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- Employee's Retirement System Annuity & Pension Board



NIK KOVAC

ALDERMAN, 3RD DISTRICT

January 31, 2020

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 191305 contains the following recommendations:

Nonrenewal, based upon the police report and aldermanic and applicant testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises licenses for Louise Burdue for the premises located at 100 W Maple St ("Ollie's") in the 12th aldermanic district.

Nonrenewal, based on the second nonappearance of the Class D Operator's License of Ninoshka Jimenez.

Respectfully,

Nik Kovac, Chair
Licenses Committee

cc: All Council Members
File 191305

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: January 31, 2020

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses of Louise A. Burdue, Agent for Ollie's, for the premises located at 100 West Maple Street in the City and County of Milwaukee, Wisconsin ("Ollie's").

FINDINGS OF FACT

1. Louise A. Burdue (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses for the premises located at 100 West Maple Street in the City and County of Milwaukee, Wisconsin ("Ollie's"). Said licenses expired at midnight on November 29, 2019.
2. An application to renew said licenses was filed with the Office of the City Clerk on December 3, 2019.
3. Pursuant to Chapters 68, 85, 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 December 4, 2019, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On January 17, 2020, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the police report and objections on January 28, 2020, commencing at approximately 9:00 a.m. in Room 301-B of the third floor of City Hall. This was a continuation of a hearing previously held in the same location on January 7, 2020, wherein the application was held. At said date, time and place, the Licensee appeared at the hearing, and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On February 14, 2019, officers, along with agents from the WI Department of Revenue, conducted a licensed premise check at Ollie's, 100 West Maple Street. The officers found three bottles of alcohol contaminated with fruit flies. The Licensee disposed of the alcohol and was advised to have business record at the tavern and not at her residence.
- B. On December 2, 2019 officers, along with agents from the WI Department of Revenue, conducted a licensed premise check at Ollie's, 100 West Maple Street based upon a complaint the business license was expired. The officer check LIRA and found the license expired on November 30, 2019 and a renewal had not been filed yet. The officer arrived and found the business open with a patron drinking beer. The bartender called the Licensee who came down from her residence upstairs. The Licensee was unable to speak because of a medical condition and could not explain why the license expired. The Licensee's daughter arrived and stated she thought the license expired on December 30, 2019 and expressed interest in becoming the agent of the business.

01/07/20 Hearing

Appearing with the Licensee

- C. Melinda Burdue, 100 West Maple Street, stated she does not know what the overdose was, but someone was visiting her sister and they overdosed. She added that she does not know why the police come to the apartments, but her mother, the applicant, kicked them out so it is just her sister living there. She stated that she is not concerned about what is going on in the apartments. She added that older people come to the bar and the only complaints they have received has been about noise and motorcycles. She stated that if things happen outside the bar she is not responsible for that. Ms. Burdue added that her mother has a medical condition that makes it difficult for her to communicate but she is still able to manage the bar.

Individuals also present:

- D. Local Alderman Jose Perez stated he is concerned that the premises was operating with an expired license and that it was only brought to their attention when there was a licensed premise check. He added that he has received complaints from neighbors but they are afraid to come testify. He stated that the adjacent apartments has been designated a nuisance and there have been multiple overdoses, including one fatal overdose. He added that moving forward he wants the premises to operate in a way that the business is properly managed. He stated that the optics on the block make it hard to determine the apartments from the premises and neighbors are concerned. He added that he is concerned about the way the apartment is managed and it appears to be affecting the management of the bar itself. He stated that he believes some of the issues are related to the Licensee's medical issues and her family members helping out, but he has yet to

hear any solutions. He added that he wants to hold the application until a nuisance abatement plan is submitted to MPD. He noted that he did not want to see the property closed, but the location was a severe problem and no one associated with the premises put forward a plan to address the problems at the bar going forward.

- E. Milwaukee Police Department Community Prosecution Unit Officer Vodicka stated since March 18th there were four overdoses in the apartments attached to the premises that are owned by the applicant. He added that a stolen firearm was also recovered in one of the apartments. He also indicated that this property has been designated a nuisance property pursuant to the Milwaukee Code of Ordinances.
- F. Alderman Spiker moved to hold to the call of the chair for a nuisance abatement plan. (Prevailed 3-0-2, Aids. Lewis and Dodd abstaining)

01/28/2020 Hearing

- G. The Licensee stated no neighbors ever came to talk to her and she wishes they would have. She added she will attend the landlord tenant training offered by the Department of Neighborhood Services.

