

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

February 1, 2021

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 200945 contains the following recommendations:

Renewal, with a ten (10) day suspension, based on the police report and neighborhood testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises licenses for Patrice Dickerson for the premises located at 340 W Reservoir Ave. ("Lounge 340, LLC") in the 6th aldermanic district.

Renewal, with a ninety (90) day suspension, based on the police report, video, and applicant, aldermanic, and neighborhood testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises licenses for Joyce Hill for the premises located at 6901-05 W Brown Deer Rd. ("Retox Martini Lounge") in the 9th aldermanic district.

Respectfully,

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
File 200945



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- Wisconsin Center District Board

Date: January 29, 2021

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 with Change of Shareholder and Entertainment Adding Karaoke and Poetry Readings of Patrice Dickerson, Agent for Lounge 340, LLC, for the premises located at 340 West Reservoir Avenue in the City and County of Milwaukee, Wisconsin ("Lounge 340, LLC").

FINDINGS OF FACT

1. Patrice Dickerson (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, and PEP Licenses for the premises located at 340 West Reservoir Avenue in the City and County of Milwaukee, Wisconsin ("Lounge 340, LLC"). Said licenses expire at midnight on February 19, 2021.
2. An application to renew said licenses was filed with the Office of the City Clerk on December 11, 2019.
3. Pursuant to Chapters 68, 82, 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 December 16, 2019, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On January 13, 2021, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on January 26, 2021, commencing at approximately 10:00 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared, and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On February 28, 2019, 10:18 pm, officers investigated a noise complaint at 340 West Reservoir Avenue, Lounge 340. The caller did not want to be a complainant,



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PHONE (414) 286-2994 FAX (414) 286-3456 E-MAIL mcoggs@milwaukee.gov

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but wanted officers to speak with the business. The caller was concerned because the location was not supposed to open until March 1, 2019. Officers arrived at the business and spoke to the agent and manager. The agent informed officers they were conducting a soft opening. The agent stated she did not want to be known as a bar that causes problems and wanted to work with police. She further stated this was her first bar and wanted to know if they made any mistakes so they could correct the problems. The officers provided them with their contact information in case they had further questions. No violations were observed.

- B. On April 27, 2019 at 11:46 pm officers were dispatched to 340 Lounge, 340 West Reservoir Avenue, for a Noise Nuisance. The caller stated he could hear music coming from the bar across the street while he was inside his residence. The caller stated his windows were shaking and he would be a complainant for a citation. The officers spoke with Kamesha LEWIS at the bar. She stated she had an ongoing problem with the caller. The officers advised a citation would be issued. On May 2, 2019 the officers went to the bar to issue the citation. They parked down the street and could hear music coming from bar and observed numerous parking violations. They spoke with security about having the autos moved, and security agreed to have the issues resolved. The officers spoke with the Licensee about the music and advised her the caller would continue to call if the problem was not resolved.

Charge: Noise Nuisance
Finding: Guilty
Sentence: Fined \$240.00
Date: 01/10/2020
Case: 19055351

- C. On May 14, 2019 at 9:46 pm officers were dispatched to 340 Lounge, 340 West Reservoir Avenue, for a Noise Nuisance. The caller stated between 7-9 pm the music coming from 340 West Reservoir Avenue was so loud it was shaking his windows. The officers spoke with the agent and advised her she could have DNS measure noise levels for the tavern. The Licensee was issued a citation for Noise Nuisance.

Charge: Noise Nuisance
Finding: Guilty
Sentence: Fined \$240.00
Date: 02/03/2020
Case: 19049782

- D. On October 26, 2019 at 11:34 pm officers were dispatched to 340 Lounge, 340 West Reservoir Avenue for a Noise Nuisance. The officer spoke with the caller who stated the music was going on throughout the night and he could hear the bass inside his home. The officers parked down the block and could hear music coming from the bar. The music was turned down when they were observed by the bar. They spoke with the Licensee who they observed outside the bar. She stated she

was having a birthday party and she turned it down when she realized it was too loud. The Licensee was issued a citation for Noise Nuisance.

