



**JAMES A. BOHL JR.**  
Alderman, 5th District

February 6, 2009

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 081062

Attached are written objections to:

Denial, based on a police report and neighborhood objections, of the Class "B" Tavern, Tavern Dance, Videogame Center and Billiard Hall licenses of Vickey L. Mendez for the premises at 3225 W. Scott Street ("The Last Chance" in the 8<sup>th</sup> aldermanic district. (Committee vote: Ayes: 5, Noes: 0, Excused: 0)

Renewal with a 25-day suspension, based on a police report, of the Class "B" Tavern and Tavern Amusement licenses of Devon L. Reid, agent for Questions, Inc., for the premises at 3041 W. North Avenue ("Questions Entertainment") in the 15<sup>th</sup> aldermanic district. (Committee vote: Ayes: 4, Noes: 1, Excused: 0)

Declaration of the premises located at 6222 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Phoenix Bar and Grill") in the 2<sup>nd</sup> aldermanic district as unfit for a Class "B" Tavern license. (Committee vote: Ayes: 4, Noes: 0, Excused: 1)

These matters will be heard by the full Council at its February 10, 2009 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Respectfully,



James A. Bohl, Jr., Chair  
Licenses Committee

cc: All Council Members  
City Attorney's Office  
Common Council/City Clerk-License Division  
CCF 081062

# VELEZ MORENO & VARGAS LLC

P.O. Box 04343  
1336 S. 11<sup>th</sup> Street w Milwaukee, WI 53204  
(414)-383-2480 FAX (414)383-2582

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January 4<sup>th</sup>, 2009

To: All Members of the Milwaukee Common Council

From: Velez Moreno & Vargas, LLC, Vickey L. Mendez agent for "Mendez, Inc".

Re:

Written objection to the report of the Renewal Applications of Vickey L. Mendez, as agent for "Mendez, Inc", for Class "B" Tavern, Tavern Dance, Videogame center and Billiard Hall licenses for the premises located at 3235 West Scott Street in the City and County of Milwaukee, Wisconsin ("The Last Chance").

As a respond to the Finding of Facts dated January 30<sup>th</sup>, 2008:

5.

- A. November 5<sup>th</sup> 1994 police officers found 200 persons in "The Last Chance" tavern when the capacity was 80. That day was a church event and there were only food and non-alcoholic beverages served. It happened right after the licensee open the tavern for the first time. The licensee was issued a citation for overcapacity and for presence of underage persons-not for underage drinking. The citation for posting of occupancy capacity was issued in 1994, apparently the case is old and it never happened again.
  
- B. January 30<sup>th</sup>, 1995 licensee was arrested for driving under influence of an intoxicant and found guilty on March 14 same year, right after the incident she

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ANDRES VELEZ MORENO-RONNIE VARGAS- ATTORNEYS/ABOGADOS

stopped drink an alcohol and she is not drinking ever since. One again the case is old to consider.

- C. December 17<sup>th</sup> 2001, licensee denies that she ever said to anybody “ No, you should get your windows insulated, so you don’t hear the music”. She also denies that she spoke to anybody that night regarding loud music. The issued citation was paid.
- D. October 6<sup>th</sup> 2002 shooting incident took place outside the tavern. The man was shot in the back from car driving by. He didn’t realize that he has been shot and he didn’t know who did it. Licensee cooperated with the police with the investigation.
- E. April 5<sup>th</sup> 2003 , bartender who sale alcohol to underage person was issued citation, was found guilty and got fired from “Last Chance “tavern. Citation issued to licensee was dismissed without prejudice.
- F. On February 3<sup>rd</sup> 2006 the young looking male as the officer observed was not a patron but a person conducting other business with the owner. The citation issued to the licensee was dismissed without prejudice.
- G. March 13<sup>th</sup> 2007, bartender called the police but he fixed the problem before police arrived.
- H. March 1<sup>st</sup> 2008 and
- I. March 8<sup>th</sup> 2008, this both allegations where examined by the Committee and no actions where taken on these allegations. It is apparent it nothing has changed since the September 3<sup>rd</sup> 2008 hearing and January 27<sup>th</sup> 2009 hearing. The Committee did not revoke the license on September 3<sup>rd</sup> 2008 however is now using the same allegations to revoke the license now.

