



Office of the City Clerk
Council Services Division

Ronald D. Leonhardt
City Clerk

Anthony J. Zielinski
Manager

May 29, 2002

Peggy A. Mata
1579 South 35th Street
West Milwaukee, WI 53215

Cancun Restaurant
3334 S. 27th Street
Milwaukee, WI 53215

Dear Ms. Mata:

You are hereby notified that the Milwaukee Common Council will hold a hearing on June 4, 2002, commencing at 9:45 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 53202 to consider the Class "B" Tavern License Renewal Application of Peggy A. Mata, as agent for "Cancun, Inc.", for the premises located at 3334 South 27th Street in the City and County of Milwaukee, Wisconsin ("Cancun Restaurant").

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "B" Tavern License with a 35-day suspension. The recommendation is the result of a public hearing before the Committee held on May 28, 2002.

You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure
File 011389

Date: May 29, 2002

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Peggy A. Mata, as agent for "Cancun, Inc." for a Class "B" Tavern license, for the premises located at 3334 South 27th Street in the City and County of Milwaukee, Wisconsin ("Cancun Restaurant").

FINDINGS OF FACT

1. Peggy A. Mata (hereinafter the "Licensee") agent for "Cancun, Inc." doing business at 3334 South 27th Street in the City and County of Milwaukee, Wisconsin ("Cancun Restaurant"). Said license expires at midnight, June 18, 2002.
2. An application to renew said license was filed with the Office of the City Clerk on April 10, 2002.
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 April 11, 2002 the Milwaukee Police Department responded with a report which could form the basis for non-renewal or suspension of the Class "B" Tavern license held by "Cancun, Inc." for the premise at 3334 South 27th Street ("Cancun Restaurant"). There were also neighborhood objections to loitering by patrons after closing, loud and rowdy patrons, loud car stereos, and loud music from within the premise.
4. On May 15, 2002, 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 report of the Milwaukee Police Department that could form the basis for suspension or non-renewal of the licenses of the Licensee, and included therewith a copy of the Milwaukee Police Department report and notice of the other objections. Notice was provided of the neighborhood objections. The matter was scheduled for a hearing on the police department report and neighborhood objections on May 28, 2002 at 10:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing and admitted that she had moved from her last known address and had not notified the City Clerk of the move. The licensee's address of record had been 1602 South 53rd Street, West Milwaukee, WI 53214. On May 1, 2002, she moved to 1579 South 35th Street, Milwaukee, WI 53215. The licensee stated that because of the move she did

not receive notice of the hearing. The licensee, however, waived this defect in the notice as issued. The Licensee 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 March 18, 2001 at 2:17 a.m. Milwaukee Police Department officers were dispatched to a complaint of shots fired at the parking lot of the licensed premise at 3334 South 27th Street ("Cancun Restaurant"). Upon their arrival officers found subjects fighting in the parking lot. The investigation revealed that no shots were fired and that the persons involved in the fight were all customers of the licensed premise. Three patrons were issued citations.
 - B. On December 14, 2001 at 2:05 a.m., Milwaukee Police Department officers responded to a fight at the licensed premise at 3334 South 27th Street ("Cancun Restaurant"). Upon their arrival officers were told by one Raphael Hernandez, who identified himself as "security", that there was no one injured and no fight. Later that morning, officers investigated an armed robbery complaint at St. Luke's Hospital. Mr. Hernandez was at the hospital. Officers interviewed three victims all of whom were under 21 years of age. All were attacked in the parking of the license premise at 3334 South 27th Street (Cancun Restaurant). Mr. Hernandez was at the hospital comforting one of the victims. It was not determined through the investigation whether the victims were patrons of the restaurant or the tavern. Officers could not determine whether food was served until 9:00 p.m. or 11:00 p.m. due to a lack of cooperation. One additional criminal complaint was filed at District 6 regarding a car window being smashed by a beer bottle in parking lot of the Cancun Restaurant at 3334 South 27th Street during this fight. Two days after this investigation a suspect was arrested regarding the above attack. An incident report was filed.
 - C. On March 15, 2002 at 1:31 a.m. Milwaukee police officers responded to the licensed premise at 3334 South 27th Street (Cancun Restaurant) regarding a fight. Officers were met by the bouncer who related that a fight occurred outside the bar. Upon entering, officers observed a "substantial amount of broken glass" in the tavern, as well as blood on the floor and chairs in several locations in the tavern. Further investigation revealed that shots were fired outside the tavern. Both Peggy Mata and Pedro Mata were on the scene at the time. The licensee

was cited for disorderly premise on May 9, 2002 and this matter is still pending.

- D. The licensee also has an outstanding warrant in West Allis Municipal Court for contributing to the truancy of a child. A warrant notification letter was sent to the licensee. The uncontradicted testimony of the licensee is that she has "taken care of" the warrant.
- E. No neighbors appeared to testify in opposition to renewal of this license, though the local alderman did appear and testified. Ms. Mata admitted to the local alderman that he had advised her neighborhood concerns regarding this premise

CONCLUSIONS OF LAW

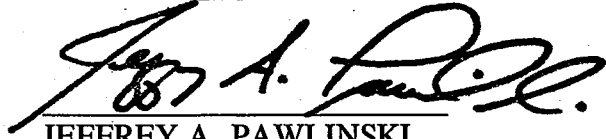
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Peggy A. Mata, as agent for "Cancun, Inc." for the premise at 3334 South 27th Street "Cancun Restaurant" has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of her Class "B" Tavern License without undergoing a 35-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 Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew with a thirty-five (35) day suspension the Class "B" Tavern license held by Peggy A. Mata, as agent for Cancun, Inc., for the premises located at 3334 South 27th Street in the City and County of Milwaukee, Wisconsin ("Cancun Restaurant ") based on the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (3) ayes, one (1) noes and one (1) excused recommends that the Class "B" Tavern license held by Peggy A. Mata as agent for "Cancun, Inc." at 3334 South 27th Street ("Cancun Restaurant") be renewed with a 35-day suspension.

Said suspension is to be in effect from midnight, June 18, 2002 until midnight, July 23, 2002.

Dated and signed at Milwaukee, Wisconsin this ^{29th} day of May, 2002.

A handwritten signature in black ink, appearing to read "Jeffrey A. Pawlinski". The signature is written in a cursive style with a large initial "J" and "P".

JEFFREY A. PAWLINSKI
Chairman, Utilities and
Licenses Committee

54080