

**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

September 14, 2004

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 031483

Recommendation of nonrenewal of the Class "D" Bartender license of Kenya Witcher based on non-appearance.

Recommendation of nonrenewal of the Class "B" Manager license of Juan Sendejo based on non-appearance.

Recommendation of renewal of the Class "B" Tavern license with a 10-day suspension, based on the police report, of Dorothy Leonard, agent for Digi's Inc., for the premises located at 2712 N. Dr. Martin Luther King, Jr. Drive ("Spice Lounge") in the 6<sup>th</sup> aldermanic district.

Recommendation of renewal of the Class "A" Liquor and Malt license with a 30-day suspension based on the police report and neighborhood objection of Jasvir Kaur for the premises located at 2305 N. Holton St. ("Holton Liquor") in the 6<sup>th</sup> aldermanic district. (Committee vote: Ayes: 3, Noes: 1, Abstain: 1)

With regard to the items listed above, the Utilities and Licenses Committee held evidentiary hearings on September 7<sup>th</sup> and 10<sup>th</sup>, 2004.

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.

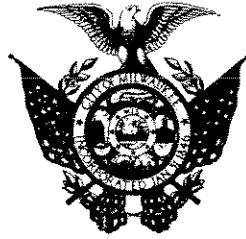
Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, a **roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on Tuesday, **September 21, 2004** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

  
James N. Witkowiak, Chair  
Utilities & Licenses Committee

cc: License Division  
All Council Members  
File No. 031483



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: September 9, 2004

To: All members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Kenya D. Witcher.

**FINDINGS OF FACT**

1. Kenya D. Witcher (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2003.
2. An application to renew said license was untimely filed with the Office of the City Clerk on July 22, 2004.
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 July 23, 2004, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On August 25, 2004, 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 September 7, 2004, commencing at 10:45 a.m. in Room 301B of City Hall. At said date, time and place, the licensee failed to appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. Notice of the hearing as well as a copy of the police report was sent to Kenya D. Witcher at 2452 North Buffum Street, Milwaukee, Wisconsin 53212 on August 25, 2004 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 2452 North Buffum Street, Milwaukee, Wisconsin 53212 is the address given by the applicant on his application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on September 7, 2004.

#### 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 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 Class "D" Bartender license of Kenya D. Witcher, not be renewed because of non-appearance.

#### RECOMMENDATION

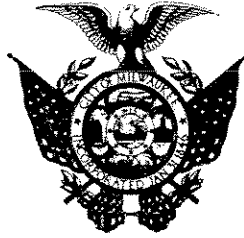
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes to zero (0) noes, recommends that the Class "D" Bartender License not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this 9th day of September, 2004.



JAMES R. WITNOWICK

Chairman of the Utilities  
and Licenses Committee



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: September 9, 2004

To: All members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Manager License of Juan J. Sendejo, Jr.

**FINDINGS OF FACT**

1. Juan J. Sendejo, Jr. (hereinafter the "Licensee") is the holder of a Class "B" Manager License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, June 30, 2004.
2. An application to renew said license was untimely filed with the Office of the City Clerk on July 6, 2004.
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 July 7, 2004, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On August 26, 2004, 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 September 7, 2004, commencing at 10:15 a.m. in Room 301B of City Hall. At said date, time and place, the licensee failed to appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. Notice of the hearing as well as a copy of the police report was sent to Juan J. Sendejo, Jr. at 2396 South Kinnickinnic Avenue, Milwaukee, Wisconsin 53207 on August 26, 2004 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 2396 South Kinnickinnic Avenue, Milwaukee, Wisconsin 53207 is the address given by the applicant on his application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on September 7, 2004.

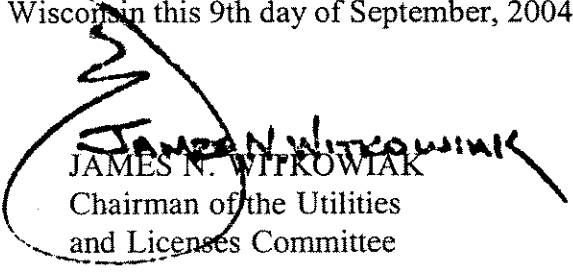
### CONCLUSIONS OF LAW

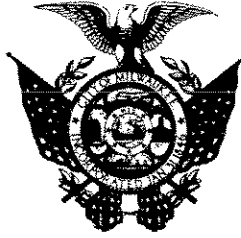
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the Class "B" Manager license of Juan J. Sendejo, Jr., not be renewed because of non-appearance.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes to zero (0) noes, recommends that the Class "B" Manager License not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this 9th day of September, 2004.

