

Jeff Pawlinski

Alderman, 13th District

CHAIR:

Utilities & Licenses Committee

COMMITTEES:

Zoning, Neighborhoods and Development

Steering & Rules

Anti Graffiti Policy

Administrative Review Appeals Board

Resolutions Committee - League

of Wisconsin Municipalities



October 28, 2002

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 020123

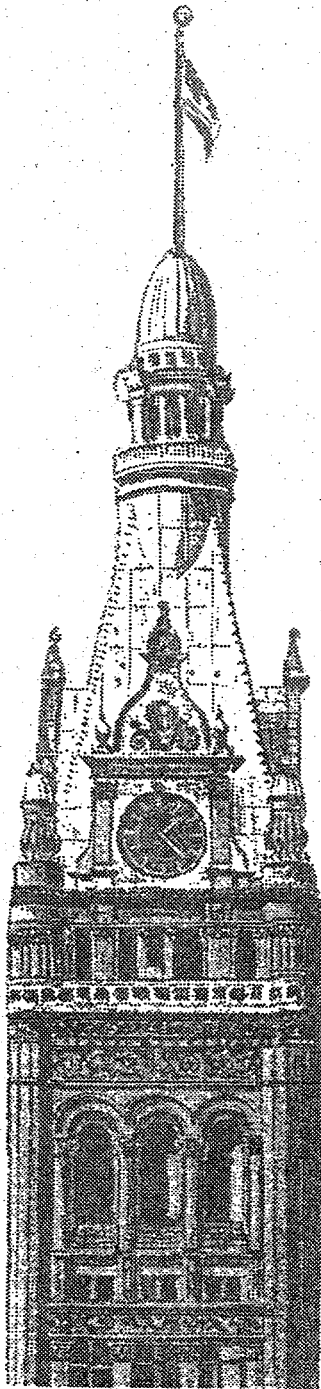
Recommendation of nonrenewal of a Class "D" Bartender License application of Belinda Gutierrez based upon non-appearance.

Recommendation of nonrenewal of a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) application of Joanne L. Flanagan and determination of an unfit location based upon police report and neighborhood objection for the premises at 7924 W. Appleton Ave. ("Maze Nite Club") in the 5th Aldermanic District.

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on October 22, 2002.

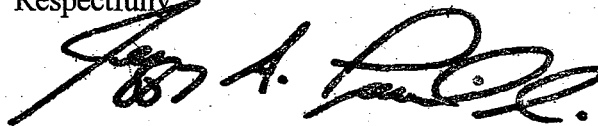
Pursuant to section 90-11 Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.



These matters have been scheduled for a hearing before the full Common Council at its meeting on Wednesday, November 6th, 2002 at 9:00 A.M. in the Common Council Chambers.

Respectfully

A handwritten signature in black ink, appearing to read "Jeff A. Pawlinski", written in a cursive style.

JEFFREY A. PAWLINSKI, Chair
Utilities & Licenses Committee

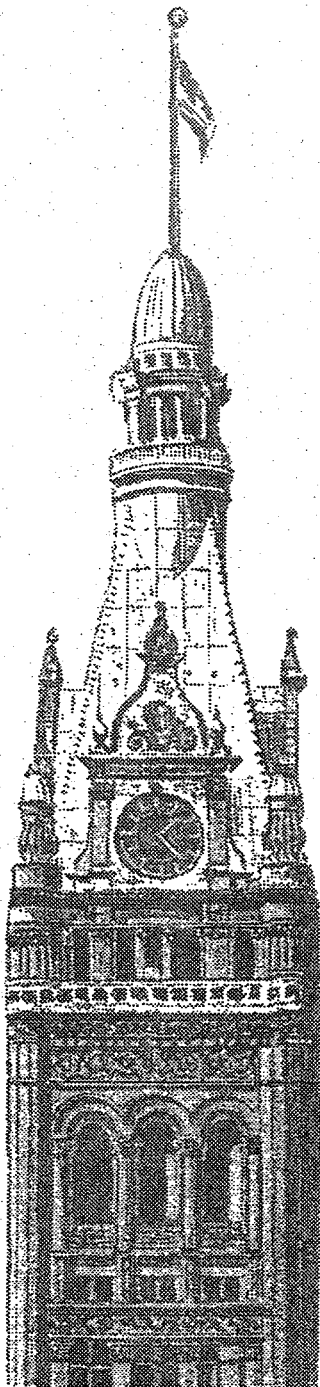
Attachment

cc: City Attorney's Office
Common Council/City Clerk - License Division
Milwaukee Police Department- License Investigation Unit
All Council Members
File No. 020123

