



**IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.**

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

**IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK**

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

**IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED**

**PLEASE READ CAREFULLY:**

This Board may only determine if the City Department followed proper administrative procedures. It cannot hear appeals as to whether a Building Order is valid or not (those must be appealed to the Standards and Appeals Commission).

**TO:** Administrative Review Appeals Board  
City Hall, Rm. 205  
200 E. Wells St.  
Milwaukee, WI 53202  
(414) 286-2231

**DATE:** 5/4/2021

**RE:** 4200 W Burlingame Street Milwaukee, WI 53210  
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by Milwaukee Police Department  
(Name of City Department)

Amount of the charges \$ \_\_\_\_\_

Charge relative to: 42nd Street Bar & Grill. Shots fired on premises

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

Please see the attached letter with additional enclosures regarding the details of this occurrence

/s/ Atty. Patrick Cavanaugh Brennan

Signature

Patrick C. Brennan

Name (please print)

1110 N Old World 3rd Street Ste. 200  
Mailing address and zip code

414-763-4200  
Daytime phone numbers

pbrennan@brennanlawllc.com

E-Mail Address(s)

BRENNAN LAW OFFICES, L.L.C.

River Front Plaza

Suite 200

1110 North Old World Third Street

Milwaukee, WI 53203

Telephone (414) 763-4200

Fax (414) 231-9810

May 6, 2021

Carolyn Birch

District Commander Milwaukee Police Department

749 West State Street

Milwaukee, WI 53233

**Re: 42<sup>nd</sup> Street Bar & Grill**

Dear Ms. Birch :

I am writing this letter on behalf of my client, *42<sup>nd</sup> Street Bar & Grill*, in response to your April 26<sup>th</sup>, 2021 letter. That letter was sent to the establishment's licensee, Sherlise Jewel. It was received by Ms. Jewell on April 29<sup>th</sup>, 2021. This letter and my client's "Chronic Nuisance Premises" determination appeal are thus timely, and will serve as *42<sup>nd</sup> Street Bar & Grill* and Ms. Jewell's formal response to your April 26<sup>th</sup>, 2021 letter.

In your letter, you make reference to **two (2)** incidents, on the basis of which you classify *42<sup>nd</sup> Street Bar & Grill* as a "Chronic Nuisance Premises" , pursuant to Milwaukee City Ordinance §80.10. Your department's determination in that regard is defective for two (2) separate reasons.

First, in your April 26<sup>th</sup>, 2021 letter, you allege only **two (2)** incidents which you characterize as "nuisance activities" that took place at the subject premises. Pursuant to §80.10, in order for a premises to be found to be a "Chronic Nuisance Premises", it must have been involved in **three (3) or more** such events. Your failure to allege three (3) such events in your April 26<sup>th</sup>, 2021 letter *disqualifies* the subject premise from being subject to a "Chronic Nuisance Premises" designation. Consequently, on its face your purported "Chronic Nuisance Premises" designation is both legally defective and demonstrably unlawful.

Second, even though, based on what is stated in the previous paragraph, it is unnecessary for me to address either of the two (2) events which you reference in your

April 26<sup>th</sup>, 2021 letter, I will offer the following in regard to the second of the two (2) alleged "nuisance activities" you listed.

On April 25<sup>th</sup>, 2021, individuals attempted to enter *42nd Street Bar & Grill*, but were denied entrance by the establishment's security staff. One of those individuals pulled out a firearm and pointed it in the direction of a member of the security staff, who responded by defending himself and the establishment by firing his weapon. That matter was recently reviewed by the Milwaukee County District Attorney's Office, and it was definitively determined that the shooting was undertaken in **self-defense**.

None of the individuals who were refused entrance to *42nd Street Bar & Grill* on April 25<sup>th</sup>, 2021 had any affiliation whatsoever with the establishment. None of them ever set foot in the establishment. In fact, as previously noted, they were denied entrance to the establishment. Consequently, it cannot reasonably or truthfully be stated that any person associated with the premises known as *42nd Street Bar & Grill* engaged in "nuisance activity" with respect to that event.

Finally, in your letter you make reference to "nuisance abatement" measures which my client could undertake to ameliorate the supposed "nuisance" activities you claim have taken place there. I can advise that *42nd Street Bar & Grill*, which, incidentally, has been in operation for **thirteen (13) years**, already has more than adequate security measures in place at the establishment.

I am today filing a timely appeal of the nuisance determination referenced in your April 26<sup>th</sup>, 2021 letter with the Administrative Review Appeals Board. Any further correspondence your department generates in regard to this matter should be directed to my attention.

Very truly yours,

BRENNAN LAW OFFICES, L.L.C.

PATRICK CAVANAUGH BRENNAN, ESQ.

PCB:rjs

c.c. 42<sup>nd</sup> Street Bar & Grill

c.c. Administrative Appeals Board (via hand-delivery and email)

BRENNAN LAW OFFICES, L.L.C.

River Front Plaza

Suite 200

1110 North Old World Third Street

Milwaukee, WI 53203

Telephone (414) 763-4200

Fax (414) 231-9810

May 6, 2021

Administrative Review Appeals Board

City Hall – Room 205

200 E. Wells Street

Milwaukee, WI 53202

Via: Hand Delivery and Email

Re: 42<sup>nd</sup> Street Bar & Grill

Dear Sir/Madam:

I am writing this letter on behalf of my client, *42<sup>nd</sup> Street Bar & Grill*. By letter dated April 26<sup>th</sup>, 2021, authored by District Commander Birch, *42<sup>nd</sup> Street Bar & Grill* was informed that the Milwaukee Police Department had determined it was a "Chronic Nuisance Premises" pursuant to Milwaukee City Ordinance §80-10. That letter was received by the licensee, Sherlise Jewell, on April 29<sup>th</sup>, 2021.