  
JAMES N. WITKOWIAK  
Chairman of the Utilities  
and Licenses Committee



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: September 10, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application for a Class "B" Tavern license of Dorothy M. Leonard, agent for Digi's, Inc. ("Spice Lounge") at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin.

FINDINGS OF FACT

1. Dorothy M. Leonard, agent for Digi's, Inc. (hereinafter the "Licensee") doing business at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Spice Lounge"). Said license expires at midnight, September 23, 2004.
2. An untimely application to renew said license was filed with the Office of the City Clerk on June 15, 2004.
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. There was a Milwaukee Police Department report dated June 17, 2004, which could form the basis for non-renewal or suspension of the license. There were also neighborhood objections to loitering, littering, public urination, fights, damage to private property, shooting, gunshots, and conduct detrimental to the public health, safety and welfare.
4. On August 31, 2004, 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 police objections that could form the basis for suspension or non-renewal of the license of the Licensee and the neighborhood objections. The matter was scheduled for a hearing on the police and neighborhood objections on September 10, 2004 at 8:45 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and was represented by Attorney Alan Olshan, 4848 West Lydell Avenue, Milwaukee, WI 53217.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On September 20, 2003 at 1:50 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Spice Lounge") regarding a shooting. An investigation revealed that as a patron was exiting the tavern he was shot at numerous times by an unknown suspect. He was struck once in the left rear back. Nine casings were recovered from the northeast corner of North Dr. Martin Luther King Jr. Drive and West Center Street. Officers interviewed patrons in the tavern and the licensee, but were told that no one had heard or seen anything. The police department indicated that this incident was not necessarily connected to the tavern itself other than the fact that the victim was a patron.
  - B. On August 31, 2003 at 2712 North Dr. Martin Luther King Jr. Drive a fight occurred which resulted in a number of lacerations to a victim's upper and lower lip and which required 15 stitches to close.
  - C. On May 25, 2003, at 2712 North Dr. Martin Luther King Jr. Drive a convicted felon was in possession of a semi-automatic pistol. That same individual also struck a victim in the head causing pain and injury. A shot was fired from the pistol in the victim's direction but the victim was not hit.
  - D. On April 20, 2003 at 2712 North Dr. Martin Luther King Jr. Drive in an adjoining street, a victim was hit in the face with glass causing a broken nose and a laceration from the nose.
  - F. No neighbors appeared on this matter.

#### 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, Dorothy M. Leonard as agent for Digi's, Inc. d/b/a Spice Lounge at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of her

Class "B" Tavern license without undergoing a ten (10) day suspension. The Committee finds the police reports to be true.

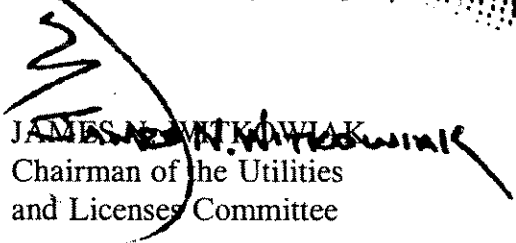
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion to renew the Class "B" Tavern license of Dorothy M. Leonard as agent for Digi's, Inc. d/b/a Spice Lounge at 2712 North Dr. Martin Luther King Jr. Drive with a ten (10) day suspension.

#### RECOMMENDATION

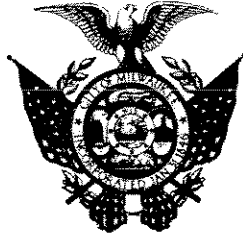
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes recommends that the Class "B" Tavern license held by Dorothy M. Leonard as agent for Digi's, Inc. for the premises at 2712 North Dr. Martin Luther King Jr. Drive in the city and county of Milwaukee, Wisconsin ("Spice Lounge") be renewed with a ten (10) day suspension.

Said suspension is to be in effect from midnight, September 22, 2004 through midnight, October 1, 2004.

Dated and signed at Milwaukee, Wisconsin this 10th day of September, 2004.

