



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

June 8, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 051003

Common Council File 051003 contains the following recommendations:

Recommendation of renewal, with a 15-day suspension based on the police report, of the Class "B" Tavern, Tavern Dance and Billiard Hall license of Thomas McNeal for the premises at 6263 N. Teutonia Ave. ("Club Escape") in the 1st aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Recommendation of renewal, with a 15-day suspension based on neighborhood objections, of the Extended Hours Establishment license of Gurdev Singh, Agent for "VK Petroleum, Inc." for the premises at 1254 N. 35th St. ("VK Citgo") in the 4th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Recommendation of renewal, with a 20-day suspension based on the police report, of the Public Hall Dance license of Thomas Holmes, Agent for "T&R Entertainment, LLC" for the premises at 2342 W. North Ave. ("Amistad Pavilion") in the 15th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Recommendation of renewal, with a 90-day suspension based on the police report and neighborhood objections, of the Class "A" Malt license of Samih Musaitif, Agent for "J&S of Milwaukee, LLC" for the premises at 103 E. Keefe Ave. ("Sunshine Food Market") in the 6th aldermanic district. (Committee vote: Ayes: 3, Noes: 1, Abstain: 1)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on June 6th, 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, June 20, 2006** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

JAMES N. WITKOWIAK

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
Files 051003



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 8, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of the Class "B" Tavern, Tavern Dance and Billiard Hall license of Thomas J. McNeal for the license premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Club Escape").

FINDINGS OF FACT

1. Thomas J. McNeal (hereinafter the "Licensee") is the holder of a Class "B" Tavern, Tavern Dance and Billiard Hall license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, July 15, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on May 9, 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 May 10, 2006, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license. There were also neighborhood objections to loud music and noise, disturbing the peace, excessive and inappropriate use of police resources, cruising, causing the normal flow of traffic on roadways and alleys to be impeded, parking problems, premise operated in such a manner that it causes a public nuisance, presence of underage, patrons after hours, performance of illicit acts and vulgar behavior, over capacity, fights, disorderly patrons, trespassing, public urination, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On May 26, 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 neighborhood objections and 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 and neighborhood objections on June 6, 2006, commencing at 11:30 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the licensee appeared and admitted receipt of the police report. He was not represented by counsel, but appeared with Mr. Frederick Gordon.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On October 14, 2004 at 1:15 AM officers of the Milwaukee Police Department investigated a battery complaint which occurred earlier at the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Club Escape"). The victim stated she had been punched in the mouth in the parking lot of the tavern. The victim also related that security personnel from the tavern observed the altercation but did not do anything. One suspect was identified. An incident report was filed.
 - B. On October 31, 2004 officers of the Milwaukee Police Department responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Club Escape") regarding a man with a gun complaint. Officers interviewed a security guard who related that a patron was involved in an altercation in the parking lot. The patron was cited for disorderly conduct. The gun complaint was found to be baseless. An incident report was filed.
 - C. On November 4, 2004 at 12:37 AM officers of the Milwaukee Police Department responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Club Escape") regarding a battery. Officers interviewed a security guard who related that a female patron had been hit in the head with a beer bottle. However, officers were unable to locate a victim. An incident report was filed.
 - D. On November 6, 2004 officers of the Milwaukee Police Department responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Club Escape") regarding a fight. The investigation revealed that security guards were removing a patron from the tavern, when several others assaulted the security guards. One patron complained that he had been "pepper sprayed" by security. However, the security personnel denied carrying pepper spray. Four patrons were cited for battery. An incident report was filed.
 - E. On November 14, 2004 at 2:32 AM officers of the Milwaukee Police Department responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Club Escape")

regarding a shooting. The investigation revealed that an unknown suspect shot a patron of the tavern in the upper left side of his body. Officers related that due to the large number of vehicles leaving the tavern, the Med unit had a difficult time getting to the scene to treat the victim. A total of 10 squads were required to secure the scene. An incident report was filed.

