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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

May 12, 2011

Michael C. Kozak, Agt.
Ten Thirty, Inc
730 N. Old World Third St.
Milwaukee, WI 53203

Dear Mr. Kozak:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 24, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of your Class "B" Tavern and Tavern Amusement licenses for the premises at 730 N. Old World Third St. ("Boardroom").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of your licenses based upon based upon item #19 on the police report, occurrence of item #19 after imposition but prior to serving last year's 90-day suspension of your licenses, and your testimony that the premise has not been operational during the last licensing year. The recommendation is the result of a public hearing before the Committee held on Monday, May 9, 2011.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, May 19, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: May 12, 2011

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Michael C. Kozak, as agent for "Ten Thirty, Inc." for Class "B" Tavern and Tavern Amusement licenses for the premises located at 730 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Boardroom").

FINDINGS OF FACT

1. Michael C. Kozak (hereinafter the "Licensee") is the agent for "Ten Thirty, Inc." doing business at 730 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Martini Mike's"). Said license expires at midnight, May 24, 2011.
2. An application to renew said license was filed with the Office of the City Clerk on April 20, 2011.
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 Police Department responded with a report dated April 21, 2011, which could form the basis for non renewal or suspension of this license.
4. On April 28, 2011, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the objections of the neighbors. The matter was scheduled for a hearing on the police report on May 9, 2011 at 2:45 p.m. in Room 301B of the third floor of City Hall. The licensee did appear at the hearing and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On May 15, 2010 at 2:22 a.m., officers of the Milwaukee Police Department were dispatched to West Wisconsin Avenue and North Old World Third Street. An investigation revealed that three subjects had been shot with one fatality. Officers attempted to make contact with employees inside Martini Mike's and found that interior lights were off and that the doors were locked. While checking the rear of the tavern, police observed a subject sitting on a parking rail near parked autos. This subject was identified as Eric Folsom who stated he worked as a security guard for Martini Mike's. Police asked to speak with Folsom inside the tavern and Folsom stated there was an argument between two patrons between 11:00 and 11:45 p.m., and that it was over a woman. Folsom stated one patron was calm and was allowed to remain in the tavern and that the other patron was still causing a disturbance and was being escorted out by security. When asked if there was any video surveillance, Folsom stated there were no working cameras either inside or outside the tavern. Folsom further stated that at approximately 1:30 a.m. the bar was evacuated at which time he was told by unknown subjects that the individuals involved in the earlier altercation were just involved in a shooting. Folsom could not recall who gave him the information. Officers attempted to contact the licensee, Mike Kozak, but were advised he was in Las Vegas.
- B. The above event occurred after imposition but prior to serving last year's 90-day suspension of its licenses.
- C. Based upon the above event, the licensee testified that the premise has not been operational during the last licensing year.

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, Michael C. Kozak, as agent for "Ten Thirty, Inc.," who holds Class "B" Tavern and Tavern Amusement licenses for the premises located at 730 North Old World Third Street in the


City and County of Milwaukee, Wisconsin ("Boardroom") 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 the Class "B" Tavern and Tavern Amusement licenses. The Committee finds the above facts 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 Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern and Tavern Amusement licenses of Michael C. Kozak, as agent for "Ten Thirty, Inc." for the premises located at 730 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Boardroom") based upon the findings of fact contained in this report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) no, recommends that the Class "B" Tavern and Tavern Amusement licenses of Michael C. Kozak, as agent for "Ten Thirty, Inc." for the premises located at 730 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Boardroom"), not be renewed.

Dated and signed at Milwaukee, Wisconsin this 12th day of May, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

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