

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

July 25, 2017

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 170160 contains the following recommendations:

Renewal, with a thirty (30) day suspension, based upon the police report and neighborhood testimony of the Class B Tavern, Food Dealer, Public Entertainment Premises, and Sidewalk Dining license(s) for Dean Zarkos for the premises located at 777 N Jefferson St. ("Dino's Taverna") in the 4th aldermanic district.

Respectfully,

A handwritten signature in cursive script that reads 'Tony Zielinski'.

Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
File 170160

CHAIR

• Licenses Committee

MEMBER

• Community and Economic
Development Committee
• Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: July 21, 2017

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern, Food Dealer, Public Entertainment Premises (PEP), and Sidewalk Dining Licenses of Dean Zarkos, for the premises located at 777 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Dino's Taverna").

FINDINGS OF FACT

1. Dean Zarkos (hereinafter "the Licensee") is the holder of a Class "B" Tavern, Food Dealer, PEP, and Sidewalk Dining Licenses for the premises located at 777 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Dino's Taverna"). Said licenses expire at midnight on September 3, 2017.
2. An application to renew said licenses was filed with the Office of the City Clerk on May 30, 2017.
3. Pursuant to Chapters 68, 85, 90, and 108 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 July 12, 2017, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On July 6, 2017 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report, and the neighborhood objections. The matter was scheduled for a hearing on the police department report on July 18, 2017, commencing at approximately 1:45 p.m. in Room 301-B of the third floor of City Hall. 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 represented by Attorney Jonathan Goodman.



5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On August 8, 2016 a Milwaukee Police Department sergeant was called to Dino's Taverna, 777 North Jefferson Street, to speak with the Licensee. The Licensee wanted to complain about the music level of the other taverns on the block. He also asked what else he could do to make his business better. The sergeant observed that it was a Friday night and the Licensee was working the front door alone. The sergeant smelled alcohol on the breath of the Licensee. While speaking with the officer over a dozen patrons walked in without being carded. The sergeant advised he needed to not drink while working, add more security, and needed to card patrons as they entered the door.
 - B. On August 30, 2016 at 12:06 a.m. officers responded to 780 North Jefferson Street for a property damage complaint. They spoke with the caller who stated on August 29, 2016 at 11:36 p.m. a patron exited Dino's Taverna and threw a glass bottle across the street causing the bottle to break on the sidewalk. This incident was captured on video surveillance. The officer then spoke with the Licensee regarding the incident. The officer, a trained Drug Recognition Expert, determined the Licensee was intoxicated by alcohol. The Licensee was uncooperative and argumentative with the officer. He was the only employee and appeared to not have control of the business. The officers determined no property damage had occurred.
 - C. On September 4, 2016 at 12:42 a.m. officers conducted a tavern check at Dino's Taverna, 777 North Jefferson Street. The officers were advised the tavern was operating during the time its license was suspended, which started on September 4, 2016 at 12:00 a.m. The officer observed 75-80 people inside and more being allowed to enter. The Licensee stated he thought the suspension started on September 5, 2016 at midnight. The Licensee then told customers the police were shutting him down, which resulted in anger directed at the officers.
 - D. On March 20, 2017 officers conducted underage tavern enforcement in District 1. An underage Police Aid was able to gain entry to Dino's Taverna through the door which had no security. The Police Aid was able to order and was served a Miller Lite beer for \$4.00. The Licensee was identified as the bartender.
 - E. On April 16, 2017 officers were monitoring taverns on N. Jefferson Street. At 1:39 a.m. Dino's Taverna suddenly closed and pushed all of their patrons on the sidewalk at once. This caused several fights and about 100 patrons blocking traffic. More officers responded to clear the crowd.
 - F. At the hearing, Attorney Jonathan Goodman stated that he objected to the amended notice and there was no opportunity to analyze the report. He agreed to continue with the hearing and objects to old items being read. He specifically objected to consideration of the item contained in the amended notice and not the original notice. Ald. Zielinski confirmed that the original notice and amended notice were mailed in a timely manner

with Ms. Jessica Celella, Licenses Division Manager. He also confirmed with Sgt. Chad Raden that only new items that occurred since the last licensing period would be read.

- G. The Licensee denied the allegation that a bottle was thrown from someone leaving his establishment. He stated that the person who threw the bottle came from another bar.
- H. The Licensee denied that there was an incident wherein the police responded and he was intoxicated.
- I. The Licensee stated that he made a mistake and was confused about when his suspension was supposed to begin. He explained that once the police brought it to his attention, he immediately shut down.
- J. The Licensee stated that he has security inside and outside of the establishment. He has also installed more security cameras on the premises. He asked Mr. Callough how often he visits the establishment and if he's ever witnessed the Licensee being intoxicated.
- K. Ald. Bauman stated that he recommends a 30 day suspension.

Individuals in support:

- L. Rick Callough, 8631 Thompson Drive, Wind Lake, Wisconsin, stated that the Licensee is a good business person and is in support. He stated that in the last 12 months, he has visited the establishment approximately 25 to 30 times and never witnessed the Licensee intoxicated. In response to a question from Atty. Goodman, Mr. Callough said he has never observed the Licensee to be intoxicated on the premises.
- M. Bob Warants, 6222 West State Street stated that the Licensee keeps the area clean and is in support.
- N. Bernard Shaw, 10160 Whitnall Court, Hales Corners, Wisconsin stated that the Licensee runs a good business and he is in support.
- O. Joe Mueller, 1060 North Cass Street, stated that he has never witnessed any issues at the premises and is in support.
- P. Ald. Rainey moved for 30 day suspension based on the police report and neighborhood testimony.

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 Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Dean Zarkos, has not met the criteria to allow renewal of his Class "B" Tavern, Food

Dealer, PEP, and Sidewalk Dining licenses without the issuance of a 30-day suspension.

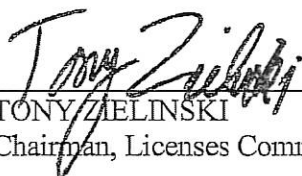
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern, Food Dealer, PEP, and Sidewalk Dining licenses of Dean Zarkos for the premises located at 777 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Dino's Taverna") with a 30-day suspension based upon the police report and neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, and zero (0) noes** and recommends that the Class "B" Tavern, Food Dealer, and PEP Licenses of Dean Zarkos for the premises located at 777 North Jefferson Street ("Dino's Taverna") in the City and County of Milwaukee, Wisconsin be renewed with a 30-day suspension.

The suspension is in effect between 12:01 a.m. on September 4, 2017 until midnight on October 3, 2017.

Dated and signed at Milwaukee, Wisconsin this 21st day of July, 2017.


TONY ZIELINSKI
Chairman, Licenses Committee