

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### VICE CHAIR

- Community and Economic Development Committee

### MEMBER

- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

March 13, 2018

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 171487 contains the following recommendations:

Nonrenewal, based upon the second nonappearance of the Class D Operator's license for Sonya Angeles.

Nonrenewal, based upon the landlord's testimony of the Class B Tavern, Center for the Visual and Performing Arts, and Public Entertainment Premises licenses for William Stace for the premises located at 2844-46 N Oakland Ave ("Miramar Theater") in the 3rd aldermanic district.

Renewal, with a ten (10) day suspension, based upon the police report of the Class B Tavern, Food Dealer, and Public Entertainment Premises licenses for Patsy Smith-James for the premises located at 628 N Water St ("District IV") in the 4th aldermanic district.

Nonrenewal, based upon neighborhood testimony of the Class B Tavern and Public Entertainment Premises licenses for James Harrison for the premises located at 3945 N 35th ("Tatou") in the 7th aldermanic district.

Renewal, with a thirty (30) day suspension, based upon the police report of the Recycling, Salvaging, or Towing Premises licenses for Jose Villalobos for the premises located at 2003 S Kinnickinnic Ave ("General Towing") in the 14th aldermanic district.

Respectfully,

A handwritten signature in black ink that reads "Tony Zielinski".

Tony Zielinski, Chair  
Licenses Committee

cc: All Council Members  
File 171487

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: March 9, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Sonya L. Angeles

### FINDINGS OF FACT

1. Sonya L. Angeles (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2017.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
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. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On February 23, 2018 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 March 6, 2018 at 1:00 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. A notice of the hearing as well as a copy of the police report was sent to Sonya L. Angeles, 3739 South 15th Place, Milwaukee, WI 53221 on February 23, 2018 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 3739 South 15<sup>th</sup> Place, Milwaukee, WI 53221 is the address given by the Licensee on her 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 March 6, 2018 at 1:00 p.m.

### 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 on the above facts found, the Committee concludes that the Licensee, Sonya L. Angeles has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license based upon nonappearance.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Operator's license held by Sonya L. Angeles based upon nonappearance.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **five (5) ayes and zero (0) noes** that the Class "D" Operator's License of Sonya L. Angeles not be renewed based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 9th day of March, 2018.



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TONY ZIELINSKI  
Chairman Licenses Committee

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## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: March 9, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern, Public Entertainment Premises (PEP) and Center for the Visual and Performing Arts Licenses of William J. Stace, for the premises located at 2844-46 North Oakland Avenue in the City and County of Milwaukee, Wisconsin ("THE MIRAMAR THEATRE").

### FINDINGS OF FACT

1. William J. Stace (hereinafter "the Licensee") is the holder of a Class "B" Tavern License, PEP and Center for the Visual and Performing Arts Licenses for the premises located at 2844-46 North Oakland Avenue in the City and County of Milwaukee, Wisconsin ("THE MIRAMAR THEATRE"). Said licenses expire at midnight on April 3, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on January 29, 2018.
3. Pursuant to Chapters 85, 90, and 108 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 February 20, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On February 22, 2018 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report, and on the neighborhood objections. The matter was scheduled for a hearing on the police department report on March 6, 2018, commencing at approximately 9:30 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the

Licensee appeared with counsel, Attorney David Halbrooks, at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. On February 10, 2018 officers responded to The Miramar Theatre for a possible tavern violation. The officers spoke with Aaron Ohlsson, who stated for the past seven years he has run the business for William Stace, who holds the license. Mr. Ohlsson stated that Stace fell behind in the rent so he took over paying the rent, and eventually took over the lease after Stace was evicted. Mr. Ohlsson stated he did not have a Class B Managers license. The two subjects who stated they were bartenders did not have Operators licenses. Ohlsson was advised he could not serve alcohol without a licensed bartender on scene. The officer spoke with the Licensee by phone. He stated he fell behind in the rent and was evicted in July 2017. He stated he removed his occupancy but did not remove the other licenses. The Licensee stated Mr. Ohlsson was operating under his license without permission. On February 11, 2018 officers conducted another tavern check at The Miramar. Mr. Ohlsson was on scene and stated he was responsible for another event. There was a licensed bartender on scene. Both the Licensee and Mr. Ohlsson were cited for being members of a collusive agreement and the Licensee was cited for responsible Person on Premises.

