

COMMITTEE ASSIGNMENTS

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- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

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- 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

Date: September 11, 2020

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses with Change of Entertainment Adding Comedy Acts and Battle of the Bands of Miguel A. Martinez, Agent for The Flow DJ's Entertainment LLC, for the premises located at 828 South 1st Street in the City and County of Milwaukee, Wisconsin ("VIP Lounge").

FINDINGS OF FACT

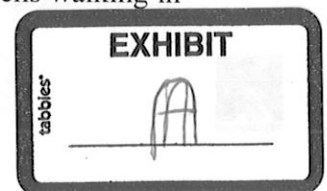
1. Miguel A. Martinez (hereinafter "the Licensee") is the holder of Class "B" Tavern and PEP Licenses for the premises located at 828 South 1st Street in the City and County of Milwaukee, Wisconsin ("VIP Lounge"). Said licenses expire at midnight on September 23, 2020.
2. An application to renew said licenses was filed with the Office of the City Clerk on July 21, 2020.
3. Pursuant to Chapters 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 August 26, 2020, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On August 26, 2020, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 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 September 4, 2020, commencing at approximately 2:20 p.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.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On August 11, 2019 at 2:23 am, Milwaukee Police were dispatched to 828 South 1st Street for a fight complaint. Upon arrival, officers observed several broken beer bottles on the street in front of 828 South 1st Street and several citizens walking in



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the alley attempting to enter the rear of the tavern. After several knocks on the locked front entrance door, security allowed officers to enter. The Licensee was informed that there was a fight outside and that officers needed to review surveillance footage. While reviewing the footage, officers could hear noise coming from above the establishment and when they went to investigate, officers found approximately 30 patrons in a living room area drinking beer (some of which were the citizens the officers observed earlier trying to enter the back of the tavern). The Licensee said that he had no idea how the patron got to the second level and that he was not having an "after party". One of the officers observed security of the establishment allow patrons to enter through the rear entrance but no citations were issued because officers could not prove the Licensee was aware there were patrons inside his establishment.

- B. On August 18, 2019 at 3:20 am, Milwaukee Police were dispatched to 828 South 1st Street to investigate an after-hour tavern violation. Upon arrival, officers were greeted by the Licensee who was cooperative and stated that there were only his seven employees inside the establishment, and officers did not observe any open alcoholic beverages inside.
- C. On September 22, 2019 at 1:40 am, Milwaukee Police were dispatched to 838 South 1st Street for a subject with weapon complaint. Investigation revealed that a fight occurred at 828 South 1st Street and one of the subjects went to their vehicle and retrieved a baseball bat. Security at 828 South 1st Street stated that there was no fight but they did walk a subject to his vehicle and he did try to arm himself with a baseball bat but was stopped by security and the subject drove away.
- D. On November 10, 2019 at 2:06 am, Milwaukee Police investigated a fight that occurred at 828 South 1st Street. Surveillance footage revealed that two subjects entered the back room where a band was and they had their arms around each other. A short time later, both subjects come out of the room, exchange words with each other, and one actor strikes the other several times in the face. The subject that was punched falls into a corner, security comes and separates the subjects, and the striking actor is escorted outside the business. The Licensee said that he did not call police.
- E. On August 1, 2020 officers investigated a sexual assault that occurred at VIP Lounge, 828 South 1st Street. The victim stated she was at the bar closing out her tab when a subject grabbed her buttocks. She confronted the subject who walked out of the bar. The victim stated none of her friends witnessed the incident.
- F. On August 16, 2020 officers investigated a shots fired complaint at 904 South 1st Street. The caller stated he heard shots being fired and looked out his window and saw a car in the parking lot of VIP Lounge, 828 South 1st Street. He stated he observed the passenger of the auto shooting a gun in the air. The officer advised the Licensee of this incident.
- G. The Licensee stated #17 on the police report is about an apartment upstairs unrelated to the licensed premise that the police entered without permission, and the



tenant was having a party upstairs. He added that he closes at 2 a.m. and he is concerned about after-hours issues and that is why he has security. He stated that #22 in the police report happened after he was closed and the police never asked him about it. He added that this is not the first time Mr. Hamilton complained about his premises and garbage. He stated that he is a good neighbor and he does not have a problem with his parking lot. He added that there are 4-5 bars in the area and they all park in his lot. He stated that he is going to put a fence around his parking lot. He added that he only has security on Saturday, with six guards inside and two outside in a patrol car around the parking lot, and they work from 9 p.m. until 2:30 a.m. He stated that security clears the outside and parking lot of patrons before they go back inside. He added that he does not have security cameras in the parking lot.

Individual present in opposition:

- H. Bob Hamilton, 904 South 1st Street, stated he heard 2 gunshots last weekend, the weekend before he heard 50-60 gunshots on Saturday, and the weekend before that there were 12-14 shots fired. He added that he went outside to talk to police and witnessed piles of gun shell casings. He stated that he saw a guy holding his arm out the window and firing a gun. He added that he has tenants and they are afraid to go outside and are threatening to leave. He stated that this is out of control, he is concerned for his safety, and this is a frequent occurrence. He added that he called the police 3 weekends in a row. He stated that it is the customers coming from the parking lot of the premises and when the bar is closed there are no issues. He added that there have been issues at the premises since day one and he is worried about someone being killed.

Individuals also present:

- I. Alderman Perez stated that he has several concerns about the shots fired incidents, and not calling the police regarding fights. He added that Mr. Hamilton testified before about similar incidents and he has grave concerns.
- J. Milwaukee Police Department Captain Salazar stated this bar is problematic and in the last two months there have been a dozen calls for service causally related to the premises. He added that the number of shots is very concerning, and this is indicative of shootout type activity and multiple shooters. He added that based on his experience, locations that have this level of gunfire often end up with a homicide if the situation is not curtailed.
- K. Alderman Borkowski stated that 22 items on the police report since 2015 seems like a pattern. He added #22 on the police report and the email Alderman Perez received on August 24th seem to be the same incident, but different accounts. He stated that three straight weekends of shooting is out of control, and he would hate to live in that neighborhood. He added that this is outrageous and there should be a stiff penalty. He stated that he does not think the Licensee is taking this seriously and 50-60 gunshots is never acceptable.



- L. Alderwoman Lewis stated that her primary concern is abatement, and that she has not heard a sufficient plan from the applicant to mitigate the danger from the management.
- M. Alderman Kovac moved approval with a 10 day suspension based on the police report, and neighborhood, aldermanic, and police testimony. (Prevailed 4-1)

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 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Miguel A. Martinez who holds Class B Tavern and Public Entertainment Premise (PEP) licenses for the premise located at 828 South 1st Street in the City and County of Milwaukee, Wisconsin ("VIP Lounge") has not met the criteria of Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to not renew the Class B Tavern and Public Entertainment Premises without undergoing a ten (10) day suspension. The Committee finds aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, and aldermanic, police, 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 and Public Entertainment Premise (PEP) licenses for the premises located at 828 South 1st Street in the City and County of Milwaukee, Wisconsin ("VIP Lounge") without undergoing a ten (10) day suspension. The Committee based its recommendation on the police report, and aldermanic, police, and neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes and (1) noes**, recommends that the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Miguel A. Martinez for the premises located at 828 South 1st Street ("VIP Lounge") 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 September 24, 2020 until 11:59 p.m. on October 3, 2020.



Dated and signed at Milwaukee, Wisconsin this 11th day of September, 2020.

Milele A. Coggs

MILELE A. COGGS
Chair, Licenses Committee

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