

JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

February 11, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 041357

Recommendation of renewal with a 60-day suspension based on the police report of the Class "D" Bartender license of George Maddente.

Recommendation of renewal with a 10-day suspension based on the police report of the Class "D" Bartender license of Stephanie Shay .

Recommendation of renewal with a 20-day suspension based on the police report of the Class "B" Tavern license of Jason Metke for the premises located at 332 N. Milwaukee St. ("Metke's on Milwaukee") in the 4th aldermanic district. (Committee vote: Ayes: 4, Noes: 1)

Recommendation of renewal with a 20-day suspension based on the police report and neighborhood objections of the Class "B" Tavern partnership license of Areli Martinez-Benitez and Carpofofo Bentiez for the premises at 3530 W. National Ave. ("Mis Amigos Bar") in the 8th aldermanic district. (Committee vote: Ayes: 3, Noes: 1, Excused: 1)

Recommendation of renewal with a 10-day suspension based on the police report of the Class "B" Tavern license of Michelle Murphy for the premises located at 1500 W. Scott St. ("The Nut Hut") in the 12th aldermanic district.

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on February 8th, 2005.

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 Tuesday, **February 22, 2005** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in all caps and has a stylized, slightly slanted appearance. It is positioned above the printed name and title.

James N. Witkowiak, Chair
Utilities & Licenses Committee

cc: All Council Members
File No. 041357



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Carolyn Hill Robertson
Deputy City Clerk

February 11, 2005

George M. Maddente
3214 West Fairmount Avenue
Milwaukee, WI 53209

Dear Mr. Maddente:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 22, 2005 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 53202 to consider your Class "D" Bartender License Renewal Application.

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal with a sixty (60) day suspension of the Class "D" Bartender License. The recommendation is the result of a public hearing before the Committee held on February 8, 2005 and a police report.

You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure

c: License Division
CCF 041357



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: February 11, 2005

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 George M. Maddente.

FINDINGS OF FACT

1. George M. Maddente (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, 2004.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 19, 2005.
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 January 20, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 28, 2005, 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 February 8, 2005, commencing at 9:30 a.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the police report and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On September 2, 1998, George M. Maddente was stopped by the Wisconsin State Patrol and arrested in Waukesha County for operating an

auto while intoxicated. On September 30, 1998 he was found guilty and fined \$702.75 and incurred a 9 month suspension of his driver's license.

- B. On May 19, 2002, George M. Maddente was arrested by the Wisconsin State Patrol in Washington County for operating an auto while intoxicated. On November 18, 2002 he was found guilty and fined \$1,060.00 and sentenced to 90 days in jail and had his driver's license revoked for 18 months.
- C. On April 29, 2003, George M. Maddente was arrested by the Milwaukee Police Department for operating an auto while intoxicated. On September 4, 2003 he was found guilty and fined \$2,4000.00 and sentenced to 124 days in the House of Correction and had his driver's license revoked for three years.
- D. At hearing Mr. Maddente advised that he attends meetings of Alcoholics Anonymous at St. Michael's Hospital.

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 recommends that the licensee, George M. Maddente, 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 "D" Bartender license held by the licensee without undergoing a sixty (60) 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 discretion to grant renewal of the Class "D" Bartender license held by George M. Maddente with a sixty (60) 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 five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License be renewed with a sixty (60) day suspension based on the police report.

Said suspension is to be in effect upon action of the Common Council on February 22, 2005 through midnight, April 23, 2005.

Dated and signed at Milwaukee, Wisconsin this 11th day of February, 2005.



JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee

90039



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Carolyn Hill Robertson
Deputy City Clerk

February 11, 2005

Stephanie A. Shay
5440 North 39th Street
Milwaukee, WI 53209


Dear Ms. Shay:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 22, 2005 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 53202 to consider your Class "D" Bartender License Renewal Application.

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal with a ten (10) day suspension of the Class "D" Bartender License. The recommendation is the result of a public hearing before the Committee held on February 8, 2005 and a police report.

