

**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

November 4, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 050747

Recommendation of renewal with a 10-day suspension, based on the police report, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) partnership license of Leonie and Ricardo McKenzie for the premises at 2035 W. Fond du Lac Ave. ("Leoric Sport Club Bar & Grill") in the 15<sup>th</sup> Aldermanic District.

With regard to the items listed above, the Licenses Committee held an evidentiary hearing on November 4th, 2005.

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, November 15, 2005** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

  
James N. Witkowiak, Chair  
-Licenses Committee

cc: All Council Members  
CCF 050747



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: November 4, 2005

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Leonie A. McKenzie and Ricardo D. McKenzie for a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) partnership license for the premises located at 2035 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Leoric Sport Club Bar & Grill").

**FINDINGS OF FACT**

1. Leonie A. McKenzie and Ricardo D. McKenzie (hereinafter the "Licensees") are the holders of a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) partnership license for the premises at 2035 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Leoric Sport Club Bar & Grill"). Said license expires at midnight, November 25, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on September 1, 2005.
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 September 2, 2005 with a report which could form a basis for non-renewal or suspension of the license. On October 21, 2005, the City Clerk provided timely notice of a hearing on the police report on October 31, 2005. The licensees did not appear.
4. On November 1, 2005, the City Clerk's Office again provided timely notice to the Licensees, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee police report and included a copy of the Milwaukee police report. The matter was scheduled for a hearing on the police report and neighborhood objections on November 4, 2005 at 8:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensees did appear and were represented by Attorney James H. Hall, Jr., Hall, Charne, Burce & Olson, S.C., 324 East Wisconsin Avenue, Suite 1200, Milwaukee, WI 53202.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. On March 27, 2004 at 1:15 a.m. officers of the Milwaukee Police Department were flagged down by two females at the location of 2035 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin. The females stated there was a male inside the tavern who was "bleeding to death." Inside the licensed premises at 2035 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Leoric Sport Club Bar & Grill") officers observed broken bottles and glasses on the floor, trails of blood, overturned tables and chairs; broken pool cues and bloodied pool balls. Lying on the dance floor was a male bleeding heavily from deep lacerations about the head. Ricardo McKenzie called 911 to report the incident. At a birthday party the victim had been attacked by 25-30 patrons when he attempted to assist in breaking up a fight that occurred around the pool table. The victim was struck with bottles, chairs, pool cues and pool balls.

Security at the location was posted at the entrances to the premises, and had a difficult time getting to the victim because of the crowd that formed around the victim.

B. On May 4, 2004, at 2:07 a.m. while on patrol, officers of the Milwaukee Police Department observed that lights were on inside the licensed premises at 2035 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Leoric Sport Club Bar & Grill"). Approximately 15 cars were parked around the tavern. The officers could see numerous patrons inside the tavern (approximately 30), and music was still playing. An unknown patron locked the door and did not permit officers to enter. The officers were denied entry for approximately 5 minutes. Once inside, the officers discovered the pool table did not have a permit. The partner, Ricardo D. McKenzie, was cited for amusement machine permit (30 patrons after hours), and immediate entry to police. The citations with respect to amusement machine permit and patrons after hours were dismissed without prejudice. In exchange, the partner pled no contest to immediate entry of police on August 26, 2004 and was found guilty and fined \$343.00.

C. On June 5, 2004, at 12:40 a.m. while on patrol, officers of the Milwaukee Police Department heard loud music at the intersection of 24<sup>th</sup> and West Lloyd Street in the City and County of Milwaukee, Wisconsin. It was coming from the licensed premises at 2035 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Leoric Sport Club Bar & Grill"). The officers spoke to Ricardo D. McKenzie, who was advised by the officer that the officer, personally on numerous occasions, determined that the music from the tavern that was too loud. Mr. McKenzie became argumentative and stated that the police were simply harassing him. When leaving the tavern, the officers observed five vehicles parked on the grass adjacent to the tavern. Patrons leaving were seen to be leaving in those vehicles. As the patrons left the tavern, the officer observed a male carrying an open bottle of beer out of the bar. The partner, Ricardo D. McKenzie, was cited for noise nuisance, removal of an intoxicant, and off-street parking. As to the noise nuisance citation, Ricardo D. McKenzie was found guilty and fined \$399.50 on December 8, 2004. As to the removal of intoxicant citation, Ricardo D. McKenzie was found not guilty on December 8, 2004. As to the off street parking citation, it was dismissed as to Ricardo D. McKenzie on

December 8, 2004.