Charge 1: Collusive Agreement Prohibited  
2: Responsible Person on Premises

Finding 1: Court date 04/06/2018  
2: Court date 04/06/2018

Sentence 1:  
2:

Date:

Citation 1: 61604255  
2: J9816ZV95V

B. On February 16, 2018 an officer responded to The Miramar Theater, 2844 North Oakland Avenue, for a tavern check. This check was based on several phone conversations with Attorney David Halbrooks, who represents the Licensee. Attorney Halbrooks was advised by the police to turn in the liquor license if he wanted the business closed down. When the officer arrived at 10:00 p.m. he spoke with Aaron Ohlsson, who runs the theater but the license is in Stace's name. At 11:50 p.m. the officers

returned to do a count of patrons at the sold out show. The officers were positioned at all points of entry/exit and a count was performed as the patrons exited. The total count was 465 and the DNS capacity is 327, leaving the premises 138 over capacity. Ohlsson did know his capacity but stated he thought he was allowed to include the capacity of the adjoining tavern (Stage Right).

- C. Attorney David Halbrooks stated the Licensee ran the premises for two decades with no violations and he is opposed to Mr. Ohlsson's application. He added that Mr. Ohlsson is buying alcohol with Stace's license. Atty. Halbrooks argued that the Licensee is still a legal tenant because he has not been evicted.

Individuals present representing the landlord:

- D. Antonio Scarampellis 4645 North Larkin Street was present to testify. Mr. Scarampellis stated he is the son of the landlord, who owns the building wherein the licensed premises is located. He testified that the applicant has no lease and is not currently a legal tenant. Mr. Scarampellis said that the owners do not have a signed lease with the applicant, and will not enter into a lease agreement with the Licensee.
- E. Alderman Zielinski stated because the landlord will not lease to the applicant the committee cannot grant the renewal.
- F. Alderman Bohl asked why the applicant did not remove his license from the premises.
- G. The Licensee stated that he did not receive a letter informing him of the hearing from the City of Milwaukee, because he has been locked out of his apartment, which is on the same premises as the Miramar. However, he did call the License Division and was informed of the date and time of his hearing.
- H. Alderman Kovac stated the Licensee ran a great business for many years, and there is no opposition from neighbors for the premises as a business. However, based on the fact that the Licensee is not a tenant and has no actual premises wherein he may conduct business at the location, he has no choice but to move for non-renewal. Alderman Kovac moved non-renewal based on the testimony of the landlord. (Prevailed 5-0)

## 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 Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, William J. Stace, has not met the criteria to allow renewal of his Class "B" Tavern, PEP and Center for the Visual and Performing Arts licenses.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment not to renew the Class "B" Tavern, PEP and Center for the Visual and Performing Arts licenses of William J. Stace for the premises located at 2844-46 North Oakland Avenue, in the City and County of Milwaukee, Wisconsin ("THE MIRAMAR THEATRE ") based upon the landlord testimony.

## 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, PEP and Center for the Visual and Performing Arts Licenses of William J. Stace for the premises located at 2844-46 North Oakland Avenue ("THE MIRAMAR THEATRE") in the City and County of Milwaukee, Wisconsin not be renewed based upon the landlord testimony.

Said nonrenewal begins April 4, 2018.

Dated and signed at Milwaukee, Wisconsin this 9th day of March, 2018.



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TONY ZIELINSKI  
Chairman, Licenses Committee

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## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: March 9, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer Licenses of Patsy Smith-James, Agent for Higbee's MKE LLC, for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("District IV").

### FINDINGS OF FACT

1. Patsy Smith-James, Agent for Higbee's MKE LLC (hereinafter "the Licensee") is the holder of Class "B" Tavern License, PEP and a Food Dealer Licenses for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("District IV"). Said licenses expire at midnight on April 5, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on February 1, 2018.
3. Pursuant to Chapters 68, 85, and, 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 February 7, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On February 22, 2018 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, and, 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes 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 March 6, 2018, commencing at approximately 11:15 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Vincent Bobot, at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:



- A. On November 2, 2017, at 2:01 a.m. officers investigated a shots fired complaint in the area of East Mason Street and North Broadway Street. While on scene a shooting victim arrived at St. Mary's Hospital. The investigation revealed the victim was at the District Night Club earlier with a group of friends. During the night an unknown subject bought her a drink. The same subject later touched her breast. After closing the situation escalated outside which resulted in shots being fired by both parties. The District was cooperative with the officers and provided video surveillance footage. The District pats down all patrons prior to them being allowed inside and the subjects involved had obtained their guns from their cars.
- B. On November 13, 2017, officers investigated a Battery DV that started at 628 North Water Street in line waiting for the District Bar. The victim was in line with the suspect who was kicked out of the line by security for smoking and a dress code violation. The victim and suspect walked off and the suspect hit the victim in the head. The victim asked security to help her get her keys from the suspect but they refused stating she would need the Police to do that. The victim then left the scene. The tavern supplied video to the officers.
- C. On December 14, 2017, at 3:07 a.m. a subject went to District One to report an incident that occurred at The District. The victim stated she was standing at the bar when a subject came up behind her and pulled up her skirt exposing her underwear. She reported the incident to security who confronted the subject and kicked him out. The victim observed him return at closing time and be allowed back in the bar. The officer made attempts to follow up at the tavern but it was closed.
- D. On January 9, 2018 a meeting was held at District 1 regarding incidents at The District. Captain Rowe suggested an ID scanner and a staggered or early release to avoid problems with 618 Live closing at the same time. Security cameras were discussed. The Licensee stated she has six cameras inside and two to three more outside. She stated the footage is saved for seven days. The Licensee was reminded to call the police when incidents occur. She stated she has hired a new General Manager but at the time of that meeting he did not have his manager's license yet.
- E. At committee, the Licensee stated the manager does have his Class B manager's license. The local Alderman, Robert Bauman, asked the Licensee what her role is in the establishment. She responded that on Fridays she runs the ID scanner and Saturdays she is watching the security cameras from the office. She stated that if she sees suspicious activity she contacts the nearest security guard. The Licensee explained that she is in communication with her security team via radios that she has purchased. She added that she has operated bars since 1975.
- F. Attorney Vincent Bobot stated there was meeting with District 1 and now there is an experienced manager on staff. He added there is now an ID scanner that is

linked with other bars in the area. He added that the amount of security cameras has doubled. He stated that the closing has been staggered to 30 minute increments. He stated the security video is now kept for 30 days and security guards patrol the outside area in a vehicle. He added that the kitchen is now fully operational and food is being served. He added that when there are incidents the police are notified right away. He stated that the Licensee's son is not involved in the business. He stated that significant upgrades have been made, the operation is tight, and most of the patrons live in the City of Milwaukee.

- G. Alderman Bauman stated there were two shooting incidents and there have been issues at the location for many years with many different operators. He requested that the committee issued a warning letter because there is no neighborhood opposition and that the committee recommends to deny the change in entertainment.
- H. Alderman Bohl moved approval of the renewal with a 10 day suspension based on the police report and denial of the change in entertainment. (Prevailed 5-0.)

#### 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 Chapters 68, 85, and, 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Patsy Smith-James, Agent for Higbee's MKE LLC, has not met the criteria to renew of her Class "B" Tavern, PEP and Food Dealer licenses without the issuance of a ten (10) day suspension.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern, PEP and Food Dealer licenses of Patsy Smith-James, Agent for Higbee's MKE LLC for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("District IV") with a ten (10) day suspension based upon the police report.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **fives (5) ayes and zero (0) noes**, and recommends that the Class "B" Tavern, PEP and Food Dealer Licenses of Patsy Smith-James, Agent for Higbee's MKE LLC for the premises located at 628 North Water Street ("District IV") in the City and County of Milwaukee, Wisconsin be renewed with a ten (10) day suspension.

Said suspension to be in effect from 12:01 a.m. April 6, 2018 through 11:59 p.m. April 15, 2018.



Dated and signed at Milwaukee, Wisconsin this 9th day of March, 2018.



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TONY ZIELINSKI  
Chairman, Licenses Committee

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## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: March 9, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of James J. Harrison, for the premises located at 3945 North 35th Street in the City and County of Milwaukee, Wisconsin ("Tatou Amusement, LLC").

