



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

July 21, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 060431

Common Council File 060431 contains the following recommendations:

Recommendation of renewal, with a 30-day suspension based on the police report, of the Class "B" Tavern and Tavern Dance licenses of Keith Winters for the premises at 2911 W. North Ave. ("Mary's Rainbow Inn") in the 15th aldermanic district. (Committee vote: Ayes: 3, Noes: 1)

Recommendation of renewal, with a 30-day suspension based on the police report and neighborhood objections, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses of San Raffaelli, Agent for "DLR, Inc." for the premises at 2601 W. State St. ("Rickey's on State") in the 4th aldermanic district. (Committee vote: Ayes: 3, Noes: 1)

Recommendation of non-renewal, based on non-appearance, of the Class "D" Bartender licenses of Trena Brown and Earnest Wright

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on July 18th, 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 **Monday, July 31, 2006** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

JAMES N. WITKOWIAK

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
Files 060431



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: July 21, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of Keith W. Winters for a Class "B" Tavern and Tavern Dance license for the premises located at 2911 West North Avenue in the City and County of Milwaukee, Wisconsin ("Mary's Rainbow Inn").

FINDINGS OF FACT

1. Keith W. Winters (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, September 26, 2006.
2. An application to renew said license was filed with the Office of the City Clerk on June 5, 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. On June 6, 2006, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On July 7, 2006 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on July 18, 2006, commencing at 8:00 a.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 notice for the hearing, as well as notice of the objection to renewal of licenses. The Licensee 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 December 26, 2005 officers of the Milwaukee Police Department were dispatched to the licensed premises at 2911 West North Avenue in the City and County of Milwaukee, Wisconsin (“Mary’s Rainbow Inn”) regarding subjects fighting inside the bar. The investigation revealed that bar patrons were fighting inside the bar and were escorted outside by security. It was shortly after when several shots were heard in front of the bar. No one was injured; however, damage was caused to two parked vehicles in front of the bar from the bullets that were fired. An incident report was filed.
- B. On December 31, 2005 officers of the Milwaukee Police Department were dispatched to the licensed premises at 2911 West North Avenue in the City and County of Milwaukee, Wisconsin (“Mary’s Rainbow Inn”) regarding a shots-fired complaint. The investigation revealed an unknown male entered the tavern and fired one shot from a shotgun into the ceiling for unknown reasons. This unknown male then fled the scene. No one was injured and a 12 gauge shell was recovered from the scene. An incident report was filed.
- C. On January 25, 2006 at 2:15 a.m. a license premises check of the premises at 2911 West North Avenue (“Mary’s Rainbow Inn”) was conducted by officers of the Milwaukee Police Department after the officers noticed that the premises was open past the allowed time of 2:00 a.m. Officers spoke to the bartender, MC Cole, who stated he was not serving any alcohol to any patrons; that everyone was just talking. Mr. Cole stated that he did not realize that this was a violation of City ordinances. Officers did not observe any alcohol on any tables or on the bar. Mr. Cole was issued a citation for patrons after hours. No other violations were observed.

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 finds that the Licensee, Keith W. Winters, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class “B” Tavern Dance and Tavern Dance license held by the licensee without undergoing a thirty (30) day suspension. The Committee finds the police report to be true.

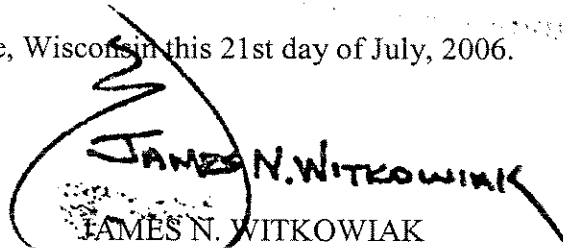
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to renew the Class "B" Tavern and Tavern Dance license for the licensed premises at 2911 West North Avenue in the City and County of Milwaukee, Wisconsin ("Mary's Rainbow Inn") held by Keith W. Winters with a thirty (30) day suspension based upon the danger that his conduct represents 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 three (3) ayes, one (1) noe and one (1) excused, recommends that the Class "B" Tavern and Tavern Dance License be renewed with a thirty (30) day suspension.