Charge: Noise Nuisance
Finding: Guilty
Sentence: Fined \$240.00
Date: 01/31/2020
Case: 19055114

- E. On December 11, 2019 officers conducted a licensed premise check at 340 Lounge, 340 West Reservoir Avenue. The officer spoke with the Licensee about her plans for New Year's Eve. She stated she would be open until about 4:00 am, having family and friends over. They also spoke with security who stated he owns a security company and he would have two guards at the bar on New Year's Eve.
- F. On March 17, 2020 at 10:19 pm officers conducted a license premise check at Lounge 340, 340 West Reservoir Avenue. The officers found the bar closed in compliance with the order issued by the Governor.
- G. On November 25, 2020 at 10:46 pm officers conducted a license premise check at Lounge 340, 340 West Reservoir Avenue. The business was closed.
- H. On November 26, 2020 at 10:00 pm officers conducted a license premise check at Lounge 340, 340 West Reservoir Avenue. The officer spoke with the Licensee about her plans for New Year's Eve. She stated they would be open from 8 pm to 1 am but no later. The officers observed no violations.
- I. Alderman Kovac moved to hold to the call of the chair based on nonappearance. (Prevailed 5-0)
- J. Alderman Borkowski moved reconsideration. (Prevailed 5-0)
- K. The Licensee apologized that the shooting incident occurred, but stated it was a domestic violence incident that could have happened anywhere because her partner's husband just snapped off. She stated that she is barely even open because of COVID, and she's only open Thursday - Saturday and Sun or if there is a football or basketball game.

Individuals present in opposition:

- L. Jay Peters 1839 N Vel R Phillips Ave stated there were no issues with the previous owners because they kept the noise down and they were respectful. He added that the premises is so loud he could hear the music over his TV. He stated that he moved because he felt unsafe with the operations of the premises.
- M. Brandis Ohlsson 1839 N Vel R Phillips Ave stated having the premises across the street is a nightmare. She added that she has gone out on her porch and ask people to turn down their radios. She stated that there is always trash outside her house and

noise from patrons leaving. She added that she has called the police to report the noise 4 times. She stated that the premises does not work with the neighborhood and it does not belong in a residential area.

- N. Father Michael Bertram 327 W Brown St stated he is the pastor of the church across the street and there is always noise at the premises. He added that he is always picking up trash on Sunday morning from the premises the night before. He stated that the monastery is being renovated for housing senior friars. He added that there will be more traffic in the area and people already do not follow the traffic signals. He stated that the premises have done nothing to improve the neighborhood or respond to neighbor concerns.
- O. Alderwoman Coggs stated she held a community meeting last March after the shooting. She added that the shooting involved the police, and it was not just patrons fighting. She stated that at the meeting there was concern about what happened, but there was also support for the Licensee. She added that this location has been a tavern for decades, but it is really a question of how it is being run. She stated that she is not comfortable expanding the license until neighborhood concerns are addressed. She added that noise seems to be a consistent issue at the premises since they opened. She stated that the Licensee needs to find a way to run a business without disturbing residents.
- P. Alderwoman Coggs moved to hold to the call of the chair Adding Karaoke to the Public Entertainment Premises license application. (Prevailed 5-0)
- Q. Alderwoman Coggs moved approval as amended with a 10-day suspension based on the police report and neighborhood testimony. (Prevailed 5-0)

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, Patrice Dickerson who holds Class B Tavern, Food Dealer, and Public Entertainment Premise (PEP) licenses with Change of Shareholder and Entertainment Adding Karaoke and Poetry Readings for the premise located at 340 West Reservoir Avenue in the City and County of Milwaukee, Wisconsin ("Lounge 340, LLC") has not met the criteria of Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to not renew the Class B Tavern, Food Dealer and Public Entertainment Premises with Change of Shareholder and Entertainment Adding Karaoke and Poetry Readings without undergoing a ten (10) 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 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 Premise (PEP) licenses with Change of Shareholder and Entertainment Adding Karaoke and Poetry Readings for the premises located at 340 West Reservoir Avenue in the City and County of Milwaukee, Wisconsin ("Lounge 340, LLC") without undergoing a ten (10) day suspension. The Committee based its recommendation on the police report 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 Class "B" Tavern and Public Entertainment Premises (PEP) Licenses with Change of Shareholder and Entertainment Adding Karaoke and Poetry Readings of Patrice Dickerson for the premises located at 340 West Reservoir Avenue ("Lounge 340, LLC") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a ten (10) day suspension.

