



JAMES A. BOHL JR.
Alderman, 5th District

June 8, 2010

To the Honorable, the Common Council

Dear Members:

Common Council File 091651 contains the following recommendations:

Non-renewal, based on a police report and testimony provided at a previous hearing, of the Tavern Amusement (Cabaret/Nightclub) license of Samer L. Asad, agent for Lounging Around, Inc., for the premises at 715-17 S. 5th St. ("Envy Lounge and Nightclub) in the 12th aldermanic district. (Committee vote: Ayes: 3, Noes: 1, Excused: 1)

Non-renewal, based on a police report and neighborhood testimony, of the Class "B" Tavern and Billiard Hall licenses of Josef M. Lepold, agent for Old Lamp Inn's Frenchies, LLC, for the premises at 8340 W. Lisbon Ave. ("Old Lamp Inn's Frenchies") in the 5th aldermanic district. (Committee vote: Ayes 4, Noes: 0, Excused: 1)

Renewal with a 30-day suspension, based on a police report and neighborhood testimony, of the Class "B" Tavern, Instrumental Music and Record Spin licenses of Daniel R. Fischer, agent for Metro Enterprises, Inc., for the premises at 900 E. Center St. ("Quarters") in the 3rd aldermanic district. (Committee vote: Ayes: 4, Noes: 0, Excused: 1)

Renewal with a 30-day suspension, based on neighborhood testimony and aldermanic testimony, of the Public Dance Hall license of Sean A. Pliss, agent for 20 Below, LLC, for the premises at 126 E. Mineral St. ("Sugar") in the 12th aldermanic district. (Committee vote: Ayes: 2, Noes: 1, Excused: 1, Abstained: 1)

Renewal with a 10-day suspension, based on a police report and neighborhood testimony, of the Class "A" Liquor and Malt license of Nail F. Mseitif, agent for Nail and Ashraf, LLC, for the premises at 5665 N. 76th St. ("Spirits Liquor") in the 2nd aldermanic district. (Committee vote: Ayes: 5, Noes: 0)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on June 2, 2010.

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 Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, June 15, 2010** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "James A. Bohl, Jr." with a stylized flourish at the end.

James A. Bohl, Jr., Chair
Licenses Committee

cc: All Council Members
Files 091651



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Office of the City Clerk
June 4, 2010

Ronald D. Leonhardt
City Clerk
Jim Owczarski
Deputy City Clerk

Samer L. Asad, Agent
Lounging Around, Inc.
7015 W. Bennett Ave.
Milwaukee, WI 53219

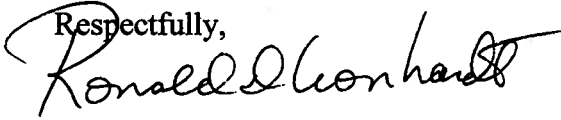
Atty. Franklyn Gimbel
Atty. D. Michael Guerin
Gimbel, Reilly, Guerin & Brown LLP
330 E Kilbourn Ave # 1170
Milwaukee, WI 53202-3146

Dear Mr. Asad and Attys. Gimbel and Guerin:

You are hereby notified that the Milwaukee Common Council will hold a hearing on June 15, 2010, 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 the renewal of the Tavern Amusement (Cabaret/Niteclub) license for the premises at 715-17 S. 5th St. ("Envy Lounge and Nightclub").

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 non-renewal of the license based on a police report and testimony provided at the previous hearing. The recommendation is the result of a public hearing before the Committee held on June 2, 2010.

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 June 10, 2010 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: June 4, 2010

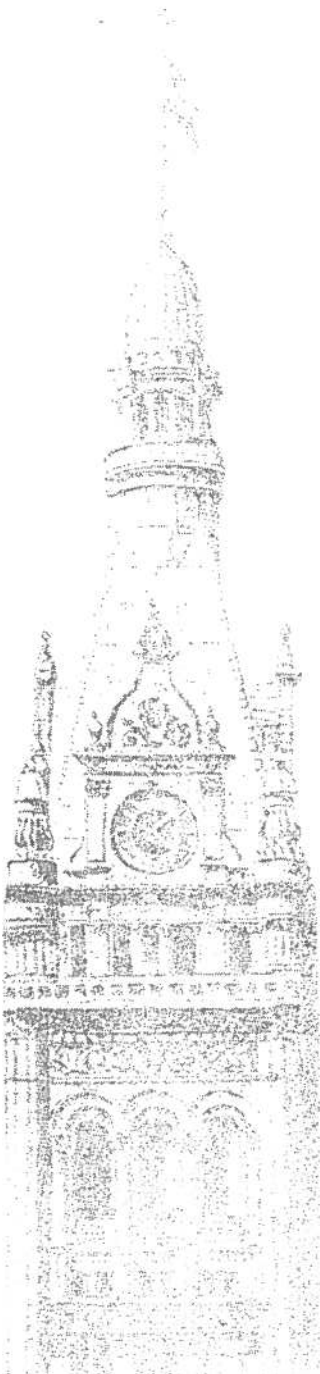
To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Applications of Samer L. Asad, Agent for Lounging Around, Inc. for Class "B" Tavern and Tavern Amusement (Cabaret/Nightclub) licenses for the premises located at 715-17 South 5th Street in the City and County of Milwaukee, Wisconsin ("Envy Lounge and Nightclub") following remand by the Circuit Court of Milwaukee County.

FINDINGS OF FACT

1. Samer L. Asad (hereinafter the "Licensee") is the holder of Class "B" Tavern and Tavern Amusement (Cabaret/Nightclub) licenses for the premises located at 715-17 South 5th Street in the City and County of Milwaukee, Wisconsin ("Envy Lounge and Nightclub"). Said license expired at midnight, April 8, 2010.
2. Applications to renew said licenses were timely filed with the Office of the City Clerk on January 25, 2010.
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 these licenses on January 26, 2010. In addition, there were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, fights, shootings, vandalism, presence of and sales to underage persons, operation of premises in such a manner that it creates a public nuisance, and conduct which is detrimental to the health, safety and welfare of the public.