- F. On November 28, 2004 at 12:14 AM officers of the Milwaukee Police Department responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Club Escape") regarding shots fired. The investigation revealed that security had broken up an altercation between two patrons. One of them threatened to return with a gun. The suspect left, but returned and ran into the club, yelling he had a gun. Security personnel subdued the suspect and held him for police. He was found to be armed with a piece of marble slab. The suspect was charged with disorderly conduct while armed. An incident report was filed.
- G. On January 22, 2005 officers of the Milwaukee Police Department responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Club Escape") to investigate a battery complaint. The investigation revealed the victim reported being hit in the head with a flashlight and a fist by a security guard. He was treated at St. Michael's Hospital for a laceration above his eye which required 5 stitches. An incident report was filed.
- H. On February 19, 2005 at 12:45 AM officers of the Milwaukee Police Department responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Club Escape") regarding trouble with patrons. The investigation revealed that a female had been doing "a strip dance" which caused male patrons to start a disturbance. The female was being removed by security personnel when she started kicking and hitting them. The suspect's sister joined in the disturbance. Both were arrested for disorderly conduct. An incident report was filed.
- I. On February 19, 2005 at 1:50 AM officers of the Milwaukee Police Department responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Club Escape") regarding a fight. The investigation revealed that a patron of the tavern was attacked by several other patrons. The victim was removed by security personnel. Security personnel related that the subject was fighting in the tavern with several others. An incident report was filed.
- J. On June 26, 2005 at 4:28 AM, officers of the Milwaukee Police Department conducted a licensed premise check at 6263 North Teutonia

Avenue, Milwaukee, Wisconsin ("Club Escape"). Police received an anonymous tip of operating after hours and nude dancers. The investigation revealed fifty to sixty people in the main bar area drinking from individual plastic cups containing some type of beverage. There was also loud music inside the tavern as it would be during normal business hours. Officers observed four to six females on stage dancing topless with only "thong" underwear covering their genital area. Upon seeing the officers, many patrons and dancers exited through several side doors. Officers were able to detain two females and a male from the bar as well as one of the topless dancers. They were identified as Octavia J. Muhammad, Khadijah M. Mimi and Marcus J. Wafts. The dancer was identified as Nina Blathers. Ms. Muhammad received a citation for patrons after hours and Ms. Blathers received a citation for certain performance prohibited. Officers also spoke to the licensee, Thomas McNeal. McNeal stated he intentionally allowed patrons in to film a music video and was aware that patrons were not allowed to be in the tavern after 2:30 a.m. McNeal stated he was unaware that the dancers were performing partially nude in an exotic fashion inside the club. McNeal also stated that no employee of the club checked the ages of any of the guests that had entered the club after hours. Thomas McNeal received citations for several violations. Officers did not observe any video recording devices inside the tavern. Officers found the tavern licenses and numbers were properly displayed behind both bar areas, along with an occupancy permit. McNeal did not have a permit for live entertainment.

As to Octavia Muhammad: She was cited for patron after hours and found guilty on August 17, 2005 and a bench warrant was issued.

As to Nina Blathers: She was cited for certain performance prohibited and found guilty on August 17, 2005 and fined \$832.00.

As to Thomas McNeal: He was cited for patrons after hours and presence of underage and found guilty on both charges and fined \$343.00 on each charge on October 5, 2005. McNeal was also cited for certain performances prohibited, tavern amusement license required and hours for music-tavern all of which were dismissed on October 5, 2005.

At hearing, Mr. McNeal related to the Committee that he was in his office while the filming of the video was taking place, and that evidently this incident occurred after the taping session. He claims that he did not hear anything until the police arrived.

- K. On July 11, 2005 Milwaukee police officers were sent to monitor traffic and crowd control at Area 414. A police supervisor advised Thomas

McNeal to not allow anymore customers in the bar due to capacity limits. McNeal agreed. The investigation later revealed that the security personnel were allowing more patrons into the bar at the instruction of the owner (McNeal). Approximately 100 people exited the bar prior to the officers' count. Officers began counting patrons as they left and estimated about 320 exiting the club. Officers also confiscated from security personnel five altered or fake IDs.

