



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

May 25, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 060015

Attached are written objections to the following 2 recommendation of the Licenses Committee:

Recommendation of renewal, with a 40-day suspension of the Class "B" Tavern and non-renewal of the Tavern Dance license, based on neighborhood objections, of the licenses of Roberto De Leon for the premises at 1117 W. Lincoln Ave. ("Club Mi Casita Bar") in the 12th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Recommendation with renewal, with a 60-day suspension based on the police report, of the Class "B" Tavern and Tavern Dance license of Norman Landry for the premises at 408 E. North Ave. ("Blue Gardenia") in the 6th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

This matter will be heard by the full Council at its May 31, 2006 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style and is enclosed within a circular stamp or seal.

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk -- License Division
CCF 060015

LAW OFFICES OF
KOPP & ARENA, S.C.
1110 NORTH OLD WORLD THIRD STREET
RIVERFRONT PLAZA, SUITE 515
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(414) 645-6100
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May 24, 2006

The Honorable Common Council
of the City of Milwaukee
City Hall
200 East Wells Street
Milwaukee, WI 53202

Ronald D. Leonhardt, City Clerk
Room 205
City Hall
200 East Wells St.
Milwaukee, WI 53202

RE: Renewal of Class "B" Tavern and Tavern Dance License
"Club Mi Casita Bar"
1117 W. Lincoln Av.
Milwaukee, WI
Roberto De Leon, Licensee

CITY OF MILWAUKEE
2006 MAY 24 PM 5:17
RONALD D. LEONHARDT
CITY CLERK

Honorable Members of the Common Council:

This office has been retained by Roberto De Leon to represent his interests regarding the license renewal for Club Mi Casita. Pursuant to Section 90-12-5-c-2 of the Milwaukee Code of Ordinances, Roberto De Leon does respectfully file these written objections to the May 28, 2006 Utilities and Licensing Committee findings of fact and Conclusions of Law mailed to the licensee and received on May 23, 2006 for your consideration at the Common Council Meeting of May 31st, 2006 at which time the Committee's recommendation will be decided.

The Committee's report is based upon a): a police department report that was submitted to the committee for a meeting on May 16, 2006 and b): Neighborhood objections to the renewal of the license based on loitering, littering, loud music and noise, parking and traffic problems, gunshots, fighting, endangering safety of area residents, drunk driving, presence of underage, public urination, trespassing, vandalism, drug and criminal activity, and conduct which is detrimental to the health safety and welfare of the neighborhood.

BACKGROUND

Roberto De Leon has been the owner and licensee of Club Mi Casita Bar for eight years. The building is owned by the Licensee's son, and the business is owned by Mr. De Leon and it is his sole source of income. Mr. De Leon has recently put in a kitchen and dining area, which is currently 20% of his business. In the eight years he has operated the business he has not had his Class B

May 24, 2006
Roberto De Leon, Licensee
Page Two

License suspended, nor has he received a warning letter based on any police report or neighborhood objection. Since the year of 2002 the Licensee has had under contract a private security company named Wisconsin Security Solutions, LLC. There are two security guards that are in uniform and monitor the entry door and check on the parking lot. The private company is diligent on checking for proper age identification, and from keeping patrons from leaving with bottles, cans, or any garbage. The private security guards try their best to make sure people leave peaceably and quietly. There are also signs that request that patrons leave quietly.

The business is on 11th and Lincoln Avenue. Lincoln Avenue is a busy street at all hours of the night and has varied businesses in the area including a Pizza Restaurant, a bike shop, and Western Clothing Store. There are two liquor stores that sell packaged goods, one of which is across the street. There are also three other bars that have live music on week ends in the area all of which cause patrons to park and drive on Lincoln Avenue.

