



Office of the City Clerk

Jim Owczarski  
City Clerk

Rebecca N. Grill  
Deputy City Clerk

September 13, 2013

Patty L. Roby  
5334 W. Hampton Ave.  
Milwaukee, WI 53218

Dear Ms. Roby:

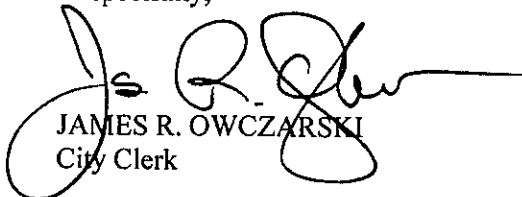
You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, September 24, 2013, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 5334 W. Hampton Ave. ("Life").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law, and Recommendation, recommending to renew your Class "B" Tavern and Public Entertainment Premises licenses with a thirty (30) day suspension based on the police report and licensee testimony. This recommendation is the result of a public hearing before the Committee held on Tuesday, September 10, 2013.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "B" Tavern and Public Entertainment Premises licenses based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. The written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, September 19, 2013 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting the written objections. You will be given approximately five minutes to present the oral argument.

Respectfully,



JAMES R. OWCZARSKI  
City Clerk

Enclosure

Cc: 5124 N. 56<sup>th</sup> St., Milwaukee, WI 53218



**CHAIR**

• Licenses Committee

**MEMBER**

• Community and Economic  
Development Committee  
• Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: September 13, 2013

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Applications of the Class "B" Tavern and Public Entertainment Premises licenses of Patty L. Roby for the premises located at 5334 West Hampton Avenue ("Life") in the City and County of Milwaukee, Wisconsin

**FINDINGS OF FACT**

1. Patty L. Roby (hereinafter "the Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 5334 West Hampton Avenue ("Life") in the City and County of Milwaukee, Wisconsin. Said licenses expired at midnight on September 4, 2013.
2. Applications to renew said licenses were filed with the Office of the City Clerk on July 4, 2013.
3. Pursuant to Chapters 90 and 108 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 July 18, 2013, the Milwaukee Police Department responded with a report that could form the basis for suspension or non-renewal of said licenses.
4. On August 27, 2013, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee Police Department report and included, therewith, a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on September 10, 2013, commencing at 9:30 a.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 April 17, 2013 at 11:00 p.m., Milwaukee police were dispatched to St. Joseph's Hospital for a shooting victim who was shot to the leg. The investigation revealed the victim had been at the Life bar located at 5334 West Hampton Avenue when he was shot. Police spoke with the victim who stated he was in the bar when he recognized a subject who he believed robbed him of his property six months ago. After the victim made eye contact with this subject, he



walked up to him and swung at him, attempting to hit him. The victim stated they both began to physically fight when the subject pulled out a gun and shot him once in the leg. The victim stated he fled the bar and had a friend drive him to the hospital. Police interviewed security personnel (James Perry, Gentle Dills, and Donnell Taylor) regarding the incident with one guard stating he thought it was a firework that went off.

- B. On April 23, 2013 at 2:30 p.m. police department personnel, along with Assistant Attorney Nick DeSiato met with the owner Patty Roby regarding a shooting that occurred on April 18, 2013 at her establishment. Discussed was her plan of operations for the bar. Roby was advised by officers that the shooting victim was 21 years old and that her establishment only allows for patrons 30 years of age and older. Roby seemed surprised by what officers advised her of and was also told that someone from her establishment was charging five dollars for drinks and not two dollars as Roby told police. Suggestions were made to Roby in regard to her establishment and how to prevent incidents from occurring.
- C. On May 9, 2013 at 1:20 a.m., Milwaukee police conducted a license premise check at 5334 West Hampton Avenue. An officer who was trained in CST started recording video of the area around and inside the bar. Officers spoke with the on-site manager identified as Jason Blocker and the investigation found that the bar was over capacity. The capacity permit was for 50 patrons. Based on the video recording, the patron count was found to be at 122 with more patrons being counted by police. A citation was issued to Roby for license established exceeding posted occupancy limit which is pending pretrial.
- D. Ms. Patty Roby testified that her tavern has been voluntarily closed for two months until she can get her plans in order to reopen the tavern. She and her daughter were not present at the club during the shooting and overcapacity incidents that were mentioned in the police report. She and her daughter were not present and did not handle the day to day operations of the tavern due to other employment. She trusted that her manager would have control and manage her tavern properly, but that was not the case. She does not know how a gun got inside the tavern on the night of the shooting incident since there were security guards at the door and inside the tavern. She has no security team at the moment and is looking to find a new security team for her tavern. She does not have an ID scanner since it is too expensive for her. She plans to get an ID scanner when she can afford one and is open to at least get a picture of the IDs of patrons for record purposes. She will retire from and her daughter will switch shifts with their current jobs in order to manage the tavern personally on a daily basis going forward.

