



**JAMES N. WITKOWIAK**  
ALDERMAN, 12<sup>TH</sup> DISTRICT

May 22, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council Files 060015, 060062 and 051717

Common Council File 060015 contains the following recommendations:

Recommendation of renewal, with a 15-day suspension based on the police report, of the Class "A" Liquor and Malt license of Samuel Love, Agent for "L&S Liquors, Inc." for the premises at 7900 W. Silver Spring Dr. ("L&S Liquors II") in the 2<sup>nd</sup> aldermanic district. (Committee vote: Ayes: 3, Noes: 1)

Recommendation of renewal, with a 30-day suspension of the Class "B" Tavern license and non-renewal of the Tavern Dance license, based on the police report and neighborhood objections, of the licenses of William Rivera, Agent for "La Pica Restaurant Lounge & Beer Garden, LLC" for the premises at 2078 S. 8<sup>th</sup> St. ("La Pica Lounge") in the 12<sup>th</sup> aldermanic district.

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

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

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on May 16<sup>th</sup>, 2006.

Common Council File 060062 contains the following recommendation:

Recommendation of revocation, based upon the police report and neighborhood objection, of the Tavern Dance license of John Raymond, Agent for "Conundum, Inc." for the premises at 1818 N. Hubbard St. ("Roots") in the 6<sup>th</sup> aldermanic district. (Committee vote: Ayes: 2, Noes: 1)

Common Council File 051717 contains the following recommendation:

Recommendation of revocation, based upon failure to comply with the required stage size, of the Center for Visual and Performing Arts license, of William Stace for the premises located at 2844 N. Oakland Ave. ("Miramar Theater") in the 3<sup>rd</sup> aldermanic district.

With regard to the files listed above, the Licenses Committee held an evidentiary hearing on May 18<sup>th</sup>, 2006.

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 **Wednesday, May 31, 2006** at 9:00 A.M. in the Common Council Chambers.

Respectfully,



James N. Witkowiak, Chair  
Licenses Committee

cc: All Council Members  
Files 060015, 060062 and 051717



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: May 18, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of Samuel B. Love, agent for L&S Liquors, Inc. for a Class "A" Liquor and Malt license for the premises located at 7900 West Silver Spring Drive in the City and County of Milwaukee, Wisconsin ("L&S Liquors II").

**FINDINGS OF FACT**

1. Samuel B. Love (hereinafter the "Licensee") is the holder of a Class "A" Liquor and Malt license for the premises 7900 West Silver Spring Drive in the City and County of Milwaukee, Wisconsin ("L&S Liquors II"). Said license expires at midnight, June 15, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on April 18, 2006.
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 police department filed a police report dated April 19, 2006 that could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loitering, littering, parking and traffic problems, loud music and noise, drug and criminal activity, sales to underage, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On May 5, 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 a copy of the police report and neighborhood objections. The matter was scheduled for a hearing on the police report and neighborhood objections for May 16, 2006 at 8:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant was represented by Attorney Marcus Johnson, P.O. Box 1521, Milwaukee, WI 53201-1521.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On January 12, 2005 at 2:45 PM an underage police aide, under the direction of City of Milwaukee police officer purchased beer from the applicant without being asked for ID. This occurred at 7900 West Silver Spring Drive. The applicant was cited with sale to underage, found guilty on June 24, 2006 and fined \$115.00.
  - B. On January 13, 2005 at 2:25 PM the applicant was cited for sale to underage at 7900 West Silver Spring Drive. On August 3, 2005 the applicant was cited with sale to underage and on August 3, 2005 fined \$200.00.
  - C. On March 1, 2005 at 6:35 PM the applicant was cited for sale to underage at 2305 West Atkinson Avenue. On June 24, 2005 applicant was cited and found guilty of sale to underage and fined \$75.00.
  - D. No neighbors appeared to give testimony.

