

**CHAIR**

- Licenses Committee
- City Information Management Committee

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- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

January 7, 2019

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 181144 contains the following recommendations:

Nonrenewal, based on the second nonappearance of the Class D Operator's License of Riki Carlson.

Renewal, with a twenty (20) day suspension, based upon items #18-29 in the police report, and police, applicant, aldermanic, and neighborhood testimony of the Class B Tavern, Public Entertainment Premises, and Food Dealer licenses for Robert Settecase for the premises located at 1125 N Old World Third St ("Ugly's") in the 4th aldermanic district.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nik Kovac'.

Nik Kovac, Chair  
Licenses Committee

cc: All Council Members  
File 181144

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: January 4, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Riki L. Carlson

**FINDINGS OF FACT**

1. Riki L. Carlson (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2018.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
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 police report that could form a basis for nonrenewal or suspension of said license.
4. On December 19, 2018 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 included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on January 2, 2019 at 1:00 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. A notice of the hearing as well as a copy of the police report was sent to Riki L. Carlson, 3772 South Rutland Avenue, St. Francis, WI 53235 on December 19, 2018 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 3772 South Rutland Avenue, St. Francis, WI 53235 is the address given by the Licensee on his application. The envelope

was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on January 2, 2019 at 1:00 p.m.

- B. Alderwoman Coggs moved denial based on his second non-appearance.

### 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 on the above facts found, the Committee concludes that the Licensee, Riki L. Carlson 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 the Class "D" Operator's license based upon his second nonappearance.
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 should exercise its discretion to not renew the Class "D" Operator's license held by Riki L. Carlson based upon his second nonappearance.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **four (4) ayes, zero (0) noes and one (1) excused** that the Class "D" Operator's License of Riki L. Carlson not be renewed based upon his second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 4<sup>th</sup> day of January, 2019.



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NIK KOVAC  
Chairman Licenses Committee

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**VICE CHAIR**

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: January 4, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses of Robert A. Settecase, Agent for the premises located at 1125 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Premier Milwaukee, LLC").

**FINDINGS OF FACT**

1. Robert A. Settecase (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses for the premises located at 1125 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Premier Milwaukee, LLC"). Said licenses expire at midnight on January 19, 2019.
2. An application to renew said licenses was filed with the Office of the City Clerk on October 18, 2018.
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 October 22, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On December 21, 2018, 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 neighborhood objections and police report. The matter was scheduled for a hearing on the objections and police report on January 2, 2019, commencing at approximately 2:00 p.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Emil Obviagele, at the hearing and admitted receipt 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. On December 2, 2017, officers were dispatched to Ugly's Pub, 1125 N. Old World Third Street for a battery complaint. The victim, Jordan C. Jen, stated a



security guard punched him to the face multiple times, injuring his mouth and teeth. Mr. Jen described the subject to the officers. On December 6, 2017 the officers spoke with the manager Tony Reyes, who was cooperative and provided video surveillance from the bar area where the fight occurred and written statements from the employees involved. The video showed that Mr. Jen was involved in a fight with a group of people and was escorted out by security. Mr. Jen then returned and again got into a fight. The video then showed a security guard, Dylan Muns, locking arms with Mr. Jen. It then shows Mr. Muns striking Mr. Jen to the face three times. Mr. Muns stated that Mr. Jen had the manager, Tony Reyes, pinned to the wall and he was protecting him. The case was not processed by the DA's office.