By means of this letter and its enclosures, on behalf of *42<sup>nd</sup> Street Bar & Grill*, I am filing a timely formal appeal of MPD's "Chronic Nuisance Premises" determination. Along with this letter I have included a check in the amount of \$25, which I understand to be the applicable filing fee. I have also enclosed a completed Appeal form, as well as a copy of my letter to Ms. Birch.

I will await notification from your office concerning future scheduling.

Very truly yours,

BRENNAN LAW OFFICES, L.L.C.

PATRICK CAVANAUGH BRENNAN, ESQ.

PCB:rjs

c.c. Sherlise Jewell w/ enclosures



Milwaukee Police Department  
Police Administration Building  
749 West State Street  
Milwaukee, Wisconsin 53233  
<http://www.milwaukee.gov/police>

Jeffrey B. Norman  
Acting Chief of Police

(414) 933-4444

04/26/2021

Sherlise A Jewell  
42<sup>nd</sup> Street Bar & Grill  
6546 N 55<sup>th</sup> St  
Milwaukee, WI 53223

Re: Notice of Nuisance Premises

Dear Sherlise A Jewell:

This letter is notice to you that the Milwaukee Chief of Police, by the chief's designee, the district commander, has determined that the premises located at 4200 W Burleigh St ("the premises") is a nuisance pursuant to Milwaukee Code of Ordinances ("MCO") 80-10, Chronic Nuisance Premises. As an individual or entity that is licensed or subject to a license in the operation of a business upon the premises, you are a responsible party for abating the nuisance activities occurring at the premises.

The Milwaukee Police Department has responded to the following described nuisance activities at the premises on the corresponding dates, which qualify the premises as a nuisance:

1. On January 3, 2021 at 12:11A.M. a shotspotter call was placed to the Milwaukee Police Department regarding a shots fired at the premises. This call for service was given computer aided dispatch # 21-003-0017. Officers were dispatched to the location to check on the complaint and were able to obtain evidence of a reckless use of weapon. This is a violation of MCO 80-10-2-C-1-L.
2. On April 25, 2021 at 12:50 A.M. a call was placed to the Milwaukee Police Department regarding a shooting at the premises. This call for service was given computer aided dispatch # 21-115-0090. Officers were dispatched to the location to check on the complaint and were able to obtain evidence that a shooting had occurred on the premises. This is a violation of MCO 80-10-2-C-1-L

As a consequence, you may be subject to a collections action for the cost of future enforcement for any of the nuisance activities listed in MCO 80-10-2-c that occur at the premises.

You are directed to respond to my office within 10 days of receipt of this notice with an acceptable, written course of action that you will undertake to abate the nuisance activities occurring at the premises, or file an appeal. You may appeal this nuisance determination to the

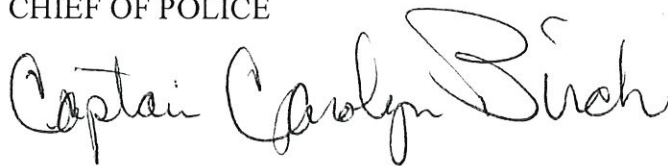
- Draft and serve a no trespassing order against identified nuisance persons and provide the local police district station a copy of the served order.
  - Install and maintain a digital security surveillance system.
  - Employ security personnel.
  - Enroll in Respect 21 or MARTS program (contact CLO for more information)
  - Make repairs to windows, doors and lights and improve landscaping.
  - Participate in the City Clerk's Office Pivot Program workshop for businesses.
- Information on this training program may be obtained by emailing [pivot@milwaukee.gov](mailto:pivot@milwaukee.gov).
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Once you have been billed for the costs of police services and enforcement for three or more separate nuisance activities within one year of the date of this notice of nuisance premises, the premises may be designated a chronic nuisance, pursuant to MCO 80-10-6, and each and every subsequent incident of nuisance activity at the premises may be deemed a separate violation and result in a citation being issued to you for failure to abate the nuisance activity. Each citation would subject you to a forfeiture of not less than \$1,000.00 or more than \$5,000.00. Upon default of payment of a chronic nuisance citation you would be subject to imprisonment in the county jail or house of correction for a period of not less than 40 days or more than 90 days for each violation.

Please contact P.O. Bowie Buchner at 414-935-7314 with any questions, and I look forward to hearing from you.

Best regards,

Jeffrey Norman  
CHIEF OF POLICE

A handwritten signature in cursive script that reads "Captain Carolyn Birch". The signature is written in dark ink and is positioned below the typed name of the District Commander.

Carolyn Birch  
DISTRICT COMMANDER

Attachment: Copy of Milwaukee City Ordinance 80-10  
CC: City Clerk – License Division  
Common Council, City Hall – Ald. Khalif Rainey  
Sherlise Jewell



## Receipt of A.R.A.B. Appeal Fee

Date:	5/7/21
Received Of:	Atty. Patrick Cavanaugh Brennan
Property at:	4200 W. Burleigh St.
Received By:	LME
Check # (If Applicable):	2754 \$25.00