

JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

January 24, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 041256

Recommendation of renewal with a 15-day suspension based on the police report and the pending court matters of the Class "D" Bartender license of Derry Groce. (Committee vote: Ayes: 4, Noes: 1)

Recommendation of renewal with a 60-day suspension based on the police report of the Class "D" Bartender license of Jamil Locker . (Committee vote: Ayes: 3, Noes: 2)

Recommendation of nonrenewal based on the police report of the Class "D" Bartender license of Jacqueline Mitchell.

Recommendation of renewal with a 30-day suspension based on the police report of the Class "D" Bartender license of Ellen Norman. (Committee vote: Ayes: 3, Noes: 1, Excused: 1)

Recommendation of nonrenewal based on non-appearance of the Class "D" Bartender license of Lisa Schoenauer.

Recommendation of nonrenewal based on non-appearance of the Class "D" Bartender license of Barney Talley.

Recommendation of nonrenewal based on the police report and non-appearance of the Class "B" Tavern license of Terry Heinemeier, Agent for "Terry Lee's Corp.", for the premises located at 5516 W. Center St. ("Terry Lee's") in the 10th aldermanic district.

Recommendation of renewal with a 10-day suspension based on the police report of the Class "A" Liquor & Malt license of Yanina Goberman, agent for "G&R, Inc.", for the premises located at 3179 N. 37th St. ("Polina's Liquor") in the 7th aldermanic district.

Recommendation of renewal with a 10-day suspension based on the police report of the Class "B" Tavern license of Juan Fuentes-Mosqueda for the premises at 2366 S. 9th Pl. ("Mi Ranchito") in the 12th aldermanic district.

With regard to the items listed above, the Utilities and Licenses Committee held evidentiary hearings on January 18th and January 21st, 2005.

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

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

These matters have been scheduled for a hearing before the full Common Council at its meeting on Tuesday, **February 1, 2005** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

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

James N. Witkowiak, Chair
Utilities & Licenses Committee

cc: All Council Members
File No. 041256



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

CORRECTED

Date: January 20, 2005
To: All Members of the Milwaukee Common Council
From: Utilities and Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Derry L. Groce.

FINDINGS OF FACT

1. Derry L. Groce (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2004.
2. An application to renew said license was filed untimely with the Office of the City Clerk on January 4, 2005.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On January 5, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 7, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 18, 2005, commencing at 10:45 a.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the police report. The licensee was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On September 24, 1982 the applicant was arrested by Milwaukee Police for burglary and found guilty in Milwaukee County Circuit Court on April 11, 1983 and sentenced to 1 year 8 months probation.
- B. On August 28, 1986 the applicant was arrested by Milwaukee Police for theft (misdemeanor), battery (misdemeanor), theft and Obstructing and found guilty in Milwaukee County Circuit Court on November 18, 1986 and sentenced to 45 days in the House of Corrections, was fined and given two years probation.
- C. On February 12, 1987 the applicant was arrested by Milwaukee County Sheriff for escape violations (misdemeanor) and found guilty on May 7, 1987 in Milwaukee County Circuit Court and fined.
- D. On February 28, 1994 the applicant was charged in Milwaukee County Circuit Court with Possession of a Controlled Substance Marijuana and found guilty on March 23, 1994 and fined \$250.00.
- E. On May 11, 1995 the applicant was charged in Milwaukee County Circuit Court with felony failure to support and found guilty on March 11, 1997 and sentenced to 3 years probation.
- F. On September 8, 2002 a Milwaukee Police Department officer made a lawful inspection of the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("The Blue Gardenia"). The applicant was found to be in the possession of a loaded handgun. A patron of the tavern was also found to be in possession of a controlled substance and a loaded handgun. The applicant was charged with felon in possession of a firearm and carrying a concealed weapon (gun) and found guilty on October 31, 2002 and sentenced to 6 months in the House of Corrections and fined \$170.00.
- G. On September 25, 2002 Milwaukee Police Department officers observed a number of people loitering in front of the licensed premises at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("The Blue Gardenia"). Upon doing a lawful inspection officers discovered 3 underage patrons in the tavern. The applicant was the bartender on duty. The applicant was cited for presence of underage and found guilty on November 14, 2002 and fined \$200.00.
- H. On April 8, 2003 at 1:29 am City of Milwaukee Police investigated a shooting at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("The Blue Gardenia"). Their investigation revealed that someone fired 5 gunshots through the front door. An underage male inside the tavern was wounded in the lower left leg. Derry L. Groce was

the bartender on duty. The applicant was cited with presence of minor prohibited which was dismissed without prejudice on May 29, 2003.