### FINDINGS OF FACT

1. James J. Harrison (hereinafter "the Licensee") is the holder of a Class "B" Tavern License and a PEP License for the premises located at 3945 North 35th Street in the City and County of Milwaukee, Wisconsin ("Tatou Amusement, LLC"). Said licenses expire at midnight on April 5, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on January 30, 2018.
3. Pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation.
4. On February 27, 2018 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on March 6, 2018 commencing at approximately 1:15 p.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing with counsel, Attorneys David Halbrooks and Van Welytok and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:



- A. The Licensee stated he will not turn the premises into V Live. He stated he has been operating for six years and will continue to run an upstanding, successful business. He added he is working with the neighborhood. He stated that the V Live sign was put up when he was on vacation. The Licensee stated he cleans up litter outside every night the premises is open. He added that he has 8-12 security guards that monitor the premises. He stated that his security has taken four guns off the streets. He stated that his building has also been tagged.
- B. Attorney David Halbrooks stated there are building code violations and the premises is currently closed while they are being addressed. He added that the Licensee will not be partnering with V Live. He stated that if the premises become V Live there are grounds for revocation. He added that the premises will participate in human trafficking training. He stated the V Live sign went up because there was a marketing plan to join with V Live. He stated the auditions took place at Kiss. He added that the concerns of the residents have been addressed and an additional parking lot has been rented to accommodate 70 cars. He stated that he believes the issues raised do not rise to the level of discipline.
- C. Attorney Dan Welytok stated the involvement with V Live for marketing and the management of V Live is not involved with the management of Tatou. He added that any jeopardy to the license would end the association with V Live.
- D. Alderman Rainey moved to amend the plan of operation to not allow any involvement with V Live any time in the future, and the Licensee and employees will participate in human trafficking training and community involvement.
- E. Melissa O'Neill - DNS stated the department received complaints that there was work at the licensed premises being done without permits. Upon inspection, electrical and plumbing work was being conducted without permits. She added orders have been issued and the work has not been completed. On April 7, 2017, officers investigated a burglary at Tatou Amusement, LLC, 3945 North 35th Street. The bar was closed at the time of the incident.

Individuals present in opposition:

- F. Mr. Edward Wabarucha, 3872 North 36th Street stated when he first moved in kids would play outside and everyone was welcoming and people felt safe. He added things have changed and now there are break-

ins, car thefts, shootings, speeding cars, and crashes. He stated that 2 bodies have been found in the area. He added that there are parents using their kids to buy and sell drugs. He added that he objects to the alcohol at the premises and the activities that go on inside and outside. He stated the issues happen when the club is open. He stated he has witnessed kids breaking into cars of the patrons.

- G. Ms. Jennifer O'Hare, 2831 North Prospect Avenue stated she wanted the Licensee to know Common Ground would be watching. She added that she heard that the Licensee was going to sell the license to V Live after the license was renewed. She stated there are two group homes near the premises. She added that members of Common Ground were intimidated when they were canvassing the neighborhood.
- H. Alderman Bohl moved to enter into the record as exhibit #1 Common Ground's written opposition to the premises.
- I. Ms. Rotisha Nelson, 5253 North 33rd Street, stated she is concerned about V Live coming to this location. She added that this premises is too close to schools and daycares. She stated there should not be another club in the neighborhood.
- J. Ms. Anise Lampkins, 2743 West Highland Boulevard, #204 stated the Licensee approached her in an aggressive manor and berated her with questions when she was canvassing the neighborhood for Common Ground.
- K. Ms. Pearl Gatson, 4321 North 19th Place stated she witnessed a shooting on 35th St and Capitol Dr.
- L. Ms. Barbara Gruenwald, 3363 North 45th Street stated she owns a business next to the premises and patrons of the premises harass her and her husband while they are trying to get to work. She added her employees have felt threatened by patrons. She stated the increase in litter is due to the premises. She added that patrons are urinating and smoking marijuana behind her business. She stated that her building has not been tagged and the other issues have not occurred since the premises have been closed.
- M. Mr. Edward Miller, 3529 West Roosevelt Drive, stated he sees everything, including patrons trying to tear down the fence. He added that he has seen shootings, speeding cars, screeching tires, and traffic accidents. He stated that he supports the Licensee, but not at the current location. He added then when the premises are open, the quality of life goes down.

- N. Mr. Barry Givens, 3926 North 44th Street, stated the Sherman Park Neighborhood Association is in support of the residents present in opposition. He added that there is a lot of traffic.
- O. Ms. Martha Love, 1800 North 18th Street, Human Trafficking Task Force stated strip clubs are a gateway to human trafficking and she is in opposition.
- P. Ms. Bianca Williams, 5014 North 55th Street, stated she was a former stripper and she is in opposition.

Individuals present in support:

- Q. Mr. Lonnie Jackson, 3449 N 39th St stated he is in support.
- R. Mr. Chris Terry, 3506 North 35th St stated the premises have always been a strip club and there is no litter outside and the building is painted. He stated this is a good establishment and previous clubs were worse.
- S. Mr. Homer Blow 2003 West Capitol Drive stated he is in support and the attention was due to V Live. He stated that he has never seen sex trafficking at the premises.
- T. Alderman Rainey asked about the auditions that were present on Facebook. He added that he has concerns about the Licensee's management style. He asked about the cleanup and exiting of patrons from the premises. He added that there was robust conversation from concerned residents and thanked everyone who appeared.
- U. Alderman Rainey moved nonrenewal based on neighborhood testimony. (Prevailed 5-0)

### 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 Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, James J. Harrison, has not met the criteria to allow renewal of his Class "B" Tavern and PEP licenses.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment not to renew the Class "B" Tavern and PEP licenses of James J. Harrison for the premises located at 3945 North 35th Street, in the City and County of Milwaukee, Wisconsin ("Tatou Amusement, LLC") based upon neighborhood testimony.

### 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 and PEP Licenses of James J. Harrison for the premises located at 3945 North 35th Street ("Tatou Amusement, LLC") in the City and County of Milwaukee, Wisconsin not be renewed based upon neighborhood testimony.

Said nonrenewal begins April 6, 2018.

Dated and signed at Milwaukee, Wisconsin this 9th day of March, 2018.



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TONY ZIELINSKI  
Chairman, Licenses Committee

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## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: March 9, 2018

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Renewal Application of Jose Villalobos, Agent for General Towing LLC for a Recycling, Salvaging, or Towing Premises License located at 2003 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin.

### FINDINGS OF FACT

1. Jose Villalobos (hereinafter the “Licensee”) is the holder of a Recycling, Salvaging, or Towing Premises license for the premises located at 2003 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin (“General Towing LLC”). Said license expires on March 23, 2018.
2. An application to renew said license was filed with the Office of the City Clerk on February 9, 2018.
3. Pursuant to Chapter 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to Milwaukee Police Department, for investigation. On February 12, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On February 27, 2018 the City Clerk’s Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report, and the neighborhood objections. The matter was scheduled for a hearing on the police department report on March 6, 2018, commencing at approximately 9:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Michael Maistelman, at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based on the sworn testimony heard and evidence received at the hearing, the Committee renders the following findings of fact:

A. On January 16, 2017, a Milwaukee Police Officer performed a traffic stop in the 500 block of South 35<sup>th</sup> Street of a flatbed truck owned by General Towing LLC. The truck was towing 2 vehicles, one of which did not have “tag lamps” (lights on the rear of a towed vehicle which act as turn, stop, and tail lamps). The vehicle also did not have a Towing License Number or a RST decal on the tow trucks windshield. The owner of the vehicle arrived at the traffic stop a short time later and stated he does not have a RST license for that tow truck. General Towing LLC was issued two citations (Operating a commercial motor vehicle without proof of annual inspection and missing stop lamps/turn signals on the rear of a towed vehicle.)

Charge 1: Operating a commercial motor vehicle without proof of annual inspection  
2: missing stop lamps/turn signals on the rear of a towed vehicle  
Finding 1: Guilty  
2: Guilty  
Sentence 1: \$100.90 fine  
2: \$100.90 fine  
Date: 06/07/17  
Case: 170044299/14004300

B. On March 24, 2017, a patron parked her auto in the parking lot of Fat Valdy’s located at 5108 West Bluemound Road. The vehicle owner admitted to watching a football game at a different establishment and returned to Fat Valdy’s for the second half of the game. She later found that her car had been towed. On March 26, 2017, the owner went to the Milwaukee City Tow lot to retrieve her auto only to find that her car had been towed by General Towing, located at 2003 South Kinnickinnic Avenue. She called General Towing who state they were closed on Saturdays and she could not retrieve her auto. After some debate, she was told she could come get the car, however she would have to pay for storage through Monday and that they only accepted cash for payment, both violations of state law. She arrived at General Towing and was charged \$448.80 for her towing charge. She also claimed they damaged her car as she was parked front first into the parking spot with the front of her car facing a fence. The woman also called her Alderman’s office to complain about the charges and process. The investigating officer was provided receipts, photos of the tow, as well as a video of the vehicle taken by Villalobos. General Towing charged a labor of \$100 and a processing fee of \$25. These extra charges are not allowed to be charged under State Law and city ordinance. The owner of the car was also charged \$120 storage fee which should have been only \$25 since General Towing does not have inside storage and they only had the vehicle for one day. General Towing also charged her for storage until Monday which is also a violation. General Towing towed the auto to 2003 South Kinnickinnic which they did have a license to do. Citations were issued for: Fees Not Posted, Ordinance Not Posted, Photo Requirement, Unlicensed Premise, Refusal to Accept Credit Cards, Excess Storage Fee, Sum in Excess (Processing Fee) and Sum in Excess (Labor Fee).



Charge 1: Fees Not Posted  
2: Ordinance Not Posted  
3: Photo Requirement  
4: Unlicensed Premise (Storage)  
5: Refusal to Accept Credit Card  
6: Excess Storage Fee  
7: Sum in Excess (Processing Fee)  
8: Sum in Excess (Labor Fee)  
Finding 1: Guilty  
2: Guilty  
3: Guilty  
4: Guilty  
5: Guilty  
6: Guilty  
7: Guilty  
8: Guilty  
Sentence 1: Suspended Sentence  
2: Suspended Sentence  
3: \$330.75 fine – **Past Due 12/12/17**  
4: \$330.75 fine – **Past Due 12/12/17**  
5: \$330.75 fine – **Past Due 12/12/17**  
6: \$330.75 fine – **Past Due 12/12/17**  
7: \$330.75 fine – **Past Due 12/12/17**  
8: \$330.75 fine – **(\$130.75) Past Due 12/12/17**  
Date: 06/07/17  
Case: J9811BQ6QS/J9811BQ6QR/J9811BQ6QP/J9811BQ6QN/  
J9811BQ6QM/J9811BQ6QL/J9811BQ6QK/J9811BQ6QJ

C. On March 28, 2017, Milwaukee police received a citizen's complaint from Alderman Murphy's office in regards to General Towing. Police were provided the complainant's information and an officer contacted the female. Investigation found the owner had met some friends at Storyhill BKC located at 5100 West Bluemound and parked her auto in the business' parking lot. After eating with friends, she came out to the lot to find her auto had been towed. She later learned that two businesses shared the parking lot (lot was shared with Fat Valdy's) and that she had parked her auto on the side of Fat Valdy's. She was told that her auto was towed by general Towing and she immediately called them to retrieve her auto, but was told that they were closed and that she could not get her auto. On March 20, 2017, the complainant, along with her brother, went to 2003 South Kinnickinnic Avenue to retrieve her auto and took \$300 in cash. When they arrived, she was told that the tow was \$501.60. She offered to pay by credit card and General Towing refused to take her credit card. They instead pointed her in the direction of the gas station on the corner to where there was an ATM to get the remaining balance. The officer viewed an itemized bill of the storage bill and observed the outdoor storage charge for Saturday-Monday was \$90, in which the



company was closed Saturday and Sunday. General Towing did not charge \$25 a day for outdoor storage per city and state law. Also found was a processing charge of \$25, which is also against city and state law. The auto had been towed to 2003 South Kinnickinnic Avenue, where they do not have a valid towing license, but do hold a premise license. The officer also received another complaint via the Alderman's office in regards to different parking complaint. The officer went to General Towing and spoke with Jose Villalobos and Nancy Villalobos. The officer explained why he was there and explained city and state laws to them both. Also provided was a copy of the both city and state law, along with the officer's business card. The officer also issued several citations from the March 24, 2017 complaint for the violations that were made during that tow.

Charge 1: Charging a Labor Charge  
2: Improper Storage Fees  
3: Charging a Processing Fee  
4: Towing to an Unauthorized Location  
5: Refusing Credit for Payment  
6: Failure to Post Fee Schedule  
7: Failure to Post Regulations

Finding 1: Guilty  
2: Guilty  
3: Guilty  
4: Guilty  
5: Guilty  
6: Guilty  
7: Guilty

Sentence 1: \$330.75 fine – **Past Due 12/12/17**  
2: \$330.75 fine – **Past Due 12/12/17**  
3: \$330.75 fine – **Past Due 12/12/17**  
4: \$330.75 fine  
5: \$330.75 fine – **(\$255.85) Past Due 12/12/17**  
6: Suspended Sentence  
7: Suspended Sentence

Date: 06/07/17  
Case: J9811BQ6QC/J9811BQ6QB/J9811BQ6Q9/J9811BQ6Q7/  
J9811BQ6Q8/J9811BQ6QD/J9811BQ6QF

D. On April 13, 2017, Milwaukee police went to General Towing located at 2003 South Kinnickinnic Avenue to issue citations in regards to a private property tow. Prior to the officer's arrival, the officer had asked twice for the photos that General Towing took of a 2012 Toyota Camry. The officer issued the citations and asked for the photos for the auto in which Jose Villalobos, owner and licensee of the business, stated he could not provide.

Charge 1: Failure to take Photos/General Towing  
Finding 1: Guilty



Sentence 1: \$330.75 fine  
Date: 06/07/17  
Case: J9811BQ6QG

E. On December 15, 2017 the applicant was cited in the City of Milwaukee at 515 East Armour Avenue with Excessive Noise Prohibited.

Charge 1: Excessive Noise Prohibited  
Finding 1: Pre-Trial 02/28/18  
Sentence 1:  
Date:  
Case: J98044NQ8S

F. The applicant stated that he did not initially have a credit card machine and did not know it was illegal to refuse credit card payments. He stated that he never read the ordinances, but he was doing what other companies did. He stated that he told people a couple of times in order to pick up a car on the weekend they had to pay storage until Monday..

G. Attorney Michael Maistelman stated the law in Wisconsin has changed and the applicant was unaware of the changes. He stated the applicant also returned the money he overcharged customers. He added that the applicant has had no issues in the past year. Atty. Maistelman indicated that the Licensee does not actually have any past due fines. He added that he has gone to court several times on behalf of the applicant to pay the fines, but the municipal court is erroneously reporting the fines as past due. He stated that he went to small claims court against the complainant and she was paid the money she was due. He added that the applicant takes full responsibility for his past actions.

H. With regard to the excessive noise violation, the Licensee explained that that violation took place at his home, and had nothing to do with the towing company.

I. Alderman Kovac asked how often the applicant told people on the weekend that they couldn't pick their car up until Monday, unless they paid illegal additional fees. He stated that the applicant was overcharging people just because he could and action must be taken to stop that behavior.

J. Alderman Zielinski asked what happened with the woman who appeared previously as a complainant who said she called multiple times and did not receive return calls. The Licensee explained that he offered both women a full refund. One of the complainants accepted the refund. The other went to small claims court and sued the Licensee. She received a damages award less than the refund the Licensee offered her. The Licensee again expressed his apologies for his previous business practices.

- K. Alderman Bohl stated ignorance is not an excuse for his business practices.
- L. Alderman Bohl moved approval with a 30 day suspension based on the police report and that the license be held until the outstanding balance on the citations is paid in full.

#### 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 Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Jose Villalobos has not met the criteria to allow renewal of his Recycling, Salvaging, or Towing Premises License without serving a 30-day suspension.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment not to renew the Recycling, Salvaging, or Towing Premises license held by Jose Villalobos for the premises located 2003 South Kinnickinnic Avenue without undergoing a 30-day suspension, in the City and County of Milwaukee, Wisconsin ("General Towing LLC") based upon the police report.

#### 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 Recycling, Salvaging, or Towing Premises license of Jose Villalobos for the premises located 2003 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin be renewed with a 30-day suspension based on the police report.

The suspension is in effect between 12:01 a.m. on March 24, 2018 until 11:59 p.m. on April 22, 2018

Dated and signed at Milwaukee, Wisconsin this 9th day of March, 2018.



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TONY ZIELINSKI  
Chairman of the Licenses Committee