

JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

September 13, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 060515

Common Council File 060515 contains the following recommendations:

Recommendation of renewal, with a 20-day suspension based on the police report, of the Class "B" Tavern license of Horacio Sanchez for the premises at 1586 S. Pearl St. ("El Rodeo Club") in the 12th aldermanic district.

Recommendation of renewal, with a 90-day suspension based on neighborhood objection and the police report, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license with change of entertainment of Jodie Kornfehl, Agent for "JK Fun Holdings, LLC", for the premises at 618-24 N. Broadway ("Jungle") in the 4th aldermanic district (Committee vote: Ayes: 3, Noes: 2)

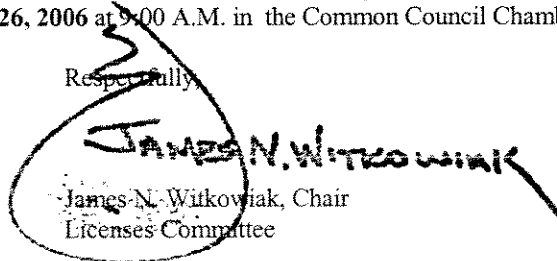
With regard to the file listed above, the Licenses Committee held an evidentiary hearing on September 11th, 2006.

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.

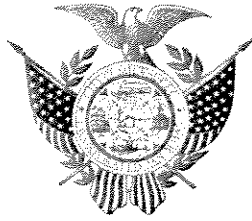
These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, September 26, 2006** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive, slightly slanted style. Below the signature, the name and title are printed in a standard font.

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
Files 060515



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: September 13, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of Horacio M. Sanchez for a Class "B" Tavern license for the premises located at 1586 South Pearl Street in the City and County of Milwaukee, Wisconsin ("El Rodeo Club").

FINDINGS OF FACT

1. Horacio M. Sanchez (hereinafter the "Licensee") is the holder of a Class "B" Tavern license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, October 5, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on August 21, 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 August 22, 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, parking and traffic problems, cruising, loitering, littering, shootings and gun shots, fighting, drunkenness and public urination, trespassing, vandalism, disturbing the peace, drug and criminal activity, prostitution, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On August 31, 2006 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report as well as the neighborhood objections. The matter was scheduled for a hearing on the Police Department report on September 11, 2006, commencing at 9:45 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 notice for the hearing, as well as notice of the objection to renewal of licenses. The Licensee was not represented by counsel, but appeared with Estella Hernandez to translate.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On December 12, 1996, the applicant was issued citations for presence of minor and owner in charge-permit consumption/alcohol at the licensed premises 1586 South Pearl Street. The applicant was found guilty of the charge of presence of minor and fined \$200 on February 13, 1997. The charge of owner in charge-permit consumption/alcohol was dismissed on February 13, 1997.
 - B. On December 28, 1996, the applicant received a citation for presence of minor at the licensed premises at 1586 South Pearl Street and on February 13, 1997 was found guilty and fined \$200.
 - C. On August 20, 2005 at 12:49 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 1586 South Pearl Street ("El Rodeo Club ") regarding a complaint of subject with guns. While officers were on route, the call was updated to shots fired. Upon arrival, officers found a subject who had two gun shot wounds, one to his side and one to his left arm. The investigation revealed that a subject identified as Jose A. Aguilera ran out of the licensed premises after a fight with several patrons, as well as the licensee, and fired several shots from an unknown gun, striking a man identified as Rafael P. Qunitero. The bartender/owner was identified as Estella Hernandez and she was found to be in possession of several small bags of cocaine. The investigation also revealed that a gun, which was given to Aguilera by Hernandez, was kept behind the bar. Another patron received a laceration to his head and some minor bruises to his face. This subject was identified as Robert Reams. Other patrons later identified were issued citations for disorderly conduct regarding the bar fight (Miquel Macedo-Lopez, Luis Macedo-Lopez, Hector Sagrero-Castillo, and Juan Macedo-Lopez).