#### **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 Chapters 90 and 108 of the Milwaukee Code of Ordinances.

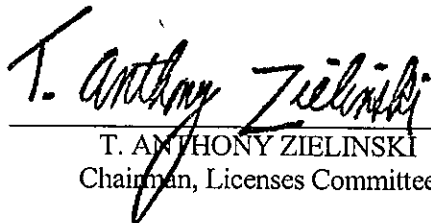
2. Based upon the above facts found, the Committee concludes that the Licensee, Patty L. Roby, has not met the criteria to allow renewal of her Class "B" Tavern and Public Entertainment Premises licenses without undergoing a thirty (30) day suspension for the premises located at 5334 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("Life") based upon the police report and licensee testimony. The Licenses Committee of the Milwaukee Common Council finds the police report and licensee's testimony, 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 Public Entertainment Premises licenses of Patty L. Roby for the premises located at 5334 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("Life") with a thirty (30) day suspension based upon the police report and licensee testimony.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) no, recommends that the Class "B" Tavern and Public Entertainment Premises licenses of Patty L. Roby for the premises located at 5334 West Hampton Avenue in the City and County of Milwaukee, Wisconsin ("Life") be renewed with a thirty (30) day suspension based upon the police report and licensee testimony.

Said suspension will be in effect between 12:01 a.m. September 24, 2013 through midnight October 23, 2013

Dated and signed at Milwaukee, Wisconsin this 13<sup>th</sup> day of September, 2013.

  
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T. ANTHONY ZIELINSKI  
Chairman, Licenses Committee



Office of the City Clerk

Jim Owczarski  
City Clerk

Rebecca N. Grill  
Deputy City Clerk

September 13, 2013

Obiora C. Obi, Agt.  
Obstar Investments, LLC  
3120 W. Villard Ave.  
Milwaukee, WI 53209

Atty. Michael Rud  
Maistelman & Associates, LLC  
5033 W. North Ave.  
Milwaukee, WI 53208

Dear Mr. Obi and Atty. Rud:


You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, September 24, 2013, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 3120 W. Villard Ave. ("Onyx").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law, and Recommendation, recommending to not renew the Class "B" Tavern and Public Entertainment Premises licenses based on the police report and neighborhood objections. This recommendation is the result of a public hearing before the Committee held on Tuesday, September 10, 2013.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class "B" Tavern and Public Entertainment Premises licenses based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. The written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, September 19, 2013 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting the written objections. You will be given approximately five minutes to present the oral argument.

Respectfully,



JAMES R. OWCZARSKI  
City Clerk

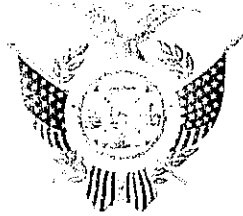
Enclosure

Cc: 4830 N. 47<sup>th</sup> St., Milwaukee, WI 53218  
Atty. Franklyn M. Gimbel, 330 E. Kilbourn Ave., #1170, Milwaukee, WI 53202



**CHAIR**  
• Licenses Committee

**MEMBER**  
• Community and Economic  
Development Committee  
• Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: September 13, 2013

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Applications of the Class "B" Tavern and Public Entertainment Premise licenses of Obiora C. Obi, Agent for "Obstar Investments, LLC", for the premises located at 3120 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Onyx").

#### **FINDINGS OF FACT**

1. Obiora C. Obi, Agent for "Obstar Investments, LLC"(hereinafter "the Licensee"), is the holder of Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 3120 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Onyx "). Said licenses expire at midnight on September 15, 2013.
2. Applications to renew said licenses were filed with the Office of the City Clerk on May 8, 2013. A hearing on this application was initially scheduled for July 9, 2013; on that date however, the applicant, through counsel, stipulated to the adjournment of the hearing to September 10, 2013, notwithstanding the expiration of the licenses prior to the next Common Council meeting of September 24, 2013.
3. Pursuant to Chapters 90 and 108 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 28, 2013, the Milwaukee Police Department responded with a report that could form the basis for suspension or non-renewal of said licenses. There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, fights and shootings, drug and criminal activity, prostitution, trespassing, public urination, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On August 27, 2013 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee Police Department report and



