



**JAMES A. BOHL JR.**  
Alderman, 5<sup>th</sup> District

January 29, 2004

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 030599

Recommendation of non-renewal for the following Class "D" bartenders based upon non-appearance:

Erick Hall  
Scott McGovney  
Timothy Ronan

Recommendation of renewal with a 10-day suspension based upon neighborhood objections for the Class "B" Tavern license of Debra Seibel for the premises located at 312 W. Plainfield Ave. ("Plainfield Pub") in the 13<sup>th</sup> Aldermanic District. (Committee vote: Ayes: 4, Excused: 1)

Recommendation of renewal with a 30-day suspension based on the police report of the Class "B" Tavern and Tavern Dance licenses of Joseph Scardina for the premises located at 1133-37 N. Water St. ("McGillycuddy's Bar and Grill") in the 4<sup>th</sup> Aldermanic District. (Committee vote: Ayes: 3, Noes: 2)

Recommendation of non-renewal of the Class "A" Malt license of Malcolm Lucas based upon non-appearance and the provisions of s. 90-11-1-b, Milwaukee Code of Ordinances, for the premises located at 3426 W. Lisbon Ave. ("Lisbon Liquor") in the 17<sup>th</sup> Aldermanic District.

With regard to the item listed above, the Utilities and Licenses Committee held an evidentiary hearing on January 27, 2004.

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.

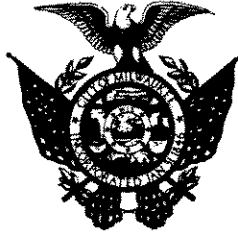
These matters have been scheduled for a hearing before the full Common Council at its meeting on Wednesday, **February 10, 2004** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "James A. Bohl, Jr." in a cursive style.

James A. Bohl, Jr., Chair  
Utilities & Licenses Committee

cc: Common Council/City Clerk - License Division  
All Council Members  
File No. 030599



**JAMES A. BOHL JR.**  
Alderman, 5<sup>th</sup> District

Date: January 29, 2004

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Erick W. Hall.

#### FINDINGS OF FACT

1. Erick W. Hall (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, 2003.
2. An untimely application to renew said license was filed with the Office of the City Clerk on January 13, 2004.
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 14, 2004, 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 20, 2004, 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 27, 2004, commencing at 9:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee failed to appear.
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

Erick W. Hall at 5538 South O'Brien Avenue, No. 2, Cudahy, WI 53110 on January 20, 2004 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 5538 South O'Brien Avenue, No. 2, Cudahy, WI 53110 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 27, 2004.

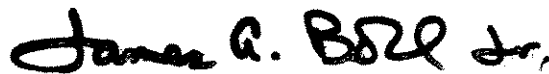
#### CONCLUSIONS OF LAW

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 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 license of Erick W. Hall not be renewed because of non-appearance.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes to zero (0) noes, recommends that the Class "D" Bartender License not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2004.



JAMES A. BOHL, Jr., Chair  
Utilities and Licenses Committee



**JAMES A. BOHL JR.**  
Alderman, 5<sup>th</sup> District

Date: January 29, 2003

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Scott H. McGovney, II.

#### FINDINGS OF FACT

1. Scott H. McGovney, II (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, 2003.
2. An application to renew said license was filed with the Office of the City Clerk on December 19, 2003.
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 22, 2003, 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 15, 2004, 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 27, 2004, commencing at 9:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee failed to appear.
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 Scott H. McGovney II at 3409 South Wollmer Road, M317, West Allis, WI 53227 on January 15, 2004 by U.S. prepaid first-class mail in an envelope bearing

the return address of the License Division. The address of 3409 South Wollmer Road, M317, West Allis, WI 53227 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 27, 2004.

#### 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 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 license of Scott H. McGovney, II, not be renewed because of non-appearance.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes to zero (0) noes, recommends that the Class "D" Bartender License not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2004.