- L. On April 10, 2006 at 1:48 AM, officers of the Milwaukee Police Department were sent to a fight at 6200 North Teutonia Avenue. Officers observed two females fighting and identified them as Tamika O. White and Shalessa N. Kemp. The investigation revealed that the fight began inside the Club Escape and continued outside of the bar. Both females received citations for disorderly conduct and a call was placed by the bar owner (McNeal) requesting police for a fight in the parking lot. McNeal stated he did not witness this fight.
- M. On April 30, 2006 at 1:00 AM, a Milwaukee police officer was flagged down by security at Club Escape for the premises being well over capacity. An officer stood at the front entrance and counted patrons as they exited as well as another officer at the rear entrance counting patrons as they left. 675 patrons exited from the front door, 42 patrons remained inside the premises, and 26 exited through the rear exit, for a total of 743 patrons. The posted capacity sign lists 500. A citation was issued for Over Capacity. That citation is still pending.
- N. Last year the Class "B" Tavern license was renewed with a fifteen (15) day suspension, and the Tavern Dance license was renewed with a forty-five (45) day suspension.
- O. No neighbors appeared to testify as to any of the noticed neighborhood objections.

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 finds that the licensee, Thomas J. McNeal, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern Tavern Dance and Billiard Hall license held by the licensee without undergoing a fifteen (15) day suspension. The Committee finds the police report to be true.

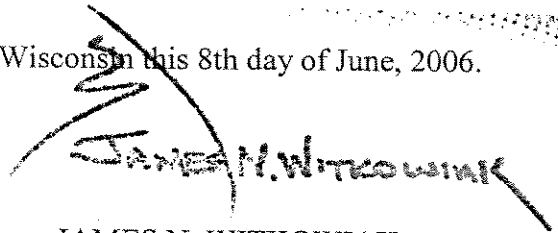
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to renewal of the Class "B" Tavern and Tavern Dance license for the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Club Escape") held by Thomas J. McNeal with a fifteen (15) day suspension based upon the danger that his conduct represents 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 three (3) ayes and two (2) noes recommends that the Class "B" Tavern, Tavern Dance and Billiard Hall license held by Thomas J. McNeal be renewed with a fifteen (15) day suspension.

The suspension is to be in effect between 12:01 a.m. July 15, 2006 and midnight, July 29, 2006.

Dated and signed at Milwaukee, Wisconsin this 8th day of June, 2006.



JAMES N. WITKOWIAK
Chairman of the Licenses Committee

94299



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: June 8, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Extended Hours Establishment renewal application of Gurdev Singh, agent for VK Petroleum, Inc., for the premises located at 1254 North 35th Street, in the City and County of Milwaukee, Wisconsin ("VK Citgo").

FINDINGS OF FACT

1. Gurdev Singh, agent for VK Petroleum, Inc., for the premises located at 1254 North 35th Street, in the City and County of Milwaukee, Wisconsin ("VK Citgo"). Said license expired at midnight, April 30, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on May 23, 2005. However the licensee chose to request a new license for a new organization known as "V.K. Citgo, LLC." As a result a new license application was processed and denied on May 20, 2005. On May 8, 2006 the licensee requested a renewal of the Extended Hours Establishment license previously held by him as an individual.
3. Pursuant to Section 84-7 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation and the police department issued a report dated May 24, 2005. There were neighborhood objections to disturbing the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passers-by, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, battery, vandalism excessive littering, loitering, illegal parking, loud music and noise, traffic violations, cruising curfew violations, lewd conduct, and conduct which is detrimental to the health, safety, welfare and prosperity of the neighborhood.
4. On May 25, 2006 the City Clerk's Office provided timely notice to the Licensee, pursuant to Section 84-7 of the neighborhood objections. The matter was scheduled for a hearing on the neighborhood objections on June 6, 2006 at 3:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place,

