



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

January 25, 2007

To the Honorable, the Common Council

Dear Members:

Common Council File 060945 contains the following recommendations:

Renewal, with a 30-day suspension based on the police report, of the Class "B" Tavern license of Jesus Lopez for the premises at 1500 W. Mitchell St. ("El Gallo De Oro") in the 12th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Renewal, with a 45-day suspension based on the police report and neighborhood objections, of the Class "B" Tavern license and Tavern Amusement (Cabaret/Nite Club) license of Devon Reid, Agent for "Questions, Inc.", for the premises at 3041 W. North Ave. ("Questions Entertainment") in the 15th aldermanic district. (Committee vote: Ayes: 4, Noes: 1)

Renewal, with a 45-day suspension based on the police report, of the Class "B" Tavern license of Manuel Rodriguez for the premises located at 2566 S. 6th St. ("Reynas Bar") in the 14th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on January 23rd, 2007.

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 Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, February 6, 2007** at 9:00 A.M. in the Common Council Chambers.

Respectfully,


James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
Files 060945



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: January 25, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Jesus Lopez for a Class "B" Tavern and Tavern Dance license for the premises located at 1500 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Gallo De Oro").

FINDINGS OF FACT

1. Jesus Lopez (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises located at 1500 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Gallo De Oro"). Said license expires at midnight, January 30, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on November 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 Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license on November 16, 2006. There were also neighborhood objections to the renewal of the Tavern Dance license held by the licensee based on loud music, noise, parking and traffic problems, cruising, loitering, littering, shootings, gun shots, fighting, drunkenness, public urination, trespassing, vandalism, disturbances of the peace, drug and criminal activity, prostitution, and conduct detrimental to the health, safety and welfare of the neighborhood and the general past history of this location. However, no neighbors appeared to testify as to those objections and the Committee did not consider them.
4. This matter was heard by the Licenses Committee on January 2, 2007. The committee recommended renewal of the Class "B" Tavern license with a ninety (90) day suspension and nonrenewal of the Tavern Dance license. On January 17,

2007, the Common Council returned this matter to the Licenses Committee for further proceedings.

5. On January 17, 2007, the City Clerk's Office provided notice to the Licensee 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 nonrenewal or suspension and the neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on January 23, 2007 at 8:30 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 was represented by Attorney Jason Try Cleereman, 1840 North Farwell Avenue, Suite 201, Milwaukee, WI 53202.
6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On October 15, 1989 the licensee was arrested by the Milwaukee Police for carrying a concealed weapon (misdemeanor). On February 26, 1990 the licensee was found guilty and sentenced to four days in the House of Corrections.
 - B. On October 31, 1993 the licensee was cited by the Milwaukee police for sale of intoxicants to intoxicated person. On May 2, 1994 the licensee was found guilty and fined \$325.00.
 - C. On December 11, 2004 an underage City of Milwaukee police aide entered the licensed premises at 1500 West Mitchell Street ("El Gallo De Oro") at the direction of Milwaukee police. The aide was able to purchase three beers from the bartender, Rosalba Sanchez. The licensee was issued a citation for sale of alcohol to underage person. On February 11, 2005 the licensee was fined \$167.00. The bartender, Rosalba Sanchez, was issued a citation for sale of alcohol to underage person which was dismissed without prejudice on February 11, 2005.
 - D. On February 9, 2005 at 1:12 a.m., officers of the Milwaukee Police Department conducted a license premise check at 1500 West Mitchell Street, Milwaukee, Wisconsin ("El Gallo De Oro"). The rear door was locked with a slide bolt. The licensee was cited with safe egress from all entrances and found guilty on April 22, 2005 and fined \$343.00.
 - E. On February 25, 2005 at 9:35 p.m. Milwaukee Police Department officers responded to a fight at the licensed premises at 1500 West Mitchell Street ("El Gallo De Oro"). No tavern violations were found, but two patrons were cited for disorderly conduct.
 - F. On November 25, 2005 at 1:51 a.m., officers of the Milwaukee Police

