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CITY OF MILWAUKEE
11 MAR 18 PM 3:13
RONALD D. LEONHARDT
CITY CLERK

March 18, 2011

Via Hand-Delivery

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

Re: Lounging Around, Inc. d/b/a Envy Lounge & Nightclub – 715 S. 5th Street
-Written Objections to Findings of Fact and Conclusions of Law

Dear City Clerk Leonhardt,

Our office is Counsel to Lounging Around, Inc. d/b/a Envy Lounge & Nightclub (“Envy”) located at 715 S. 5th Street in the 12th Aldermanic District. On March 7, 2011, the Licenses Committee (“Committee”) met to consider the renewal of Envy’s Class B Tavern License (“Tavern License”) and to consider granting Envy a *new* Tavern Amusement License (“New TA License”). A true and correct copy of the Committee hearing as broadcast on City Channel is attached hereto. The Committee voted to recommend that Envy’s Tavern License be renewed, but with a 30-day suspension based upon certain items in its police synopsis, the testimony of 2nd District Police Captain Donald Gaglione and the testimony of Alderman James Witkowiak.

This letter serves as my client’s written objection to the “Findings of Fact and Conclusions of Law” (hereafter collectively referred to as “the Findings”) and recommendation of the Committee. The specific objections are as follows:

1. Paragraph 3 of the Findings states “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.” Paragraph 3 goes on to refer to the report produced by the Milwaukee Police Department based upon this referral. Sec. 125.04(5)(a)(1), Wis. Stats. only allows for arrest or conviction checks subject to § 125.12(1)(b), Wis. Stats., which further limits “violations” to the definition provided in § 125.07(1)(a), Wis. Stats. Additionally, the city’s ordinance is required to be in strict conformity with § 125.07(1)(a), Wis. Stats., and the city’s ordinance for police checks is not in such conformity. As a result, the city had no legal authority to have the Milwaukee Police Department create a synopsis of police activity at Envy and have that synopsis read into the record before the Committee. Making matters worse is that in a recent Court of Appeals brief, the city argued that § 90-11-1-c-1, Milwaukee Code of Ordinances, is not applicable to Class B Tavern and Amusement Licenses. Because § 90-11-

1-c-1 is the section containing the only alleged authority for production of the Synopsis, the city, by its own admission, has no legal way to produce a Synopsis and introduce the same as evidence before the Licenses Committee.

2. Paragraphs 5A through 5E of the Findings contain a recitation of the items from the Milwaukee Police Department's Criminal Record / Ordinance Violation / Incidents Synopsis ("Synopsis") upon which the Committee relied in making its decision. Envy objects to the Synopsis and to this recitation as it is all unreliable hearsay which was challenged and therefore cannot be used as substantial evidence pursuant to Wisconsin case law.

Paragraph 5A

Envy objects to Paragraph 5A of the Findings. Paragraph 5A recites an incident during which there was an altercation and patrons were removed from the premises. Envy staff acted quickly and efficiently to end this altercation. It is uncontroverted in the record that the altercation lasted for 5-10 seconds. Both the Synopsis and the Findings fail to state that the individual who started this altercation was the sister of a Milwaukee Police Department detective. Despite the fact that this detective was off duty at the time of the altercation, police contacted him and he arrived on scene. As testified to by Mr. Asad, this detective was allowed to take up in Mr. Asad's office and was shown Envy's surveillance video of the altercation. According to Mr. Asad, the off-duty detective was very professional and, as a result, was given the utmost courtesy by Mr. Asad. However, it is objectionable that Milwaukee Police Department District 2 officers used their discretion to contact an off-duty detective and insert him in the middle of a police investigation and for the District 2 Captain to then include this incident as a reason for his objection to Envy's license. Even more disturbing given the 2nd District officers' actions, is that the drafter of the Synopsis failed to include the following sentence from the PA-33 in her synopsis: "During this incident both Envy security and Envy management were very helpful in attempting to resolve the incident, as well as assisting with our investigation."

Paragraph 5B

Envy objects to Paragraph 5B of the Findings. Paragraph 5B recites an alleged incident in which officers responded to a residence on South 38th Street which is almost three miles from Envy. The Synopsis and the PA-33 (which was a tavern report included in the notice sent to Mr. Asad) contain two different dates which refer to this alleged incident. The PA-33 narrative section provides that an officer responded to the 38th Street address on 8/13/10 and took the complaint, while the front page of the PA-33 provides a date of 8/15/10. The Synopsis, a hearsay summary of the PA-33, provides that the incident occurred on 8/15. Despite the Committee's inability to determine the date of this action based on the record, Mr. Asad was aware of no such incident that occurred as was described. In reviewing his surveillance system with the investigating officer, there was no recording of

any incidents from either date. The Milwaukee Police Department produced no officers who had even hearsay knowledge of the incident in question. As a result of the complete lack of any evidence or corroboration that this incident actually occurred, it should be disregarded by the Council, cannot be used as substantial evidence, and should be struck from the Findings.