Said suspension is to be in effect between 12:01 a.m. September 27, 2006 and midnight, October 26, 2006.

Dated and signed at Milwaukee, Wisconsin this 21st day of July, 2006.


JAMES N. WITKOWIAK
Chairman of the Licenses Committee

107774



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: July 21, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of Sean A. Raffaelli, as agent for "DLR, Inc." for the premises located at 2601 West State Street in the City and County of Milwaukee, Wisconsin ("Rickey's On State").

FINDINGS OF FACT

1. Sean A. Raffaelli, as agent for DLR, Inc (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license in the City and County of Milwaukee, Wisconsin. Said licenses expire at midnight, September 23, 2006.
2. An application to renew said licenses was filed with the Office of the City Clerk on June 14, 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. On July 1, 2006, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license. There were also neighborhood objections to loitering, littering, loud music and noise, sales and presence of underage, fights and shootings, prostitution, drug activity, disorderly operation of the premises, failure to obtain required licensed for the operation of the premises, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On July 7, 2006 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 neighborhood objections and of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report and neighborhood objections on July 18, 2006, commencing at 9:30 a.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 notice for the hearing, as well as notice of the objection to renewal of licenses. The Licensee was represented by Attorney Robert J. Lerner, 700 West Michigan, Suite 500, P.O. Box 442, Milwaukee, WI 53203.

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

The following is relative to a previous stockholder: James M. Kopatich:

- A. On January 13, 1969 James M. Kopatich was convicted of the following:

Charge: 1. Forgery
2. Theft
Finding: Convicted on both
Sentence: 1. 1 year prison
2. 2 years prison concurrent Date: 3-20-1969

- B. On August 6, 1976 James M Kopatich was arrested by Greendale Police for the following:

Charge: Theft Movable Property (Felony)
Finding: Convicted
Sentence: 2 years 6 months probation
Date: 1-26-1977

- C. On April 30, 1983 James M. Kopatich was arrested by Walworth County Sheriff for the following:

1. Attempt Burglary
2. Possession of Burglarious Tools
3. Criminal Trespass Land
4. Resisting or Obstructing an officer
Finding: 1. Convicted-Attempt Burglary-Building or Dwelling-Party To (Felony)
2. Dismissed
3 & 4 No Prosecution
Sentence: 1. Sentence Withheld - Placed on Probation for 3 Years
Date: 11-7-1983
Case: 83-CR222

James M. Kopatich has an open warrant issued by Panola County Texas Sheriff's Office on April; 25, 1996 for probation violation (Original Charge Possession Marijuana). A notice informing him of the warrant is being mailed to his listed residence on 2-2-2004. As of June 15, 2006 this

warrant is no longer in the system.

At hearing the Committee was informed that Mr. Kopatich is no longer a stockholder and that his employment was terminated in July, 2004, and thus Mr. Kopatich has had no association with the current owners of "Rickey's on State" since that time.

- D. On October 28, 2005 at 1:07 a.m., a tavern check was conducted at the licensed premises at 2601 West State Street, Milwaukee, Wisconsin (Rickey's On State) and officers believed there were possible underage patrons in the bar. A routine wanted check on patron Steven Conwell revealed subject has a felony warrant for VOP in Illinois. No violations were found in the tavern.
- E. On December 5, 2005 at 11:10 p.m., officers of the Milwaukee Police Department conducted a tavern check at the licensed premises at 2601 West State Street (Rickey's On State). The investigation revealed several violations and the manager, Michael Siegal, was issued several citations for the following violations: for posting of occupancy; safe egress from door; license and permit required; and charges to be posted. Following plea negotiations and a plea of no contest, Mr. Siegal was found guilty of license and permit required and forfeited \$212.00 on that citation, and charges to be posted and forfeited \$343.00 on that citation. Counsel explained that a sign with the charges had fallen down, but had been posted. The citation for safe egress was dismissed as a result of the negotiations.
- F. On December 26, 2005 at 1:47 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 2601 West State Street (Rickey's On State) for a shots fired complaint, which was upgraded to a shooting while officers were enroute. The investigation revealed no shooting occurred; however, eight 9 mm casings were found outside the front door of the licensed premises. The investigation revealed that there had been a fight inside the premises which resulted in one patron firing a gun outside of the premises. A security camera showed this subject to be a black male wearing a dark jacket with white rings on the shoulders. A report was filed regarding this incident. While there, officers also conducted a tavern check and found an underage subject in the bar. He was identified as Josh Hall and was issued a citation for consuming alcohol. The bar manager, Michael Siegal, was also cited for a disorderly premise and presence of underage person in bar. Mr. Siegal was issued a citation for presence of underage which was dismissed without prejudice on April 19, 2006. Mr. Siegal was issued a citation for disorderly premise and on April 10, 2006 he was found guilty and forfeited \$354.00. At the hearing, the Committee was informed by the licensee that pat down