Department were dispatched to the licensed premises at 1500 West Mitchell Street ("El Gallo De Oro") for a subject with a gun. Officers spoke to the caller/victim, identified as Bennett Stephens. Mr. Stephens stated he is employed by Wisconsin Security Solutions and while on duty and in full uniform, he was providing security at the main entrance for El Gallo De Oro tavern. Mr. Stephens stated he had a confrontation with a patron earlier that night. That patron then returned shortly before closing and Mr. Stephens denied him access to the tavern. Mr. Stephens stated that the patron then struck him in the face and started to walk away. Mr. Stephens followed the patron when the patron drew a pistol from the small of his back and Mr. Stephens then drew his pistol. However, no shots were fired. The patron fled the area. Officers did talk to the licensee, Jesus Lopez, who stated he did not witness this incident. Mr. Lopez further stated there were no security cameras anywhere in the tavern or outside of the tavern. No tavern violations were found at the time.

- G. On March 30, 2006, Milwaukee Police Department officers conducted a tavern check at the licensed premises at 1500 West Mitchell Street ("El Gallo De Oro"). Upon entering the tavern, officers observed 30 clear plastic baggies containing suspected cocaine inside of a Corona bucket. Officers tested the substance, which was positive for cocaine. Officers arrested several patrons for possession of cocaine and resisting/obstructing officer. Police spoke with the licensee, Jesus Lopez, who stated that he can't watch everyone that enters his tavern and that everyone uses drugs. At hearing, the Committee was told that Mr. Lopez did not express himself well, and that he was simply trying to explain to the officer that he cannot know if someone brings drugs into his establishment, but he does care very much if they do.
- H. On April 5, 2006 at 11:50 p.m., officers of the Milwaukee Police Department conducted follow-up at the licensed premises at 1500 W Mitchell Street ("El Gallo De Oro"). Upon entering the tavern, officers observed a subject, later identified as Pedro Garza drop a folded dollar bill. Inside this dollar bill was a white powdery substance suspected of cocaine. The dollar bill was recovered and tested positive for cocaine. It was placed on inventory. Garza was arrested and charged with POCS-Cocaine. Another officer observed a subject who appeared to be underage and was drinking a 16 oz bottle of Corona malt liquor at the bar. The officer asked this subject for identification and he refused to identify himself. The officer arrested the subject, who was later identified as Hipolito Clemente-Cruz and charged Clemente Cruz with resisting/obstructing an Officer and poss/consumption of alcohol by underage. Officers then spoke to Jesus Lopez who was issued a citation for sale to underage and presence of underage which was dismissed without prejudice on June 16, 2006 and presence of underage for which he was found guilty and fined \$354.00 on June 16, 2006.

- I. On June 24, 2006 at 6:30 p.m., the licensee received a citation for presence of minor prohibited at 1500 West Mitchell Street ("El Gallo De Oro"). On August 14, 2006 the licensee was found guilty and fined \$367.00. At the hearing, the Committee was told that at the time of this incident that Mr. Lopez was transitioning from using Wisconsin Security Solutions to hiring his own guard who had been an employee of Wisconsin Security Solutions.
- J. It was suggested to Mr. Lopez during the last renewal hearing that he install security cameras, but they were not installed as of January 2, 2007.
- K. Mr. Lopez uses the assistance of two daughters (one of whom lives on the premises) and a daughter-in-law (who also lives on the premises) to assist him in operating this establishment. Mr. Lopez does not personally tend bar, but opens and closes the premises.
- L. Since June, 2006, Mr. Lopez' record has improved and the police regularly ask the security guard how things are going.
- M. On January 17, 2007, the Common Council returned the matter to the Licenses Committee for further proceedings.
- N. On January 23, 2007 the licensee related to the Licensed Committee that he had installed security cameras and outdoor lighting.

