



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

May 19, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 050080

Attached are written objections to the Recommendation of renewal with a 10-day suspension, based on the police report, of the Class "B" Tavern and Tavern Dance license of Joseph Zanotti, agent for "Club Havana, LLC", for the premises at 789 N. Jefferson St. ("Club Havana") in the 4th Aldermanic District

This matter will be heard by the full Council at its May 20, 2005 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive, slightly slanted style. A circular stamp is partially visible behind the signature.

James N. Witkowiak, Chair
Utilities and Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 050080

DAVID A. AFFELDT
STEVEN A. AFFELDT
JOHN A. AFFELDT

GEORGE A. AFFELDT
1909-1952
GEORGE R. AFFELDT
1948-2001

AFFELDT LAW OFFICES, S.C.
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REC'D - MUNICIPAL CLERK
2005 MAY 18 PM 2:34
RONA CITY CLERK

DATE: May 18, 2005

TO: City Clerk Ronald Leonhardt Fax # 286-3456

FROM: AFFELDT LAW OFFICES, S.C. - Steven A. Affeldt
8741 West National Avenue
West Allis, Wisconsin 53227
(414) 321-4560 (Telephone)
(414) 321-0368 (FAX)

RE: Club Havana, LLC
Please include the following letter with the materials
to be presented at the hearing on May 20th.

The documents accompanying this telecopy transmission contain information from sender, which is confidential and/or privileged. This information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited, and may constitute an invasion of the privacy of the intended recipient. If you have received this telecopy in error, please notify us by telephone (collect) immediately so that we can arrange for the retrieval of the original document at no cost to you.

If you have any questions on this transmittal, if you do not receive all of the pages as indicated hereon or if there are any other problems with this transmittal, please contact us at (414) 321-4560.

Number of pages to follow 2.

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PARALEGALS
BONITA V. BARRIBEAU
LINDA J. EGLOFF
NATALIE M. MILLER
CARLA A. SBRAGGIA

May 17, 2005

Mr. Ronald Leonhardt
City Clerk
City Hall; Room 205
City of Milwaukee
200 East Wells Street
Milwaukee, Wisconsin 53202

VIA FACSIMILE
286-3456

MAY 18 2005
MILWAUKEE
RONALD J. LEONHARDT
CITY CLERK
PM 2:34

Dear City Clerk Leonhardt:

Re: Joseph L. Zanotti, Agent
Club Havana, LLC

In response to your letter of May 13, 2005 regarding the above entitled tavern premises, please be advised that the undersigned have been authorized to respond on behalf of Mr. Zanotti. Please consider this letter to be a written objection to the report of the Utilities and Licenses Committee pursuant to the directions contained in your May 13, 2005 letter. With regard to Items 1-4 of the Findings of Fact, we believe those items to be correct in their entirety. With regard to Item 5 of the Findings of Fact, we make the following specific responses to each paragraph.

- A. A bartender was cited for the violation mentioned but the applicant, Mr. Zanotti, was not involved or cited in the incident.
- B. Same response as Item A.
- C. The record indicates that the manager on duty at the time received a citation for loud music. The applicant was not cited.
- D. As stated in Item D, all charges in connection with these allegations were refused for prosecution by the City Attorney's office. In all fairness to the applicant, allegations which were not prosecuted should not be considered by the Council for this license renewal. One can assume that the citations were not prosecuted for lack of evidence and/or a failure to prove the allegations.

City Clerk Ronald D. Leonhardt

May 17, 2005

Page 2

- E. This incident is currently pending in the Milwaukee Municipal Court System and is set for trial. There is a serious factual dispute as to the allegations in the citation issued in connection with this incident. It is unfair to the applicant that an unresolved and perhaps improper citation affect any decision made by this Council.
- F. See the response to Item E above.

With regard to the Conclusions of Law, we have no dispute with Item 1. With regard to Item 2, we dispute that the entire police report is accepted as true as stated above. If mere allegations of wrongdoing are sufficient to inflict serious monetary harm (a ten (10) day suspension) in connection with the renewal of this license, then the applicant is being denied its due process.

In conclusion, we believe that the renewal application should be granted by the entire Common Council without any suspension. Thank you for your consideration in this regard.

Very truly yours,

AFFELDT LAW OFFICES, S.C.


Steven A. Affeldt

SAA/le

cc: Joseph L. Zanotti