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June 10, 2010

Via Email Only (rleonh@milwaukee.gov)

City Clerk Ronald D. Leonhardt  
City Hall  
200 East Wells Street, Room 205  
Milwaukee, WI 53202

Re: 20 Below, LLC d/b/a Club Sugar – 126 E. Mineral Street, Milwaukee, WI  
Objections

Dear City Clerk Leonhardt,

Our office is Counsel to 20 Below, LLC d/b/a Club Sugar (“Sugar”). On June 2, 2010, the Licenses Committee (“Committee”) met to consider the renewal of Sugar’s Public Dance Hall license (“License”). The Committee voted to recommend that Sugar’s License be renewed, but with a 30-day suspension based upon neighborhood testimony and aldermanic testimony.

This letter serves as my client’s written objection to the “Findings of Fact and Conclusions of Law” and recommendation of the Committee. The specific objections are as follows:

1. Paragraph 2 of the Findings of Fact states that Sugar’s application to renew its License was “untimely” filed with the City Clerk on May 9, 2010. There is no basis in the record for this statement. Sugar’s renewal application was timely filed.
2. Paragraph 3 of the Findings of Fact states, in part, that “... the Milwaukee Police Department responded with a police report that did not object to the renewal of this licensee.” In fact, Sugar had no police report and no PA-33s considered by the Committee. To suggest that the Milwaukee Police Department responded with a “police report” is blatantly incorrect and untrue.
3. Paragraph 4 of the Findings of Fact recites a portion of the notice provided to Sugar for its renewal hearing scheduled for May 10, 2010. The Findings of Fact fail to recount the fact that the Committee struck a significant portion of the notice on the basis that many of the items, including but not limited to allegations of prostitution and gambling, were unfounded and not the subject of neighborhood objections and that many of these items were merely part of the “boilerplate”

notice designed to encompass any possible testimony provided at the hearing without having first had a basis as a written objection made prior thereto.

4. Paragraph 7A of the Findings of Fact refers to “objecting neighbors” who testified about noise. There was only one neighbor who had witnessed this activity and this neighbor was not certain whether these individuals came from Sugar. A second person who testified was a representative of the local neighborhood group who only had hearsay testimony. A third person who testified is the owner of a business near 5<sup>th</sup> Street & National Avenue who also had no firsthand knowledge of these activities and whose testimony was hearsay.
5. Paragraph 7B of the Findings of Fact refers to an episode involving approximately 100 vehicles at 1:37 a.m. While it is alluded to in this paragraph, it is most important to note that Sugar closed more than one hour prior to this incident.
6. Paragraph 7C of the Findings of Fact alleges that Sugar attempted to blame some activity on Club Rain. It was actually one of the neighbors who testified (the only neighbor with non-hearsay testimony) who brought up Club Rain.
7. Paragraph 7F recounts the neighborhood meeting held by Alderman Witkowiak at Bradley Tech High School on April 14, 2010. This paragraph states that a letter was sent to individuals telling them they would have to defend themselves in court if they made any false statements at the meeting, and further stated that there would be a court reporter present for the meeting. At the time this meeting was scheduled, and as testified to by Sugar at its hearings, Sugar was not aware of any recent or ongoing problems at its establishment until the time of the neighborhood meeting. Sugar had not received any complaints from neighbors. Sugar had not received any recent communications from Alderman Witkowiak informing it that there were ongoing problems and neighbor complaints. Sugar was simply told that there was a meeting being held at which complaints about the club would be expressed. While Sugar welcomes any and all feedback and hopes that its neighbors would tell the club if there were any problems being caused, because Sugar had heard nothing prior to the meeting about ongoing problems, there was a significant concern that neighbors would come to the meeting and make wild, unfounded, and outlandish accusations about the club. Sugar wanted any persons who were considering such behavior to be aware that their activities would be recorded and that they may be subjecting themselves to liability for making any false statements.

Additionally, this “letter” was actually an email which was only sent to Michael McGuire (Ald. Witkowiak’s aide), and 12 individuals who had received an email from Mr. McGuire about the neighborhood meeting. It is illogical to suggest (as was suggested during the hearing and implied by the Findings of Fact) that an email sent to 12 people influenced or “threatened” the action of the 50 or 60 people who attended the meeting, most of which had not received, read, or heard about the email.

