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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

September 9, 2011

Tanya De Los Santos
807 S. 31st St.
Milwaukee, WI 53215

Dear Ms. De Los Santos:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, September 20, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days or not renew your Class "D" Bartender's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of your license based upon your second nonappearance. The recommendation is the result of a public hearing before the Committee held on Wednesday, September 7, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days or not renew your license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, September 15, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: September 9, 2011
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of Tanya De Los Santos

FINDINGS OF FACT

1. Tanya De Los Santos (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2010.
2. An application to renew said license was filed with the Office of the City Clerk on May 24, 2011.
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. On May 25, 2011, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On August 18, 2011, 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 September 7, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear and she was not represented by counsel. This was the Licensee's second nonappearance.
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 Tanya De Los Santos at 807 South 31st Street, Milwaukee, Wisconsin 53215 on August 18, 2011 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 807 South 31st Street,

Milwaukee, Wisconsin 53215 is the address given by the Licensee on her 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 September 7, 2011.

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, Tanya De Los Santos 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" Bartender license based upon a 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" Bartender license held by Tanya De Los Santos based upon a second nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, zero (0) noes, and two (2) excused, recommends that the Class "D" Bartender License be denied based upon a second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 9th day of September, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

110147



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Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

September 9, 2011

Jennie M. Nuell, Agt.
Maximum Capacity, LLC
4001 W. Fond Du Lac Ave.
Milwaukee, WI 53216

Atty. Michael A.I. Whitcomb
Law Offices of Michael A.I. Whitcomb
633 W. Wisconsin Ave., Suite 510
Milwaukee, WI 53203

Dear Ms. Nuell and Atty. Whitcomb:

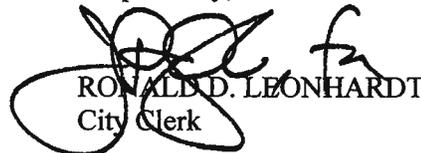
You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, September 20, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class "B" Tavern and Record Spin licenses for the premises at 4001 W. Fond Du Lac Ave. ("All Star Sports Bar").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "B" Tavern and Record Spin licenses with a forty-five (45) day suspension based upon the police report and neighborhood objections. The recommendation is the result of a public hearing before the Committee held on Wednesday, September 7, 2011.

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

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, September 15, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: September 9, 2011

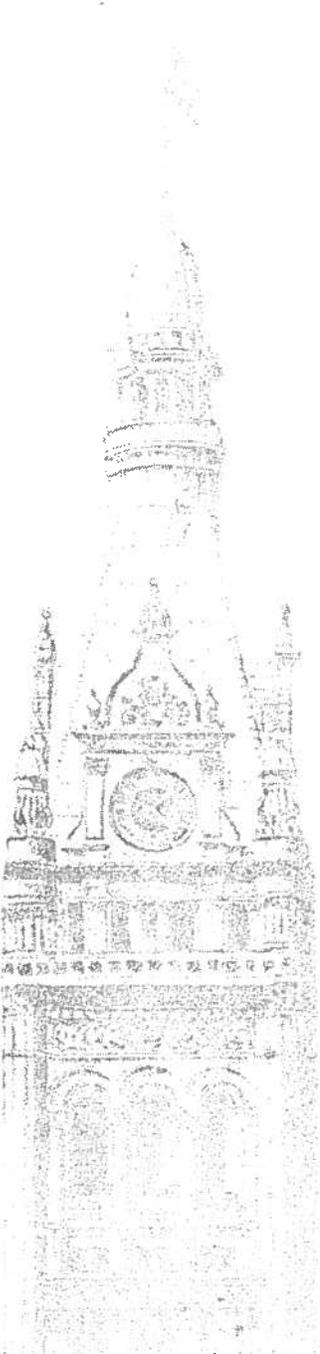
To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Applications of Jennie M. Nuell, Agent for "Maximum Capacity, LLC" for Class "B" Tavern and Record Spin licenses for the premises located at 4001 West Fond Du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar").