Estella Hernandez was charged with possession of cocaine on January 25, 2006, fined and her driver's license suspended for six months and sentenced to 5 days in the House of Corrections.
 - D. On October 5, 2005 at 9:19 p.m. the applicant received a citation for licensee or responsible person upon licensed premises and on February 6, 2006 was found guilty and fined \$343. The applicant was also issued

a citation for tavern amusement license required which was dismissed on February 6, 2006.

- E. The translator, Estella Hernandez, was the person involved in the incident of August 20, 2005, and as a result of that incident sold the building to the current licensee.
- F. No neighbors appeared to testify regarding the neighborhood objections, and the Committee makes no findings regarding them.

CONCLUSIONS OF LAW

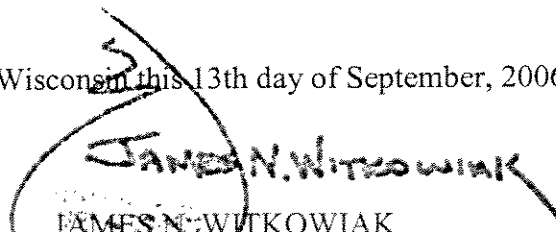
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee finds that the Licensee, Horacio M. Sanchez, 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 license held by the licensee without undergoing a twenty (20) day suspension. The Committee finds the police report as stated to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to renew the Class "B" Tavern license for the licensed premises at 1586 South Pearl Street in the City and County of Milwaukee, Wisconsin ("El Rodeo Club") held by Horacio M. Sanchez with a twenty (20) day suspension based upon the danger that his conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee.

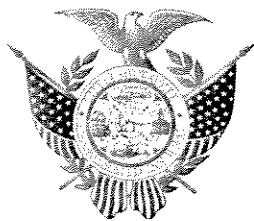
RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes recommends that the Class "B" Tavern License be renewed with a twenty (20) day suspension.

Said suspension is to be in effect between 12:01 a.m. October 6, 2006 and midnight, October 25, 2006.

Dated and signed at Milwaukee, Wisconsin this 13th day of September, 2006.


JAMES N. WITKOWIAK
Chairman of the Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: September 13, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Licenses Committee (Committee) of the Class "B" Tavern and Tavern Amusement Cabaret (Nite Club) License with change in entertainment held by Jodie R. Kornfehl, Agent for JK Fun Holdings, LLC for the premises located at 618-24 North Broadway in the City and County of Milwaukee, Wisconsin ("Jungle").

FINDINGS OF FACT

1. Jodie R. Kornfehl (hereinafter the "Licensee") as agent for JK Fun Holdings, LLC is the holder of a Class "B" Tavern and Tavern Amusement Cabaret (Nite Club) License for the premises located at 618-24 North Broadway in the City and County of Milwaukee, Wisconsin ("Jungle"). Said license expires at midnight October 10, 2006. The Licensee is presently serving a ninety (90) day suspension of her Class "B" Tavern and Tavern Amusement Cabaret (Nite Club) license based upon a complaint filed by one Donald Arenson and heard by the Committee on June 23, 2006. The Committee, based upon the hearing of June 23, 2006, recommended the imposition of ninety (90) day suspension. On June 29, 2006, the Licensee submitted objections to that recommendation. That matter was heard by the Common Council on July 12, 2006, and the Common Council adopted the recommendation of the Committee and imposed the ninety (90) day suspension upon the Licensee. The Licensee was served with the action of the Council on July 18, 2006. Said suspension will expire on October 15, 2006, five days after the normal expiration of this license.
2. Because the Class "B" Tavern and Tavern Amusement Cabaret (Nite Club) license of the Licensee will expire at midnight on October 10, 2006 an application to renew said license was filed with the Office of the City Clerk on August 21, 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 August 22, 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, parking and traffic problems, cruising, loitering, littering, shootings and gun shots, fighting, drunkenness and public urination, trespassing, vandalism, disturbing the peace, drug and criminal activity, prostitution, and conduct which is detrimental to the health, safety and welfare of the neighborhood.

