

ALDERMAN, 12TH DISTRICT

May 1, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council Files 051652

Recommendation of renewal, with a 10-day suspension based on the police report, of the Class "B" Tavern, Billiard Hall and Videogame Center license of Brent Rock for the premises at 10433 W. Appleton Ave. ("Mitchell's Tavern") in the 5th aldermanic district.

Recommendation of renewal, with a 10-day suspension based on the police report, of the Class "A" Malt license of Harminder Singh for the premises at 7919 N. 60th St. ("Bradley Kwik Pantry") in the 9th aldermanic district.

Recommendation of renewal, with a 30-day suspension based on the police report and neighborhood objections, of the Class "B" Tavern and Tavern Dance partnership application of Jean Britton and Mary Greenlee for the premises at 3716 N. Dr. Martin Luther King, Jr. Dr. ("Tap Whatever") in the 6th aldermanic district.

Recommendation of renewal, with a 30-day suspension based on the police report, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of Eretta Honey, Agent for "Stargazers, LLC" for the premises at 7158 W. Fond du Lac Ave. ("Stargazers") in the 2nd aldermanic district.

Recommendation of renewal, with a 45-day suspension based on the police report, of the Class "A" Malt license of Ala Mahmoud for the premises at 3801 W. North Ave. ("Deen Foods") in the 15th aldermanic district. (Note: Committee vote: Ayes: 3, Noes: 1)

Recommendation of non-renewal, based on the police report and neighborhood objections, of the Class "B" Tavern license of Angel Maldonado for the premises at 1035-39 W. National Ave. ("Club 59") in the 12th aldermanic district.

Recommendation of non-renewal, based on neighborhood objections, of the Extended Hours Establishment license of Mandeep Dhawan, Agent for "Youvraj Group, LLP", for "Mobile Gas Station" at 714 N. 27th St. in the 4th aldermanic district.

With regard to the items listed above, the Licenses Committee held an evidentiary hearing on April 25th, 2006.

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

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

These matters have been scheduled for a hearing before the full Common Council at its meeting on Tuesday, May 9, 2006 at 9:00 A.M. in the Common Council Chambers.

Respectfully,

James N. Witkowiak, Chair Licenses Committee

cc: All Council Members CCF 051652



ALDERMAN, 12TH DISTRICT

Date: April 28, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of Brent T. Rock for a Class "B" Tavern, Billiard Hall and Videogame Center license for the premises located at 10433 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Mitchell's Tavern").

- 1. Brent T. Rock (hereinafter the "Licensee") is the holder of a Class "B" Tavern, Billiard Hall and Videogame Center license for the premises located at 10433 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Mitchell's Tavern"). Said license expires at midnight, May 18, 2006.
- 2. An application to renew said license was filed with the Office of the City Clerk on March 2, 2006.
- 3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The police department filed a police report dated March 3, 2006 that could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loud music and noise, cruising, racing cars, fighting, parking problems, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
- 4. On April 12, 2006, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes. The matter was scheduled for a hearing on the police report and neighborhood objections for April 25, 2006 at 8:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant was represented by Attorney Andrew P. Arena, Kopp & Arena, S.C., 1110 North Old World Third Street, Suite 515, Milwaukee, Wisconsin 53203.

- 5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On January 29, 1998 a City of Milwaukee Police Department sting operation, utilizing a police aide to attempt to purchase alcohol from a Class "B" Premise, was conducted at the licensed premises at 10433 West Appleton Avenue, Milwaukee, Wisconsin ("Mitchell's Tavern"). The 19-year-old police aide was able to purchase a beer from the bartender without being asked for identification. The bartender serving the beer to the aide was Brent T. Rock. Rock stated that he carded everyone who was in the bar and that no one was underage. After pointing out that the aide was 19 years old, Rock admitted that he served him without asking for identification. The licensee was charged with Sale To Underage and on March 24, 1998 was found guilty and fined \$145.00.
 - B. On February 27, 1998 Brent T. Rock was arrested in Milwaukee for the Operating While Intoxicated and on July 24, 1998 was found guilty and had his driver's license suspended for 8 months.
 - C. On September 24, 1998 officers of the City of Milwaukee Police Department conducted a licensed premises sting operation at the licensed premises at 10433 West Appleton Avenue (Mitchell's Tavern) involving a 19 year old police aide. The 19 year old police aide ordered and paid for 2 bottles of Miller Lite beer, one for himself and one for his police officer partner. The bartender who approached the aide and served him was Brent Rock. Rock did not ask for identification. Brent Rock was charged with Sale To Underage which was not issued.
 - D. On February 11, 2000 upon applying for this Class "B" Tavern License, Brent T Rock answered "NO" to the question #2 on the Auxiliary Questionnaire which asked, "Have you ever been convicted of any felony or misdemeanor (other than traffic) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinance of any municipality?" Mr. Rock does have a conviction of Sale To Minor and fined \$145.00 as specified in item 1 of this report. Mr. Brent Rock was charged with Truth of Statements & Affidavits-Falsifying and on May 10, 2000 was found guilty and fined \$146.00.
 - E. On September 5, 2004, an officer of the Milwaukee Police Department was dispatched to the licensed premises at 10433 West Appleton Avenue, Milwaukee, Wisconsin (Mitchell's Tavern) for the second time for reckless vehicles in front of Mitchell's Tavern. Multiple calls have come into dispatch regarding this complaint, along with a walk-in at

