

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

October 20, 2016

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 160630 contains the following recommendations:

Renewal, with a warning letter, based upon the police report of the Class B Tavern and Public Entertainment Premises license(s) for David Hinton III for the premises located at 606-608 S 5th St ("Klik Launja") in the 12th aldermanic district.

Renewal, with a ten (10) day suspension, based upon the police report, and aldermanic and applicant testimony of the Class B Tavern and Public Entertainment Premises license(s) for Francisco Gomez-Ortiz for the premises located at 1566-1570 S Muskego Ave ("Passion Nightclub") in the 12th aldermanic district.

Respectfully,

A handwritten signature in black ink that reads "Tony Zielinski".

Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
File 160630

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TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: October 20, 2016

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of David L. Hinton, III, for the premises located at 606-608 South 5th Street in the City and County of Milwaukee, Wisconsin ("Klik Launja").

FINDINGS OF FACT

1. David L. Hinton, III (hereinafter "the Licensee") is the holder of a Class "B" Tavern and PEP Licenses for the premises located at 606-608 South 5th Street in the City and County of Milwaukee, Wisconsin ("Klik Launja"). Said license expired at midnight on September 1, 2016.
2. An application to renew said license was filed with the Office of the City Clerk on June 13, 2016.
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 16, 2016, the Milwaukee Police Department responded with a report that could form the basis for renewal of said license.
4. On October 5, 2016 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 Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report, and on the neighborhood objections. The matter was scheduled for a hearing on the police department report on October 18, 2016, commencing at 10:45 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report. The Licensee was represented by Attorney David Halbrooks.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. The applicant stated he went to a Walker's Point Neighborhood Association

meeting last month and he introduced himself and there were no objections to the proposed changes to the business. He also hosted an open house for the neighborhood and had a positive response.

- B. Attorney David Halbrooks stated he is unsure why the application is back in front of the committee and there has not been a single issue since the applicant has taken over the business. He added that if the premises was open later than midnight, off-duty police officers would be hired until bar close time. He requests to amend the application to close at 2 AM on weeknights.
- C. Craig Berry, 7330 North 76th Street, stated after the Walker's Point Neighborhood Association meeting he spoke with other residents and no one has a problem, which is why no one was present to testify. He added that Ald. Perez has approved other licenses in the area this past summer. He added Mr. Velazquez has every right to sell his business, which is why he and the applicant are buying it.
- D. Alderman Perez stated this application was sent back to Committee to have further community meetings. He stated that neighbors told him they want the premises to close at midnight. He added that he takes what an applicant states a community meeting to be truthful. He recommends the applicant apply new if he wants to run a night club, and go through the process of neighborhood meetings to get community input. Alderman Perez stated one of the licenses that was approved this summer was existing licenses, and for La Fuente a banquet hall was added for special events, not a night club. He added that he would be asking the same requirements of Mr. Velazquez.
- E. Alderwoman Lewis moved to enter into the record as Exhibit 1 the aerial map for licensed premises on South 5th Street, the plan of operation, and change of agent applications.
- F. Alderman Rainey stated he has not seen anything compelling offered to change his vote to support nonrenewal of the license.
- G. Alderman Zielinski stated due process concerns are being addressed which is why the application was returned to Committee.
- H. Alderman Rainey moved approval with a warning letter based on the police report.
- I. Alderman Perez stated he does not agree with the action of the Committee and will object at Council.
- J. On March 13, 2015 the Licensee was cited in the City of Milwaukee at 1211 North Water Street for resisting or obstructing an officer. He was found guilty on May 15, 2015 and fined \$196.00.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law, and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, David L. Hinton, III, has not met the criteria to allow renewal of his Class "B" Tavern and PEP licenses without the issuance of a warning letter.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and PEP licenses of David L. Hinton, III for the premises located at 606-608 South 5th Street in the City and County of Milwaukee, Wisconsin ("Klik Launja ") with a warning letter based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) no and one (1) excused recommends that the Class "B" Tavern and PEP Licenses of David L. Hinton, III for the premises located at 606-608 South 5th Street ("Klik Launja") in the City and County of Milwaukee, Wisconsin be renewed with a warning letter based on the police report.

Dated and signed at Milwaukee, Wisconsin this 20th day of October, 2016.



TONY ZIELINSKI
Chairman, Licenses Committee

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: October 18, 2016

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Francisco Gomez-Ortiz, agent for Cantaritos Bar, LLC for a Class "B" Tavern and Public Entertainment Premises (PEP) licenses for the premises located at 1566-1570 South Muskego in the City and County of Milwaukee, Wisconsin ("Passion Nightclub").