- D. On August 30, 2004, at 12:49 a.m. while on patrol at the intersection of North 21<sup>st</sup> Street and North Avenue in the City and County of Milwaukee, Wisconsin, Milwaukee Police officers could hear loud music. They found it to be coming from the licensed premises at 2035 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Leoric Sport Club Bar & Grill"). Upon arriving at the tavern, they found the front doors as well as the side door to be open. A verbal warning was given to the security person at the front door that the door needed to be closed after 10:00 p.m. Officers observed the doors to be wide open for another 10 to 15 minutes. Ricardo D. McKenzie was issued a citation for doors open after 10:00 p.m. The citation was dismissed without prejudice on May 11, 2005. Ricardo D. McKenzie was issued a citation for noise nuisance and was found guilty on May 11, 2005 and fined \$228.00.
- E. On September 2, 2004, at 1:35 a.m. a Milwaukee police officer was sent to back up another squad that had been sent to the licensed premises at 2035 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Leoric Sport Club Bar & Grill") on a complaint of trouble with a subject. The backup officer noticed a multitude of people standing in the parking lot at 2251 North 21<sup>st</sup> Street as well as people standing in the road blocking traffic on 21<sup>st</sup> Street. Large groups of patrons from the tavern were congregating around the tavern. The officer observed a Buick in the 2200 block of North 21<sup>st</sup> Street with the radio on so loud that it could be heard beyond 50 feet. The driver stated that he had just left the tavern. He was cited for noise nuisance.
- F. On September 30, 2004 at 12:45 am Milwaukee police officers could hear loud music coming from Leoric Sports Club Bar & Grill, 2035 W Fond Du Lac Ave., while they were a block away from the premises. They also counted patrons as they left the tavern at closing and counted 201 patrons. Capacity was 180. Ricardo McKenzie was issued citations for Noise Nuisance and Occupancy, both cases were dismissed (noise nuisance on August 10, 2005 and occupancy on March 8, 2005).
- G. On January 8, 2005, at 1:32 am, Milwaukee police were sent to investigate a subject with a gun at Leoric Lounge, 2035 W. Fond du Lac Avenue. A Security Officer from the tavern had called police and had observed a patron with a firearm. The person was arrested for carrying concealed weapon.
- H.. On January 23, 2005 Milwaukee police responded to a call of a subject with a gun at Leoric's Sport Club Bar & Grill, 2035 W. Fond du Lac Avenue. A security person stated there was no gun, but a fight had occurred between two patrons. One of the security officers had been struck in the head. One patron was cited for assault & battery and the other for disorderly conduct.
- I. On January 28, 2005, at 1:30 am, Milwaukee police observed a male walk out of Leoric Sport Club Bar & Grill, 2035 W. Fond du Lac Avenue, with a bottle of beer and drink from it. He was issued a citation for public drinking.
- J. On February 8, 2005, at 1:07 am, Milwaukee police were sent to a fight outside

Leoric's Sports Bar & Grill, 2035 W. Fond du Lac Avenue. Two female patrons began fighting in the tavern; it continued in the parking lot. One was struck on the forehead by the other with a beer bottle. When police tried to enter the front door, it was locked. Approximately 100 patrons were in the tavern. As patrons were leaving the tavern at 2:00 am, they were observed by police yelling profanities loudly, revving the car motors and playing car stereos loudly. Patrons were observed walking over front lawns of neighboring houses.