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, Jesus Lopez who holds a Class "B" Tavern and Tavern Dance license for the premises located at 1500 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Gallo De Oro ") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a thirty (30) day suspension of said license. The licensee, Jesus Lopez, voluntarily withdrew the Tavern Dance license and the Committee accepted the withdrawal of the Tavern Dance license. 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 judgment to renew the Class "B" Tavern license of Jesus Lopez for the premises located at 1500 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Gallo De Oro ") 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 and two (2) noes recommends that the Class "B" Tavern license held by Jesus Lopez be renewed with a thirty (30) day suspension. The licensee voluntarily withdrew his Tavern Dance license for the premises located at 1500 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Gallo De Oro "), which the Committee accepted.

Said suspension of the Class "B" Tavern license is to be in effect from the time of the Common Council action on February 6, 2007 through midnight, March 7, 2007.

Dated and signed at Milwaukee, Wisconsin this 25th day of January, 2007.


JAMES N. WITKOWIAK, Chair
Licenses Committee

114413



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 25, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Devon L. Reid, as agent for "Questions, Inc." for a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) renewal application for the premises located at 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment").

FINDINGS OF FACT

1. Devon L. Reid (hereinafter the "Licensee") is the agent for "Questions, Inc." doing business at 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment"). Said license expires at midnight, February 9, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on December 8, 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 Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license on December 11, 2006. There were also neighborhood objections to: gunshots, racing, loud vehicles, loud music and noise, loitering, littering, illegal drug activity, cruising, fighting, public urination, trespassing, vandalism, damage to private property, parking on public property, disturbing the peace, causing the normal flow of traffic on roadways to be impeded, excessive and inappropriate use of police resources, neighborhood problems due to mismanagement, endangering safety by exceeding capacity, premises is operated in such a manner that it causes a public nuisance, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On January 11, 2007, the City Clerk's Office provided notice to the Licensee 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 nonrenewal or suspension and the neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report on January 23, 2007 at 10:00 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 was represented by Attorney Majory Stewart, 611 North Broadway, Suite 510, Milwaukee, WI 53202.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On July 5, 1997 at 1:58 AM, officers of the Milwaukee Police Department were dispatched to a reckless use of a weapon at 5409 North Green Bay Avenue a tavern then operated by the licensee. The investigation revealed that there was a physical confrontation between two males and three females. Tavern security escorted the parties outside the bar. Once outside the bar, one of the males went to an auto, returning to the parking lot where he drew a revolver from his waistband, and fired several shots. No one was injured, and the suspect fled the scene in an auto. Employees of the bar stated that the males were causing trouble from the minute that they arrived in the bar. The bartenders said that no one could serve them fast enough. The licensee was not on the scene. A criminal complaint was filed.
 - B. On Saturday, March 29, 1998, at about 2:18 AM, officers of the Milwaukee Police Department responded to a reckless use of a weapon complaint at Junior's Bar located at 5409 North Green Bay Avenue, then operated by the licensee. Upon their arrival, officers learned that several security personnel attempted to escort a man out of the tavern. When he refused, they physically removed him to the parking lot. After arguing with security, the individual apparently walked to his car. About one minute later, witnesses heard one gunshot. The bullet went through the south window of the tavern into the bar, and out the north wall. There were 10 to 15 persons inside the tavern at that time. A check of the area where the shot came from revealed four 9mm casings. A suspect was arrested and charged with recklessly endangering safety.
 - C. On June 14 1998, a group of men were involved in an altercation in the parking lot of Junior's Sports Bar located at 5409 North Green Bay Avenue, then operated by the licensee. This led to a brief vehicle chase to the area of 20th and Silver Spring Drive. The auto which was being chased stopped in front of 5437 North 20th Street where he was boxed in by two vehicles. The driver of one of the pursuing vehicles began shooting at the victim's auto, firing 2 to 5 shots. One of the bullets struck the victim in the right tricep. A criminal complaint was filed.
 - D. On Monday, October 19, 1998 at about 12:13 AM, officers of the Milwaukee Police Department were dispatched to Junior's Bar located at 5409 North Green Bay Avenue for underage drinkers. That tavern was then operated by the licensee. Officers were unable to locate any underage persons inside the tavern. The Class "B" Tavern license was not posted, and the licensee was not on the scene. The licensee received a warning.
 - E. On January 17, 1999 at 1:12 AM, officers of the Milwaukee Police Department were dispatched to check for a subject wanted at Junior's Sports Bar & Grill located at 5409 North Green Bay Avenue, then operated by the licensee. Upon their arrival, the manager of the bar informed officers that there was a subject in the bar who was involved in a