District #4. Upon his arrival, the officer observed multiple tire burn outs in the tavern parking lot, along with the same marks on West Appleton Avenue, from the exit/entrance of the tavern, to West Bobolink Avenue, approximately 200 feet long. Upon speaking with the licensee, Brent Rock, he stated an officer told him last year that vehicles at the car show were allowed to make one burn out, no more. He did not know the name of the officer who told him this. He said none of the vehicles at his car show were involved, and if they were, he advised them to stop driving recklessly. A report was filed.

- F. On January 13, 2005, officers of the Milwaukee Police Department, along with an underage police aide, conducted a premises check at the licensed premises at 10433 West Appleton Avenue, Milwaukee, Wisconsin (Mitchell's Tavern). The police aide purchased alcoholic beverages from the bartender, Rex Platke. An ID was requested, by the bartender, and shown. The ID indicated the police aide was under 21 years old, but she was served anyway. The licensee was charged with Purchase of Alcohol by Underage which was not issued by the City Attorney's Office.
- On July 30, 2005 at 1:06 am officers of the Milwaukee Police G. Department were sent to the licensed premises at 10433 West Appleton Avenue, Milwaukee, Wisconsin (Mitchell' s Tavern) regarding a battery The investigation showed that an argument began in the tavern and spilled onto the front parking lot where a fight began. Two patrons battered a third patron. The victim suffered a skull fracture and bleeding to the brain and was in a coma the next morning. A girlfriend of one of the batterers was in the tavern and was involved in the argument in the tavern. The girlfriend was underage. Two bartenders on the premises, Dorthy A. Hausman and William C. Armstrong, were on the premises. On August 15, 2005 when the officers finally contacted the licensee, Brent Rock, he was found to be very intoxicated as a patron of his establishment. He told the officers to "Get the fuck out of his bar". He also said that they could not write him any tickets. The licensee, Brent T. Rock, was charged with Licensee Responsibility which is pending - scheduled for a record check in Milwaukee Municipal Court on January 10, 2007.

As to the Bartenders, Dorthy A. Hausman and William C. Armstrong, they were charged with presence of minor which is pending – scheduled for a record check in Milwaukee Municipal Court on November 1, 2006.

H. On August 31, 2005 at 5:20 pm an underage Milwaukee police aide entered the licensed premises at 10433 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Mitchell's Tavern") at the

direction of City of Milwaukee police officers. The aide was able to purchase beer from the bartender, Rex M. Platke. Platke was charged with sale to underage and on January 3, 2006 was found guilty and fined \$152.00.

I. Though scheduled for consideration of neighborhood objections, no objecting neighbors appeared. One supporter appeared and lauded the licensee's work with the "Make a Wish Foundation." The licensee promised to be careful about car shows he sponsors.

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, Brent T. Rock has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern, Billiard Hall and Videogame Center license without undergoing a ten (10) day suspension. The Committee finds the police report 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 discretion to renew with a ten (10) day suspension the Class "B" Tavern, Billiard Hall and Videogame Center license of Brent T. Rock for the premises at 10433 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Mitchell's Tavern").

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, Billiard Hall and Videogame Center license held by Brent T. Rock for the premises at 10433 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Mitchell's Tavern") be renewed with a ten (10) day suspension.

Said suspension is to be in effect between 12:01 a.m., May 19, 2006 and midnight, May 28, 2006.

Dated and signed at Milwaukee, Wisconsin this 28th day of April, 2006.

JAMES N. WITKOWIAK

Chairman of the Licenses Committee



ALDERMAN, 12TH DISTRICT

Date: April 28, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of Harminder Singh for a Class "A" Malt license for the premises located at 7919 North 60th Street in the City and County of Milwaukee, Wisconsin ("Bradley Kwik Pantry").

