

CHAIR

- Licenses Committee
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- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



NIK KOVAC

ALDERMAN, 3RD DISTRICT

June 28, 2019

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 190195 contains the following recommendations:

Renewal, with a fifteen (15) day suspension, based upon #11-12 in the police report of the Class B Tavern and Public Entertainment Premises licenses for William Rivera for the premises located at 3427-31 W Lincoln Ave ("La Pica Carr 3 Bar & Hall") in the 8th aldermanic district.

Nonrenewal, based on the second nonappearance of the Class D Operator's License of Scott Rauch.

Nonrenewal, based on the second nonappearance of the Class D Operator's License of Adriana Williams.

Respectfully,

A handwritten signature in black ink, appearing to read "Nik Kovac".

Nik Kovac, Chair
Licenses Committee

cc: All Council Members
File 190195

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: June 28, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of William Rivera, Agent for LA PICA #3, LLC for the premises located at 3427-31 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("LA PICA CARR 3 BAR & HALL").

FINDINGS OF FACT

1. William Rivera (hereinafter "the Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises (PEP) Licenses for the premises located at 3427-31 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("LA PICA CARR 3 BAR & HALL"). Said licenses expire at midnight on July 29, 2019.
2. An application to renew said licenses was filed with the Office of the City Clerk on May 9, 2019.
3. Pursuant to Chapters 68, 85, 90, and 108 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 10, 2019, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On June 12, 2019, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on June 25, 2019, commencing at approximately 9:15 a.m. in Room 301-B 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.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On February 15, 2018 at 1:00 a.m. officers were dispatched to La Pica Bar, 3431 W. Lincoln Avenue for a subject with weapon complaint. The victim, Omar FIGUEROA, stated he had an incident 2-3 months ago with the security guard,



Jose PEREZ. Today FIGUEROA stated PERZ wanted to fight him outside the bar. During the fight PEREZ stabbed FIGUEROA. The officers interviewed the applicant who stated a patron and his security guard got into a fight outside. The applicant was cooperative and the officers did not observe any violations.

- B. On February 27, 2018 a meeting was held at District 2 regarding a Battery cutting on 02/16/2018 at La Pica Carr, 3427 W. Lincoln Avenue. The applicant stated he was present at the incident and tried to break up the fight. He stated his security was involved and he has now fired the guard. He stated he made a mistake not calling the police and has instructed his employees to always call when incidents occur. The applicant stated he is looking into getting a ID scanner, and continue to use the security wand at the door.
- C. On May 16, 2018 at 1:55 a.m. officers were dispatched to 3431 W. Lincoln Avenue for an Entry complaint. The officers spoke with the applicant, who stated there was a female in the bar saying "F---, Juan" several times. Another customer named Juan thought she was talking about him, so he became upset and wanted to fight the female. The applicant kicked out Juan and kept the female inside. Juan then attempted to get back in the tavern and threatened to shoot the bar. The applicant called the police and was cooperative with the officers.
- D. On October 20, 2018 at 2:25 a.m. officers were dispatched to Mt. Sinai Hospital to investigate a shooting that occurred at La Pica Carr, 3431 W. Lincoln Avenue. The investigation revealed the victim and suspect were in the bar and the suspect was reaching into her purse for her ATM card when she discharged the pistol that was in her purse, striking the victim in the leg. The suspect then drove the victim to the hospital for treatment. The officers went to the bar at about 3:25 a.m. but found the bar closed and the applicant did not answer his phone or the door when the officers went to his house. In the morning the officers contacted the applicant and he went to the bar. The officers found the bar was not cleaned up and the video surveillance was not recording. The applicant stated he does not know how a gun got inside because he has two security officers and they pat everyone down to check for weapons. He stated he did not call the police because he thought someone else did. He also stated he was fearful his license would not be renewed since he was given a warning last year. The officers found his liquor license was not posted.

Charge: Display of License Required
Finding: Guilty
Sentence: Fined \$150.00
Date: 04/11/2019
Case: 19000744

- E. On November 15, 2018 a meeting was held at District 2 regarding La Pica Carr and the recent nuisance declaration. The applicant stated he was working the night of the shooting and heard the shot but did not see anyone injured. He stated he panicked and closed the bar for the night. He was advised that he needed to call the police when incidents occur. He stated the security cameras still did not work but was planning on having them repaired. He submitted an abatement plan which was approved.
- F. On April 4, 2019 officers responded with DNS inspectors to 3427 W. Lincoln Avenue. There was no answer at the door even though the inspectors had an appointment with the owner. They then went to the apps residence and again received no response. The inspector left a letter with his contact information.
- G. The applicant stated the shooting happened during closing time and he got nervous. He added that he had 2 bouncers working on the day of the shooting, but they were breaking up a fight when the women entered with a gun. He stated it was his mistake in not reporting the shooting, and he will call the police whenever there is a problem. He stated that he guarantees that it will never happen again.

Appearing with the applicant:

- H. David Eisner, 10621 W Lincoln Ave #1, West Allis, WI read a written response to the police report. He added that a third bouncer was hired after the meeting with MPD at District 2. He added that the applicant panicked and the buck stops with him.
- I. Alderwoman Coggs moved to enter in to the record as exhibit #1 the written response to the police report. (Prevailed 4-0)

Individual also present:

- J. Patricia Doherty 8th District Legislative Assistant stated she has received calls about patrons being loud when exiting at closing time. She added Alderman Donovan has a lot of concern about trust and honesty, because there was a bartender, 2 security guards, and the applicant present during the shooting and no one called the police. She added and that maybe a suspension is in order because they already received a warning letter.
- K. Alderman Kovac stated he is more concerned with the failure to report the shooting, than the actual shooting itself. He added that the worse possible thing is not to call the police when there's a shooting. He added that he agrees a suspension is in order given the failure to report.