Paragraph 5C

Envy objects to Paragraph 5C of the Findings. There was no incident on October 18, 2010. As testified to by Mr. Asad at the Committee hearing, the only piece of information within the Synopsis that connected this incident to Envy was the Milwaukee Police Department's unwarranted aggression toward Mr. Asad which led to his arrest, NOT the altercation which occurred and had nothing to do with the establishment. The Committee, after viewing video provided by Mr. Asad, summarily dismissed the statements within the Synopsis regarding Mr. Asad's confrontation with police that night, including Mr. Asad's video-recording activities and his location on the public sidewalk. As a result, there is no basis within the record for Paragraph 5C to appear within the Findings, let alone for its appearance which makes reference to the activities of Mr. Asad which were specifically excluded from the Findings by Alderman Kovac in his motion.

Paragraph 5D

Envy objects to Paragraph 5D of the Findings. Importantly, the only reason why the PA-33 was filed and this incident was included within the Synopsis was because Mr. Asad telephoned police after the incident occurred. As a matter of course, when incidents occur, Mr. Asad contacts police. He contacts police even in situations where there was truly no need for police involvement. Additionally, the Licenses Committee (and Common Council) have a long-standing policy of encouraging licensees to contact police any time that an incident occurs and, in addition, not holding these types of incidents against the licensee. This was explained by Alderman Kovac at the November 23, 2010 Common Council meeting when he made a motion for the license of Scooters Pub – Dukes On Water to be renewed with only a warning letter instead of the 10-day suspension recommended by the Committee. Alderman Kovac stated that the Committee's stance in regard to police contact is that proactive measures taken by the licensee to contact police when incidents occur acts as a mitigating factor to an incident. He stated especially for incidents in which there were no injuries and the licensee contacted police, the licensee is typically not punished by the Committee as the Committee wants to make it clear that licensees are encouraged to contact police. As a result of the Committee and Council's precedent regarding licensee police contact as explained by Alderman Kovac, because this incident reflects proactive measures taken by Mr. Asad and there were no injuries, this incident should be disregarded and is not appropriately included as part of the Findings.

Paragraph 5E

Envy objects to Paragraph 5E of the Findings. There was extensive testimony about this incident during the Committee hearing. Importantly, significant information contained within the underlying PA-33 and Incident Report (both of which were included within the notice mailed to the licensee) were left out of the Synopsis and continue to be left out of the Findings. There is no non-hearsay proof within the record that two individuals were struck with a glass. Contradictory to the police report and uncontroverted in the record, Envy is aware of only one person who was struck and there is no video evidence which shows a second person being struck or someone sitting on the curb in front of the establishment. The incomplete and slanted Findings drafted by the City Attorney without Committee review indicate that Mr. Asad provided the incorrect name of his security guard to police, but the truth is that Mr. Asad provided additional explanation at the Committee and the PA-33 verifies his version of events. On the night of the incident, Asad had two individuals named Marcus who were working, including the new-hire security guard who had been struck. When Asad asked his assistant to pull the file for the guard, she pulled the wrong file (for the other Marcus) and Asad gave this incorrect information to police. Upon discovering the error, between 3:30 a.m. and 4:00 a.m. that night, Asad traveled to the District 2 police station, explained the error and pleadingly requested that the investigating officer be immediately contacted and given the correct information. Asad provided officers with all of the information regarding the employee who had been struck. In addition to the reference within the PA-33 and incident reports, Mr. Asad played video for the Committee which revealed his visit to the District 2 police station that night had occurred *exactly* as he had testified.

Paragraph 5E also references Asad telling police that officers would have to contact his attorney for video of the incident. While that statement was made, it is presented in the Findings out of context and the record reveals further background which provides a complete understanding of Mr. Asad's statement. When officers arrived at Envy minutes after the incident, they requested that Mr. Asad provide them surveillance video of the incident (even though the police already had their own video of the incident – *see* below). Mr. Asad has provided this in the past upon such informal requests. Mr. Asad explained that it takes significant time (6-8 hours) for him to review, compile, and duplicate video from his system and that he did not have time to do it at that very moment for police. This conversation was with Police Officer Purcelli ("PO Purcelli"). In fact, the PA-33 (which was written by PO Purcelli) states that Purcelli had a subsequent conversation with Mr. Asad at 5:30 a.m. in which he told her that upon his return to the club he would review and produce the requested video. The PA-33 also provides that Mr. Asad asked that it be known that he was completely cooperative throughout the night, but this was left out of the Synopsis.