FINDINGS OF FACT

1. Francisco Gomez-Ortiz, agent for Cantaritos Bar, LLC, (hereinafter the "Licensee") is the holder of Class "B" Tavern and PEP licenses for the premises located at 1566-1570 South Muskego Avenue in the City and County of Milwaukee, Wisconsin ("Passion Nightclub"). Said licenses expired at midnight, October 11, 2016.
2. An application to renew said licenses was filed with the office of the City Clerk on September 2, 2016.
3. Pursuant to Chapters 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. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of these licenses on September 5, 2016.
4. On October 5, 2016 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances, Chapter 125 of the Wisconsin Statutes and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on October 18, 2016, commencing at 10:45 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee appeared and was represented by Attorney Vincent Bobot. 5414 South 13th Street, Milwaukee, WI 53221
5. Based upon the sworn testimony heard and the evidence from the synopsis Police report received at the hearing, the Committee finds the following:
 - A. On April 14, 2015 the applicant was cited at 1566 South Muskego Avenue in the City of Milwaukee for Building Code Violations, was found guilty on July 19, 2016 and fined \$200.00.

- B. On October 25, 2015, Milwaukee police responded to a fight complaint at 1570 South Muskego Avenue (Cantaritos Bar). The investigation revealed some patrons of the business were arguing and fighting inside the business, so the applicant told them to leave. Once outside the business, the fight escalated and the business's security was unable to handle the situation on its own. All of the involved parties were gone when officers arrived.
- C. On November 15, 2015, Milwaukee police responded to a fight/disorderly patron at 1570 South Muskego Avenue (Passion Bar). The investigation revealed an intoxicated female patron became disorderly and was assisted from the business by security. During this encounter officers observed no violations.
- D. On February 2, 2016 Milwaukee police conducted a licensed premise check at 1570 South Muskego Avenue (Passion Night Club). During this check, it was discovered the bartender, Juana Sabino Hilario, did not possess a valid Class "D" operator's license and there was no one on the premises that did possess a valid class "D" operator's license or a class "B" manager's license. Also during this check, a police sergeant discovered a cut plastic bag containing a white powdery substance in a trash can. This substance later tested positive for cocaine. The applicant was cited for Responsible Person on Premises and found guilty on June 28, 2016 and fined \$170.00.
- E. On March 7, 2016 the applicant, along with a translator and the applicant's attorney, met with Milwaukee police at Milwaukee police district #2. During this meeting, the applicant stated he does not sell drugs inside the business and he has had issues with the security company he hired. Officers advised the applicant to call police if he observed any drugs or drug dealing in the business and that he should enroll in Respect 21.
- F. On April 11, 2016 Milwaukee police responded to an armed robbery complaint at 1556 South Muskego Avenue. The victim, Jesus Reyes-Herrera, told officers he had been at the bar the previous evening until bar close. While inside the business, Reyes-Herrera engaged in conversation with an unknown male. When he left the bar around 2:20 a.m., this unknown male followed Reyes-Herrera to his vehicle and got into the vehicle with him. After about ten more minutes of conversation, this unknown male grabbed a 14 gold necklace from Reyes-Herrera and fled on foot. An incident report was filed.
- G. The applicant stated he will get an ID scanner and the drugs found in the trash were from a homeless person who came in to use the bathroom. He added that there was a fight in the premises and he told them to go outside.
- H. Attorney Bobot stated the applicant is cooperative with the police, including providing camera footage. He added that the bartender who did not have a license is no longer employed at the bar. He stated that the applicant is closely

monitoring for drug activity. He added that the applicant is willing to create a corrective action plan.

- I. Lt. Wroblewski, of the Milwaukee Police Department, stated the department has no position on the application and they support whatever decision the committee makes.
- J. Alderman Perez stated there are still fights and drug issues, similar to last year, which resulted in a suspension. He added that he has not seen much change from last year to this year. He also stated the property was listed as a nuisance in February, which indicated the premises as a drug house. He stated he needs to see a better plan of operation.

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 Chapters 90 and 108 of the Milwaukee Code of Ordinances.
- 2. Based upon the above facts found, the Committee concludes that the Licensee, Francisco Gomez-Ortiz, has not met the criteria of Chapters 90 and 108 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and PEP licenses without undergoing a ten (10) day suspension of said licenses based upon the police report, aldermanic and applicant testimony. The Committee finds the police report, aldermanic and applicant testimony, as stated above, to be true.
- 3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and PEP licenses for the premises located at 1566-1570 South Muskego Avenue in the City and County of Milwaukee, Wisconsin ("Passion Nightclub") with a ten (10) day suspension based upon the police report, aldermanic and applicant testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes recommends that the Class "B" Tavern and PEP licenses be renewed with a ten (10) day suspension based upon the police report, aldermanic and applicant testimony.

Said suspension is to be in effect between 12:01 a.m. on November 1, 2016 through 11:59 p.m., November 10, 2016.

Dated and signed at Milwaukee, Wisconsin this 20th day of October, 2016.

Tony Zielinski

TONY ZIELINSKI
Chairman, Licenses Committee

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