searches are made of patrons entering the premises. Counsel informed the Committee that the bar itself called the police because of disorderly patrons.

- G. On February 7, 2006 at 1:18 a.m., officers of the Milwaukee Police were dispatched to the licensed premises at 2601 West State Street (Rickey's On State) regarding a large fight inside the tavern. Upon arrival, officers found no fight but several tables and chairs overturned, as well as broken glass all over the floor. Five patrons were found left in the bar and officers conducted field interviews. One subject had a suspect alert for burglary and was taken into custody. Two other patrons were under the age of 21 and told officers no one at the door asked them for ID to gain entry. Both subjects were cited for underage drinking and one subject was also cited for resisting/obstructing. Sean Raffaelli, licensee of Rickey's, was issued citations for disorderly premise and presence of underage. Sean Raffaelli was charged with disorderly premises, presence of underage and on April 10, 2006 he was found guilty, the matter was dismissed without prejudice and he was fined \$354.00. At the hearing, the Committee was informed that the licensee has acquired a device for checking IDs for underage patrons in late January 2006, and claimed that it was tavern personnel who called the police on this occasion.
- H. On February 13, 2006, officers of the Milwaukee Police Department conducted a tavern check of the licensed premises at 2601 West State Street (Rickey's On State) and found the bar manager, Michael Siegal, operating as a manager after his license was determined to have been expired as of June 30, 2005. A citation for manager's license required was issued to Mr. Siegal on June 15, 2006 and he forfeited \$175.00. Mr. Siegal was present in the tavern on December 26, 2005 and February 7, 2006, and should have been cited, but was not.
- I. Objecting neighbors complain primarily of prostitution in the area, and feel this premises is contributing to the incidents of prostitution. One neighbor has had prostitutes approach a car she is driving if there is a man in the car, and tap on the window to inquire about having "a party." This neighbor states the conduct does not occur directly in front of "Rickey's" but within a block of the establishment. At least one neighbor has seen individuals whom she can identify as prostitutes approach patron leaving this establishment. At least one neighbor has seen sex acts take place in the area between State Street and Highland Boulevard, and State Street and Kilbourn. The neighbors have not talked to the operators of the premises about this problem, believing that it is obvious.
- J. The neighbors also complain of littering, loitering, public urination, and noise from individuals in front of the premises and patrons of this establishment. The noise from patrons and motor vehicles of patrons has

disturbed the sleep of at least one neighbor. The litter has included needles and used condoms and beer bottles and cans. The noise and litter has in the last twelve months has improved to only four or five or six times in the last year. At least one neighbor lives close enough to the establishment to observe the patrons park in front of her home and go to and return from the establishment. Another neighbor has observed patrons throw the beer cans that the management of Rickey's denies is attributable to its operation. The licensee, through his attorney, maintains that the noise and litter is probably more attributable to the operation of a premise across the street that has since been closed, known as "Hoops." The licensee denied that he sells beer in cans, and concludes that the operation of "Rickey's" cannot account for the presence of beer cans.

- K. The management of "Rickey's" point out that they have made a significant investment into remodeling the premises, and that as a result the establishment is being improved and should not be closed.