recklessly endangering safety about a year ago While interviewing the suspect (Earnest Walker), he became loud and profane. The suspect's brother (Kevin Walker) also became disorderly. Both subjects were issued citations for disorderly conduct. The recklessly endangering safety complaint had been cleared earlier. The Licensee was not on the scene.

- F. On January 17, 1999 at about 11:38 PM, officers of the Milwaukee Police Department were dispatched to investigate a fight at Junior's Bar & Grill located at 5409 North Green Bay Avenue, a tavern then operated by the licensee. Upon the officers' arrival, tavern security stated that the subjects involved had already left.
- G. On July 5 1999, a subject inside Junior's Sports Bar & Grill located at 5409 North Green Bay Avenue was attempting to fight with another patron. The tavern was then operated by the licensee. This subject was restrained by security personnel, and continued to attempt to fight with the patron. Once outside of the tavern, this subject attempted to get past officers to get inside of the tavern. He was placed under arrest, and charged with disorderly conduct.
- H. On March 8 2000, Devon L. Reid filed a Renewal Alcohol Beverage License Application for the renewal of his Class "B" Tavern license at 5409 North Green Bay Avenue. On this application he answered "No" to question #5a which asks in part if since filing of the last application if he has been convicted of any municipal ordinance violations. On July 8, 1999 Mr. Reid was convicted of a Building & Zoning Violation, and he paid a fine of \$920.00.
- I. On May 7, 2001 at 12:38 AM, officers of the Milwaukee Police Department were dispatched to 5409 North Green Bay Avenue regarding a report of shots fired. The tavern was then operated by the licensee. Upon their arrival, they spoke to the manager of the bar, who stated an unknown male in his early 20s (description given) began a fight with another unknown patron, culminating with an undetermined number of shots being fired by an unknown subject shortly after the above listed male patron left the establishment. A search of the area outside the establishment turned up three casings. No one interviewed following the incident was able to identify the shooter, nor observed the shooter as he fired the rounds. No one was injured as a result of this incident.
- J. On July 16, 2005 at 2:30 AM, officers of the Milwaukee Police Department were in the immediate area of Questions, 3401 West North Avenue regarding cruising and a large crowd. The licensed premises at 3401 West North Avenue was then operated by the licensee. One vehicle involved in the cruising was stopped and the driver was cited for disorderly conduct. (It was not determined if this driver came from Questions). An incident report was filed.
- K. On October 9, 2005 at 12:18 AM, officers of the Milwaukee Police Department were in the area of Questions, 3401 West North Avenue regarding cruising and large crowds. Officers report that: "It took several hours to control the cruising in the area of Questions Tavern." There were approximately 100 vehicles blocking traffic. A total of 7 squads from three police districts (3, 4, and 6) were required to control the crowd and an incident report was filed.