FINDINGS OF FACT

1. Jennie M. Nuell, Agent for Maximum Capacity, LLC (hereinafter the "Licensee"), is the holder of Class "B" Tavern and Record Spin licenses for the premises located at 4001 West Fond Du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar"). Said licenses expire at midnight, October 22, 2011.
2. Applications to renew said licenses were filed with the Office of the City Clerk on August 2, 2011.
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 report that could form the basis of non-renewal or suspension of this license on August 2, 2011.
4. On August 24, 2011, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for nonrenewal or suspension and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on September 7, 2011 at 10:15 a.m. in Room 301B of



the third floor of City Hall. At said date, time and place the licensee did appear and was represented by Attorney Michael A.I. Whitcomb, Law Offices of Michael A.I. Whitcomb, 633 West Wisconsin Avenue, Suite 510, Milwaukee, WI 53203-1918

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On September 24, 2010 at 12:01 a.m., officers of the Milwaukee Police Department observed a male exit the All Stars Tavern located at 4001 West Fond du Lac Avenue with a clear plastic cup containing a liquid which was suspected to be an alcoholic beverage. The subject was observed to enter the driver's side of a maroon Range Rover, which was parked in front of the tavern and drive eastbound on West Fond du Lac Avenue. Officers stopped the auto and found the empty cup, which smelled of alcohol and a saturated floorboard on the driver's side, which also smelled of alcohol. The driver was cited for possession of open intoxicant in auto. Officers returned to the bar and spoke with the owner Jennie Nuell who was cited for permitting the removal of intoxicating beverage. Nuell stated she did not allow a patron to leave with a cup after he told her it was Red Bull that was in the cup. While investigating this complaint, officers observed a patron vomit in a neighbor's yard after leaving the bar and was observed to be highly intoxicated.
 - B. On December 11, 2010 at 1:13 a.m. officers of the Milwaukee Police Department were dispatched to 4001 West Fond du Lac Avenue for a shooting complaint. Officers entered the tavern and spoke with Jennie Nuell who stated that there had been a fight inside the bar but that they pushed the altercation outside and closed the bar. When asked by officers if there was any shooting at the location, Nuell stated "no", as well as other patrons in the bar. The investigation revealed a fight did take place inside the bar with the parties being escorted out of the bar. Police spoke with the victim who stated he was involved in a fight inside the bar when the staff cleared the bar. The victim stated he was walking to his car when he was shot in the chest by the suspect who was the individual he was fighting with inside the bar. Police also obtained other witness statements regarding the fight that took place in the bar. Police viewed video surveillance from the bar which showed a crowded bar at 12:30 a.m. At 12:41 a.m. police

found that the video skips to a time change of 1:12 a.m. and shows the bar being empty and officers walk into the bar. Nuell could not provide officers with a reasonable explanation why the video suddenly stopped working.

- C. On April 25, 2010 at 1:40 a.m. officers of the Milwaukee Police Department responded to 40th and Fond du Lac for a report of an armed robbery/shooting complaint. Police spoke with Jennie Nuell who stated the bar was closing when several patrons stated that someone had been robbed and shot. Nuell stated she looked outside and observed the victim walking back and forth from his auto to the front of the bar. Nuell stated she called 911 from her cell phone but hung up when someone grabbed the victim stating he would take the victim to the hospital. Nuell further stated that the victim had been in the bar earlier but did not know who he was. Nuell was asked about the video surveillance system to which she stated it was being repaired and not working at the time. Police verified that the equipment was indeed not operable. Police also obtained statements from the bartenders identified as Marcus Nuell and Rosalind Roberts. Both stated neither heard nor observed anything until patrons came back into the bar stating someone had been shot. Police obtained a statement from the shooting victim who told police that he was a regular at the bar and that one of the bouncers and Marcus Nuell witnessed all or part of the incident. It was learned that the video surveillance equipment had not been working since it was returned by MPD in December. Under an agreement with the City of Milwaukee, All Star Sports bar is required to have a working video system at all times during operation.
- D. On April 27, 2011, officers of the Milwaukee Police Department were dispatched to 4001 West Fond du Lac Avenue for a battery complaint. Police spoke with the victim, Marcus Nuell, who is also the manager of the bar. Nuell stated an unknown male came into the bar at approximately 7:15 p.m. and began drinking. The subject tried to leave the bar around 9:30 p.m. with an open beer and security stopped him. The subject then began to argue with the guard and Nuell went over to try and calm the subject down when the subject punched him in the face with a closed fist. Nuell received medical attention at Froedtert for a 1.5 inch cut to the face that required ten stitches.