Allegations of persons involved in sell cocaine in this tavern are at this time

as stated allegations. No tried of facts or judge had made a decision as a veracity or truthfulness.

- J. April 18<sup>th</sup> 2008 police was dispatched twice that night for loud music. Citation was issued to licensee, she went to the court and City Attorney dismissed the case. Apparently there was no loud music.
- K. July 18<sup>th</sup> 2008 patron presented proper ID to the bar but he told the police that he had no ID that night.
- L. July 28<sup>th</sup> 2008, City Attorney dismissed the citation issued that night to licensee.
- M. July 29 2008, the rear door in fact was locked but there were 2 other door –exit and entrance to the tavern that weren’t locked.
- N. August 23<sup>rd</sup> 2008- case still pending.
- O. September 20<sup>th</sup> 2008, patron was asked to leave the premises by Manuel Mendez, he call the police but he didn’t threat anybody.
- P. January 1<sup>st</sup> 2009, “The Last Chance” tavern was rented. During the event was a fight stopped by licensee and calling the police. By the time the police arrived there was nobody.
- Q. Only two neighbors complained about loud music. According to the police rapport on December 17<sup>th</sup> 2001 and April 18<sup>th</sup> 2008 (2 times since 1994) and July 28<sup>th</sup> 2009 when police were patrolling the area. The licensee was found guilty only of citation issued on December 17<sup>th</sup> 2001. The other citations were dismissed. Apparently there was no loud music.
- R. The licensee denied that she had knowledge of any activities of her son dealing drug, she or her husband where there all the time because they live

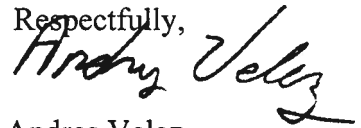
above the bar, but they never testified that they were there when he was dealing drugs because they just don't now it was a truth.

## CONCLUSIONS

On September 3<sup>rd</sup> 2008 there was no decision made by Committee to revoke the license, it was injured and never revisited and now the same allegations are being used to revoke the liquor license when is apparent that discussion was not finished or completed. There was no action taken on September 3<sup>rd</sup> 2008 regarding the same allegations that now are used for revocation the license. It would be unjust to use the same allegations that did not revoke the license on September 3<sup>rd</sup> 2008 to not renew of this license now.

In reliance of the non-decision of September 3<sup>rd</sup> 2008 to revoke the license the client in a good faith relied and applies for renewal, she appears on January 27<sup>th</sup> 2009 for the hearing. Thinking that all prior matters that did not revoke her license on September 3<sup>rd</sup> were considered and were not bases for revocation, to find out at the renewal hearing that Committee used the same matters as a base to not renew her license. Licensee has been operating for 18 years with minimal problems and it would be unjust to not renew her license for 1 year of challenges in managing her tavern.

Respectfully,



Andres Velez  
Attorney at Law

1-27-09

Chairman Boyd Ald Donoan  
& License Committee

I Vickey LMendez Agent for The Last Chance 3235 W. Scott Milw Wisc 53215. I went before you and the License Division on January 27 at 9:15 AM. I deeply appreciate Chairman Boyd and the License Division to listen to my concerns. On behalf of you Chairman Boyd being the major authority we want you and the License Division to know the truth. ALD Donoan and Captain Gaglione have false information. We ~~do~~ not agree that our license was suspended or revoked, Valdemar Gonzales one of the persons that went against the bar. He himself was driving drunk hit a parked car and ran inside the bar because the owner of the car was running after him Valdemar inside the bar so we could defend him, and Mr Valdemar was upset because I called the police. The police came and arrested Mr Valdemar for driving under the influence of intoxicant. There are several incidents that happen at Mr Valdemar home that could affect the safety of the neighborhood. As for Claire Zellner when Claire bought her

