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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Carolyn Hill Robertson
Deputy City Clerk

February 19, 2002

Dewayne Quinn
Wayne's On Appleton
7964 West Appleton Avenue
Milwaukee, WI 53218

Attorney Jeff Murrell
P.O. Box 579
Milwaukee, WI 53201

Dewayne Quinn
8238 West Glen Avenue
Milwaukee, WI 53218

Dear Mr. Quinn and Attorney Murrell:

You are hereby notified that the Milwaukee Common Council will hold a hearing on March 5, 20002, commencing at 9:30 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider the revocation of the Class "B" Tavern and Tavern Dance License of Dewayne Quinn for the premises located at 7964 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Wayne's On Appleton").

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending revocation of the Class "B" Tavern and Tavern Dance License. The recommendation is the result of a public hearing on the complaints of Kelly Cochrane, Pam Johnson, Kelly Hibl, David Young, Sr., Antonio Young and David Young, Jr., Cindy Fiumefreddo, Eleanor Baron, and Gerald Mortimer before the Committee held on February 8, 2002 and February 15, 2002. The committee recommended that the license be suspended for ninety (90) days.

Dewayne Quinn

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You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,



RONALD D. LEONHARDT

City Clerk

BDS:50094

Enclosure

cc(w/enclosure): Kelly Cochrane

Pam Johnson

Kelly Hibi

David Young, Sr.

Antonio Young and David Young, Jr.

Cindy Fiumefreddo

Eleanor Baron

Gerald Mortimer

License Division

Milwaukee Police Department

City Attorney

Date: February 19, 2002

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Utilities and Licenses Committee of the Class "B" Tavern License and Tavern Dance License held by Dewayne Quinn on the complaints of Kelly Cochrane, Pam Johnson, Kelly Hibl, David Young, Sr., Antonio Young and David Young, Jr., Cindy Fiumefreddo, Eleanor Baron, and Gerald Mortimer, seeking the revocation of the Class "B" Tavern and Tavern Dance License for the premises located at 7964 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Wayne's On Appleton").

FINDINGS OF FACT

1. Dewayne Quinn (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises located at 7964 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Wayne's On Appleton"). Said license was last granted by the Milwaukee Common Council on June 21, 2001 and expires at midnight, June 30, 2002.
2. Complaints seeking the revocation of said license were filed with the Office of the City Clerk and a summons was prepared by the Chairman of the Utilities and Licenses Committee and the City Clerk dated January 31, 2002.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the summons and complaints, together with a copy of Chapter 90-12 of the Milwaukee Code of Ordinances as well as a copy of the current police report regarding this premise was served upon the licensee, Dewayne Quinn, at the premises on February 2, 2002 at 10:45 p.m. That summons commanded the licensee to appear before the Utilities and Licenses Committee on February 8, 2002 at 8:30 a.m. in Room 301-A of the third floor of City Hall, 200 East Well Street, Milwaukee, Wisconsin to show cause why his Class "B" Tavern and Tavern Dance license should not be revoked or suspended. The hearing was commenced and continued on Friday, February 15, 2002.
4. Pursuant to said summons, the licensee appeared before the Utilities and Licenses Committee and was represented by Attorney Jeff Murrell, P.O. Box 579, Milwaukee, WI 53201.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee makes the following findings:

- A. On February 8, 1994 at 12:36 AM, Milwaukee Police Department police officers were dispatched to the licensed premises at 7964 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Wayne's On Appleton") for a battery complaint and criminal damage to property. The investigation revealed that a patron was beaten inside the tavern and his car windows were broken by a known subject. Citations were issued.
- B. On February 9, 1996 at 11:56 PM, Milwaukee Police Department police officers were dispatched to the licensed premises at 7964 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Wayne's On Appleton") for a complaint of a fight. Several people were involved in the fight and two were cited. The licensee stated to officers that he did not know why the fight started.
- C. On Thursday, July 11, 1996 at 10:05 PM, Milwaukee Police Department police officers were dispatched to a complaint of loud music at the license premises at 7964 West Appleton Avenue Milwaukee, Wisconsin "Wayne's On Appleton"). The complainant lived across the alley from the tavern, and stated to police officers that the licensee, Dewayne Quinn, leaves the rear door open and the music and patrons are very loud thus disturbing them. Complainant also stated she had a video recording of the incident and that it happens frequently. Other neighbors confronted the officers and also registered a complaint about the noise. Officers spoke to licensee, Dewayne Quinn, who stated he had the door open for only a short time and that he was tired of his neighbors. The licensee was cited for doors to be kept closed after 10:00 PM and noise nuisance, licensee responsibility. On November 22, 1996 he was issued a one year hold open on both citations. The licensee subsequently built a fence, at the suggestion of then Alderman Dan Schramm to alleviate the noise and control patron traffic in the alley.