Jeff Pawlinski
Alderman, 13th District

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Date: October 25, 2002

To: All members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D"
Bartender License of Belinda J. Gutierrez

FINDINGS OF FACT

1. Belinda J. Gutierrez (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, 2001.
2. An untimely application to renew said license was filed with the Office of the City Clerk on October 7, 2002.
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 October 7, 2002, the Milwaukee Police Department responded with a police report that created a basis for non-renewal or suspension of said license.
4. On October 10, 2002, 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 October 22, 2002, commencing at 9:45 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee failed to appear.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Notice of hearing was sent to Belinda J. Gutierrez at 2321 North 58th Street, Milwaukee, WI 53210 on October 10, 2002 by the Office of the City Clerk. This was the address given by the licensee as her home address. It was sent in an envelope with the return address of the License Division. It was sent by United States prepaid mail. The envelope containing the notice was not returned to the License Division. The address of 2321 North 58th Street, Milwaukee, WI 53210 is the address given by the applicant for the receipt of mail. The Licensee failed to appear at the hearing on October 22, 2002.

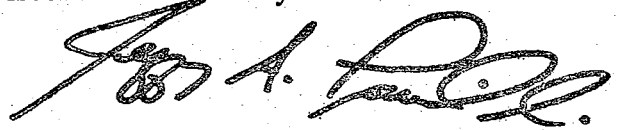
CONCLUSIONS OF LAW

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 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the Class "D" Bartender license of Belinda J. Gutierrez not be renewed because of non-appearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes to zero (0) noes, recommends that the Class "D" Bartender License of Belinda J. Gutierrez not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this 28th day of October, 2002.

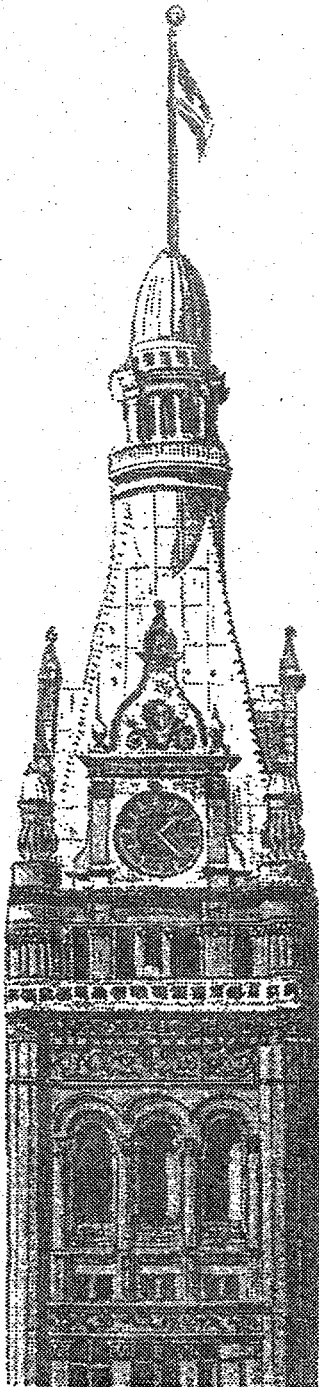


JEFFREY PAWLINSKI
Chairman of the Utilities
and Licenses Committee

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Date: October 28, 2002

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of the Dr. Joanne L. Flanagan, as agent for "Aries, LLC" for a Class "B" Tavern license, for the premises located at 7924 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Maze Nite Club").

FINDINGS OF FACT

1. Dr. Joanne L. Flanagan (hereinafter the "Licensee") is the agent for "Aries, LLC" doing business at 7924 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Maze Nite Club"). Said license expires at midnight, November 26, 2002.
2. An application to renew said license was filed with the Office of the City Clerk on September 9, 2002.
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 September 11, 2002 the Milwaukee Police Department responded with a report which could form the basis for non-renewal or suspension of the Class "B" Tavern license held by "Aries, LLC" for 7924 West Appleton Avenue ("Maze Nite Club"). There were also neighborhood objections to gunshots, racing, loud vehicles, loud noise, loud music, loitering, littering, illegal drug activity, performance of illicit acts and vulgar behavior, cruising, fighting, public urination, trespassing, vandalism, damage to private property, parking on private property, sniping, excessive and inappropriate use of police resources, disturbing the peace, excessive numbers of individuals

congregating in the area, interruption of the normal flow of traffic on roadways, alleys impeded, entertainment provided is in violation of the tavern amusement cabaret/nite club license granted by the Common Council which allows only comedy acts and solo singers. The notice also specifically alleged that this location was an unfit location for a Class "B" premises.