- I. On November 2, 2004 at 9:50 pm City of Milwaukee police conducted a license premise check at 408 East North Avenue in the City and County of Milwaukee, Wisconsin ("The Blue Gardenia"). The investigation revealed that there was not a current Class "B" Tavern license posted and the officers observed an elderly person who appeared to be intoxicated with a can of beer in front of him. Derry L Groce was the bartender on duty. The applicant was cited for Class "B" fermented malt beverage license required and sale of intoxicants to intoxicated person which are pending in Milwaukee Municipal Court for January 26, 2005 at 8:30 a.m.
- J. On November 2, 2004 at 9:50 pm at 2615 North Hubbard Street, Derry L. Groce was issued a Milwaukee Municipal Court citation for the following sale of intoxicants to intoxicated person which is pending in Milwaukee Municipal Court for January 26, 2005 at 8:30 a.m.

CONCLUSIONS OF LAW

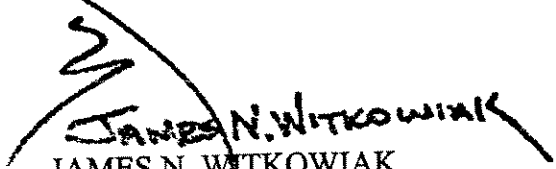
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Derry L. Groce, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license held by the licensee without undergoing a fifteen (15) day suspension. The Committee finds the police report to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its discretion to grant renewal of the Class "D" Bartender license held by Derry L. Groce with a fifteen (15) day suspension based upon the danger that his conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) noes, recommends that the Class "D" Bartender License be renewed with a fifteen (15) day suspension based on the police report.

Said suspension is to be in effect upon action of the Common Council on February 1, 2005 through midnight, February 15, 2005.

Dated and signed at Milwaukee, Wisconsin this 20th day of January, 2005.


JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee

89303



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 20, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Jamil L. Locker.

FINDINGS OF FACT

1. Jamil L. Locker (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2004.
2. An application to renew said license was untimely filed with the Office of the City Clerk on December 30, 2004.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On January 3, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 7, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 18, 2005, commencing at 10:45 a.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the police report and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On August 3, 2003, the applicant was stopped and arrested for operating an auto while intoxicated (prohibited alcohol concentration). He was

found guilty of that citation on September 16, 2003, fined and incurred a 6 month revocation of his driver's license.

- B. On April 23, 2004 the applicant was stopped and arrested for operating an auto while intoxicated (second offense). He was found guilty in Waukesha County Circuit Court on July 8, 2004. He was sentenced to 25 days jail time and incurred a 14 month revocation of his driver's license and fined \$938.00.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Jamil L. Locke, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license held by the licensee without undergoing a sixty (60) day suspension. The Committee finds the police report to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its discretion to grant renewal of the Class "D" Bartender license held by Jamil J. Locker with a sixty (60) day suspension based upon the danger that his conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes, recommends that the Class "D" Bartender License be renewed with a sixty (60) day suspension based on the police report.

Said suspension is to be in effect upon action of the Common Council on February 1, 2005 through midnight, April 1, 2005.

Dated and signed at Milwaukee, Wisconsin this 20th day of January, 2005.


JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 20, 2005
To: All Members of the Milwaukee Common Council
From: Utilities and Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Jacqueline Mitchell.