Despite Mr. Asad telling PO Purcelli *twice* that he would voluntarily provide the

requested video (again, as he had done so every time it was requested in the past), on Monday, February 21st, officers determined that they needed to obtain and serve a subpoena upon Mr. Asad for this video. Based upon Mr. Asad's past interactions with police regarding video requests and his *two* representations to PO Purcelli, there was no need for the subpoena. At 9:30 p.m. on Monday, February 21st, officers arrived in five squad cars to Mr. Asad's closed establishment, covered each entrance, and served the subpoena upon Mr. Asad which requested the video he already agreed to voluntarily provide. However, upon serving the subpoena, officers refused to provide further background information regarding the legal documents, leaving Asad with no other impression than that he was the target of a criminal investigation.

At 11:30 p.m. on Monday, February 21st, two hours after the subpoena had been served, PO Purcelli contacted Mr. Asad and asked if the surveillance video was ready for pickup. Despite the fact that PO Purcelli had made all contact with Mr. Asad regarding the video and knew that Asad was being cooperative, PO Purcelli had no idea that the subpoena had been served upon Asad. Because of the subpoena and lack of any further information provided by the police who served the document, Mr. Asad explained to PO Purcelli that she would have to contact his attorney regarding the video. Importantly, Captain Gaglione *never* consulted with PO Purcelli, who was the investigating officer, regarding obtaining the subpoena or service of the same and she had no idea that the subpoena had or needed to be obtained. In no way, shape, or form did Mr. Asad refuse to cooperate with police. Instead, the police department's use of over-aggressive, unnecessary tactics caused Mr. Asad to go on the defensive until such time that his attorneys had uncovered all pertinent information relative to the subpoena and criminal investigation into the incident. Of note, in compliance with the subpoena, on February 27th, Mr. Asad provided police not only the subpoenaed video but provided additional video which had not been requested as part of the legal document (but which had been requested by PO Purcelli). Mr. Asad did not challenge the sufficiency of the subpoena and fully cooperated as he was legally required to do so. The Council should note that an entire Synopsis Item (No. 20) which was dedicated to the issuance of the subpoena and Mr. Asad's alleged uncooperativeness was disregarded by the Committee and not used as support for its recommendation. Upon information and belief, this was done so as a result of the extensive testimony and evidence provided by Envy which called into question the Milwaukee Police Department's entire motive for obtaining the subpoena and the subsequent report it filed.

Importantly, the Synopsis and Findings also refer to the fact that police captured the aftermath of the incident on video, but fails to discuss the contents of this important piece of evidence. This video was provided to Mr. Asad as part of the notice and was played for the Committee by Mr. Asad. As was displayed at the Committee hearing, the police video revealed that officers were in an unmarked car in the neighborhood when the incident happened. These officers quickly turned their vehicle around and within seconds were feet from the establishment.

The perpetrator, as he was attempting to flee the area, ran into the unmarked police vehicle. As their comments illustrated, the officers were well aware of what had transpired and knew that the individual who ran into their vehicle was the suspect. Despite this knowledge, these officers did nothing to stop or arrest this individual and instead chose to let him flee down the street. Interestingly, even though this video was provided by the police department, predictably, since this video did not fit with the impression Captain Gaglione was attempting to convey to the Committee regarding Envy, he did not show it during his presentation to the Committee. Of note, Captain Gaglione brought numerous 2nd District officers with him to the Licenses Committee hearing, none of whom testified, none of whom were referred to in the hearing, none of whom were subpoenaed, and none of whom could answer any of the questions posed by the Committee.

3. Envy objects to Paragraph 5F of the Findings as Alderman Witkowiak had no firsthand knowledge of any of the alleged incidents at the establishment. Alderman Witkowiak made no reference to or provided documentation to the Committee that his office had received complaints about Envy or objections to its license. As a result, Alderman Witkowiak's testimony should be disregarded and is not appropriately made part of the Findings.
4. Envy objects to Paragraph 5G of the Findings. As discussed above, Captain Gaglione's comments regarding Envy's alleged "lack of cooperation" were baseless, untrue, and without any merit whatsoever.
5. The Licenses Committee has failed to forward *its own* report and recommendation, including Findings of Fact, Conclusions of Law, and a recommendation to the Common Council as required by § 90-11-2-c-2, Milwaukee Code of Ordinances.

Paragraph 5 of the "Findings of Fact" (contained on page 2), states that "Based upon the testimony heard and the evidence received, the **Committee finds the following**" [emphasis added]. Envy objects to this statement, as the Committee has never adopted the Findings. Because the Findings of Fact and Conclusions of Law were never adopted by the Committee, it would be more properly characterized as the City Attorney's draft proposed Findings of Fact and Conclusions of Law.

In addition, Chairman Bohl has signed the Findings without any approval or formal adoption by the Committee.

6. The City of Milwaukee's treatment of numerous other establishments, mostly in Alderman Kovac's district, including its treatment of Pizza Shuttle at its license renewal hearing held on January 27, 2009, demonstrates that Envy's Equal Protection rights as guaranteed under the United States Constitution were violated.