- 1. Harminder Singh (hereinafter the "Licensee") is the holder of a Class "A" Malt license for the premises located at 7919 North 60th Street in the City and County of Milwaukee, Wisconsin ("Bradley Kwik Pantry"). Said license expires at midnight, May 19, 2006.
- 2. An application to renew said license was filed with the Office of the City Clerk on March 10, 2006.
- 3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The police department filed a police report dated March 13, 2006 that could form the basis for nonrenewal or suspension of the license.
- 4. On April 12, 2006, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes. The matter was scheduled for a hearing on the police report for April 25, 2006 at 8:45 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant 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 January 12, 2005 an underage City of Milwaukee Police Department police aide entered the licensed premises at 7919 North 60th Street (Bradley Kwik Pantry) at the direction of Milwaukee police officers. The aide was able to purchase alcoholic beverages from an employee, Camilius Thompson. The licensee, Harminder Singh, was charged with sale of alcohol to underage and on March 23, 2005 he was found guilty and fined \$152.00. Harminder Singh is a partner in the current Class "A" Malt license issued to this location along with Mandeep Dhawan.
- B. On July 29, 2005 at 3:20 p.m. an underage Milwaukee Police Department police aide entered the licensed premises at 7919 North 60th Street (Bradley Kwik Pantry) at the direction of Milwaukee Police Department officers. The aide was able to purchase beer from Ranjit Kaur. The licensee, Harminder Singh, was charged with underage Class "B" owner/licensee responsibilities and on September 20, 2005 was found guilty and fined \$200.00.

The clerk, Ranjit Kaur was charged with sale to underage prohibited and found guilty on September 20, 2005 and fined \$152.00.

C. On January 17, 2006 Harminder Singh was arrested in Milwaukee County for identity theft – sale of pirated CDs (felony), which was scheduled for a pretrial April 28, 2006 at 8:30 a.m.

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, Harminder Singh has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "A" Malt license without undergoing a ten (10) day suspension. The Committee finds the police report 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 discretion to renew with a ten (10) day suspension the Class "A" Malt license of Harminder Singh for the premises at 7919 North 60th Street in the City and County of Milwaukee, Wisconsin ("Bradley Kwik Pantry").

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 "A" Malt license held by Harminder Singh for the premises at 7919 North 60th Street in the City and County of Milwaukee, Wisconsin ("Bradley Kwik Pantry") be renewed with a ten (10) day suspension.

Said suspension is to be in effect between 12:01 a.m., May 20, 2006 and midnight, May 29, 2006.

Dated and signed at Milwaukee, Wisconsia this 28th day of April, 2006.

AMES N. WITKOWIAK

Chairman of the Licenses Committee



ALDERMAN, 12TH DISTRICT

Date: April 28, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of the Jean Britton and Mary Greenlee for a Class "B" Tavern and Tavern Dance license for the premises located at 3716 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Tap Whatever").

- 1. Jean Britton and Mary Greenlee (hereinafter the "Licensees") are holders of a Class "B" Tavern and Tavern Dance license. Said license expires at midnight, May 24, 2006.
- 2. An application to renew said license was filed with the Office of the City Clerk on February 28, 2006.
- 3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. There was a Milwaukee Police Department report dated February 25, 2006, which could form the basis for non-renewal or suspension of the license. There were neighborhood objections to loitering, littering, disturbing the peace, parking on private property, traffic and cruising problems, criminal and drug activity, gunshots, fights, gang activities, racing loud vehicles, public urination, public drunkenness, presence and sale to underage, vandalism, trespassing, unsafe environment for elderly residents and students due to the proximity of the premises to a church and elementary school, and conduct detrimental to the health, safety and welfare of the neighborhood.
- 4. On April 12, 2006, 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 police report that could form the basis for suspension or non-renewal of the license of the Licensees, and the neighborhood objections. A copy of the police report was in cluded with the

notice. The matter was scheduled for a hearing on the neighborhood objections on April 25, 2006 at 11:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee, Mary Greenlee appeared and was not represented by counsel. Ms. Jean Britton did not appear as she is seriously ill.