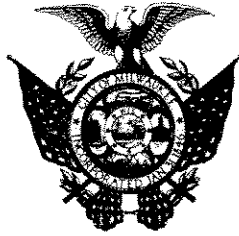
You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure

c: License Division
CCF 041357



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: February 11, 2005

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 Stephanie A. Shay.

FINDINGS OF FACT

1. Stephanie A. Shay (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, 2004.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 11, 2005.
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 January 12, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 28, 2005, 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 February 8, 2005, commencing at 9:30 a.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the police report and 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 February 12, 2002, the applicant was charged in the Circuit Court of Milwaukee County for violating a harassment/restraining order on

February 20, 2002. She was found guilty on August 29, 2002 to an amended charge of disorderly conduct (county ordinance) and fined \$200.00.

- B. On June 5, 2003, the applicant was stopped and arrested for operating an auto while intoxicated. She was found to be in possession of a controlled substance, tetrahydrocannabinol (THC). She was charged with operating an auto while intoxicated and possession of a controlled substance tetrahydrocannabinol (THC). On September 22, 2003 she was found guilty and fined in Ozaukee County Circuit Court and fined \$1,268.96 and incurred an 8 month revocation of her driver's license.

CONCLUSIONS OF LAW

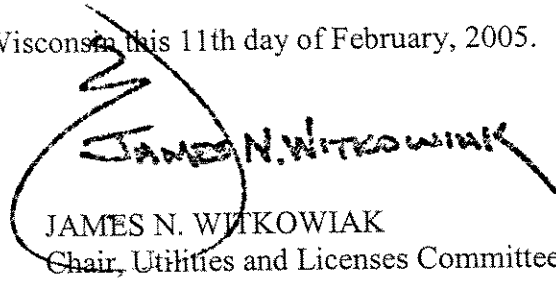
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Stephanie A. Shay, 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 "D" Bartender license held by the licensee without undergoing a ten (10) 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 discretion to grant renewal of the Class "D" Bartender license held by Stephanie A. Shay with a ten (10) day suspension based upon the danger that her 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 five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License be renewed with a ten (10) day suspension based on the police report.

Said suspension is to be in effect upon action of the Common Council on February 22, 2005 through midnight, March 4, 2005.

Dated and signed at Milwaukee, Wisconsin this 11th day of February, 2005.

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style with a large, sweeping initial "J".

JAMES N. WITKOWIAK
Chair, Utilities and Licenses Committee



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Carolyn Hill Robertson
Deputy City Clerk

February 11, 2005

Jason R. Metke
646 South 66th Street
Milwaukee, WI 53214

Dear Mr. Metke:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 22, 2005 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 53202 to consider your Class "B" Tavern License Renewal Application for the premises at 332 North Milwaukee Street in the City and County of Milwaukee, Wisconsin ("Metke's on Milwaukee").

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal with a twenty (20) day suspension of the Class "B" Tavern License. The recommendation is the result of a public hearing before the Committee held on February 8, 2005 and a police report.

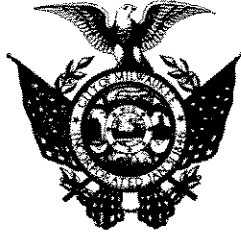
You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure

c: License Division
CCF 041357



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: February 11, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern License of Jason R. Metke for the license premises at 332 North Milwaukee Street in the City and County of Milwaukee, Wisconsin ("Metke's On Milwaukee").