4. On February 25, 2010, 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 neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on March 8, 2010 at 2:30 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did appear and admitted receipt of the notice. The licensee was represented by Attorney Michael Stein, Beck Chaet, Bamberger & Polsky, S.C., 330 East Kilbourn Avenue, Suite 1085, Milwaukee, WI 53202.
5. The Licenses Committee on March 8, 2010 recommended to the Milwaukee Common Council that the Class "B" Tavern License held by the Licensee be renewed, but further recommended to the Milwaukee Common Council that the Tavern Amusement (Cabaret/Nightclub) license held by the licensee for the premises located at 715-17 South 5th Street in the City and County of Milwaukee, Wisconsin ("Envy Lounge and Nightclub") not be renewed. On March 19, 2010, the licensee filed objections to the recommendation of the Licenses Committee and on March 24, 2010 the Milwaukee Common Council adopted the recommendations of the Licenses Committee and renewed the Class "B" Tavern license held by Samer Asad for the premises located at 715-17 South 5th Street in the City and County of Milwaukee, Wisconsin ("Envy Lounge and Nightclub"), but refused to renew the Tavern Amusement (Cabaret/Nightclub) license held by Samer Asad for the premises locate at 715-17 South 5th Street in the City and County of Milwaukee, Wisconsin ("Envy Lounge and Nightclub"). On April 7, 2010, the Licensee filed a Petition for Review of the decision of the Milwaukee Common Council. The Petition for Review also sought interim injunctive relief, allowing the Licensee to operate as if it had a Tavern Amusement (Cabaret/Nightclub) license. The Circuit Court of Milwaukee County considered the matter and determined that the record as presented to the Court seemed not to justify a nonrenewal of the Tavern Amusement (Cabaret/Nightclub) license. However, the Court did not grant interim injunctive relief.
6. On April 21, 2010, the court remanded the matter to the Licenses Committee to either take more evidence to justify nonrenewal of the license or make a determination as to some other action on the Tavern Amusement (Cabaret/Nightclub) license. The Court retained jurisdiction of the matter, and also determined that any suspension of the Tavern Amusement (Cabaret/Nightclub) license

would be reviewed in light of the fact that the Licensee effectively did not have the Tavern Amusement (Cabaret/Nightclub) license since midnight April 8, 2010. The Licensee did not pursue interim injunctive relief pending further order of the Court or re-hearing on the renewal application of the Tavern Amusement (Cabaret/Nightclub) license.

7. On May 21, 2010, the City Clerk's Office again provided notice to the Licensee of a hearing to be held on June 2, 2010 regarding the police and neighborhood objections to the renewal of the Tavern Amusement (Cabaret/Nightclub) license held by the Licensee for the premises located at 715-17 South 5th Street in the City and County of Milwaukee, Wisconsin ("Envy Lounge and Nightclub"), and included therewith a copy of the transcript of the previous hearing as well as a copy of the police report that could form the basis of non renewal or suspension of the Tavern Amusement (Cabaret/Nightclub) license held by the Licensee. At said date, time and place, the licensee appeared and admitted receipt of the notice of hearing. The licensee was represented by Attorney Franklyn M. Gimbel, Attorney D. Michael Guerin, Gimbel, Reilly, Guerin & Brown, 330 East Kilbourn Avenue, Suite 1170, Milwaukee, WI 53202-3146.
8. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On January 26, 2009, a patron who was at Club Envy on December 20, 2009 at 12:00 a.m. called and reported her purse stolen while she was inside the bar. An incident report was filed.
 - B. On April 4, 2009 at 1:30 a.m., a patron called the Milwaukee Police Department to report her purse stolen while she was a patron at Club Envy. An incident report was filed.
 - C. On July 9, 2009 at 5:51 p.m., a patron called the Milwaukee Police Department to report her purse stolen while she was a patron at Club Envy. An incident report was filed.
 - D. On September 27, 2009 at 1:35 a.m., officers of the Milwaukee Police Department were dispatched Club Envy to investigate a fraud complaint when officers observed a large fight break out outside the doors of Club Envy. Security attempted to stop the fight but individuals from the

street began to get involved. Officers called for back up because it appeared that 50-100 people were involved. It took five squads to disperse the crowd and officers spent 45 minutes on scene monitoring the club as patrons left. Officers spoke to the owner Samer Asad regarding the incident and Asad stated a bus parked in front of the tavern to pick up people from a party and an unknown female in a car behind it started yelling obscenities and threats out the windows to an unknown patron who was leaving the club. Asad stated more and more people then got involved and the fight got out of hand. A check of the tavern's license found it was not properly displayed and a citation was issued to Asad for display of liquor license required and this matter was dismissed without prejudice on January 14, 2010.

- E. On October 31, 2009 at 3:52 p.m., officers of the Milwaukee Police Department were dispatched to investigate a battery complaint that occurred at Club Envy on October 30, 2009. Officers spoke to the victim who state she and a friend were leaving Club Envy and walking to their car when three known females began assaulting them. One suspect who was punching the victim stated to her, "Nobody dances on my man without getting their ass beat." The victim stated she and her friend ran to her car where the suspects followed and caused damage to her car as well. All suspects were later identified and ordered into the District Attorney's Office regarding possible charges.

- F. On December 12, 2009 at 1:59 a.m., officers of the Milwaukee Police Department were dispatched to 5th and National for a trouble with subject complaint. Officers spoke to the victim who stated while she was inside Club Envy she was assaulted by a known subject. The victim stated the two had a verbal altercation and that the actor pulled out some of her hair. Officers did observe a dollar size area of hair missing. The investigation revealed security and management broke up the fight and had the suspect leave through the back door. The victim was escorted out the front door and she stated that the suspect then ran up to her and punched her two time sin the face. Security from another tavern witnessed this and chased the suspect away. The suspect later turned himself in and he was charged with assault and battery. At hearing the licensee admitted the incident occurred but that a smaller area of hair was evident.

