensing for private security firms;

however, Mr. Ashford was personally licensed as a private detective (security guard). Ashford stated that he does not have a federal employee identification number with the Department of Revenue and that he was “just trying to make an honest buck.” Sonja Wright was present during the conversation and was made aware of the fact that she had hired an unlicensed armed security agency. Mr. Ashford, the police investigation revealed, had been involved in a homicide investigation at a nightclub in which he fired ten rounds.

- H. On December 25, 2008 at 11:07 pm, officers of the Milwaukee Police Department were dispatched to the licensed premise located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin (“Fitzgerald’s Jazz and Blues”) regarding a fight complaint. Upon arrival, the officers observed fifteen to twenty patrons from the bar crowding the street and sidewalk and making it difficult for the squad cars to pass. One subject was observed to be wielding a crow bar, swinging it in the direction of the security personnel from the bar as well as other patrons. The individual was arrested and cited. The Milwaukee Police officers spoke with one Justin Grant who was working security for the tavern. He stated that a verbal altercation had occurred in the tavern and that one patron was escorted out. That patron refused to leave and attempted to bite Grant on the hand; Grant punched the patron in the face. The patron then grabbed a glass bottle and threw it at Grant, missed Grant, and caused damage to a window. The police cited Grant for assault and battery and the patron was cited for disorderly conduct. Several other patrons were also cited for disorderly conduct because they were inciting others in the tavern. Officers spoke with Mr. John Fitzgerald Carter, who identified himself as the owner/licensee. However, the officers knew that Carter was not, in fact, the licensee, and that he did not possess a Class “B” Manager’s license. At the hearing of October 20, 2009, it was disclosed that the citation issued to Mr. Justin Grant was dismissed by the Court, and that as he was pulling his hand away from the patron attempting to bite him, he accidentally hit her in the mouth.
- I. On December 31, 2008, officers of the Milwaukee Police Department were conducting a licensed premise check for the licensed premise located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin (“Fitzgerald’s

Jazz and Blues”). During the check, the officers spoke with a bartender and found that the building did not have any heat. The officers observed numerous extension cords that ran from a business located at 2003 North 30th Street. The officers also found several couches, a kerosene torpedo heater and video monitors at 2003 North 30th Street. The officers questioned the bartender regarding this situation and he stated that he works for the bar four days per week, that he doesn't believe that the building has a furnace for heat and that a wall mounted space heater is all that is usually turned on for heat. The officers also observed no beer taps at the bar and that a case of Miller Genuine Draft beer bottles were sitting on the floor next to a bottled drink cooler that had a Pick N Save sticker on it. Williams stated to the officers that the beer was purchased because they were not going to be getting a shipment from their distributor in time for the holiday. Officers did notice that in the bottom of the beverage cooler there appeared to be left over food items. Williams stated that he rarely ever sees the bar owner, Sonja, and that if he needs anything, such as supplies, or has any problems, he usually contacts John Fitzgerald Carter, who is there every night. At the hearing of October 20, 2009, the licensee explained that the boxes were empty and being used for trash. A representative of the Department of Neighborhood Services testified that the department responded to a complaint of the Milwaukee Police Department regarding the heating and electrical matters, but that they could not gain entry to the tavern to do an inspection.

- J. On January 12, 2009 at 1:03 a.m., officers of the Milwaukee Police Department were dispatched to 2001 North 30th Street in the City and County of Milwaukee, Wisconsin regarding a complaint of indecent exposure and drugs being smoked in the premises. The officers checked the premises and found the complaint to be baseless. One of the bathrooms, however, was locked, and eventually two patrons, one male and one female, exited the locked bathroom. The male was found to have outstanding warrants and that person was placed in custody. The officers spoke with the bartender on duty, John Fitzgerald Carter, who stated that no one was indecent and no one was smoking drugs. Mr. Carter explained that one patron had been removed earlier in the evening, and that patrons may have called the police in retaliation for having been removed.

- K. On April 4, 2009 at 1:26 a.m., officers of the Milwaukee Police Department, while on routine patrol, observed a fight of about ten persons in front of the licensed premise located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz and Blues"). As officers approached, most of the subjects fled on foot; however, one subject was detained. Officers spoke with the security personnel of the tavern as well as Mr. John Carter, who stated that a small verbal argument started in the tavern and that the patrons involved were escorted out of the tavern separately and told to leave. As the subjects congregated outside, another subject pulled up and began to shout obscenities at the group and that started the fight outside. No victims could be located and the Police Department personnel advised the call. At the hearing of October 20, 2009, Mr. Justin Grant testified that there was no actual fight on this occasion, that only some words were exchanged, and that when the police came everyone went their way.
- L. On May 4, 2009 at 12:52 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premise located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin ("Fitzgerald's Jazz and Blues") regarding an armed robbery complaint. The officers spoke with an employee who stated that he had been working the door at the tavern when three suspects approached him from across the street. One of the individuals put a gun to the employee's head and told him to look at the sky. The suspect then removed cash from the employee and all the actors fled the location. The employee stated that he did observe the subject walking around the area prior to the robbery. Officers spoke to the bar manager, Mr. John Carter, who stated that there were cameras on the bar; however, they do not record. Carter stated that the cameras were to watch what was going on outside. At the hearing of October 20, 2009, the licensee argued that she could not be held responsible if one of her security guards get robbed.
- M. On May 21, 2009 at 12:40 a.m., Milwaukee police officers completed a traffic stop in the vicinity of 29th and Brown in the City and County of Milwaukee, Wisconsin. One of the occupants of the stopped vehicle was eighteen years of age. Officers observed the subjects enter the licensed premises located at 2001 North 30th Street in the City and County of