FINDINGS OF FACT

1. Jacqueline Mitchell (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2004.
2. An application to renew said license was filed untimely with the Office of the City Clerk on December 13, 2004.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On December 14, 2004, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 7, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 18, 2005, commencing at 10:45 a.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and she 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. The Milwaukee Police Department's investigation regarding this application

revealed the following convictions:

07/19/1991	Retail Theft	West Allis Muni
10/26/1993	Possession of a Controlled Substance	Circuit Court
10/26/1993	Prostitution	Circuit Court
10/26/1993	Prostitution	Circuit Court
04/18/1994	Carrying a Concealed Weapon	Municipal Court
06/12/1995	Possession of a Controlled Substance Cocaine (Felony)	Circuit Court
06/30/1995	Loitering/Prowling	Municipal Court
02/27/1997	Loitering-Prostitution Related	Municipal Court
03/10/1997	Trespassing	Municipal Court
03/18/1997	Prostitution	Circuit Court
05/28/1997	Carrying a Concealed Weapon	Municipal Court
01/22/1998	Prostitution	Circuit Court
01/22/1998	Possessing Drug Paraphernalia	Circuit Court

- C. On January 28, 2003 at 6:15 PM the applicant delivered .25 grams of cocaine to an undercover police officers at 549 North 25th Street. The applicant was charged and found guilty of delivery of a controlled substance-cocaine and found guilty on June 20, 2003 and sentenced to 6 months in the House of Corrections and 3 years probation
- D. On February 28, 2003 at 6:32 AM City of Milwaukee police officers arrested the applicant on an open municipal court warrant and found her to be in possession of drug paraphernalia. The applicant was found guilty of possession of drug paraphernalia on June 24, 2004 and sentenced to 20 days in the House of Correction.
- E. On May 7, 2003 at 7:37 AM City of Milwaukee police officers observed the applicant had a passenger, in what was discovered to be a stolen vehicle. Upon her arrest, the applicant was found to be in possessing of drug paraphernalia. The applicant was out on bail for the above two offenses in item D above. The applicant was charged and found guilty of possession of drug paraphernalia and bail jumping on June 24, 2003 and sentenced to 90 days in the House of Corrections.
- F. On January 28, 2004 at 7:53 PM City of Milwaukee police officers investigated an auto theft report. The investigation revealed that the applicant had taken an auto belonging to an acquaintance and refused to return the auto. The applicant was charged and found guilty of operating auto without owner's consent, which was amended to misdemeanor theft, on October 25, 2004 and applicant was sentenced to 9 months in the House of Corrections.
- G. The licensee explained that some of the incidents occurred as a result of the recent death of her mother.

- H. The licensee advised the Committee that she really has not used her bartender's license.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Jacqueline Mitchell, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license. The Committee finds the police report to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its discretion to deny renewal of the Class "D" Bartender license held by Jacqueline Mitchell based upon the danger that her conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "D" Bartender License not be renewed based on the conduct of the licensee as evidenced in the police report.

Dated and signed at Milwaukee, Wisconsin this 20th day of January, 2005.


JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee

89314



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

CORRECTED

Date: January 20, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Ellen L. Norman.

FINDINGS OF FACT

1. Ellen L. Norman (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2004.
2. An application to renew said license was untimely filed with the Office of the City Clerk on December 28, 2004.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On December 29, 2004, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 7, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 18, 2005, commencing at 11:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On February 13, 2004 the applicant was cited by the Milwaukee Police Department for presence of minor prohibited an arrest warrant was issued on April 7, 2004.
- B. On February 13, 2004 the applicant was cited by the Milwaukee Police Department for sale of alcohol to underage and an arrest warrant was issued on April 7, 2004.
- C. On February 13, 2004 the applicant was cited by the Milwaukee Police Department for trespassing upon a building and a bench warrant was issued on April 7, 2004.
- D. Warrant notification letter was sent to the applicant on December 29, 2004.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Ellen L. Norman, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license held by the licensee without undergoing a thirty (30) day suspension. The Committee finds the police report to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its discretion to grant renewal of the Class "D" Bartender license held by Ellen L. Norman with a thirty (30) day suspension based upon the danger that her conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noes and one (1) excused, recommends that the Class "D" Bartender License be renewed with a thirty (30) day suspension based on the police report.

Said suspension is to be in effect upon action of the Common Council on February 1, 2005 through midnight, March 2, 2005.

Dated and signed at Milwaukee, Wisconsin this 20th day of January, 2005.



JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 20, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Lisa M. Schoenauer.

FINDINGS OF FACT

1. Lisa M. Schoenauer (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2004.
2. An application to renew said license was filed untimely with the Office of the City Clerk on December 20, 2004.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On December 21, 2004, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 7, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 18, 2005, commencing at 11:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear nor was she represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. Notice of the hearing as well as a copy of the police report was sent to Lisa M. Schoenauer at 2467 South 12th Street, Milwaukee, Wisconsin 53215 on January 7, 2004 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 2467 South 12th Street, Milwaukee, Wisconsin 53215 is the address given by the applicant on her application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on January 18, 2005.