- 5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On December 10, 1994, at 11:55 p.m., officers of the Milwaukee Police Department conducted a tavern check at the licensed premises at 3716 North Dr. Martin Luther King Jr. Drive, in the City and County of Milwaukee, Wisconsin (Tap Whatever). Upon entering the tavern, officers found two underage persons sitting at the bar. Upon interviewing the bartender, Mary Greenlee, they found that they were having a birthday party and the underage persons were guests. The licensee was warned. No citations were issued.
 - On August 23, 1995, undercover officers were observing patrons В. inside of the licensed premises at 3716 North Dr. Martin Luther King Jr. Drive, in the City and County of Milwaukee, Wisconsin (Tap Whatever). Patrons were playing a video poker machine. The patrons would accumulate credits, and then the licensee, Mary Greenlee, would pay the patrons cash for the points accumulated. A license check revealed that over 1000 pull-tabs from New Orleans and all related licenses for the pool table, phonograph and amusement machines were not current. licensee was cited for amusement machine license required, phonograph license required, pool table license required and display of license The citations with respect to amusement machine license required, phonograph license required and pool table license required were dismissed without prejudice, and the licensee pled guilty to display of license required. They were fined \$160.00 for each license not displayed. This adjudication occurred on November 13, 1995. This matter was heard by the Utilities and Licenses Committee at a renewal hearing in 1996. The license was recommended for renewal. The Common Council adopted that recommendation.
 - C. On October 20, 1999 at 12:06 a.m., officers of the Milwaukee Police Department were dispatched to Mt. Sinai Hospital to investigate a potential battery complaint. The investigation revealed that at approximately 10:00 p.m. on October 19, 1999, the victim was at the licensed premises at 3716 North Dr. Martin Luther King Jr. Drive, in the City and County of Milwaukee, Wisconsin (Tap Whatever). The victim was with a motorcycle group known as the "Second Page." While in the tavern, the victim was confronted by the motorcycle group as well as the "Hell Lovers." A fight broke out, and he was struck numerous times by a subject with brass knuckles. The victim was treated for a laceration to the

back of his head requiring 5 stitches. He lost consciousness. He was admitted to the hospital at 11:23 p.m. on October 19, 1999. A criminal complaint was filed. The available evidence demonstrated the victim was hit with a pool cue. The members of one of the motorcycle clubs apologized to the licensee partners for the incident.

- D. On June 14, 2000 at 12:51 a.m. officers of the Milwaukee Police Department were dispatched to a shooting at the licensed premises at 3716 North Dr. Martin Luther King Jr. Drive, in the City and County of Milwaukee, Wisconsin (Tap Whatever). The investigation revealed that two victims of a purported armed robbery were in the premises. The two observed what they believed to be the suspect of that robbery. Both then opened fire on the person, striking him 8 times and causing his death. Records indicate that Mary Greenlee reported the shooting to the police. The available evidence demonstrates this incident started outside of the tavern, with the victim running toward the tavern. The victim was able to get just inside the tavern, pursued by his attackers when he was shot.
- E. On June 7, 2000 at 1:29 a.m., officers of the Milwaukee Police Department investigated the report of a shooting that occurred at the licensed premises at 3716 North Dr. Martin Luther King Jr. Drive, in the City and County of Milwaukee, Wisconsin (Tap Whatever). The victim, Terrance Wolf, was being treated at St. Mary's Hospital. He related to Milwaukee Police Department police officers that he and his cousin, Torrence Statson, got into an argument with two patrons in the bar. The argument turned into a fight, which progressed to an armed robbery and aggravated battery. The investigation revealed that there was no shooting, but there was an armed robbery and an aggravated battery.
- F. On May 5, 2001 at 1:49 a.m. officers of the Milwaukee Police Department were dispatched to a shooting at the license premises at 3716 North Dr. Martin Luther King Jr. Drive ("Tap Whatever"). Upon arrival, they discovered that there was a shooting which occurred immediately outside the tavern. While investigating that shooting, officers discovered there was an underage person inside the bar when it occurred. The underage person and the tavern owner were issued citations for an underage person. Ms. Greenlee was found guilty of that violation and fined \$346 on June 21, 2001.
- G. On October 27, 2002 at 2:08 a.m., officers of the Milwaukee Police Department were dispatched to a complaint of shots fired at 3722 North 3rd Street in the City and County of Milwaukee, Wisconsin. Upon arrival, an officer discovered 15 or 20 people standing around the victim who had been shot and was lying on the sidewalk at the address at 3722 North Dr. Martin Luther King Jr. Drive. The fire department med unit arrived on the scene to provide medical attention. The scene was safeguarded and there

were altercations with several unknown actors inside the address of the licensed premises at 3716 North Dr. Martin Luther King Jr. Drive ("Tap Whatever"). When the patrons went outside numerous shots were fired. That resulted in five victims being shot, one of which resulted in a fatality.

- H. On February 13, 2006 at 1:42 a.m. officers of the Milwaukee Police Department were sent to a shooting, the victim was lying in the street, at North 7th Street and West Keefe Street. The officers could not locate anyone at that location. They then checked the licensed premises at 3716 North Dr. Martin Luther King Jr. Boulevard (Tap Whatever) and found a male with a gunshot wound to his head lying next to a vehicle. The investigation showed that an argument began in the tavern between the victim and another male. The suspect left the tavern, got a rifle and returned to the tavern. The victim left the tavern and ran to his car with the suspect following him. After they both left the tavern other patrons heard some shots fired. The licensee was on the premises when the suspect entered the tavern with the rifle in plain view and after gunshots were heard, and did not call the police.
- I. One neighbor appeared in objection to renewal of this license, and testified to numerous incidents of fights generated by motorcycle gangs that hang out at this location.