4. On August 31, 2006 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report as well as notice of neighborhood objections. The matter was scheduled for a hearing on the Police Department report and neighborhood objections on September 11, 2006, commencing at 9:45 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 notice for the hearing, as well as notice of the objection to renewal of license. Jodie R. Kornfehl as agent for JK Fun Holdings, was represented by Attorney Andrew Arena, Kopp, Arena & Bishop, S.C., 1110 North Old World Third Street, Suite 515, Milwaukee, WI 53203. The objection neighbor was represented by Attorney Aaron Bernstein, Goodman Law Offices, 135 West Wells Street, Suite 340, Milwaukee, WI 53203
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On June 30, 2006 at 1:36 a.m. officers of the Milwaukee Police Department were dispatched to Broadway and Michigan for a fight complaint. The investigation revealed that the caller identified as Talana M. Johnson was inside the licensed premises at 618 North Broadway in the City and County of Milwaukee, Wisconsin ("Jungle") when she stated several unknown black females started making rude and disrespectful comments to her and her cousin. She stated that she grabbed her cousin and left the bar when the women from the bar followed them. The verbal comments to Johnson and her cousin continued until they reached the corner of Broadway and Michigan, where a fight broke out between all parties. Upon police arrival, all subjects were gone, except for the caller. Johnson and her cousin. Medical attention was refused at the scene and Johnson stated she did not know who the girls were who started the fight. The cousin was uncooperative and refused to speak with police. This event occurred one week after the hearing of June 23, 2006, and the recommendation that the Class "B" Tavern and Tavern Amusement Cabaret (Nite Club) license held by the Licensee be suspended for ninety (90) days because of the conduct that caused the objecting neighbor and the Milwaukee Police Department so much trouble. Obviously, this

incident was not considered by the Committee or the Council since it occurred after June 23, 2006.

- B. An objecting neighbor, Donald Arenson, provided a video tape of the episode of June 30, 2006. While no fight could be seen, it is obvious that large crowd of unruly patrons were in the street causing a disturbance at bar closing time, in the street, and impeding traffic. The Licensee allowed her patrons to continue in another episode of the very conduct that caused a recommendation of a ninety (90) day suspension while that matter was pending before the Council and while she was appealing that matter.

CONCLUSIONS OF LAW

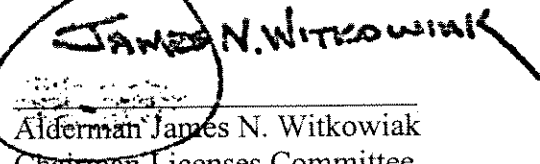
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee Jodie R. Kornfehl has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of her Class "B" Tavern and Tavern Amusement Cabaret (Nite Club) license, with change in entertainment, without undergoing a ninety (90) day suspension. The Committee finds the police report and 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 of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Tavern Amusement Cabaret (Nite Club) license with change in entertainment held by Jodie R. Kornfehl, as agent for JK Fun Holdings, LLC, for the premises located at 618-24 North Broadway in the City and County of Milwaukee, Wisconsin ("Jungle ") with a ninety (90) day suspension of said license, based upon her past activities as licensee and for the danger that the continued operation of the premises poses 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 and Tavern Amusement Cabaret (Nite Club) change of entertainment license of Jodie R. Kornfehl, as agent for JK Fun Holdings, LLC, for the premises located at 618-24 North Broadway in the City and County of Milwaukee, Wisconsin ("Jungle") be suspended for a period of ninety (90) days.

Said suspension is to be in effect between 12:01 a.m. October 16, 2006 and
midnight, January 8, 2007.

Dated and signed at Milwaukee, Wisconsin this 13th day of September, 2006.


Alderman James N. Witkowiak
Chairman Licenses Committee

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