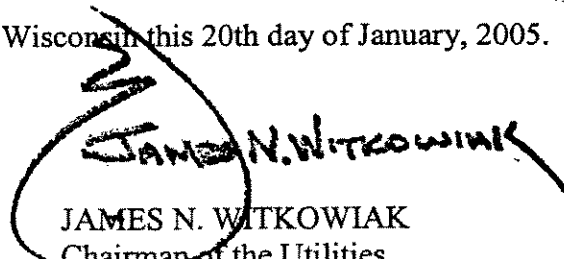
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Lisa M. Schoenauer not be renewed based upon her nonappearance

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 "D" Bartender License not be renewed based on nonappearance.

Dated and signed at Milwaukee, Wisconsin this 20th day of January, 2005.


JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee

89311



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 20, 2005
To: All Members of the Milwaukee Common Council
From: Utilities and Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Barney L. Talley.

FINDINGS OF FACT

1. Barney L. Talley (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2004.
2. An application to renew said license was filed untimely with the Office of the City Clerk on December 20, 2004.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On December 21, 2004, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 7, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 18, 2005, commencing at 11:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear nor was he represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Notice of the hearing as well as a copy of the police report was sent to Barney L. Talley at 8413 North Servite Drive, No. 104, Milwaukee,

Wisconsin 53224 on January 7, 2004 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 8413 North Servite Drive, No. 104, Milwaukee, Wisconsin 53224 is the address given by the applicant on his application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on January 18, 2005.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the Class "D" bartender licensee of Barney L. Talley not be renewed based upon nonappearance.

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 "D" Bartender License not be renewed based on nonappearance.

Dated and signed at Milwaukee, Wisconsin this 20th day of January, 2005.



JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 20, 2005

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal application of Terry L. Heinemeier, agent for Terry Lee's Corp. for a Class "B" Tavern license for the premises located at 5516 West Center Street, in the City and County of Milwaukee, Wisconsin ("Terry Lee's Corp").

FINDINGS OF FACT

1. Terry L. Heinemeier, agent for Terry Lee's Corp. (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises located at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's"). Said license expires at midnight, February 7, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on December 28, 2004.
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 December 29, 2004, which could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loud music and noise, fights, shootings, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 7, 2004 the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of police objections that could form the basis for suspension or nonrenewal of the license of the Licensee along with the neighborhood objections. A copy of the police report was included. The matter was scheduled for a hearing on the police objections on January 18, 2005 at 2:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did not appear nor was he represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. Notice of the hearing as well as a copy of the police report was sent to Terry L. Heinemeier at 4525 West Auer Avenue, Milwaukee, Wisconsin 53216 on January 7, 2004 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 4525 West Auer Avenue, Milwaukee, Wisconsin 53216 is the address given by the applicant on his application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on January 18, 2005.
 - B. On March 8, 2003 at 12:36 am Milwaukee Police Department officers were dispatched to the licensed premises located at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's") for a complaint of a man with a gun. Officers interviewed a part time security person employed by the premises. That individual stated that he observed the victim and 4 males arguing and a fight began. The security person tried to stop the fight, and as he did so, he saw a male take a black semi-auto pistol from his waist and point it at the victim. The security person pulled the victim behind the bar and the gunman fled the tavern.
 - C. On April 19, 2003 at 12:55 pm, an underage Milwaukee Police Department police aide entered the licensed premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's") and was able to purchase two 12 ounce glasses of Miller Lite tap beer from the bartender. The applicant was not cited. The bartender was found guilty of sale to underage.
 - D. On April 25, 2003 at 12:45 am officers of the Milwaukee Police Department were flagged down at the intersecting of North 53rd and Center Street in the City and County of Milwaukee, Wisconsin by a person who stated someone had been shot inside the licensed premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's"). Police interviewed the bartender, Allan Peters, who stated that there had been a fight between two people in the bathroom, but denied that anyone had been shot. Numerous patrons in the taverns also claimed to not hear or see anything. Upon leaving the scene, the officers were notified by the police dispatcher that there was a shooting victim at St. Joseph's Hospital. Police interviewed the victim, and the victim stated that he had been shot inside the licensed premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's") near a pool table which is located next to the men's bathroom.
 - E. On April 25, 2003 at 8:02 pm officers of the Milwaukee Police Department were dispatched to the licensed premises 5516 West Center

Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's") to investigate a subject with a gun. Officers found a male in the tavern, and during a pat down search of that individual, found a black and silver 380 Talon on the subject's bar stool. The subject was arrested for carrying a concealed weapon.