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 licensees, Jean Britton and Mary Greenlee for the licensed premises at 3716 North Dr. Martin Luther King Jr. Drive ("Tap Whatever") have not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of their Class "B" Tavern and Tavern Dance license without undergoing a thirty (30) day suspension. The Committee finds the police report and neighborhood objections 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 Tavern Dance license of Jean Britton and Mary Greenlee for this premises with a thirty (30) day suspension.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, zero (0) noes and two (2) excused recommends that the Class "B" Tavern and Tavern Dance license held by Jean Britton and Mary Greenlee be renewed with a thirty (30) day suspension.

Said suspension is to be in effect from 12:01 a.m., May 25, 2003 through midnight, June 23, 2006.

Dated and signed at Milwaukee, Wisconsin this 28th day of April, 2006.

AMES N. WITKOWIAK

Chairman, Licenses Committee



ALDERMAN, 12TH DISTRICT

Date: April 28, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of Eretta A. Honey, agent for "Stargazers, LLC" for a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license for the premises located at 7158 West Fond du Lace Avenue in the City and County of Milwaukee, Wisconsin ("Stargazers").

- 1. Eretta A. Honey (hereinafter the "Licensee") as agent for "Stargazers, LLC" is the holder of a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license for the premises located at 7158 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Stargazers"). Said license expires at midnight, May 29, 2006.
- 2. An application to renew said license was filed with the Office of the City Clerk on March 9, 2006.
- 3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The police department filed a police report dated March 10, 2006 that could form the basis for nonrenewal or suspension of the license.
- 4. On April 12, 2006, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes. The matter was scheduled for a hearing on the police report for April 25, 2006 at 10:15 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant 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 August 16, 2004 at 9:45 p.m. officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 7158 West Fond du Lac Avenue ("Stargazers") Milwaukee, Wisconsin and they found an unlicensed amusement machine. The licensee was on the premises and she was charged with amusement machine license required and on May 11, 2005 was found guilty and fined \$212.00.
- B. On March 26, 2006 at approximately 2:11 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 7158 West Fond du Lac Avenue ("Stargazers") Milwaukee, Wisconsin to investigate a shooting. The licensee, Eretta Honey, stated that one Jermaine A. Wright was attempting to settle an argument between two unknown actors through the course of the night. One of the actors left the bar and returned with an unknown blunt object in his right pocket. The door bouncer, Gerry C. Burdine, attempted to prevent the unknown subject from reentering the bar by physically restraining him. The actor was still able to fire off a round striking Jermaine A. Wright behind the left ear, killing him. The investigation shows the shooting took place in the doorway of the establishment and the police being called from the establishment.

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, Eretta A. Honey, has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of her "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license without undergoing a thirty (30) day suspension. The Committee finds the police report 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 discretion to renew with a thirty (30) day suspension the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of Eretta A. Honey as agent for "Stargazers, LLC" for the premises at 7158 West Fond du Lace Avenue in the City and County of Milwaukee, Wisconsin ("Stargazers").

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 and Tavern Amusement (Cabaret/Nite Club) license held by Eretta A. Honey for the premises at 7158 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Stargazers") be renewed with a thirty (30) day suspension.

Said suspension is to be in effect between 12:01 a.m., May 30, 2006 and midnight, June 28, 2006.

Dated and signed at Milwaukee, Wisconsin this 28th day of April, 2006.

JAMES N. WITKOWIAK
Chairman of the Licenses Committee



ALDERMAN, 12TH DISTRICT

Date: April 28, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of Ala T. Mahmoud for a Class "A" Malt license for the premises located at 3801 West North Avenue in the City and County of Milwaukee, Wisconsin ("Deen Foods").

- 1. Ala T. Mahmoud (hereinafter the "Licensee") is the holder of a Class "A" Malt license for the premises located at 3801 West North Avenue in the City and County of Milwaukee, Wisconsin ("Deen Foods"). Said license expires at midnight, May 24, 2006.
- 2. An application to renew said license was filed with the Office of the City Clerk on February 15, 2006.
- 3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The police department filed a police report dated March 9, 2006 that could form the basis for nonrenewal or suspension of the license.
- 4. On April 12, 2006, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes. The matter was scheduled for a hearing on the police report for April 25, 2006 at 9:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant 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 June 12, 2004 City of Milwaukee Police Department officers were assigned to a "Joint Investigative Tobacco Compliance Initiative" with the Milwaukee

Health Department. An underage person selected by the Strive Media Institute, "Wisconsi n Wins" 1818 North Dr Martin Luther King Jr. Drive, entered Deen Food Market, 3801 West North Avenue and was able to purchase cigarettes from Ala T. Mahd. The licensee was charged with sale of cigarettes to under age and on August 2, 2004 was found guilty and fined \$152.00.

