



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

July 14, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 050342

Recommendation of renewal with a 15-day suspension, based on the police report, of the Class "B" Tavern and Billiard Hall license of James Reidy, Jr., agent for "BPS, Inc." for the premises at 3000 W. Lincoln Ave. ("Best Place South") in the 8th Aldermanic District. (Committee vote: Ayes: 3, Noes: 1)

Recommendation of nonrenewal of the Class "B" Tavern license, based on the police report, of Gerardo Abrego for the premises at 2690 S. 9th Pl. ("Guero's Place") in the 14th Aldermanic District.

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on July 12th, 2005.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

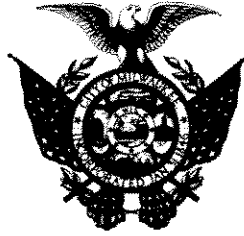
These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, July 26, 2005** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

JAMES N. WITKOWIAK

James N. Witkowiak, Chair
Utilities & Licenses Committee

cc: All Council Members
CCF 050342



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: July 14, 2005

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of the James J. Reidy, Jr., as agent for "B.P.S., Inc." for a Class "B" Tavern and Billiard Hall renewal application for the premises located at 3000 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Best Place South").

FINDINGS OF FACT

1. James J. Reidy, Jr. (hereinafter the "Licensee") is the agent for "B.P.S., Inc." doing business at 3000 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Best Place South"). Said license expires at midnight, September 26, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on June 13, 2005.
3. Pursuant to Chapter 90 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 June 14, 2005 the Milwaukee Police Department responded with a report which could form the basis for non-renewal or suspension of the Class "B" Tavern and Billiard Hall license held by "B.P.S., Inc." for 3000 West Lincoln Avenue ("Best Place South").
4. On June 29, 2005, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of a report of the Milwaukee Police Department that could form the basis for suspension or non-renewal of the licenses of the Licensee, and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on July 12, 2005, commencing at 10:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing together with a copy of

the Milwaukee Police Department report. The Licensee was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On November 13, 1996, at 10:30 p.m. officers assigned to the anti-prostitution unit of the Milwaukee Police Department entered the licensed premises at 2724 South 13th Street in the City and County of Milwaukee, Wisconsin ("Hillside Inn"). Mr. James Reidy, Jr. is the licensee for the location. Upon entering, the officers observed an exotic dancer later identified as Dorcus A. Bates (d.o.b. 4/3/77). She was dancing on stage and failed to have any covering over the areola of her breasts. After her performance, she walked to all of the patrons in the bar seeking tips. As she walked up to one of the undercover officers, she grabbed him by the penis and stated, "Would like a table dance." The officer stated "sure." During her performance, she stated to the officer "I do date if you're interested." Upon the officer stating he was interested, she stated, "I will give you one hour of sex, and head for \$150.00, and you will be satisfied." At this time Ms. Bates was placed under arrest. The bartender, one Penny Telford, advised officers that she had warned the dancer in the past regarding keeping the areolas of her breasts covered, but did not have a chance to check her on the evening in question. The licensee was notified by telephone of the violations. Citations were issued to Dorcus A. Bates, the dancer for prostitution and certain performances and costumes prohibited as well as to the bartender and the licensee for certain performances and costumes prohibited (manager's responsibility) and (licensee responsibility). All charges, however, were dismissed.
 - B. On March 5, 1997, officers of the Milwaukee Police Department conducted a check of the licensed premises at 3000 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Best Place South"). Upon entering the tavern, officers found a 17 year old male on the premises. The officers advised the bartender of the situation. The licensee, James J. Reidy, Jr., was in his office. The patron (Peter J. Miller) was cited for presence of underage person, found guilty and fined \$250.00 on April 23, 1997. The bartender, Thomas C. Latawiec, was cited for presence of an underage person, found guilty and given a suspended sentence on April 23, 1997. The licensee, James J. Reidy, Jr., was cited for presence of an underage person (licensee responsibility) found guilty and fined \$250.00 on April 24, 1997.
 - C. On August 26, 1998, officers of the Milwaukee Police Department were dispatched to investigate a battery complaint at the Hillside Inn at 2724 South 13th Street in the City and County of Milwaukee, Wisconsin. James J. Reidy, Jr., is the licensee of that location. Upon their arrival, officers

asked to talk to the complaint, Jennifer Huebner, who was employed as a strip dancer at the premises. She complained that another dancer hit her and attempt to attack her three times. She stated that the bouncer and other dancers witnessed the attack and did nothing. Huebner stated that this occurred near bar closing time on August 26, 1998. The investigation revealed that Huebner was equally to blame for the fight as well as fighting herself. Huebner and another strip dancer, Michele A. Griffin, were issued citations for disorderly conduct. Huebner was found guilty and fined \$115.00 on December 9, 1998 and Michele Griffin's charge citation was not issued and dismissed on November 12, 1998.