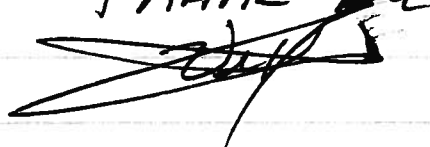
CITY OF MILWAUKEE

09 JAN 29 AM 8:51

RONALD D. LEONARD  
PROPERTY CLERK

home this bar was already operating for a long time and this bar was never a biker bar. ever since we have owned this bar it has never been a biker bar. Claire and her boyfriend Gary would come into this bar every night. Gary mention to Manuel several times that he was going to ~~leave~~ leave her because he could not stand her. After that Claire stop coming to the bar.

And as for her children she has a son we never see him coming to ~~the house~~ the house and as for her daughter we very rarely see them coming to her house and if they do its for a short period of time. As for the trash a neighbor has seen Claire pick up bottles, cans & garbage and Claire puts them in front of the ~~bar~~ and take pictures. As for the neighbors that live close to the bar they donot agree to close the bar only the two presons that went against us Claire & Mr Valdemar Gonzales I want to thank you the Liscense Division for the time to read our concerns

Thank you  


CITY OF MILWAUKEE

09 JAN 29 8:51 AM '07  
ROMALDO LEONARDO  
CITY CLERK



**Attorneys at Law**

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*Also licensed in Massachusetts*

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February 5, 2009

Via Email Only (rleonh@milwaukee.gov)

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

Re: Questions, Inc. – 3041 W. North Avenue  
Objections

Dear City Clerk Leonhardt,

Our office is Counsel to Questions, Inc (“Questions”). On January 26, 2009, the Licenses Committee met to consider the renewal of the Class B Tavern and Tavern Amusement (Cabaret / Nite Club) licenses for Questions and its agent, Devon Reid. The Committee voted to recommend that Questions’ license be renewed, but with a 25-day suspension based upon incidents recounted in the police report and neighborhood objections.

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

1. The Committee has failed to adopt Findings of Fact and Conclusions of Law as required by § 125.12(2)(b)(3), Wis. Stats., and § 90-11-2-c2, Milwaukee Code of Ordinances.

Paragraph 5 of the “Findings of Fact” (contained on page 2), states that “Based upon the sworn testimony heard and the evidence received at the hearing, the **Committee finds the following**” [emphasis added]. Questions 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.

2. Due Process, as guaranteed under both the United States Constitution and Wisconsin Constitution, requires that the City of Milwaukee prove the allegations made in the police report prior to those allegations being accepted as fact by the Committee.



The Findings of Fact and Conclusions of Law incorporate virtually the entire police report. The police report, as read to the Committee on the day of the hearing, is quadruple hearsay and contains numerous inaccuracies. Item 5(A) describes a homicide that occurred down the street from Questions and was not in any way connected to that establishment. The report contains numerous other unsubstantiated assertions by the Milwaukee Police Department (MPD) that individual perpetrators were patrons of the club or had been at the club before coming into contact with the police. As Questions argued at the hearing, MPD had knowledge that it could obtain surveillance video and patron information from Questions at any time. Questions further argued that such video and patron information would have provided MPD with conclusive evidence whether or not the perpetrators were connected to Questions. MPD failed to take this necessary step. There are numerous references in the police report to "shots fired in the area." These "shots fired in the area" complaints provide no evidence whatsoever that these incidents were in any way associated with Questions. As argued by Questions at the hearing, while there are a number of "shots fired" incidents in the immediate area, the mere fact that shots were fired does not lead to the conclusion that the shots had anything to do with Questions. Despite the recitation of incidents in the report and large officer presence at the hearing, MPD failed to prove that these incidents were in any way related to Questions or its patrons, yet the incidents were identified in the report and have been incorporated into the Findings of Fact and Conclusions of Law.