  
JAMES N. KOWALIK  
Chairman of the Utilities  
and Licenses Committee





**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: September 10, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Jasvir Kaur for a Class "A" Liquor and Malt license for the premises located at 2305 North Holton Street, in the City and County of Milwaukee, Wisconsin ("Holton Liquor").

FINDINGS OF FACT

1. Jasvir Kaur (hereinafter the "Licensee") doing business at 2305 North Holton Street in the City and County of Milwaukee, Wisconsin ("Holton Liquor"). Said license expires at midnight, September 22, 2004.
2. An untimely application to renew said license was filed with the Office of the City Clerk on August 9, 2004.
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. There was a Milwaukee Police Department report dated August 9, 2004, which could form the basis for non-renewal or suspension of the license. There were also neighborhood objections to loitering, littering, noisy patrons, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On August 30, 2004, 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 police objections that could form the basis for suspension or non-renewal of the license of the Licensee. The matter was scheduled for a hearing on the police objections on September 10, 2004 at 8:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and was represented by Attorney Stanley L. Lind, 135 West Wells Street, Suite 620, Milwaukee, WI 53203 .
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On March 15, 2003, officers of the Milwaukee Police Department with an underage police aide conducted a premises check at a licensed premises at 1433 West North Avenue in the City and County of Milwaukee, Wisconsin ("Rainbow Foods"). The applicant is the licensee at that premises as well. The police aide, who was under 21 years of age, entered the store and was able to purchase a 12-pack of MGD beer from the cashier. The cashier told officers he thought the person he sold the beer to looked older than 21. The cashier was cited for sale to an underage person and on May 8, 2003 was found guilty and fined \$150.00.
- B. On October 29, 2003, officers of the Milwaukee Police Department with an underage police aide conducted a premises check at a licensed premises at 2305 North Holton Avenue in the City and County of Milwaukee, Wisconsin ("Holton Liquor"). The police aide was able to purchase a 6-pack of 16 ounce Budweiser beer from the cashier. The cashier was unable to locate her Class "D" bartender license. The bartender was cited for sale to an underage person and Class "D" license required. The bartender was found guilty on sale to an underage person on February 20, 2004 and fined \$125.00. The citation with respect to Class "D" bartender license required was dismissed on February 20, 2004. The licensee was cited with sale to an underage licensee responsibility. On June 10, 2004 the licensee was found guilty and fined \$100.00.
- C. On May 27, 2004, officers of the Milwaukee Police Department with an underage police aide conducted a premises check at a licensed premises at 2305 North Holton Avenue in the City and County of Milwaukee, Wisconsin ("Holton Liquor"). The police entered the premises and was asked for an ID. She gave the cashier her ID. The clerk looked at the ID for a long time, and then sold the police aide a 12-pack of "Milwaukee's Best Ice." The licensee was cited for sale to an underage licensee responsibility. On July 22, 2004 the licensee was found guilty and fined \$100.00. The cashier was issued a citation for sale to an underage person. On July 22, 2004 the cashier was found guilty and fined \$100.00.
- D. One neighbor appeared on this matter who failed to testify as to the notice objections.

#### 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.

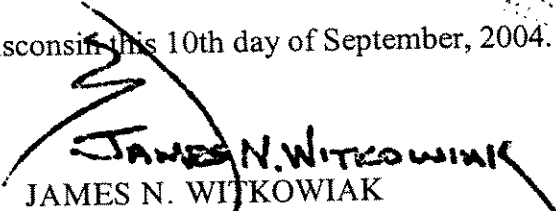
2. Based upon the above facts found, the Committee concludes that the licensee, Jasvir Kaur for the licensed premises at 2305 North Holton Street ("Holton Liquor") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of her Class "A" Liquor and Malt license without undergoing a thirty (30) 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 discretion to renew the Class "A" Liquor and Malt license of Jasvir Kaur for the premises at 2305 North Holton Street in the City and County of Milwaukee, Wisconsin ("Holton Liquor") with a thirty (30) day suspension.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noes and one (1) abstain recommends that the Class "A" Liquor and Malt license held by Jasvir Kaur for the premises at 2305 North Holton Street in the City and County of Milwaukee, Wisconsin ("Holton Liquor") be renewed with a thirty (30) day suspension.

Said suspension is to be in effect from midnight, September 22, 2004 through midnight, October 21, 2004.

Dated and signed at Milwaukee, Wisconsin this 10th day of September, 2004.

  
JAMES N. WITKOWIAK  
Chairman of the Utilities  
and Licenses Committee