- D. On March 3, 1999, officers of the Milwaukee Police Department were dispatched to a complaint of a subject with a gun at the licensed premise ("Hillside Inn") at 2724 South 13th Street in the City and County of Milwaukee, Wisconsin. Upon their arrival, officers met with one Elliot L. Strosina who stated he was hit in the head by an unknown male who came into the bar with a second subject. The suspect possibly had a gun. Mr. Strosina was bleeding from the head and refused medical attention. The suspect was not on the scene. The bartender, Cynthia L. Rosenberg, stated that she saw several people fighting in the bar next to the dance stage. At that time Strosina came up to the bar and told her "Bitch, I'll beat your ass." Rosenberg stated that he was extremely intoxicated. She also feared for her safety and the safety of the patrons so she called 911. Officers then conducted a tavern check and discovered four bottles of liquor, which were contaminated with deceased bugs. Rosenberg was advised, and she destroyed the liquor immediately. Officers interviewed James D. Wolter, who was extremely agitated, and stated he observed a male suspect strike Strosina. The licensee was issued a tavern sanitation citation for four counts and disorderly premise. He was found guilty with respect to the citation for tavern sanitation and fined \$335.00 on June 21, 1999. On May 13, 1999, the disorderly premises citation was refused issuance by the City Attorney.
- E. One Anita M. Fuller, a bartender at the licensed premises at 3000 West Lincoln Avenue in the City and County of Milwaukee ("Best Place South), on five occasions sold cocaine to an undercover Milwaukee police officer. She was charged with delivery of cocaine, found guilty in Milwaukee County Circuit Court and sentenced to two years in prison, two years of probation and two years extended supervision on June 4, 2001. Ms. Miller is still employed as a bartender by the licensee. He stated to the committee that he is confident this individual will not again engage in such conduct.
- F. On September 1, 2001 officers of the Milwaukee Police Department responded to the licensed premises at 3000 West Lincoln Avenue regarding a person with a gun. The investigation revealed that a patron,

armed with a gun, got into a confrontation with other patrons. The suspect fired several shots from his gun outside the tavern, striking neighbors' houses. The suspect was arrested on the scene. An incident report was filed.

- G. On November 7, 2001 at 12:22 PM officers of the Milwaukee Police Department responded to the licensed premises at 3000 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Best Place South") for which the applicant is also the licensee, regarding trouble with a patron. Investigation revealed that the suspect was the bartender's ex-boyfriend. The suspect was arrested on the scene and cited for trespassing and obstructing. An incident report was filed.
- H. On May 21, 2003 at 10:00 PM, Detective Daniel Wilcox and Police Officer Jose Medina investigated a complaint of "Dancers Using the Backroom for prostitution" at the Hillside Gentleman's Club located at 2724 South 13th Street. Officer Medina, while in an undercover capacity, was propositioned by a dancer, later identified as Dawn M. Messenger, who offered sex for money. Dawn Messenger was arrested on June 5, 2003 at 1677 North Farwell Avenue for prostitution. She was charged with prostitution and found guilty on March 12, 2004 and fined \$475.00.
- I. On January 28, 2004 at 10:20 PM, Detective Chris Ederesinghe and Detective Daniel Wilcox, investigated a complaint of "Dancers engaging in prostitution" at the Hillside Gentleman's Club located at 2724 South 13th Street. Detective Ederesinghe, while in an undercover capacity, was propositioned by a dancer later identified as Nicole M. Tercher, who offered sex and drugs for money. Nicole Tercher was arrested on January 29, 2004 at 6798 West Appleton Avenue for prostitution and possession of a controlled substance (Ecstasy). She was cited for and found guilty of possession of a controlled substance on September 17, 2004 and sentenced to 5 days in the House of Correction and had her driver's license suspended for 6 months. She was cited with prostitution-sexual contact which was dismissed on November 29, 2004.
- J. On December 9, 2004 at 9:45 PM an underage Milwaukee Police Department police-aide, under the direction of police officers, purchased beer from a bartender at the licensed premises at 3000 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Best Place South") without being asked for ID. The bartender was convicted for sale to underage. The applicant, who was not on the scene, was not cited. An incident report was filed.
- K. On January 22, 2005 at 9:50 PM Milwaukee Police Department police officers made a lawful inspection of the licensed premises at 3000 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Best

Place South"). Officers discovered a 20-year old patron in the tavern. The applicant, who was not on the scene was charged with charged with presence of underage prohibited and found guilty on April 18, 2005 and fined \$354.00. This matter goes back to court on July 25, 2005.