- B. One December 2, 2017 officers were dispatched to Ugly's Pub, 1125 N. Old World Third Street for a noise complaint. The caller stated there was an on-going issue with noise coming from Ugly's. The officer had been out on October 29, 2017 and advised the manager, Tony Reyes, that the next time a complaint came in a PA33 would be filed. The caller did not want a citation issued this time but wanted a PA33 filed and a warning issued that if the problem persisted a citation would be issued. The officer advised Tony Reyes that a PA33 was going to be written and a citation would be issued next time.
- C. On January 12, 2018 officers observed a group of people outside of Ugly's Pub, 1125 N. Old World Third Street, who appeared to be pushing each other. The officers approached and observed a subject, Ritchi Rivera, bleeding from the face. A Security officer stated that Mr. Rivera was causing a problem inside the bar, but Mr. Rivera stated he was hit in the face multiple times by security. The officers viewed video surveillance, which showed Mr. Rivera walking up to a female patron and confronting her. The female pushed Mr. Rivera away and he pushed her down which caused a fight. Security then gets involved and a struggle ensues. One security guard is observed striking Mr. Rivera several times before he is escorted out. The manager, Tony Reyes, stated their head of security was let go and they are undergoing a transition at this time.
- D. On March 12, 2018 a meeting was held at District 1 regarding recent nuisance related calls at Ugly's, 1125 N. Old World Third Street. At the end of the meeting the Licensee was issued a Notice of Nuisance Premises letter.
- E. On March 22, 2018 officers, along with Agent King from the WI Department of Revenue, conducted a licensed premises check at Ugly's, 1125 N. Old World Third Street. The officers were met by Nathan Harris who stated he is part owner of the business. The posted license does not include the basement, which is where beer and liquor are stored. The officers located bottles of liquor in the basement and main bar area which were contaminated with bugs or other debris. The two working bartenders did not have Class D Operator licenses. Harris stated as part owner he was acting as the agent so he thought he did not need a

license. The applicant was issued a citation for Responsible Person on Premises Required.

Charge: Responsible Person on Premise  
Finding: pending Trial on 01/09/2019  
Sentence:  
Date:  
Case: 18039189

- F. On April 1, 2018 officers were monitoring Ugly's, 1125 N. Old World Third Street. The officers were familiar with the security plan that Ugly's had filed with the City, which stated they would have 7 security personnel and they would check ID's at the door. The officer observed security at the door not checking ID's. The officer spoke with the manager, Tony Reyes, who stated they do not check ID's because they know their customers. The officer observed an exit doorway was obstructed by a stack of metal chairs. After returning to their car the officers observed security was now checking ID's and two fights broke out that the officers had to assist in ending.
- G. On April 17, 2018 an officer contacted the Licensee in regard to the implementation of the submitted nuisance abatement plan. The Licensee stated manager Tony Reyes and head of security Sean Tice are no longer employed with the tavern. He has hired a new manager, Lawrence Stark, who is also the acting head of security. A "No Punch" policy has been implemented and background check performed on security personnel. He stated he has yet to sign up for the E-Notify system and he and Mr. Stark are looking into an ID scanner. He stated the Nuisance Abatement plan would be implemented by May 10, 2018.
- H. On July 2, 2018 officers observed a highly intoxicated subject approach Ugly's, 1125 N. Old World Third Street, and be let inside by security. They went up and spoke with the doorman and advised him that subject should have been denied entry. Later the officers observed a group crowded around someone lying on the ground outside of 1113 N. Old World Third Street. This was the same subject they had observed enter Ugly's. The witnesses stated the subject was doing shots inside Ugly's and had fallen on the street. MFD responded and provided medical treatment. The subject then left with a friend in an Uber.
- I. On July 2, 2018 officers were outside of 1125 N. Old World Third Street when security began fighting with a patron inside. The manager came out and requested the officers' help and they arrested a female for hitting the security officers. The security officer advised they are not allowed to touch females for any reason. The officer advised them they could use "escort" holds to get patrons out of the establishment.