- L. On November 19, 2005 at 12:40 AM, officers of the Milwaukee Police Department responded to the licensed premises at 3401 West North Avenue ("Questions") because of a disturbance with a large crowd (75-100 patrons) waiting to enter the bar. As officers were monitoring the crowd, they heard the sound of a single gun shot coming from the direction of the disturbance. No weapons or suspects were found and the crowd was dispersed. An incident report was filed.
- M. On March 4, 2006 at 2:00 AM, officers of the Milwaukee Police Department conducted a capacity check at the licensed premises at 3041 West North Avenue ("Questions"). Officers entered the tavern and found people wall-to-wall. As patrons were leaving, officers used a hand counter to count them. The capacity for the tavern was 340. At about 400, officers informed the licensee, Devon Reid, that he was over capacity. The final count was 597 patrons, which did not include any of the security or tavern staff. A citation for overcapacity was issued to Reid. No other violations were observed.
- N. On May 6, 2006 at 1:40 AM, officers of the Milwaukee Police Department observed a large crowd at the licensed premises at 3041 West North Avenue ("Questions") and began counting patrons as they were leaving the bar. Officers knew the capacity was 340 people and found the tavern had 516 patrons in the tavern. This did not count the 20 plus staff that was working inside the tavern. The owner, Devon Reid, was cited for patrons over capacity.
- O. On June 3, 2006 at 1:15 AM, officers of the Milwaukee Police Department observed 50 citizens running out the back door of the licensed premises at 3041 West North Avenue ("Questions"). Officers were approached by several persons who stated there was a fight inside the tavern. Officers looked inside the tavern and observed approximately 200 people fighting. Back up was called and 13 squads from 3 different districts responded to break up the fight. Several patrons received citations for disorderly conduct and the licensee, Devon Reid, was cited for disorderly premises and on December 1, 2006 was found guilty and fined \$354.00. However, during the hearing, the Licenses Committee was told that this matter has been reopened and is presently scheduled for a pre-trial on February 5, 2007.
- P. On September 1, 2006 at 1:00 AM, officers of the Milwaukee Police Department observed approximately 175 vehicles parked in the area of the licensed premises at 3041 West North Avenue ("Questions"). Officers canvassed the area to see if there were any businesses opens or house parties going on and found nothing. Officers had received an anonymous tip from a subject that Questions may be over capacity. Officers notified the licensee, Devon Reid, that they would be counting patrons as they left the tavern. Capacity is 340 and the final count of patrons that had been in the tavern was 404. Security also stated that there was a fight earlier, but that they, (security) had broken it up. Two more fights broke out outside the tavern as the crowd was dispersing from the tavern, resulting in officers breaking up the fight. Two citations were issued to Reid for Posting of Occupancy Capacity and Disorderly Premise for which there is a pretrial hearing scheduled for February 13, 2007.