neighborhood objections and included, therewith, a copy of the Milwaukee Police Department report and neighborhood objections. On September 4, 2013, the City Clerk's Office, through the Milwaukee Police Department, provided timely notice to the Licensee pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of video surveillance footage and Milwaukee Police Department reports and included, therewith, a copy of the video surveillance footage and Milwaukee Police Department reports. The matter was scheduled for a hearing on the police department reports, neighborhood objections, and video surveillance footage on September 10, 2013, commencing at 8:30 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 Franklyn Gimbel, Two Plaza East, 330 East Kilbourn Avenue, Suite 1170, Milwaukee, WI 53202.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On February 25, 2013 at 12:49 a.m., Milwaukee police were flagged down by security at the Onyx Social Club for 20 females fighting inside the club. More squads had to be called to help assist in breaking up the fight. A total of five females were cited for the following: four females were cited for disorderly conduct. Another female was cited for fail/obey traffic officer signal/order.
  - B. On March 2, 2013 at 2:05 a.m., Milwaukee police were dispatched to 3120 West Villard Avenue for a theft complaint. Police spoke to the victim who stated a known subject removed money from his pants pocket while inside the club and was refusing to return it. The theft complaint was ordered into the district attorneys office and was no processed by an assistant district attorney. Officers also cited the victim for assault and battery and the suspect for possession of alcohol by underage person.
  - C. On March 31, 2013 at 10:26 p.m., Milwaukee police responded to an anonymous report of a fight at Onyx located at 3120 West Villard. Officers spoke with Obiora Obi who stated at 10:10 p.m., there was a verbal argument between two females on the dance floor. The fight became physical and their friends separated the two females with security escorting all parties out of the club. Upon being escorted out, the females continued to verbally argue before getting into their vehicles and leaving the area.
  - D. On April 5, 2013, Milwaukee police investigated a shooting complaint that occurred outside of the Onyx Night Club. The investigation found two patrons who were leaving Onyx, were approached by two unknown males who began to fight them. Shots were fired shortly after striking victim #1

in the right hand. Victim #2 fled the location on foot and when he returned he advised victim #1 he was robbed of his necklace. The victim sought medical attention at a hospital in Racine for the wound to his hand.

- E. On April 15, 2013 at 12:30 a.m., Milwaukee police were dispatched to 3120 West Villard for a fight complaint. The investigation revealed two patrons had an argument, which escalated and became physical. During the fight, one of the subjects was injured with an unknown weapon and sustained two puncture wounds to the chest area. Police viewed video surveillance, which showed the fight and security escorting both parties out of the club. Further viewing showed one of the subjects throwing an object into a garbage can located outside the club, a few feet from the main entrance door. Police checked the garbage can and recovered a small pocketknife with blood on it.
- F. On April 15, 2013 at 2:08 a.m., Milwaukee police, while investigating an active battery cutting complaint, recovered a small clear corner cut bag containing a white substance from the dance floor of the Club Onyx. The substance tested positive for heroin and was placed on police inventory as a no case.
- G. On April 29, 2013 at 1:36 a.m., Milwaukee police were monitoring the closing of Onyx Night Club when officers heard five gunshots east of the tavern. The crowd was uncooperative during the closing of club as patrons were exiting. Officers had to provide traffic control to disperse cars that were constantly driving around marked police squads. While officers were attempting to clear the area of traffic, a large fight of 15-20 patrons took place as the patrons left Onyx.
- H. On May 20, 2013 at 1:50 a.m., while conducting traffic control at 3120 West Villard (Onyx) an officer was flagged down by security. Security stated at approximately 12:45 a.m., several security staff members approached a subject in the bar to ask him to leave due to violating the dress code. The subject started to argue with security and struck one of the security staff with an empty Gray Goose bottle causing it to break, which resulted in a 2-inch laceration over victims left eye that required stitches to close. The subject had the neck of the bottle still and began swinging the bottle at other security staff and struck another causing a 3-inch cut to left cheek. The subject made threats to come back and shoot up the place. While conducting traffic control security identified the subject involved who was subsequently arrested and taken to District #4 for substantial battery-intentional bodily harm.



- I. On June 17, 2013, at approximately 12:00 a.m., squads from Districts 4, 7, and the NTF responded to area of 3120 West Villard (Onyx) to assist with traffic control and to deter violent crime from occurring. While squads were on scene security informed officers that they had a suspect of a substantial battery detained that had occurred on May 20, 2013. Officers reviewed the video footage from May 20, 2013 and identified the suspect being held as the individual that committed the substantial battery. The subject was arrested.
- J. On July 1, 2013, Milwaukee police were conducting a tavern check at 3120 West Villard (Onyx) as well as monitoring the patrons leaving and traffic control. While conducting traffic control a possibly armed subject was observed in the 5100 block of N 32<sup>nd</sup> Street breaking into vehicles, which were parked in close proximity to Onyx. While squads were investigating three entries to auto complaints and saturating the area for the possibly armed subject there was a foot pursuit and subsequent arrest of the subject. Due to the investigations, there was not a sufficient number of squads at Onyx to control the patrons who became disorderly and started fighting. Onyx security had broken up the fights and dispersed the patrons before anyone could be cited or arrested.
- K. On Saturday, July 6, 2013 at approximately 2:15 a.m., there was a squad assigned to monitor Onyx at 3120 West Villard, which was parked at 3133 West Villard. The officers heard a gunshot that was believed to have come from the front of Onyx. Security from Onyx advised officers, shots were fired and provided a description of the suspect. Officers were advised by armed security from Onyx that they had the suspect from the shooting detained at 3026 West Eggert Place. Officers responded to the location and placed the subject in custody and a .25 caliber semi-auto handgun was recovered. At 2:54 a.m. Officers were advised by dispatch that there was shooting victim at St. Joseph's Hospital. Officers responded to the hospital and discovered the victim of the shooting was an Onyx security guard. The investigation revealed that while the security guard was trying to escort the subjects out of Onyx he heard a loud gunshot. He then felt pain and burning in his right thigh and realized he was shot. He was helped into the "chocolate room" inside of the bar, by the owner (Obi) and another security guard named "country." He asked an ambulance was responding and another security guard said "I'll take you". Officers asked the victim why police were not notified that he was shot and he stated he thought the police knew about him being shot or that the other security guards or the owner notified the police. The owner of Onyx as well as security failed to inform police of the shooting victim, who is employed by Onyx as security guard and that the victim was driven to the hospital by another security guard.