JAMES A. BOHL, Jr., Chair  
Utilities and Licenses Committee



**JAMES A. BOHL JR.**  
Alderman, 5<sup>th</sup> District

Date: January 29, 2003

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Timothy J. Ronan.

#### FINDINGS OF FACT

1. Timothy J. Ronan (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, 2003.
2. An application to renew said license was filed with the Office of the City Clerk on October 16, 2003.
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 October 21, 2003, 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 15, 2004, 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 27, 2004, commencing at 9:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee failed to appear.
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 Timothy J. Ronan at 1036 East Pearson Street, Milwaukee, WI 53202 on January 15, 2004 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 1036 East Pearson Street, Milwaukee, WI 53202 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 27, 2004.

#### 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 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 license of Timothy J. Ronan not be renewed because of non-appearance.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes to zero (0) noes, recommends that the Class "D" Bartender License not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2004.



JAMES A. BOHL, Jr., Chair  
Utilities and Licenses Committee





**JAMES A. BOHL JR.**  
Alderman, 5<sup>th</sup> District

Date: January 29, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Debra A. Seibel, as agent for "Plainfield Pub, LLC" for a Class "B" Tavern license for the premises located at 312 West Plainfield Avenue in the City and County of Milwaukee, Wisconsin ("Plainfield Pub").

#### FINDINGS OF FACT

1. Debra a. Seibel (hereinafter the "Licensee") is the agent for "Plainfield Pub, LLC" doing business at 312 West Plainfield Avenue in the City and County of Milwaukee, Wisconsin ("Plainfield Pub"). Said license expires at midnight, February 10, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on December 10, 2003.
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 on December 11, 2003. There were no incidents in the police report that could form the basis for nonrenewal or suspension of the license. However, there were neighborhood objections to loitering, littering, traffic problems, parking problems, speeding, excessive noise from patrons during and after hours, damage to property and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 15, 2004, 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 and the neighborhood objections that could form the basis for nonrenewal or suspension and included a copy of the police report. The matter was scheduled for a hearing on the neighborhood objections on January 27, 2004 at 1:30 p.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared at the hearing but was not represented by counsel and also admitted service of the notice of hearing.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. One of the neighbors adjacent to this property has lived in the area for 34 years. He has experienced no problems with the former owners of the premises. However, in the last year, since this licensee took over, he has regularly been awoken between 1:30 a.m. and 2:00 a.m. by motorcycles being revved up by patrons leaving this premises. The present owner has held this license since February 13, 2003.
  - B. He has called the Milwaukee Police Department but by the time the police arrive the offenders have gone from the area. This is a residential area.
  - C. The licensee contends that the noise from the motorcycles is generated by a neighbor who lives four or five houses up the street. The licensee complains that the neighbor has disturbed her as well approximately six times during the summer. However, another witness has personally observed the patrons exiting the premises and revving the engines of the bikes.
  - D. Another neighbor complains that noise from patrons of this tavern is a major problem. Although the door is closed the windows remain open and noise emanates from the bar. She complains that patrons leaving the tavern rev the engines on their motorcycles for 10 or 15 minutes before departing. This has caused her four-year-old child to wake up. This neighbor has called the police, but by the time they come the patrons have departed.
  - E. Patrons are disorderly and are loud at closing time. Patrons have also caused beer bottles and beer cans to be thrown into children's play areas on private property of the neighbor. The neighbor also complains that patrons urinate between garages. This has caused objecting neighbors to have to erect a fence.
  - F. On the Sunday of the last Packer game a male patron exited the premises and was vomiting. The neighbor complained that no one from the tavern cleaned this up.
  - G. The conduct complained of by the objecting neighbors occurs during the spring and summer and Sundays when Packer games are televised.
  - H. The premises has a capacity of 55 persons.
  - I. The licensee testified to the committee that she sent her husband out to clean up the vomit from the patron referenced in finding F, above. She

also testified at committee that the patron arrived at the tavern in an intoxicated state, and that she gave the patron food and no alcoholic beverages in an effort to sober him up.

- J. The alderman of the district testified that on at least two occasions he entered the tavern and noticed that the door was open after 10:00 p.m. On one occasion he called this to the attention of the licensee who stated, "Well I'm entitled to have the cool Bay View air too." On a second occasion when the door was open, the alderman of the district called the police.

### 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, Debra A. Seibel, as agent for "Plainfield Pub, LLC" for a Class "B" Tavern license for the premises located at 312 West Plainfield Avenue in the City and County of Milwaukee, Wisconsin ("Plainfield Pub ") 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 her Class "B" Tavern license without undergoing a ten (10) day suspension because of her Class "B" Tavern license. The Committee finds the neighborhood objections, to the extent set forth 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 Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern license of Debra A. Seibel, as agent for "Plainfield Pub, LLC" for a Class "B" Tavern license for the premises located at 312 West Plainfield Avenue in the City and County of Milwaukee, Wisconsin ("Plainfield Pub ") with a ten (10) day suspension based upon neighborhood objections.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes and one (1) excused recommends that the Class "B" Tavern license of Debra A. Seibel, as agent for "Plainfield Pub, LLC" for a Class "B" Tavern license for the premises located at 312 West Plainfield Avenue in the City and County of Milwaukee, Wisconsin ("Plainfield Pub ") be renewed with a ten (10) day suspension.

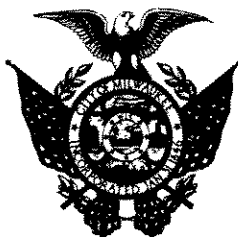
Said suspension is to be in effect from midnight, February 10, 2004 through midnight, February 20, 2004.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2004.

A handwritten signature in black ink that reads "James A. BOHL Jr." in a cursive style.

JAMES A. BOHL, Jr., Chair  
Utilities and Licenses Committee

77256



**JAMES A. BOHL JR.**  
Alderman, 5<sup>th</sup> District

Date: January 29, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Joseph P. Scardina, as agent for "SEP Management, Inc." for a Class "B" Tavern and Tavern Dance license for the premises located at 1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill").

#### FINDINGS OF FACT

1. Joseph P. Scardina (hereinafter the "Licensee") is the agent for "SEP Management, Inc." doing business at 1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill"). Said license expires at midnight, March 1, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on January 7, 2004.
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 on January 12, 2004, which could form the basis for nonrenewal or suspension of the license.
4. On January 20, 2004, 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 nonrenewal or suspension and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on January 27, 2004 at 10:15 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the agent of the licensee applicant and the owner of the corporation appeared and denied that he had received a copy of the notice of hearing and police report, but both waived that objection and proceeded to hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing,

the Committee finds the following:

- A. On March 11, 2001 at 12:45 p.m., officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill"). The licenses for the premises were not posted. It took the bartender on duty a period of time to locate them. Officers issued two citations for the violations. However, those violations were dismissed in Milwaukee Municipal Court. An incident report was filed.
- B. On February 19, 2002 at 1:40 a.m., officers of the Milwaukee Police Department responded to a request by other officers for back-up regarding a fight at the licensed premises at 1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill"). The bartender on duty stated that around 1:30 a.m. he observed a male patron sucking vodka out of the belly button of a female patron. The bartender felt that this activity was too risqué for the other patrons and asked the two patrons to leave. The patrons became loud and combative and refused to leave. As they were being escorted out of the premises another patron interfered with the bouncers. Once outside, the bouncers were able to alert police in the area. Citations for assault and battery were issued to an employee of the premises who helped the bartender. The three patrons were issued citations for disorderly conduct.
- C. On November 28, 2002 at 2:00 a.m., officers of the Milwaukee Police Department were dispatched to a battery complaint at the licensed premises at 1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill"). The officers were met by a female who stated that her boyfriend was in a dispute in the premises and was pushed into a table and thrown to the ground by a bouncer. The boyfriend stated that one of the bouncers swore at his girlfriend and when he confronted the bouncer, the bouncer hit him on the left side of his head. Later the bouncer stated that at bar closing time he and other employees were asking people to leave when a group of five to seven people refused to leave. One male in that group became confrontational with the bouncer. The girlfriend hit the bouncer in the head. No one wanted to prosecute. The parties were advised and no citations were issued.
- D. On March 17, 2003 (St. Patrick's' Day) at 9:44 p.m., an officer of the Milwaukee Police Department was flagged down in the 1100 block of North Water Street regarding a fight. The investigation revealed that a male patron pushed a girl down a small set of stairs at the licensed premises at 1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill"). An off-duty