the licensee did appear and was not represented by counsel. The licensee did, however, appear with Mr. Thomas Nardelli to give him assistance in this matter.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Neighbors testified to trash and litter generated from patrons of this establishment (and others) in the neighborhood. The concern is that if this establishment operates on a twenty-four hour basis, there will be more hours for the litter and trash attributable to the patrons of this establishment to be generated and circulated in the neighborhood.
 - B. One objecting neighbor lives directly behind the establishment and has had to put extra window shields on her windows because of the excess light generated by this establishment operating through the night. This disturbs this neighbor after midnight. Her windows look down directly into the platform of this establishment.
 - C. The neighbor living directly behind this establishment has seen the parking lot full of cars and teenagers that congregate at this establishment until 2:00 A.M. These individuals generate noise and music that has awoken her at 2:00 A.M. In the warmer weather she hears this noise and is disturbed by it nearly daily. This neighbor has observed that the music is attributable to loitering in that she hears it for far longer than it would take to fill an automobile with gasoline. On one occasion, the extent of the loitering was such that there was a large congregation of teenagers such that her alleyway was blocked, and she had to wait to get out with her automobile.
 - D. She is also aware of one fight between individuals that started on a nearby street, McKinley Avenue, and ended in this establishment's parking lot, though that fight occurred between 10 P.M. and 11 P.M.
 - E. She and another neighbor complain because the management of this location has allowed its trash bins to overflow. The neighbor living directly behind the premises has seen rodents in the alleyway between her building and the gas station. She has also seen teenagers use the alley to cut through her property either coming to or going away from this establishment.
 - F. One neighbor testified to an abandoned automobile with a broken window being on the station platform for a week. Eventually the entire automobile was vandalized.
 - G. The licensee points out that he has installed security cameras, there are other business locations that can account for at least some of the litter, and that it is on 35th Street in Milwaukee, which is inherently a busy street twenty-four

hours per day which will generate noise from passing automobiles. He points out that he has persons cleaning the litter on a regular basis.

- H. Another neighbor who is a Milwaukee police officer, and himself a frequent customer of this location, has seen what he believed to be drug paraphernalia being prepared on the gas station property and public urination against the dumpsters located on the property. He has also seen lewd conduct and aggressive panhandling at this location.
- I. A number of neighbors came forward and testified that they use this location for gas and convenience type purchases, and have been discommoded by the fact that it has not been operating on a twenty-four hour basis for the last year.

CONCLUSIONS OF LAW

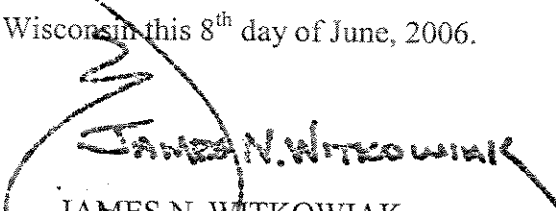
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Section 84-7 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Gurdev Singh, agent for "VK Petroleum, Inc." for the premises at 1254 North 35th Street in the City and County of Milwaukee, Wisconsin ("VK Citgo") has not met the criteria of Section 84-7 of the Milwaukee Code of Ordinances to allow renewal of the Extended Hours Establishment license held by Gurdev Singh for this premises without undergoing a fifteen (15) day suspension of said license because of the dangers the activities allowed by the licensee represents to the health, safety and welfare of the citizens of the City of Milwaukee. The Committee finds those neighborhood objections as stated above 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 should exercise its discretion to renew the Extended Hours Establishment license held by Gurdev Singh, agent for "VK Petroleum, Inc." for the premises at 1254 North 35th Street in the City and County of Milwaukee, Wisconsin ("VK Citgo") with a fifteen (15) day suspension because of the dangers the activities attendant to the licensed premises 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 three (3) ayes and two (2) noes recommends that the Extended Hours Establishment application held by Gurdev Singh, agent for "VK Petroleum, Inc." for the premises at 1254 North 35th Street in the City and County of Milwaukee, Wisconsin ("VK Citgo") be renewed with a fifteen (15) day suspension based upon the neighborhood objections.