- F. On May 11, 2003 at 9:45 pm officers of the Milwaukee Police Department responded to the licensed premises at 3530 West Silver Spring Drive in the City and County of Milwaukee, Wisconsin ("The Silver Spring Tap") regarding a Bomb Threat. The investigation revealed that a patron had been refused service because he was intoxicated. That patron threatened to blow up the bar and the block. Officers arrested the patron for disorderly conduct (state). An incident report was filed. The applicant is the licensee at 3530 West Silver Spring Drive.
- G. The licensee was found guilty on September 17, 2004 of underage upon a Class "B" premises, licensee responsibility and fined \$200.00. The bartender, Allan Peters was found guilty of sale of alcohol to underage person on July 30, 2004 and fined \$338.00.
- H. On August 18, 2004 at approximately 11:20 pm, officers of the Milwaukee Police Department were dispatched to the licensed premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's"). The officers observed blood on the floor in the north section of the bar, but the parties involved had left the scene. The bartender, Allan Peters, told the officers he was talking to a female at the bar when another female struck the first female in the head with a pool stick. While completing their investigation, officers noted that amusement machines did not have proper identification tags. Also not licensed were a pool table, juke box, and cigarette machine. The licensee was not on the premises. The licensee was issued citations for license and permits required, video and amusement machines-5 citations. The licensee was found guilty on one of the citations and the remaining four were dismissed on October 28, 2004 and the licensee was fined \$212.00.
- I. On September 16, 2004, at approximately 12:26 am, officers of the Milwaukee Police Department responded to a report of a shooting at the licensed premises at 5516 West Center Street in the City and County of Milwaukee ("Terry Lee's"). Upon their arrival they were told by the bartender that some males were engaged in an altercation which caused the bartender to call the police. While on the phone with the police, the reporting officer heard a gunshot. Several patrons exited the premises. The shooter could not be identified, but there was a victim lying on the ground with a gunshot wound to the left portion of the chest. An investigation is pending and an incident report was filed.

- J. The Committee heard testimony from one Tammy Banks and a Lena Banks Johnson who were related to the individual who was shot in the incident of September 16, 2004. Although the individual did not die from that incident, it is obvious that the continued operation of these premises will be detrimental to the health, safety and welfare of the citizens of the City of Milwaukee.

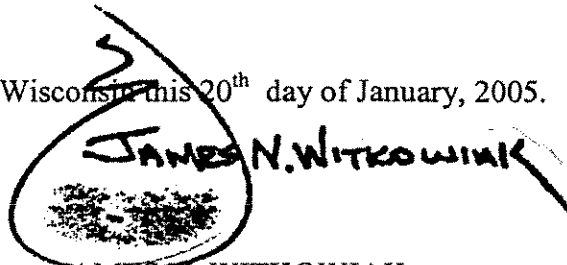
CONCLUSIONS OF LAW

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, Terry L. Heinemeier, agent for Terry Lee's Corp. for a Class "B" Tavern license for the licensed premises at 5516 West Center Street ("Terry Lee's") 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 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 Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion to not renew the Class "B" Tavern license of Terry L. Heinemeier for the premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's").

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 Terry L. Heinemeier, agent for Terry Lee's Corp. for the premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's") not be renewed because of the police report and nonappearance.

Dated and signed at Milwaukee, Wisconsin this 20th day of January, 2005.

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

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee

89345



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 20, 2005

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal application of Yanina Goberman, agent for G&R, Inc. for a Class "A" Liquor and Malt license for the premises located at 3179 North 37th Street, in the City and County of Milwaukee, Wisconsin ("Polina's Liquor").