- L. On July 6 2013, at 2:15 a.m., while officers were investigating the shooting previously described in the item above (July 6, 2013 2:15 a.m.), another set of officers was observing patrons leaving Onyx. The officers observed the right rear passenger of a blue, Ford Crown Victoria, discharge a semi-auto handgun out the window of the auto, in the area of 5150 North 32<sup>nd</sup> Street. The vehicle was stopped and the three occupants were arrested. A .45 caliber Taurus handgun and Black 12 gauge Maverick Mossberg shotgun were recovered. Officers also located several spent .45 caliber casings in the auto. During a custodial interview the suspect stated he and his two cousins where at Onyx and at closing time, while walking to their auto they heard one or two gunshots. He further stated he was drunk so he urinated on the side of the building. Once he entered the auto, he fired the handgun into the air.’
- M. On July 29, 2013, Milwaukee police were instructed to conduct a tavern check at 3120 West Villard (Onyx) and to monitor the patrons leaving as well as conduct traffic control for the “Red Zone Sunday” event. During the walk through of the interior the owner (Obi) was observed and an official count as of 12:31 a.m. from the front door was 402 people. Observed outside the area around club were vehicles parked on West Villard from North Teutonia to approximately North 33<sup>rd</sup> Street as well as the parking lot of Villard Food Town at 3217 West Villard Avenue. It was observed that security was having a difficult time initially at closing time with patrons near the front exit.
- N. On August 12, 2013, Milwaukee Police were instructed to monitor the patrons and traffic around the area of 3120 West Villard (Onyx), due to the weekly “Red Zone Sunday” event. Numerous vehicles were observed traveling westbound on West Villard in front of the club had stopped to let subjects out of their vehicles so they could get in line for the club, Officers were flagged down by patron who said his vehicle was rear ended when letting a passenger out to go stand in line.

While completing the traffic accident, a large crowd of patrons began letting out because of bar close and dispatch advised there were females physically fighting outside Onyx. Due to the crowd officers did not observe the fight because they were attempting to set up traffic control at 3300 block of West Villard to block eastbound travel. Shortly after, dispatch notified officers of an anonymous caller reporting a “riot going on in the street” involving approximately 150 people. Additional squads were requested to assist with the crowd of patrons and traffic. Due to the volume of traffic an ambulance, which was responding to the area of Onyx

for a possible battery victim, was delayed because of the extreme difficulty in maneuvering through stopped traffic.

At 3:30 a.m., a squad was dispatched to a battery complaint at Froedtert Hospital. The investigation revealed that the victim was at Onyx and at approximately 1:00 a.m. she was involved in an altercation inside the club with, someone she had dated in the past. The suspect pulled her to the ground by her hair. This incident was observed by security and both subjects were ejected. After exiting the club they began to physically fight each other. While victim was trying to run away one of her shoes fell off and the suspect picked it up and struck the victim to the left side of her face, causing visible swelling. This part of the incident happened in the parking lot across the street from Onyx. The suspect was not located and mailed a citation.

On August 14, 2013, officers went to 3120 West Villard (Onyx), to speak with the owner (Obi) regarding the incident, which occurred on August 12, 2013. Obi informed officers that he was unaware of it. Obi did say he was aware of the fight in the Villard Food Town parking lot. Obi also said if there is any fighting in the club, his security knows to eject the parties one at a time so the fight does not continue outside.