- E. Neighbor Lidia Whitehead testified as to witnessing, within the last calendar year, issues with the patrons littering, urinating on her lawn, fighting, sitting on her property, revving of motorcycle motors, smoking marijuana and blocking her driveway. There were five shootings in July. She said she has been threatened by the applicant's son and cussed at by the business personnel. She also testified that the age advertised by the bar does not depict the actual ages of patrons visiting the bar. She said she has personally witnessed all of these issues from patrons leaving the bar.
- F. Marcus Nuell, the bar manager, testified as to managing the business, dealing with patrons and getting customers to leave at closing time. Problematic customers are thrown out, and the business primarily has regular customers. Mr. Nuell stated he got a scar when a patron was trying to leave with a beer bottle when he confronted the patron. There has not been any incident of employees cussing at people. Mr. Nuell stated that they place cones outside and security to deal with traffic issues.

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 found, the Committee concludes that the licensee, Jennie M. Nuell, Agent for Maximum Capacity, LLC, who holds Class "B" Tavern and Record Spin licenses for the premises located at 4001 West Fond Du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar") has not met the criteria of Chapter 90, of the Milwaukee Code of Ordinances together with the police report and neighborhood objections to allow renewal of her license without undergoing a forty-five (45) day suspension. The Committee finds the police report, neighborhood objections, and aldermanic objections as stated above to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Record Spin licenses of Jennie M. Nuell, Agent for

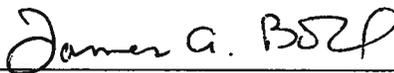
Maximum Capacity, LLC, for the premises located at 4001 West Fond Du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar") with a forty-five (45) day suspension based upon the police report and neighbor objections.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noe, and one (1) excused, recommends that the Class "B" Tavern and Record Spin licenses held by Jennie M. Nuell, Agent for Maximum Capacity, LLC, for the premises located at 4001 West Fond Du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar") be renewed with a forty-five (45) day suspension based upon the police report and neighbor objections.

Said suspension is to be in effect between 12:01 a.m. October 23, 2011 through midnight, December 6, 2011.

Dated and signed at Milwaukee, Wisconsin this 9th day of September, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

110147



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

September 9, 2011

Sean A. Pliss, Agt.
20 Below LLC
126 E. Mineral St.
Milwaukee, WI 53204

Dear Mr. Pliss:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Tuesday, September 20, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Public Entertainment Club License for the premises at 126 E. Mineral St. ("Sugar").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending to not renew the Public Entertainment Club License based upon the police report, neighborhood testimony, and aldermanic testimony. The recommendation is the result of a public hearing before the Committee held on Friday, September 9, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days or not renew your license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Thursday, September 15, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: September 9, 2011