Appearing with the applicant:

- H. Melinda Burdue, 100 West Maple Street stated they got rid of the people who were living in the apartment, but her sister was allowing people to stay there. She added that her sister has been in rehab since the end of November. She added that no neighbors ever came to talk to her about issues and there are not a lot of violent crazy people at the bar. She stated that all of the patrons are older people. She added that there were inspectors on the day they got shut down and there are plans to address the Department of Neighborhood Services orders. She stated that they do not go around harassing neighbors and she does not understand why neighbors are afraid of them. She stated that there are a few “crazy people” who come to the bar, but she does not believe that the neighbors are being harassed.
- I. Evan Wendt, 2457 South 13th Street, read a statement prepared by the Licensee. In the statement, she indicated that she has filed an abatement plan with the Milwaukee Police Department, and she would be keeping closer watch on the bar. She asked that the anonymous letter be disregarded because it is hearsay. (The chairman of the committee agreed and ordered that the anonymous letter be disregarded.) The chair declined to do so. She agreed to have an email or text conversation with the complainant due to her medical condition.
- J. Alderwoman Coggs moved to enter into the record as exhibit #1 the prepared statement from the Licensee. (Prevailed 5-0)

Individual also present:

- K. Alderman Perez asked if there had been any further issues with neighbors. He stated there should be a mitigation plan filed with MPD and he would like to know what the plan is to address the issues at the premises. He added that there are currently orders from the Department of Neighborhood Services to fix issues in the lower apartment unit attached to the bar. He added that neighbors have felt relief since the premises has been closed due to the lapse between the two hearings. He indicated that he received information from a neighbor that she is being intimidated by patrons at the bar because of her complaints.
- L. Alderman Kovac stated he is not confident that what the Licensee is saying is the truth, but there is no contradictory testimony. He added that the way that the Licensee is saying things and framing the issues, the neighbors' fears are valid.
- M. Alderwoman Dodd stated if businesses are not a good partner with the community it makes it challenging to keep them open without accountability. She added that she does not feel the Licensee is accountable for the issues that have occurred.
- N. Alderwoman Dodd moved nonrenewal based on aldermanic and applicant testimony and the police report. (Prevailed 3-2)

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 Chapters 68, 82, 85, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Louise A. Burdue who holds Class B Tavern, Food Dealer, and Public Entertainment Premise (PEP) licenses for the premise located at 100 West Maple Street in the City and County of Milwaukee, Wisconsin ("Ollie's") has not met the criteria of Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to not renew the Class B Tavern, Food Dealer, and Public Entertainment Premises licenses. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, aldermanic and Licensee testimony.
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, Food Dealer and Public Entertainment Premise (PEP) licenses for the premises located at 100 West Maple Street in the City and County of Milwaukee, Wisconsin ("Ollie's"). The Committee based its recommendation on the police report, aldermanic and applicant testimony

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **three (3) ayes and two (2) noes**, recommends that the Class "B" Tavern, Food Dealer and Public Entertainment Premises (PEP) Licenses of Louise A. Burdue for the premises located at 100 West Maple Street ("Ollie's") in the City and County of Milwaukee, Wisconsin not be renewed.

Dated and signed at Milwaukee, Wisconsin this 31st day of January, 2020.



NIC KOVAC
Chairman, Licenses Committee

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NIK KOVAC

ALDERMAN, 3RD DISTRICT

Date: January 31, 2020

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Ninoshka M. Jimenez

FINDINGS OF FACT

1. Ninoshka M. Jimenez (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2019.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On January 15, 2020 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on January 28, 2020 at 1:00 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. A notice of the hearing as well as a copy of the police report was sent to Ninoshka M. Jimenez, 1569 South 10th Street, #Lower Rear, Milwaukee, WI 53204 on January 15, 2020 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 1569 South 10th Street, #Lower Rear, Milwaukee, WI 53204 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United



States Postal Service. The Licensee failed to appear at the hearing on January 28, 2020 at 1:00 p.m.

B. The Licensee owes the following past due fines to Milwaukee Municipal Court:

| | | | |
|----------|-------------------------------|----------|----------|
| 18007391 | Fail to Obey Officer/Signal | \$98.80 | 04/02/18 |
| 18024377 | Exceeding Posted Speed Limits | \$149.20 | 05/15/18 |

C. Alderwoman Coggs moved denial based on second non-appearance.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Ninoshka M. Jimenez has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license based upon second nonappearance.
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 should exercise its discretion to not renew the Class "D" Operator's license held by Ninoshka M. Jimenez based upon second nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **five (5) ayes, and zero (0) noes** that the Class "D" Operator's License of Ninoshka M. Jimenez not be renewed based upon second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 31st day of January, 2020.



NIK KOVAC
Chairman Licenses Committee

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