#### 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, Samuel B. Love has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "A" Liquor and Malt license without undergoing a fifteen (15) day suspension of his Class "A" Liquor and Malt License. The Committee finds the police report 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 renew with a fifteen (15) day suspension the Class "A" Liquor and Malt license of Samuel B. Love, agent for L&S Liquors, Inc. for the premises at 7900 West Silver Spring Drive in the City and County of Milwaukee, Wisconsin ("L&S Liquors II") based upon the police report.

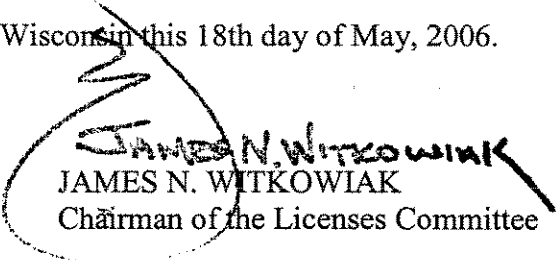
#### RECOMMENDATION

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 "A" Liquor and Malt license held by Samuel B. Love for the premises at 7900 West Silver Spring Drive in the City and County of Milwaukee, Wisconsin ("L&S Liquors II") be renewed with a fifteen (15) day suspension based upon the police report.

Said suspension is to be in effect between 12:01 a.m., June 16, 2006 and midnight, June 30, 2006.

Dated and signed at Milwaukee, Wisconsin this 18th day of May, 2006.

  
JAMES N. WITKOWIAK  
Chairman of the Licenses Committee

105512



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

Date: May 18, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of William Rivera, agent for La Pica Restaurant Lounge & Beer Garden LLC for a Class "B" Tavern and Tavern Dance license for the premises located at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge").

**FINDINGS OF FACT**

1. William Rivera (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge"). Said license expires at midnight, May 19, 2006.
2. An application to renew said license was untimely filed with the Office of the City Clerk on April 7, 2006.
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 police department filed a police report dated April 10, 2006 that could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, screeching tires and speeding, loud yelling, parking and traffic problems, public urination, vandalism, drugs and criminal activity, sales to underage, presence of underage, disturbing the peace, trespassing, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On May 9, 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 police report and neighborhood objections. The matter was scheduled for a hearing on the police report for May 16, 2006 at 10:15 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. On March 3, 1989 in Milwaukee County the applicant was charged with possession with intent to deliver a controlled substance. On April 29, 1991 he was found guilty of this charge and sentenced to 3 years and 6 months in prison.
  - B. On March 2, 2006, at 11:40 p.m. officers of the Milwaukee Police Department conducted a license check of the licensed premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee Wisconsin ("La Pica Lounge"). The officers found the rear door locked. They also found a 19-year old underage person on the premises. Another patron walked into the bar while the officers were there and was observed by police to have dropped suspected cocaine. The patron was arrested for possession of a controlled substance (cocaine). The licensee was issued a citation for safe egress and presence of underage persons. This matter is set for a pretrial on May 30, 2006.
  - C. The police department had to respond to the licensed premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") on March 18, 2006 because of a complaint of the theft of a cell phone.
  - D. On March 9, 2006, the Milwaukee Police Department had to report to the licensed premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") wherein three citations were issued, two of which were for a minor upon a Class "B" premises.
  - E. On March 2, 2006, the Milwaukee Police Department had to report to the licensed premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") wherein two persons were arrested, one for resisting/obstructing an officer and one for the possession of illegal drugs.
  - F. Also, on May 1, 2006 the Milwaukee Police Department reported that they were receiving complaints from the licensed premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") because of loud, intoxicated and disorderly patrons leaving the location.
  - G. One Rita Konieczny, a neighbor, reported the following incidents wherein she was disturbed because of loud bands, loud music, littering, public urination, patrons screeching car tires, and patrons in her yard:

1/19/06          7:00-12:30

1/20/06	10:00-2:00
1/21/06	9:00-2:10 (called William)
1/22/06	4:00-8:00
1/26/06	7:00-2:00 (called William)
1/27/06	7:00-2:00
1/28/06	8:00-2:00
2/2/06	5:00-2:00
2/3/06	8:30-2:10 (called William)
2/4/06	7:00-2:10
2/5/06	7:00-2:00
2/9/06	5:00-2:10
2/10/06	9:00-2:00
2/11/06	9:00-2:05
2/16/06	5:00-1:00
2/17/06	7:00-2:00 (called William)
2/18/06	5:00-1:30
2/19/06	5:00-2:00
2/22/06	11:00-1:45
2/23/06	9:00-2:00 (called William)
2/24/06	8:00-2:00
2/25/06	8:00-2:00
2/26/06	5:00-2:00 (tried to call no one answered)
3/2/06	5:00-2:00 (called police-did not help)
3/3/06	8:45-2:10 (called disturbing the peace, they said they can't do anything. They have a music and dance license and can play as loud as they want. I should call neighborhood services. I did, they don't do that kind of thing. Talked to operator 57 and insisted he send out a police car. I don't know if he did.
3/4/06	9:00-2:10
3/5/06	8:00-2:00
3/9/06	6:00-2:00
3/10/06	8:30-2:00 (called William)
3/11/06	9:00-2:10 (called William)
3/12/06	8:00-2:00
3/16/06	7:00-1:00
3/17/06	7:00-2:00
3/18/06	7:00-2:10 (at 11:45 patrons were arguing in the middle of the street out side a truck that has double-parked)
3/23/06	9:00-2:00
3/24/06	5:30-2:00
3/25/06	3:30-7:30
	9:30-2:00
3/26/06	3:30-2:00
3/30/06	6:00-2:10
3/31/06	9:30-2:00



4/1/06	8:30-2:00
4/2/06	Jukebox day and night
4/6/06	9:00-2:00
4/7/06	9:00-2:00
4/8/06	9:30-2:10
4/9/06	Jukebox day and night
4/13/06	10:00-2:00
4/14/06	9:30-2:00
4/15/06	9:20-2:10
4/16/06	7:00-2:00
4/20/06	9:30-2:00
4/21/06	9:30-2:10 (called William 3 times)
4/22/06	9:00-2:00
4/27/06	8:00-2:00
4/28/06	9:00-2:10
4/29/06	8:10-2:20 (called William)
4/30/06	Jukebox 6:00-2:00
5/2/06	6:00-11:00
5/3/06	5:00-12:00
5/4/06	8:15-2:10 (called William)
5/5/06	5:30-Bongos – 9:00-2:30
5/6/06	9:30-2:30 (Called police)

Saw patrons on the side of my house, it actually scared me.

H. Rita Konieczny also complained of disturbances she was forced to suffer to Alderman James Witkowiak on the following dates:

12/15/05	7:00 pm-1:00 am
12/16/05	10:00 pm-2:00 am
12/17/05	9:00 pm-2:00 am
12/18/05	6:30 pm-1:00 am
12/22/05	7:00 pm-1:00 am
12/23/05	7:00 pm-2:00 am
12/24/05	10:20 pm-2:00 am
12/25/05	9:00 pm-2:10 am
12/29/05	8:00 pm-1:00 am
12/30/05	10:15 pm-1:30 am
12/31/05	all night – it was New Years
1/5/06	8:00 pm-1:00 am
1/7/06	11:45 pm-2:00 am
1/12/06	8:00 pm-1:00 am
1/14/06	7:00 pm-2:15 am (police called – he turned down the music for 45 minutes and then it went back up again)

#### 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, William Rivera, agent for La Pica Rest Lounge & Beer Garden, LLC has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a thirty (30) day suspension and further concluded that the Tavern Dance license should not be renewed. The Committee finds the police report and neighborhood 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 discretion to renew with a thirty (30) day suspension the Class "B" Tavern license of William Rivera for the premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") and to deny renewal of the Tavern Dance license held by the licensee because of police and neighborhood objections.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes recommends that the Class "B" Tavern license held by William Rivera for the premises at 2078 South 8<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("La Pica Lounge") be renewed with a thirty (30) day suspension and that renewal of the Tavern Dance license be denied because of police and neighborhood objections.