FINDINGS OF FACT

1. Yanina Goberman, agent for G&R, Inc. (hereinafter the "Licensee") is the holder of a Class "A" Liquor and Malt license for the premises located at 3179 North 37th Street in the City and County of Milwaukee, Wisconsin ("Polina's Liquor "). Said license expires at midnight, February 7, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on December 21, 2004.
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 December 22, 2004, which could form the basis for nonrenewal or suspension of the license.
4. On January 7, 2005 the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of police objections that could form the basis for suspension or nonrenewal of the license of the Licensee. A copy of the police report was included. The matter was scheduled for a hearing on the police objections on January 18, 2005 at 2:45 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 did appear but 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 4, 1995 the applicant was interviewed for a Class "D" bartender license. It was discovered that the applicant was the agent for the license premises at 3179 North 37th Street in the City and County of Milwaukee, Wisconsin ("Polina's Liquor"). It was also discovered that she had moved out of the City of Milwaukee and had failed to notify the License Division of the change as required by § 90-1-25 of the Milwaukee Code of Ordinances. The applicant was cited for residency requirements and found guilty on February 20, 1995 and fined \$250.00.
 - B. On March 31, 2004 at 5:45 pm an underage Milwaukee police aide, under the direction of police officers, entered the licensed premises at 3179 North 37th Street in the City and County of Milwaukee, Wisconsin ("Polina's Liquor") and was able to purchase a six pack of Seagrams Strawberry Daiquiri Corona Liquor from the license applicant, Yanina Goberman. The licensee was found guilty of sale of alcohol to underage person on May 21, 2004 and fined \$152.00.
 - C. On November 12, 2004, at 5:40 pm, at the licensed premises at 3179 North 37th Street in the City and County of Milwaukee, Wisconsin ("Polina's Liquor") a City of Milwaukee police aide operating under the direction of police officers was able to purchase alcohol. The licensee was cited for sale of alcohol to underage person. On January 7, 2005 in Milwaukee Municipal Court the licensee was found guilty and fined \$152.00.

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, Yanina Goberman, agent for G&R, Inc. for a Class "A" Liquor and Malt license for the licensed premises at 3179 North 37th Street ("Polina's Liquor") 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 Class "A" Liquor and Malt license without undergoing a ten (10) 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 Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion

to renew the Class "A" Liquor and Malt license of Yanina Goberman for the premises at 3179 North 37th Street in the City and County of Milwaukee, Wisconsin ("Polina's Liquor") with a ten (10) day suspension.

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 "A" Liquor and Malt license held by Yanina Goberman, agent for G&R, Inc. for the premises at 3179 North 37th Street in the City and County of Milwaukee, Wisconsin ("Polina's Liquor") be renewed with a ten (10) day suspension.

Said suspension is to be in effect between midnight, February 7, 2005 and midnight, February 17, 2005.

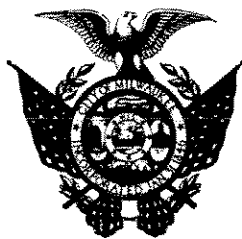
Dated and signed at Milwaukee, Wisconsin this 20th day of January, 2005.



JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee

89347



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 21, 2005

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal application of Juan M. Fuentes-Mosqueda for a Class "B" Tavern license for the premises located at 2366 South 9th Place, in the City and County of Milwaukee, Wisconsin ("Mi Ranchito").

FINDINGS OF FACT

1. Juan M. Fuentes-Mosqueda (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises located at 2366 South 9th Place in the City and County of Milwaukee, Wisconsin ("Mi Ranchito "). Said license expires at midnight, February 11, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on December 20, 2004.
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 objections to this license renewal dated December 30, 2004 that could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, fights, shootings, stabbings, disorderly behavior, sale to underage, drugs, patrons after hours, dancing, locked entry doors, public urination, public drinking, vandalism, damage to private property, trespassing, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 18, 2005, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes the possibility of this application being denied because of a police report and included a copy of the police report. Additionally, the notice provided the licensee with the neighborhood objections. The matter was scheduled for a hearing on the police objections on January 21,