Milwaukee, Wisconsin ("Fitzgerald's Jazz and Blues"). The officers called for another squad and conducted a licensed premise check. The investigation revealed an underage patron was served and drinking an alcoholic beverage. The patron stated that she never was carded by the security personnel at the front door because she knows the owner. Officers spoke to the bartender who stated that she does not check ID's because that is the job of the security personnel at the door. The licensee, Sonja Wright, was issued a citation for sale of alcohol to an underage person prohibited. The underage person was issued a citation for possession and consumption of alcohol by an underage person and obstructing the issuance of a citation. The licensee was found guilty of the citation on October 16, 2009 and fined \$100, due December 15, 2009. At the hearing of October 20, 2009, Mr. Justin Grant admitted that there was missed communication in this incident and that it was his fault. However, he believed that the security personnel were checking ID cards.

- N. On June 8, 2009 at 1:54 a.m., officers of the Milwaukee Police Department were dispatched to 2001 North 30th Street in the City and County of Milwaukee, Wisconsin for a shots fired complaint. The officers spoke with Mr. John Fitzgerald Carter who stated that he called for the police. The investigation found that a known patron was in the bar drinking and became angry when he believed that his girlfriend had not been given a promised free drink in honor of her birthday. The patron and the girlfriend were escorted out of the tavern where the patron continued to be loud and yelled profanities. The subjects left the area, but the male returned shortly after he left. He was armed with a gun and was observed firing six shots into the bar and then fleeing the scene. Mr. John Carter stated to police that the security cameras to the business were not working properly and that they did not capture the incident. The police officers noted that Mr. John Carter does not possess a Class "B" Manager's license. At the hearing of October 20, 2009, the licensee and Justin Grant confirmed that is bar policy to provide a free drink to individuals having a birthday, and the policy was followed in this case. However, the boyfriend of the birthday recipient had the drink and was consuming it. The male left the bar, and in the process broke the exit door and when he returned fired into the window.
- O. On July 24, 2009 at 1:58 a.m., officers of the Milwaukee

Police Department were dispatched to the licensed premise located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin (“Fitzgerald’s Jazz and Blues”) for a shooting complaint. The investigation revealed that an argument and fight broke out in the streets that involved seven to ten subjects. Mr. John Carter advised the police that the subjects were not patrons of the tavern.

Security personnel observed one subject to be unconscious and attempted to render aid to the individual. Mr. Carter then stated to police that he ordered his security personnel back into the tavern because, in his words, “the fight wasn’t their problem.” As Mr. Carter was doing that he heard two to three gunshots. It was found that one of his security guards was shot once to her left shoulder. She was conveyed to a nearby hospital where she was treated and released. Police officers recovered three .22 caliber casings along with a magazine filled with fourteen .22 caliber rounds. Mr. Carter stated that the video surveillance was not functioning properly that evening and that he could not retrieve video images. A total of twelve squads were on scene to handle the incident. Several attempts were made to contact the licensee, Sonja Wright, on this occasion, but they were unsuccessful.

- P. Mr. John Fitzgerald Carter previously operated an entity known as “Carter’s House of Jazz,” and he variously appeared in this hearing as “the manager” [with no Class “B” Manager’s license], the security person, and a bartender. Mr. Carter surrendered the Class “B” Tavern license for “Carter’s House of Jazz” in lieu of revocation. It is evident that Mr. Carter makes managerial decisions for the tavern, and that came through in the testimony. In addition, the licensee repeatedly told the Licenses Committee that she does not have the expertise to run the tavern without Mr. Carter, and although she claimed to have fired Mr. Carter on one occasion, she nonetheless relied on him for major assistance in operating this tavern. Mr. Carter frequently identified himself in a managerial capacity at the tavern when the police were there. All of that is compounded by the fact that the licensee is working another job and is in school, thus diminishing the amount of time that she can devote to the operation of this tavern. At the close of the hearing of October 20, 2009, the licensee stated that the bar will become better in the future but she will still need Mr. Carter to oversee everything.

- Q. Mr. Carter testified that the name of this location (“Fitzgerald’s Jazz and Blues”) is only a coincidence in that his middle name is “Fitzgerald,” but that it was named after a bar in Las Vegas. Mr. Carter stated that he did the ordering of alcohol from Badger Distributing Company.
- R. No neighbors appeared in opposition to the renewal of this license, and one appeared in support of renewal.

CONCLUSIONS OF LAW

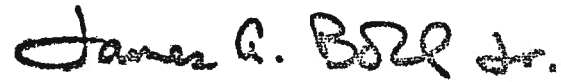
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Sonja D. Wright, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of her Class “B” Tavern and Tavern Dance licenses for the premises located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin (“Fitzgerald’s Jazz and Blues”). The Committee finds that the incidents in the police department report, as stated above, to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class “B” Tavern and Tavern Dance licenses of Sonja D. Wright, for the premises located at 2001 North 30th Street in the City and County of Milwaukee, Wisconsin (“Fitzgerald’s Jazz & Blues”), based upon her past activities as a licensee, and for the danger the operation of this premises posed to the health, safety and welfare of the citizens of the community.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) no, recommends that the Class “B” Tavern and Tavern Dance licenses of Sonja D. Wright, for the premises located at 2001 North 30th

Street in the City and County of Milwaukee, Wisconsin, not be renewed.

Dated and signed at Milwaukee, Wisconsin this 23rd day of October, 2009.

A handwritten signature in black ink that reads "James A. BOHL Jr." The signature is written in a cursive style with a prominent initial 'J' and a distinct 'BOHL'.

JAMES A. BOHL, Jr., Chair
Licenses Committee