Said suspension of the Class "B" Tavern license is to be in effect upon action of the common council on May 31, 2006 through midnight, June 29, 2006.

Dated and signed at Milwaukee, Wisconsin this 18th day of May, 2006.

  
JAMES N. WITKOWIAK  
Chairman of the Licenses Committee

105515



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: May 18, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of Roberto De Leon for a Class "B" Tavern and Tavern Dance license for the premises located at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar").

FINDINGS OF FACT

1. Roberto De Leon (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar"). Said license expires at midnight, June 2, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on April 7, 2006.
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 police department filed a police report dated April 10, 2006 that could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, gunshots, fighting, endangering safety of area residents, drunk driving, presence of underage, public urination, trespassing, vandalism, drug and criminal activity, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On May 5, 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 police report and neighborhood objections. A copy of the police report was provided to the licensee. The matter was scheduled for a hearing on the police report for May 16, 2006 at 10:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant was represented by Attorney Andrew Arena, Kopp, Arena & Bishop, S.C., 1110 North Old World

Third Street, Suite 515, Milwaukee, WI 53203.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On March 28, 1999, officers of the Milwaukee Police Department were dispatched to the licensed premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar") to investigate a battery. One of the officers was jumped and cut by a pocket knife carried by one of three men at this location.
  - B. On July 10, 1999, officers of the Milwaukee Police Department were dispatched to the licensed premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar") to investigate a battery occurring outside of the tavern. The investigation revealed that a fight had started when a patron who left the tavern found a subject in his truck attempting to steal the radio.
  - C. On July 11, 1999 officers of the Milwaukee Police Department were dispatched to 2320 South 12<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin regarding a complaint of shots fired in the area of the licensed premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar"). When officers reached the complainant, the complainant stated that as he was on the corner of 12<sup>th</sup> and Lincoln, an auto drove by and someone fired two shots in the air. The complainant stated the two subjects in the vehicle may have been in the Club Mi Casita Bar.
  - D. On December 1, 1999, officers of the Milwaukee Police Department were dispatched to the licensed premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar") on a complaint of an attempted armed robbery. The officers were able to determine that an attempt was made but the three suspects ran out of the tavern after the complainant had put his hands under the bar as if to reach for a weapon.
  - E. On January 16, 2000 officers of the Milwaukee Police Department were dispatched to the licensed premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar") on a complaint of a fight. The officers found that those involved had left the scene. The officers were then dispatched to St. Luke's Hospital where the investigation revealed that two underage subjects had been in the Club Mi Casita Bar at 1117 West Lincoln Avenue drinking when they got into a fight and left the tavern and were stabbed. The licensee was cited with two counts of presence of underage and on April 26, 2000 he was found guilty on each and fined \$346.00 for each citation.

- F. On March 26, 2000 at 12:45 AM officers of the Milwaukee Police Department conducted a tavern check of the licensed premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar"). Upon entering the tavern, officers located two underage persons. The licensee was on the scene. The licensee was cited for presence of underage person and on May 15, 2000 was found guilty and fined \$346.00.
- G. On June 4, 2000 at about 2:00 AM officers of the Milwaukee Police Department were dispatched to the licensed premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar") regarding a shooting. The investigation revealed that two unknown subjects fired several shots into the tavern striking three patrons. One of the patrons who was shot in the right leg was 19 years old. The licensee was on the scene and stated that it was busy in the bar, but admitted it was his responsibility to check the ages of his patrons. The licensee was cited with presence of underage persons and on August 18, 2000 he was found guilty and fined \$250.00.
- H. On March 29, 2002 at 11:18 PM an underage police aide, under the direction of officers of the Milwaukee Police Department purchased beer from the bartender at the licensed premises at 1117 West Lincoln Avenue in Milwaukee, Wisconsin ("Club Mi Casita Bar"). This individual did not have her ID checked. Officers discovered another underage patron in the bar. Officers also made an unrelated arrest of a patron in the tavern for possession of a controlled substance cocaine (base). Only the bartender was cited for the Sale to Underage. An incident report was filed.
- I. On March 20, 2005 at 1:45 AM officers of the Milwaukee Police Department conducted a licensed premises check at the licensed premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar"). Two patrons were creating a disturbance and they were arrested for disorderly conduct. Officers also observed two patrons on the premise who were found to be underage. Capacity of the tavern was 100 and there were 161 patrons on the premises. The licensee, Robert De Leon, was issued citation for presence of underage which was dismissed on August 22, 2005. The Committee was informed that the licensee was able to obtain a change in the posted occupancy from 100 to 167, and that a compromise was reached on the occupancy capacity citations on August 22, 2006, reducing the total forfeiture to \$1,500.00.