8. Paragraph 7G of the Findings of Fact describes a video of a Fox 6 news broadcast which was shown by Sugar during the hearing and claims there was no indication of when the tape was made. This is false. The report was made live from outside of Sugar as the lead story for the 10:00 p.m. newscast on Easter Sunday. A significant portion of the video contained the words “Live” at the bottom of the frame and thus one can reasonably infer that a large portion of the video was shot at approximately 10:00 p.m. on Easter Sunday. Additionally, Sugar provided testimony during its hearings that Fox 6 had been at the club for an hour or two prior to going live at 10:00 p.m. on Easter Sunday and that any video which was not live was recorded in the hour or two prior to the live broadcast. As was noted at the hearings, the Fox 6 story failed to show any of the alleged problems that were being complained of by some of the neighbors and the local alderman. There were no patrons, no traffic, and Milwaukee police officers standing in the street with their hands in their pockets. The uncontroverted video evidence from that evening is inconsistent with Alderman Witkowiak’s testimony as provided during the hearings.
9. Paragraph 7H of the Findings of Fact describes the activities of a Facebook user who goes by the name “Perry Manof Steel” for which significant evidence submitted by Sugar showed that this individual was responsible for organizing cruising activities throughout the City of Milwaukee, including cruising activities near Sugar. As testified to at the hearing (and left out of the Findings of Fact), upon becoming aware of this individual’s activities, within one week, Sugar was able to completely end this problem. In fact, Julie Kaufmann, a representative of the local neighborhood group, testified at the June 2, 2010 hearing that the concerns previously reported had been mitigated by Sugar since the May 10, 2010 hearing. This critical testimony was left out of the Findings of Fact.
10. The Licenses Committee has failed to forward *its own* report and recommendation, including Findings of Fact, Conclusions of Law, and a recommendation to the Common Council as required by § 108-7-1-h, Milwaukee Code of Ordinances.

Paragraph 7 of the “Findings of Fact” (contained on page 3), states that “Based upon the sworn testimony heard and the evidence received at the hearings, the **Committee finds the following**” [emphasis added]. Sugar objects to this statement, as the Committee has never adopted these findings. Because the Findings of Fact and Conclusions of Law were never adopted by the Committee, it would be more properly characterized as the City Attorney’s proposed Findings of Fact and Conclusions of Law. Further, based upon testimony provided under oath in *Lady Bug Club v. City of Milwaukee et al*, it is our understanding that Chairman Bohl’s signature is digitally applied to the City Attorney’s document, and that Chairman Bohl is typically not provided an opportunity by the City Attorney’s office to review the Findings of Fact and Conclusions of Law for accuracy prior to his signature being applied and the document being

disseminated to all Members of the Common Council and the applicant.

11. The City of Milwaukee's treatment of numerous other establishments, including its treatment of Pizza Shuttle at its license renewal hearing held on January 27, 2009, demonstrates that Sugar's Equal Protection rights as guaranteed under the United States Constitution were violated.

Attached hereto and incorporated herein are police reports for establishments known as Quarters (hearing on 6/2/10), Discount Cigarettes & Beer (hearing on 5/10/10), The Moon (hearing on 4/20/10), and Bosses Lounge (hearing on 4/20/10).

Quarters is a tavern located on Center Street. It had three new items on its police report (a fourth item was included but this item consisted of a summary of a meeting between MPD, the tavern owner, and the tavern's attorney). These incidents included a citation for patrons dancing when there was no tavern dance license, a shots fired complaint, and a *murder*. The murder occurred in front of the tavern with the victim having received multiple wounds to the head and back. MPD determined through the tavern's surveillance cameras that the victim and suspect were both at the tavern and left shortly before the murder occurred. This video also showed that the suspect had been armed while inside the tavern. Quarters' license was recommended for renewal by the Committee with a 30-day suspension.

Discount Cigarettes & Beer is located on 27<sup>th</sup> Street. It had four new items on its police report. These incidents included a citation for sale to underaged, an allegation of sale to underaged, a second citation for sale to underaged, and a third citation for sale to underaged. Discount Cigarettes & Beer's license was recommended for renewal by the Committee with a 30-day suspension.

The Moon is located on Forest Home Avenue. It had two new items on its police report. One incident was a fight involving a crowd of 25 people, and the other incident was a battery complaint. The Moon's license was recommended for renewal by the Committee with a 30-day suspension of its tavern dance license and a 60-day suspension of its tavern amusement license.

Bosses Lounge is located on North Avenue. It had six new items on its police report. These items included a battery complaint, an incident in which an individual drove by the tavern and waived a gun out the vehicle window, two false hold up alarms, a fight that occurred between patrons after leaving the bar, a citation for presence of underaged, and a shooting incident in which five people were wounded. Bosses Lounge's license was recommended for renewal by the Committee with a 20-day suspension.

On January 27, 2009, the Licenses Committee held a hearing to consider the renewal of Pizza Shuttle, 1827 N. Farwell Avenue. Pizza Shuttle had an

extensive police report. Attached to this letter is a copy of Pizza Shuttle's police report. Pizza Shuttle's report contained a total of 26 items, including 25 from 2008. In addition, Pizza Shuttle's CADS reports, obtained through the MPD, show that there were approximately 100 police calls related to the establishment between November 2007 and January 2009. There are numerous incidents in the Pizza Shuttle report that presented valid cause for concern. For example, the report recounts numerous fight complaints, numerous issues with guns, complaints of loud music from cars, cars being used to block traffic, disorderly patrons, and drugs. In fact, incident No. 24 on Pizza Shuttle's police report required the MPD to be on scene for almost two hours, involved multiple fights and also involved hundreds of patrons who were spectators and encouraged the fighting. Incident No. 24 states at its conclusion, "Police did speak with management regarding the volume of calls received by the restaurant and that no other businesses in the area have needed this type of police response."