FINDINGS OF FACT

1. Jason R. Metke (hereinafter the "Licensee") is the holder of a Class "B" Tavern License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, February 9, 2005.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 10, 2005.
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 January 11, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 28, 2005, 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 February 8, 2005, commencing at 10:30 a.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the police report and 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 15, 1994 Jason Metke was arrested in Winnebago County for issue of worthless checks. On September 13, 1995 he was found guilty in Winnebago County Circuit Court.
- B. On March 4, 1995 Jason Metke was arrested in Winnebago County for possession of a controlled substance (2 counts). On November 27, 1995 he was found guilty as to both counts and fined.
- C. On May 18, 1997 Jason Metke was arrested in Winnebago County for disorderly conduct. On July 9, 1997 he was found guilty and fined.
- D. On July 28, 1997 Jason Metke was arrested in Oshkosh for theft. On August 20, 1997 he was found guilty of petty theft and fined.
- E. On January 15, 1998 Jason Metke was arrested in Fond du Lac County for possession of a controlled substance. On February 2, 1998 he was found guilty and fined.
- F. On March 5, 1999 Jason Metke was stopped and arrested for operating an auto while intoxicated in the City of Waukesha. On June 4, 1999 he was found guilty and incurred a 7 month suspension of his driver's license and fined.
- G. On June 28, 2003 at 11:59 p.m., Jason Metke was observed urinating in public in the alley at 208 East Chicago Street in the City and County of Milwaukee, Wisconsin. He was cited for disorderly conduct and on August 20, 2003 was found guilty and fined \$120.00.
- H. On June 13, 2004 Jason Metke was charged in Milwaukee County Circuit Court for felony theft, more than \$2,500 and less than \$5,000. That matter is pending.
- I. On July 15, 2004 Jason Metke was charged in Fond du Lac Circuit Court with issuance of a worthless check. On October 22, 2004 he was found guilty and fined \$1,985.00.
- J. On July 22, 2004 Jason Metke was charged in Milwaukee County Circuit Court with felony theft, business setting, misdemeanor unfair trade general orders and misdemeanor theft. That matter is pending.
- K. On October 21, 2004 at 12:49 a.m., officers of the Milwaukee Police Department investigated a complaint of underage patrons at the licensed premises at 332 North Milwaukee Street. The applicant was not on the scene, but there were six underage patrons in the bar. That matter is presently pending for February 1, 2005 at a pretrial.

CONCLUSIONS OF LAW

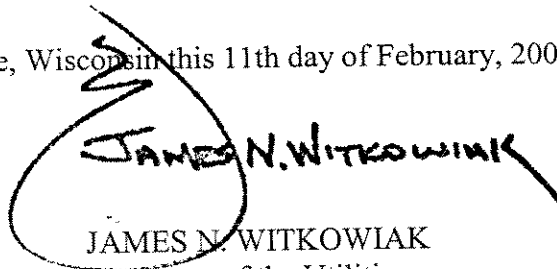
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Jason Metke, 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 license held by the licensee without undergoing a twenty (20) day suspension. The Committee finds items stated above to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to grant renewal of the Class "B" Tavern license for the licensed premises at 332 North Milwaukee Street in the City and County of Milwaukee, Wisconsin ("Metke's on Milwaukee") held by Jason Metke with a twenty (20) 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 four (4) ayes and one (1) no, recommends that the Class "B" Tavern License be renewed with a twenty (20) day suspension based on the police report.

Said suspension is to be in effect between midnight, February 22, 2005 and midnight, March 13, 2005.

Dated and signed at Milwaukee, Wisconsin this 11th day of February, 2005.

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style and is enclosed within a hand-drawn oval.

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Carolyn Hill Robertson
Deputy City Clerk

February 11, 2005

Areli Martinez-Benitez
300 West College Avenue
Milwaukee, WI 53207

Carpoforo Martinez
300 West College Avenue
Milwaukee, WI 53207

Attorney Andres Velez
1334 South 11th Street
Milwaukee, WI 53204

Dear Messrs. Martinez-Benitez, Martinez and Velez:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 22, 2005 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 53202 to consider your Class "B" Tavern Partnership License Renewal Application for the premises at 3530 West National Avenue in the City and County of Milwaukee, Wisconsin ("Mis Amigos Bar").

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal with a twenty (20) day suspension of the Class "B" Tavern License. The recommendation is the result of a public hearing before the Committee held on February 8, 2005, a police report and neighborhood objections.

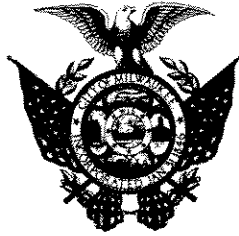
You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure

c: License Division
CCF 041357



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: February 11, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern Partnership License of Areli Martinez-Benitez and Carpo foro Benitez for the license premises at 3530 West National Avenue in the City and County of Milwaukee, Wisconsin ("Mis Amigos Bar").