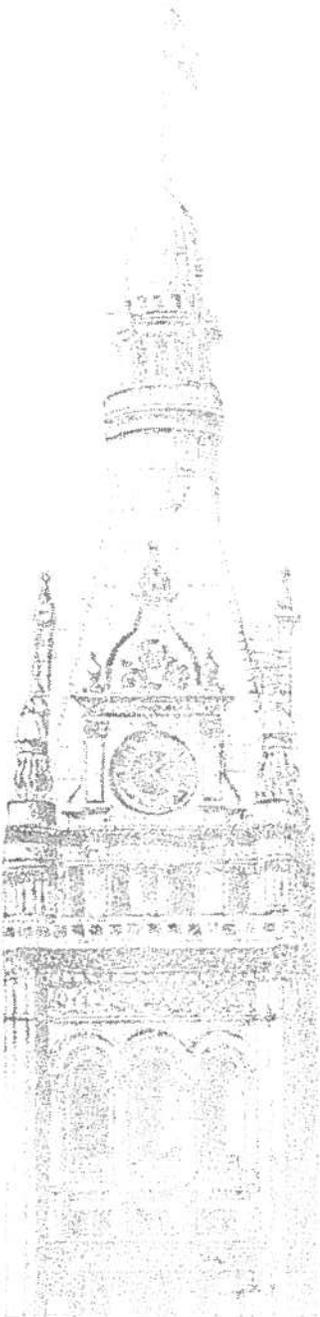
To: All members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of the Public Entertainment Club license of Sean A. Pliss as agent for 20 Below, LLC for the license premises at 126 East Mineral Street in the City and County of Milwaukee, Wisconsin ("Sugar"), on remand from Milwaukee County Circuit Court, Branch 28, Case No. 10-CV-10358, for a new Licenses Committee recommendation as to the licensee's Public Entertainment Club License Renewal Application dated April 13, 2010 as agent for "20 BELOW LLC" for "SUGAR" at 126 E. MINERAL St. for the licensing year 2010-2011 and the licensee's Public Entertainment Club License Renewal Application dated June 9, 2011 as agent for "20 BELOW LLC" for "SUGAR" at 126 E MINERAL St. for the licensing year 2011-2012.

FINDINGS OF FACT

1. Sean A. Pliss, Agent for "20 Below LLC" (hereinafter the "Licensee"), is the holder of a Public Entertainment Club license for the premises known as "Sugar" located at 126 East Mineral Street in the City and County of Milwaukee, Wisconsin.
2. An application to renew said license was filed with the Office of the City Clerk on June 17, 2011.
3. Pursuant to Chapter 108 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On June 28, 2011, the Milwaukee Police Department responded with a police report which could form the basis of nonrenewal, suspension for revocation of this licensee.



4. On August 24, 2011, the City Clerk's Office provided notice to the Licensee of police reports and neighborhood and aldermanic objections that could form the basis of nonrenewal or suspension of this licensee. On September 9, 2011 at 10:00 a.m. in Room 301B, the Licenses Committee met at City Hall for a hearing to consider the licensee's renewal applications. The licensee appeared and admitted to service of the notice and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearings, the Committee finds the following:
 - A. On October 10, 2010 at 12:36 a.m. Milwaukee police, while on routine patrol, observed large crowds of people as well as traffic congestion in the streets in the area of 126 East Mineral Street (Club Sugar). Officers observed vehicles leaving the business as well as picking up patrons from the business. Many of these vehicles were playing music at volumes that could be heard from at least one block away. Vehicles were stopped in traffic while the occupants danced in the street. During this incident, security from the business flagged down officers and advised them that it appeared a fight was about to break out in the parking lot of the BP Gas Station at 1009 South 1st Street. Officers were able to disburse the crowds and no citations or additional police reports were filed as a result of this incident.
 - B. On November 7, 2010 at 12:31 a.m. Milwaukee police, while on routine patrol, observed a large group of subjects as well as traffic congestion in the streets in front of 126 East Mineral Street (Club Sugar). Vehicles were cruising in the area and several vehicles were illegally parked, creating a traffic jam. While on scene regarding this incident, there was one call for service regarding trouble with subjects at the business. No citations or additional police reports were filed as a result of this incident.
 - C. On February 26, 2011 Milwaukee Police were dispatched to an auto theft complaint at 1009 South 1st Street. The complainant told police that her car had just been stolen from the parking lot of the BP gas station at 1009 South 1st Street. The investigating officers later learned that officers in an undercover vehicle observed this crime take place. The officers in the undercover car were able to recover the stolen vehicle and apprehend the driver. During an

interview, the auto theft suspect told police he had just left Club Sugar (126 East Mineral Street).