The reason for the dismal of the two underage citations is that the two underage individuals were employees of the band that had been hired by the licensee.

- J. One objecting neighbor has a direct view of the tavern, and lives approximately one-half block away. She testified that the neighborhood is attempting a come-back, and this tavern is contrary to the hope of bettering the neighborhood. She testified to fights, loud music, and loud music that regularly continues after the time when music is to be turned off. Under the provisions of § 90-36-1-a, Milwaukee Code of Ordinances, on a tavern amusement premises, no music, dancing or entertainment of any nature shall be permitted after 2:00 a.m. except on Saturdays and Sundays, when entertainment is permitted until 2:30 a.m. and before 9:00 a.m. on weekdays and 10:30 a.m. on Sundays. She also complains of patrons drinking outside of the bar and loitering long after 2:00 a.m.
- K. The objecting neighbors have spoken to Roberto De Leon because of broken glass in and around dumpsters and sightings of patrons exiting this premises and publicly urinating on adjoining properties.
- L. Neighborhood witnesses have observed drug transactions committed by patrons of this location.
- M. Groups of patrons exit the tavern as late as 45 minutes after closing time and then loiter in the parking lot.
- N. Pictures submitted by objecting neighbors demonstrated that while the dumpsters themselves are not locked (there is no requirement of locking dumpsters), no broken glass can be observed in around the dumpsters.
- O. One objecting neighbor who has lived in the area since 1997 complained to the Committee that he has attempted to have earplugs Friday and Saturday nights but he still heard the noise, and the earplugs were hurting his ears. He also complains that he has received headaches from the pounding bass at the tavern. This neighbor made a recording of events on the evening of May 6 and 7, 2006 and this neighbor played a recording of the noise that he was able to hear, as well as the sound of a breaking bottle.
- P. Patrons have been observed kicking car doors when they are outside this premises.
- Q. Two individuals appeared in support, one operates a western wear store across the street, and claimed he was not disturbed by the tavern and another was security person employed at the tavern.

#### 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.

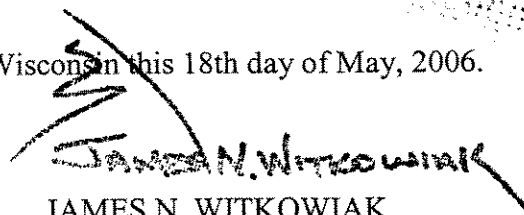
2. Based upon the above facts found, the Committee concludes that the licensee, Roberto De Leon, has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a forty (40) day suspension of said license. The Committee further concludes that the licensee Roberto De Leon has not met the criteria of Chapter 125 of Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances, to allow renewal of the Tavern Dance license. The Committee finds the police report and neighborhood 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 discretion to renew with a forty (40) day suspension the Class "B" Tavern license of Roberto De Leon for the premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar") and to deny renewal of the Tavern Dance license held by Roberto De Leon for the premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar").