Attached hereto and incorporated herein are police reports for establishments known as Quarters (hearing on 6/2/10), and Bosses Lounge (hearing on 4/20/10).

Quarters is a tavern located on Center Street. It had three new items on its police report (a fourth item was included but this item consisted of a summary of a meeting between MPD, the tavern owner, and the tavern's attorney). These incidents included a citation for patrons dancing when there was no tavern dance license, a shots fired complaint, and *a murder*. The murder occurred in front of the tavern with the victim having received multiple wounds to the head and back. MPD determined through the tavern's surveillance cameras that the victim and suspect were both at the tavern and left shortly before the murder occurred. This video also showed that the suspect had been armed while inside the tavern. Quarters' license was recommended for renewal by the Committee with a 30-day suspension.

Bosses Lounge is located on North Avenue. It had six new items on its police report. These items included a battery complaint, an incident in which an individual drove by the tavern and waived a gun out the vehicle window, two false hold up alarms, a fight that occurred between patrons after leaving the bar, a citation for presence of underaged, and a shooting incident in which five people were wounded. Bosses Lounge's license was recommended for renewal by the Committee with a 20-day suspension.

On January 27, 2009, the Licenses Committee held a hearing to consider the renewal of Pizza Shuttle, 1827 N. Farwell Avenue. Pizza Shuttle had an extensive police report. Attached to this letter is a copy of Pizza Shuttle's police report. Pizza Shuttle's report contained a total of 26 items, including 25 from 2008. In addition, Pizza Shuttle's CADS reports, obtained through the MPD, show that there were approximately 100 police calls related to the establishment between November 2007 and January 2009. There are numerous incidents in the Pizza Shuttle report that presented valid cause for concern. For example, the report recounts numerous fight complaints, numerous issues with guns, complaints of loud music from cars, cars being used to block traffic, disorderly patrons, and drugs. In fact, incident No. 24 on Pizza Shuttle's police report required the MPD to be on scene for almost two hours, involved multiple fights and also involved hundreds of patrons who were spectators and encouraged the fighting. Incident No. 24 states at its conclusion, "Police did speak with management regarding the volume of calls received by the restaurant and that no other businesses in the area have needed this type of police response."

In spite of this extensive police report, the MPD did not object to renewal of the license and the City Attorney's office made no appearance at the hearing to oppose the license renewal or assist the MPD. It is also remarkable that despite the high volume of police calls to Pizza Shuttle, the property received no nuisance letters from the City of Milwaukee.

As stated *supra*, Pizza Shuttle had 25 items on its police report that were considered at the 2009 hearing. In reviewing this police report (which is also attached), 24 of the incidents occurred between February and July. The 25th and final incident occurred on October 18th, and was a situation in which juveniles were “trashing” the dining room and yelling obscenities.

7. Pursuant to § 90-11-2-d-3, Milwaukee Code of Ordinances, the Common Council only has the authority to accept or reject the recommendation of the Licenses Committee. Based upon this ordinance, the Common Council has no authority to increase the recommended sanction against Envy’s Tavern License of renewal with a 30-day suspension.
8. Pursuant to § 90-11-1-b, Milwaukee Code of Ordinances, it is the City Clerk who is charged with the duty to determine whether license renewal applicants are forced to go through a hearing of the Licenses Committee as to the renewal of their license. In violation of Envy’s right to due process, the ordinance provides for no procedure by which the City Clerk’s decision can be appealed. Further, there is nothing within Chapter 125, Wis. Stats., which allows the city to assign such discretion to the City Clerk. Giving the City Clerk the sole authority to determine whether a licensee must have a hearing on renewal of its license is a violation of Envy’s property right in its license and also violates Envy’s rights to due process and equal protection. The discretion granted to the City Clerk in this ordinance was due to a recent change implemented by the Common Council.
9. Pursuant to § 85-3-3, Milwaukee Code of Ordinances, when the City Clerk License Division was notified on February 22, 2011 by Captain Gaglione that the Milwaukee Police Department would be appearing at the Licenses Committee hearing in objection to Envy’s license, the City Clerk was required to include notice of this objection within the notice submitted to Envy. It is clear from a review of the notice that the City Clerk spent significant time crafting it in such a manner as to include various activities and allegations against Envy (most of which were dismissed by the Committee). Interestingly, the Notice is dated February 23, 2011 (one day after receiving notice of the police objection), and despite having 24 hours to amend the Notice to include the police objection, the City Clerk made no change. The City Clerk’s failure to put Envy on notice of the timely police objection is a violation of Envy’s right of due process.