- D. On March 20, 2010 Milwaukee police conducted a license premise check at 126 East Mineral Street (Club Sugar). Officers observed the hallway leading to the emergency exit was unlit. The licensee, Michael L. Grosse, told officers "I had the light on and don't know who turned it off." Michael Grosse was issued a citation for safe egress from all entrance doors/serving rooms, but the citation could not be located in the City of Milwaukee Municipal Court Information System.
- E. On May 15, 2010 Milwaukee police conducted a traffic stop in the 100 block of East Mineral Street of an auto that was on the wrong side of the street impeding traffic. The operator of the vehicle told police he had just left Club Sugar (126 East Mineral Street). The operator of the vehicle received several citations.
- F. On July 17, 2010 Milwaukee police were dispatched to 126 East Mineral Street (Club Sugar) for a fight. The investigation revealed two patrons engaged in a fight while inside the business. These subjects were escorted from the business by security and were later observed fighting again in the street. Both subjects were cited for, and subsequently convicted in Milwaukee Municipal Court of disorderly conduct.
- G. On August 15, 2010 Milwaukee police were dispatched to 5000 West Chambers Street (St. Joseph's Hospital) regarding a battery complaint. The complainant told police she had been battered while at Club Sugar (126 East Mineral Street). Both the licensee Michael L. Grosse, and Assistant Manager Sean A. Pliss told police there had been an argument in the Club, but no fight. These statements were contradicted by the battery victim and by a security guard at the Club. Officers determined the complainant sustained a laceration to her upper lip and had a tooth knocked out as a result of being punched in the mouth while in Club Sugar. A police incident report was filed.
- H. Neighbor Victor Ray testified to witnessing kids in the area being disorderly, engaging in behavior consistent with buying drugs, changing clothing in cars, using the public-way as toilets, throwing trash around the cars, making noise

prior to opening and after closing, yelling, making obscenities, making finger gestures, and consuming alcohol. He saw kids changing clothes and going to the club. He described incidents of “trouble” and “mayhem” with young people in the area of Sugar on nights Sugar is open which included loud noise, yelling of profanity, trash, music from cars, public urination, and cars speeding and cruising in the area and ignoring stop signs. At or near the club, he has personally witnessed these issues seven or eight times during the last two years.

- I. Alderman James Witkowiak testified in opposition to this license based upon his personal observations of patrons exiting the club and going to their cars at the BP gas station nearby on multiple occasions. On three separate occasions on February 12-13, 2011, August 8-9, 2010 and July 12-13, 2010, the alderman said that he saw the club patrons in their cars smoking weed, drinking alcohol, cruising, doing donuts with their cars in the intersection of 1st Street and Mineral Street, and joining in cruising and traffic congestion on the nearby gas station lot and nearby streets and blasting loud music from their cars. Also he added that many neighbors are intimidated to testify and that there were significant items in the police report.

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 Chapters 85 and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Sean Pliss, Agent for “20 Below, LLC” for the premises located at 126 East Mineral Street, in the City and County of Milwaukee, Wisconsin (“Sugar”) has not met the criteria of Chapter 108 of the Milwaukee Code of Ordinances to allow renewal of the Public Entertainment Club license. The Committee finds the police report, aldermanic objections, and neighborhood testimony, as stated above, to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion to not renew the Public Entertainment Club license held by Sean Pliss as agent for “20

Below LLC” for the premises located at 126 East Mineral Street in the City and County of Milwaukee, Wisconsin (“Sugar”) based upon the police report, aldermanic objection, and neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) no, and one (1) excused, recommends that the Public Entertainment Club license be nonrenewed based on the police report, aldermanic testimony and neighborhood testimony.

Dated and signed at Milwaukee, Wisconsin this 9th day of September, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

110147