officer confronted the suspect. That individual struck the officer causing a laceration over his right eye. When the officer was struck, two other patrons joined in the fight and all were escorted outside the tavern on to North Water Street. The incident continued outside where the suspect struck another officer causing a small cut to the face. Two patrons were issued disorderly conduct citations. The suspect was charged with substantial battery. No tavern employees were involved in the fight and no other citations were issued. Reports were filed.

- E. On May 24, 2003, an officer of the Milwaukee Police Department, while passing by the licensed premises at 1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill") was flagged down for trouble with a subject. The manager on the premises reported that a patron was escorted from the tavern and then charged back toward the tavern with his arm extended. He pushed out the screen door of the business. Two other friends of the patron became involved in the melee. They were both initially uncooperative with officers. They claimed to be injured by tavern security. However, they refused to identify themselves. There were no apparent injuries to these individuals to the officers, and they were unable to identify which staff members caused them the injury. They also refused hospitalization. Reports were filed.
- F. On October 10, 2003, officers of the Milwaukee Police Department, while passing by the licensed premises at 1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill"), were flagged down to investigate a battery. The victim stated that he was with his brother on the back patio of the premises when his brother was approached by an unknown male who was "dancing up on him." This led to an argument and then a fight. After the fight was over, the victim noticed that his brother had a large cut to back of his head. It is believed that the victim was struck with a beer bottle. The victim was also struck on the right side of his face by an unknown person. That person was later identified and issued a citation for assault and battery. Reports were filed regarding the substantial battery.
- G. On December 19, 2003, an officer of the Milwaukee Police Department, while passing by the licensed premises at 1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill"), was "flagged down" regarding battery complaint. The victim stated that while he was being escorted from the bar by a bouncer he was struck in the face by another employee of the premises. The victim was intoxicated and said he was being escorted for the bar because he was allegedly being disorderly. He said that he did not know why the other bouncer had struck him in the face. The victim sustained pain and swelling and bleeding to his upper lip and teeth after being struck.

However, he refused medical attention. The bouncer who escorted the victim out of the premises said that as the victim was on the sidewalk the other employee punched the victim in the face. The bouncer stated he was not sure what provoked the suspect to hit the victim. The victim stated that he did not wish to prosecute for the offense. The victim and suspect were referred to the District Attorney's Office for review. No warrant was issued. Reports were filed.

- H. The owner of premises (who is not the agent of the licensee), stated at hearing that he is taking a more active role in the hiring and firing of bouncers, and that because of the incidents reflected in this police report, two of the bouncers have been terminated.

### 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 Joseph P. Scardina, as agent for "SEP Management, Inc." for a Class "B" Tavern and Tavern Dance license for the premises located at 1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of the Class "B" Tavern and Tavern Dance license without undergoing a thirty (30) day suspension , because of the incidents recited in the police report, and the danger the operation of this premises poses to the health, safety and welfare of the citizens of the City of Milwaukee. 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 the Class "B" Tavern and Tavern Dance license of Joseph P. Scardina, as agent for "SEP Management, Inc." for a Class "B" Tavern license for the premises located at 1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill") 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 three (3) ayes and two (2) noes recommends that the Class "B" Tavern and Tavern license J oseph P. Scardina, as agent for "SEP Management, Inc." for a Class "B" Tavern license for the premises located at



1133-37 North Water Street in the City and County of Milwaukee, Wisconsin ("McGillycuddy's Bar and Grill") be renewed with a thirty (30) day suspension.