In spite of this extensive police report, the MPD did not object to renewal of the license and the City Attorney's office made no appearance at the hearing to oppose the license renewal or assist the MPD. It is also remarkable that despite the high volume of police calls to Pizza Shuttle, the property received no nuisance letters from the City of Milwaukee.

Despite this *extensive* police report, Pizza Shuttle's license was renewed with only a warning letter. Alderman Kovac, representative of the 3<sup>rd</sup> Aldermanic District where Pizza Shuttle is located (and also a member of the Committee), addressed the matter of Pizza Shuttle's 2009 license renewal during Sugar's initial hearing on May 10, 2010. During that hearing, Alderman Kovac stated that Pizza Shuttle "owned" its problems and that it *immediately* addressed the problems, made adjustments, and had six months of evidence that it had fixed the problems.

As stated *supra*, Pizza Shuttle had 25 items on its police report that were considered at the 2009 hearing. In reviewing this police report (which is also attached), 24 of the incidents occurred between February and July. The 25<sup>th</sup> and final incident occurred on October 18<sup>th</sup>, and was a situation in which juveniles were "trashing" the dining room and yelling obscenities.

As it did at the time Alderman Kovac made his comments, Sugar vehemently disagrees with Alderman Kovac's interpretation of the events that transpired at Pizza Shuttle prior to its 2009 renewal hearing. Sugar cannot reconcile Alderman Kovac's comments that Pizza Shuttle "immediately" addressed its problems when its problems continued for *six months*. Additionally, Alderman Kovac claimed that Pizza Shuttle had six months of evidence showing it had corrected the problems, when in fact, Pizza Shuttle had an incident involving rowdy juvenile patrons *three* months prior to its hearing.

Sugar, unlike Pizza Shuttle, did "own" its problems and, unlike Pizza Shuttle, did immediately address and end the problems that were being complained about. As

Sugar explained during the hearing, Sugar only became aware of the ongoing problems as a result of the April 14<sup>th</sup> neighborhood meeting organized by Alderman Witkowiak. Within one week of that meeting, Sugar designed and implemented a plan of action which immediately ended the complained of behavior. Dissimilar to Pizza Shuttle, Sugar did not have a six month record contained on a police report which displayed its inability to identify and eliminate a problem. Sugar's plan of action resolved this problem almost as soon as it began and in *far* shorter time than Pizza Shuttle resolved its problems.


In summary, Sugar objects to the Findings of Fact and Conclusions of Law. In violation of § 108-7-1-h, Milwaukee Code of Ordinances, the Licenses Committee has never adopted the Findings of Fact and Conclusions of Law which were drafted by the City Attorney. The reasons relied upon for the 30-day suspension are unjust and not substantiated by any reliable evidence. The Findings of Fact and Conclusions of Law drafted by the City Attorney's office contain *numerous inaccuracies* as identified *supra*.

Finally, and most importantly, Sugar's right to Equal Protection has been violated by the actions of the Licenses Committee. Sugar, which had no police report considered by the Committee and which, according to the testimony of the neighborhood group representative, resolved the problems near its establishment, has been recommended to receive the same amount of discipline (30-day suspension) as an establishment which had a murder (Quarters), an establishment which received three citations for sale to underaged (Discount Cigarettes & Beer), and an establishment which had two serious fights, one of which involved a group of 25 people (The Moon). Sugar has been recommended to receive a suspension *ten days longer* than an establishment which had numerous incidents including an incident in which *five* people were *shot* (Bosses Lounge). Finally, Sugar has been recommended to receive a suspension *thirty days longer* than an establishment which had a six month record of disorder and problems which amounted to one of the larger police reports that the Committee has likely ever seen (Pizza Shuttle in 2009).

In closing, Sugar resolved the problems near its establishment virtually immediately. Sugar had no police report for the Committee to consider. The Common Council should not and cannot allow a recommendation which is clearly inappropriate and undeserving to go unchanged. At most, Sugar should receive a warning letter and be permitted to continue operating uninterrupted and incident free as its track record proves it has the ability to do.

Thank you for your attention to this matter.

Sincerely,

  
David R. Halbrooks  
Attorney at Law

DRH/abd

Enc.