- O. On August 26, 2013 at 12:11 a.m., officers were dispatched to a battery complaint at 3120 West Villard (Onyx). Officers contacted the caller, Gabrel Bledsoe who stated on August 25, 2013, at approximately 11:50 p.m., while on the main dance floor, she observed an Onyx security officer escorting an extremely intoxicated and staggering patron from the main dance floor to the hallway by the bathrooms. She heard security yell for the subject to calm down just prior to picking up the subject and "dropped him on his head." She gave a description of the subject and said he was unconscious for about 90 seconds. Then security escorted him to a couch by the main entrance. The subject was yelling, "who hit me" and security replied, "you got knocked out" and was escorted out of the club by his associates. She described the security involved as an "extremely large black male."

Another witness, Lucretia Workman, stated she observed a large security officer "slamming" a subject on the floor. She observed the subject was unconscious with a laceration to his nose. After the subject regained consciousness security escorted him to a couch and attempted to give him water. She advised security not to give the subject water due to possible concussion-like symptoms and moments later the subject left with associates.

Officers interviewed the security manager, Derrick Smith, who stated he was not present during the incident. Smith said as he approached the hallway he observed security officer Paul Jones escorting a very intoxicated and staggering patron to the couch and prior to reaching the couch observed the subject fall again due to his intoxication level. Smith and Jones escorted the patron to the couch while trying to converse with the patron and giving him water. Workman and Bledsoe continued to agitate the patron by stating "they did this to you," and "I'm a nurse (Workman) don't give him water." Smith then escorted the patron to a secured area of the club. Smith stated the patron advised him that he had "pint of vodka" and a "bottle of Remy" prior to be escorted by security and was apologetic for his actions.

Security officer Jones stated he observed a patron turning his hat backwards and throwing money on the stage. Jones stated both are direct violation of Onyx policies. Jones confronted the patron who became argumentative. Jones stated he grabbed the patron's right arm and attempted to escort him out of the club. After a brief struggle the patron was let go and fell to the ground at which time Jones placed his knee on the subject's chest to gain compliance. Jones stated at this time other security personnel escorted the patron away from the scene and was unaware the subject had gone unconscious. Other security personnel interviewed, stated Jones never struck the patron and he lost consciousness after Jones let him go and he fell to the ground.

Officers interviewed the subject, Landrous Cox at St. Joseph's Hospital, in emergency room 18. Cox immediately stated he did not call police and did not request to speak with them. Cox's physical description and injury to his nose was consistent with Workman's observations of the patron inside Onyx. Cox to decline to give any specifics as to how he obtained his injuries.

- P. On August 26, 2013 at 12:20 a.m., officers were instructed to monitor the patrons and traffic around the area of 3120 West Villard (Onyx). Officers observed a subject being loud, boisterous, and disrespectful towards female patrons exiting the club. The disorderly subject was identified as (West) who was given an order to leave the premises to prevent further harassment of female patrons. West became verbally abusive towards officers by yelling profanities. During the altercation with West Onyx security manager Smith advised that West was no longer welcome as a patron from July 2013 because of his continuously verbal abuse towards his staff and patron for several months. West was arrested for loitering and/or prowling citation and conveyed to District 4 for processing.

- Q. On Tuesday, August 27, 2013, a meeting was held at District Four at the request of Club Onyx owner Obiora Obi, with Captain Beecher, Lieutenant Seymer-Tabaska, Onyx Security Manager Derrick Smith and Mr. Obi's brother in attendance. Mr. Obi questioned why officers had gone to his establishment and requested a list of employees. Captain Beecher advised there was still an on-going investigation being conducted. Captain Beecher discussed the security at the establishment and whether Mr. Smith was licensed. At a previous meeting Mr. Smith presented a card for Wisconsin Security Police Services, Inc. During this meeting Mr. Smith stated he is an independent contractor and not affiliated with any security companies. It was discussed that there is no formal contract with Mr. Smith and Onyx or with Delta Ops who provides external security. It was determined that Mr. Smith is operating without a license, which is in violation of state statute § 440.26. It was also discussed that Mr. Obi stated that Mr. Smith carries a taser while working. Mr. Smith is a felon and there is concern with him carrying a taser and being around the Delta Ops security, who are armed.
- R. Captain Victor Beecher, Milwaukee Police Department District 4, testified in objection based on the severity and quantity of major incidents at Onyx as describe on the police report, over 150 calls for service for police at Onyx, ongoing nuisance activities at Onyx since the previous licensing year, and the lack of compliance and abatement of nuisance activity by the operator of Onyx. Nuisance activity has continued at Onyx despite Mr. Obi's promises for abatement and despite he meeting with Mr. Obi on three separate occasions on 4/26/13, 7/16/13, and 8/27/13. Twelve major incidents have occurred within the last licensing year. There have been eight documented fights at Onyx. There was one undocumented fight at the club in early September 2013 involving 34 officers, 7 sergeants, and one officer hurt. There have been shot fired incidents, such as the security guard being shot on 7/6/13, a subject with a weapon shot on the hand on 4/5/13, and shots fired on the south side of Onyx on 4/29/13. There have been drug incidents at Onyx, such as the discovery of heroine on the dance floor at Onyx and of marijuana from disorderly patrons on 4/27/13. The interior security team used by Onyx has been found by police to be not properly trained by its leader, Derrick Smith. Mr. Smith has been found to be a convicted felon, operating without the proper security licensing through the State of Wisconsin, and later stated to be a private contractor and not an employee of the security firm as originally presented earlier to the police. Mr. Obi has failed to implement the wandong of patrons and failed to notify his district of special events at the club. Mr. Obi has been cordial during meetings with him and has referenced to him several events that occur on a regular basis. Onyx's security has aided in detaining the

shooter of the 7/6/13 incident, but the security did not notify police of the wounded security guard who was shot in the leg. Police learned of the wounded security guard from the hospital.

- S. Officer Marlin Schilcher, Milwaukee Police Department District 4, testified. He was on duty and positioned across the street from Onyx on 7/6/13. He heard one gunshot outside Onyx and got out of his vehicle to investigate. Delta Ops and Onyx security described the shooter to him and told him that the Delta Ops team had detained the shooter. While he was walking to see the detained shooter, another six or seven gunshots occurred. He made a dispatch to police of additional gunshots. The suspect was taken into custody, a .25 caliber pistol was recovered, and police later received a phone call from St. Joseph hospital about a shooting victim from Onyx. He had spoken to Onyx security that night and they did not tell him of anyone being hurt. 31 officers were involved on 7/6/13. He has been at Onyx over ten times during the past year to monitor Onyx. During those times at Onyx, he had observed the following at closing time: cruising, people dancing in the streets, crowds in the streets, people dancing on top of cars, occasional fights breaking out, and occasional shots fired.
- T. Officer Timothy Hauf, Milwaukee Police Department District 4, testified. He went to Onyx on 7/10/13 to speak to Mr. Obi, and he recovered a portion of the exterior video surveillance from 7/6/13. He has reviewed this video and other video obtained subsequently by police regarding the shooting on 7/6/13 outside Onyx. Surveillance showed that the male shooter had his ID checked that night outside by security, was admitted inside as a patron, was not wanded inside by security, was later escorted outside of the club by security due to being a party of an altercation inside the club, subsequently pulling out a gun and shooting it once, and then fleeing from the scene. Surveillance also showed an Onyx security guard being shot from that same gunshot, Onyx security rushing back into the club, Onyx security assessing and watching over the wounded guard in the Chocolate Room of Onyx inside, Mr. Obi talking to security and the wounded guard, lights inside the club being turned off and on, the wounded guard being escorted out of the club to the rear, and multiple police squads arriving to the scene outside the club. He has met with the wounded guard on 7/30/13 and has spoken to him several times since. From those conversations, the victim told Officer Hauf that the guard did not receive any training, was assigned to the Chocolate Room and restrooms, worked for a month on four to five separate occasions, was paid \$50 in cash for working by the security team, and has not received any calls or visits from Onyx since the shooting. Officer Hauf did not

work on the night of the 7/6/13 shooting, and he has never seen the actual wound on the victim from that shooting.

- U. A condensed video of Onyx surveillance of the 7/6/13 shooting at Onyx was shown to the Committee. Officer Hauf testified that the condensed video was an accurate depiction of the shooting.
- V. Officer Joseph Spingola, Milwaukee Police Department District 4, testified. He worked undercover during the time of the shooting at Onyx on 7/6/13 with the purpose to conduct surveillance to deter violent crime. While in an unmarked vehicle in the parking lot across Onyx, he saw gunshots from a gentleman inside a vehicle. His team then trailed that vehicle. He did not arrest anyone due to being undercover. He worked undercover again on 7/7/13 at Onyx early in the morning and observed the following at the club: disorder; people dancing on the streets; fights breaking out; security guards leaning on vehicles; security guards talking, laughing, and joking to people passing by; women talking to and taking pictures with security guards; a security guard watching a music video in the back seat of a car on the parking lot; people sitting on roofs and door stools of cars that were being driven, and people smoking marijuana.
- W. Officer Carrie Resnick, Milwaukee Police Department District 4, testified. She is one of the community liaison officers and deals with nuisance properties. There was a police meeting with Onyx on 4/26/13 regarding an abatement plan which included that the club would obtain monthly printouts of police calls for service, train its employees of the security system, wand both male and female patrons, and notify police districts 4 and 7 of special events. Police also discussed the possibility of the club raising the age limit and lowering its capacity, but Mr. Obi opposed due to fear of losing business. Since the meeting, the club did not implement the abatement plan. The club was written up as a nuisance property on 5/2/13. A failure to implement letter was sent to Onyx on 7/8/13 for failure to notify the police districts of special events. An amended failure to implement letter was sent on 7/25/13 to Onyx for failure to wand patrons on three occasions. Onyx failed to wand the shooter who was a patron at the club on 7/6/13. Onyx failed to wand one of two undercover officers who were patrons of the club on 7/19/13. Onyx failed to wand two patrons as observed by two undercover officers inside the club on 7/21/13. As a consequence of compliance to abatement, Onyx has been billed for \$1955.06 for police involvement in a fight that occurred at Onyx on 10/2/13.
- X. Dalynn Cain, 3715 N. 49<sup>th</sup> St., Milwaukee WI 53216, testified in objection. Her son, Justin Cain, was the victim who was stabbed inside at

Onyx on 4/15/13. Her son was let out of the club, and no one from the club notified the police of the stabbing. Her son drove to her house, she called police, and her son went to the hospital requiring open heart surgery. Her son could not appear to testify due to complications as a result of the stabbing. Her son told her that there was mayhem at the club and that he asked for help. She has tried to contact the club regarding this situation but no one from the club has contacted her back. She believes the club has disregard for human safety. She has been advised by police of ongoing police investigation and that the weapon had been obtained by police.

- Y. Debbie Noel Dovani, 5481 N. 57<sup>th</sup> St., Milwaukee, WI 53218, testified in objection. She is a resident in the area of the club. She is neither a direct witness nor patron of Onyx, but she has driven past the club. While driving past the club, she has seen crowds and traffic outside the club.
- Z. Renee Moore, Los Angeles, CA testified in objection. He is party to current litigation against Mr. Obi. He stated that the club is being operated improperly and that he is the rightful property owner. About once a month when he visits Milwaukee from Los Angeles due to owning properties in the City, he has driven past Onyx and has witnessed the following there: patrons running around outside after being let out of the club, patrons dancing in the streets, patrons messing with cars not of their own. He has not been inside club since four years ago.
- AA. Edward Brown, Jr., 4400 W. Villard Ave., Milwaukee, WI 53218, testified in objection. He stated that he is also in litigation against Mr. Obi. He agrees with the testimony of Mr. Moore. He was with Mr. Moore on four occasions while driving past Onyx and witnessed public urination and defecation from the club's patrons. He has not been inside the club recently.
- BB. Mark Brown, 3206 N. 11<sup>th</sup> St., Milwaukee, WI 53206, testified in objection and to being a party in the litigation against Mr. Obi. He has witnessed fights outside Onyx. He has witnessed recklessness, wild, and unruly behavior by patrons outside Onyx.
- CC. Kathy English, 5273 N. 33<sup>rd</sup> St., Milwaukee, WI 53209, testified in objection. The club has careless disregard for the neighborhood. She and her husband are awakened early in the morning on many occasions due to Onyx. She has witnessed cruising down 33<sup>rd</sup> Street, Onyx patrons engaged in sex acts inside cars, litter and condoms dumped on the street, and patrons standing outside blocking the street. She has called police in response to shots fired at the club or area. She lives one block from the



club. She has not met Mr. Obi and has not been inside the club. She feels intimidated by the patrons of the club.

- DD. Pastor Renfro, on behalf of Villard Avenue Business Improvement District at 3620 W. Villard Ave., Milwaukee, WI 53209, testified in support. The BID has met with Mr. Obi and police districts 4 and 7. Onyx is always kept clean. The BID has used Onyx for events. She has been inside the club as part of BID events but has not been inside the club at any other times. She was not aware of the police report, neighbor issues, or any objections until today's hearing.
- EE. Mr. Dale Fischer, 5167 N. 31<sup>st</sup> St., Milwaukee, WI 53208, testified in support. He has owned his own for a year and lives six blocks away. He has witnessed fights at Onyx. Mr. Obi is trying to fix the club's problems, and Mr. Fischer has seen improvements at the club. Onyx security has been more active. He has seen police presence at the club.
- FF. Mr. Jeff Fischer, 5534 N. 33<sup>rd</sup> St., Milwaukee, WI 53209, testified in support. He is the brother of Dale Fischer and visits his brother frequently. While on the porch of his brother's house, he has observed courteous patrons, no issues on the block, and no litter or bottles on the street on Thursdays, Fridays, and Saturdays. He has seen Mr. Obi cleaning outside and across the street from the club. He has seen police presence at the club for traffic control.
- GG. Mr. Fabion Harris, 5044 N. 39<sup>th</sup> St., Milwaukee, WI 53209, testified in support. He owns a mechanic shop a block away from the club and patronizes the club frequently. He has witnessed traffic as a problem during closing time from all the clubs in the area and not solely from Onyx. He has seen fights at Onyx, and he has also seen Onyx security responding to incidents promptly. He is comfortable to continue patronizing the club.
- HH. Mr. Jaber of Villard Food Town store at 3217 W. Villard Ave., Milwaukee, WI 53209 testified in support. Onyx helps pay a portion of his electricity bill for using his store's parking lot lights. His store is across from Onyx.
- II. Ms. Angela Clements, 5151-A N. 31<sup>st</sup> St., Milwaukee, WI 53209, testified in support. She has patronized Onyx for the last three years without witnessing any issues at the club. There have been teen events at the club, and her son has attended those teen events. She has seen no problems at Onyx when she arrives home at 2 to 3 a.m. in the morning from work. She will continue to patronize and walk to Onyx.

