

JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

June 7, 2004

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 031476

Recommendation of renewal with a 10-day suspension of the Class "B" Tavern license of Anderson McWillie based upon the police report for the premises located at 440 W. Center St. ("AD's Club House") in the 6th aldermanic district.

Recommendation of renewal with a 10-day suspension of the Class "B" Tavern and Tavern Dance licenses of LC Whitehead, Agent for "Met Hall Inc. Ink" based upon neighborhood objection for the premises located at 3400 N. Holton St. ("Ret Lounge") in the 6th aldermanic district.

Recommendation of renewal with a 90-day suspension of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for Daniel Goumenos, Agent for "Bailey's, Inc." based upon the police report and neighborhood objection for the premises located at 788 N. Jefferson St. ("Park Bar") in the 4th aldermanic district.

Recommendation of renewal with a 90-day suspension of the Public Dance Hall license of James Harrison, Agent for "Teen USA, LLC." based upon noise nuisance for the premises located at 7427 W. Bradley Rd. ("Café H2O") in the 9th aldermanic district.

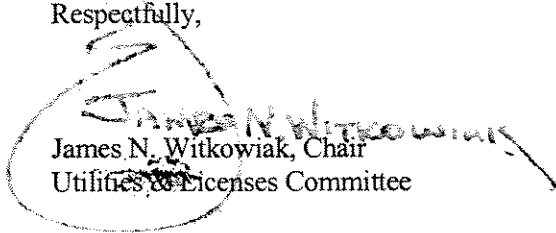
With regard to the items listed above, the Utilities and Licenses Committee held evidentiary hearings on June 1 and June 4, 2004.

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 Tuesday, **June 15, 2004** at 9:00 A.M. in the Common Council Chambers.

Respectfully,



James N. Witkowiak, Chair
Utilities & Licenses Committee

cc: Common Council/City Clerk - License Division
All Council Members
File No. 031476



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: June 3, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Anderson D. McWillie for a Class "B" Tavern license for the premises located at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House").

FINDINGS OF FACT

1. Anderson D. McWillie (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House"). Said license expires at midnight, June 30, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on March 30, 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 responded on March 31, 2004 with a report which could form a basis for non-renewal or suspension of the license. There were also neighborhood objections to loitering, littering, noisy patrons, suspected drug activity, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On May 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 Milwaukee police report as well as the neighborhood objections and included a copy of the Milwaukee police report. The matter was scheduled for a hearing on the police report and neighborhood objections on June 1, 2004 at 2:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared and was represented by Attorney Robert Devorak, 823 North Cass Street, P.O. Box 514005, Milwaukee, WI 53202.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. On August 10, 1988 the licensee was found guilty of having his door open after 10:00 p.m. and fined \$97.00.
 - B. On May 18, 1995 the licensee was found guilty of presence of an underage upon a Class "B" premises and fined \$100.00.
 - C. On November 2, 1995 at 9:15 p.m. officers of the Milwaukee Police Department investigated a stabbing at the licensed premises at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House"). The investigation revealed that during an argument inside the tavern a female cut a male patron on his neck with an unknown object. An arrest was made for recklessly endangering safety.
 - D. On November 16, 1997 at 1:15 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House") regarding a shooting. The investigation revealed that a patron was shot in the hip while standing at the end of the bar near a pool table. The licensee stated that he did not call the police because his niece conveyed the victim to the hospital. A criminal complaint was filed regarding the shooting.
 - E. On November 17, 1997 at 7.41 p.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House") to investigate a complaint of a man with a gun. The investigation revealed that a known patron threatened to harm the bartender on duty. The suspect was issued a citation for disorderly conduct.
 - F. On December 8, 1999 at 5:30 p.m. an undercover officer of the Milwaukee Police Department was able to purchased cocaine inside the licensed premises at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House"). On December 8, 1999 at 5:35 p.m. an amount of marijuana was purchased by an undercover officer at the licensed premises at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House"). On January 20, 2000 at 3:42 p.m. an undercover Milwaukee police officer was taken to the licensed premises at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House") to purchase cocaine from a citizen inside the bar. The transaction took place outside of the front door of the tavern. However, additional cocaine was recovered from inside the tavern. A second undercover officer overheard one Tanya McWillie telling suspects to hide their dope prior to the arrival of the arresting officers. On April 4, 2000 at 1:15 p.m. cocaine was purchased at the licensed premises at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House") outside of the tavern from a male who had been sitting outside of this location. On April 5, 2000 at

3:45 p.m. marijuana was purchased from inside the AD Bar located at 440 West Center Street in the City and County of Milwaukee, Wisconsin. An additional amount of marijuana was recovered. Four suspects were charged with delivery of a controlled substance (cocaine), and 2 other suspects were charged with delivery of a controlled substance (marijuana).

- G. On June 1, 2003 an undercover officer of the Milwaukee Police Department were investigating "street level" drug dealing in the area of West Center and North 5th Streets. They arranged for the purchase of illegal narcotics from an individual who was sitting in front of the licensed premises at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House"). The individual was given marked money from the officer and the individual went in the tavern. Several minutes later that individual exited the tavern and when questioned by the officer as to why things were taking so long, the officer was told that the person with the narcotics had a big chunk and he was cutting it in the bathroom right now. After several more minutes the first individual went back into the tavern, exited several minutes later and walked to the next block where he displayed a "corner cut" of suspected cocaine and a tube typically used for smoking cocaine. The individual was taken into custody and .13 grams of cocaine was recovered. The tube was also recovered. Subsequent investigations resulted in several buys of controlled substances from individuals in the immediate area but none could be made on the premises or linked to the operation of the premises.
- H. On March 15, 2004 officers of the Milwaukee Police Department were conducting a licensed premises check at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House"). An officer was behind the bar getting information from the licenses and found a food license that had expired. A male patron began yelling at the bartender, one Katie McMillion. He insisted that she should not answer any questions and that the police should leave. The patron stated that the officers needed a search warrant and became louder and more boisterous causing other tavern patrons to become hostile towards the officers. The patron was led outside the tavern and was issued a municipal citation for disorderly conduct. The licensee, Anderson McWillie, was advised to update his food license.
- I. On April 20, 2004 the applicant was indicted by a federal grand jury by "corruptly agreeing to give money to another person, with the intent to influence and reward an agent of the City of Milwaukee." Case No. 04-CR-94 (CNC).
- J. No neighbors came forward to testify as to the neighborhood objections.

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 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes.

2. Based upon the above facts found, the Committee concludes that the licensee, Anderson D. McWillie has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a ten (10) 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 ten (10) day suspension the Class "B" Tavern held by Anderson D. McWillie for the premises at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House").

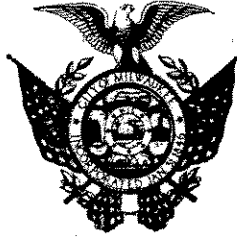
RECOMMENDATION

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) excused recommends that the Class "B" Tavern license held by Anderson D. McWillie for premises at 440 West Center Street in the City and County of Milwaukee, Wisconsin ("AD's Club House") be renewed with a ten (10) day suspension.

Said suspension is to be in force from midnight June 30, 2004 through midnight, July 10, 2004.

Dated and signed at Milwaukee, Wisconsin this 3rd day of June, 2004.


JAMES N. WITKOWIAK, Chair
Utilities and Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: June 3, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of L.C. Whitehead, agent for Met Hall, Inc. Ink, for a license for the premises located at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin ("Ret Lounge").

FINDINGS OF FACT

1. Met Hall, Inc. Ink, L.C. Whitehead, agent (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for a premises at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin ("Ret Lounge"). Said license expires at midnight, June 18, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on April 30, 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 responded on May 3, 2004 with a report which could form a basis for non-renewal or suspension of the license. There were also neighborhood objections to loud music, loud patrons after hours, loud car stereos, suspected drug activity, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On May 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 Milwaukee police report as well as the neighborhood objections and included a copy of the Milwaukee police report. The matter was scheduled for a hearing on the neighborhood objections on June 1, 2004 at 2:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared and 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 October 28, 1974 L.C. Whitehead was found guilty of the issuance of a worthless check and was sentenced to 6 months probation.
- B. On December 20, 1977 L.C. Whitehead was found guilty of resisting/obstructing an officer and fined.
- C. On February 11, 1995 at approximately 1:45 a.m. one Corey Pittman was in the process of exiting the licensed premises at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin ("Ret Lounge") when he got into a confrontation with patrons who were entering the tavern. Mr. Pittman was shot at least 6 times and died on the sidewalk in front of the tavern. At least 23 shots were fired at Mr. Pittman and a friend.
- D. On August 17, 1996 at 2:30 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin ("Ret Lounge") on a complaint of shots fired. Officers spoke to the bar manager who stated that she had a problem with a customer but the customer left. She stated that she heard 2 shots from outside in front of the tavern but she did not see anything.
- E. On September 1, 1996 at 2:39 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin ("Ret Lounge") on a complaint of a shooting. Officers found 2 subjects inside the tavern that had been shot. The investigation revealed that the 2 subjects had been in the Ret Lounge and left at closing. They were shot while they were standing outside of the front of the tavern. Two projectiles had penetrated into the wall of the tavern.
- F. On January 5, 1997 at 2:20 a.m. officers of the Milwaukee Police Department were flagged down by a citizen regarding a battery complaint which occurred at the licensed premises at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin ("Ret Lounge"). The victim stated that 2 of her friends got into an argument inside of the premises, and turned on her hitting her on the head with a beer bottle, biting her on the arm, and beating her about the face and the body. The suspects were arrested for battery.
- G. On May 14, 2000 at approximately 1:59 a.m. officers of the Milwaukee Police Department were dispatched to investigate a report of shots fired at the location of 3423 North Buffum Street. Upon arrival, officers found several bullet casings in front of the licensed premises at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin ("Ret Lounge"). Upon interviewing the bartender, the officers were informed that after the tavern closed the bartender heard shots from outside of the tavern. No one observed the person who fired the shots. The officers recovered 34 casings from the area. No one from the tavern called police.

- H. On February 3, 2001 an anonymous citizen reported that a man was pistol whipped at the licensed premises at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin ("Ret Lounge"). The caller hinted that the actors were members of a gang. Investigating officers confirmed that an incident had occurred. Three males with handguns attacked the victim. The bartender stated that she threatened to call the police to stop the suspects from hitting the victim, but she never called. Once the incident was over the victim related that he did not need an ambulance and asked the police not to be called. The reason was that he was on parole and feared that having the police contacted would violate his parole. The victim had been beaten because he had made it known that he no longer wanted to be in the gang. The victim was confronted by at least 6 Vice Lord gang members who were at the Ret Lounge. The suspects were identified and all are members of the Vice Lord street gang.
- I. On February 20, 2003 at 8:00 p.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin ("Ret Lounge") to check for a man wanted for robbery. Upon arrival, police found the suspect sitting at a table. From the suspect's jacket, officers recovered a Glock pistol which was later found to be stolen. Also observed seated at the bar was another male who appeared young. Upon checking it was discovered that he was 19 years old. The bartender on duty, Annie D. Reed, was given a verbal warning and the licensee L.C. Whitehead was advised.
- J. L.C. Whitehead is also an officer of the corporation operating a premise at 541 West Clarke Street in the City and County of Milwaukee, Wisconsin ("Met Tavern").
- K. On February 16, 2004 at 3:12 a.m. officers on routine patrol in the 2500 block of North 5th Street observed two subjects exit the side door of the licensed premises at 541 West Clarke Street in the City and County of Milwaukee, Wisconsin ("Met Tavern"). One subject was identified as Anthony Whitehead who was standing in the doorway. Upon seeing the officers, Mr. Whitehead sent several people to an adjacent room, which was attached to the tavern. After approximately 2 minutes, Anthony Whitehead let officers enter the tavern. Upon entering the officers observed numerous bottles of beer, shot glasses, and glasses filled with mixed drinks on the main bar and jackets on the bar stools in front of the drinks. Four patrons were found hiding on the second floor of the premises. Mr. Anthony Whitehead was cited for immediate entry for police which was dismissed and patrons after hours upon which a guilty finding was entered and a forfeiture of \$200 was imposed.
- L. On March 5, 2004 at 9:21 a.m., officers of the Milwaukee Police Department reported of a man with a gun to 2119 West Clarke Street. Upon arrival, officers found a subject standing on a porch having an argument with 2 other persons. The argument was loud, involved swearing and yelling and continued even though the officers requested the parties involved to calm down. At one time, the subject threw down his

jacket and took off his jewelry and was going to fight the other parties on the sidewalk. No gun was found but the subject had a Polaroid camera in a bag into which he reached several times. All parties were issued citations for disorderly conduct. A trial date was set for May 19, 2004 and this resulted in a hold open of 6 months.

- M. Mr. Whitehead has been in business at this location (3400 North Holton Street) for approximately 10 years.
- N. Mr. Whitehead has acknowledged that there are prostitutes who are patrons at the tavern, but he has not observed them soliciting customers at the location.

CONCLUSIONS OF LAW

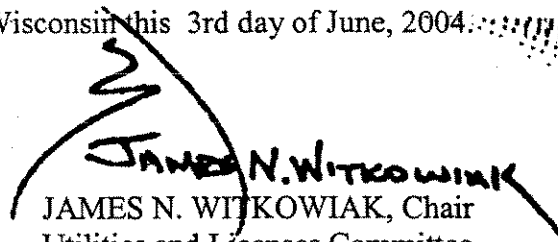
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes.
2. Based upon the above facts found, the Committee concludes that the licensee, L.C. Whitehead, as agent for "Met Hall, Inc Ink" doing business as Ret Lounge at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Tavern Dance license without undergoing a ten (10) 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 Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew with a ten (10) day suspension the Class "B" Tavern and Tavern Dance license held by L. C. Whitehead as agent for "Met Hall, Inc Ink" doing business as Ret Lounge at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin.

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 and Tavern Dance license held by L. C. Whitehead as agent for "Met Hall, Inc Ink" doing business as Ret Lounge at 3400 North Holton Street in the City and County of Milwaukee, Wisconsin be renewed with a ten (10) day suspension.

Said suspension is to be in force from midnight June 18, 2004 through midnight, June 28, 2004.

Dated and signed at Milwaukee, Wisconsin this 3rd day of June, 2004.


JAMES N. WITKOWIAK
JAMES N. WITKOWIAK, Chair
Utilities and Licenses Committee

81500



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: June 7, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Daniel Goumenos, agent for Bailey's Inc., for a Class "B" Tavern and Tavern Amusement Cabaret/Nite Club license for the premise located at 788 North Jackson Street in the City and County of Milwaukee, Wisconsin ("Park Bar").

FINDINGS OF FACT

1. Bailey's, Inc., Daniel Goumenos, agent (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Amusement Cabaret/Nite Club license for the premise located at 788 North Jackson Street in the City and County of Milwaukee, Wisconsin ("Park Bar"). Said license expires at midnight, June 30, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on March 24, 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 responded with a report on March 25, 2004. Said report could form a basis for non-renewal or suspension of the license. There were also neighborhood objections to littering, loitering, public urination, parking and traffic problems, fights and gunshots, loud music and noise during and after hours, cruising, trespassing, vandalism, damage to private property, excessive use of police resources late night disturbances, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On May 26, 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 Milwaukee police report as well as the neighborhood objections and included a copy of the Milwaukee police report. The matter was scheduled for a hearing on the neighborhood objections on June 4, 2004 at 10:45 a.m. in Room 301B of the third floor of City Hall. At said date,

time and place the licensee appeared and was represented by Attorney Michael A.I. Whitcomb, 633 West Wisconsin Avenue, Suite 510, Milwaukee, WI 53203.

5. Based upon the sworn testimony heard and the evidence received at the hearing the Committee finds the following:
 - A. On May 11, 1977 in Greenfield, Wisconsin the applicant was issued a citation for liquor law violation. On May 18, 1977 he was found guilty and fined \$57.00.
 - B. On September 5, 1979 in Greenfield, Wisconsin the applicant was issued a citation for permitting minors to loiter on a Class "B" premises and serving alcoholic beverages to minors. The applicant was cited for (1) permitting minors to loiter on a Class "B" premises, and (2) serving alcoholic beverages to minors. For item number 1 he was found guilty and fined \$225.00. On item 2 he was found guilty and fined \$115.00.
 - C. The agent of the corporate licensee has operated the premises at 788 N. Jackson Street in the City and County of Milwaukee, Wisconsin at various times as "Club DeVons", "Club Marilyn", "Metropolis", and "Park Bar."
 - D. On April 11, 1984 officers of the Milwaukee Police Department observed a billboard for the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin, Club DeVons, on public property. A charge of Placing Sign on Public Property was found and the licensee was warned by a district captain.
 - E. On May 22, 1985, the licensee, as a corporate officer for the licensed premises 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin, falsely listed his address as 2513 N. 57th Street, on a sworn affidavit. Utility records revealed his true address to be 9050 W. Waterford Street, Greenfield, Wisconsin. The licensee was cited with Truth of Statements and Affidavits-Falsifying finding and found guilty and fined \$575.00 on August 13, 1985. The aforementioned case was reopened on December 1, 1986. On May 26, 1987, the sentence was reduced to a Suspended Sentence.
 - F. On January 11, 1986, officers of the Milwaukee Police Department responded to the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding a complaint of patrons not being allowed in to the premises. The investigation revealed that the two patrons were not allowed in to the tavern because they were wearing military uniforms. The officers warned the licensee that he could be charged with a Discrimination Prohibited complaint.
 - G. On March 21, 1986, officers of the Milwaukee Police Department responded to the licensed premises at 788 N. Jackson Street, in the City

and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding a theft complaint. The investigation revealed that a patron had met a prostitute at the bar. This woman then took the patron's money and jewelry. An incident report was filed.

- H. On April 12, 1986, officers of the Milwaukee Police Department responded to the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding trouble with a woman. The investigation revealed that a female patron battered a cashier after refusing to pay a cover charge. An incident report was filed.
- I. On April 31, 1986, undercover officers of the Milwaukee Anti-Prostitution Unit of the Vice Control Division were at the licensed premises 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding complaints of prostitution. (See Item "G" above). Officers were engaged by two female patrons of the tavern. Both were arrested after they offered to have sex with the officers for money. An incident report was filed.
- J. On December 11, 1988, officers of the Milwaukee Police Department responded to the licensed premises, 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding a battery and cutting. The investigation revealed that two underage patrons, who were in the tavern, were involved in a fight with a third patron. One of the underage patrons struck the third patron in the head with a beer bottle. Investigating officers advised that a Permitting Underage to Loiter on Class "B" premises could be issued.
- K. On August 29, 1990, officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding an underage function. As officers were investigating, a fight broke out between some of the underage patrons and security personnel. Three patrons were cited for Disorderly Conduct. An incident report was filed.
- L. On March 31, 1991, officers of the Milwaukee Police Department were flagged down by security personnel of the licensed premises at 788 North Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding a fight. The investigation revealed a fight broke out after several patrons began to argue over an unpaid \$5.00 bar tab. A security person was injured in the fight. An incident report was filed.
- M. On April 1, 1991, officers of the Milwaukee Police Department responded to the licensed premises 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding a battery complaint. The investigation revealed that a bouncer in the tavern grabbed a patron with both hands and head-butted him, then physically threw him out of the tavern for Slam dancing. An incident report was filed.
- N. On September 13, 1991, officers of the Milwaukee Police Department responded to the licensed premises at 788 N. Jackson Street, in the City

and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding a fight. The investigation revealed that two patrons, dating the same woman, became involved in a fight in the tavern. One of these patrons used a false ID to gain entry.

- O. On April 5, 1992, officers of the Milwaukee Police Department responded to the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn") regarding a battery-cutting. Investigation revealed that two patrons became involved in a fight over seating. One of the combatants struck the other in the head with a glass. An incident report was filed.
- P. On April 12, 1992, officers of the Milwaukee Police Department responded to the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding men with guns. The investigation revealed that two patrons were attempting to get some money from a third patron. The two claimed to be armed. No guns were found, however the two were cited for Disorderly Conduct. An incident report was filed.
- Q. On April 26, 1992, officers of the Milwaukee Police Department made a lawful inspection of the licensed premises 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"). Officers observed that the Class "B" license was not displayed as required. The licensee was warned by officers that a citation for Display of Tavern License could be issued.
- R. On September 6, 1992, officers of the Milwaukee Police Department were flagged down regarding a fight at the licensed premises 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), at an underage function. The investigation revealed that a male patron was asked to leave for not wearing a shirt. A fight began between the patron, two of his friends and security personnel. The three patrons and a security guard were cited for disorderly conduct. An incident report was filed.
- S. On January 24, 1993, officers of the Milwaukee Police Department made a lawful inspection of the licensed premises 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding an overcrowding complaint at an underage function. The investigation revealed that there were 706 people in the tavern. The legal capacity was 480 people (226 over the legal capacity). During this inspection two fights broke out in the tavern, but they were quelled by investigating officers. The licensee was charged with Over Capacity on August 19, 1992 and fined \$250.00.
- T. On May 9, 1993, officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), during an underage function. The licensee, who was on the scene, failed to make the required announcement at the curfew time and failed to stop the entertainment as required. The licensee was cited for failure to make

curfew announcement and cease entertainment. A guilty sentence was imposed and held open and eventually dismissed on July 26, 1993.

- U. On May 30, 1993, officers of the Milwaukee Police Department responded to the license premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), regarding a large crowd during an underage function. Officers were asked by security personnel to help move the crowd along because security could not handle the crowd. Three people were cited for refusing to leave. An incident report was filed.
- V. On April 28, 1994, officers of the Milwaukee Police Department, while at the licensed premises 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Club Marilyn"), observed a subject attempting to use an altered ID card. That person was, in fact, 19 years old and was cited for misrepresenting his age. An incident report was filed.
- W. On July 28, 1995, officers of the Milwaukee Police Department responded to the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Metropolis"), regarding a battery complaint. An investigation revealed that a patron was attacked by an unknown person, for no apparent reason. The attacker escaped. The victim required six stitches to close the cut to his face. An incident report was filed.
- X. On September 1, 1995, officers of the Milwaukee Police Department responded to the licensed premises 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Metropolis"), regarding a battery complaint. The investigation revealed that a security person had been punched. The patron was detained and arrested by police. Another patron complained of being sprayed in the face with OC (Oleoresin Capsicum) by another security person. That security person related that the sprayed patron had been involved in a fight, then attacked two security people and was sprayed with OC to protect the security people involved in the fray. A total of three patrons were arrested as a result of this melee. An incident report was filed.
- Y. On September 1, 1995, officers of the Milwaukee Police Department observed several apparently underage persons in the area of the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin, urinating. These actors then got into an auto and sped away, only to be stopped a short time later. Investigation revealed that the four people in the auto, all of whom were underage, were drinking at the Metropolis. Three fake ID cards were recovered from the auto during this stop. An incident report was filed.
- Z. DANIEL GOUMENOS, the agent of the applicant for this license, was also the licensee at the premises known as "Senor Frogs" at 770 N. Jefferson Street. He also previously was issued a license on November 13, 1992 at the Class "B" premises ("Roxbury"), 8851 North 76th Street. During that license year, 17 incidents occurred requiring police action.

- AA. On March 21, 1998, at the licensed premises ("Senor Frog"), 770 N. Jefferson Street, in the City and County of Milwaukee, Wisconsin, the applicant was the licensee. Police officers conducted a plainclothes underage police aide tavern check of the premises. Two underage police aides approached the bar, and without being asked for identification, purchased three bottles of Miller beer for \$8.25 from the licensed bartender. The licensee, Daniel Goumenos, was present and stated that he had instructed his staff to check identification of patrons. The licensee was issued a citation for Licensee Responsibility-Sale to Underage which was dismissed on September 14, 1998. The bartender was issued a citation for Sales to Underage Person finding and found guilty on September 14, 1998 and fined \$290.00.
- BB. On May 7, 1999, at the premises ("Senor Frog") at 770 N. Jefferson Street, in the City and County of Milwaukee, Wisconsin, a fight ensued when a dancing male patron bumped into another patron on the dance floor. He tried to let it alone but was punched in the face by the other person, they then began to struggle and other males began to strike him as well. A friend of his came to his aid and was also struck. The first victim sustained the loss of two front teeth, and eleven stitches on the upper and lower lips. His friend required 6 stitches on the upper lip. The fight eventually escalated outside of the bar after the club bouncers removed the participants outside the bar, where the two were further battered. No employee at "Senor Frogs" called the police regarding this incident. Police were called to investigate at St. Mary's Hospital, 2323 N. Lake Drive.
- CC. On November 4, 2000 at 11:12 p.m. officers of the Police Department were dispatched to 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"), for a possible drug overdose investigation. They spoke to a Dylan E. Brown, a friend of the victim, who stated that his friend, Ryan E. Helm while inside the Park Bar, became ill and appeared to be passing out as if something had been placed in his drink. It was learned that Helm had ingested a street drug known as Aliquid G, unknown ingredients and had been drinking heavily since about 4:00 p.m. He was conveyed by Fire Department Paramedics to Mt. Sinai Hospital. Police talked to him there and learned that he was 20 years old. He stated that he entered Park Bar through one of the doors that was not monitored by security and where no one was checking IDs.
- DD. On August 31, 2001 at 1:41 a.m. officers of the Milwaukee Police Department were dispatched to meet another police squad at the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee ("Park Bar"), Wisconsin, regarding a large crowd. A large crowd of about 150 people was standing on the sidewalk, street and parking lot area. Staff members of the Park Bar were out with bullhorns telling the crowd to leave but the crowd was unresponsive. Police had to disperse the crowd. Officers stated this is an on-going problem at the Park Bar. There have been numerous battery and theft complaints. Officers had spoken to the licensee, Danny Goumenos on August 17 and August 24 regarding the

large crowd problem. On those dates officers observed staff of the Park Bar standing outside, but not moving the crowd.

- EE. On December 9, 2001 at 12:23 a.m., officers of the Milwaukee Police Department were sent to the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"), regarding a fight. One Veronica Sosa was in the parking lot and told the officers that while she was inside of the Park Bar, a drunken person spilled beer on her and that a fight started between her and the drunk. A manager, Nicholas M. Murado, told Sosa to leave and outside Sosa stated that the manager started to argue with her and struck her in the face with a fist. Based on statements from witnesses, a Milwaukee Municipal Citation was issued to Nicholas M. Murado for disorderly conduct-fighting.
- FF. On February 17, 2002 at 1:00 a.m., a sergeant of the Milwaukee Police Department observed two males exit the licensed premises at 788 N. Jackson, Street, in the City and County of Milwaukee, Wisconsin ("Park Bar") drinking from half-full beer bottles. Both patrons were issued Milwaukee Municipal citations for public drinking.
- GG. On June 14, 2002 at 1:57 a.m. a Milwaukee Police Department squad requested an additional squad to the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar") for crowd control. It was observed that the Park Bar security staff did not intend to disperse the crowd gathering outside the tavern until the police arrived. The crowd was overflowing from the sidewalk into the street and the parking lot next to the tavern, making it difficult for vehicles to safely enter the roadway. Persons in the parking lot were sitting in their cars with their radios playing loudly creating an additional disturbance.
- HH. On November 3, 2002, officers of the Milwaukee Police Department were sent to the licensed premises at 798 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"), to investigate a report of shots fired in the parking lot. When they arrived, a short foot chase took place when the officer saw someone run from the scene. He was apprehended and found to have 77 pills of which later were tested positive for MDMA, aka, "Ecstasy." Investigation showed that another patron in the Park Bar who was being removed by security, handed the pills over to the person who ran. The owner of the pills admitted to having possession of the Ecstasy pills and to being in possession of a small handgun (Taurus PT-92, 9mm) with which he stated that he fired one round into the air in the parking lot next to the Park Bar. No violations found at the Park Bar and the staff came forward with valuable and reliable information critical to this investigation.
- II. On November 29, 2002 at 1:54 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"), regarding a fight. A victim stated that he was outside the tavern and a group of men came up to him and someone punched him and he fell and

hit his head on the ground. No arrests were made and the victim did not want to prosecute. Daniel Goumenos was cooperative during the investigation.

- JJ. On February 14, 2003, officers of the Milwaukee Police Department conducted a check of the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"). They observed the tavern security personnel run towards a large crowd of people and began escorting several females out of the establishment for fighting. Milwaukee Municipal Court Citations were issued to 6 patrons for disorderly conduct.
- KK. On March 15, 2003 at 1:45 a.m., officers of the Milwaukee Police Department were dispatched to do crowd control at the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"). Upon arrival at the tavern, three women approached the officers and pointed out a person that struck them inside the tavern. The suspect was issued two assault and battery citations. Due to the excessively large crowd, the security personnel were not aware this incident occurred.
- LL. On April 18, 2003, at 12:45 a.m., officers of the Milwaukee Police Department were dispatched to trouble with subject at the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"). Upon their arrival they were told a female threw a candleholder at a male victim. She also bit another person while being escorted out of the premises. She left the premises, but returned looking for her ID and coat. One citation was issued for disorderly conduct.
- MM. On May 8, 2003, officers of the Milwaukee Police Department, with an underage police aide, conducted a premises check at the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"). The underage police aide showed her ID card, which indicated she was under 21 years old, to the doorman, who inspected it, and allowed her to enter the tavern. She paid the \$5.00 cover charge and walked in. She proceeded to the bar and purchased a beer from the bartender. The bartender was cited for Sale to Underage Finding and found guilty on October 2, 2003 and fined \$75.00.
- NN. On June 22, 2003, at 1:50 a.m., officers of the Milwaukee Police Department were dispatched for crowd control at the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"). The reporting officer indicated that several hundred people were clustered in large numbers on the sidewalk in front of the bar, in the parking lot to the south, and in the street, which had already been blocked off. The crowd was boisterous, unreasonably loud, yelling and shouting. The security staff of the Park Bar was unable to control the crowd or cause them to disburse. Many small fights occurred in the crowd. Several squads responded to assist with crowd control.

- OO. On September 2, 2003, at 4:47 p.m., an officer of the Milwaukee Police Department was dispatched to a property damage complaint at the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"). The general manager told the officers that on August 31, 2003, at 1:15 a.m., there was a fight inside the bar. There were about 10 police officers outside conducting crowd control; however, he did not notify officers because security handled it and escorted the problem out of the bar. When he returned inside he observed that the plasma TV was damaged. There was no indication as to what time the police were actually called. Reports were filed.
- PP. On November 30, 2003, at 2:27 a.m., officers of the Milwaukee Police Department were dispatched to a shooting at Mason & Van Buren Streets. Upon arrival they found a victim who had been shot in the right side. He stated he went to the licensed premises at 788 N. Jackson, in the City and County of Milwaukee, Wisconsin ("Park Bar") to pick up his brother when he was jumped by 5 or 6 males. Someone pulled out a gun and fired two or three shots. Victim was conveyed and treated. Reports were filed.
- QQ. On January 10, 2004 at 6:30 p.m., officers of the Milwaukee Police Department investigated a report of a battery that occurred inside the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"). On Sunday, May 9, 2004 at about 2:00 a.m. the victim reported that he walked over to his girlfriend when an unknown male struck him on the head with a glass bottle causing a laceration. The victim further related that club security did not attend to his injury and neither police nor medical attention was summoned for him. The victim's girlfriend related that while inside the Park Bar she was looking for her boyfriend and a male subject kept trying to make conversation with her, which she refused. When her boyfriend approached this individual swung her boyfriend around and struck him with the beer bottle he was drinking from. The suspect then fled without security attempting to stop him. The victim's girlfriend stated that she requested that the police and an ambulance be summoned and after about 15 minutes when neither the police nor medical attention arrived, she conveyed her boyfriend to the hospital herself. The security manager for Park Bar stated that he observed a scuffle in his peripheral vision and that the suspect and others immediately fled the premises. The security manager further related that he attended to the victim's injuries and asked the victim repeatedly if he wanted the police or medical attention but the victim declined. The victim stated he was going to the hospital and left alone. The security manager added that he called 911 report the incident, however, there was no record of this on the CAD system. At hearing in this matter counsel for the licensee related that no CAD record existed for the call because the victim refused all assistance.
- RR. On January 27, 2004, officers of the Milwaukee Police Department were dispatched to a downtown hotel for a report of a sexual assault. The police officers were told by three underage females, ages 19 and 20, that they gained entry at the licensed premises at 788 N. Jackson Street, in the City

and County of Milwaukee, Wisconsin ("Park Bar") with false identification. One of the three girls admitted having several drinks while in the bar. They met three patrons in the bar, and went with them to the hotel, where one victim stated she was sexually assaulted while sleeping. Criminal Investigation Bureau was sent to investigate. Citations issued for misrepresenting age by underage. At the hearing, counsel for the licensee related that this incident reflected simply a female, who when discovered in a compromising situation, simply named a bar, any bar to make up the story. Counsel emphasized there is no way to prove the underage patrons were at the Park Bar.

- SS. On February 9, 2004, at 1:29 a.m., officers of the Milwaukee Police Department responded to a report of a fight on parking lot at the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"). Upon their arrival they found a large crowd loitering which required 6 squads to remain out of service to deal with the crowd, the members of which failed to leave after tavern closing.
- TT. On February 22, 2004, at 1:49 a.m., officers of the Milwaukee Police Department responded to a backup for a squad, regarding an overcapacity incident and a fight at the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar"). Upon their arrival they were advised that the premises were to be closed due to over capacity by patrons. A sergeant was unable to move around inside the bar because patrons were literally shoulder-to-shoulder. The licensee stated that he was only 50 people over capacity. He showed the officers a hand held counter device which indicated the capacity level at 779 patrons inside the bar. Officers could smell the aroma of marijuana in the premises, and found several plastic baggies with the corners missing on the floor and in the men's room, consistent with the use of illegal narcotics. A total of nine squads were dispatched for crowd control. The licensee was issued a charge for posting of occupancy capacity finding. That Court date is set for June 14, 2004 At the Utilities and Licenses hearing it was found that the Park Bar has a capacity of 704 with another twenty-five (25) in an outdoor area.
- UU. On February 27, 2004 officers of the Milwaukee Police Department responded to the licensed premises at 788 N. Jackson in the City and County of Milwaukee, Wisconsin ("Park Bar"), for a follow-up investigation regarding an incident which occurred on February 22/23, 2004. The officers spoke to an individual who identified himself as a manager though he is not licensed as a Class "B" manager. He stated that on February 23, 2004 there was party on the licensed premises. He informed the participants of the party that it was bar closing time and turned on the interior lights. The patrons were told to leave, but they became boisterous and profane and many refused to leave. Some began to leave, under protest. The manager then confronted one of the sponsors of the party and informed him that the patrons had to leave. The sponsor became profane and stated that "we din [sic] not pay all this money for nothing" and then punched the manager in the face. The manager did not

report the battery to police, but was advised he was required, as manager of the premises, to report disorderly patron incidents to police. The licensee told officers the incident on the premises started when the manager grabbed the microphone from the DJ's hand, and the DJ attempted to take the microphone back. The incident then escalated. The officer indicated in his report that the licensee stated he did not contact police regarding this incident because he knows the police are scrutinizing his business and he is afraid of losing his license. The licensee was further quoted as saying he needed to stay open for a few more weeks so he can make the money he needs to open a restaurant across the street.

- VV. On February 29, 2004 at 2:00 a.m., officers of the Milwaukee Police Department were assigned to monitor the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin, ("Park Bar"). They observed 200-300 patrons of the license premises loitering outside after the premises had closed. There were several vehicles with loud music playing that could be heard a block away. Several vehicles were stopped in the middle of Jackson Street, which prevented the normal flow of traffic. Patrons were standing in the street, yelling and screaming, loud and boisterous. Several additional squads were called for crowd control. Seven squads, a total of 9 nine officers, with a combined total of 5 man-hours were required to disburse the loitering crowd and vehicles and prevent cruising.
- WW. On February 14, 2004: at 12:45 a.m., an officer of the Milwaukee Police Department conducting a check of the licensed premises observed security personnel break up a large group inside the club and escort several female patrons from the premises for fighting. Patrons were cited for disorderly conduct.
- XX. On March 7, 2001, at about 1:00 a.m. a Milwaukee Police Department officer on patrol in the 700 block of N. Jackson Street was informed by a citizen of a fight occurring in front of the bar. The officer then observed two people were in fact fighting on the sidewalk in front of the premises and that one of the participants was a security person from the bar. As the officer approached the bar several person walked away including the participant in the fight. The security person refused to tell the officer what had happened, refused initially, to say anything, and then denied that there was a fight at all. He eventually only said that someone tried to get into the club and he stopped him. The security officer refused to identify this individual until later in the investigation when he pointed out an individual standing across the street. This individual was initially standing several feet away from officers when they began questioning the security person about the fight but was able to relocate before being identified. Officers attempted to stop this individual but were impeded by the large amount of vehicle and pedestrian traffic and the subject fled on foot. The officer's report also indicates that at about 2:15 a.m. that date, about 200 people were observed exiting the club and refusing to leave the area. These persons were loud, yelling, loitered in the roadway, played car stereos loud

and trespassed on private property. Eleven squads (13 officers) spent about 2.8 man hours to control the situation.

- YY. On March 15, 2004, at 1:45 a.m., a Milwaukee Police Department officer assigned to crowd control at the license premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar") was informed by a three female patrons that they were struck by a male patrons still on the premises. The suspect was located inside the club and issued citations for battery. The officer indicates in his report that security may have been unaware of the incident because of the large crowd in the club.
- ZZ. On March 28, 2004, at about 2:48 a.m. officers of the Milwaukee Police Department were sent to a report of a fight in the area of E. Mason and N. Jackson Streets. Security personnel of the licensed premises at 788 N. Jackson Street, in the City and County of Milwaukee, Wisconsin ("Park Bar") related that a fight did occur at that location between two groups of women that had been in the bar prior to closing and that the women are always arguing and fighting one another. Officers later took a battery complaint from one of the actors who was uncooperative with officers as to the incident and would only say that she was at the Park Bar to pick someone up and was attacked for no reason. The officer's report indicated that the incident required 6 squads, seven officers and a superintendent for a total of 8 man-hours.
- aaa. There are a number of neighbors, business as well as residential, who are disturbed by noise, litter, and traffic congestion occasioned by patrons of this premises particularly at closing time on Saturday nights/ Sunday mornings.
- bbb. This includes trash on the streets, congregations of patrons disrupting traffic, the need for the police department to control traffic at closing times. At least two adjoining neighbors have had the need to avoid the area on late Saturday nights and early Sunday mornings to avoid the congestion.
- ccc. The Park Bar responds by saying that they are not open on Sundays, therefore trash appearing on Monday morning must be from another source. The Park Bar notes that there are fifteen bars in the area, and not all of the traffic noise and litter can possibly be attributed to them. The Park Bar also notes that Capt. Moore of the Milwaukee Police Department has asked, the Bar has cooperated in adopting suggestions made by Capt. Moore which have included: (1) voluntarily limiting the maximum number of patrons to 550 (the Bar is allowed 704 inside and another 25 in an outdoor garden); (2) to call the police for all incidents; (3) to not allow lines of patrons to form waiting to get into the location; (4) to attend a meeting with the East Towne Neighborhood Association to aid in resolving problems; (5) to slow the music down forty-five minutes before closing and turning the lights up one-half hour before closing; and (6) to close one-half hour before legal "bar time."

ddd. The Park Bar asked for consideration in light of the fact that they have been operating in the area for twenty-three years without prior Common Council discipline.

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 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes.
2. Based upon the above facts found, the Committee concludes that Daniel Goumenos, as agent for "Bailey's Inc." doing business as Park Bar at 788 North Jackson Street 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 "B" Tavern and Tavern Amusement Cabaret/Nite Club license without undergoing a ninety (90) day suspension. The Committee finds the police and neighborhood objections to be true and that continued operation of this premises without being required to undergo a ninety (90) day suspension will have an adverse effect that is having on the health, safety, welfare and prosperity of the adjacent neighborhood.
3. In order to protect the health, safety, welfare, and prosperity 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 Amusement Cabaret/Nite Club license of Daniel Goumenos, as agent for "Bailey's Inc." doing business as Park Bar at 788 North Jackson Street with a ninety (90) day suspension.

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 "B" Tavern and Tavern Amusement Cabaret/Nite Club license of Daniel Goumenos, as agent for "Bailey's Inc." doing business as Park Bar at 788 North Jackson Street be renewed with a ninety (90) day suspension.

Said suspension is to be in force from midnight, June 30, 2004 through midnight, September 28, 2004.

Dated and signed at Milwaukee, Wisconsin this 7th day of June, 2004.


JAMES N. WITKOWIAK, Chair
Utilities and Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: June 3, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of James J. Harrison, agent for Teen USA, LLC, for a license for the premise located at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O ").

FINDINGS OF FACT

1. Teen USA, LLC, James J. Harrison, agent (hereinafter the "Licensee") is the holder of a Public Dance Hall license for a premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O "). Said license expires at midnight, June 30, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on May 7, 2004.
3. Pursuant to Chapter 108 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee police responded on May 10. Said report could form a basis for non-renewal or suspension of the license. There were also neighborhood objections to parking and traffic problems, speeding, cruising, loud car stereos and noise, littering, loitering, public urination, disorderly patrons, fights, gunshots, late night disturbances, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On May 20, 2004, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee police report as well as the neighborhood objections and included a copy of the Milwaukee police report. The matter was scheduled for a hearing on the neighborhood objections on June 1, 2004 at 8:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee appeared and was represented by Attorney Margaret Stewart, 611 North Broadway Street, Suite 510, Milwaukee, WI 53202.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. On May 5, 1995, a corporate officer, Randle Harrison was found guilty of permitting underage to enter and remain on a Class "B" premises and was fined \$199.
 - B. On April 2, 1996 Randle Harrison was found guilty of presence of a minor prohibited upon a Class "B" and was fined \$885.
 - C. On June 14, 2000 Randle Harrison applied for a Class "D" Bartender license, however, on November 8, 2000 the license was denied due to the failure of Randle Harrison to appear at a hearing scheduled on the license application.
 - D. An investigation revealed that Randle Harrison is a corporate officer for an entity known as the Millennia Corporation which holds the Class "B" Tavern license for the licensed premises at 352 East Capitol Drive in the City and County of Milwaukee, Wisconsin ("The Matrix"). Randle Harrison listed his address is 118 East Ring Street, Milwaukee, Wisconsin. He stated that that is his grandmother's home, and is his mailing address. On the application for a Public Dance Hall License Randle Harrison is listed as a corporate officer for Teen USA, Inc. in which he lists his address as 6222 West Fond du Lac Avenue, Room #135. That is the address for an entity known as the Phoenix Bar and Grill and the Diamond Hotel. Randle Harrison does not hold a State of Wisconsin Drivers License, but does hold a valid State of Georgia Drivers License issued on March 31, 2000. He lists his home address as 3728 Jefferson Township, Marietta Georgia. Randle Harrison states that he does not live in Georgia, and his correct address is 6222 West Fond du Lac Avenue, #135. The applicant James J. Harrison was interviewed, and stated that he and his brother, Randle Harrison, would be supervising the dance hall.
 - E. An application for a public dance hall filed by James J. Harrison for 7427 West Bradley Road, Milwaukee, Wisconsin was recommended for denial by the Utilities and Licenses Committee on August 2, 2001.
 - F. On August 4, 2002 officers of the Milwaukee Police Department were dispatched to a noise complaint in the locale of 7800 West Bradley Avenue in the City and County of Milwaukee, Wisconsin. The investigation revealed that a complainant was awoken at 1:15 AM when she heard a loud thumping noise. The complainant related that she got out of bed, walked to the end of her drive way and observed that the noise was coming from Café H2O at 7427 West Bradley Road, Milwaukee, Wisconsin, which was approximately 4 blocks away. She also observed

cars racing around the area and car horns, sirens and bullhorns coming from the club parking lot. The sirens were not from police or emergency vehicles. A second complainant who lives at 8104 West Bradley Road, Milwaukee, Wisconsin also related that he had heard loud noise coming from the club the night before and that he had walked to the club to confirm that the noise was coming from the club. Noise nuisances citations were issued but the cases were dismissed on June 5, 2003 because of an arrangement to plead guilty to one noise nuisance citation dated December 28, 2002. (Paragraph N).

- G. On August 12, 2002 at 12:30 AM officers of the Milwaukee Police Department were dispatched to 7800 West Bradley Road in the City and County of Milwaukee, Wisconsin regarding a loud music complaint. Officers observed that loud music was both in the complainant's yard and in the complainant's house, where officers actually observed a window vibrating from the noise. Officers then went to the location of the noise which was 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). Officers observed two doors open and several patrons outside. The licensee related that the air conditioning had not been installed yet and the doors were open to allow cool air in. The licensee was on the scene. Licensee was cited for noise nuisances but again the cases were dismissed on June 5, 2003 because of an arrangement to plead guilty to one noise nuisance citation dated December 28, 2002. (Paragraph N).
- H. On August 18, 2002 at 12:10 AM officers of the Milwaukee Police Department were dispatched to check the welfare of a citizen in the location of North 76th Street and West Bradley Road in the City and County of Milwaukee, Wisconsin. Upon arrival officers observed some of the club's security personnel fighting with patrons in the parking lot of the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). The investigation revealed that a fight had broken out inside the club. Security personnel escorted the combatants outside. However, once outside the security personnel became involved in the fight themselves. The fight continued until the officers arrived. A large crowd of patrons from the club gathered. Additional officers were summoned. The crowd moved across the street to another parking lot, where additional arrests were made and handguns were recovered from two individuals. The licensee was on the scene. An incident report was filed.
- I. On August 24, 2002 at 11:04 PM officers of the Milwaukee Police Department were dispatched to the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Club H2O") to meet Squad 4, Sgt. Craig Henry and City of Milwaukee Alderman Donald F. Richards regarding a loud music complaint coming from the club. Earlier in the evening Sgt. Henry interviewed a complainant in the location of 7800 West Bradley Road regarding the loud noise. Upon arrival at the club officers observed that a window in the

building had been smashed out and was covered with plywood. Officers also observed that the windows east of the boarded up window were vibrating from the noise. Officers were met by security personnel who related that they were in the process of escorting people out of the club who had become involved in a fight. Five patrons were escorted out and ordered to leave. The licensee was on the scene and was requested to turn the noise down on several occasions. Officers remained on the scene to monitor the situation. About approximately 30 minutes after Sgt. Henry and Alderman Richards left, however, then the loud noise started again. Again the licensee was told to turn the music down. While there, officers learned of another fight in the club. Several patrons were removed from the club. One was arrested for disorderly conduct. While still on the scene officers also observed the parking lot at 8010 North 76th Street a hardware store lot which is leased by the Teen USA, LLC for the purposes of patrons parking to enter the Café H2O. There was a large crowd of patrons who had attempted to get into the club that were turned away. That crowd was observed getting into autos and cruising up and down North 76th Street and West Bradley Road. Finally at 1:10 AM officers were ordered to close the club down. After the club was closed a large crowd of patrons started cruising in the area causing traffic problems until 4:00 AM. The licensee was on the scene. Citations for noise nuisances were issued; but were dismissed without prejudice on June 5, 2003. The dismissal occurred because an arrangement was made wherein the licensee pled guilty to a noise nuisance citation dated December 28, 2002. (Paragraph N).

- J. On September 1, 2002 at 10:04 PM officer of the Milwaukee Police Department were dispatched to the licensed premises at 7427 West Bradley Road regarding a complaint of loud music ("Café H2O"). Officers heard loud music as far away as 1,338 feet, as measured by an LTI speed/distance laser gun. The licensee was informed of the complaint and cited. Officers remained on the scene to monitor the crowd. While there, officers observed the front window still boarded up and the east windows vibrating from the loud noise inside the club. Officer also observed people loitering in the area waiting to be allowed into the club. The licensee was on the scene. The licensee was cited for noise nuisances. However, the case was dismissed without prejudice on June 5, 2003. The dismissal occurred because an arrangement was made wherein the licensee pled guilty to a noise nuisance citation dated December 28, 2002. (Paragraph N).
- K. On October 5, 2002 at 1:09 AM officers of the Milwaukee Police Department were dispatched to a noise nuisance complaint in the location of 7800 West Bradley Road. Upon arrival in the area officers heard loud music in the complainant's yard that was coming from the license premises located at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). Officers spoke to the license James J, Harrison and the "owner" James 'Sonny' Harrison. Officers observed the doors were open. They were informed that there had been an earlier incident in which someone discharged Oleoresin Capsicum (O.C.) in the club. The licensee was on the scene. The licensee was cited for open door, which was not issued by the City Attorney's Office because that is a violation for alcohol premises. An incident report was filed.

- L. On November 10, 2002 at 1:00 AM officers of the Milwaukee Police Department were in the area of 7427 West Bradley Road in the City and County of Milwaukee ("Café H2O") regarding complaints of cruising. Officers heard loud music coming from the licensed premises located at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). Officers checked the premises and discovered an underage person in violation of the curfew ordinance. That person was arrested and a second person was cited for obstructing after refusing to leave. The licensee was cited for the noise nuisances. However, that case was dismissed on June 5, 2003 without prejudice. The dismissal occurred because an arrangement was made wherein the licensee pled guilty to a noise nuisance citation dated December 28, 2002. (Paragraph N).
- M. On December 14, 2002 at 12:25 AM officers were dispatched to 7800 West Bradley Road regarding loud noise complaints. Officers heard loud noises coming from the licensed premises located at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). The complainant was about two blocks away from the outside of the complainant's home. The licensee was on the scene and was cited for noise nuisances, however those charges were not issued.
- N. On December 28, 2002 at 11:45 PM officers did a lawful inspection of the licensed premises located at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). Officers heard loud music coming from the club and were 199 feet away, as measured by an LTI Speed/Distance measuring device. The licensee was on the scene and was cited for noise nuisances. On June 5, 2003 he was found guilty and fined \$365. The finding of guilty on this citation resulted in the dismissal of citations on paragraphs F, G, I, J, and L. The arrangement was made because of expert testimony prepared by the licensee to show that the noise level was within the decibel range of § 80-64 of the Milwaukee Code of Ordinances. However, evidence was also available to show that noise from the Café H2O could be heard more than 50 feet away (§ 80-65-4-b-3, Milwaukee Code of Ordinances).
- O. On January 27, 2003 at 11:06 AM officers of the Milwaukee Police Department were sent to investigate a property damage complaint at the area of 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). Officers discovered several bullet holes in the property. Bullet casing were found outside in the parking lot. James J Harrison stated that when he left the business at 12:30 a.m. everything was fine. An anonymous complainant discovered the bullet holes.
- P. On May 11, 2003 at about 12:40 AM, officers of the Milwaukee Police Department responded to a fight at the rear of the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). Officers found that security personnel were detaining two subjects for causing a disturbance. The licensee informed the officers that the two individuals were inside the club and were flashing "gang signs", which is not permitted inside the club, Those individuals were then told to

leave and as they were being escorted from the premises, they became profane and threatening toward security and then refused to leave causing a scuffle to ensue with security who then detained them for police. One individual had to be physically restrained by police. Both individuals were taken into police custody and cited for disorderly conduct and resisting an officer. One individual alleged that he was peppered sprayed by an unknown person, an allegation that could not be substantiated.

- Q. On June 8, 2003 at about 2:19 AM, an officer was dispatched to St Michael's Hospital to investigate a battery complaint. That victim related that at about 12:30 a.m. he was trying to leave the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). While he was leaving he was punched in the face without provocation by an unknown person. When he attempted to defend himself; the actors' accomplices punched and kicked him. The victim received a broken nose and lacerations requiring six stitches.
- R. On June 15, 2003 at 1:05 AM officers of the Milwaukee Police Department were dispatched to a noise nuisance in the 7800 block of West Bradley Road. The complainant stated that he could hear loud music coming from the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin. Responding officers could hear music coming from the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). The licensee, James Harrison, was contacted and issued a citation for noise nuisances. The disposition of that citation is unknown.
- S. On June 23, 2003 at 1:45 AM officers of the Milwaukee Police Department entered the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O") for a licensed premises check. They observed music still playing and patrons dancing. The estimated number of patrons was about 150-175 patrons. The licensee claimed that he had been given permission by the district captain to let people out half at a time to avoid problems outside the club. The licensee was cited for responsibility of permittee, closing hours and the obstructing of the issuance of a citation. The citation regarding closing hours was voided and released on July 14, 2003. The citations regarding responsibility of a permittee and obstructing the issuance of a citation we voided and released on November 17, 2003.
- T. On August 4, 2003 at 3:46 AM officers of the Milwaukee Police Department were sent to a criminal damage to property complaint in the 2900 block of North 55th Street. The occupants of a residence stated some unknown person broke their windows in their house because of a fight they had gotten in to at the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). The investigation revealed that there had been a fight at the Café H20 between several females resulting in several patrons being sprayed with pepper

spray and one patron being cut in the face. The incident occurred at 1:26 a.m. on August 4, 2003. All the actors were neighborhood residents near one another and knew one another from the neighborhood and Washington High School. They stated that once the fighting began, several other fights broke out and the security forced everyone out onto the street to finish fighting.

- U. On August 4, 2003 at 1:30 AM a district sergeant and another supervisor were directed to monitor traffic activity in the area of North 76th & Bradley Road in the City and County of Milwaukee, Wisconsin because of patrons exiting the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). At 1:30 a.m. the club closed and the patrons exiting had to be directed and advised to leave the area. A large number of patrons flooded into the roadway on Bradley Road, east of North 76th Street and proceeded to the parking lot. They were again directed and advised to leave the area. There were 8 police squads (2 officers per squad) and it took a total of 3 hours to complete this assignment.
- V. On August 10, 2003 officers of the Milwaukee Police Department were assigned to monitor cruising activity on North 76th Street and West Bradley Road in the City and County of Milwaukee, Wisconsin. The cruising activity was emanating from the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). Thirteen (13) squads were used on this detail and it took approximately seven hours of police service to direct pedestrian traffic, vehicular traffic, investigate a fight, investigate a squad accident and to cite those persons in violation of the ordinances of the City of Milwaukee. All persons involved had been patrons of the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). Several squads were assigned to the overflow parking lot and in the main parking lot to prohibit patrons from loitering in the parking lots. They were constantly advised to leave the lots since they were causing a nuisance, such as, loud music and horn beeping. An auto with occupants that had left the Café H2O had struck a police squad. One of the occupants was 15 years old and when asked how he got into the club, he stated that everyone knows you can pay extra if you don't have an ID to enter. He stated that no one from the club had made an announcement to all patrons under the age of 17, 20 minutes prior to 11 p.m., to leave the premise. The licensee, James Harrison, was cited for announcement of a curfew violation and was found guilty on November 21, 2003.
- W. On November 16, 2003 at 12:31 AM officers of the Milwaukee Police Department were sent to the area of 7400 West Bradley Road to investigate a loud music complaint coming from the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). The complainant lived in the 7800 block of North 78th Street stated that at 12 a.m. while he was in his home he heard loud music coming from the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). The officer could

hear a constant pounding noise similar to heavy bass music. The officer called for backup because of the large crowd. The officers went to the Café H2O and noticed that a security guard, upon seeing the police arriving, went into the club and locked the entrance. The officers had to knock on the door to gain entrance. The officers, while trying to locate the manager, observed that a female (17 years old) was standing on a platform dancing topless, exposing her breasts. The DJ announced that the police were inside. The dancing female then went to the VIP room and officers followed her and found her there standing in a pair of panties putting on her shirt. When asked why she was engaging in this activity, she stated that she was not, but when the officer told her that he had observed her dancing, she admitted that she had been. She stated that she had been there twice before. She stated that she was not a stripper but had done the act because of a dance competition. The dancer was arrested for lewd & lascivious behavior. The licensee was cited for disorderly conduct and was found guilty and fined \$300 on November 17, 2003. At the hearing the licensee claimed the police were in error, and the dancer, despite her admission, really had not take off her top during the performance.

- X. On December 28, 2003 at 12:32 AM officers of the Milwaukee Police Department were sent to the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O") because of a complaint of a subject with a gun. The officers met the owner of International Security Corp., one Shannon Haggett. He stated that 4 persons were inside the Café H2O causing a disturbance, fighting and arguing with other patrons. He stated that they were asked to leave and once they were outside they began to fight with security. The security personnel saw the subjects run to their car and one of them grabbed what appeared to be something silver or chrome which was thought to possibly be a gun. The person who appeared to have the gun fled and the 3 other persons were taken into custody. They had to be subdued with pepper spray and handcuffed by SPS Security. Police were then called. Four arrests for disorderly conduct were made and after the investigation it was determined that there was not a gun involved in the incident.
- Y. On January 1, 2004 at 1:25 AM, officers of the Milwaukee Police Department were flagged down by security from the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). They stated that a person was refusing to leave and had become combative. The person was arrested for obstructing/resisting an officer and issued a citation for trespassing.
- Z. On February 28, 2004 at 1:41 AM officers of the Milwaukee Police Department were dispatched to a battery complaint at 7415 West Bradley Road in the City and County of Milwaukee, Wisconsin. The Milwaukee Fire Department, Engine 39 and a Milwaukee Fire Department Med Unit 16 were on the scene. The victim, Randall L Harrison, brother of James J Harrison, had been working as a doorman at the licensed premises at 7427

West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). He attempted to break up a fight between a large group of people inside the club and was struck with a chair to his left temple causing a laceration that required 25-30 stitches.

- AA. On March 7, 2004 at 12:30 AM, officers of the Milwaukee Police Department responded to a noise nuisance complaint at the licensed premises at 7427 West Bradley Road in the City and County of Milwaukee, Wisconsin ("Café H2O"). Upon arrival, the officers could hear loud music coming from the Café H2O. The officers entered the club and issued a citation for noise nuisances. At 12:53 a.m. the officers spoke to a resident in the 7800 Block of West Bradley Road. The resident stated that his walls were shaking from the loud music from the Café H2O. Officers again entered Café H2O and again spoke to the acting manager, Essica J. Clifton, and issued her a citation for the second time for noise nuisance in a half hour period. Ms. Clifton had not turned the music down since the officers' first visit at 12:30 a.m. She was issued two noise nuisance citations and on April 28, 2004 was fined \$228 on each citation.
- BB. Numerous neighbors came forward to testify that the noise from the club occurs almost every Saturday evening. This disturbs and annoys the surrounding neighbors who are awoken. The neighbors have gone to the dance hall to make certain it is the source of the noise. When the premise is not open no disturbances occur.

CONCLUSIONS OF LAW

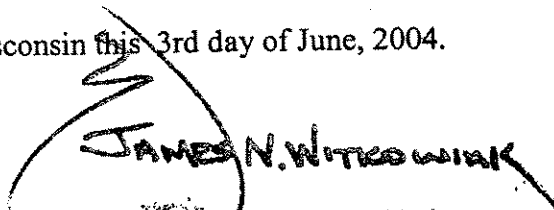
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, James J. Harrison, as agent for "Teen USA, LLC" doing business as Café H2O at 7427 West Bradley Road has not met the criteria of Chapter 108 of the Milwaukee Code of Ordinances to allow renewal of his public dance hall license without undergoing a ninety (90) day suspension. The Committee finds the police and neighborhood objections to be true respecting noise nuisances, and the adverse effect that is having on the health, safety, welfare and prosperity of the adjacent neighborhood.
3. In order to protect the health, safety, welfare, and prosperity 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 public dance hall license of James J. Harrison, as agent for "Teen USA, LLC" for the premise located at 7427 West Bradley Road ("Café H2O") with a ninety (90) day suspension.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noes and one (1) excused recommends that the public dance hall license held by James J. Harrison as agent for "Teen USA, LLC" be renewed with a ninety (90) day suspension.

Said suspension is to be in force from midnight June 30, 2004 through midnight, September 28, 2004.

Dated and signed at Milwaukee, Wisconsin this 3rd day of June, 2004.


JAMES N. WITKOWIAK, Chair
Utilities and Licenses Committee

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