4. On October 15, 2002, 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 that could form the basis for suspension or non-renewal of the licenses of the Licensee, and included therewith a copy of the Milwaukee Police Department report and notice of neighborhood objections. The matter was scheduled for a hearing on the police department report and neighborhood objections on October 22, 2002 at 1:30 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the agent of the Licensee appeared at the hearing and admitted receipt of the notice of hearing together with a copy of the Milwaukee Police Department report. The agent for the Licensee was represented by Attorney Patrick Knight, Gimbel, Reilly, Guerin & Brown, 330 East Kilbourn Avenue, Suite 1170, Milwaukee, WI 53202.

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

A. On July 5, 2002 at 1:14 a.m., officers of the Milwaukee Police Department responded to the licensed premise at 7924 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Maze Nite Club") regarding a person making threats. The investigation revealed that a person, who was intoxicated, attempted to gain entry into the tavern. That person was turned away by security guards. That person threatened to "shoot up the entire building." It turned out that the actor was not armed and was taken into custody. An incident report was filed.

B. On September 3, 2002, at 1:24 a.m. officers of the Milwaukee Police Department were monitoring closing at Maze Nite Club. At closing time approximately 200 to 300 people came out of the bar and onto the street. Several people stood in the roadway blocking traffic. Upon entering their cars it was observed that the car stereo systems were loud and parked cars were in traffic on east and westbound lanes in Appleton Avenue, obstructing the entire road. It took approximately 10 to 15 minutes for squads to clear the road traffic and people from the bar. The

Milwaukee Police Department observed that this is an on-going problem which has gained momentum in recent times because of parties that the bar has thrown.

C. On September 7, 2002 at 12:33 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 7924 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Maze Nite Club") to investigate a noise complaint. The caller requested police to check in front of the Maze Nite Club for cars parked with their music turned up very loudly. The caller stated that the loud music from patrons' cars happens every night. The caller further stated there is a constant large volume of people and cars exiting and entering the area of the Maze Nite Club and being loud and disorderly. The officer who was dispatched observed numerous vehicles traveling in and out of the parking lot. The officer observed that he did not hear any loud music violations coming from autos around the club. However, the officer did hear large groups of people talking and laughing walking to and from their vehicles. The officer advised those individuals to keep their voices low and leave the area as soon as possible.

D. On September 7, 2002, at 12:49 a.m. an officer of the Milwaukee Police Department was dispatched to a parking complaint in the 7900 block of West Appleton Avenue in the City and County of Milwaukee, Wisconsin. The officer issued four citations. Three were issued for cars parked too close to fire hydrants and one for an obstructed driveway. The officer observed that it was obvious that these parking violations were caused by patrons of the Maze Nite Club.

E. On September 7, 2002 at 1:12 a.m. officers of the Milwaukee Police Department were dispatched to the area of the Maze Nite Club in the 7900 block of West Appleton Avenue in the City and County of Milwaukee, Wisconsin to check for people causing disturbances, urinating on lawns, and loud music coming from cars in front of the club. Upon arrival, the officers observed patrons standing in line waiting to get inside the club. They appeared orderly. Numerous vehicles were parked around the club and patrons were traveling to and from their vehicles causing minor traffic backups. Due to the large number of patrons and vehicles entering and exiting the area, there was a constant noise generated by people talking, vehicles running and car doors opening and closing.

F. On September 14, 2002 at 1:37 a.m. an officer of the Milwaukee Police Department was dispatched to a loud noise complaint at 7924 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Maze Nite Club"). The officer spoke to the caller who stated there were numerous cars circling the block playing loud music and revving engines. The officer observed a medium amount of noise.