- Q. On September 8, 2006 at 12:03 AM, officers of the Milwaukee Police Department were dispatched to 31st and North Avenue for shots fired. The investigation revealed that security at Questions Night Club stated they refused entry to a male subject who became angry. Security stated as the subject walked away, they heard shots fired in the area, but did not see who was shooting. Officers did observe a male subject who had entered a vehicle nearby throw something in the bushes. A handgun was later recovered and a casing found nearby. Officers were unable to find any witnesses regarding this incident. The gun and casing were placed on inventory and a report was filed.
- R. On October 20, 2006 at 1:40 AM, officers of the Milwaukee Police Department were sent to 31st and North Avenue for a subject with gun complaint. The investigation revealed that security for Questions Night Club was trying to disperse the crowd that was leaving from the tavern, when one male patron threatened one of the security guards saying he had a gun and made threats to shoot the security guard. This male patron was later arrested after a brief car chase and no gun was found. A routine wanted check revealed that the subject was a convicted felon. The arrestee was charged with disorderly conduct and resisting/obstructing an officer.
- S. On November 3, 2006 at 1:26 AM, officers of the Milwaukee Police Department were dispatched to 3041 West North Avenue for a fight. Officers spoke with security guards who work for Questions Night Club who stated the several women were involved in multiple "cat fights." Security broke it up and removed the women from the club. The dispatcher advised officers that there were numerous calls of shots fired with a security guard at the scene as a witness. Officers spoke to the guard, who works for Questions Night Club, who stated he observed a black male in a white four-door Chevy Suburban with tinted windows, fire shots up into the air as the vehicle sped off. Officers did find casings at 3140 West North Avenue, the WE Energies parking lot and placed them on inventory. Security was unable to provide descriptions of the shooter.
- T. On November 25, 2006 at 1:52 AM, officers of the Milwaukee Police Department observed Strategic Agency security personnel, which is employed by Questions Tavern, attempting to pull an individual from an auto. The investigation revealed that a fight had taken place in Questions with one patron being hit in the head with a gun (allegedly by a security guard) and another patron, who had fled the scene with security chasing said patron. Officers were told by security that they had chased the patron because they believed he was armed with a gun. Strategic Security advised the officers that the gun was under the seat on the passengers' side of the car. Officers found a gun under the seat and the subject was taken into custody. This subject was charged with felon in possession of firearm. The other patron was treated for his head injury and an investigation is still pending regarding a substantial battery charge. The licensee, Devon Reid was cited for disorderly premises which is set for a pre-trial on March 5, 2007.
- U. On December 8, 2006, officers of the Milwaukee Police Department conducted a tavern check at the licensed premises at 3041 West North Avenue ("Questions"). Officers observed several patrons that looked to be younger than 21 years of age. Two patrons were under the age of 21 and one stated he gained entry by giving the doorman an extra \$10.00 to

let him in. During the investigation, a fight broke out and officers observed several patrons fighting each other and security. While officers were writing citations for the disturbance, another fight broke out with bottles being thrown. These patrons were separated by security and police and escorted out of the tavern. One individual refused to cooperate and continued to engage the other patrons to fight. This subject was arrested. A small bag of marijuana was found on the floor of the tavern and placed on inventory. Several citations for Disorderly Conduct, Presence of Underage and Resisting/Obstructing were issued. The licensee, Devon Reid, received citations for presence of underage and disorderly premises which are set for arraignment on January 31, 2007.

- V. On December 14, 2006, officers of the Milwaukee Police Department were dispatched to Questions to meet security officers who were detaining a subject who was possibly armed with a gun. Investigation revealed security was not allowing any more patrons into the bar due to reaching the bar's capacity. A patron who was not allowed in the tavern began yelling obscenities and refused to cooperate with security. At one point, this patron threatened he was leaving to go get his gun. Security attempted to detain this patron, who began to run, but was eventually caught and decentralized to the ground. This subject sustained minor injuries when decentralized by security. Officers spoke to a witness, the subject's friend, who stated his friend did make a threat to get his gun and that he shouldn't have. This subject was cited for disorderly conduct and the security guard, who decentralized the subject to the ground, was charged with battery.
- W. On December 31, 2006 at 11:09 PM, officers of the Milwaukee Police Department were flagged down by security at Questions for trouble with subjects. The investigation revealed two patrons were asked to leave a private party that was going on at the tavern that night. These patrons began to make threats to harm security personnel. The patrons were arrested and issued disorderly conduct citations.
- X. On December 31, 2006 at 11:33 PM, officers of the Milwaukee Police Department responded to Questions for a subject with gun complaint. The investigation revealed no one was armed with any guns and the caller was uncooperative with police. The staff at Questions was advised of the nature of the call.
- Y. On January 1, 2007 at 12:37 AM, officers of the Milwaukee Police Department were dispatched to a fight at the licensed premises at 3041 West North Avenue ("Questions"). Police arrested three subjects and issued citations for disorderly conduct. While there, officers reported shots fired, just west of their location, with a stray bullet hitting a vehicle near the scene. A report was filed for that incident.
- Z. On January 1, 2007 at 1:52 AM, officers of the Milwaukee Police Department were dispatched again to Questions for another reported fight in the tavern. As officers arrived, they called for more back up due to a large fight at that location. At least 14 squads responded and a total of 8 people were arrested and cited for disorderly conduct and/or resisting/obstructing. Two police officers were injured during this incident. Captain James Harpole was on scene and ordered Questions to be shut down and officers were needed to get patrons to leave the premises.