- L. On February 1, 2005 Milwaukee Police Department officers were dispatched to a fight at Hillside Gentlemen's Club, 2724 South 13th Street (for which the applicant is he licensee). A patron, angry that there were no dancers on the stage after he had paid a cover charge, threw a bar stool behind the bar breaking about 60 glasses. The patron was issued citations for vandalism and disorderly conduct. The applicant was not on the scene. An incident report was filed.
- M. On February 22, 2005 Milwaukee Police Department police officers made a lawful inspection of the licensed premises at 3000 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Best Place South"). Officers recovered a small vial of cocaine by an exit door. No one was near the vial The applicant was not on the scene. An incident report was filed.
- N. On March 13, 2005 at 7:00 PM Milwaukee Police Department a police officer made a lawful inspection of the licensed premises at 3000 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Best Place South"). Officers found the southwest entrance door locked. The applicant was on the scene at the time of the violation. The applicant was cited for safe egress from all doors and a warrant issued, warrant notification letter was sent.
- O. On April 10, 2005 at 11:59 PM Milwaukee Police Department police officers were dispatched to the licensed premises at 3000 West Lincoln Avenue in the City and County of Milwaukee Wisconsin ("Best Place South") regarding a battery complaint. The investigation revealed two unknown suspects attacked a patron who was sitting at the bar, striking him with a beer mug. The bartender on duty stated she did not see the patron get hit. The applicant was not on the scene at the time. An incident report was filed.

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,

James J. Reidy, Jr., as agent for "B.P.S., Inc." d/b/a "Best Place South" at 3000 West Lincoln Avenue has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class "B" Tavern and Billiard Hall license without undergoing a fifteen 15-day suspension. The Committee finds the police report to be true.

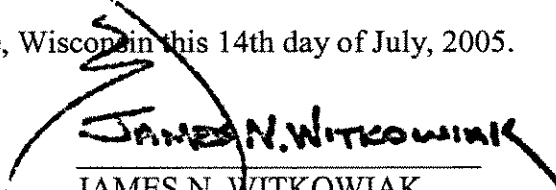
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Billiard Hall license held by James J. Reidy, Jr., for the premises located at 3000 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Best Place South"), based on police objections, with a fifteen (15) day suspension.

RECOMMENDATION

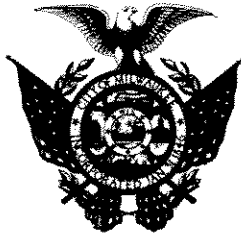
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and one (1) noe recommends that the Class "B" Tavern and Billiard Hall license of James J. Reidy, Jr., for the premises at 3000 West Lincoln Avenue ("Best Place South") in the City and County of Milwaukee, Wisconsin be renewed after undergoing a fifteen (15) day suspension.

Said suspension is to be in effect from 12:01 a.m. September 27, 2005 through midnight October 10, 2005

Dated and signed at Milwaukee, Wisconsin this 14th day of July, 2005.



JAMES N. WITKOWIAK
Chairman, Utilities and
Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: July 14, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern license of Gerardo A. Abrego for the license premises at 2690 South 9th Place in the City and County of Milwaukee, Wisconsin ("Guero's Place").

FINDINGS OF FACT

1. Gerardo A. Abrego (hereinafter the "Licensee") is the holder of a Class "B" Tavern license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, July 30, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on April 5, 2005.
3. Pursuant to Chapter 90 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 April 6, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On June 29, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on July 12, 2005, commencing at 8:45 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the licensee appeared and admitted receipt of the police report. He was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On September 25, 2004 at 5:36 p.m. the applicant was cited for sale of cigarettes to underage at the licensed premises at 2690 South 9th Place in the City and County of Milwaukee, Wisconsin ("Guero's Place"). The applicant was charged with sale of cigarettes to underage and found guilty on November 16, 2004 and fined \$152.00.
- B. On April 5, 2005 at 8:40 p.m., Milwaukee Police Department police officers made a lawful inspection of the licensed premises at 2690 South 9th Place in the City and County of Milwaukee, Wisconsin ("Guero's Place"). The applicant was tending bar at the time. Officers observed 11 small packets of cocaine in a coffee mug behind the bar. The officers, after receiving consent, searched the rest of the building, including the applicant's apartment, which is upstairs from the tavern. Officers recovered more plastic baggies, a ceramic plate with cocaine residue on it, a tin cup with cocaine residue, a digital scale for weighing cocaine and over \$8,000 in cash. The applicant, after being advised of his Miranda warnings, admitted selling small amounts of cocaine. The applicant was charged with possession of a controlled substance with intent to deliver-cocaine. This matter is pending a jury trial on September 7, 2005.

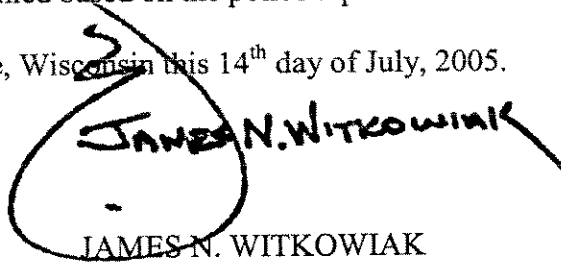
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, 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 recommends that the licensee, Gerardo A. Abrego, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern license held by the licensee. The Committee finds the police report as stated above to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to deny the Class "B" Tavern license for the licensed premises at 2690 South 9th Place in the City and County of Milwaukee, Wisconsin ("Guero's Place") held by Gerardo A. Abrego based upon the danger that his conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes, recommends that the Class "B" Tavern license be denied based on the police report.

Dated and signed at Milwaukee, Wisconsin this 14th day of July, 2005.

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style and is enclosed within a hand-drawn circle.

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee