



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

January 27, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 051232

Recommendation of non-renewal, based on non-appearance, of the Class "D" Bartender license of Jeremy Rzepkowski.

Recommendation of renewal, with a 25-day suspension based on the police report, of the Class "D" Bartender license of Mark Jaskowski.

Recommendation of renewal, with a 30-day suspension based on the police report, of the Class "D" Bartender license of Wendy Vasilijevich

Recommendation of renewal, with a 20-day suspension based on the police report and neighborhood objection, of the Class "B" Tavern and Tavern Dance license, as well as no change to the music on the Related Supplement of the license application, of Mario Kimbrough, Agent for "Universal Estates, LLC" for the premises at 7155 N. 43rd St. ("Nostalgia Sports Entertainment Supper Club") in the 1st aldermanic district.

Recommendation of renewal, with a 30-day suspension based on the police report, of the Class "B" Tavern license of Stephanie Torres for the premises at 1535 W. Becher St. ("Outer Limits") in the 12th aldermanic district. (Committee vote: Ayes: 4, Noes: 1)

Recommendation of nonrenewal, based on the police report and neighborhood objections, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of Katherine Wojnicz, agent for "Eyly, Ltd" for the premises at 200 E. Washington St. ("Passions") in the 12th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

With regard to the items listed above, the Licenses Committee held an evidentiary hearing on January 24th, 2006.

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, February 7, 2006** at 9:00 A.M. in the Common Council Chambers.

Respectfully,


James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
CCF 051232



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 26, 2006
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Jeremy R. Rzepkowski

FINDINGS OF FACT

1. Jeremy R. Rzepkowski (hereinafter the "Licensee") was the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on December 13, 2005.
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 December 14, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 12, 2006, 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 January 24, 2006, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear 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. Notice of the hearing as well as a copy of the police report was sent to Jeremy R. Rzepkowski, 3232 South 51st Street, Milwaukee, Wisconsin

53219 on January 12, 2006 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 3232 South 51st Street, Milwaukee, Wisconsin 53219 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 January 24, 2006.

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 upon the above facts found, the Committee recommends that the Class "D" Bartender licensee of Jeremy R. Rzepkowski be denied based upon nonappearance.

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 "D" Bartender License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 26th day of January, 2006.


JAMES N. WITKOWIAK
Chair of the Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 26, 2006
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Mark E. Jaskowski

FINDINGS OF FACT

1. Mark E. Jaskowski (hereinafter the "Licensee") was the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on November 1, 2005.
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 November 3, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 12, 2006, 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 January 24, 2006, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On May 27, 2004 the applicant was cited for sale of alcohol to underage person. He was found guilty of this charge on July 22, 2004 and fined \$152.00. At the time the licensee was employed by Tina's Market.

- B. On December 2, 2004 the applicant was cited for sale of alcohol to underage person. He was found guilty of this charge on January 27, 2005 and fined \$152.00. At the time the licensee was employed by Tina's Market.
- C. Both incidents were as a result of police sting operations. After these events the licensee reduced the amount of time he worked for Tina's Market.
- D. As a result of pleading guilty to these citations, the citation to Tina's Market was not issued.

CONCLUSIONS OF LAW

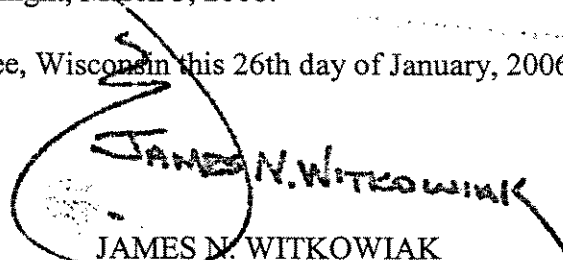
- 1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
- 2. Based on the above facts found, the Committee concludes that the licensee, Mark E. Jaskowski, 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" Bartender license held by him without undergoing a twenty-five (25) day suspension of said license because of the danger his activities represent to the health, safety and welfare of the citizens of the City of Milwaukee.
- 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 renew the Class "D" Bartender license held by Mark E. Jaskowski with a twenty-five (25) day suspension of said license based upon the danger his activities represent to the health, safety and welfare of the citizens of the City of Milwaukee.

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 "D" Bartender License be renewed with a twenty-five (25) day suspension.

Said suspension is to be in effect upon action of the Common Council on
February 7, 2006 through midnight, March 3, 2006.

Dated and signed at Milwaukee, Wisconsin this 26th day of January, 2006.

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style and is enclosed within a hand-drawn oval.

JAMES N. WITKOWIAK
Chair, Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 26, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Wendy A. Vasilijevich

FINDINGS OF FACT

1. Wendy A. Vasilijevich (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, 2005.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 4, 2006.
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 January 5, 2006, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 12, 2006 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 January 24, 2006, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. The Milwaukee Police Department's investigation regarding this application revealed the following regarding the licensee:

On June 14, 2004 the license applicant was found guilty of operating an auto while intoxicated in Cudahy Municipal Court. On June 23, 2004 the license applicant was found guilty of eluding an officer in Milwaukee County Circuit Court (felony). Both convictions resulted from the same incident.

B. The applicant is on probation until February 23, 2006.

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, Wendy A. Vasiljevich, 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 her Class "D" Bartender license without undergoing a thirty (30) day suspension of said license because of the danger her activities represent to the health, safety and welfare of the citizens of the City of Milwaukee.
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 renew the Class "D" Bartender license held by Wendy A. Vasiljevich with a thirty (30) day suspension of said license based upon the danger her activities represent to the health, safety and welfare of the citizens of the City of Milwaukee.

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 "D" Bartender License be renewed with a thirty (30) day suspension.

Said suspension is to be in effect upon action of the Common Council on February 7, 2006 through midnight, March 8, 2006.

Dated and signed at Milwaukee, Wisconsin this 26th day of January, 2006.


JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chair, Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 27, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal application of Mario V. Kimbrough, Agent for "Universal Estates, LLC" for a Class "B" Tavern and Tavern Dance license for the premises located at 7155 North 43rd Street in the City and County of Milwaukee, Wisconsin ("Nostalgia Sports Entertainment Supper Club").

FINDINGS OF FACT

1. Mario V. Kimbrough, Agent for Universal Estates, LLC (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises located at 7155 North 43rd Street in the City and County of Milwaukee, Wisconsin ("Nostalgia Sports Entertainment Supper Club"). Said license expires at midnight, February 21, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on December 7, 2005. Included with the application for renewal was a request to change the music format from Blues, Classic R&B, Classic Rock, Contemporary R&B, Dance R&B, Easy Listening and Jazz to include Classic R & B, Dance Pop, and Top 40.
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 filed a police report dated December 8, 2005 that could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, fights, gun shots, shootings, public urination, criminal activity and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 13, 2006, 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. The matter was scheduled for a hearing on the police report and neighborhood objections for January 24, 2006 at 10:15

a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant 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 November 21, 1995, the applicant was charged in federal court with two counts of knowingly with intent to defraud conspire to produce and traffic in telecommunications instruments that had been modified or altered to obtain unauthorized use of telecommunications service (cell phone cloning). On May 8, 1996 he was found guilty in federal court.
 - B. On July 28, 2005 at 1:56 a.m. officers of the Milwaukee Police Department were dispatched to a fight at North 43rd and Good Hope Road. The victim, a male, who was boisterous and unreasonably loud stated he was slapped in the licensed premises at 7155 North 43rd Street in the City and County of Milwaukee, Wisconsin ("Nostalgia Sports Entertainment Supper Club") and was escorted out of the tavern by security personnel. An officer who called for an assist, stated that he observed a female and a male fighting outside the licensed premises.
 - C. On November 27, 2005 at 1:17 a.m. officers of the Milwaukee Police Department were dispatched to a shooting at the licensed premises at 7155 North 43rd Street in the City and County of Milwaukee, Wisconsin ("Nostalgia Sports Entertainment Supper Club"). The investigation revealed that two persons had been shot and a third had been injured by broken glass. One was shot in the lower back and right ankle area. The second person was shot in the left foot. A third victim was conveyed to St. Michael's Hospital prior to the police arriving due to a cut from broken glass. A bouncer at the tavern stated that he had removed a male from the tavern for being disorderly and causing a fight. The male was loud and verbally abusive and very intoxicated. The male stated that he would return to the bar and shoot-up the place.
 - D. Neighbors testified to hearing gunshots, particularly at bar time. One neighbor, in fact, testified to the fact that during the time of the operation of this premises by a previous owner a bullet actually was lodged into her home.
 - E. Neighbors also testified to a large amount of noise, again, at closing time, which drops off somewhat in the winter time because windows are closed and a home built in the area tends to muffle some of the noise emanating from the patrons of this premises at closing time.
 - F. Neighbors testified to the fact that they have observed patrons exiting the premises, going to their cars, obtaining guns and discharging them in the parking lot. This activity tends to occur from 11:30 p.m. until 2:00 a.m. Neighbors have

called 911 either for noise or for complaints of gunshots from patrons exiting this premises at closing time.

- G. The noise seemed to be worse during June and July of 2005, particularly on Friday and Saturday nights.
- H. One neighbor also complained of being unable to exit or enter his driveway because of cars parked in front of the driveway, and also testified to two instances of when patrons of this premises illegally parked cars in his driveway. This particular neighbor knew they were patrons of the premises, because he waited for the cars to be moved and noticed that the individuals who came to move the cars exited the licensed premises.
- I. At least one neighbor complained of being awoken at least one time per month by either noise or gun fire from patrons of this premises
- J. Supporters included patrons and employees or other individuals who have earned a living by doing work at the licensed premises.
- K. The licensee stated that parking has been controlled by threatening people with not being allowed into the club if they illegally park on neighbors' properties. The licensee did appear to the Committee to be proactive in addressing the problems of the adjoining neighbors.

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, Mario V. Kimbrough, Agent for Universal Estates, LLC, for the licensed premises at 7155 North 43rd Street ("Nostalgia Sports Entertainment Supper Club") 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 his Class "B" Tavern and Tavern Dance license with a twenty (20) day suspension. The Committee finds the police report and neighborhood objections as stated above to be true. The Committee also recommends that no change in the entertainment venue should be granted at this time in order to see if the licensee is better able to control the conduct of his patrons.
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 discretion to renew with a twenty (20) day suspension the Class "B" Tavern and Tavern Dance

license of Mario V. Kimbrough, Agent for Universal Estates, LLC for the premises at 7155 North 43rd Street in the City and County of Milwaukee, Wisconsin ("Nostalgia Sports Entertainment Supper Club"). The Committee also recommends that the Common Council should exercise its discretion to not change the entertainment format at this time because of the police and neighborhood objections.

RECOMMENDATION

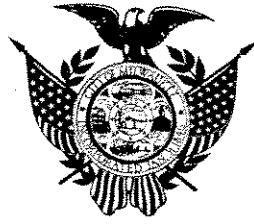
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes recommends that the Class "B" Tavern and Tavern Dance license held by Mario V. Kimbrough, as Agent for Universal Estates, LLC for the premises at 7155 North 43rd Street in the City and County of Milwaukee, Wisconsin ("Nostalgia Sports Entertainment Supper Club") be renewed with a twenty (20) day suspension. The Committee further recommends that no change in the entertainment format be approved at this time.

Said suspension is to be in effect between 12:01 a.m., February 22, 2006 and midnight, March 13, 2006.

Dated and signed at Milwaukee, Wisconsin this 27th day of January, 2006.


JAMES N. WITKOWIAK
Chair of the Licenses Committee

101158



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 26, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Stephanie J. Torres for a Class "B" Tavern renewal application for the premises located at 1535 West Becher Street, in the City and County of Milwaukee, Wisconsin ("Outer Limits").

FINDINGS OF FACT

1. Stephanie J. Torres (hereinafter the "Licensee") is the holder of a Class "B" Tavern license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, February 22, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on December 7, 2005.
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 December 8, 2005, which could form the basis for non-renewal or suspension of the license. There were also neighborhood objections to loitering, littering, parking and traffic problems, loud music and noise, late night disturbances, fights, gun shots, shootings, presence of underage persons, public urination, criminal activity and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 13, 2006, 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 a police report along with a copy of that report that could form the basis for suspension or non-renewal of the license of the Licensee and neighborhood objections. The matter was scheduled for a hearing on the police report and neighborhood objections on January 24, 2006 at 2:30 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared 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 April 13, 2003, the applicant was cited for underage Class "B" responsibility and found guilty on June 5, 2003 and fined \$341.00
 - B. On October 23, 2005 at 8:25 p.m. officers of the Milwaukee Police Department were dispatched to a shooting at 1550 West Becher Street. The victim suffered a gunshot wound to the upper left leg causing his death. The investigation revealed that the victim was in the licensed premises at 1535 West Becher Street, Milwaukee, Wisconsin ("Outer Limits"). Later outside the tavern, patrons heard a gunshot and the victim was laying on the sidewalk.
 - C. Three supporters testified, including two employees of whom one was also a neighbor. No objecting neighbors came forward to testify 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, Stephanie J. Torres, for the licensed premises at 1535 West Becher Street, Milwaukee, Wisconsin ("Outer Limits") 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 "B" Tavern 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 Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion to renew the Class "B" Tavern license of Stephanie J. Torres for the premises at 1535 West Becher Street in the City and County of Milwaukee, Wisconsin ("Outer Limits") 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 four (4) ayes and one (1) noe recommends that the Class "B" Tavern license be renewed with a thirty (30) day suspension.

Said suspension is to be in effect from 12:01 a.m. February 22, 2006 through midnight, March 23, 2006.

Dated and signed at Milwaukee, Wisconsin this 26th day of January, 2006.


JAMES N. WITKOWIAK
Chair of the Licenses Committee

101172



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 27, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Katherine Wojnicz, as agent for "Eyly, Ltd." for a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license for the premises located at 200 East Washington Street in the City and County of Milwaukee, Wisconsin ("Passions").

FINDINGS OF FACT

1. Katherine Wojnicz (hereinafter the "Licensee") is the agent for "Eyly, Ltd." doing business at 200 East Washington Street in the City and County of Milwaukee, Wisconsin ("Passions"). Said license expires at midnight, January 31, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on November 1, 2005.
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 report that could form the basis of non-renewal or suspension of this license on November 2, 2005. There were also neighborhood objections to loitering, littering, parking, cruising and traffic problems, vandalism, public urination and drunkenness, trespassing, loud music and noise, late night disturbances, fights, gun shots, criminal activity, drug activity, prostitution, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 13, 2006, 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 police report that could form the basis for suspension or non-renewal of the licenses. The Licensee was provided a copy of the report and notice of the neighborhood objections. The matter was scheduled for a hearing on the police report and the neighborhood objections on January 24, 2006 at 3:00 p.m. in Room 301B of the third floor of City Hall. There was an earlier notice dated January 3, 2006 for Monday, January 9, 2006 at 1:30 p.m.

The licensee appeared, some neighbors testified and the licensee requested that the matter be held to a time when it could better prepare for the hearing. That request was granted and that caused the notice of January 13, 2006 to be issued. On January 24, 2006 the licensee appeared and was represented by Attorney Michael S. Maistelman, 3127 West Wisconsin Avenue, Milwaukee, WI 53208.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On May 1, 2005 at 1:53 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 200 East Washington Street in the City and County of Milwaukee, Wisconsin ("Passions") because of a shooting outside of the premises. An unknown person fired numerous gunshots at two victims, striking one in the top left portion of the head (a graze wound) and the second victim was shot in the left chest area. The victims were conveyed to the hospital and an incident report was filed. One of the combatants reentered the premises and discharged a weapon, but hit no one else.
 - B. On November 20, 2005 at 12:43 a.m. officers of the Milwaukee Police Department responded to the licensed premises at 200 East Washington Street in the City and County of Milwaukee, Wisconsin ("Passions") regarding a shooting. Upon arrival, officers discovered one shooting victim in the patio-area outside of, but immediately adjacent, to the licensed premises. An incident report was filed. A bartender of the premises testified this event started with a fight in the premises and security had the combatants leave. The shooting occurred after the combatants left.
 - C. On February 20, 2005 a fight occurred outside of the licensed premises ("Passions"). An arrest was made of at least one of the combatants.
 - D. On February 27, 2005 the police were called to the licensed premises at 200 East Washington Avenue in the City and County of Milwaukee, Wisconsin ("Passions") by Security of the premises regarding a crowd that was out of control at the premises.
 - E. On March 27, 2005 security personnel of the licensed premises at 200 East Washington Avenue in the City and County of Milwaukee, Wisconsin ("Passions") called for Milwaukee police service because of an unruly crowd at closing time.
 - F. On November 20, 2005 there was a fight at the licensed premises at 200 East Washington Avenue in the City and County of Milwaukee, Wisconsin. A call was made by a caller to the 911 and the call was forwarded through the Milwaukee County Sheriff's Department.

- G. Neighbors have observed that the traffic on Washington Street has increased and become more noisy because of cars traveling to or coming from the licensed premises at 200 East Washington Avenue in the City and County of Milwaukee, Wisconsin ("Passions"). At least one neighbor, because he walks his dog was able to identify the operators of those automobiles attending ("Passions").
- H. Objecting neighbors complained to loud thumping music from cars driving by which are attributed to patrons of "Passions" either leaving the premises or arriving to attend the premises.
- I. Neighbors have observed public urination and have testified to observing this conduct from patrons of the licensed premises ("Passions").
- J. Numerous neighbors testified to having lost business as a result of customers of this premises. In addition, landlords have lost tenants since the opening of this premises because of safety concerns. Finally, residents testified of relatives not wishing to visit them because they believed they lived in a dangerous area because of the incidents taking place at "Passions."
- K. Objecting neighbors testified to aggressive conduct on the part of individuals loitering in the neighborhood seeking entrance to "Passions." This includes individuals walking up to cars carrying neighbors who are out and about in the area, particularly at night, conducting business.
- L. The licensee and supporters of the licensee claim that there are other licensed premises in the neighborhood namely "Rain," "Steny's," "Boot Camp," and "Firehouse" that could account for the conduct of patrons the objectors observed. However, objecting neighbors to this premises point out that the patrons of "Rain," "Steny's," "Boot Camp," and "Firehouse" are not the source of the problems. Indeed, the unruly crowds are clearly associated with "Passions" both by eyewitness testimony and police documents. Those facts corroborate the testimony of the objecting neighbors regarding the disruptive behavior of the patrons of "Passions."
- M. The licensee admitted that, though not included in her tavern amusement (cabaret/nite club) license, rap and hip hop music was played during the course of the 2005 operating season.
- N. Supporters of the premises include neighbors, patrons and employees. Some supporters noted that neighbors may not feel safe, but observe that the world is not safe. The Committee concludes that the operation of the premises "Passions" creates an inherently unsafe condition because of the inability of the management of "Passions" to monitor and control the

conduct of its patrons and the effect that conduct is having upon the health, safety, welfare, and prosperity of the adjoining neighborhood.

- O. Cameras and two more security personnel were added after the first shooting. One half are deployed inside and one half outside of the premises. Nonetheless, these increased security measures were not enough to stop the dangerous activity of the patrons of the premises.

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, Katherine Wojnicz, as agent for "Eyly, Ltd." at 200 East Washington Street has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes allow renewal of her Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license. The Committee finds the police report and neighborhood objections to be true as stated above.
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 deny renewal of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of Katherine Wojnicz, as agent for "Eyly, Ltd." for the premises located at 200 East Washington Street.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes recommends that the renewal of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of Katherine Wojnicz, as agent for "Eyly, Ltd." for the premises located at 200 East Washington Street be denied.

Dated and signed at Milwaukee, Wisconsin this 27th day of January, 2006.


JAMES N. WITKOWIAK
JAMES N. WITKOWIAK, Chair
Licenses Committee

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