Cc: 20 Below, LLC d/b/a Club Sugar  
Members of the City of Milwaukee Common Council (via email w/enclosures)

MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS

DATE: 04/08/10  
LICENSE TYPE: BTAVN  
NEW:  
RENEWAL: X

No. 16663  
Application Date: 04/07/10  
Expiration Date:

License Location: 900 E Center St  
Business Name: Quarters

Aldermanic District: 03

Licensee/Applicant: Fischer, Daniel R  
(Last Name, First Name, MI)  
Date of Birth: 07/11/1952

Home Address: 902 E Center St  
City: Milwaukee  
Home Phone: (414) 263 - 8950

State: WI Zip Code: 53212

This report is written by Police Officer Kristyn KUKOWSKI, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 04/15/2005 at approximately 10:40PM, an underage police aide, under the direction of police officers was able to purchase a 12oz. Bottle of Miller Draft Beer from the cashier, Cherissa L Fischer (W/F, 03/0-5/1984) of Quarters Bar at 900 E Center St. There was no one at the entrance checking for underage persons prior to entering the licensed premise.

As to the Licensee: FISCHER, Daniel R

1. Charge: Sale of Alcohol to Underage Person  
Finding: Guilty Suspended Sentence  
Date: 06/09/2005  
Case #: 05052002
2. Charge: Presence of Minor Prohibited  
Finding: Guilty  
Date: 06/09/2005  
Case #: 05052003

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3. On 02//17/10 at 1:30 am, Milwaukee police conducted a License Premise Check at 900 E Center Street. Officers observed approximately twelve patrons dancing on the dance floor and found the tavern not to have a tavern dance license. Police spoke to the bartender Cherissa Fischer who stated she was also co-owner of the tavern. Cherissa was advised by officers that a dance license was required and a citation was issued to the licensee Daniel Fischer.

Charge: Tavern Dance License Required  
Finding: Pre-trial 05/24/10 8:30 am  
Sentence:  
Date:  
Case: 10032143

4. On 03/20/10 at 1:21 am, Milwaukee police were dispatched to 900 E Center for a Shots Fired complaint. An anonymous caller stated shots had been fired inside the Quarters tavern. Police spoke to the bartender Cherissa Fischer who stated there were no shots fired but that two patrons were arguing with one another and were escorted out of the bar. Police did not find any evidence supporting shots being fired. Call was advised.
5. On 03/28/10 at 1:50 am, Milwaukee police were dispatched to Bremen and Center for a Shooting complaint. Arriving officers observed a male lying on the ground in front of Quarters tavern with multiple gun shot wounds to the head and back. The victim later died from his wounds. Officers questioned the bartender Cherissa Fischer if the victim had been in the tavern prior to the shooting and Fischer stated no. Fischer further stated that she heard shots fired and observed a victim outside the bar. Fischer stated she then called police from her cell phone. Upon viewing the bar's surveillance video, police determined that the victim and suspect were both patrons in the bar and were observed leaving the tavern shortly before the shooting occurred. Police also found that surveillance video showed the suspect had been armed while inside the bar. Five casings were recovered at the scene and placed on inventory.
6. On 03/29/10 at 2:15 pm, the owner of Quarter's Night Club, Daniel Fischer, and his attorney Andy Arenas, met with District Five personnel regarding the homicide that occurred outside of his business. The meeting took place at District Five and in attendance was Assistant City Attorney Adam Stevens, Assistant City Attorney Ben Wesson, Lieutenant Michael Brunson as well as a few police officers. Mr. Fischer relayed that his business is open on Wednesdays, Thursdays, Fridays and Saturdays and that he usually opens the bar up at 9:30 pm. Mr. Fischer stated he tries to shut down the tavern approximately one hour prior to closing time. Fischer further stated that he has 4 to 5 employees and that two of his children help manage and bartend. He further stated he has two security guards. Fischer stated he charges between three to five dollars for a cover charge and that he has two interior cameras, one of which is connected to a recording system. Fischer stated he has seven cameras on the exterior and that he monitors the tavern from his residence, which is the upper portion of the tavern. Fischer stated that up to a month ago, his crowd was generally neighborhood individuals, however due to the fact that other establishments have closed in the past month, he is seeing a lot of new faces.

**MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT**

**CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS**

**DATE: 04/19/10**

**LICENSE TYPE: ALQML**

**NEW:**

**RENEWAL: X**

**No. 2846**

**Application Date: 03/03/2010**

**Expiration Date:**

**License Location: 5320 South 27<sup>th</sup> Street  
Business Name: Discount Cigarettes & Beer**

**Aldermanic District: 13**

**Licensee/Applicant: Patel, Urmila R.**  
(Last Name, First Name, MI)  
**Date of Birth: 09/27/1972**

**Home Address: 7038 South Carmel Drive  
City: Franklin  
Home Phone: (414) 421-4961**

**State: WI Zip Code: 53132**

This report is written by Police Officer Kristyn KUKOWSKI, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 06/11/2009 at 6:45pm an underage subject, working in conjunction with Milwaukee police, was able to purchase a six-pack of Miller beer from the cashier at 5320 South 27<sup>th</sup> Street (Discount Cigarettes & Beer). The cashier, Rajesh J. Patel, received a citation for Sale to Underage Prohibited.