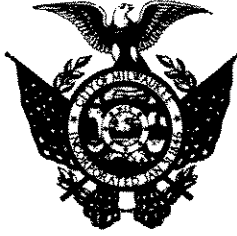
Said suspension is to be in effect from midnight, March 1, 2004 through midnight, March 31, 2004.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2004.

A handwritten signature in black ink that reads "James A. BOHL Jr." in a cursive style.

JAMES A. BOHL, Jr., Chair  
Utilities and Licenses Committee

77257



**JAMES A. BOHL JR.**  
Alderman, 5<sup>th</sup> District

Date: January 29, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Malcolm L. Lucas for a Class "A" Malt license for the premises located at 3426 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Lisbon Liquor").

#### FINDINGS OF FACT

1. Malcolm L. Lucas (hereinafter the "Licensee") is the holder of a Class "A" Malt license for the premises located at 3426 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Lisbon Liquor"). Said license expires at midnight, February 29, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on December 17, 2003.
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 report was dated December 18, 2003 that could form a basis for non-renewal or suspension. There was also an objection based upon § 90-11-1b of the Milwaukee Code of Ordinances which states in relevant portion:

"Class 'A' Retailer's Liquor License renewals for Nonoperating premises. A holder of a Class 'A' or 'B' Retailer's Liquor License who has ceased operation at the premises specified on the license shall only be permitted to apply for and obtain one renewal license for said premise, provided that the holder of the license is residentially and in all other respects qualified to make such application. Said license shall not be renewed if the licensed premise shall have been inoperative for more than one complete license year; however the common council may waive this provision in unusual circumstances."

4. On January 16, 2004, 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. The matter was scheduled for a hearing on the neighborhood objections on January 27, 2004 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 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. Notice was sent to Mr. Malcolm L. Lucas at 4034 North 7<sup>th</sup> Street, Milwaukee, WI 53209 on January 16, 2004 in an envelope bearing the return address of the License Division by United States first class prepaid mail. The address of 4034 North 7<sup>th</sup> Street, Milwaukee, WI 53209 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 27, 2004.
  - B. Section 90-11-1b of the Milwaukee Code of Ordinance states:  
"Class 'A' or 'B' Retailer's Liquor License Renewals for Nonoperating premises. A holder of a Class 'A' or 'B' retailer's liquor license who has ceased operation at the premises specified on the license shall only be permitted to apply for and obtain one renewal license for said premise, provided that the holder of the license is residentially and in all other respects qualified to make such application. Said license shall not be renewed if the licensed premises shall have been inoperative for more than one complete license year; however, the common council may waive this provision in unusual circumstances."
  - C. This license was first granted in the year 2001 and the licensee picked up the license from the City Clerk's Office and the City Clerk issued the license. A renewal was granted in the year 2002, and the license was never issued by the License Division because the licensee did not pick it up. This license was again renewed in the year 2003 and the licensee did not pick up the license, and as a consequence the license was not issued by the clerk.

#### 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,

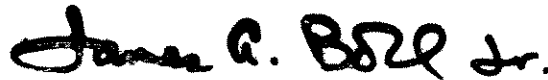
Malcolm L. Lucas has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "A" Malt license. The Committee finds the objections to be true.

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 not renew the Class "A" Malt license of Malcolm L. Lucas for the premises located at 3426 West Lisbon Avenue ("Lisbon Liquor").

#### 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 "A" Malt license held by Malcolm L. Lucas not be renewed.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2004.



JAMES A. BOHL, Jr., Chair  
Utilities and Licenses Committee

77223