In violation of Questions' right to Due Process, the Committee placed the burden of proof on Questions to disprove that the incidents recounted in the police report were true, or not related to Questions, yet the City was permitted to put its case for non-renewal to the Committee first. The allegations of the MPD were taken as fact without any evidence being put forth by the MPD to prove the content of its report as it relates to Questions. In addition, while the MPD appeared as a party to object to the license renewal, it at the same time offered the testimony of Sergeant Ulickey, as a purported neutral party to give evidence in the matter. It is a violation of Due Process for the Committee to permit the MPD to take a position in opposition to a license renewal while simultaneously presenting itself as a neutral and disinterested party.

3. Paragraph 2 of the Conclusions of Law asserts that another basis for the Committee's recommendation was neighborhood objections. There were no neighborhood objections. There were only two individuals from the neighborhood who testified regarding certain frustrations they had with Questions. The testimony of these individuals disclosed that they were illegally occupying certain floors of the storefront property as a residence. While these individuals stated that they had several concerns and even mentioned bullets coming through their window, their cross-examination testimony revealed that these individuals could in no way verify that the perpetrators of the shooting were connected in any way to Questions. These witnesses also never asked that the

licensed establishment be closed, suspended, or shutdown. As staff from Alderman Hines' office testified during the hearing, no neighbors had complained to the alderman's office about the operation of Questions. At the hearing, numerous individuals, including employees, patrons, business owners and neighbors testified positively about Questions.

The Findings of Fact demonstrates that the Committee erroneously gave undue weight to the negative testimony of two people, as compared to the positive testimony provided by approximately twenty people who live, own property or run businesses in the area, and who appeared in support of the renewal of the license.

4. The City of Milwaukee and MPD's treatment of Pizza Shuttle at its license renewal hearing held shortly after Questions' hearing demonstrates that Questions' Equal Protection rights as guaranteed under the United States Constitution were violated.

On the day following Questions' hearing, the 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 present 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, neither the MPD, the City Attorney's Office, nor Community Prosecution Units appeared at the hearing to oppose the license renewal. 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.

In stark contrast to the Committee's handling of Questions' renewal, Pizza Shuttle was renewed with only a warning letter. This disparate treatment of the two establishments finds no support in the hearing record, and is clearly a violation of Questions' rights of Equal Protection under the law.

In summary, Questions objects to the Findings of Fact and Conclusions of Law. In violation of §

125.12(2)(b)(3), Wis. Stats., and § 90-11-2-c2, Milwaukee Code of Ordinances, the Licenses Committee has never adopted the Findings of Fact and Conclusions of Law. The reasons relied upon for the 25-day suspension are unjust and not substantiated by any reliable evidence. In violation of Questions' right to Due Process, the Licenses Committee accepted the police report as fact without any credible substantiation by the MPD or City of Milwaukee. Finally, Questions' right to Equal Protection was violated as evidenced by the undue weight given to the negative testimony of two witnesses compared to the approximately twenty who testified in support of Questions' license renewal, and by the contrasting disposition of Pizza Shuttle in its renewal hearing.

Thank you for your attention to this matter.

Sincerely,



Michael S. Maistelman  
Attorney at Law

Enc.

Cc: Devon Reid  
Members of the City of Milwaukee Common Council (via email w/enclosures)

**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 Royall 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 indicted 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.