Said suspension is to be in effect from the time of the renewal of the Extended Hours Establishment license on June 20, 2006 through midnight July 4, 2006.

Dated and signed at Milwaukee, Wisconsin this 8th day of June, 2006.


JAMES N. WITKOWIAK
Chairman of the Licenses Committee

106368



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: June 8, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of the Public Dance Hall license of Thomas J. Holmes as agent for T & R Entertainment, LLC for the license premises at 2342 West North Avenue in the City and County of Milwaukee, Wisconsin ("Amistad Pavilion").

FINDINGS OF FACT

1. Thomas J. Holmes (hereinafter the "Licensee") is the holder of a Public Dance Hall license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, June 30, 2006.
2. An application to renew said license was untimely filed with the Office of the City Clerk on May 9, 2006.
3. Pursuant to Chapter 108 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On May 9, 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 May 25, 2006, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 108 of the Milwaukee Code of Ordinances 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 June 6, 2006, commencing at 10:30 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the licensee appeared and admitted receipt of the police report. He 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 September 2, 2004, at 12:10 AM officers of the Milwaukee Police Department responded to the licensed premises located at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") regarding a fight with guns. While on the scene, officers received further information of a shooting. Security personnel and the applicant all claim there were not shots fired in the premises. Officers observed approximately 300 people, ranging in age from 17-25 hanging out of vehicles in the 2300 block of North 24th Street. At least two victims suffered shooting injuries. An incident report was filed.
- B. On October 21, 2004 at 11:30 PM officers of the Milwaukee Police Department responded to the licensed premises located at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") regarding a large crowd and shots fired. Officers observed a large crowd of 200 teens in the parking lot, screaming and causing a disturbance. An additional 100 teens were crossing the street away from the premises, also causing disturbances. Up to 20 additional officers were required to clear the area. The applicant was cited for posting of occupancy required and found guilty on January 19, 2005 and fined \$343.00.
- C. On November 21, 2004 at 9:30 PM officers of the Milwaukee Police Department responded to the licensed premises located at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") regarding shots fired. Security reported that shots had been fired in the parking lot and officers recovered six spent cartridges in the parking lot. While on the scene, about 100 people came running out of the premises screaming "shots fired". After obtaining additional back-up, officers checked the premises. They found no evidence of shots being fired in the premises. An incident report was filed.
- D. On November 28, 2004 at 11:51 PM officers of the Milwaukee Police Department responded to a fight at 24th and North Avenue. Officers were met by security from the licensed premises located at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") who related that the subject had been fighting in the premises and had been kicked out. Several of those subjects went to their vehicles in the parking lot. One of them fired several shots in the direction of security. No one was injured. The premise was not licensed for sale of alcohol at the time. Several liquor bottles were recovered from the scene. The applicant was cited for disorderly premises and basic liquor license required. Both citations were dismissed in Municipal Court. An incident report, however, was filed.

- E. On February 5, 2005 at 12:15 AM officers of the Milwaukee Police Department did a check of the licensed premises at 2342 West North Avenue ("Amistad Pavilion"). Security related to officers that the applicant had often carried a concealed hand gun and/or a stun gun. Officers spoke with the applicant regarding this claim. The applicant was found to be carrying a loaded 9 MM handgun, which was concealed under his shirt. Additionally, a stun gun was recovered from the front ticket booth. Officer also discovered an exit door that was blocked. There were approximately 300 patrons in the premises at the time. The applicant was arrested for carrying a concealed weapon and possessing an electronic stun gun as well as being cited for safe egress to all doors. The licensee was found guilty of safe egress to all doors on March 28, 2005 and fined \$343.00. There is no disposition on the carrying a concealed weapon or stun gun cases. An incident report was filed.
- F. On February 27, 2005 12:45 AM officers of the Milwaukee Police Department to the licensed premises located at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") regarding a large fight. Security personnel at the scene related that a fight had occurred in the premises, but that all parties were removed and that there were no injuries. While on the scene, officers observed numerous vehicles leaving the premises and start cruising the area. Several squads were called to block off the area to move the cruisers out of the area. An incident report was filed.
- G. On October 2, 2005 at 12:57AM, a squad was sent to 2400 West North Avenue for traffic to monitor closing at the licensed premises at 2342 West North Avenue, Milwaukee, Wisconsin ("Armistad Pavilion") as the result of an aldermanic complaint. About 200-300 vehicles were cruising the area. Seven other squads were also dispatched to assist. Squads spent two hours on the complaint.
- H. On October 9, 2005, at 12:18 AM, officers were sent to 2342 West North Avenue for traffic control to monitor the closing at Amistad Pavilion, 2342 West North Avenue. When the club closed, the vehicles began to cruise the area. Approximately 75 vehicles were cruising, and 7 squads were dispatched to assist with traffic. Numerous intersections in the area were blocked with traffic jams. The complaint about cruising came from an aldermanic service request, after complaints from neighbors of the community. All of the traffic came from Amistad because it was the only club closing at this time.
- I. On 10-14-2005 at approximately 11:27 PM officers of the Milwaukee Police Department were sent to the licensed premises at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") for a special