- J. On July 2, 2018 officers monitored the closing time of Ugly's 1125 N. Old World Third Street, based on prior complaints of patrons dancing in the street and loud music in the parking lot across the street. Officer again observed this type of activity. On July 8, 2018 at 1:30 am the officers spoke with the bar to have them help clear their patrons from the parking lot. At 1:45 am the bar let out for the night. Many patrons were loitering in the street and the manager along with one security guard did go to the parking lot to have people leave.
- K. On July 9, 2018 at 1:00 pm officers on patrol observed about 10 people exit Ugly's, 1125 N. Old World Third Street. The group was attempting to fight each other. As the officers attempted to break up the fight approximately 75 patrons exited the bar and joined the fight. Additional squads arrived and a male and female were arrested and cited for Disorderly Conduct.
- L. On August 19, 2018 at 2:01 am an officer standing outside of Ugly's, 1125 N. Old World Third Street, observed a male he knows to be the Licensee, pulling on the arm of a female. The female pulled away and the Licensee followed her and attempted to grab her a second time. The female again pulled away and a male had to intervene to physically stop the Licensee. The Licensee appeared to attempt to get around the male to reach the female again. The male then told the Licensee "Stop, what's wrong with you! You own this place". A car pulled up and the Licensee got inside and they drove off. This incident was captured on the officer's body camera.
- M. On Thursday, November 29, 2018 through the morning of Friday, November 30, 2018 District 1 personnel performed an underage tavern enforcement initiative. This class "B" tavern located at 1125 N Old World Third Street passed the initiative by not selling alcohol to the underage police aide.
- N. The Licensee stated he fired his old security staff and manager. He stated that for #19 in the police report there's another bar on the street, so he doesn't know how it was determined the music was coming from the premises. He added that his manager gave the complainant his phone number in case of further issues. He stated that he was under the impression that his managers had their bartender licenses because they had, at least from his knowledge, applied, paid for and had been granted their operators licenses and that he thought because Mr. Harris was a registered representative and that he didn't need a bartender's license, and that a trial is pending in Milwaukee Municipal Court because it is their contention that they had a licensed person on the premises. They implemented an abatement plan to correct some of the issues MPD had brought to their attention. He stated he wanted to hire Mr. Starks back because he had no issues when Mr. Stark was managing. He stated he conducted background checks and hired a whole new security staff in April. He stated the previous security was being insubordinate and not following the rules. He added that they instituted a "no punch" policy and purchased a new ID scanner to identify problem patrons. He stated that current security guards are employees of the premises. He stated that

he reached out to the owner of the parking lot described in #27 of the police report regarding getting security guards and there was no response. He stated that #29 in the police report was a personal problem with him and his girlfriend at the time.

#### Appearing with the Licensee

- O. Attorney Emil Obviagele stated he is handling #22 on the police report in court. He stated that it is not uncommon for the lists of banned patrons to be passed between bars on a monthly or quarterly basis. He stated that at the meeting with MPD he brought up the issue of the parking lot described in #27 of the police report, and that patrons of many other locations park in the lot. He stated the nuisance property designation is a discretionary process by MPD. He stated there have been issues at the premises. He stated there are 13 items on the police report; one was a commendation, two were communications with MPD, one was a personal matter, and one was a DOR check. He stated one of the incidents was a noise complaint that was handled. He added three items were from July 2<sup>nd</sup> and two were from December 2<sup>nd</sup>. He stated one of the July items was the premises reaching out to MPD for help. He stated when the police told them about the intoxicated patron the premises acted responsibly and removed the patron. He added that the incident with the parking lot, the premises was the only one who responded to deal with people in the parking lot. He stated one of the December incidents could have been handled better. He stated there were no issues when they first opened in July 2013 and they have had three years of no issues. He stated there were some noise issues that were addressed. He stated the Licensee rehired Mr. Starks to address the issues. He stated a 60 day suspension is heavy handed because the last discipline was a warning letter. He stated these are issues that can be remedied and the premises is trying to turn the tide.
  
- P. Lawrence Starks Jr., 11834 W Flagg Ave stated he is the manager and head of security and uses a private security company a twice a week that is licensed, bonded, and unarmed. He stated that #25 in the police report the patron did not take shots inside the premises. He stated that patrons from many other bars, restaurants, and the Pfizer Forum park in the lot described in #27 of the police report. He added that the parking lot is unmanned and has no security. He added that no other bars send security guards over to the parking lot. He stated that he calls last call at 1:45 AM, then turns the music off at 2 AM, and start having people leave.