**Charge: Sale of Alcohol to Underaged Person  
Finding: Guilty  
Sentence: \$160.00 fine  
Date: 08/05/2009  
Case: 09096647**

2. On 10/01/2009 at 9:45am Milwaukee Police officer John Arrendondo received an anonymous complaint regarding a claim of tobacco and liquor sales at 5320 South 27<sup>th</sup> Street (Discount Cigarettes & Beer) to underage persons. Officer Arrendondo's investigation uncovered no violations.
3. On 11/14/2009 at 11:50pm a Milwaukee Police Department aide, who had not yet attained the age of 21, was able to purchase a 12 pack of Miller Lite brand beer from the cashier at 5320 South 27<sup>th</sup> Street (Discount Cigarettes and Beer). This police aide was working in conjunction with Milwaukee Police who cited the cashier. No record of this citation can be located in Milwaukee Municipal Court records (citation #6080057-4), therefore no disposition is available.

4. On 02/25/10 at 4:23 pm, Milwaukee police were conducting Sales of Alcohol to Underage Persons and had a Milwaukee police aide, who is under the age of 21, along with an uncover police officer enter 5320 S 27<sup>th</sup> Street in attempts to purchase alcohol. The aide brought a 30 pack of Milwaukee's Best to the counter and the cashier identified as Rajesh Patel asked for ID in which the aide provided. Patel stated to the aide that he was underage and if he was a cop, stating "cops are in here all the time to check up". The aide responded no and Patel took his money. When the aide ask for his change, Patel stated, " You are under 21 and don't get no change". Patel was then questioned by police and when asked why he sold the alcohol, Patel stated, " I checked ID". Patel was issued a citation for Sale to Underage 2<sup>nd</sup> offense.

Charge:	Sale of Alcohol To Underage 2 <sup>nd</sup> Offense
Finding:	Guilty
Sentence:	Fined \$368.00
Date:	04/21/10
Case:	10036647

MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS

DATE: 03/03/10  
LICENSE TYPE: BTAVN  
NEW:  
RENEWAL: X

No. 16515  
Application Date: 03/02/10  
Expiration Date:

License Location: 3419 W Forest Home Avenue  
Business Name: The Moon

Aldermanic District: 08

Licensee/Applicant: Xiong, May Y  
(Last Name, First Name, MI)  
Date of Birth: 09/25/79

Male:                      Female:

Home Address: 3419 W Forest Home Avenue # A  
City: Milwaukee                      State: Wi                      Zip Code: 53215  
Home Phone: (414) 243-4976

This report is written by Police Officer Kristyn Kukowski, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 04/21/08, Milwaukee police were dispatched to 5000 W Chambers for a Shooting complaint. Police spoke to the victim who stated he parked his auto in a bank parking lot at 34<sup>th</sup> and Forest Home and started to walk to The Moon tavern. The victim stated he was approached by two males who told him to "break himself". The victim started to argue with the men because he thought they were going to rob him when one actor pulled out a gun. The victim ran away when he heard ten to fifteen shots with one bullet striking him in the buttocks. Officers who responded to the scene did locate and inventory six casings that were found at 2737 S 34<sup>th</sup> Street.
2. On 09/21/08 at 2:37 am, Milwaukee police were dispatched to 34<sup>th</sup> Street and Forest Home Avenue for a Battery complaint. Officers spoke to the victim who stated he was a patron at The Moon tavern and was asked to leave the premise a half hour prior to being beaten. The victim stated he left the tavern and was driving his auto out of the parking lot when he was approached by a group of males who opened his door and pulled him out of the car. These males started to kick and punch the victim in the head. Due to the victim being intoxicated, he could not provide much details of what exactly happened. Officers spoke to the owner of The Moon who stated the victim was in the bar earlier but was kicked out because of he was grabbing at girls and that his security might have observed what happened. Officers spoke to security officer Myron Davis who stated that there were 10 -12 males and that they came from Sheboygan. Davis stated he did not observe the fight but that the actors fled in two separate vehicles. The victim was treated for a laceration to the forehead that required 15 sutures to close.

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3. On 03/22/09 at 1:03 am, Milwaukee police were dispatched to 3419 W Forest Home for a Battery complaint. Officers spoke to Myron Davis who stated he works security for the bar and that a crowd began to form at the door and before he knew it, there were 25 people rushing at him. Davis stated at one point, while he and two other guards try to keep the crowd back; he was hit in the head with an unknown object. Davis further stated fights were also breaking out inside the tavern and that he and the other guards were doing their best to handle the situation. Davis was observed to have a cut to the top of his head and a swollen right eye. Davis stated that one of the other guards was also battered but left the scene due to the situation getting out of control. Police also spoke to Lee Xiong who was the manager on scene. Xiong stated he really didn't know what happened but that a fight broke out. While talking with police, Xiong was unaware that he no longer had security on scene. Xiong kept the bar open until police arrived and officers asked him to close the bar up for the night.
  4. On 07/18/09 at 2:40 am, Milwaukee police were dispatched to 1122 S 37<sup>th</sup> Street for a Battery complaint. Officers spoke to the victim who stated he was at the Asian Moon bar when two patrons approached him and one subject punched him in the face causing pain. The victim stated that both subjects then left the tavern. Officers followed up the tavern and spoke with Xiong who stated he did not remember the incident occurring inside his tavern.
- **Lee Xiong, who is a corporate officer, currently has an open warrant for his arrest with the Milwaukee County Sheriff Department. (#393295) Letter mailed on 03/03/10.**

MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS

DATE: 02/08/10  
LICENSE TYPE: BTAVN  
NEW:  
RENEWAL: X

No. 16451  
Application Date: 01/27/10  
Expiration Date:

License Location: 408 E North Avenue  
Business Name: Bosses Lounge

Aldermanic District: 06

Licensee/Applicant: Harris, Tommy L  
(Last Name, First Name, MI)  
Date of Birth: 01/08/67

Male:                      Female:

Home Address: 2737 N 59<sup>th</sup> Street  
City: Milwaukee  
Home Phone: (414) 313-4233

State: WI      Zip Code: 53210

This report is written by Police Officer Kristyn Kukowski, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 09/13/95, applicant was charged with 1<sup>st</sup> Degree Intentional Homicide Party To in Milwaukee County. On 02/09/96, the charge was amended to Disorderly Conduct Party To/ Use Of Dangerous Weapon.

Charge:            Disorderly Conduct Party To/Use of Dangerous Weapon  
Finding:           Convicted  
Sentence:         8 months HOC  
Date:              02/09/96  
Case:              95CM001876

- =====
2. On 07/30/09 at 11:17 am, Milwaukee police were dispatched to 2725 W Auer Street for a Battery complaint. Officers spoke to the victim who stated he and friend were at Bosses Lounge when the victim noticed a known patron "mean mugging" him. This patron then came up to the victim and started punching him in the face and head area. The victim stated the suspect was demanding his wallet but that he (the victim) refused to give it up. The victim stated he then heard the suspect tell another guy to get the victims wallet and felt someone going through his pockets. The victim then fell to the ground and where he was kicked several more times. The suspects obtained the victim's wallet and cell phone and fled the bar. Officers on a later date contacted and spoke to Tommy Harris regarding the incident. Harris stated he was working the night of the incident and wasn't aware of any problems. Officers also spoke to the bartender Rebecca Moses, who is no longer employed at Bosses. Moses stated she couldn't recall the incident and that there have been so many fights inside the bar, she can't remember one incident from the other. The suspect was ordered into the DA's office regarding possible charges. As of 01/28/10, a check of CCAP revealed no charges were issued.

3. On 10/30/09 at 1:29 am, Milwaukee police were dispatched to 408 E North Avenue for a Man With Gun complaint. Officers spoke to Michael Williams who stated he works security for Bosses Lounge and that he observed a late model black Infiniti pull up in front of the tavern as a subject waved a gun from the passenger side window. Squads that were in area found a car matching the description and conducted a traffic stop with no gun being found. A wanted check revealed one occupant had an outstanding warrant and he was arrested and conveyed to the district.
4. On 11/05/09 at 1:25 am, Milwaukee police were dispatched to 408 E North Avenue for a Hold Up Alarm. Officers spoke to Tommy Harris who stated there were several females fighting across the street from the bar and that one of his employees might have pushed the hold up alarm. Harris stated the females left before police arrived.
5. On 12/26/09 at 2:31 am, Milwaukee police were dispatched to 408 E North Avenue for a Hold Up Alarm. Officers spoke to the bartender Kamona Dixon who stated there were no problems.
6. On 01/14/10 at 12:41 am, Milwaukee police were dispatched to 2244 N Buffum Street for a Fight complaint. Upon police arrival, officers observed a large fight/argument in the vicinity of North and Buffum. Officers stopped one of the actors and conducted a field interview. Police found this subject to be in possession of .38 special Smith & Wesson and placed the actor under arrest. The suspect stated to police that there was no fight going on just a verbal argument with a couple of people after leaving the tavern located at 407 E North.
7. On 01/21/10 at 1:27 am, Milwaukee police were dispatched to 400 E North Avenue for a Shooting complaint. Upon arrival, officers found a victim who was shot to the back. The victim, who is under the age of 21, stated he was at Bosses when he got into a fight. The victim further stated as he was leaving the tavern, he heard gunshots and then felt pain to his lower back. Officers were able to confirm the victims' presence in the tavern by viewing video that was recorded by the tavern. Further investigation found an additional 4 victims who sustained gunshot wounds as a result from the fight inside the tavern. Victim # 2 sustained a gunshot to the left foot. Victim # 3 sustained a gunshot wound the right foot. Victim # 4 sustained a gunshot wound to the right hip and victim # 5 sustained a gunshot to the abdomen. A bullet also struck the window of the Development Day Care, which is located at 413 E North Avenue. This day care is located across from Bosses Lounge. A house located at 2244 N Buffum was also struck by gunfire as four occupants were sleeping inside. Officers interviewed a resident who stated he was awoken by loud shouting and then an unknown amount of gunfire. The resident further stated that there are problems at Bosses Lounge every Wednesday night. The licensee Tommy Harris was cited for Presence of Underage.