- JJ. Ms. Joanna Terine, 5222 N. 31<sup>st</sup> St., Milwaukee, WI 53209, testified in support. As a resident for almost three years in the area, she has patronized the club. She has seen fights on a few occasions lasting five minutes or less. She has witnessed police presence in the neighborhood and Onyx. She is supportive of the club's community events.
- KK. Mr. Homer Blow of "BlowRadio" testified in support. He has been a performer for Onyx and also has personally patronized the club. In his view and 30 years of experience, the operators of Onyx have been excellent as opposed to other club operators. He has observed mostly law abiding patrons at the club despite a select few who have been problematic. He believes the issues of the club from those select few causing problems are due to the challenges of the City and not due to the operations of the club.
- LL. Ms. Naomi Williams, 10120 W. Kiehnau Ave., Milwaukee, WI 53224, testified in support. She has worked with Mr. Obi to conduct community events, positive programs, and back to school events during the day. She has patronized the club and has not seen anything out of the ordinary except one fight that Onyx security had quickly responded to.
- MM. Mr. Jehovah Holy-Spirit Jesus, S98 W12742 Loomis Rd., Muskego, WI 53150, testified in support of the operations of Onyx and that Onyx is doing its best.
- NN. Mr. Obi Obiora testified. He has owned and operated Onyx since 2006. He was unaware of the 4/15/13 altercation that led to a patron being stabbed and the extent of that patron's injuries. Video surveillance from this incident showed that the aggressor was let out first and the victim went out of the club with his friend under his own power. No blood was discovered at the club for this incident. He has been told by a cousin of the victim that the victim was recovering. He did not respond to Ms. Cain's call possibly due to the amount of phone messages his club receives. On 7/6/13, he did not hear the gunshot that occurred just outside the club but heard the gunshots down the street. He was unsure that the wounded security guard was a result from a gunshot, and he thought the wound was due to the metal gate outside the club. Due to his assumption that the wound resulted from the metal gate and also due to him not being informed by police to keep any injured security guards at the scene at an incident that occurred earlier in the year, the wounded guard was sent to the hospital to get treatment. Issues have resulted at the club due to patrons being upset about being forced out of the club at closing time. He plans to meet with the captain and police again on abatement measures by the club.

The club will have new security measures such as searching the purses of female patrons, wandering of male patrons, restructuring the security team, and adding more cameras inside the club to capture footage of wandering male patrons. He is present at the club every night and is hands on in terms of its operations.

- OO. Alderman Ashanti Hamilton, 1st aldermanic district, appeared and testified. Onyx has been vital to the business strip in the area, and neighboring businesses have benefited from the club's patrons. Businesses in the area support night life there. Mr. Obi has been responsive to issues and has not had many issues at his club in previous years. There have been no objections to the club from the neighborhood within the last three to four years. Issues at the club have surfaced only recently and since the removal of the age limit there. The club has some different practices compared to previous years. Perhaps a happy medium can be achieved, and the club should embrace some changes to address its issues.

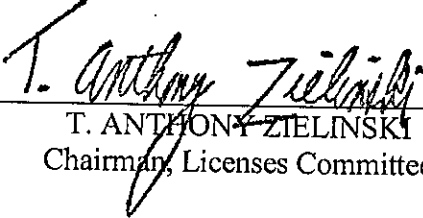
#### CONCLUSIONS OF LAW

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 Chapters 90 and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Obiora C. Obi, Agent for "Obstar Investments, LLC", has not met the criteria to allow renewal of the Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 3120 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Onyx") based upon the police report and neighborhood objections. The Licenses Committee of the Milwaukee Common Council 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 not renew the Class "B" Tavern and Public Entertainment Premises licenses of Obiora C. Obi, Agent for "Obstar Investments, LLC," for the premises located at 3120 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Onyx ") based upon the police report and neighborhood objections.

## RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) no, recommends that the Class "B" Tavern and Public Entertainment Premises licenses of Obiora C. Obi, Agent for "Obstar Investments, LLC", for the premises located at 3120 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Onyx") not be renewed based upon the police report and neighborhood objections.

Dated and signed at Milwaukee, Wisconsin this 13<sup>th</sup> day of September, 2013.

  
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T. ANTHONY ZIELINSKI  
Chairman, Licenses Committee