FINDINGS OF FACT

1. Areli Martinez-Benitez and Carpo foro Benitez (hereinafter the "Licensees") are the holders of a Class "B" Tavern Partnership License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, March 3, 2005.
2. An application to renew said license was timely filed with the Office of the City Clerk on January 26, 2005.
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 January 27, 2005, 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, parking and traffic problems, public urination, vandalism, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On January 31, 2005, the City Clerk's Office provided timely notice to the Licensees 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 and of the neighborhood objections. The matter was scheduled for a hearing on the Police Department report on February 8, 2005, commencing at 2:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensees appeared and admitted receipt of the notice of hearing, police report and

neighborhood objections and were represented by Attorney Andres Velez, 1334 South 11th Street, Milwaukee, Wisconsin.

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

As to Carpofo Benitez:

- A. On March 16, 2003 at 2:34 a.m. at 1008 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin, Carpofo Benitez was issued citations for disorderly conduct, resisting and obstructing a police officer. He was found guilty on the disorderly conduct charge and fined \$150.00 on May 6, 2003. The charge of resisting and obstructing a police officer was dismissed on May 6, 2003 without prejudice.
- B. On October 23, 2004 at 2:03 a.m. officers of the Milwaukee police Department were dispatched to a shooting at South 36th Street and West National Avenue in the City and County of Milwaukee, Wisconsin. Upon arrival, they observed a victim lying on the ground next to the interior west wall of the licensed premises at 3530 West National Avenue in the City and County of Milwaukee, Wisconsin ("Mis Amigos Bar"). The victim had two gunshot wounds, one to the upper abdomen and one to the forearm. The officers spoke to the caller, one Ricardo Huerta, a security officer, for Mis Amigos Bar who stated that he heard two gunshots, did not see the shooter or the direction of flight. This same individual stated he did not see the victim involved in any physical or verbal argument during the evening.

The officers then spoke to the bartender, one Vicky Alcaez, who stated that she was on duty as a bartender at the time and heard two gunshots. She stated to officers that she knew the victim as a regular at the bar and that he had no trouble with any other patrons during that night while at the bar. The officers then spoke to one of the licensees, Areli Martinez, who told officers that she was managing the premises when she heard two gunshots. Ms. Martinez stated that she did not see the shooter or where the shooter fled. She stated to officers that she did not observe any altercations involving the victim during the evening while inside the bar.

It was later learned that the victim, Jose A. Flores, made a dying declaration that he was indeed in a fight with a shooter inside the Mis Amigos Bar on Friday, October 22, 2004 at approximately 11:00 p.m. Jose A. Flores was engaged in a physical fight with that unknown person who was escorted out of the premises by security and the owner/manager, Areli Martinez. Mr. Flores told officers he then saw the same male return to Mis Amigos Bar later that night and shoot him through the glass windows of the bar. The victim told officers that he did not know the

name of the suspect, but that Areli Martinez should because he knows everyone that comes into the tavern. An incident report was filed and two arrests were made for first degree homicide. At the hearing, the licensees maintained that this was a drive-by shooting.

Adjoining neighbors who have lived in the area since as long as 1989 testified to continual problems with loitering and littering outside of the premises and cars speeding up and down streets. They observed these individuals go in and out of the bar while engaging in this conduct.

- B. Adjoining neighbors also observed public urination on a very regular basis.