Charge: Presence of Underage  
Finding: Court date of 03/15/10  
Sentence:  
Date:  
Case: Citation # 60877736

MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS

DATE: 12/03/08  
LICENSE TYPE: BTAVN  
NEW:  
RENEWAL: X

No. 15252  
Application Date: 12/02/08  
Expiration Date:

License Location: 1827 N Farwell Avenue  
Business Name: Pizza Shuttle

Aldermanic District: 03

Licensee/Applicant: Gold, Mark H  
(Last Name, First Name, MI)

Date of Birth: 01/08/63

Male:

Female:

Home Address: 915 W El Patio Lane  
City: Mequon  
Home Phone:

State: WI Zip Code: 53092

This report is written by Police Officer Kristyn Kukowski, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 10/21/07 at 3:00 am, Milwaukee Police were dispatched to Farwell and Royall Streets for a Fight complaint. Investigation revealed a fight had occurred inside the Pizza Shuttle that continued onto the streets. As police arrived, the fight dispersed with the victim not wanting to prosecute the unknown subject who had struck him. While investigating the fight on the street, officers received another call from Pizza Shuttle regarding another fight. Officers responded and issued two citations to the patrons for Disorderly Conduct.

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2. On 02/10/08 at 3:13 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Squads responded and advised the incident.
3. On 02/20/08 at 3:00 am, Milwaukee police were dispatched to 1827 N Farwell for Trouble With A Subject. Police spoke to the manager Don who stated he was having trouble with a customer causing a disturbance. Squads responded and advised the incident.
4. On 02/24/08 at 2:12 am, Milwaukee police were dispatched to 1827 N Farwell for a Subject With Gun complaint. An employee Chad advised the telecommunicator that security for the restaurant had broken up a fight and that a subject was seen with a silver firearm by security personnel. An ambulance was also requested for a female patron who was trampled by the suspect as he fled the scene. Reports were filed regarding this incident.



5. On 03/02/08 at 2:27 am, Milwaukee police were dispatched to 1827 N Farwell for an Indecent Exposure complaint. Police spoke to security for Pizza Shuttle who stated they were detaining a male that had urinating on the building. The subject was cited for Disorderly Conduct and released.
6. On 03/15/08 at 1:13 am, Milwaukee police were dispatched to 1827 N Farwell for a loud music complaint. The caller stated subjects were playing loud music in the parking lot of Pizza Shuttle. Officers arrived and were unable to locate any subjects on the lot playing loud music.
7. 03/16/08 at 2:53 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Officers spoke to an employee "Bill" who stated he had three armed security guards at the door of his restaurant and that several subjects outside this business were making gestures as if they were armed with guns. "Bill" stated these subjects also were saying that " There is going to trouble if they are not allowed into the restaurant." No gun was found on scene by any patron however one subject was cited for Trespassing.
8. On 03/20/08 at 2:36 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Officers spoke to the manager "Bill" who stated three subjects were yelling and swearing at him refusing to leave. "Bill" also indicted that the subjects were intoxicated. The incident was advised.
9. On 03/27/08 at 12:46 am, Milwaukee police were dispatched to 1827 N Farwell regarding several calls about males in front of the restaurant that appeared as if they were about to drag race their autos. Calls were also received about several subjects in front of the Pizza Shuttle possibly arguing. The manager "Bill" also called police and stated that there were thirty autos blocking traffic and that subjects were running in the streets and playing music. Squads responded and the area was eventually cleared.
10. On 03/29/08 at 3:52 am, Milwaukee police were dispatched to 1827 N Farwell for Trouble With Subjects complaint. Investigation revealed a group of subjects were at the restaurant arguing and refusing to leave. Once police arrived all parties involved were gone.
11. On 03/30/08 at 2:06 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Police spoke to an employee, Sharin, as well as security who stated a large group had gathered and were fighting in the parking lot of the restaurant. The subjects involved were gone once police arrived.
12. On 04/05/08 at 1:28 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. The call was advised but police ended up writing parking citations for several parking violations found. Police were dispatched again at 4:23 am for subjects that refusing to leave the restaurant. Once police arrived, subjects were gone.
13. On 04/19/08 at 1:06 am, Milwaukee police were dispatched to 1827 N Farwell for Crowd Control at the restaurant. Security personnel requested MPD for a large crowd that gathered outside of the location. Police arrived and cleared the area.