The suspension is in effect between 12:01 a.m. on February 20, 2021 until 11:59 p.m. on March 1, 2021.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2021.



MILELE A. COGGS
Chair, Licenses Committee

/273127

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VICE CHAIR

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- Steering and Rules Committee
- Wisconsin Center District Board

MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

Date: January 29, 2021

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 with Change of Hours From Sunday-Saturday Open 11 AM and Close 2 AM to Open 12 PM Sunday-Friday and Close Sunday 6 PM and Monday-Saturday 8 PM of Joyce Hill, Agent for Retox Martini Lounge LLC, for the premises located at 6901-05 West Brown Deer Road in the City and County of Milwaukee, Wisconsin ("Retox Martini Lounge LLC").

FINDINGS OF FACT

1. Joyce Hill (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, and PEP Licenses for the premises located at 6901-05 West Brown Deer Road in the City and County of Milwaukee, Wisconsin ("Retox Martini Lounge LLC"). Said licenses expired at midnight on January 20, 2021.
2. An application to renew said licenses was filed with the Office of the City Clerk on December 16, 2020.
3. Pursuant to Chapters 68, 82, 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 January 4, 2021, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On January 15, 2021, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on January 26, 2021, commencing at approximately 1:20 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 Andrew Arena and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:



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- A. On June 27, 2020 at 1:44 am officers were dispatched to 6901 West Brown Deer Road for a possible shots fired complaint. The officer met Brown Deer Police, who had been dispatched to Wal-Mart at 6300 W. Brown Deer Road. When they arrived at Wal-Mart, witnesses stated there was a shooting at Retox Martini Lounge. Brown Deer Police responded to that location and observed numerous cars fleeing the parking lot. They spoke with the bartender, who stated there was no problem and they would need a warrant to look around. Milwaukee Police Department officers searched the parking lot and found 11 casings. The officers spoke with a citizen, who stated her nephew was shot in the leg but they were unable to locate a victim.
- B. On July 10, 2020 a meeting was held at District Four regarding the shooting at Retox on June 27, 2020. The officer asked the Licensee why the officers were denied entry. The Licensee's son, Larry WILLIAMS, stated he did not deny Milwaukee Police Department access but did tell the Brown Deer Police that they did not have jurisdiction. WILLIAMS stated they have ID Scanners, wands, and security. He stated the cameras are not working because of water damage. The Licensee stated she will work with the police because she wants a safe establishment. She stated she would invest in parking lot security and have the cameras fixed soon.
- C. On October 30, 2020 at 9:21 pm officers conducted a license premise check at Retox Martini Lounge, 6901 West Brown Deer Road. The officers observed security staff patrolling the parking lot as well as the interior of the building. They spoke with the manager, Larry WILLIAMS, who presented his plan that was approved by the Health Department for safe operation. He stated the dance floor would be closed off and all patrons wearing masks. At 1:26 am the officers returned and saw security in the parking lot directing traffic to assist vehicles exiting in a timely manner. The officers did not observe any violations.
- D. On November 30, 2020 at 12:53 am officers were dispatched to a shots fired at 6901 West Brown Deer Road. The officers spoke with Larry WILLIAMS, who stated he is the owner's son. He stated there was a fight in the main bar area but no shots were fired. He stated it is hard to pull up the security footage so he would only show the officers the video if they found casings. The officers spoke with a caller, who stated she heard 7-8 shots but was not sure if they were inside or outside. The officers did not locate any victims or evidence of shots fired.
- E. On December 20, 2020 at 1:27 am officers were dispatched to Retox Martini Lounge, 6901 West Brown Deer Road for a Call for Police. The officers observed several groups of people fighting in the parking lot. The officers were able to break up the fights. The officers and security were able to eventually clear the parking lot. The manager was on scene and cooperative.
- F. On December 30, 2020 at 7:41 pm officers conducted a license premise check at Retox Martini Lounge, 6901 West Brown Deer Road. The officers spoke with Larry WILLIAMS, who is operating the bar. The officer stated he wanted to speak with security about the procedures they are using at the business. WILLIAMS stated he