- K. On February 15, 2005 at 1:32 am, Milwaukee police were sent to a fight at Leoric's Sports Club Bar & Grill, 2035 W. Fond du Lac Avenue. They observed about 75 people in front of the tavern, and about 20 were physically fighting. The fight started in the bar between patrons and security personnel. Once the crowd dispersed, an officer observed Mrs. McKenzie leave the back of the tavern, get into her pickup truck, rev the engine, and then spun the tires which hurled mud and rocks at a group of police standing behind her truck. One of the fighters was underage. Leonie A McKenzie was issued a citation for disorderly premises which was dismissed without prejudice on August 10, 2005; he was also issued a citation for presence of underage and found guilty and fined \$354.00 on August 10, 2005. At hearing, Mrs. McKenzie stated her car became stuck in snow and she did not intend to have rocks and mud hit the officers.
- L. On February 19, 2005 at 1:45 am, Milwaukee police and a Milwaukee Code Enforcement Inspector conduct a licensed premises check of Leoric Sport Club Bar & Grill, 2035 W. Fond du Lac Avenue. While attempting to gain entry to the tavern, they found the front door locked and had to pound on the door for access. At closing time as patrons were leaving, the officers observed several patrons leave the tavern with open bottles of beer. Leonie A McKenzie was issued citations for Permitting Patrons to Leave Cl B w/Open Intoxicants which was dismissed without prejudice on August 10, 2005, he was also issued a citation for Immediate Entry For Police and on August 10, 2005 was found guilty and fined \$358.00.
- M. On February 23, 2005 at 12:15 am, Milwaukee police were sent to the licensed premises located at 2035 W. Fond du Lac Avenue, in the City and County of Milwaukee, Wisconsin (Leoric's Sport Club Bar & Grill) for trouble with a subject. A security person employed by Leoric Sport Club Bar & Grill patted down a person entering the tavern, and found a plastic baggie with white chunky substance. She was arrested for possession of controlled substance-cocaine.
- N. On May 9, 2005 at 12:37 am, Milwaukee police were sent to a trouble with a subject at Leoric Sports Club Bar & Grill, 2035 W. Fond du Lac Avenue. A security officer stated that during a weapons check she found a corner-cut baggie of off white chunky substance in a purse of a person entering the tavern. The person was arrested for possession of controlled substance - cocaine.
- O. On July 21, 2005 at 12:36 am Milwaukee police were sent to the licensed

premises located at 2035 W. Fond du Lac Ave. in the City and County of Milwaukee, Wisconsin (Leoric's Sports Bar & Grill) for a wanted subject. Security officers from Leoric Sports Club Bar & Grill were instructed in the past to call police if this subject returned. In the past this subject pulled out a handgun on the security personnel. Because he was 19 years old he was issued a citation for Presence of minor and arrested for disorderly conduct armed. The tavern owners and the security officers were very cooperative with police.

- P. This premises was renewed with a fifteen (15) day suspension for the 2005 license year based upon items 5A and 5B only. Items C, D, and E were not considered pending court action, and are considered this year.
- Q. Because these licensees received a police nuisance abatement letter and because the record of this premises during the latter half of 2005 has dramatically improved, the minimum suspension has been recommended. The Committee commends and encourages this improvement, and the cooperation with the police department.

#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts the Committee concludes that the licensees, Leonie A. McKenzie and Ricardo D. McKenzie, have not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of their Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) partnership license without undergoing a the (10) day suspension of said license. 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 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 Amusement (Cabaret/Nite Club) partnership license held by Leonie A. McKenzie and Ricardo D. McKenzie for the premises at 2035 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Leoric Sport Club Bar & Grill").

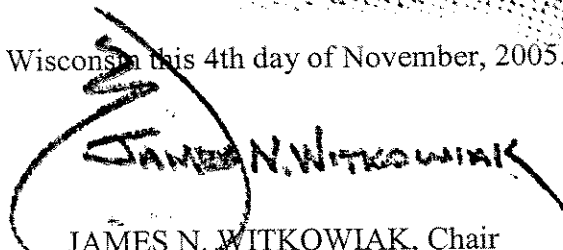
#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of two (2) ayes and one (1) noe recommends that the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) partnership license held by Leonie A. McKenzie and Ricardo D. McKenzie for premises at 2035 West Fond du Lac Avenue in

the City and County of Milwaukee, Wisconsin ("Leoric Sport Club Bar & Grill") be renewed with a ten (10) day suspension.

Said suspension is to be in force from 12:01 a.m. November 25, 2005 through midnight, December 4, 2005.

Dated and signed at Milwaukee, Wisconsin this 4th day of November, 2005.

  
JAMES N. WITKOWIAK, Chair  
Licenses Committee

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