G. On September 15, 2002 at 2:30 a.m. multiple squads from the Milwaukee Police Department responded to reports of cruising, loud music, a fight, and a man with a gun at the licensed premises at 7924 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Maze Nite Club"). Upon arrival the officer found that the bar had been closed. The Maze Nite Club security staff were trying to disperse the crowd. The street in front of the bar was grid locked with 100 to 150 cars, double parked in the westbound lane. The eastbound lane was also double parked but moving. Loud music was heard blaring from many cars. Traffic control was initiated and the grid lock was eliminated. The anonymous call for the man with a gun and the fight were not substantiated. Approximately 10 persons were arrested outside of the licensed premises for charges ranging from warrants to disorderly conduct and public urination. At the height of the incident at least 18 squads were involved.

H. On September 21, 2002 at 10:30 p.m. officers of the Milwaukee Police Department were dispatched to meet squad 700 for a large crowd. The officers observed several people in the parking lot arguing and fighting. Upon attempting to approach them, the crowd became hostile, attempting to confront the officers. The officers attempted to talk to the bar manager, but he was uncooperative, harassed the officers and interfered with the officers' attempts to apprehend the disorderly persons that initiated the disturbance.

I. On September 21, 2002 at 1:58 a.m. officers of the Milwaukee Police Department were dispatched to 8006 West Appleton Avenue for a noise nuisance complaint in which subjects leaving the licensed premises at 7924 West Appleton Avenue ("Maze Nite Club") were involved. Those individuals were making noise, loitering, and throwing trash on the ground. Officers observed a large traffic backup, people standing in the streets talking to persons in cars, loud stereos and vehicles with their horns blowing. Numerous persons were instructed to leave the area and complied. The majority of them, however, continued to dance in the street. A few loud firecrackers were set off behind

the bar. Five additional squads were called and it took 40 minutes to clear the area out. Two persons were arrested behind the bar for public urination. One person was issued a citation for possession/consumption of alcohol by a minor and resisting/obstructing an officer.

J. On September 14, 2002 at 1:30 a.m. officers of the Milwaukee Police Department were monitoring activity outside of the license premises 7924 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Maze Nite Club"). Individuals were loitering in front and south of the premises. One individual was drinking from a can of beer which he discarded between the Maze Nite Club and the building to the east. The officer noted that security was not attempting to control the area immediately outside the premises. Both the licensee and club manager related to officers that they were not aware of any responsibility on their part to control patrons outside of the premises. The persons supervising security related to officers that he was aware of the responsibility to control patrons outside the club but lacked the staff to do so. The licensee was cited for disorderly premises and another individual was cited for disorderly conduct (public urination).

K. On August 7, 2002, Captain Anna Ruzinski of the Milwaukee Police Department and Commander of District No. 7 issued a "nuisance letter" under the provisions of § 80-10 of the Milwaukee Code of Ordinances for incidents occurring on August 4, 2002 at 2:01 a.m. when Milwaukee police officers were assigned to crowd control at 7924 West Appleton Avenue in the City and County of Milwaukee, Wisconsin based on previous problems; July 28, 2002 at 2:16 a.m. four Milwaukee police officers were dispatched to 7924 West Appleton Avenue for a subject with a weapon complaint in which the subjects were fighting with baseball bats; and, on July 14, 2002 at 2:23 a.m. two Milwaukee police officers were dispatched to a "shots fired" complaint coming from 7924 West Appleton Avenue ("Maze Nite Club").

L. On October 11, 2002, the Milwaukee Police Department assessed the property at 7924 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Maze Nite Club") for police services on the following dates and the following amounts:

1.	September 5, 2002, 12:32 a.m.	\$ 23.82
2.	September 6, 2002, 11:34 p.m.	27.46
3.	September 7, 2002, 2:15 a.m.	68.41

4.	September 7, 2002, 1:06 a.m.	17.24
5.	September 7, 2002, 12:43 a.m.	17.24
6.	September 14, 2002, 1:34 a.m.	23.82
7.	September 14, 2002, 1:30 a.m.	47.39
8.	September 15, 2002, 2:27 a.m.	190.07
9.	September 15, 2002, 2:23 a.m.	1,247.99
10.	September 21, 2002, 10:24 p.m.	147.34
11.	September 21, 2002, 1:53 a.m.	187.44

The agent of the licensee by counsel, noted that she has filed an appeal of these assessments, which is pending.