- D. During the Month of July 1997 Officers responded to the licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton") regarding information suggesting that there were illegal gambling machines on the premises. Officers determined that there were three electronic-type slot type machines inside the premise, however, while conducting surveillance of the patrons, none of the machines were being used, and no employees of the tavern were observed paying off on these machines. On July 17, 1997 Milwaukee Police Department detectives went to the licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton") and spoke to the owner, Dewayne Quinn who was advised to have the machines removed. This premises was checked on 7/28/97 and 8/22/97 and the machines had been removed as promised. The licensee was issued a warning.
- E. On October 1, 1997 Milwaukee Police Department police officers responded to The licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton") Milwaukee, Wisconsin regarding a complaint of illegal gambling devices in the tavern. Once inside, three video gambling devices were observed in the tavern. The bartender called for the licensee to come to the tavern at the request of the officers. Upon conducting a check of the tavern officers found papers which listed information regarding the video gambling devices as well as a sheet which had names and scores across which appeared to be a record of the payouts on the gambling devices. Also recovered were two sheets of paper which had several columns of numbers as well as pay off information and appeared to be an illegal lottery sheet. Also behind the bar was a large plastic jar which contained about 3,000 illegal pull tab lottery cards. Mr. Quinn was summarily arrested at the scene. He was charged with commercial gambling a felony. On February 1, 1999, he was fined \$1,022.50 on the above charges.
- F. On September 13, 1998 at 10:38 PM Milwaukee Police Department police officers were sent to investigate a trouble with a subject complaint at the licensed premises located at 7964 West Appleton Avenue ("Wayne's On Appleton"). Upon arrival officers were alerted to a subject in the tavern and were informed that the subject was calling out derogatory racial comments, and confronting patrons. This caused a disturbance, which resulted in several customers leaving the business. When interviewed the subject was uncooperative with police and stated that he was employed as a bouncer by the tavern. The bartender stated the subject had been drinking at the location since about 4:00 PM. but was not an employee of the tavern. This subject was arrested and issued a citation for disorderly conduct.

- G. On June 4, 1999 at 1:17 AM, Milwaukee Police Department police officers responded to investigate a battery at the licensed premises 7964 West Appleton Avenue ("Wayne's On Appleton"). Upon their arrival officers found an extremely intoxicated woman who slapped a male patron in the face because the male was taking too long to play a game of pool. The male subject left. An incident report filed.
- H. On July 21, 1999 at 12:56 AM Milwaukee Police Department officers from the Vice Control Division were dispatched to meet officers at the licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton") regarding possible gambling machines and illegal lottery tickets. Upon their arrival, the officers found three video gambling machines and a large quantity of illegal lottery tickets which were being offered for sale. The licensee was cited for operating a gambling place and May 3, 2000 was fined \$200 on that citation.
- I. On Sunday, March 12, 2000 at 1:05 AM Milwaukee Police Department police officers conducted a tavern check at "Wayne's on Appleton" located at 7964 West Appleton Avenue. Upon entering the tavern officers found ten underage persons inside the tavern. All underage persons were issued citations for presence of underage person, and three of these were issued citations for obstructing/resisting issuance of a citation. The licensee, who was on the scene, stated that he did not know how the underage persons slipped in. The licensee was cited for presence of underage person and on May 3, 2000 was found guilty and fined \$346.00.
- J. On June 27, 2000, undercover officer of the Milwaukee Police Department purchased a six-pack of beer from the license premises at 7964 West Appleton Avenue ("Wayne's On Appleton") at 10:30 PM. The licensee was cited for hours of sale and on September 27, 2000 was fined \$336.00 on that citation.
- K. On July 20, 2001 at 11:15 PM Milwaukee Police Department police officers made a lawful inspection of the licensed premises at 7964 West Appleton Avenue ("Wayne's on Appleton"). Officers discovered a number of underage patrons in the tavern. The licensee was cited for presence of underage persons. On November 9, 2001 he was found guilty in the Milwaukee Municipal Court and fined \$346.00.
- L. On August 3, 2001 at 12:26 AM Milwaukee Police Department police officers made a lawful inspection of the licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton"). Officers discovered five underage patrons in the tavern. All the underage patrons were cited for presence of underage and convicted for presence of underage in Municipal Court. The licensee was cited, but that citation was not issued by the City Attorney's office. An incident report was filed.