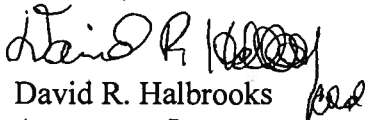
In summary, Envy objects to the Findings of Fact and Conclusions of Law. In violation of § 90-11-2-c-2, Milwaukee Code of Ordinances, the Licenses Committee has never adopted the Findings of Fact and Conclusions of Law which were drafted by the City Attorney. The reasons relied upon for the 30-day suspension of the Tavern License and non-issuance of the New TA License are unjust and not substantiated by any reliable evidence. The Findings of Fact and Conclusions of Law drafted by the City Attorney’s office contain *numerous* inaccuracies, discuss incidents and facts which were specifically struck by the Committee, and fail to include pertinent information relied upon by the Committee in making its decision.

Lounging Around, Inc. d/b/a Envy Lounge & Nightclub
Objections to Findings of Fact and Conclusions of Law
March 18, 2011

Finally, Envy's rights to Due Process and Equal Protection have been violated by the actions of the Licenses Committee and the City of Milwaukee. Additionally, in comparison to other establishments where more serious incidents occurred, including shootings and a murder, Envy's right to Equal Protection has been violated as it has been recommended for as much, if not more punishment than those establishments.

Thank you for your attention to this matter.

Sincerely,


David R. Halbrooks
Attorney at Law

DRH/abd

Enc.

Cc: Lounging Around, Inc. d/b/a Envy Lounge and Nightclub (w/ enc.)
Members of the City of Milwaukee Common Council (via email w/enclosures)

**MILWAUKEE POLICE DEPARTMENT
LICENSE INVESTIGATION UNIT**

**CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS
SYNOPSIS**

DATE: 04/08/10
LICENSE TYPE: BTAVN
NEW:
RENEWAL: X

No. 16663
Application Date: 04/07/10
Expiration Date:

License Location: 900 E Center St
Business Name: Quarters

Aldermanic District: 03

Licensee/Applicant: Fischer, Daniel R
(Last Name, First Name, MI)
Date of Birth: 07/11/1952

Home Address: 902 E Center St
City: Milwaukee
Home Phone: (414) 263 - 8950

State: WI Zip Code: 53212

This report is written by Police Officer Kristyn KUKOWSKI, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 04/15/2005 at approximately 10:40PM, an underage police aide, under the direction of police officers was able to purchase a 12oz. Bottle of Miller Draft Beer from the cashier, Cherissa L Fischer (W/F, 03/0-5/1984) of Quarters Bar at 900 E Center St. There was no one at the entrance checking for underage persons prior to entering the licensed premise.

As to the Licensee: FISCHER, Daniel R

1. Charge: Sale of Alcohol to Underage Person
Finding: Guilty Suspended Sentence
Date: 06/09/2005
Case #: 05052002
2. Charge: Presence of Minor Prohibited
Finding: Guilty
Date: 06/09/2005
Case #: 05052003

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Fischer, Daniel R

3. On 02/17/10 at 1:30 am, Milwaukee police conducted a License Premise Check at 900 E Center Street. Officers observed approximately twelve patrons dancing on the dance floor and found the tavern not to have a tavern dance license. Police spoke to the bartender Cherissa Fischer who stated she was also co-owner of the tavern. Cherissa was advised by officers that a dance license was required and a citation was issued to the licensee Daniel Fischer.

Charge: Tavern Dance License Required
Finding: Pre-trial 05/24/10 8:30 am
Sentence:
Date:
Case: 10032143

4. On 03/20/10 at 1:21 am, Milwaukee police were dispatched to 900 E Center for a Shots Fired complaint. An anonymous caller stated shots had been fired inside the Quarters tavern. Police spoke to the bartender Cherissa Fischer who stated there were no shots fired but that two patrons were arguing with one another and were escorted out of the bar. Police did not find any evidence supporting shots being fired. Call was advised.
5. On 03/28/10 at 1:50 am, Milwaukee police were dispatched to Bremen and Center for a Shooting complaint. Arriving officers observed a male lying on the ground in front of Quarters tavern with multiple gun shot wounds to the head and back. The victim later died from his wounds. Officers questioned the bartender Cherissa Fischer if the victim had been in the tavern prior to the shooting and Fischer stated no. Fischer further stated that she heard shots fired and observed a victim outside the bar. Fischer stated she then called police from her cell phone. Upon viewing the bar's surveillance video, police determined that the victim and suspect were both patrons in the bar and were observed leaving the tavern shortly before the shooting occurred. Police also found that surveillance video showed the suspect had been armed while inside the bar. Five casings were recovered at the scene and placed on inventory.
6. On 03/29/10 at 2:15 pm, the owner of Quarter's Night Club, Daniel Fischer, and his attorney Andy Arenas, met with District Five personnel regarding the homicide that occurred outside of his business. The meeting took place at District Five and in attendance was Assistant City Attorney Adam Stevens, Assistant City Attorney Ben Wesson, Lieutenant Michael Brunson as well as a few police officers. Mr. Fischer relayed that his business is open on Wednesdays, Thursdays, Fridays and Saturdays and that he usually opens the bar up at 9:30 pm. Mr. Fischer stated he tries to shut down the tavern approximately one hour prior to closing time. Fischer further stated that he has 4 to 5 employees and that two of his children help manage and bartend. He further stated he has two security guards. Fischer stated he charges between three to five dollars for a cover charge and that he has two interior cameras, one of which is connected to a recording system. Fischer stated he has seven cameras on the exterior and that he monitors the tavern from his residence, which is the upper portion of the tavern. Fischer stated that up to a month ago, his crowd was generally neighborhood individuals, however due to the fact that other establishments have closed in the past month, he is seeing a lot of new faces.