The testimony was clear from the opponents to the Licensee at the hearing that Mr. De Leon was not told of issues or problems that were complained of by the witnesses. Mr. De Leon is a member of the Lincoln Business Association and a representative of that association named Jim Histrmeh (sp?) testified that he has not spoke or written to the Licensee about the complaints. It was clear from every other witness that these issues were never brought to the attention of the Licensee. The Licensee does clean the area and finds trash from other businesses. The Licensee has dumpsters that aren't locked, which is not a legal requirement. The picture itself showed no trash on the ground in and around the dumpster. As for trash the Licensee was never informed that what he was doing was not enough. The Licensee closes within the legally prescribed hours and to his belief the patrons left the area. Once again not a single witness could establish that the problems were going on well after business hours. Since there are other Class B Licenses in the area, it would be very hard for Mr. De Leon to know that these complaints existed, and were directly related to Club Mi Casita. Given the fact that there has been no progressive discipline in this matter the recommendation of the Committee is extremely harsh. 60 days will probably put the business into financial ruins and cause it to close permanently. The taking away of the tavern/dance license is also harsh without any type of warning, or ability of the Licensee to correct. Therefore, the Licensee is requesting the Common Counsel to reject the Committee recommendation and issue the license with a warning letter, or minimal suspension.

Concerning the Police Report:

Since the year of 1999 through 2002 the license has been reissued without any suspensions. From the year 2002 until 2005 there has been no police incidents reported. One incident in 2005 should not be a basis for discipline. There were two underage people that were determined to be over 18 years old and employed by a sub-contractor. As this was legal pursuant to Chapter 125.07, Stats., the City Attorney dismissed the matter. The over capacity citation was resolved by demonstrating that in fact the establishment could support a number of patrons that were in line with what the count

May 24, 2006
Roberto De Leon
Page Three

was by the Police department the night that the citation was issued. The Licensee hired an architect and had the capacity recalculated and approved by the Department of Neighborhood Services.

Neighborhood Objection:

Paragraph J. Concerns the testimony of a neighbor against the establishment. Despite the establishment being in business for 8 years, and the fact that it has been a Tavern Business for many years after that, this neighbors main concern was the decline in the neighborhood since the year of 1980. Unfortunately Lincoln Avenue is not a utopia, but a heavily populated urban area that has problems of a lack of general pride in the neighborhood. There is litter, and commerce, and people traveling on the streets at all hours. Certainly, not everything on Lincoln Avenue can be blamed on Club Mi Casita Bar. This neighbor had the judgment that the clientele is less than desirable, and that she is trying to revitalize the neighborhood. This neighbor has a graphic design business that also houses her apartment above it. Unfortunately, this neighbor chose to live in this urban environment and now seeks the peace and tranquility of a residential suburb. There will always be loud cars, and people on the street. These cars may race and play loud music out of their car stereo. This neighbor also made it clear that these issues were never brought to the attention of Mr. De Leon. Nor did she request the business association to discuss these issues with Mr. De Leon, although he is also a member.

Mr. De Leon doesn't down play some of the complaints that patrons may be loud or urinate. He also does not condone this behavior. But he corrected problems in the year 2002 and he believes he should be given the opportunity to correct these problems. He has earned the benefit of the doubt, but is not getting it because he does not speak English and most of his customers are hispanic. All the pictures shown only showed where things happened, but none of them had the damage or trash in them.

Paragraph K. states that the neighbors spoke about the broken glass in and around the dumpsters and patrons urinating. The Licensee takes direct exception to this paragraph and submits that a review of the record would demonstrate the contrary. Mr. De Leon was not informed of these items.

Paragraph L. Concerns an alleged transaction witnessed at night from a distance. It is unbelievable that this could be seen from any distance. The Licensee submits that this activity would be stopped if it was known about. These are things that take place outside and need to be addressed. The Police record is extremely lacking and does not support these allegations. However, increased security outside would be utilized if given the opportunity in the future.

Paragraph O. Involved a neighbor playing music coming from a car and not the establishment, which was stated and admitted to when questioned by one of the members of the Committee. The Licensee denies that any glass is allowed to leave the tavern. And the picture itself of the dumpster showed a clean and orderly area outside the dumpster itself.


May 24, 2006
Roberto De Leon
Page Four

Conclusion

The Licensee has not been disciplined in the past by the Common Counsel. If given the opportunity he could change the problems that occur outside his business. He would close earlier and employ additional security to patrol outside during and after business hours. Given the fact that he has operated for 8 years he would like some benefit of the doubt that these items could be addressed. Therefore, he asks that the Committee's recommendation be rejected and the license be re-issued with a stern warning.