- G. On January 7, 2010 at 4:00 p.m., officers of the Milwaukee Police Department conducted a follow up at the Club Envy regarding a substantial battery that occurred on January 3, 2010 at 1:15 a.m. The investigation found a woman was cut on her face from a plastic cup by another patron while they both were in the bathroom. The bathroom attendant identified as Rosetta Farrow stated she observed this incident, got scared and ran out to notify security. Officers spoke to Asad regarding the battery who stated he did not witness it because it occurred in the woman's bathroom but that he did observe the victim leave the bathroom with a bloody face. He stated he did not call police because he believed that the police who were out in front of his business at the time were there for the battery. Asad stated he later found out that police were outside for another call.
- H. The following applies to Wisam Asad who is listed as a corporate officer. On December 3, 2009 at 5:00 p.m., Wisam Asad received a citation for sale of alcohol to underage person at 2631 West Vliet Street. There is currently an open warrant relating to this event.
- I. At the hearing of March 8, 2010, a number of neighbors, including business neighbors, testified to disorderly patrons engaging in blocking traffic, noisy behavior, fighting, public urination, and patrons littering the street with glass bottles. The neighbors testified that they were able to see the patrons causing these disturbances and activities come from Club Envy. At the hearing of March 8, 2010, the licensee testified that he is trying new concepts for entertainment to control the activity of the crowd at closing. That new concept would be to go to a more "lounge" type operation as opposed to a nightclub operation. At the hearing of March 8, 2010, the licensee also testified to having a strong security staff to monitor the crowds. At the hearing of March 8, 2010, even objectors to the current format of operations testified that they would like to see changes, but not necessarily cessation of the business. However, on March 8, 2010, the objectors testified that this tavern attracts disorderly person to the neighborhood.
- J. At the hearing of June 2, 2010, one objector that had testified in opposition to the renewal of this license on March 8, 2010, testified that the licensee has improved his cooperation with neighborhood organizations, that he has

been a model neighbor, and that since the expiration of the Tavern Amusement (Cabaret/Nightclub) license the Licensee has not had disk jockeys or dances, and that street in front of his business has calmed down. One individual testified to individuals engaging in public urination, but there was no testimony as to which establishment those individuals came from.

- K. The Licensee, other than talking about security, making an improved effort to collect litter, and making general comments about how he intends to change the operation of this premise, still did not provide the Committee with any information on his specific plans for preventing a re-occurrence of the disorderly patrons that have disturbed the neighborhood.
- L. It is clear that the neighborhood has improved by the cessation of activities authorized for this premises by holding a Tavern Amusement (Cabaret/Nightclub) license, and thus the Committee has determined that non-renewal of the license is warranted by the facts and evidence.

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, Samer L. Asad, who holds a Class "B" Tavern and Tavern Amusement (Cabaret/Nightclub) license for the premises located at 715-17 South 5th Street in the City and County of Milwaukee, Wisconsin ("Envy Lounge and Nightclub"), has 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, but has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Tavern Amusement (Cabaret/Nightclub) license held by him for the premises located at 715-17 South 5th Street in the City and County of Milwaukee, Wisconsin ("Envy Lounge and Nightclub") based upon the police report, neighborhood objections, and the fact that the previously objecting neighbors have noted an improvement in the area since the closure of the entertainment portion of this license. Therefore, the committee recommends that the Common

Council should exercise its judgment to not renew the Tavern Amusement (Cabaret/Nightclub) license held by the Licensee for the premises at 715-17 South 5th Street in the City and County of Milwaukee, Wisconsin ("Envy Lounge and Nightclub"). 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 judgment to not renew the Tavern Amusement (Cabaret/N Nightclub) license held by Samer L. Asad as agent for Lounging Around, Inc. for the premises located at 715-17 South 5th Street in the City and County of Milwaukee, Wisconsin ("Envy Lounge and Nightclub").

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 Tavern Amusement (Cabaret/Nightclub) license held by Samer L. Asad as agent for Longing Around, Inc. be denied renewal based on a police report and neighborhood objections.

Dated and signed at Milwaukee, Wisconsin this 4th day of June, 2010.



JAMES A. BOHL, Jr., Chair
Licenses Committee



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

June 4, 2010

Josef Lepold, Agent
Old Lamp Inn's Frenchies, LLC
P.O. Box 170560
Milwaukee, WI 53217

Atty. Jeffrey Murrell
P.O. Box 579
Milwaukee, WI 53201-0579

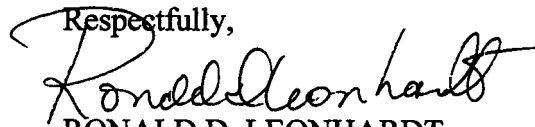
Dear Mr. Lepold and Atty. Murrell:

You are hereby notified that the Milwaukee Common Council will hold a hearing on June 15, 2010, 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 the renewal of the Class "B" Tavern and Billiard Hall licenses for the premises at 8340 W. Lisbon Ave. ("Old Lamp Inn's Frenchies").

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 non-renewal of the licenses based on a police report and neighborhood testimony. The recommendation is the result of a public hearing before the Committee held on June 2, 2010.

