

JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

February 24, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 051382

Attached are written objections to the recommendation of renewal, with a 20-day suspension, based on the police report, of the Class "B" Tavern license of Enrique Terrones for the premises at 1631 W. Grant St. ("Primos Place") in the 13th aldermanic district. (Committee vote: Ayes: 3, Noes: 1)

This matter will be heard by the full Council at its February 28, 2006 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,


James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 051382

MICHAEL J. KNOELLER

Attorney at Law

CITY OF MILWAUKEE

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RONALD D. LEONHARDT
CITY CLERK

February 20, 2006

Mr. Ronald D. Leonhardt
City Clerk, City of Milwaukee
Room 205, City Hall
200 East Wells Street
Milwaukee, WI 53202-3567

Re: Renewal of License w/ 20 day suspension
Primo's Place, 1631 W. Grant St.
Enrique Terrones, Licensee

Dear Mr. Leonhardt,

I am in receipt of your notice of renewal with 20 day suspension with respect to the above establishment and have been requested to respond. The concerns of the licensee revolve not so much with the decision but rather with the wording of the paragraphs regarding one Pedro Monroy, a patron of the establishment, who engaged in wrongdoing on the premises without the knowledge of the licensee.

Paragraph J of the Findings of Fact has been transcribed directly from the original attachment to the Notice of Hearing. It contains the internal discrepancy of stating in one paragraph that Monroy, a licensed bartender, but not a bartender at Primo's, was the "only licensed bartender on the premises" and then states that "another bartender [also licensed]...was also on the premises". The problem is that the entire tone of the paragraph was shaded in an attempt to indicate that Monroy was a bartender at Primo's. This could not be farther from the truth. The obvious insinuation was that someone in charge of the premises was engaged in illegal activity. This is also completely unfounded and the truth of the matter was brought forth at the hearing before Utilities and Licensing. One alderman even spoke at length regarding this misleading wording. Mr. Terrones accepts that Monroy was, unknown to him, engaged in illegal activity on the premises. When he discovered this Monroy was banned from the premises and no further problems occurred. However, he cannot accept the inclusion in the "Finding of Fact", that which was not ever maintained before the Committee. It could only lead to an unjustified "history" should the question of renewal ever again come before the Committee. Accordingly, the denomination of Monroy as a bartender, serving no relevant purpose since he was not a bartender at the licensed premises, should be deleted.

Also of note is paragraph numbered "2" of the Conclusions of Law. It first states that the licensee "has not met the criteria... to allow renewal ...with a twenty (20) day suspension."

Telephone (414) 383-9438

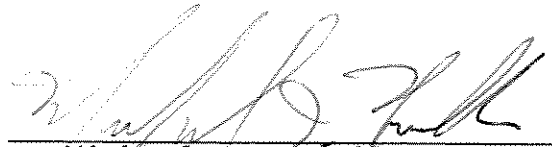
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Then paragraph numbered "3" goes on to state that "it is the recommendation of the Licenses Committee"..that the full Common Council "exercise its discretion to renew with a twenty (20) day suspension...".

And the recommendation is for renewal with a twenty day suspension. Paragraph numbered "2" should be deleted as it is in direct conflict with the recommendation of the Committee.

Cleaning up the February 16, 2006 "Recommendation" according to the lines stated in this letter should be accomplished prior to the consideration by the Common Council. An inaccurate document, although it may have been done by inadvertance, should not be made part of the record against this establishment or against any establishment. In order to bring this matter to the attention of the Committee, I am forwarding a photocopy of this document to the Chairman of the Licenses Committee.

Yours very truly,



Michael J. Knoeller
Attorney for Licensee

MJK'el

cc: James N. Witkowiak
Chairman of Licenses Committee

City Attorney - Bruce Schrimpf