Thank you for your consideration.

Very Truly Yours,


Andrew P. Arena
Attorney at Law

/apa

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KOPP & ARENA, S.C.
1110 NORTH OLD WORLD THIRD STREET
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May 24, 2006

The Honorable Common Council
of the City of Milwaukee
City Hall
200 East Wells Street
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Ronald D. Leonhardt, City Clerk
Room 205
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Milwaukee, WI 53202

CITY OF MILWAUKEE
2006 MAY 24 PM 5:17
RONALD D. LEONHARDT
CITY CLERK

RE: Renewal of Class "B" Tavern and Tavern Dance License
"Blue Gardenia"
408 East North Av.
Milwaukee, WI 53212
Norman Landry, Licensee

Honorable Members of the Common Council:

This office has been retained by Norman Landry to represent his interests regarding the license renewal for "Blue Gardenia". Pursuant to Section 90-12-5-c-2 of the Milwaukee Code of Ordinances, Norman Landry does respectfully file these written objections to the May 18, 2006 Utilities and Licensing Committee findings of fact and Conclusions of Law mailed to the licensee and received on May 23, 2006 for your consideration at the Common Council Meeting of May 31st, 2006 at which time the Committee's recommendation will be decided.

The Committee's report is based upon a): a police department report that was submitted to the committee for a meeting on May 16, 2006 and b): Neighborhood objections to the renewal of the license based on loitering, littering, loud music and noise, drug and criminal activity, parking and traffic problems, fights, shootings, public urination, vandalism, trespassing, presence of underage, and conduct which is detrimental to the health safety and welfare of the neighborhood.

BACKGROUND

Norman Landry is 73 years old and has owned the building and operated the Blue Gardenia for six years. Given his age it is his desire to get ready to sell the building. Last year his license was issued with a 30 day suspension.

May 24, 2006
Norman Landry, Licensee
Page Two

The Blue Gardenia currently has a legal capacity of 65 patrons. Most nights of the week there is very little business. There is a coin operated juke box, and occasionally a record spin is provided. There is only need for one bartender and one security guard. The Security Guard has a metal detecting wand to screen for weapons, and he does pat patrons down.

The License was re-issued on July 30, 2005.

Concerning the Police Report:

From the year of 2002 through 2004 there were various incidents that were the subject of a 30 day suspension. The Licensee endured the suspension of 30 days. The License was issued on July 30, 2005. The first incident in this era was on March 7, 2005.

Item J. Was the March 7, 2005 event where a young man asked to gain entry to find his uncle. The Police followed the young man into the premises and discovered the minor with marijuana. The boy was not searched, as it was believed he was going to be in the premises briefly. Mr. Landry received a citation for presence of underage. Mr. Landry hereby submits that it was over a one year period prior to March 7, 2005 where the licensee was charged with the presence of an under age patron. He accepted responsibility and paid a fine.

Item K. There was a report from an anonymous caller that there was a large fight and that there was a gun. The Bartender cooperated with the Police and informed them that there was an argument between two women. The women and there friends were asked to leave one group at a time. The first group out the door wrongly assumed the other group was going to be allowed to remain. As they were upset they called the Police and made up the story about the gun in order to get a fast response. No gun was observed by the employee, nor was any gun found. There were no citations issued surrounding this incident.

Item L. Concerned an individual that was caught with THC during a tavern check by the Milwaukee Police Department. This person was arrested and charged without interference from the Licensee or his employees. The Licensee does not condone this activity and believes that additional security and searching could prevent this in the future.

Neighborhood Objection:

As no neighbors have testified it is inappropriate to consider the boiler plate neighborhood objection as there has been no evidence submitted that demonstrates that there is vandalism, public urination, gun shots, etc.

As there is no neighborhood objection and there is a minimal record for the year the Licensee is asking that the recommendation of the Committee of a 60 day suspension be rejected. The last

May 24, 2006
Norman Landry, Licensee
Page Three

suspension was for 30 days and in order to be progressive the Licensee submits that a suspension of a far less amount be considered.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Andrew P. Arena". The signature is written in dark ink and is positioned above the printed name.

Andrew P. Arena
Attorney at Law