2005 at 1:30 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 and was represented by Attorney Martin Pruhs, 757 North Water Street, Milwaukee, WI 53202.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On January 1, 1999 at the licensed premises at 2443 South 7th Street in the City and County of Milwaukee, Wisconsin an officer of the Milwaukee Police Department observed the applicant, Juan M. Fuentes-Mosqueda, standing on the porch with a rifle and pointed the rifle in the air and fired several shots. He fired the rifle while friends and family members were also standing on the porch. The licensee was charged with disorderly conduct-use of dangerous weapon (misdemeanor) and was found guilty on March 5, 1999 and sentenced to 40 days in the House of Correction.
 - B. On May 28, 2003 at 2:12 am officers of the Milwaukee Police Department observed the lights on and music coming from the licensed premise at 2366 South 9th Place in the City and County of Milwaukee, Wisconsin ("Mi Ranchito"). This was after closing hours. The applicant was behind the bar and eight patrons were inside the tavern dancing and drinking. The licensee was cited for patrons after hours (Class "B" tavern) and found guilty on September 15, 2003 and fined \$500.
 - C. On December 27, 2003 at 10:50 pm officers of the Milwaukee Police Department conducted a lawful inspection of the licensed premise at 2366 South 9th Place in the City and County of Milwaukee, Wisconsin ("Mi Ranchito") and found the rear door locked. The applicant stated that he keeps the door locked all the time during regular business hours. The licensee was charged with safe egress and found guilty on February 17, 2004 and fined \$200.
 - D. On July 19, 2004 at 12:44 am officers of the Milwaukee Police Department conducted a lawful inspection of the licensed premise at 2366 South 9th Place in the City and County of Milwaukee, Wisconsin ("Mi Ranchito"). Officers arrested a patron for disorderly conduct and resisting an officer. The applicant was on the premises at the time and an incident report was filed.
 - E. On May 1, 2003 at 12:10 am officers of the Milwaukee Police Department were dispatched to the licensed premises at 2366 South 9th Place in the City and County of Milwaukee, Wisconsin ("Mi Ranchito") regarding a subject with a gun. Upon entering the premises an officer observed a patron remove a handgun from his waistband and drop it to the floor. The patron was taken into custody. This incident was not previously reported.
 - F. On May 22, 2004, officers of the Intelligence Division arrested two patrons on the licensed premise at 2366 South 9th Place in the City and County of Milwaukee,

Wisconsin ("Mi Ranchito") for possession of controlled substances.

- G. No neighbors appeared in objection to this license and four, including a tavern employee (bartender) appeared in support of renewal.
- H. The licensee asserts he picks up litter in the neighborhood and accompanies patrons out of the bar at closing time.

CONCLUSIONS OF LAW

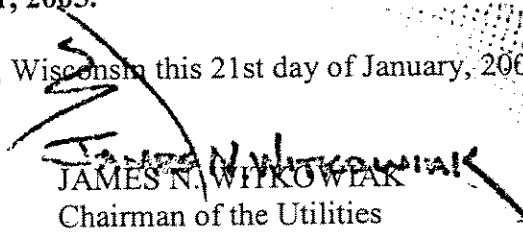
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Juan M. Fuentes-Mosqueda 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 without undergoing a suspension of said license for ten (10) days. 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 Utilities and 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 license of Juan M. Fuentes-Mosqueda for the premises at 2366 South 9th Place in the City and County of Milwaukee, Wisconsin ("Mi Ranchito").

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and zero (0) noes recommends that the Class "B" Tavern license held by Juan M. Fuentes-Mosqueda for the premises at 2366 South 9th Place in the City and County of Milwaukee, Wisconsin ("Mi Ranchito") **be renewed with ten (10) day suspension.**

Said suspension is to be in effect between midnight February 11, 2005 through midnight February 21, 2005.

Dated and signed at Milwaukee, Wisconsin this 21st day of January, 2005.


JAMES N. WOLKOWIAK
Chairman of the Utilities
and Licenses Committee



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Carolyn Hill Robertson
Deputy City Clerk

January 21, 2005

Juan M. Fuentes-Mosqueda
1630 West Bow Street
Milwaukee, WI 53204

Attorney Martin J. Pruhs
757 N. Water Street
Milwaukee, WI 53202

Dear Mr. Fuentes-Mosqueda:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 1, 2005 commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider your Class "B" Tavern license renewal application for the premises located at 2366 South 9th Place, Milwaukee, Wisconsin ("Mi Ranchito").