M. On August 31, 2002, a large crowd in front of the licensed premises at 7924 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Maze Nite Club") required Milwaukee police service for crowd control at closing time. Loud car stereos were playing, and police officers were subject to profanity uttered by the patrons.

N. Patrons of this establishment have parked illegally on adjoining properties. In addition, patrons operating loud car stereos regularly "cruise" in the neighborhood. Patrons of this establishment have been known to park, illegally, in front of fire hydrants. A number of adjoining neighbors have had cars illegally parked on their property. In one case, a car was parked diagonally, across a driveway by patrons of the Maze Nite Club. In that case when the patrons entered their cars to leave, they drove across the lawns of adjoining neighbor. In another case, when a neighbor cautioned a patron of the Maze Nite Club about illegally parking a car in a parking lot, he was told by the patron, "shut up white mother fucker." In a similar situation, another resident was told by four females, "Go back in your house bitch, and stop harassing us."

O. Patrons of this establishment are loud, often scream and swear obscenities as they exit the tavern. Patrons then enter autos and turn stereos up very loudly disturbing and awakening the neighbors late at night.. Occasionally, patrons, after leaving this establishment, have danced in the street while other vehicles containing patrons cruise around the medians of Appleton Avenue. This has had the effect of creating traffic congestion along Appleton Avenue and actually stopping traffic on Appleton Avenue.

P. Patrons have been observed by neighbors littering as they exit their autos to enter the tavern or when exiting the tavern to enter their autos. This litter consists of glass and broken glass.

The neighbors have had to carefully clean their yards before allowing small children to play in their own yards for fear of broken glass.

Q. Patrons of this establishment have engaged in sexual activity in their cars, and deposited used condoms on the yards of adjoining neighbors. Occasionally gunshots are heard from patrons discharging firearms, and on at least one occasion, patrons have actually physically attacked and punched neighbors.

R. Neighbors have observed patrons storing firearms in trunks and under hoods of motor vehicles when arriving, and taking the firearms out of such locations and putting them in their belts when leaving. The club uses metal detectors on patrons when they enter the club. When adjoining neighbors have requested patrons to leave and to not be loud or boisterous, one was punched in the face and others were threatened with personal harm and violence.

S. In addition, a neighbor has observed patrons carrying bats and pipes to be used as weapons.

T. The neighbors adjoining the Maze Nite Club have been subjected to numerous acts of public urination. One patron was actually videotaped urinating on a lawn and the tape is in evidence in this proceeding.

U. Neighbors have observed patrons exchanging "joints" outside of the premises.

V. The conduct of the patrons, particularly at closing time, is such that no control can be exercised by the managers of the premises. The patrons are regularly out of control. The Milwaukee Police Department must regularly provide service to break up unruly congregations of patrons.

W. The premises can hold 300 persons. The size of the premises is such that crowds of patrons frequent the premises and park at locations throughout the neighborhood. This causes the patrons, who are frequently unruly, to wander through the neighborhood, disturb the neighbors, and frequently cause acts of vandalism.

X. The operation of this premises by the licensee's agent is such that is a nuisance to neighbors and is no longer a fit or suitable location for a Class "B" premises.

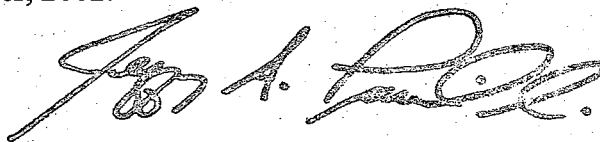
CONCLUSIONS OF LAW

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, Dr. Joanne L. Flanagan, as agent for "Aries, LLC" d/b/a "Maze Nite Club" at 7924 West Appleton Avenue has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of her Class "B" Tavern license. The Committee finds the police report and neighborhood objections to be true.
3. Further, the Committee concludes that this is an unfit location for a Class "B" premises as that term is used in § 90-5-9-a of the Milwaukee Code of Ordinances.
4. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern license of Aries, LLC, Dr. Joanne Flanagan, agent, for this premises.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes recommends that the Class "B" Tavern license held by Dr. Joanne L. Flanagan as agent for "Aries, LLC" not be renewed, and this location be declared unfit for a Class "B" Tavern license.

Dated and signed at Milwaukee, Wisconsin this 28th day of October, 2002.



JEFFREY A. PAWLINSKI
Chairman, Utilities and
Licenses Committee