assignment of cruising when the club closes. They spoke to the security personnel there about how the cars would leave the parking lot. Amistad Pavilion had about 150 cars in the parking lot. Once the vehicles left the lot, they cruised in the following areas: West North on the north, West Lloyd on the south, North 21st Street on the east and North 27th Street on the west, causing several traffic jams on North Avenue, North 24th Street and West Garfield Avenue. Then they moved to the area of North 27th and West Fond du Lac Avenue. It took four (4) police squads approximately 1 ½ hours to control the cruising. Police state that the vehicles cruising were patrons from Amistad.

- J. On October 15, 2005 at about 11:27 PM, Milwaukee police were sent to a subject with a gun complaint at 24th and North Avenue. The complaint was determined to be baseless. Milwaukee police were also sent to the licensed premises at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") for cruising. They spoke to Thomas Holmes regarding the cruising problems and he stated that he would close the club at midnight. Officers counted 303 patrons leaving through the rear door of the club at midnight. It took about one hour to control the cruising by Amistad patrons around the area of Amistad. Amistad was the only club that closed at midnight in this area.
- K. On October 2, 2005 at 12:57 AM Milwaukee Police were dispatched to the licensed premises at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") for traffic control and to monitor closing. There were 200-300 reported vehicles that were cruising the immediate area. This has been an on-going problem and squads spent about two hours on the cruising complaint. There was also an aldermanic complaint for the area of 2400 West Meinecke regarding cruising.
- L. On October 8, 2005 at 1:21 AM, Milwaukee Police were dispatched to North 24th Street and West North Avenue for patrol and crowd control in regards to the Amistad Club, cruising and crowd control was again a problem and officers spent over an hour before clearing all traffic from the area.
- M. On October 9, 2005 at 12:18 AM, officers of the Milwaukee Police Department were sent to the licensed premises at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") for subject with a weapon, traffic control and cars cruising the area. Officers spoke with security who stated that a white auto was driving around the club and that they believed there were guns inside that car. They further stated the club was letting out at 1:00 am and needed traffic control. There were approximately 100-150 vehicles in the parking lot of Amistad and once the bar closed, the vehicles started to cruise the area causing traffic jams.

Squads spent two hours on the cruising complaint before it was under control.