MILWAUKEE POLICE DEPARTMENT
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS
SYNOPSIS

DATE: 02/08/10

LICENSE TYPE: BTAVN

NEW:

RENEWAL: X

No. 16451

Application Date: 01/27/10

Expiration Date:

License Location: 408 E North Avenue

Aldermanic District: 06

Business Name: Bosses Lounge

Licensee/Applicant: Harris, Tommy L

(Last Name, First Name, MI)

Date of Birth: 01/08/67

Male:

Female:

Home Address: 2737 N 59th Street

City: Milwaukee

Home Phone: (414) 313-4233

State: WI

Zip Code: 53210

This report is written by Police Officer Kristyn Kukowski, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 09/13/95, applicant was charged with 1st Degree Intentional Homicide Party To in Milwaukee County. On 02/09/96, the charge was amended to Disorderly Conduct Party To/ Use Of Dangerous Weapon.

Charge: Disorderly Conduct Party To/Use of Dangerous Weapon
Finding: Convicted
Sentence: 8 months HOC
Date: 02/09/96
Case: 95CM001876

- =====
2. On 07/30/09 at 11:17 am, Milwaukee police were dispatched to 2725 W Auer Street for a Battery complaint. Officers spoke to the victim who stated he and friend were at Bosses Lounge when the victim noticed a known patron "mean mugging" him. This patron then came up to the victim and started punching him in the face and head area. The victim stated the suspect was demanding his wallet but that he (the victim) refused to give it up. The victim stated he then heard the suspect tell another guy to get the victims wallet and felt someone going through his pockets. The victim then fell to the ground and where he was kicked several more times. The suspects obtained the victim's wallet and cell phone and fled the bar. Officers on a later date contacted and spoke to Tommy Harris regarding the incident. Harris stated he was working the night of the incident and wasn't aware of any problems. Officers also spoke to the bartender Rebecca Moses, who is no longer employed at Bosses. Moses stated she couldn't recall the incident and that there have been so many fights inside the bar, she can't remember one incident from the other. The suspect was ordered into the DA's office regarding possible charges. As of 01/28/10, a check of CCAP revealed no charges were issued.

Harris, Tommy L

3. On 10/30/09 at 1:29 am, Milwaukee police were dispatched to 408 E North Avenue for a Man With Gun complaint. Officers spoke to Michael Williams who stated he works security for Bosses Lounge and that he observed a late model black Infiniti pull up in front of the tavern as a subject waved a gun from the passenger side window. Squads that were in area found a car matching the description and conducted a traffic stop with no gun being found. A wanted check revealed one occupant had an outstanding warrant and he was arrested and conveyed to the district.
4. On 11/05/09 at 1:25 am, Milwaukee police were dispatched to 408 E North Avenue for a Hold Up Alarm. Officers spoke to Tommy Harris who stated there were several females fighting across the street from the bar and that one of his employees might have pushed the hold up alarm. Harris stated the females left before police arrived.
5. On 12/26/09 at 2:31 am, Milwaukee police were dispatched to 408 E North Avenue for a Hold Up Alarm. Officers spoke to the bartender Kamona Dixon who stated there were no problems.
6. On 01/14/10 at 12:41 am, Milwaukee police were dispatched to 2244 N Buffum Street for a Fight complaint. Upon police arrival, officers observed a large fight/argument in the vicinity of North and Buffum. Officers stopped one of the actors and conducted a field interview. Police found this subject to be in possession of .38 special Smith & Wesson and placed the actor under arrest. The suspect stated to police that there was no fight going on just a verbal argument with a couple of people after leaving the tavern located at 407 E North.
7. On 01/21/10 at 1:27 am, Milwaukee police were dispatched to 400 E North Avenue for a Shooting complaint. Upon arrival, officers found a victim who was shot to the back. The victim, who is under the age of 21, stated he was at Bosses when he got into a fight. The victim further stated as he was leaving the tavern, he heard gunshots and then felt pain to his lower back. Officers were able to confirm the victims' presence in the tavern by viewing video that was recorded by the tavern. Further investigation found an additional 4 victims who sustained gunshot wounds as a result from the fight inside the tavern. Victim # 2 sustained a gunshot to the left foot. Victim # 3 sustained a gunshot wound the right foot. Victim # 4 sustained a gunshot wound to the right hip and victim # 5 sustained a gunshot to the abdomen. A bullet also struck the window of the Development Day Care, which is located at 413 E North Avenue. This day care is located across from Bosses Lounge. A house located at 2244 N Buffum was also struck by gunfire as four occupants were sleeping inside. Officers interviewed a resident who stated he was awoken by loud shouting and then an unknown amount of gunfire. The resident further stated that there are problems at Bosses Lounge every Wednesday night. The licensee Tommy Harris was cited for Presence of Underage.