14. On 05/04/08 at 3:32 am, Milwaukee police were dispatched to 1827 N Farwell for a Large Fight complaint. A security guard for the restaurant was injured and had sustained lacerations to the knee and elbow while trying to break up a fight. A report was filed.
15. On 06/23/08 at 1:02 am, Milwaukee police were dispatched to 1800 N Farwell for a Fight complaint. Police arrived and observed numerous subjects standing in and around the Pizza Shuttle restaurant as well as multiple autos stopped in traffic. Due to heavy pedestrian and vehicle traffic, more squads were dispatched to help assist clearing the area. Four traffic citations were issued and the area was eventually cleared.
16. On 05/17/08 at 3:38 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for traffic control. When squads responded they did not locate any autos.
17. On 05/25/08 at 2:10 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for a Trouble With Subject complaint. Police were advised that a patron was refusing to leave but upon officers arrival, the subject left. Squads were again dispatched to the restaurant at 2:39 am regarding a Fight In Progress in which security was detaining subjects. Citations were issued to the parties involved.
18. On 05/31/08 at 1:28 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for a Fight complaint. Security was reporting that 300 plus people were at the location and that there was a fight. The caller stated they had only four security guards and needed more help. Updated calls were given to responding squads that indicated that a male was armed with a revolver. As police approached, they observed security has an auto stopped in the street at gunpoint. Police issued several citations and a report was filed regarding the subject who was armed and fled the restaurant.
19. On 06/01/08 at 1:53 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Investigation revealed people were fighting outside the restaurant and in the parking lot. A victim was identified but he refused to prosecute.
20. On 06/07/08 at 1:00 am, Milwaukee police were dispatched to 1827 N Farwell for reports of Shots Fired and Cruising. Squads responded and were not able to locate any suspects. Police were dispatched again at 2:05 am for a complaint of Battery- DV related. Investigation found security personnel used pepper spray on a suspect that was unrelated to the Battery DV complaint. Reports were filed. Police again were dispatched at 3:26 am, for another Battery complaint between two patrons and citations were issued in the incident.
21. 06/16/08 at 1:08 am. Milwaukee police were dispatched to 1827 N Farwell for a Loud Music complaint. Squads were advised that there were 20-30 subjects outside of the restaurant crowding the streets playing loud music and getting in and out of their cars. Squads responded and cleared the area. At 1:35 am, police were flagged down by an employee of Pizza Shuttle about patrons causing problems inside the restaurant. Police again responded and at the request of management, ordered everyone that was inside the restaurant to leave if they were not ordering food. It should be noted an underage party was held downtown that ended up with numerous patrons from that club going to Pizza Shuttle. On that particular night, the restaurant did not have security personnel on scene.

22. On 06/20/08, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Police spoke to Christopher Albert, security for Pizza Shuttle who stated patrons who were intoxicated were refusing to leave the property. Albert stated these patrons were screaming profanities and police were called. Citations were issued to two patrons for Trespassing and one citation was issued for Obstructing An Officer.
23. On 06/17/08 at 1:40 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Police spoke to security who stated there was a verbal altercation in the parking lot between two females. When security approached these two women, one subject's boyfriend jumped in and became loud and disorderly to the security guards. Security asked these subjects to leave but they refused. One citation was issued for Disorderly Conduct.
24. On 07/06/08 at 1:12 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Investigation revealed a fight took place in the parking lot of Pizza Shuttle with approximately 200-300 people scattered though the waiting area of the restaurant. These patrons appeared to be spectators to the fight and were egging the participants on. A report for property damage was also taken. While on scene, police were advised of another fight inside the mens room of the restaurant. Both subjects involved in that were cited for Disorderly Conduct. While police were issuing citations for the fight, security again advised police of a verbal confrontation between other patrons in which security tried to break up but that both parties directed their anger at security. Officers advised these two subjects to leave or they would both receive citations. They left without incident. Police were on scene for 1 hour and 41 minutes. Police did speak with management regarding the volume of calls received by the restaurant and that no other businesses in the area have needed this type of police response.
25. On 07/07/08 at 1:00 am, Milwaukee police were dispatched to a Fight at 1827 N Farwell. Investigation revealed security was detaining four subjects who were observed in an auto parked in the parking lot of Pizza Shuttle with one actor being in possession of marijuana. Police arrested and charged one actor with Possession of Marijuana.
26. On 10/18/08 at 1:01 am, Milwaukee police were dispatched to 1827 N Farwell for A Trouble With Subject complaint. Police spoke to the manager William Kopatichi who stated a group of club juveniles entered his business causing a disturbance in and around the restaurant. Kopatichi stated the juveniles were trashing the dining room area while yelling obscenities and arguing outside of the restaurant so he called police. The subjects were gone upon police arrival. Police observed that no security was on scene of the business. Kopatichi stated that the owner cancelled security services and was in the process of contracting with a new company. No citations were issued regarding the incident.

RONALD D. LEONARD  
CITY CLERK

2010 JUN 10 PM 4:40

CITY OF MILWAUKEE