- AA. One objecting neighbor testified to patrons of the premises regularly parking in alley ways and in front of bus stops, driveways, thus impeding traffic and entrance to their homes. One neighbor has to use his vehicle in the hours between 11 PM and 2 AM on Fridays and Saturdays and his ability to put his car away is impeded by the barricaded streets and cars parked in his alley and drive way. Security personnel for the tavern confirmed that in an effort to control cruising they barricade streets and thus impede the flow of traffic. However, the licensee claims that he obtained the necessary permits for the barricading that took place.
- BB. One objecting neighbor also related that the patrons are loud, awaking her in the early morning hours. That neighbor also has to get up at 5 AM because she is a teacher and must get to work early, and her sleep is disturbed by the loud and boisterous conduct of the patrons at closing hours. Occasionally these neighbors have heard gunfire from the patrons of the premises. These neighbors have children and are worried about the safety of their children.
- CC. The objecting neighbors also complain of litter emanating from the premises, particularly advertising flyers that are put on the windshield of parked automobiles by bands and entertainment groups, which then blow about the neighborhood.
- DD. The licensee has worked with the local alderman's office and has been cooperative with the Milwaukee Police Department in addressing problems at this location. In addition, the licensee has promised to address the concerns of the objecting neighbors.
- EE. The licensee maintains that his problems are correlated to the closing of other problematic establishments in the City, and when they were closed the obstreperous persons who caused trouble at those other locations migrated to his establishment, and he has been attempting to deal with it. While the licensee has been cooperative with the local alderman and police in the area, nonetheless there have been seven incidents at the location since he has started meeting with the local police captain, the most recent of which was three weeks before the hearing in this matter.
- FF. Part of the issues regarding underage patrons, according to the licensee, related to the fact that he had corrupt security personnel who were taking bribes to allow underage patrons in. That also caused him to go over capacity on a number of the incidents related above. Apparently that situation has been solved by the termination of the security personnel involved in the bribes.
- GG. In an effort to control prostitution and other activities at this location the licensee has installed lighting and security cameras.

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, Devon L. Reid, Agent for Questions, Inc., who holds a Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license for the premises located at 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license without undergoing a forty-five (45) day suspension of said 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 judgment to renew the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of Devon L. Reid, as agent for Questions, Inc. for the premises located at 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment ") with a forty-five (45) day suspension.

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) noe recommends that the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license held by Devon L. Reid, agent for Questions, Inc. be renewed with a forty-five (45) day suspension.

Said suspension is to be in effect from 12:01 a.m. on February 10, 2007, through midnight, March 26, 2007.

Dated and signed at Milwaukee, Wisconsin this 25th day of January, 2007.


JAMES N. WITKOWIAK, Chair
Licenses Committee

114513



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 23, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Manuel G. Rodriguez for a Class "B" Tavern license for the premises located at 2566 South 6th Street in the City and County of Milwaukee, Wisconsin ("Reynas Bar").

FINDINGS OF FACT

1. Manuel G. Rodriguez (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises located at 2566 South 6th Street in the City and County of Milwaukee, Wisconsin ("Reynas Bar"). Said license expires at midnight, February 6, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on December 8, 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 Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license on December 11, 2006. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, disorderly patrons, fights, drug activity and conduct detrimental to the health, safety and welfare of the neighborhood. However, no objecting neighbors testified and one neighbor testified in support of renewal of this license.
4. On January 2, 2007, the Licenses Committee of the Milwaukee Common Council recommended renewal of this license with a warning letter because of drugs found on the premises in the possession of patrons. On January 6 and 13, 2007, other episodes involving drugs and patrons took place on this premises. On January 17, 2007, the Milwaukee Common Council returned this matter to the Licenses Committee for further proceedings.