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal with a ten (10) day suspension. The recommendation is the result of a public hearing before the Committee held on January 21, 2005 and a police report and neighborhood objections that could form the basis of nonrenewal or suspension of this license.

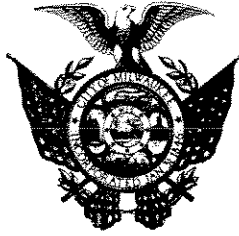
You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days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

Very truly yours,

RONALD D. LEONHARDT
City Clerk

Attachment

cc: License Division
CCS File 041256



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 21, 2005

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal application of Juan M. Fuentes-Mosqueda for a Class "B" Tavern license for the premises located at 2366 South 9th Place, in the City and County of Milwaukee, Wisconsin ("Mi Ranchito").

FINDINGS OF FACT

1. Juan M. Fuentes-Mosqueda (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises located at 2366 South 9th Place in the City and County of Milwaukee, Wisconsin ("Mi Ranchito "). Said license expires at midnight, February 11, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on December 20, 2004.
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 objections to this license renewal dated December 30, 2004 that could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, fights, shootings, stabbings, disorderly behavior, sale to underage, drugs, patrons after hours, dancing, locked entry doors, public urination, public drinking, vandalism, damage to private property, trespassing, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 18, 2005, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes the possibility of this application being denied because of a police report and included a copy of the police report. Additionally, the notice provided the licensee with the neighborhood objections. The matter was scheduled for a hearing on the police objections on January 21,

2005 at 1:30 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 and was represented by Attorney Martin Pruhs, 757 North Water Street, Milwaukee, WI 53202.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On January 1, 1999 at the licensed premises at 2443 South 7th Street in the City and County of Milwaukee, Wisconsin an officer of the Milwaukee Police Department observed the applicant, Juan M. Fuentes-Mosqueda, standing on the porch with a rifle and pointed the rifle in the air and fired several shots. He fired the rifle while friends and family members were also standing on the porch. The licensee was charged with disorderly conduct-use of dangerous weapon (misdemeanor) and was found guilty on March 5, 1999 and sentenced to 40 days in the House of Correction.
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 - E. On May 1, 2003 at 12:10 am officers of the Milwaukee Police Department were dispatched to the licensed premises at 2366 South 9th Place in the City and County of Milwaukee, Wisconsin ("Mi Ranchito") regarding a subject with a gun. Upon entering the premises an officer observed a patron remove a handgun from his waistband and drop it to the floor. The patron was taken into custody. This incident was not previously reported.
 - F. On May 22, 2004, officers of the Intelligence Division arrested two patrons on the licensed premise at 2366 South 9th Place in the City and County of Milwaukee,

Wisconsin ("Mi Ranchito") for possession of controlled substances.

- G. No neighbors appeared in objection to this license and four, including a tavern employee (bartender) appeared in support of renewal.
- H. The licensee asserts he picks up litter in the neighborhood and accompanies patrons out of the bar at closing time.

CONCLUSIONS OF LAW

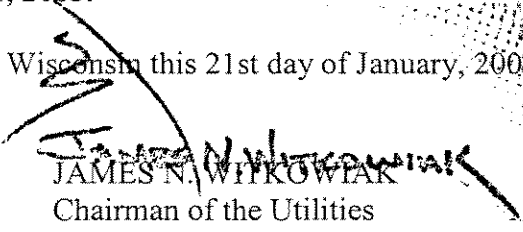
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2. Based upon the above facts found, the Committee concludes that the licensee, Juan M. Fuentes-Mosqueda has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a suspension of said license for ten (10) days. 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 Utilities and 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 license of Juan M. Fuentes-Mosqueda for the premises at 2366 South 9th Place in the City and County of Milwaukee, Wisconsin ("Mi Ranchito").

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three **(3) ayes and zero (0) noes** recommends that the Class "B" Tavern license held by Juan M. Fuentes-Mosqueda for the premises at 2366 South 9th Place in the City and County of Milwaukee, Wisconsin ("Mi Ranchito") **be renewed with ten (10) day suspension.**

Said suspension is to be in effect between midnight February 11, 2005 through midnight February 21, 2005.

Dated and signed at Milwaukee, Wisconsin this 21st day of January, 2005.


JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee

89382