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 June 10, 2010 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: June 3, 2010

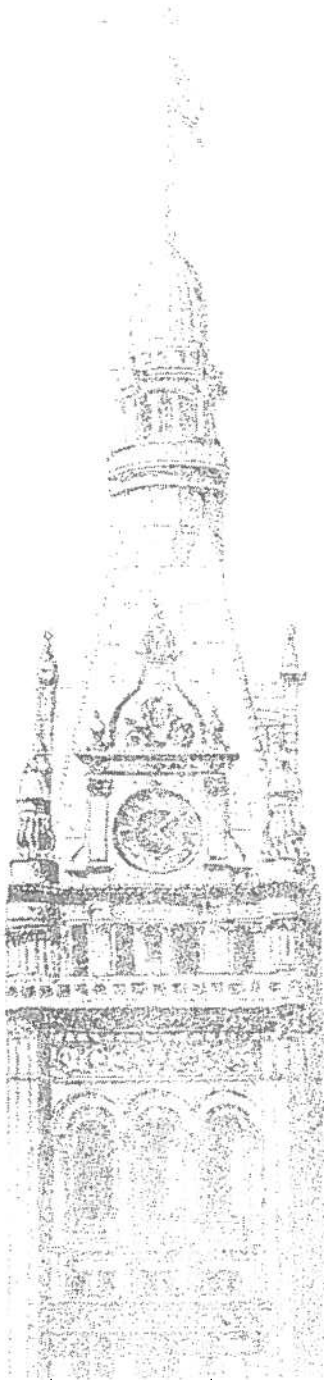
To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Josef M. Lepold, Agent, Old Lamp Inn's Frenchies, LLC, for a Class "B" Tavern, and Billiard Hall renewal application for the premises located at 8340 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Old Lamp Inn's Frenchies").

FINDINGS OF FACT

1. Josef M. Lepold, as agent for Old Lamp Inn's Frenchies, LLC, (hereinafter the "License") is the holder of Class "B" Tavern and Billiard Hall licenses for the premises located at 8340 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Old Lamp Inn's Frenchies"). Said licenses expire at midnight, June 28, 2010.
2. Applications to renew said licenses were timely filed with the office of the City Clerk on April 23, 2010.
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 these licenses on May 7, 2010. There were also alleged neighborhood objections to loitering, littering, loud noise, fighting, gunshots and other acts of violence, underage patrons, over of serving patrons, serving as a location which caters to known street gang members, parking problems and speeding autos, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On May 20, 2010, 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 report of the Milwaukee Police Department the neighborhood objections and included therewith a copy of the Milwaukee Police



Department report. The matter was scheduled for a hearing on June 2, 2010, commencing at 8:30 a.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and was represented by Attorney Jeffrey Murrell, Law Office of Jeffrey Murrell, P.O. Box 579, Milwaukee, WI 53201-0579.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On November 11, 2009 at 8:33 p.m., Milwaukee police officers responded to an anonymous call of a man beating a woman outside of Frenchies Bar located at 8340 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin. The investigation revealed that a man and woman were involved in a loud and heated argument in front of the premises. Both parties denied being injured. No additional police reports or citations were written.
 - B. On February 24, 2010 at 2:30 a.m., Milwaukee police officers responded to a shooting at Old Lamp Inn Frenchies Tavern located 8340 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin. The investigation revealed that a bartender, Thomas M. Angelo, inadvertently shot the building owner, Mr. Jakub Lepold, while he was inside the bar. This occurred while the bartender was reloading a gun kept behind the bar. This incident was reviewed by the Milwaukee District Attorneys Office and no charges were issued. At hearing, the bartender and Mr. Lepold both testified to the Committee that it was closing time, and Mr. Lepold was in the restroom, and the Mr. Angelo allowed another person to examine the gun, who handed it back to Mr. Angelo when the gun discharged. A bullet went through the wall of the restroom and grazed Mr. Lepold.
 - C. On March 13, 2010 at 2:03 a.m., Milwaukee police officers responded to a shooting at North 84th Street and West Lisbon Avenue in the City and County of Milwaukee, Wisconsin. The investigation revealed that three people, Vincent G., Megan P. and Benjamin C. (juveniles) were walking past Frenchies Tavern located at 8340 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin, when they became involved in an argument with four other persons standing outside of Frenchies. The argument escalated to a fight, and one of the four individuals outside of Frenchies went to a vehicle in the parking lot of Frenchies to retrieve a handgun. As a result, Vincent G.

was shot. (Milwaukee Police Report # 100720018 was filed.)

- D. On April 17, 2010 at 9:10 p.m., a 20 year old police aide, working in conjunction with Milwaukee police officers, was able to purchase five bottles of Miller Lite brand beer from the bartender, Thomas M. Angelo, at the licensed premise located at 8340 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin (“Old Lamp Inn’s Frenchies”). Thomas M. Angelo was cited for sale to underage prohibited. An initial appearance on that matter is scheduled for August 10, 2010 at 1:30 p.m. in Milwaukee Municipal Court (Citation number 61008603).
- E. On May 7, 2010 at 10:00 p.m., a Milwaukee Police Aide who had not yet reached the age of twenty-one (21) years, and working in conjunction with Milwaukee Police Officers, was able to purchase three (3) bottles of Miller 64 brand beer from the applicant at the licensed premises located at 8340 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin (“Old Lamp Inn’s Frenchies”). The applicant was cited for sale of alcohol to an underage person and presence of underage upon a Class “B” Tavern prohibited. Those matters are set for an initial appearance in the Milwaukee Municipal Court for July 1, 2010, Citation Numbers 6110938-1 and 6110939-2.
- F. Mr. Vincent Gerke testified in these proceedings. His birth date is November 2, 1989, and he has been in this bar in the last year at least ten times. Mr. Gerke will not be twenty-one years of age until November 2, 2010. He is also the individual who was shot on March 13, 2009. He was shot seven times during an argument with racial overtones that ensued. The shooting occurred at 1:30 a.m. at a close-by gas station. On the night of the shooting, Mr. Gerke had not been in the bar. Mr. Gerke knew the individual who shot him, as that person is also a frequent patron of the bar, and, in fact, Mr. Gerke and the person who shot him have played pool together. Mr. Gerke does not want the bar closed, though he does want the individual who shot him prosecuted. Mr. Gerke did not object to the bar continuing in business.
- G. Ms. Kala Burke testified in the proceeding, her birth date is February 10, 1992, and she has been in the bar one time in the last year and has been in the bar a total of 4 or 5 times. She was served and consumed alcohol while in the bar.