NOTE: Applicant's Wisconsin Drivers License issued on July 14, 2004 indicates that the applicant's correct name is MAHD, Ala Taysir and his home address is listed as 3040 West Colony Drive, Greenfield, Wisconsin 53221. The licensee explained to the Committee that sometimes he is referred to as "Mahd."

B. On June 15, 2005 at 1:46 pm, officers of the Milwaukee Police Department were dispatched to a report of shots fired in the 2100 block of North 38th Street. The caller advised that "an Arab store owner shot at his son." Upon arrival the officers interviewed several witnesses that stated the store owner of Deen Food Market, 3801 West North Avenue, had just fired multiple shots into the air with a handgun in front of 2169 North 38th Street, during a fight.

At approximately 1:48 PM, the officers located the store owner standing outside of the store with his girlfriend, Katherine A Carter. The owner denied having been in the 2100 block of North 38th Street, owning or possession a handgun, or shooting a gun this date. During the officers' investigation, they observed an expended .38 Special cartridge lying on the back seat drivers' side floorboard of a blue Pontiac Vibe, parked in front of the store with open windows. The vehicle was leased by Katherine Carter from Enterprise Rental. Also, the officers inspected the store, and immediately noticed that the VHS tape in the surveillance time lapse recorder (behind the counter) was ejected and the cameras were not recording. They located .38 Special ammunition in one of the drawers near the register. The officers observed thousands of (various colors) "gem lock" ziplock bags which are known by the officers to be commonly used as packaging material for illegal drugs, inside the same drawer. Many of the bags were 4"by 4", which are commonly used for packaging individual rocks of crack cocaine. The officers observed a stand just above this drawer containing approximately 12 clear glass tubes with small flowers, which are known by the officers to be commonly purchased, emptied, and used as pipes to smoke crack cocaine. The officers observed a section on the shelf below the candy was devoted to clear sandwich bags and "Chore Boy" scouring pads, also used in the packaging and ingestion of illegal drugs. The officers asked Mahd about the "gem lock" bags and he stated he didn't sell them. He stated they were left in the store from previous owner. Mahd stated the ammunition was also left behind and continued his denial of possessing a handgun. Mahd was subsequently arrested for Endangering Safety by Use of a Dangerous Weapon. The licensee was charged with endangering safety by use of a dangerous weapon

and on November 22, 2005 was found guilty and sentenced to 6 months in the House of Corrections, which was stayed and he was placed on probation for one year. The licensee is on probation until January 19, 2007.

The licensee informed the Committee that these materials were left over from the previous owner. The Committee did not believe the licensee.

- C. On March 8, 2006, Ala T. Mahmoud filed an application for renewal of Class "A" Malt license, for Deen Foods, 3801 West North Avenue. Question #6(a) of the renewal asks, "Since filing the last application has the named licensee.... been convicted of any offense (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, ordinances of any municipality?" Applicant's answer to this question is "No". The application was signed, and sworn to by the applicant as to its truthfulness, before a Notary Public.
- D. On June 20, 2005, in Milwaukee County, the subject was charged with endangering safety by use of a dangerous weapon. On November 22, 2005, the licensee was found guilty. He was sentenced to six months in the House of Corrections. The sentence was stayed, and he was placed on one year probation. He is on probation until January 19, 2007. Based on this conviction, the "No" answer on the renewal application is a false statement to an affidavit. The licensee was found guilty of truth of statements and affidavits falsifying. A court date was scheduled for May 11, 2006.

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, Ala T. Mahmoud has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "A" Malt license without undergoing a forty-five (45) day suspension. The Committee finds the police report 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 discretion to renew with a forty-five (45) day suspension the Class "A" Malt license of Ala T. Mahmoud for the premises at 3801 West North Avenue in the City and County of Milwaukee, Wisconsin ("Deen Foods").

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, one (1) noes, and one (1) excused recommends that the Class "A" Malt license held by Ala T. Mahmoud for the premises at 3801 West North Avenue in the City and County of Milwaukee, Wisconsin ("Deen Foods") be renewed with a forty-five (45) day suspension.

Said suspension is to be in effect between 12:01 a.m., May 25, 2006 and midnight, July 8, 2006.

Dated and signed at Milwaukee, Wisconsin this 28th day of April; 2006:1

Chairman of the Licenses Committee



ALDERMAN, 12TH DISTRICT

Date: April 28, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal application of Angel Maldonado for a Class "B" Tavern license for the premises located at 1035-39 West National Avenue in the City and County of Milwaukee, Wisconsin ("Club 59").