CONCLUSIONS OF LAW

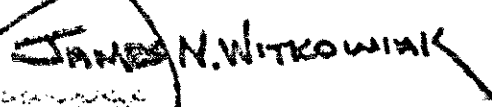
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee finds that the Licensee, Sean A. Raffaelli, as agent for "DLR, Inc.", has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license held by the licensee without undergoing a thirty (30) day suspension. The Committee finds the police report and neighborhood objections to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to renew the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license for the licensed premises at 2601 West State Street in the City and County of Milwaukee, Wisconsin ("Rickey's On State") held by Sean A. Raffaelli as agent for "DLR, Inc." with a thirty (30) day suspension based upon the danger that his conduct represents 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 three (3) ayes, one (1) noe and one (1) excused, recommends that the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license be renewed with a thirty (30) day suspension.

Said suspension is to be in effect between 12:01 a.m. September 24, 2006 and midnight, October 23, 2006.

Dated and signed at Milwaukee, Wisconsin this 21st day of July, 2006.



JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chairman of the Licenses Committee

107775



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: July 21, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Trena A. Brown

FINDINGS OF FACT

1. Trena A. Brown (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was untimely filed with the Office of the City Clerk on May 30, 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. On May 31, 2006, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On July 7, 2006 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on July 18, 2006, commencing at 10:30 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. A notice of the hearing as well as a copy of the police report was sent to Trena A. Brown at 9145 North Goldendale Drive, Milwaukee, Wisconsin 53223 on July 7, 2006 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 9145 North Goldendale Drive, Milwaukee, Wisconsin 53223 is the address given by the applicant on her application. The envelope was not returned to the License Division by the United States Postal Service. The licensee also failed to appear at the hearing on June 27, 2006.

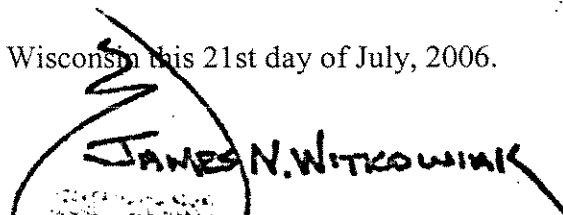
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Trena A. Brown, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license based upon nonappearance.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Bartender license held by Trena A. Brown based upon nonappearance.

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 "D" Bartender License not be renewed.

Dated and signed at Milwaukee, Wisconsin this 21st day of July, 2006.


JAMES N. WITKOWIAK
Chairman Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: July 21, 2006
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Earnest L. Wright

FINDINGS OF FACT

1. Earnest L. Wright (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2005.
2. An application to renew said license was untimely filed with the Office of the City Clerk on June 23, 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. On June 26, 2006, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On July 7, 2006 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on July 18, 2006, commencing at 10:30 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. A notice of the hearing as well as a copy of the police report was sent to Earnest L. Wright at P.O. Box 16226, Milwaukee, Wisconsin 53216 on July 7, 2006 by U.S. prepaid first-class mail in an envelope bearing the

return address of the License Division. The address of P.O. Box 16226, Milwaukee, Wisconsin 53216 is the address given by the applicant on his application. The envelope was not returned to the License Division by the United States Postal Service. The licensee also failed to appear at the hearing on June 27, 2006.

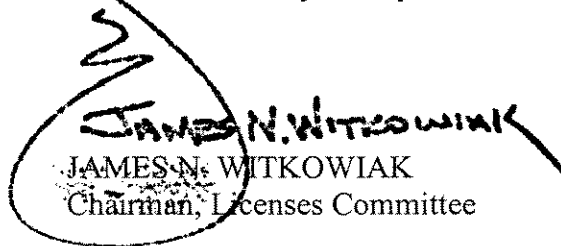
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Earnest L. Wright has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license based upon nonappearance.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Bartender license held by Earnest L. Wright based upon nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, zero (0) noes and two (2) excused, recommends that the Class "D" Bartender License not be renewed.

Dated and signed at Milwaukee, Wisconsin this 21st day of July, 2006.


JAMES N. WITKOWIAK
Chairman, Licenses Committee