was hiring a new company and he would rotate the guards to different spots to prevent them from becoming comfortable in one spot. He also stated he has ordered a new camera system. He stated there have been incidents in the parking lot and across the street at Aldi and Wal-Mart, but not inside his business. WILLIAMS also stated that he has security in the parking lot, which has helped keep car break-ins down. He also believes his business is being blamed for issues in the surrounding area.

- G. On January 2, 2021 at 2:06 am officers were dispatched to an Active shooter at Retox Martini Lounge, 6901 West Brown Deer Road. The officers cleared the business but found no evidence of an active shooter or any shots being fired. The officers spoke with Larry WILLIAMS, who stated he is the owner's son. He said there were no shots fired and thinks someone called from the parking lot.
- H. The Licensee stated the complaints are not valid. She indicated that because of her age and the pandemic, she has not been running the club in person. She noted that the club did not put the flyers up, but was the event did occur at the location. She also noted that club employees took the flyers down off the light poles once they were alerted to the issues. The Licensee noted that the establishment was willing to work with the City in any capacity to reduce the problems at the establishment. The Licensee added that they have licensed and bonded security, and bring in additional professional security for large events.
- I. At the request of the local alderperson, video was shown of an event occurring inside the establishment. The length of the video was approximately 2:00. The video showed an artist performing on stage with numerous individuals in close proximity. The people in the video were not social distancing, not wearing masks, and smoke could be seen in the video. Hookahs could also be seen in the video. All of the behavior seen in the video is in direct contravention of the regulations imposed by the City of Milwaukee Health Department on businesses open during the pandemic. The Licensee also acknowledged that this was the event that led to the complaints about the flyers on Brown Deer Road, in contravention of the City's regulations regarding advertisements.

Appearing with the Licensee:

- J. Attorney Andrew Arena stated #2 in the police report was from people were shooting at each other while vehicles were driving down the road. He added that the police are always welcome at the premises. He stated that security is important to the premises. Attorney Arena noted that the Licensee had seen the video and were aware of what it showed.
- K. Mr. Williams explained that he is the Licensee's son, and that he has been monitoring the premises while his mother is avoiding large events due to the pandemic. He noted that he does not have a manager's license, but that there is always an individual with a manager's license on staff at the establishment. He noted that the reason his name appears in the police report as "the manager" is because the police talk to him when they arrive. He noted that he is happy to get a

manager's license if he needs to, but there is always a licensed manager on the premises. With regard to the flyers for the album release party, he explained that the artist's promotion team put those flyers up without the business' knowledge or consent. Once he became aware of the flyers, he took them down once the bar closed. He explained that he did not have the equipment to take flyers down from the telephone or light poles, but as soon as he could, he removed them.

- L. With regard to the video, he explained that he was aware of the mask and distancing requirements and acknowledged that the video showed patrons disregarding those requirements. He testified that the people in the video were guests that came with the artist who was performing, and that they were difficult to control. He acknowledged that he was aware of the CDC and City of Milwaukee COVID-19 guidance and that what was shown in the videos did not comport with those regulations. He also did not have an explanation of why hookah was being sold in the establishment.
- M. Mr. Williams testified that regarding the police, he did not refuse entry to the police, nor did he attempt to obstruct them. However, he did tell the police that they needed to show him evidence that the incident occurred at the establishment. He noted that the establishment is always cooperative with the authorities.

Individuals present in opposition:

- N. Dorothy Sommers, 6840 W Granville Cir #107 stated the premises is extremely noisy. She added at closing time she can hear fights and tires screeching.

