

**LAW OFFICES OF
MICHAEL A.I. WHITCOMB**

633 West Wisconsin Avenue, Suite 510
Milwaukee, Wisconsin 53203-1918

Telephone 414-277-8384
Facsimile 414-277-8002
maiw-law@execpc.com

June 11, 2009

CITY OF MILWAUKEE
09 JUN 11 PM 1:57
RONALD D. LEONHARDT
CITY CLERK

The Honorable Common Council
of the City of Milwaukee
Room 205, City Hall
200 E. Wells Street
Milwaukee, WI 53202

Re: Class "B" Tavern License
License: Jennie M. Nuell
Premises: 4001 West Fond du Lac Avenue
Trade Name: All Star Sports Bar

Honorable Members of the Common Council:

Please be advised that this office represents the above-referenced licensee. This communication is submitted as the licensee's written objections to the June 4, 2009, Report of the Licenses Committee (hereinafter "Committee"), recommending suspension of licensee's Class "B" Tavern License (hereinafter "License") for sixty days. The licensee requests that these written objections be considered for the Common Council meeting of Tuesday, June 16, 2009, at which time the Committee's recommendations regarding the suspension will be considered. The recommendation of the Committee was based upon amended sworn charges of the Milwaukee Police Department seeking revocation of the License.

The licensee is not objecting to the sixty-day suspension but to the effective date thereof. This matter was first considered by the Committee on March 6, 2009. Upon a written Stipulation between the licensee and the Milwaukee Police Department, the hearing was adjourned at the call of the Committee's chair. The Stipulation provided, in effect, a *quid pro quo*. The licensee agreed to close her licensed premise until the hearing was conducted by the Committee, and the Milwaukee Police Department agreed to the adjournment and to recommend to the Committee that the licensee be credited for the time her licensed premise was closed toward any suspension that may be imposed by the Committee and the Common Council. A copy of the Stipulation is attached hereto, and earlier it had been made part of the record in this matter.

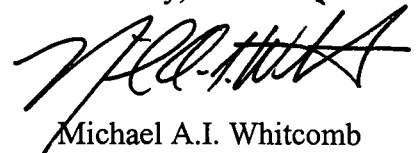
The recommendation of the Committee, as reflected in its Report, is to have the sixty-day suspension commence on June 16, 2009, and end at midnight on August 14, 2009. Pursuant to the Stipulation, the licensee closed her licensed premise from March 7, 2009, until May 29, 2009, at which time the Committee conducted the hearing in this matter. The licensee respectfully requests that she receive credit toward the suspension for the time the licensed premises were closed pursuant to the Stipulation.

Additionally, as a matter of technical correctness, paragraphs 4(A) through 4(M), and 4(P) of the Report of the Committee reflect incidents that were not contained in the sworn charges of the Milwaukee Police Department seeking revocation. Moreover, none of these recited incidents were discussed, defended or prosecuted before the Committee, and therefore should not be considered by the Honorable Common Council in review of this matter.

It is respectfully requested that notwithstanding the recommendation of the Committee, your Honorable Body vote to adopt the recommendation of the Committee imposing a sixty-day suspension, and honor the Stipulation by providing the licensee with credit toward the suspension for the time the licensed premises were closed pursuant to the Stipulation.

Thank you for your consideration.

Sincerely,



Michael A.I. Whitcomb

Enc.

c: Ms. Jennie M. Nuell

In re the Tavern License of:
ALL STAR SPORTS BAR
4001 West Fond du Lac Avenue
Milwaukee, Wisconsin

STIPULATION

Come now Jennie M. Nuell, the holder of a Class "B" Tavern license for the premise located at 4001 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar"), and Eddie J. Nuell, the holder of a Class "B" Manager's license for the premise located at 4001 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar") (hereafter "licensees") and Captain Patrick Mitchell on behalf of Chief Edward Flynn, Chief of the Milwaukee Police Department (hereafter "Complainants") and do hereby stipulate and agree as follows through counsel:

1. The licensees hereby agree to close only the licensed premise located at 4001 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin surrender its Class "B" Tavern and Class "B" Manager's licenses to the Milwaukee Police Department at 2:30 a.m. on Saturday March 7, 2009 for delivery to the License Office, and until a hearing can be had on the complaint seeking revocation of said licenses of the licensees.


2. For and in consideration of the licensees closing of the premise as above described and surrendering the Class "B" Manager license and until further hearing before the Licenses Committee of the Milwaukee Common Council the Complainants will agree to a postponement of the hearing set for March 6, 2009, required by Wis. Stat.

§ 125.12 (2) (b) until further order and notice of the Licenses Committee of the Milwaukee Common Council.

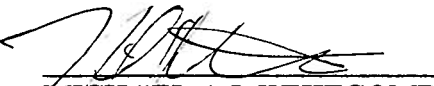
3. At the request of the licensees the Licenses Committee shall schedule the revocation hearing as soon as is reasonably practicable.

4. In the event the Licenses Committee recommends a suspension of said licenses as a result of the hearing on the complaints of the Complainants, the parties will recommend to the Licenses Committee that the time during which the licenses were surrendered will be credited toward any suspension that may be imposed by the Licenses Committee and the Common Council. In the event any suspension imposed is less than the period of time that the licenses were surrendered, the licensees know and understand that no recourse shall be had in that eventuality.

Dated: 3/5/09


ROBIN A. PEDERSON
Assistant City Attorney

Dated: 3-5-09


MICHAEL A.I. WHITCOMB
Attorney for Jennie M. Luell
and Eddie J. Nuell

143455