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes recommends that the Class "B" Tavern license held by Roberto De Leon for the premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Club Mi Casita Bar") be renewed with a forty (40) day suspension and that the Tavern Dance license held by Roberto De Leon for the premises at 1117 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin (Club Mi Casita Bar") not be renewed.

Said suspension is to be in effect between 12:01 June 3, 2006 through midnight, , July 12, 2006.

Dated and signed at Milwaukee, Wisconsin this 18th day of May, 2006.

  
JAMES N. WITKOWIAK  
Chairman of the Licenses Committee



Date: May 18, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of Norman G. Landry for a Class "B" Tavern and Tavern Dance license for the premises located at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia").

#### FINDINGS OF FACT

1. Norman G. Landry (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). Said license expires at midnight June 30, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on April 13, 2006.
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 police department filed a police report dated April 17, 2006 that could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, drug and criminal activity, parking and traffic problems, fights, shootings, public urination, vandalism, trespassing, presence of underage, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On May 4, 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 police report and neighborhood objections. A copy of the police report was provided to the licensee. The matter was scheduled for a hearing on the police report for May 16, 2006 at 3:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the



Committee finds the following:

- A. On September 8, 2002, officers of the Milwaukee Police Department were dispatched to man with a gun complaint at the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). Officers found two males on the premises, a Derry Groce and a Gary Wethersby, both of whom had a handgun on their persons. Mr. Wethersby was observed by officers to drop on the floor a black bag containing what appeared to be crack cocaine. Mr. Groce was charged with felony in possession of firearm, and Mr. Wethersby was charged with carrying concealed weapon and possession of controlled substance with intent to deliver while armed.
- B. On September 25, 2002 at 8:40 pm officers of the Milwaukee Police Department observed suspicious activity of numerous persons loitering in front of the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). Youthful appearing persons would enter and leave the tavern. Officers entered the tavern after about 30 minutes and discovered three patrons on the premises who were underage. The bartender, Derry Groce, was cited with presence of underage. An incident report was filed.
- C. On February 13, 2003 at 11:20 pm officers of the Milwaukee Police Department conducted a license premise check of the licensed premises at 408 East North Avenue in the City and county of Milwaukee, Wisconsin ("Blue Gardenia"). In the tavern, they observed a young-appearing male at a table with cans of Miller beer and empty shot glasses in front of him. He was 18 years old. The bartender on duty, Derry L Groce, stated that the patron produced identification as proof of age. The 18 year old had no identification on his person. Mr. Groce, the bartender, was given a warning on this date and a citation was issued to the patron for presence of underage.
- D. On April 8, 2003 at 1:29 am, officers of the Milwaukee Police Department responded to a shooting at the licensed premises at 408 East North Avenue on the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). The licensee, Norman Landry, and the bartender, Mr. Derry Groce, stated that someone had shot five times through the front door. The Milwaukee Fire Department was on the scene and treated the victim, who was in the tavern at the time. The victim had been shot in the lower left leg. Mr. Landry stated that two female patrons were involved in an altercation and one of them left the tavern with three males. Moments later someone fired five shots through the door. The victim who was shot in the leg was underage. The applicant was cited, but the case was dismissed in Municipal Court. An incident report was filed.
- E. On August 4, 2004 City of Milwaukee Police Department police officers made a lawful inspection of the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). The officers observed a large crowd in the tavern. Upon exiting the tavern, they observed the front

passenger window of their squad car had been smashed with two beer bottles. After receiving back-up, the officers reentered the tavern and counted 60 patrons. The premise is posted for 25. The applicant was cited for over capacity, but the case was dismissed in Municipal Court. An incident report was filed.