February 5, 2009

**VIA MESSENGER**

Mr. Ronald D. Leonhardt  
Clerk of the City of Milwaukee  
City Hall, Room 205  
200 E. Wells Street  
Milwaukee, WI 53202

Re: *Written Objections to Licenses Committee's Report for Diamond Food & Beverages, Inc.'s Class "B" Tavern and Record Spin Renewal Application for "Phoenix Bar & Grill" at 6222 West Fond du Lac Avenue, Milwaukee, Wisconsin*

Dear Clerk Leonhardt:

Please accept this correspondence as a written objection to the report of the Licenses Committee for a Class "B" Tavern and Record Spin License Renewal Application for the premises located at 6222 West Fond du Lac Avenue, Milwaukee, Wisconsin (Phoenix Bar & Grill). The specific nature of this objection is to the Licenses Committee's recommendation to declare the above-referenced property "unfit" for a Class "B" tavern license.

This office represents Wisconsin Investments, Inc., the owner of the above-referenced property. The mailing address for Wisconsin Investments, Inc. is P.O. Box 327, Richfield, Wisconsin 53076. The president and registered agent of Wisconsin Investments, Inc. is James Heyden.

As of today's date, Wisconsin Investments, Inc. has no relationship whatsoever with Diamond Food & Beverage, Inc., Andrea N. Chavis, or James "Sonny" Harrison. As was mentioned at length at the Licenses Committee hearing, the property located at 6222 West Fond du Lac Avenue was subject to a judgment of foreclosure and was acquired by Wisconsin Investments, Inc. in a Sheriff's sale confirmed on May 12, 2008. Diamond Food & Beverages, Inc., the license applicant, has no ownership or lease-hold interest in the premises in question.

Since the September 15, 2008 inspection and placarding by the Department of Neighborhood Services (Matthew Dama) and the Milwaukee Police Department which revealed violations causing the



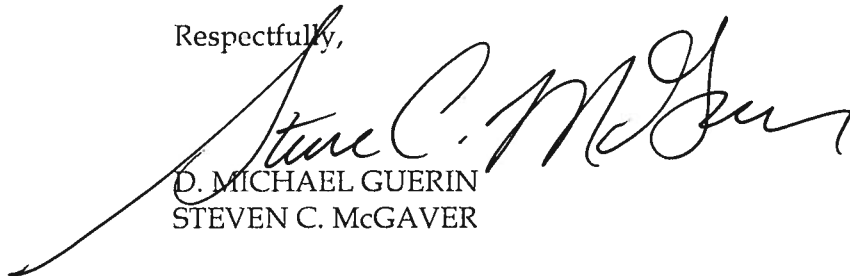
premises to be considered a hazard to the safety and welfare of the occupants and/or the public which was unfit for human habitation, representatives from Wisconsin Investments, Inc. have been working with both Ronald Roberts and Matthew Dama of the Department of Neighborhood Services to coordinate efforts to remove any and all hazards to the safety and welfare of occupants and/or the public, and return the premises to a state fit for human habitation.

Wisconsin Investments, Inc. has gone a step above what the law and the Department of Neighborhood Services requires by filing for an occupancy permit which requires inspections of virtually every aspect of the property (plumbing, electrical, HVAC, etc.). The specific efforts of Wisconsin Investments, Inc. include returning the utility connections to the property, rectifying any and every building code violation which existed at the premises, general cleanup, refurbishment of the building and its fixtures, and rehabilitation and general landscaping of the property surrounding the building in question.

Wisconsin Investments, Inc. does not object to the Licenses Committee's recommendation that the Class "B" tavern and record spin license not be renewed to Diamond Food & Beverage, Inc.; however, Wisconsin Investments, Inc. objects to the recommendation that the location itself be declared "unfit" for a Class "B" tavern license.

The purpose of this letter is to preserve Wisconsin Investments, Inc.'s objections to the Licenses Committee's finding of fact, conclusions of law and recommendation, and to request an opportunity to be heard at the February 9, 2009 Common Council meeting on behalf of Wisconsin Investments, Inc.

Respectfully,



D. MICHAEL GUERIN  
STEVEN C. McGAVER

SCM/ddc

cc: Assistant City Attorney Bruce Schrimpf  
Alderman James Bohl, Jr.  
James Heyden

*civ/heyden/leonhardt2009-02-05*