- 1. Angel Maldonado (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises located at 1035-39 West National Avenue in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 14, 2005.
- 2. An application to renew said license was untimely filed with the Office of the City Clerk on March 14, 2006.
- 3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The police department filed a police report dated March 15, 2006 that could form the basis for nonrenewal or suspension of the license. There were neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, illegal drug activity, criminal activity, gunshots, fighting, disorderly patrons, public urination, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
- 4. There was also an objection to the renewal based on possible collusive agreement in violation of 90-9 of the Milwaukee Code of Ordinances which states:

 Collusive Agreements Prohibited. Any person licensed to sell intoxicating liquor or fermented malt beverages in the city who shall permit any other person to conduct such intoxicating liquor or fermented malt beverages business under such licensee's license, or in the name of said licensee, who or who shall connive, collude or agree with any other person to enable such other person to conduct any such business under the said licensee's license or in the name of said licensee and

any person who shall conduct any premises or place for the sale of intoxicating liquor or fermented malt beverages within the city under a license issued to another person, or in the name of such person, or who shall connive, collude or agree with any licensee to enable such person to conduct such business in the name, or under the license of such licensee, shall be subject to the penalty specified in s. 90-40.

- 5. On April 12, 2006, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes. The matter was scheduled for a hearing on the police report and neighborhood objections for April 25, 2006 at 3:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. The applicant was not represented by counsel
- 6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. The current license renewal applicant, Mr. Angel Maldonado, was attempting to sell this business to one Maria Duenas. For that reason he let the license expire on December 14, 2005. During the interim period the premises was operated, without a license, by Ms. Duenas under the name "Costa Sur." Ms. Duenas ultimately was unable to obtain the license, and now Mr. Maldonado seeks renewal of this license.
 - B. On March 26, 2005 at 12:13 am officers of the Milwaukee Police Department conducted a license premise check at Costa Sur, 1035 West National Avenue in the City and County of Milwaukee, Wisconsin. Upon entering the tavern, one of the officers went to the men's room and as he opened the restroom door, he saw a male holding a small clear baggie containing a white powdery substance. He handed it to the officer and stated, "He re, I'm on probation". The male was arrested and the substance tested positive for cocaine.
 - C. On June 1, 2005 at 2:14 am officers of the Milwaukee Police Department responded to a call for a subject with a gun complaint at Costa Sur, the licensed premises at 1035 West National Avenue, in the City and County of Milwaukee, Wisconsin. The call stated that there were shots fired inside the tavern. While enroute to the tavern, the officers received an update to the call. It was that a subject came out of the tavern waving a gun and then went back inside the tavern. The officers were also told that a female came out of the tavern covered in blood, got into a car and left the scene upon arrival. The officers found that the tavern appeared closed. A Jose Duenas walked from the gangway that leads from the rear of the tavern. He was on the phone

outside the tavern talking on the phone and didn't know of any problem inside the tavern. Officers found numerous drops of fresh blood on the sidewalk near the rear door of the tavern. They found the rear door open and also blood was through the entire tavern. No one was in the tavern. The officers could not locate a victim and were also not able to contact the owner of the tavern.

D. On January 15, 2006 at 1:31 am officers of the Milwaukee Police Department responded to a noise nuisance at the licensed premises at 1037 West National Avenue in the City and County of Milwaukee, Wisconsin the Costa Sur tavern. They spoke to the owner of the establishment, Maria Duenas. The tavern was open for business. Maria Duenas could not produce a valid Class "B" Tavern license. She stated that she applied for the license last week. She had a receipt that was for a bartender's license w hich had not yet been issued.

During a following up investigation on January 17, 2006, relative to this tavern, police again talked to Maria Duenas who stated she was aware that the tavern did not have a valid license and that she was in the process of changing the Class "B" license to her name. Angel Maldonado stated that he contacted the License Unit and clearly stated that he no longer wished to renew his license nor did he want to have any responsibility with the tavern. Maria J. Duenas was charged with license required - liquor basic and was found guilty of permitting a person to tend bar without a license on March 7, 2006 and fined \$343.00. She was charged with amusement permit required and found guilty on March 7, 2006 and fined \$212.00. She was also charged with pool and billiard hall license and found guilty on March 7, 2006 and fined \$212.00.

- E. An objecting neighbor testified to numerous incidents where staff and patrons of this premises go outside, urinate, litter, vandalize property, loiter, and ingest drugs.
- F. The license applicant, Mr. Angel Maldonado, does not possess the necessary skills and abilities to qualifications as required by Chapter 125 of the Wisconsin Statutes to properly operate a premises licensed to sell alcoholic beverages.

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, Angel Maldonado, has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license. The Committee finds the police report and neighborhood objections 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 discretion to deny renewal of the Class "B" Tavern license of Angel Maldonado for the premises at 1035-39 West National Avenue in the City and County of Milwaukee, Wisconsin ("Club 59").

