

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

January 10, 2023

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 221335 contains the following recommendations:

Nonrenewal of the Extended Hours Establishments license based on neighborhood and aldermanic testimony for for Lakhbir Singh, for the premises located at 4302 W Capitol Dr. ("Capitol Citgo Mart") in the 7th aldermanic district.

Renewal with a 30 (thirty) day suspension of the Class B Tavern and Public Entertainment Premises licenses based on the police report, neighborhood and aldermanic testimony for Michael Ray Sr., for the premises located at 4750 N Hopkins St. ("Gold Diggers Milw") in the 7th aldermanic district.

Reaffirmation of the Common Council's decision from November 1, 2022:

Nonrenewal of the Class B Tavern and Public Entertainment Premises licenses based on the police report, applicant, police department and aldermanic testimony for Tanisha Kelly, for the premises located at 3621 N Teutonia Av. ("Penthouse Lounge") in the 6th aldermanic district.

Respectfully,

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
File 221335



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Date: January 6, 2023

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Lakhbir Singh, Agent for SEHRA SONS LLC, for Extended Hours Establishments, Filing Station, Food Dealer and Weights & Measures licenses for the premises located at 4302 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("CAPITOL CITIGO MART").

FINDINGS OF FACT

1. Lakhbir Singh (hereinafter the "Licensee") is the holder of Extended Hours Establishments, Filing Station, Food Dealer and Weights & Measures licenses for the premises located at 4302 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("CAPITOL CITIGO MART"). Said licenses expires at midnight, January 22, 2023.
2. An application to renew said licenses was filed with the Office of the City Clerk on November 12, 2022.
3. Pursuant to Chapters 68, 82, 84, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On November 14, 2022, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On December 21, 2022, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82, 84, and 85 of the Milwaukee Code of Ordinances of the police report and 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 4, 2023 at 2:40 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Maistelman at the hearing, and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On February 8, 2022, officers were dispatched to 4302 West Capitol Drive, for a Welfare of Citizen. On arrival, a wanted check was conducted and the subject was taken into custody.



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- B. On February 11, 2022, officers were dispatched to 4302 West Capitol Drive, for a Strong Arm Robbery. Investigation revealed a citizen was in the gas station paying for items, when a suspect came from behind and forcefully removed a firearm from the citizen's waistband. Employees were cooperative and provided video surveillance of the incident.
- C. On May 25, 2022, officers were dispatched to 4302 West Capitol Drive, for a Shots Fired. The caller stated they heard two shots coming from the area. Employees were cooperative and provided video surveillance, however, did not contact police regarding the incident.
- D. On July 26, 2022, officers were dispatched to 4302 West Capitol Drive, for a Shots Fired. Investigation revealed a shooting had occurred, while the victim was pumping gas at the pump. The employees did not call the police, however, were cooperative and allowed officers to view video surveillance of the incident.
- E. On August 22, 2022, officers had a meeting with the agent who agreed to submit an abatement plan regarding several violent incidents at the location.
- F. The Licensee was present along with Attorney Maistelman who said that his client has been always cooperative. He added that no incidences have happened since they put in place the abatement plan with MPD.
- G. Mr. Singh said that he has 24 cameras and that he always gives access to the MPD.

Individuals in opposition:

- H. Mabel Lamb – Executive Director of the Sherman Neighborhood Association - 3526 West Fond du Lac Av – said that they receive calls from neighbors who are not in support on the extended hours license because these businesses keep the community up and going.
- I. Alderman Chambers asked the witness what would be a fair compromise.
- J. Ms. Lamb said that to close at 11 pm and to open at 6 am the next day.
- K. Yvonne McCaskill – 3959 N 29th St – said that she belongs to a coalition of neighborhoods and that they are not in support of the extended hours license because they bring traffic and there is not benefit for the community. She also said that is nothing against the businesses but that they want to control the situations that happen at night. She added that they will be requesting to end with this type of licenses for all the businesses when the time comes up.