- H. Mr. Benjamin Carl testified in these proceedings. His birth date is September 6, 1990. He has been in the bar nine times in the last year, and he has been served and consumed alcohol on the occasions has been in the bar.
- I. Ms. Auburn Peterson testified in these proceedings, and her birth date is June 16, 1992. She is seventeen years of age and has been in the bar with her friends who were also under the age of twenty-one years.
- J. Captain William Jessop testified in these proceeding and on behalf of Chief William Flynn is objecting to the renewal of this license because of numerous reports of underage presence in this bar, and the fact that the bar has not produced a requested list of patrons who were in the bar the night of the shooting. That list of patrons would aid in the investigation of the shooting of Mr. Gerke. The list of patrons was requested on March 24, 2010. The video equipment was not working the night of the shooting.
- K. Supporters of renewal of the bar included some close neighbors. They pointed out that after the shooting the bar operators did get an identification checking machine and they do use it. One supporter testified that she had seen the bar operators using the machine in April of this year, and saw it being used three times on a Friday evening.
- L. A security specialist has been hired by the bar operators who explained the technical difficulty that caused the video equipment to not record the actors in the bar the night of the shooting of Mr. Gerke. He testified that the malfunction has been corrected. However, the video equipment was not working for a period of approximately four months prior to the night of the shooting. The licensee thought the video equipment was properly working during the license hearing in 2009, but was mistaken.
- M. Supporters of the bar testified that they had not seen a number of the individuals who testified that they were underage and had been in the bar.

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, Josef M. Lepold, as agent for Old Lamp Inn's Frenchies located at 8340 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Old Lamp Inn's Frenchies"), has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Billiard Hall licenses based upon the police report and neighborhood objections, and testimony from numerous individuals testifying to the fact that have been able to enter the tavern and remain at the tavern in violation of local and state law. 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 judgment to not renew the Class "B" Tavern and Billiard Hall licenses for the premises located at 8340 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Old Lamp Inn's Frenchies") based upon the police report, neighborhood objections, and testimony as to the presence of underage patrons at this bar on a regular basis.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes, and one (1) excused, recommends that the Class "B" Tavern, and Billiard Hall License held by Josef M. Lepold for the premises located at 8340 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Old Lamp Inn's Frenchies") be denied renewal based on the police report and neighborhood objections.

Dated and signed at Milwaukee, Wisconsin this 4th day of June, 2010.



JAMES A. BOHL, Jr., Chair
Licenses Committee



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

June 4, 2010

Daniel R. Fischer, Agent
Metro Enterprises, Inc.
P.O. Box 16586
Milwaukee, WI 53216

Atty. Andrew Arena
Arena Law Offices LLC
1110 N Old World 3rd St Ste 515
Milwaukee, WI 53203-1117

Dear Mr. Fischer and Atty. Arena:

You are hereby notified that the Milwaukee Common Council will hold a hearing on June 15, 2010, 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 the renewal of the Class "B" Tavern, Instrumental Music and Record Spin licenses for the premises at 900 E. Center St. ("Quarters").

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 licenses with a 30-day suspension based on a police report and neighborhood testimony. The recommendation is the result of a public hearing before the Committee held on June 2, 2010.

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 June 10, 2010 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: June 4, 2010

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of Daniel R. Fischer as Agent for the Class "B" Tavern and Instrumental Music and Record Spin license of "Metro Enterprises, Inc." for the premises located at 900 East Center Street in the City and County of Milwaukee, Wisconsin ("Quarters").

FINDINGS OF FACT

1. Daniel R. Fischer, as Agent for Metro Enterprises, Inc., (hereinafter the licensee) is the holder of a Class "B" Tavern and Instrumental Music and Record Spin license for the premises located at 900 East Center Street in the City and County of Milwaukee, Wisconsin ("Quarters"). Said license expires at midnight on June 30, 2010.
2. An application to renew said license was filed with the Office of the City Clerk on April 7, 2010.
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 April 13, 2010, the Milwaukee Police Department responded with a report that could form the basis of non renewal or suspension of said license. There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems; drug and other criminal activity, including trespassing public urination, vandalism, disorderly conduct, fights and thefts, operation of the premises in such a manner that it creates a public nuisance and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On May 21, 2010, 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 objections neighbors and 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 and neighborhood objections on June 2, 2010, commencing at 3:15 p. m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department objection. The licensee was represented by counsel, Attorney Andrew M. Arena, Arena Law Offices, LLC, 1110 North Old World Third Street, Suite 515, Milwaukee, WI 53203-1117.

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

A. On February 17, 2010 at 1:30 a.m., 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 who stated she was also co-owner of the tavern. She was advised by officers that a dance license was required and a citation was issued to the licensee.

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

B. On March 20, 2010 at 1:21 a.m., Milwaukee police were dispatched to 900 E Center St. for a Shots Fired complaint. An anonymous caller stated shots had been fired inside the Quarters tavern. Police spoke to the bartender 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. The call was advised..

C. On March 28, 2010 at 1:50 a.m., Milwaukee police were dispatched to Bremen and Center streets 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 if the victim had been in the tavern prior to the shooting and she stated, "No." She further stated that she heard shots fired and observed a victim outside the bar. The bartender

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. At hearing, the Committee was informed that prior to the shooting there was no apparent difficulty between the two individuals, and that they left together.

- D. On March 29, 2010 at 2:15 p.m., the owner of Quarter's Night Club, Daniel Fischer, and his attorney, Mr. Andrew M. Arena, 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, and 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.