CONCLUSIONS OF LAW

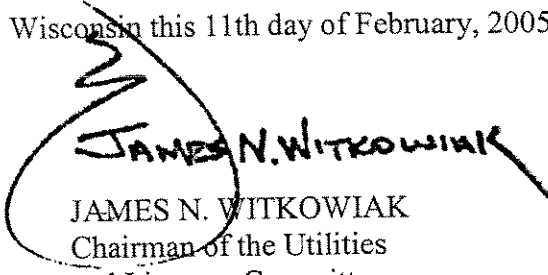
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensees, Areli Martinez-Benitez and Carpofofo Benitez, have 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 Partnership license held by the licensees for the premises located at 3520 West National Avenue in the City and County of Milwaukee, Wisconsin ("Mis Amigos Bar") without undergoing a twenty (20) 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 discretion to grant renewal of the Class "B" Tavern Partnership license for the licensed premises at 3530 West National Avenue in the City and County of Milwaukee, Wisconsin ("Mis Amigos Bar") held by Areli Martinez-Benitez and Carpofofo Benitez with a twenty (20) 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 Partnership license be renewed with a twenty (20) day suspension based on the police report and neighborhood objections.

Said suspension is to be in effect between midnight, March 3, 2005 and midnight, March 23, 2005.

Dated and signed at Milwaukee, Wisconsin this 11th day of February, 2005.



JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee

90051



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Carolyn Hill Robertson
Deputy City Clerk

February 11, 2005

Michelle L. Murphy
3626 West Maple Street
Milwaukee, WI 53215


Dear Ms. Murphy:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 22, 2005 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 53202 to consider your Class "B" Tavern License Renewal Application for the premises at 1500 West Scott Street in the City and County of Milwaukee, Wisconsin ("The Nut Hut").

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal with a ten (10) day suspension of the Class "B" Tavern License. The recommendation is the result of a public hearing before the Committee held on February 8, 2005 and a police report.

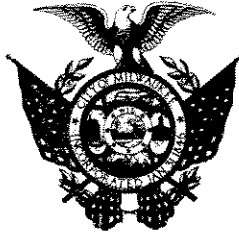
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Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure

c: License Division
CCF 041357



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: February 11, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern License of Michelle L. Murphy for the licensed premises at 1500 West Scott Street in the City and County of Milwaukee, Wisconsin ("The Nut Hut").

FINDINGS OF FACT

1. Michelle L. Murphy (hereinafter the "Licensee") is the holder of a Class "B" Tavern License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, March 4, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on January 12, 2005.
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 January 13, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 28, 2005, 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 February 8, 2005, commencing at 2:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the police report and 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 November 12, 2004 at 12:05 a.m. officers of the Milwaukee Police Department were dispatched to a shooting at the licensed premises at 1500 West Scott Street in the City and County of Milwaukee, Wisconsin ("The Nut Hut"). The victim was shot once in the right side of the chest. The victim stated that she was inside the tavern earlier and having a conversation with persons who were relatives of a person with whom the victim had a fight some time ago. One of the persons became aggressive and profane and was told to leave the bar. When the victim left the bar, fearing that the suspect would be waiting for her, she concealed a beer bottle in her waistband. The suspect confronted the victim outside. The victim swung at him with the bottle and struck him but the bottle did not break. The suspect pulled out a semi-automatic handgun from his waistband and shot her one time in the chest. A report was filed

CONCLUSIONS OF LAW

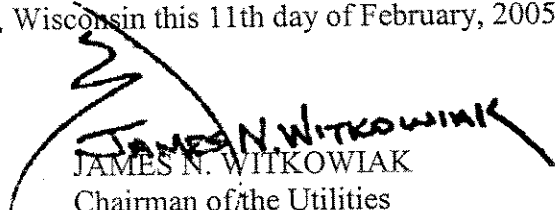
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Michelle L. Murphy, 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 license held by the licensee for the licensed premises at 1500 West Scott Street in the City and County of Milwaukee, Wisconsin ("The Nut Hut") without undergoing a ten (10) 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 discretion to grant renewal of the Class "B" Tavern license held by Michelle L. Murphy with a ten (10) day suspension based upon the danger that her 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 four (4) ayes, zero (0) noes, and one (1) excused recommends that the Class "B" Tavern License be renewed with a ten (10) day suspension based on the police report.

Said suspension is to be in effect between midnight, March 4, 2005 and midnight, March 14, 2005.

Dated and signed at Milwaukee, Wisconsin this 11th day of February, 2005.



JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee

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