Individuals also present:

- O. Wanda Montgomery, 7856 N 47th St Brown Deer, Wisconsin, stated she has received complaints from residents regarding this premises. She added that in December she saw flyers all up and down Brown Deer Road and then contacted Alderwoman Lewis about the event.
- P. Deputy Commissioner Claire Evers of the City of Milwaukee Health Department testified regarding the COVID plan. She noted that nothing in the videos complied with any COVID regulations promulgated by experts, and that the Licensee should have been aware of those regulations. She also testified that they had received complaints about this location during the early period of the pandemic, but at that time, did not have the staff to adequately respond to every complaint.
- Q. Alderwoman Chanita Lewis, the local alderperson, stated the Licensee is directly disregarding rules and regulation. She added that there is a willful disregard for license regulations and COVID plans. Ald. Lewis noted that she has received extensive complaints about this location from citizens in the district. She contrasted the level of complaints at the location under the current agent's management with the old ownership. She observed that based on her review of the reports of the previous ownership, and neighborhood complaints, the establishment was run much better under the old ownership. Ald. Lewis indicated that the licensee is generally

responsive when there is an immediate complaint, but the same issues continue to occur. She further testified that she received multiple reports that the establishment was open and operating during the early days of the pandemic, even during the Governor's Stay at Home order that would have mandated its close. She testified that she lacked confidence that the current agent and management have the ability to meaningfully address the issues at the location and could not support renewal of the licenses.

- R. The Licensee agreed to reduce the hours of operation at the establishment in an attempt to reduce the problems created by the establishment. The Licensee also agreed to stop doing business with promoters. With those changed to the plan of operation, Ald. Lewis agreed to support renewal, but with a 90-day suspension. Alderwoman Lewis moved to amend the plan of operation to remove promoters. (Prevailed 5-0)
- S. Alderwoman Lewis moved approval as amended with a 90-day suspension based on the police report, video, neighborhood, aldermanic, and applicant testimony. (Prevailed 5-0)

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, Joyce Hill who holds Class B Tavern, Food Dealer, and Public Entertainment Premise (PEP) licenses with Change of Hours From Sunday-Saturday Open 11 AM and Close 2 AM to Open 12 PM Sunday-Friday and Close Sunday 6 PM and Monday-Saturday 8 PM for the premise located at 6901-05 West Brown Deer Road in the City and County of Milwaukee, Wisconsin ("Retox Martini Lounge LLC") has not met the criteria of Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to not renew the Class B Tavern, Food Dealer and Public Entertainment Premises with Change of Hours From Sunday-Saturday Open 11 AM and Close 2 AM to Open 12 PM Sunday-Friday and Close Sunday 6 PM and Monday-Saturday 8 PM without undergoing a ninety (90) 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, video, Licensee, 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 Premise (PEP) licenses with Change of Hours From Sunday-Saturday Open 11 AM and Close 2 AM to Open 12 PM Sunday-Friday and Close Sunday 6 PM and Monday-Saturday 8 PM for the premises located at 6901-05 West Brown Deer Road in the City and County of Milwaukee, Wisconsin ("Retox Martini Lounge LLC") without undergoing a ninety (90) day suspension. The

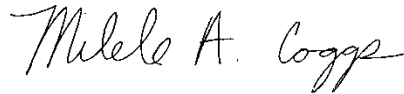
Committee based its recommendation on the police report, video, Licensee, aldermanic and neighborhood testimony.

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 Class "B" Tavern and Public Entertainment Premises (PEP) Licenses with Change of Hours From Sunday-Saturday Open 11 AM and Close 2 AM to Open 12 PM Sunday-Friday and Close Sunday 6 PM and Monday-Saturday 8 PM of Joyce Hill for the premises located at 6901-05 West Brown Deer Road ("Retox Martini Lounge LLC") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a ninety (90) day suspension.

The suspension is in effect from February 9, 2021 until 11:59 on May 9, 2021.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2021.



MILELE A. COGGS
Chair, Licenses Committee

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