The licensee stated his security protocol is that he has an individual at the door checking ID's but that no one is searched nor does he have a metal detector prior to being allowed in. His security guards are not licensed through the State of Wisconsin and do not have identifiable clothing on nor does he conduct a background check prior to their hiring. In regards to the recent homicide, Fischer stated he planned on cooperating with police regarding the investigation and was planning on shutting down the tavern for three weeks. During that time, he would put into place the security mailers discussed during the meeting, which would include a counter, metal detector and identifiable security guards.

- E. At hearing, the Licensee explained that he has voluntarily shut down for a period of 42 (March 22 through May 6) days following the shooting. The licensee plays no hip hop or urban music, and the music is thirty percent popular music. The Licensee has been meeting with the neighborhood associations, and has even had a cook out for the neighbors. The daughter of the Licensee has given personal cell phone number to the neighbors for ease in reporting problems. A counter ensures compliance with occupancy limits, and wands and metal detectors have been installed. A dress code has been adopted and is enforced.
- F. Objecting neighbors complained of the gun violence at this location and the fact that for a period of time until the present license year one would not have even known the bar was there. The Committee notes that for a period of some months during the last license year a criminal element that hung out in the bar certainly felt comfortable being there.
- G. The licensee lives upstairs and keeps in touch with events that occur in the tavern.

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 upon the above facts found, the Committee concludes that the licensee, Daniel R. Fischer, as Agent for Metro Enterprises, Inc. for the premises located at 900 East Center Street in the City and County of Milwaukee, Wisconsin ("Quarters"), 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 his Class "B" Tavern, Instrumental Music and Record Spin licenses without undergoing a thirty (30) day suspension of said licenses. The Committee finds the Police Department 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 should exercise its judgment to renew the Class "B" Tavern, Instrumental Music and Record Spin licenses held by Daniel

R. Fischer as Agent for Metro Enterprises, Inc. for the premises located at 900 East Center Street in the City and county of Milwaukee, Wisconsin with a thirty (30) day suspension, based upon his past activities as a licensee and for the danger that the continued operation of the premises poses to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes, and one (1) excused, recommends that the Class "B" Tavern, and Instrumental Music and Record Spin license of Daniel R. Fischer, as Agent for Metro Enterprises, Inc. for the premises located at 900 East Center Street in the City and County of Milwaukee, Wisconsin ("Quarters") be renewed with a (30) day suspension.

Said suspension is to be in effect from 12:01 a.m., July 1, 2010, until midnight, July 30, 2010.

Dated and signed at Milwaukee, Wisconsin this 4th day of June, 2010.



JAMES A. BOHL, Jr., Chair
Licenses Committee



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

June 4, 2010

Sean Pliss, Agent
20 Below, LLC
1606 N. Humboldt Ave.
Milwaukee, WI 53202

Atty. David Halbrooks
2924 E. Linnwood Ave.
Milwaukee, WI 53211-3407

Dear Mr. Pliss and Atty. Halbrooks:

You are hereby notified that the Milwaukee Common Council will hold a hearing on June 15, 2010, 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 the renewal of the Public Dance Hall 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 renewal of the license with a 30-day suspension based on neighborhood testimony and aldermanic testimony. The recommendation is the result of a public hearing before the Committee held on June 2, 2010.

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 June 10, 2010 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: June 4, 2010

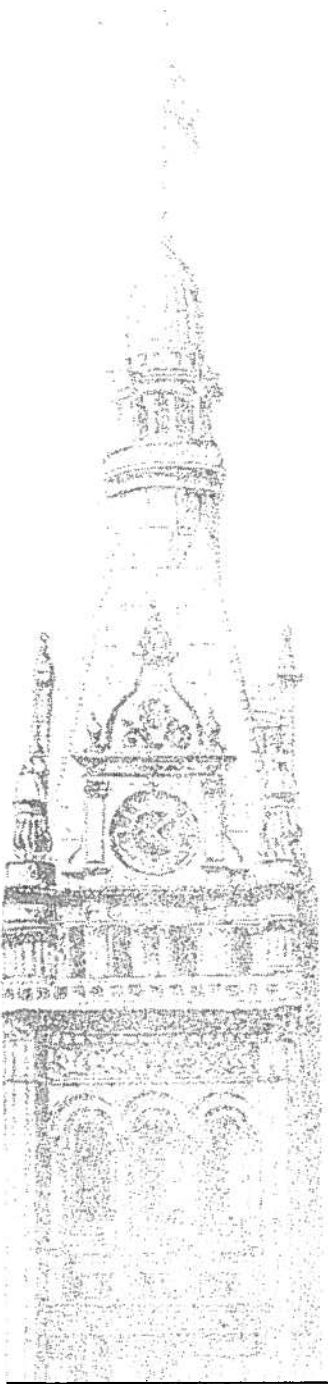
To: All members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of the Public Dance Hall license of Sean A. Pliss as agent for 20 Below, LLC d/b/a "Sugar" for the license premises at 126 East Mineral Street in the City and County of Milwaukee, Wisconsin ("Club Sugar").

FINDINGS OF FACT

1. Sean A. Pliss (hereinafter the "Licensee") is the holder of a Public Dance Hall license for the premises located at 126 East Mineral Street in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, June 30, 2010.
2. An application to renew said license was untimely filed with the Office of the City Clerk on May 9, 2010.
3. Pursuant to Chapter 108 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On May 9, 2010, the Milwaukee Police Department responded with a police report that did not object to the renewal of this licensee. However there were a number of neighborhood objections that had been communicated to the office of the local alderman and to the City Clerk's Office that could form a basis for non-renewal or suspension of said license.
4. On April 29, 2010, the City Clerk's Office provided timely notice to the Licensee of the neighborhood objections that could form the basis of non renewal or suspension of this licensee. Those objections were summarized as follows: "Neighborhood objections due to the congregations of person which have resulted in one or more of the following: disturbances of the peace, illegal drug activity, public drunkenness and drinking in public, harassment of passers-by, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batter, acts of vandalism,



including graffiti, trespassing, excessive littering, fights, shootings, loitering, loud noise and disorderly patrons at times when the licensed operation is open for business and after hours, curfew violations, cruising, traffic and parking problems, impeding the normal flow of traffic, and other factors which reasonably relate to the public health, safety and welfare, or which demonstrate that the establishment has generated the undesirable secondary effects.”