- M. On August 25, 2001 at 1:45 AM Milwaukee Police Department police officers discovered underage persons on the licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton"). The licensee was cited for presence of underage. On October 19, 2001 he was found guilty in the Municipal Court and fined \$150.00.
- N. On August 26, 2001 at 4:33 PM Milwaukee Police Department police officers made a lawful inspection of the licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton"). Officers observed a number of patrons having an outdoor party, including live music and the service of alcoholic beverages. The applicant had not sought nor had he been issued a temporary extension of premises. On October 16, 2001 the licensee was cited for special extension permit required. On October 16, 2001 he was found guilty and fined \$50.00.
- O. On November 11, 2001 at 2:11 AM Milwaukee Police Department police officers responded to a shooting which occurred outside the licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton"). The investigation revealed that victims and actors were in the licensed premises prior to the shooting. An incident report was filed.
- P. On November 17, 2001 at 2:09 AM Milwaukee Police Department police officers responded to the licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton") regarding a tavern fight. The investigation revealed that pool cues were used as weapons. The investigation further revealed that an intoxicated woman used racial slurs toward a group of black patrons. One of those patrons struck the woman with a pool cue, causing a laceration. Another patron was also struck with a pool cue when he came to the woman's aid. An incident report was filed.
- Q. On December 3, 2001 Milwaukee Police Department police officers were flagged down outside of the licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton"). The investigation revealed that there was a fight in the tavern involving a number of subjects at least one of whom was armed with a baseball bat. Five actors were cited for disorderly conduct, fighting. Two of these actors were underage (18 and 19 years old). An incident report filed. Witnesses to the incident testified that three distinct groups of persons engaged in a fight and that the combatants used boards, tire irons and chairs as weapons.
- R. On December 22, 2001 at 2:31 AM Milwaukee Police Department police officers responded to the licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton") regarding a shooting. Officers observed spent .45 caliber cartridges on the ground in the parking lot. Officers arrested the subject who fired those shots. Officers also arrested

a person they observed placing a handgun in the trash. The police report indicates that. According to the police report, the licensee related he knew the second person as a regular customer, and in fact that he was often armed. The police report further indicates that the licensee did not inform officers that there was an armed subject in the tavern during their investigation outside. The licensee vigorously disputes those facts in the police report and insists that he did not know the individual that deposited the handgun in the trash was armed or that he saw the handgun being placed in the trash. An incident report was filed.

- S. On January 4, 2002 at 1:04 AM Milwaukee Police Department police officers made a lawful inspection of the licensed premises at 7964 West Appleton Avenue ("Wayne's On Appleton") regarding a report of underage patrons in the tavern. Officers discovered three underage women ages 19 and 20. All three were cited for presence of underage. The licensee was cited for presence of underage and also cited for selling alcoholic beverages to underage persons. The licensee was cited for presence of underage and sale to underage which is presently pending in the Municipal Court of the City of Milwaukee on March 1, 2002.
- T. Neighbors have experienced automobiles and motorcycles entering and leaving the parking lot of the licensed premises at 7964 West Appleton Avenue, Milwaukee, Wisconsin ("Wayne's On Appleton") drag racing along Appleton Avenue. The activity usually takes place at closing time. The activity is disturbing to the neighbors and awakens them from sleep. Some of the patrons involved in this activity actually go down the street the wrong way. The activity is worse on weekends and during the summer.
- U. Patrons exiting the licensed premises at 7964 West Appleton Avenue, Milwaukee, Wisconsin ("Wayne's On Appleton") have thrown cans and bottles along Appleton Avenue as well as in the parking lot of the license premises. Further, some patrons have left with glasses of beer they finish outside of the premises and they smash on the ground.
- V. Neighbors have been subjected to patrons revving the engines of cars and motorcycles as well as screeching tires from patrons exiting the licensed premises at 7964 West Appleton Avenue, Milwaukee, Wisconsin ("Wayne's On Appleton").
- W. Neighbors have observed fights taking place in the parking lot at 7964 West Appleton Avenue, Milwaukee, Wisconsin ("Wayne's On Appleton"). In some instances, they have observed the combatants using boards, tire irons, chains and garbage cans as weapons.