Charge: Presence of Underage
Finding: Court date of 03/15/10
Sentence:
Date:
Case: Citation # 60877736

MILWAUKEE POLICE DEPARTMENT
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS
SYNOPSIS

DATE: 12/03/08

LICENSE TYPE: BTAVN

NEW:

RENEWAL: X

No. 15252

Application Date: 12/02/08

Expiration Date:

License Location: 1827 N Farwell Avenue

Aldermanic District: 03

Business Name: Pizza Shuttle

Licensee/Applicant: Gold, Mark H

(Last Name, First Name, MI)

Date of Birth: 01/08/63

Male:

Female:

Home Address: 915 W El Patio Lane

City: Mequon

State: Wi

Zip Code: 53092

Home Phone:

This report is written by Police Officer Kristyn Kukowski, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 10/21/07 at 3:00 am, Milwaukee Police were dispatched to Farwell and Royal Streets for a Fight complaint. Investigation revealed a fight had occurred inside the Pizza Shuttle that continued onto the streets. As police arrived, the fight dispersed with the victim not wanting to prosecute the unknown subject who had struck him. While investigating the fight on the street, officers received another call from Pizza Shuttle regarding another fight. Officers responded and issued two citations to the patrons for Disorderly Conduct.
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2. On 02/10/08 at 3:13 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Squads responded and advised the incident.
3. On 02/20/08 at 3:00 am, Milwaukee police were dispatched to 1827 N Farwell for Trouble With A Subject. Police spoke to the manager Don who stated he was having trouble with a customer causing a disturbance. Squads responded and advised the incident.
4. On 02/24/08 at 2:12 am, Milwaukee police were dispatched to 1827 N Farwell for a Subject With Gun complaint. An employee Chad advised the telecommunicator that security for the restaurant had broken up a fight and that a subject was seen with a silver firearm by security personnel. An ambulance was also requested for a female patron who was trampled by the suspect as he fled the scene. Reports were filed regarding this incident.

5. On 03/02/08 at 2:27 am, Milwaukee police were dispatched to 1827 N Farwell for an Indecent Exposure complaint. Police spoke to security for Pizza Shuttle who stated they were detaining a male that had urinating on the building. The subject was cited for Disorderly Conduct and released.
6. On 03/15/08 at 1:13 am, Milwaukee police were dispatched to 1827 N Farwell for a loud music complaint. The caller stated subjects were playing loud music in the parking lot of Pizza Shuttle. Officers arrived and were unable to locate any subjects on the lot playing loud music.
7. 03/16/08 at 2:53 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Officers spoke to an employee "Bill" who stated he had three armed security guards at the door of his restaurant and that several subjects outside this business were making gestures as if they were armed with guns. "Bill" stated these subjects also were saying that " There is going to trouble if they are not allowed into the restaurant." No gun was found on scene by any patron however one subject was cited for Trespassing.
8. On 03/20/08 at 2:36 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Officers spoke to the manager "Bill" who stated three subjects were yelling and swearing at him refusing to leave. "Bill" also indicted that the subjects were intoxicated. The incident was advised.
9. On 03/27/08 at 12:46 am, Milwaukee police were dispatched to 1827 N Farwell regarding several calls about males in front of the restaurant that appeared as if they were about to drag race their autos. Calls were also received about several subjects in front of the Pizza Shuttle possibly arguing. The manager "Bill" also called police and stated that there were thirty autos blocking traffic and that subjects were running in the streets and playing music. Squads responded and the area was eventually cleared.
10. On 03/29/08 at 3:52 am, Milwaukee police were dispatched to 1827 N Farwell for Trouble With Subjects complaint. Investigation revealed a group of subjects were at the restaurant arguing and refusing to leave. Once police arrived all parties involved were gone.
11. On 03/30/08 at 2:06 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Police spoke to an employee, Sharin, as well as security who stated a large group had gathered and were fighting in the parking lot of the restaurant. The subjects involved were gone once police arrived.
12. On 04/05/08 at 1:28 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. The call was advised but police ended up writing parking citations for several parking violations found. Police were dispatched again at 4:23 am for subjects that refusing to leave the restaurant. Once police arrived, subjects were gone.
13. On 04/19/08 at 1:06 am, Milwaukee police were dispatched to 1827 N Farwell for Crowd Control at the restaurant. Security personnel requested MPD for a large crowd that gathered outside of the location. Police arrived and cleared the area.