The matter was scheduled for a hearing on those issues for May 10, 2010 at 3:15 p.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin. At said date, time and place the licensee appeared and admitted receipt of the Notice of Hearing and the possibility that his license could be denied renewal or suspended for those reasons. At said date, time and place, the licensee was represented by Attorney Michael Maistelman and Attorney David Halbrooks, Maistelman and Associates, 5027 West North Avenue, Milwaukee, WI 53208.

5. A hearing was held on this matter, however the Licenses Committee deadlocked on a recommendation to the Milwaukee Common Council, and as a result the matter was held in Committee to await a date when the Committee could consider the matter and not deadlock.

6. On May 25, 2010, the City Clerk’s Office again provided timely notice to the Licensee pursuant to Chapter 108 of the Milwaukee Code of Ordinances of the neighborhood objections, which were amended as follows: “Neighborhood objections due to the congregations of person which have resulted in one or more of the following: disturbances of the pace, public drunkenness and drinking in public, public urination, excessive littering, loud music and disorderly patrons at times when the licensed operation is open for business and after hours; cruising, traffic and parking problems, and impeding the normal flow of traffic, and other factors which reasonably relate to the public health, safety, and welfare of the public, or which demonstrate that the establishment has generated the undesirable secondary effects. The matter was scheduled for a hearing on the neighborhood objections on June 2, 2010, commencing at 4:00 p.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the licensee appeared and admitted receipt of the notice of hearing and of the neighborhood objections and further admitted that his license could be non renewed or suspended based upon those issues. The licensee was represented by Attorney David Halbrooks and Attorney Mathew Lerner of Maistleman and Associates, 5027 West North Avenue, Milwaukee, WI 53208.

7. Based upon the sworn testimony heard and the evidence received at the hearings, the Committee finds the following:
 - A. The objecting neighbors testified to noise generated from patrons of the premises, particularly at closing time. Specifically neighbors have seen patrons hanging out of cars, yelling and screaming to the detriment and disturbance of the neighborhood.
 - B. At one incident, approximately four weeks before the hearing of May 10, 2010, an episode occurred wherein approximately 100 cars were cruising the area, described by one neighbor as “zig – zagging” around the area as late as 1:37 a.m. On cross examination that neighbor was asked if he knew the dance closed at 12:30 a.m., and the neighbor testified he did not know that.
 - C. The licensee attempted to blame at least part of the activity above on the operation of Club Rain, but the local alderman testified that Club Rain had not been open for several months preceding May 10, 2010.
 - D. At least one witness was able to testify to incidents wherein the patrons of Club Sugar would congregate at a BP Station and go from there to Club Sugar, causing disturbances both at the BP Station and on their way to Club Sugar. During those episodes the witness observed the patrons of Club Sugar throwing liquor and beer bottles out of their vehicles.
 - E. The local alderman personally observed approximately 100 cars in front of Club Sugar on Easter Sunday, 2010 at approximately 7:30 or 8:30 p.m. Patrons were milling about on the street in front of the Club, cars were blocking traffic, and causing noise and disturbances of the peace. He observed patrons entering cars, driving off and turning corners at high rates of speed. The alderman saw these individuals leave Club Sugar and cause disturbances.
 - F. A meeting was held at the behest of local alderman at Tech High School in the district, and a number of individuals testified that prior to the meeting a letter went out warning the individuals who had sent emails regarding the conduct of patrons at this location that could expect to “defend themselves” in a court of law for any false statements they

might make during the meeting. The attorney also had a court reporter present to make a transcript of the proceedings. The attorney has not provided the Committee with a copy of that transcript. However, a copy of the letter was submitted by one of the neighbors who received it, and she testified that she felt threatened by the letter.

- G. Insofar as the observations of the local alderman on Easter Sunday, the licensee put in a tape of a news broadcast on Channel 6 showing the area relatively calm. However, there was no indication of when the tape was made.
- H. The licensee also put in evidence that there is a social media blogger by the name of Perry Mannof Steel showing that he urges his text recipients to show up at various locations to engage in disorderly behavior, and that Club Sugar has been one of his targets. The licensee asserted that he has taken steps to halt the activities of Perry Mannof Steel.

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 d/b/a "Sugar" for the premises located at 126 East Mineral Street, in the City and County of Milwaukee, Wisconsin ("Club Sugar"), has not met the criteria of Chapter 108 of the Milwaukee Code of Ordinances to allow renewal of his Public Dance Hall license without undergoing a thirty (30) day suspension of said license. The Committee finds the 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 the Public Dance Hall license held by Sean Pliss as agent for 20 Below LLC d/b/a ("Club Sugar") for the premises located at 126 East Mineral Street in the City and County of Milwaukee, Wisconsin ("Club Sugar") with a thirty (30) day suspension based upon neighborhood testimony in support of their objections to renewal.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of two (2) ayes, one (1) no, one (1) excused, and one (1) abstention, recommends that the Public Dance Hall license be renewed with a thirty (30) day suspension based on the testimony of neighbors in support of their objections to renewal of this license.

Said suspension is to be in effect from 12:01 a.m., July 1, 2010 and 12:01 a.m., July 31, 2010.

Dated and signed at Milwaukee, Wisconsin this 4th day of June, 2010.

A handwritten signature in black ink, appearing to read "James A. Bohl, Jr.", written in a cursive style.