- N. On October 14, 2005 at closing time of the licensed premises at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") squads again were dispatched for cruising in the area. There were 150 vehicles reported in the area causing traffic jams. It took police almost two hours to get the cruising under control.
- O. On October 15, 2005, officers of the Milwaukee Police Department were sent to the licensed premises at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") for a man with gun complaint. Officers on scene determined that the complaint was baseless. Officers were also sent for cruising problems.
- P. On November 25, 2005 at 1:05 AM, officers of the Milwaukee Police Department conducted a licensed premise check at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion"). Officers located a loaded .380 caliber semi-auto pistol in a black case behind a concession stand counter on the west side of the building. Officers observed two black females sitting at the counter with the pistol directly next to them. They were identified as Tiana A. Lang-Brewer and Adrianna D. Kincy. Both females denied knowing what was in the case. Officers then spoke to Mr. Holmes who stated he had placed the gun by the girls because he was closing and did not want to forget to take the gun home. The gun was placed on inventory and Mr. Holmes was arrested for Carrying a Concealed Weapon and possession of an electric weapon. The district attorney did not process both charges.
- Q. On December 25, 2005 at 10:59 PM, officers of the Milwaukee Police Department were dispatched to the licensed premises located at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion") regarding a large crowd that was getting out of control. Management stated to the police that a large crowd gathered and became disorderly due to people not being allowed into the bar because of capacity limits. The large crowd of several hundred people required additional units from another district to help assist in dispersing the crowd. Cruising also became a problem in the area.
- R. On February 16, 2006 at 12:28 AM, officers of the Milwaukee Police Department conducted a tavern check of the licensed premises located at 2342 West North Avenue, Milwaukee, Wisconsin ("Amistad Pavilion"). Officers attempted to enter through the parking lot door but found it to be locked. The applicant became boisterous when receiving a citation for immediate entry for police, which is pending trial on June 13, 2006.

- S. On March 10, 2006 at 10:48 PM, Milwaukee police were patrolling the area and observed a large disturbance in the street at 2400 West North Avenue. The investigation revealed a fight took place inside the licensed premises at 2342 West North Avenue ("Amistad Pavilion"), which involved the owner of the bar (Thomas Holmes). A 15-year old boy is accused of hitting Thomas Holmes and fleeing the bar. Mr. Holmes, his son and bar security chased the 15-year old where Mr. Holmes was observed hitting the 15-year old, causing a laceration above his eye. Mr. Holmes is also accused of pulling out a 9mm Beretta pistol and pointing it at the 15-year old boy and his sister. The gun was recovered by officers who noticed that Holmes still had it concealed under his shirt when officers arrived. Thomas Holmes was charged with 2 counts of endangering safety by use of a dangerous weapon and one count of carrying a concealed weapon. Holmes also filed a battery charge regarding being punched by 15-year old. A check of CCAP reveals no pending charges from this incident. At hearing, the licensee stated that the youth involved in this incident was really 17 years of age, and that the youth hit him in the head. The licensee claims that he only responded to get control of the situation. Regarding the charges, the licensee advised the Committee that the District Attorney did not issue any charges as a result of this incident. He explained the carrying concealed weapon charge by stating that he had on a shirt that was ripped, and while the weapon could be seen, it was under his shirt.
- T. This premises was renewed with a ten-day suspension for the 2005-2006 license year.

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 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Thomas J. Holmes, Agent for T & R Enterprises, LLC, for the licensed premises at 2342 West North Avenue ("Amistad Pavilion") has not met the criteria of Chapter 108 of the Milwaukee Code of Ordinances and allows renewal of his Public Dance Hall license without undergoing a twenty (20) day suspension. The Committee finds the police report as stated above 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 Public Dance Hall license for the premises at 2432 West North Avenue

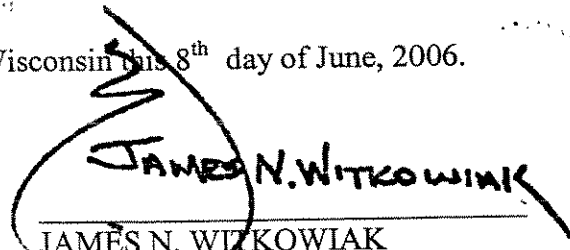
in the City and County of Milwaukee, Wisconsin ("Amistad Pavilion") with a twenty (20) day suspension.

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 Public Dance Hall license be renewed with a twenty (20) day suspension based on the police report.

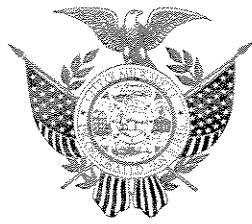
Said suspension is to be in effect from 12:01 a.m., July 1, 2006 and 12:01 a.m., July 20, 2006.