14. On 05/04/08 at 3:32 am, Milwaukee police were dispatched to 1827 N Farwell for a Large Fight complaint. A security guard for the restaurant was injured and had sustained lacerations to the knee and elbow while trying to break up a fight. A report was filed.
15. On 06/23/08 at 1:02 am, Milwaukee police were dispatched to 1800 N Farwell for a Fight complaint. Police arrived and observed numerous subjects standing in and around the Pizza Shuttle restaurant as well as multiple autos stopped in traffic. Due to heavy pedestrian and vehicle traffic, more squads were dispatched to help assist clearing the area. Four traffic citations were issued and the area was eventually cleared.
16. On 05/17/08 at 3:38 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for traffic control. When squads responded they did not locate any autos.
17. On 05/25/08 at 2:10 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for a Trouble With Subject complaint. Police were advised that a patron was refusing to leave but upon officers arrival, the subject left. Squads were again dispatched to the restaurant at 2:39 am regarding a Fight In Progress in which security was detaining subjects. Citations were issued to the parties involved.
18. On 05/31/08 at 1:28 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for a Fight complaint. Security was reporting that 300 plus people were at the location and that there was a fight. The caller stated they had only four security guards and needed more help. Updated calls were given to responding squads that indicated that a male was armed with a revolver. As police approached, they observed security has an auto stopped in the street at gunpoint. Police issued several citations and a report was filed regarding the subject who was armed and fled the restaurant.
19. On 06/01/08 at 1:53 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Investigation revealed people were fighting outside the restaurant and in the parking lot. A victim was identified but he refused to prosecute.
20. On 06/07/08 at 1:00 am, Milwaukee police were dispatched to 1827 N Farwell for reports of Shots Fired and Cruising. Squads responded and were not able to locate any suspects. Police were dispatched again at 2:05 am for a complaint of Battery- DV related. Investigation found security personnel used pepper spray on a suspect that was unrelated to the Battery DV complaint. Reports were filed. Police again were dispatched at 3:26 am, for another Battery complaint between two patrons and citations were issued in the incident.
21. 06/16/08 at 1:08 am, Milwaukee police were dispatched to 1827 N Farwell for a Loud Music complaint. Squads were advised that there were 20-30 subjects outside of the restaurant crowding the streets playing loud music and getting in and out of their cars. Squads responded and cleared the area. At 1:35 am, police were flagged down by an employee of Pizza Shuttle about patrons causing problems inside the restaurant. Police again responded and at the request of management, ordered everyone that was inside the restaurant to leave if they were not ordering food. It should be noted an underage party was held downtown that ended up with numerous patrons from that club going to Pizza Shuttle. On that particular night, the restaurant did not have security personnel on scene.

22. On 06/20/08, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Police spoke to Christopher Albert, security for Pizza Shuttle who stated patrons who were intoxicated were refusing to leave the property. Albert stated these patrons were screaming profanities and police were called. Citations were issued to two patrons for Trespassing and one citation was issued for Obstructing An Officer.
23. On 06/17/08 at 1:40 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Police spoke to security who stated there was a verbal altercation in the parking lot between two females. When security approached these two women, one subject's boyfriend jumped in and became loud and disorderly to the security guards. Security asked these subjects to leave but they refused. One citation was issued for Disorderly Conduct.
24. On 07/06/08 at 1:12 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Investigation revealed a fight took place in the parking lot of Pizza Shuttle with approximately 200-300 people scattered though the waiting area of the restaurant. These patrons appeared to be spectators to the fight and were egging the participants on. A report for property damage was also taken. While on scene, police were advised of another fight inside the mens room of the restaurant. Both subjects involved in that were cited for Disorderly Conduct. While police were issuing citations for the fight, security again advised police of a verbal confrontation between other patrons in which security tried to break up but that both parties directed their anger at security. Officers advised these two subjects to leave or they would both receive citations. They left without incident. Police were on scene for 1 hour and 41 minutes. Police did speak with management regarding the volume of calls received by the restaurant and that no other businesses in the area have needed this type of police response.
25. On 07/07/08 at 1:00 am, Milwaukee police were dispatched to a Fight at 1827 N Farwell. Investigation revealed security was detaining four subjects who were observed in an auto parked in the parking lot of Pizza Shuttle with one actor being in possession of marijuana. Police arrested and charged one actor with Possession of Marijuana.
26. On 10/18/08 at 1:01 am, Milwaukee police were dispatched to 1827 N Farwell for A Trouble With Subject complaint. Police spoke to the manager William Kopatichi who stated a group of club juveniles entered his business causing a disturbance in and around the restaurant. Kopatichi stated the juveniles were trashing the dining room area while yelling obscenities and arguing outside of the restaurant so he called police. The subjects were gone upon police arrival. Police observed that no security was on scene of the business. Kopatichi stated that the owner cancelled security services and was in the process of contracting with a new company. No citations were issued regarding the incident.