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 license held by Angel Maldonado for the premises at 1035-39 West National Avenue in the City and County of Milwaukee, Wisconsin ("Club 59") be denied.

Dated and signed at Milwaukee, Wisconsin this 28th day of April, 2006.

Chairman of the Licenses Committee



ALDERMAN, 12TH DISTRICT

Date: March 30, 2006

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Extended Hours Establishment renewal application of Mandeep Dhawan, agent for Youvraj Group, LLP, for the premises located at 714 North 27th Street, in the City and County of Milwaukee, Wisconsin ("Mobil Gas

Station").

- Mandeep Dhawan is agent for Youvraj Group, LLP, for an Extended Hours
 Establishment renewal application for the premises located at 714 North 27th
 Street, in the City and County of Milwaukee, Wisconsin ("Mobil Gas Station").

 Said license expires at midnight, April 30, 2006.
- 2. An application to renew said license was filed with the Office of the City Clerk on February 28, 2006.
- 3. Pursuant to Section 84-7 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation and the police department issued a report dated March 1, 2006 indicating only one "hold open" that had been scheduled for dismissal. However, there were also neighborhood objections to disturbances of the peace, loitering, littering, loud music, noise, drug and criminal activity, curfew violations, traffic and parking problems and conduct which is detrimental to the health, safety, welfare and prosperity of the neighborhood.
- 4. On March 17, 2006 the City Clerk's Office provided timely notice to the Licensee, pursuant to Section 84-7 of the neighborhood objections. The matter was scheduled for a hearing on the police report on March 28, 2006 at 10:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did appear and was represented by Attorney David Barrgert, 158 North Broadway, Suite 600, Milwaukee, WI 52302.

- 5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Neighbors complain about aggressive and extensive panhandling when purchasing gasoline at the licensed premises.
 - B. At lease one neighbor e-mailed the corporation offices, which e-mailed the neighbor back that they could not control the activities but it would be up to the individual dealer lessee of the premises to control the activities. Notwithstanding the complaints of extensive panhandling at this location, the operators of the premises have done nothing to protect customers from the effects of such panhandling, or to have the panhandlers move on. On at least one occasion a panhandler also urinated outside of the premises.
 - C. The premises has been used for the sale of tennis shoes, athletic shoes and motor scooters by dealers not associated with the premises.
 - D. One patron of the premises complained that someone was trying to sell what they believed were pirated DVDs. The concerned customer called the licensee, who explained that he could not afford security for the location.
 - E. At least one witness complained that while she was attempting to purchase gasoline at the location, she observed a female kneeling in front of a male between midnight and 5:00 a.m. In addition, customers of these premises have been approached by individuals during the hours of midnight and 5:00 a.m., asking suggestive questions indicating that prostitution was being solicited.
 - G. There is litter at the location, some generate by a bus stop on the corner of 27th Street and Wisconsin Avenue.
 - H. Neighbors have also testified to episodes when a person got into a car to meet another person for a few seconds and then leave. They conclude such meetings are drug transactions. Neighbors complain about loud noises emanating from the platform of these premises between the hours of midnight and 5:00 a.m., causing disturbances
 - I. The licensee has installed "No Loitering" signs, but the conduct continues. The licensee has attempted to move panhandlers on, and has called the police.

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 Section 84-7 of the Milwaukee Code of Ordinances.

- 2. Based upon the above facts found, the Committee concludes that the licensee, Mandeep Dhawan, agent for "Youvraj Group, LLP" for the premises at 714 North 27th Street in the City and County of Milwaukee, Wisconsin ("Mobil Gas Station") has not met the criteria of Section 84-7 of the Milwaukee Code of Ordinances to allow renewal of the Extended Hours Establishment license held by Mandeep Dhawan, as agent for Youvraj Group, LLP for said license because of the dangers the activities allowed by the licensee represents to the health, safety and welfare of the citizens of the citizens of the City of Milwaukee. The Committee finds those neighborhood objections 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 should exercise its discretion to not renew the Extended Hours Establishment license held by Mandeep Dhawan, agent for "Youvraj Group, LLP" for the premises at 714 North 27th Street in the City and County of Milwaukee, Wisconsin ("Mobil Gas Station") because of the dangers the activities attendant to the licensed premises represent 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 Extended Hours Establishment application held by Mandeep Dhawan, agent for "Youvraj Group, LLP" for the premises at 714 North 27th Street in the City and County of Milwaukee, Wisconsin ("Mobil Gas Station") not be renewed based upon the neighborhood objections.

Dated and signed at Milwaukee, Wisconsin this 30th day of March, 2006.

JAMES N. WITKOWIAK

Chairman of the Licenses Committee