



JAMES A. BOHL JR.
Alderman, 5th District

June 6, 2008

To the Honorable, the Common Council

Dear Members:

Re: Common Council Files 080072 and 071674

Attached are written objections to File 080072:

Substitute resolution denying renewal of the mobile home park license of Zellmer Fromm, Collegiate Mobile Home Park, for the premises at 6160 S. 6th St.

Attached are written objections to File 071674:

Renewal, with a 10-day suspension based on the police report, of the Public Dance Hall license of Michael Grosse, Agent for "20 Below, LLC" for the premises at 126 E. Mineral St. ("Sugar") in the 12th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

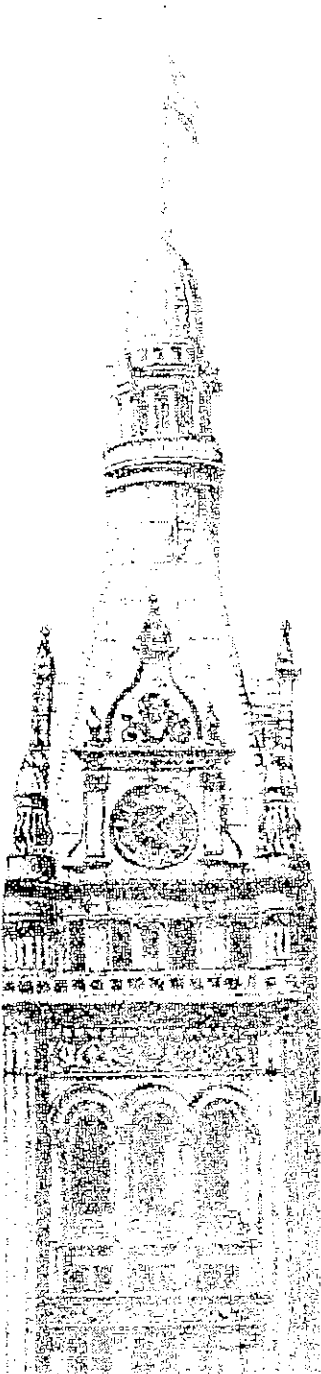
This matter will be heard by the full Council at its June 10, 2008 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,

A handwritten signature in black ink that reads "James A. Bohl Jr." in a cursive style.

James A. Bohl, Jr., Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 080072 and 071674



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June 5, 2008

City Clerk Ronald D. Leonhardt
Office of the City Clerk
City Hall, Room 205
200 E. Wells Street
Milwaukee, WI 53202

Re: 20 Below, LLC d/b/a Sugar – 126 E. Mineral Street
Objections to Findings of Fact and Conclusions of Law

Dear City Clerk Leonhardt,

Our office is legal counsel to 20 Below, LLC d/b/a Sugar, 126 E. Mineral Street, Milwaukee, Wisconsin. On May 28, 2008, the Licensing Committee made a recommendation to the Common Council that our client's Public Dance Hall license be renewed with a 10-day suspension.

By this letter, we request to be heard at the Common Council meeting on June 10, 2008. Below please find our objections to the Licensing Committee's Findings of Fact and Conclusions of Law:

We object to the findings in totality because the findings were never voted on or specifically approved by the Licensing Committee.

We object to paragraph 3 because it is all hearsay. All citizen complaints are hearsay because there is no basis for any of them in the record. Nobody, other than the police captain and the local alderman appeared to testify against the licensee.

We object to findings regarding sexual assaults because the complaint was reported by the licensee. This incident was not caused by a management problem. There is not a rational way for a licensee to determine that a customer is a sexual predator. As such, using the report of a fourth degree sexual assault as a basis for a suspension creates an incentive for licensees to not report sexual assaults that occur at their businesses.

We object to any and all findings relating to behavior that may have taken place outside including the laundry list of items contained in paragraph 3 including drug use, prostitution, drinking, thefts, and gambling. The record does not show that any individuals who may have

participated in any of this behavior had any connection to Sugar. While it is true that people were outside, there is no suggestion *in the record* to reflect that these were patrons of Sugar.

At the hearing, the 2nd District Police Captain indicated the only basis for his personal recommendation of non-renewal was a report by an individual six days before the hearing that young girls were changing clothes in public. This hearsay was admitted only for the purpose of what the captain believed, not for the truth of the matter asserted. The captain's testimony indicated that none of the matters listed in paragraph 5(C) were the basis of his recommendation of non-renewal.

In addition, the local alderman did not observe any of the behavior discussed in paragraph 5(D) nor is there any basis in the record for these reports short of the testimony of the licensee.

There was no first hand knowledge or testimony to believe that the findings of fact are true.

The licensee recommends that the Milwaukee Common Council make the following conclusion of law: That the licensee has converted a vacant warehouse and improved it, added to the tax base, and has provided numerous jobs to City residents and provided a safe, drug free, alcohol free environment for under-aged adults. Further, that the licensee provides benefits to the City by eliminating problems such as cruising and illegal house parties in ways that the City of Milwaukee itself has had difficulty addressing.

Thank you for your attention to this matter.

Sincerely,



David R. Halbrook
Attorney at Law

DRH/abd

Cc: 20 Below, LLC