#### Individuals also present:

- Q. Alderman Bauman stated the record is very disturbing and he met with the applicant, Attorney Obviagele, and Mr. Starks two weeks ago. He stated this is the only premises that has been designated a nuisance property in the downtown area. He stated the Licensee told him he was taking steps to turn things around



and there were no major incidents since July, and the parking lot was a major issues. He stated he recommends a 60-day suspension because they have had problems in past years, and they use the excuse that it's someone else's problem. PO Kline stated there were a lot of bugs in the liquor bottles which was disturbing and no one had bartender licenses during the Department of Revenue licensed premise check. He added that having a bartender license is pretty basic when running a bar and it's very concerning. He stated that he has only had two bars reach the level of nuisance designation in the last 4 years. He added that MPD is not taking a position of renewal or denial of the licenses. He stated that MPD has had several meetings with the premises to keep them on track. He stated the premises have followed their plan of operation filed with MPD. He stated it is not normal to respond to any premises this many times. He stated the police officers must be able to tie an incident to a premise before writing a license premise report.

- R. Alderman Kovac asked about the security guard punching a patron as described in #18 of the police report.
- S. Alderwoman Lewis asked about the new security staff hired in April, because there were additional incidents in July.
- T. Alderwoman Coggs asked if the current security is licensed and bonded, armed or unarmed and also asked if there is any intercommunication between who the bar has rejected and other establishments and vice versa in relation to the ID scanning system.
- U. Alderman Witkowski stated there were 13 items on the police report last year and there was a warning letter, the year before that there were seven items on the police report and there was a 10-day suspension, and ten items on the police report before that. He asked what needs to be done to address all the items on the police report.
- V. Alderman Kovac stated there have been some serious incidents, but they have made some efforts to correct issues because they fixed the noise issues, but now they have drunken disorderly violence issues.

Individuals present in support:

- W. Asan West, 777 N Van Buren St stated he enjoys the premises, it's fun and safe, and he's in support.
- X. Joshua Burdick, 727 E Lyon St stated he has seen some incidents on social media and the ups and downs. He stated he sees a positive flow moving forward.

- Y. Marvin Poole, 2009 E Ivanhoe Pl stated he is in support, agrees with the previous speakers, and the premises is open and inclusive.
- Z. Skyler Gruening, 777 N Van Buren St stated he has always felt safe at the premises and the employees are proactive.
- AA. Ryan Wells, 159 N Jackson St stated he has gone to the premises for years, has never felt in danger, and it's a nice place.
- BB. Alexander Kostal, 1318 N Van Buren St stated he had several fundraisers at the premises and they get involved in community events. He added that he likes the vibe, food, and drinks.
- CC. Brandon Tran, 777 N Van Buren St stated he agrees with the previous speakers, is in support, and the Licensee is active in trying to make the premises better.
- DD. Cynthia Ortega, 2253 S 25th St stated she is the events coordinator at the premises and she's never had an issue. She added that she sees the Licensee and Mr. Starks taking efforts to try and make the premises better.
- EE. Alderman Witkowski moved approval with a 20-day suspension based on numbers 18 through 29 in the police report, Licensee, aldermanic and neighborhood and police testimony.

### **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 Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Robert A. Settecase who holds Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) licenses for the premise located at 1125 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Premier Milwaukee, LLC") has not met the criteria of Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances to not renew the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) licenses without undergoing a twenty (20) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report items 18 through 29, and applicant, police, aldermanic, and neighborhood testimony.
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, Food Dealer, and Public Entertainment Premises (PEP) licenses without undergoing a twenty

(20) day suspension for the premises located at 1125 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Premier Milwaukee, LLC"). The Committee based its recommendation on the police report items 18 through 29, and police, applicant, aldermanic 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**, recommends that the Extended Hours Establishments, Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer Licenses of Robert A. Settecase for the premises located at 1125 North Old World Third Street ("Premier Milwaukee, LLC") in the City and County of Milwaukee, Wisconsin not be renewed based upon the police report items 18 through 29 and applicant, police, aldermanic, and neighborhood testimony.

The suspension is in effect between 12:01 a.m. on January 20, 2019 until 11:59 p.m. on February 8, 2019.

Dated and signed at Milwaukee, Wisconsin this 4<sup>th</sup> day of January, 2019.



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NIC KOVAC  
Chairman, Licenses Committee