- L. Alderwoman Lewis asked when the third bouncer was hired and how a patron was able to enter with a gun. She added that last year there was also a failure to report.
- M. Alderman Johnson stated last year there was a battery/cutting at the premises and the applicant was reminded to call the police when incidents occur. Alderman Johnson moved approval with a 15 day suspension based on #11-12 in the police report. (Prevailed 2-1-1)

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 Chapters 68, 82, 85, 90, 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin State Statutes.
2. Based upon the above facts found, the Committee concludes that the Licensee, William Rivera who holds Class "B" Tavern and Entertainment Premises (PEP) licenses for the premise located at 3427-31 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("LA PICA CARR 3 BAR & HALL") has not met the criteria of Chapters 68, 82, 85, 90, 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin State Statutes, to not renew the Class "B" Tavern and Public Entertainment Premises (PEP) licenses without undergoing a fifteen (15) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on Numbers 11 and 12 of the police report.
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 Public Entertainment Premises (PEP) licenses without undergoing a fifteen (15) day suspension for the premises located at 3427-31 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("LA PICA CARR 3 BAR & HALL"). The Committee based its recommendation on Numbers 11 and 12 of the police report.

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) abstain**, recommends that the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of William Rivera for the premises located at 3427-31 West Lincoln Avenue ("LA PICA CARR 3 BAR & HALL") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a fifteen (15) day suspension based upon Numbers 11 and 12 of the police report.

The suspension is in effect between 12:01 a.m. on July 30, 2019 until 11:59 p.m. on August 13, 2019.

Dated and signed at Milwaukee, Wisconsin this 28th day of June, 2019.

A handwritten signature in black ink, appearing to read "Nick", with a stylized flourish at the end.

NICK KOVAC
Chairman, Licenses Committee

/260553

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: June 28, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Scott A. Rauch

FINDINGS OF FACT

1. Scott A. Rauch (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2018.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
3. Pursuant to Chapters 85 and 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 police report that could form a basis for nonrenewal or suspension of said license.
4. On June 12, 2019 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85 and 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 June 25, 2019 at 1:45 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee 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 Scott A. Rauch, 3124 West National Avenue, Milwaukee, WI 53215 on June 12, 2019 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 3124 West National Avenue, Milwaukee, WI 53215 is the address given by the Licensee on his application. The envelope was



not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on June 25, 2019 at 1:45 p.m.

- B. On October 16, 2018 the applicant was charged in Milwaukee County with count 1 – Knowingly Violate Domestic Abuse Order – Injunction (Misd) and count 2 – Knowingly Violate Domestic Abuse Order – Injunction (Misd)

Charge 1: Knowingly Violate a Domestic Abuse Order/Injunction
2: Knowingly Violate a Domestic Abuse Order/Injunction
Finding 1: Guilty
2: Dismissed
Sentence: 18 Months probation
Date: 05/09/2019
Case: 2018CM003762

- C. On February 28, 2019 the applicant was charged in Milwaukee County with count 1 – Knowingly Violate Domestic Abuse Order – Injunction (Misd) and count 2 – Bail Jumping (Misd)

Charge 1: Knowingly Violate a Domestic Abuse Order/Injunction
2: Bail Jumping
Finding 1: Guilty
2: Dismissed
Sentence: 18 Months probation
Date: 05/09/2019
Case: 2019CM000993

- D. The applicant has a warrant with Greenfield Police Department for Failure to Appear/Traffic Offense.

185330 05/01/19

- E. The applicant has the following past due fine owed to Milwaukee Municipal Court:

18044030 Non-Registration of Vehicle \$98.80 due 7/20/18

- F. Alderman Johnson moved denial based on his second non-appearance.

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, Scott A. Rauch has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapters 85 and 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license based upon his second nonappearance.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Operator's license held by Scott A. Rauch based upon his second nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **three (3) ayes, zero (0) noes, and two (2) excused** that the Class "D" Operator's License of Scott A. Rauch not be renewed based upon his second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 28th day of June, 2019.



NIK KOVAC
Chairman Licenses Committee

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NIK KOVAC

ALDERMAN, 3RD DISTRICT

Date: June 28, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Adriana M. Williams

FINDINGS OF FACT

1. Adriana M. Williams (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2018.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
3. Pursuant to Chapters 85 and 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 police report that could form a basis for nonrenewal or suspension of said license.
4. On June 12, 2019 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85 and 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 June 25, 2019 at 1:45 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee 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 Adriana M. Williams, 620A South Hawley Road, Milwaukee, WI 53214 on June 12, 2019 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 620A South Hawley Road, Milwaukee, WI 53214 is the address given by the Licensee on her application. The envelope was



not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on June 25, 2019 at 1:45 p.m.

B. Alderwoman Coggs moved denial based on her second non-appearance.

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 Chapters 85 and 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Adriana M. Williams has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapters 85 and 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license based upon her second nonappearance.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Operator's license held by Adriana M. Williams based upon her second nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **three (3) ayes, zero (0) noes, and two (2) excused** that the Class "D" Operator's License of Adriana M. Williams not be renewed based upon her second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 28th day of June, 2019.



NIK KOVAC
Chairman Licenses Committee