Dated and signed at Milwaukee, Wisconsin this 8th day of June, 2006.



JAMES N. WITKOWIAK
Chairman of the Licenses Committee

106354



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: June 8, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Samih M. Musaitif, Agent for "J&S of Milwaukee, LLC for a Class "A" Malt license for the premises located at 103 East Keefe Avenue in the City and County of Milwaukee, Wisconsin ("Sunshine Food Market").

FINDINGS OF FACT

1. Samih M. Musaitif, Agent for "J&S of Milwaukee, LLC for a Class "A" Malt license for the premises located at 103 East Keefe Avenue in the City and County of Milwaukee, Wisconsin ("Sunshine Food Market "). Said license expires at midnight, July 12, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on May 2, 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. There was a Milwaukee Police Department report that could form the basis of non-renewal or suspension of this license dated May 3, 2006. There were also neighborhood objections to loitering, littering, loud music and noise, drug and criminal activity, failure to maintain the orderly appearance of the building, public urination, sales to underage, parking and traffic problems and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On May 25, 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 police report that could form the basis for suspension or non-renewal of the licenses of the Licensee. The matter was scheduled for a hearing on June 6, 2006 at 9:15 a.m. in Room 301B of the third

floor of City Hall. At said date, time and place the licensee did appear and but 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 August 1, 2004 at 5:32 p.m., officers of the Milwaukee Police Department conducted a licensed premises check at the licensed premises at 103 East Keefe Avenue in the City and County of Milwaukee, Wisconsin ("Suns hine Food Market"). The officers observed a video recording machine attached to the security camera that was not working. There was also no tape in the machine. Officers noted numerous snack items for individual sale that were not meant for individual sale. The licensee was charged with convenience food store regulations and on April 6, 2005 was found guilty and fined \$150.00. The licensee was also charged with false labeling of food which was dismissed without prejudice on April 6, 2005.
 - B. Neighbors complain that the licensee allows loitering by youthful patrons in the front of the store. Some of these individuals are of school age and some of the loitering that occurs takes place when those individuals should be in school.
 - C. The loitering that occurs causes patrons to be fearful of entering the store. The licensee responds that when he observes the loitering he calls the police.
 - D. Neighbors also complain that litter accumulates in front of the store from the individuals who are seen loitering in front of the store. They also testified that someone from the store is seen sweeping the litter, but sweeping it into a sewer drain thus causing the sewer drain to clog. A relative of the licensee states that he does sweep in front of the store, or causes someone to sweep the litter, but denies that he sweeps it into a sewer drain.
 - E. The neighbors complain that items that are not supposed to be available for individual sale are sold separately, including cigarettes and pampers. That information lends credence to the observation in the police report that snack items are available for sale that are not supposed to be individually sold.
 - F. The neighbors also related to the Committee that there is a public pay phone outside of this establishment that is used by loiterers in front of the store to make calls, cars come up, transactions take place, and the

cars drive away. The licensee confirmed that there is a pay phone in the front of the store.

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, Samih M. Musaitif, Agent for "J&S of Milwaukee, LLC" for a Class "A" Malt license for the premises located at 103 East Keefe Avenue in the City and County of Milwaukee, Wisconsin ("Sunshine Food Market ") 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 his Class "A" Malt license without undergoing a ninety (90) day suspension of said license based upon the police report and neighborhood objections.
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 "A" Malt license of Samih M. Musaitif, as agent for "J&S of Milwaukee, LLC" for this premises located at 103 East Keefe Avenue ("Sunshine Food Market") with a ninety (90) day suspension of said license.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noe and one (1) abstain recommends that the Class "A" Malt license held by Samih M. Musaitif as agent for "J&S of Milwaukee, LLC" be renewed with a ninety (90) day suspension.

Said suspension is to be in effect between 12:01 a.m. July 13, 2006 and midnight, October 10, 2006.

Dated and signed at Milwaukee, Wisconsin this 8th day of June, 2006.


JAMES N. WITKOWIAK

JAMES N. WITKOWIAK, Chair
Licenses Committee