5. On January 17, 2007, the City Clerk's Office provided notice to the Licensee 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 nonrenewal or suspension and included a copy of the police report. The matter was scheduled for a hearing on the police report on January 23, 2007 at 10:30 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 was not represented by counsel. He did admit receipt of the notice of the hearing.
6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On March 29, 2006, at 10:55 AM, officers of the Milwaukee Police Department conducted a licensed premises check at 2566 South 6th Street, Milwaukee, Wisconsin ("Reynas Bar"). An officer observed a patron with a youthful appearance playing pool. Officers requested identification to verify his age. This patron was identified as Juan T. Zavala-Milan and he consented to a search. Officers found a baggie containing a white powdery substance, which later tested positive for cocaine. Mr. Zavala-Milan was arrested for possession of a controlled substance-cocaine. No violations were found during the tavern check.
 - B. On January 6, 2007 at 1:00 AM, officers of the Milwaukee Police Department Intelligence and Vice Control Divisions, conducted a licensed premises check at 2566 South 6th Street ("Reynas Bar"). Upon entry, officers observed a male patron who was seated at the bar attempt to discard from his pants pocket a plastic bag containing four smaller bags of marijuana. The subject was arrested and the substance tested positive for marijuana. Officers also spoke to the bartender, Patricia Rodriguez, who denied any knowledge of drugs being sold inside the tavern. Wanted checks were conducted on two other patrons who were arrested on misdemeanor warrants. No other violations were found.
 - C. On January 13, 2007, at 12:05 AM, officers of the Milwaukee Police Department conducted a tavern check at 2566 South 6th Street ("Reynas Bar"). Upon entry, officers made eye contact with a patron who was dropping a clear plastic bag containing a white powdery substance, suspected to be cocaine, to the floor. Officers recovered the suspected cocaine as the patron stated "I'm not selling cocaine, I use cocaine." Officers also conducted a field interview of the subject's friend who was seated next to him. When asked if he had anything illegal on his person, the subject stated "Yea, I'm holding something for my friend." An officer conducted a pat-down search and found a bag of white powdery substance, suspected of being cocaine, in the subject's pants pocket. The patron, on his own will, stated "It's mine, it's for personal use." Both subjects were arrested and charged with possession of a controlled substance-cocaine.

The drugs tested positive for cocaine. No other violations were found.

CONCLUSIONS OF LAW

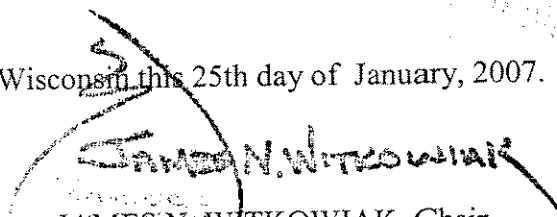
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Manuel G. Rodriguez, who holds a Class "B" Tavern license for the premises located at 2566 South 6th Street in the City and County of Milwaukee, Wisconsin ("Reynas Bar ") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a forty-five (45) day suspension of said license. 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 judgment to renew the Class "B" Tavern license of Manuel Rodriguez for the premises located at 2566 South 6th Street in the City and County of Milwaukee, Wisconsin ("Reynas Bar") with a forty-five (45) day suspension because of the danger this premises poses to the health, safety and welfare of the citizens of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes recommends that the Class "B" Tavern license held by Manuel Rodriguez be renewed with a forty-five (45) day suspension.

Said suspension is to be in effect from 12:01, February 7, 2007 through midnight, March 23, 2007.

Dated and signed at Milwaukee, Wisconsin this 25th day of January, 2007.


JAMES N. WITKOWIAK, Chair
Licenses Committee