



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

November 2, 2007

To the Honorable, the Common Council

Dear Members:

Common Council File 070913 is a substitute motion suspending the Class "B" Tavern license for 30 days, based upon the complaint of Ald. Tony Zielinski, for the premises at 2155 S. Kinnickinnic Avenue ("Chaser's Pub") in the 14th aldermanic district.

Common Council File 070817 contains the following recommendations:

Renewal, with a 10-day suspension based on the police report, of the Class "B" Tavern license of Arnulfo Sosa for the premises at 1901 W. Grant St. ("Las Dos Estrellas") in the 13th aldermanic district.

Renewal, with a 30-day suspension based on the police report, of the Class "B" Tavern partnership license of Leonie and Ricardo McKenzie for the premises at 2035 W. Fond du Lac Ave. ("Leoric Sport Club Bar & Grill") in the 15th aldermanic district.

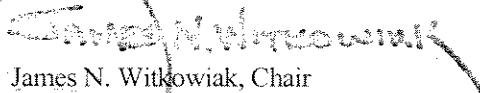
With regard to the files listed above, the Licenses Committee held an evidentiary hearing on October 29th 2007.

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 Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Wednesday, November 21, 2007** at 9:00 A.M. in the Common Council Chambers.

Respectfully,


James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
Files 070913 and 070817



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: November 2, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Licenses Committee on the Complaint of Alderman Tony Zielinski seeking revocation of the Class "B" Tavern License held by Frank Dobert for the premises located at 2155 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin ("Chaser's Pub").

FINDINGS OF FACT

1. Frank Dobert (hereinafter the "Licensee") is the holder of a Class "B" Tavern License for the premises located at 2155 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin ("Chaser's Pub").
2. A complaint seeking the revocation of said license was filed on October 5, 2007 by Alderman Tony Zielinski. The complaint alleged that the premises known as "Chaser's Pub" was operated in a manner that constituted a public and private nuisance which was having a substantial adverse effect upon the health, safety, and convenience of the neighborhood. Specifically the Complaint alleged that controlled buys of crack cocaine were made at the premises from a regular customer of the premises on the dates of July 19, July 21, July 26, and August 1, 2007. The Complaint further alleged that another transaction involving the sale of crack cocaine occurred on July 21, 2006, but involved a bartender. A supplement to the Complaint of October 5, 2007 and also dated October 5, 2007 alleged that un-invoiced alcohol was on the premises in violation of Chapter 125 of the Wisconsin Statutes and that 26 bottles of alcohol had been found to be adulterated with insects.
3. On October 22, 2007 the complaint and supplemental complaint was served upon Frank Dobert along with a summons containing a copy of § 90-12 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes. At Committee, Ald. Tony Zielinski withdrew his supplemental complaint.
4. Said summons commanded the appearance of Frank Dobert to answer the complaint of Alderman Tony Zielinski on October 29, 2007 at 3:30 p.m. in Room 301-B of City Hall. At that date time and place Frank Dobert appeared

and answered the complaint as summoned and was represented by counsel, Mr. Andrew M. Arena, Kopp & Arena, S.C., 1110 North Old World Third Street, Suite 515, Milwaukee, WI 53203. The complainant, Alderman Tony Zelinski, appeared and gave testimony.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On July 19, 2007 at 10:32 PM, an undercover officer of the Milwaukee Police Department was able to purchase cocaine base from a patron of the licensed premises located at 2155 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin (“Chaser’s Pub”).
 - B. Also on July 19, 2007 at 11:00 PM, the same undercover officer was able to purchase additional quantities of cocaine from the same patron in Chaser’s Pub.
 - C. On July 26, 2007 at 9:28 PM, the same undercover officer involved in items 5 A and B, above, was able to purchase quantities of cocaine from a second patron of the premises, while in Chaser’s Pub.
 - D. On August 1, 2007 at 9:35 PM, the same undercover officer as was involved in items 5 A, B, and C, above, was able to purchase from the second patron while in Chaser’s Pub.
 - E. Also on August 1, 2007 at 11:28 PM, the same undercover officer involved in items 5 A – D, above, was able to purchase additional quantities of cocaine from the first patron while in Chaser’s Pub. At that time, the officer placed both the first patron and the second patron under arrest. A custodial search revealed eleven corner cuts of cocaine. Both were charged with Possession of a Controlled Substance with Intent to Deliver, and the second patron was also charged with two counts of bail jumping.
 - F. At hearing, the licensee explained that he is trying to get the premises ready for sale, and that he has physical problems that allow him only to work from approximately 9:30 AM until 3 PM daily at which time another bartender takes over. The licensee explained that the first patron had been a bartender, but that she was fired when she was discovered dealing drugs in 2006. She was caught on the licensee’s video taping system, and told not to return to the bar. The bartender on duty on the evenings that the drug transactions set forth above took place was fired as a result of the arrests in question. The licensee explained that he did not know about the incidents of drug transactions in 2007 until Alderman Zielinski called him regarding those matters earlier this summer.

CONCLUSIONS OF LAW

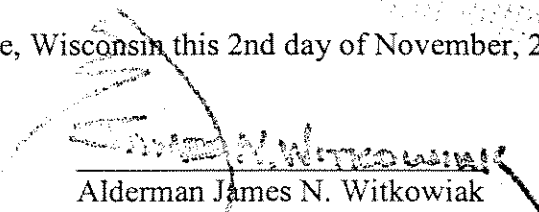
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found regarding the Complaint of Alderman Zielinski as it relates to drug transactions upon the licensed premises, the Committee concludes that the licensee, for the premises located at 2155 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin (Chaser's Pub"), has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances, and thus recommends that the full Common Council of the City of Milwaukee exercise its discretion to suspend the Class "B" Tavern license held by Frank Dobert for the premises located at 2155 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin for thirty (30) days based upon the Complaint of Alderman Tony Zielinski and for the dangers that the operation of this premises poses to the health safety and welfare of the citizens of the City of Milwaukee. The Committee finds the Complaint of Alderman Zielinski, relating to drug transactions in the premises, to be true.

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 of Frank Dobert for the premises located at 2551 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin ("Chaser's Pub") be suspended for a period of thirty (30) days based upon the Complaint of Alderman Tony Zielinski.

Said suspension is to be in effect from the time of Common Council action on November 21, 2007 through that same time December 21, 2007.

Dated and signed at Milwaukee, Wisconsin this 2nd day of November, 2007.


Alderman James N. Witkowiak
Chairman Licenses Committee

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