JAMES A. BOHL, Jr., Chair
Licenses Committee



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

June 4, 2010

Nail F. Mseitif, Agent
Nail & Ashraf, LLC
5665 N. 76th St.
Milwaukee, WI 53218

Atty. David Bangert
158 N. Broadway #600
Milwaukee, WI 53202-6015

Dear Mr. Mseitif and Atty. Bangert:

You are hereby notified that the Milwaukee Common Council will hold a hearing on June 15, 2010, 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 the renewal of the Class "A" Liquor & Malt license for the premises at 5665 N. 76th St. ("Spirits Liquor").

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 license with a 10-day suspension suspension based on a police report and neighborhood testimony. The recommendation is the result of a public hearing before the Committee held on June 2, 2010.

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 June 10, 2010 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: June 4, 2010

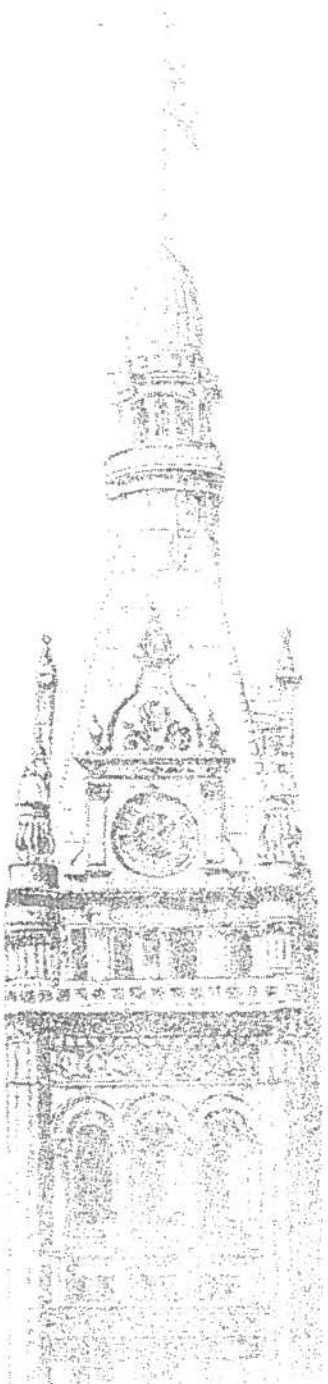
To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Nail F. Mseitif, Agent for Nail & Ashraf, LLC, Inc., for a Class "A" Liquor and Malt renewal application for the premises located at 5665 North 76th Street in the City and County of Milwaukee, Wisconsin ("Spirits Liquor").

FINDINGS OF FACT

1. Nail F. Mseitif (hereinafter the "License") is the holder of Class "A" Liquor and Malt license for the premises located at 5665 North 76th Street in the City and County of Milwaukee, Wisconsin ("Spirits Liquor"). Said license expires at midnight, June 28, 2010.
2. An application to renew said license was timely filed with the office of the City Clerk on April 7, 2010.
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 these licenses on May 5, 2010. There were also alleged neighborhood objections to loitering, littering, loud music and noise; parking and traffic problems; drug and other criminal activity, including trespassing, public urination, vandalism, disorderly conduct, fights and thefts; operation of the premises in such a manner that it creates a public nuisance; and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On May 20, 2010, 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 report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report, and the claimed neighborhood objections. The matter was scheduled for a hearing



on May 10, 2009, commencing at 2:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and was represented by Attorney David Bangert, 158 North Broadway, Suite 600, Milwaukee, WI 53202-6015.

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

A. On 12/03/2009 at 3:55pm the applicant was issued a citation for Sale of Alcohol to underaged person at 2900 West Lisbon Avenue (Davidson Liquor), another location licensed by the applicant:

Charge: Sale of Alcohol to Underaged
Finding: Due for Trial 07/19/2010 1:30 pm Municipal Court Branch 3
Sentence:
Date:
Case: 10002260

B. On 01/13/2010 at 3:00 p.m., Milwaukee Police officers conducted a license premise check at 5665 North 76th Street (Spirits Liquor). This check was prompted by the service of a search warrant at 2900 West Lisbon Avenue (Davidson Liquor) which uncovered counterfeit Nike branded shoes. Nail F. Mseitif is the licensed agent at both locations. During the premise check for 5665 North 76th Street, officers discovered pipes, single cooper cleaning pads and scales for sale. Ashraf Warda, who is listed on the application as a member and 50% shareholder, was on scene at the time of the check and agreed to remove the above listed products from the store. The applicant was not on the scene. No counterfeit merchandise was discovered at this location.

C. Objecting neighbors testified to public urination, loud music and drug paraphernalia being available at this location. The neighbors describe Mr. Mseitif as being "uncooperative" with their efforts to clean up the area. The Committee notes that Mr. Mseitif sold the drug paraphernalia, and that such items have no place in a liquor store. When sold in a liquor store, their use for drug consumption should be obvious.

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, Nail F. Mseitif, as Agent for Nail & Asraf, LLC for the premises located at 5665 North 76th Street in the City and County of Milwaukee, Wisconsin ("Spirits Liquor") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "A" Liquor and Malt license without undergoing a ten (10) day suspension of said license based upon the police report and neighbors testifying in opposition to the renewal of this 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 judgment to renew with a ten (10) day suspension the Class "A" Liquor and Malt license held by Nail M. Mseitif as Agent for Nail & Ashraf, LLC for the premises located at 5665 North 76th Street in the City and County of Milwaukee, Wisconsin ("Spirits Liquor") based upon the police report and neighborhood testimony.

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 "A" Liquor and Malt license held by Nail F. Mseitif as Agent for Nail & Ashraf, LLC for the premises located at 5665 North 76th Street in the City and County of Milwaukee, Wisconsin be renewed with ten (10) day suspension based on the police report and neighborhood objections.

Said suspension is to be in effect between 12:01 a.m., June 29, 2010, and midnight, July 8, 2010.

Dated and signed at Milwaukee, Wisconsin this 4th day of June, 2010



JAMES A. BOHL, Jr., Chair
Licenses Committee