- F. On August 5, 2004 at 12:35 AM officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). The officers observed a fight in progress in the tavern and the bartender was just standing, observing the fight. Both patrons involved in the fight were made to leave the premises. An incident report was filed.
- G. On August 12, 2004 at 12:35 AM officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). The officers counted 31 patrons in the tavern. The occupancy posted is for this premises is 25. The applicant was on the premises. The applicant was cited with exceeding posted capacity and on November 5, 2004 he was found guilty and fined \$200.00.
- H. On August 17, 2004 at 12:25 AM officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"). Officers were unable to gain access to the tavern, as the front door was locked; however, there were patrons inside. Upon finally gaining entry, officers counted 29 patrons in the tavern; it is posted for 25. The applicant was on the scene at the time of the violation. The applicant was cited with exceeding posted capacity and on November 5, 2004 the matter was dismissed. The applicant was also cited with immediate entry for police on November 5, 2004 and found guilty and fined \$200.00.
- I. On November 1, 2004 at 8:45 PM officers of the Milwaukee Police Department, acting on information that there was illegal drug activity in the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"), made a lawful inspection of the licensed premises. The officers observed a suspect matching the description given to them. The suspect, who was 20 years old, was in possession of 22-packets of cocaine and an unopened bottle of liquor, which he stated he purchased at the tavern. The applicant, who was not on the scene, was cited for presence of underage, but the case was dismissed.
- J. On March 7, 2005 at 9:03 PM officers of the Milwaukee Police Department, acting on information that there was illegal drug activity in the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia"), made a lawful inspection of the licensed premises. A 14-year old suspect was arrested in the tavern for possession of a controlled substance with intent to deliver marijuana. The applicant was charged with presence of

underage and on April 28, 2005 he was found guilty and fined \$343.00.

- K. On March 19, 2006 at approximately 1:44 AM officers of the Milwaukee Police Department were dispatched to North Buffum Street and East North Avenue regarding a subject with a gun. An anonymous caller also stated that there was a large fight inside the bar at that location. Upon arrival the officers observed a large crowd of people exiting the front door of the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("The Blue Gardenia"). There were also several people standing in the street and yelling profanities. This action caused traffic on both East North Avenue and North Buffum Street to come to a stop and several motorists began honking their horns. The bartender, Derry L. Groce, stated that a physical altercation occurred on the dance floor between two unknown females who left shortly after the incident. Mr. Groce did not observe any gun.
- L. On March 20, 2006 at 12:48 AM officers of the Milwaukee Police Department conducted a lawful inspection of the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("The Blue Gardenia"). During the investigation an officer observed a subject later identified as Quinten J. Chapman pull a clear plastic baggie out of his jacket pocket that contained a green leafy plant-like substance that was suspected to be marijuana and place it in his waist. A field interview was conducted and a pat-down search revealed a clear baggie that contained 10 individually wrapped baggies. The substance tested positive at the vice control. The subject was charged with possession with intent to deliver Tetrahydrocannabinol (THC)(2~t~ Subs) and a probation violation.
- M. No neighbors testified in this matter.

#### 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, Norman G. Landry, has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Tavern Dance license without undergoing a sixty (60) day suspension. The Committee finds the police report 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 renew with a sixty (60) day suspension the Class "B" Tavern and Tavern Dance license of Norman G. Landry for the premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin

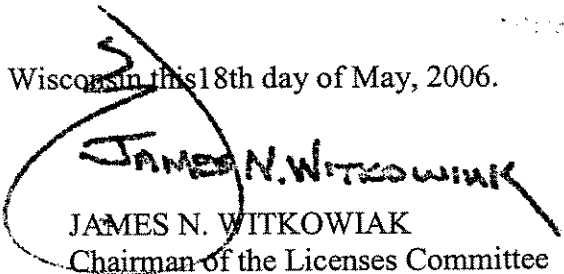
("Blue Gardenia").

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes recommends that the Class "B" Tavern and Tavern Dance license held by Norman G. Landry for the premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("Blue Gardenia") be renewed with a sixty (60) day suspension.

Said suspension is to be in effect between 12:01 July 1, 2006 through midnight, August 29, 2006.

Dated and signed at Milwaukee, Wisconsin this 18th day of May, 2006.



JAMES N. WITKOWIAK  
Chairman of the Licenses Committee

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