- X. Neighbors have observed patrons exiting the premises at 7964 West Appleton Avenue, Milwaukee, Wisconsin ("Wayne's On Appleton") after 9:00 PM carrying out six-packs of beer. In fact, groups of young persons gather and wait outside of the premises and ask other arriving patrons to purchase carryouts after 9:00 p.m. The licensee asserts that he has now locked the cabinet where six-packs are stored.
- Y. Neighbors have observed patrons of the premises at 7964 West Appleton Avenue, Milwaukee, Wisconsin ("Wayne's On Appleton") exit the premises and urinate in the parking lot near dumpsters that are maintained in the parking lot. Additionally, neighbors have seen patrons purchase and use what they believe are drugs outside of the premises. The existence of drug transactions and public urination has been observed even by the supporters of this premise.
- Z. Regarding the incident of November 9, 2001, the neighbors observed a shooting in question. One of the neighbors observed an individual banging on the window of the licensed premises at 7964 West Appleton Avenue, Milwaukee, Wisconsin ("Wayne's On Appleton") requesting that the bar operator open the door because "someone's out here bleeding." However, the licensee, Dewayne Quinn, continued to count money and refused to open the door. For his part, Mr. Quinn denies he was counting money, but admits he heard the people screaming, and the gunshots. He states he was too fearful to open the door until the police arrived. He claims that he knew someone was calling the police. The person who called 911 testified in these proceedings, further testified that she called Mr. Quinn and told him not to open the door. She also testified that she called all on a cell phone at the same time she called Mr. Quinn on her home phone. Thus, Mr. Quinn was knowledgeable, at the time, that someone else called 911.
- AA. Notwithstanding the compelling testimony of the complainants, Mr. Quinn produced witnesses who use the bar for quiet socializing particularly on Saturday evenings and Sunday afternoons. These individuals are mature, provide a source of operating revenue for Mr. Quinn, and do not create the problems associated with the bar on other evenings when a young crowd engages in disturbing activities. The Committee wants to encourage the presence of such desirable patrons at this premises and allow Mr. Quinn a chance to sell the business. Accordingly, the Committee recommends that this location not be declared to be an unfit location for a Class "B" premises.

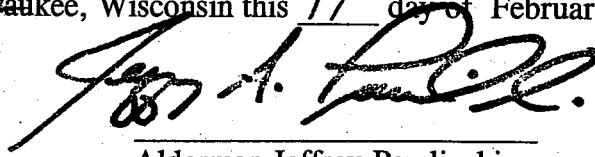
CONCLUSIONS OF LAW

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 Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Dewayne Quinn, as holder of a Class "B" Tavern and Tavern Dance License for the premises at 7964 West Appleton Avenue, Milwaukee, Wisconsin ("Wayne's On Appleton") has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow the continuation of his Class "B" Tavern and Tavern Dance License of Dewayne Quinn for the premises at 7964 West Appleton Avenue, Milwaukee, Wisconsin ("Wayne's On Appleton") without undergoing a ninety (90) day suspension. Except as set forth above, the Committee finds the factual allegations of the complaints to be true, and finds the police report to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to suspend for ninety (90) days the Class "B" Tavern and Tavern Dance licenses held by Dewayne Quinn for the premises located at 7964 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Wayne's On Appleton"), based upon his past activities as Licensee and for the danger that the continued operation of the premises poses to the health, safety and welfare of the citizens of the City of Milwaukee.
4. The Committee specifically declines to find that this premises is an unfit location as prayed for in two of the complaints that have been filed.

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 License and Tavern Dance license of Dewayne Quinn for the premises located at 7964 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Wayne's On Appleton") be suspended for ninety (90) days. Said suspension to be in force from the date of service of the order of the Common Council upon the licensee, and until midnight of the ninetieth (90) day thereafter.

Dated and signed at Milwaukee, Wisconsin this 19th day of February, 2002.

A handwritten signature in dark ink, appearing to read "Jeffrey A. Pawlinski", written over a horizontal line.

Alderman Jeffrey Pawlinski
Chairman
Utilities and Licenses Committee

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