Individuals in support:

- L. Marlin Moutrey - 6222 W Fond Du Lac Av- said that he needs the gas station open 24 hours because he works third shift and that he needs to go somewhere for gas or milk.

- M. James - 6700 W Hampton Av – said that the gas station is not causing any problem but the people.
- N. Mr. Singh – 9347 Spindale Top Ct - said that there are no other gas stations down the road on Sherman Blvd and Capitol Dr.

Individuals also present:

- O. Alderman Rainey said that he agrees with the neighbors' testimony and that the extended hours establishments have been an issue everywhere and recommended nonrenewal of the extended hours based on the neighborhood testimony and renewal of the other licenses.
- P. Alderman Spiker asked Sergeant Velasquez why the times were not included on the bigger narrative because they are very helpful when discussing extended hours licenses.
- Q. Sergeant Velasquez said that she will address this issue.
- R. Alderman Spiker said that all the incidents from the police report happened outside the extended hours license but that he is concerned that the Licensee did not report the incidents to the police.
- S. Attorney Maistelman read the abatement plan submitted to the police and provided a copy to the committee requesting to make it part of the plan of operations.
- T. Alderman Spiker made the motion to include the abatement plan as part of the plan of operations. There were no objections.
- U. Attorney Farris advised to take the votes for the Extended Hours license separated from the other licenses.
- V. Alderman Spiker moved approval of the Filling Station, Food Dealer and Weights & Measures. There were no objections. (Prevailed 4-0)
- W. Alderman Spiker moved renewal with a 30-day suspension of the extended hours license based on the neighborhood testimony. The motion did not pass. (2-2).
- X. Alderman Chambers moved non-renewal of the Extended Hours license based on the neighborhood and aldermanic testimony. (Prevailed 3-1)

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 Chapters 68, 82, 84, and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Lakhbir Singh who holds Extended Hours Establishments, Filing Station, Food Dealer and Weights & Measures licenses for the premise located at 4302 West Capitol Drive in the City and



County of Milwaukee, Wisconsin ("CAPITOL CITGO MART") has not met the criteria of Chapters 68, 82, 84, and 85, of the Milwaukee Code of Ordinances to renew the Extended Hours Establishment license, but approval for the renewal of Filling Station, Food Dealer, and Weights & Measures licenses. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the neighborhood and aldermanic testimony.

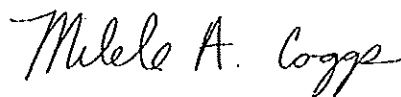
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Extended Hours Establishments license, but approve the renewal of Filling Station, Food Dealer, and Weights & Measures licenses for the premises located at 4302 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("CAPITOL CITGO MART"). The Committee based its recommendation on the neighborhood and aldermanic testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, including the Findings previously generated by the Committee in this matter, by a vote of **four (4) ayes, zero (0) noes and one (1) excused** recommends that the Filling Station, Food Dealer and Weights & Measures licenses held by Lakhbir Singh for the premises located at 4302 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("CAPITOL CITGO MART") be renewed. Based upon the Findings of Fact and Conclusions of Law stated above, including the Findings previously generated by the Committee in this matter, by a vote of **three (3) ayes, one (1) noes and one (1) excused** recommends the non-renewal of the Extended Hours license held by Lakhbir Singh for the premises located at 4302 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("CAPITOL CITGO MART"), based on the neighborhood and aldermanic testimony.

Said nonrenewal is effective January 22, 2023.

Dated and signed at Milwaukee, Wisconsin this 6 day of January, 2023.



MILELE A. COGGS
Chairman, Licenses Committee

/283202

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

Date: January 6, 2023

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Michael Ray, Sr., Agent for Michael Ray Gents Plus LLC, for the premises located at 4750 North Hopkins Street in the City and County of Milwaukee, Wisconsin ("Gold Diggers Milw").

FINDINGS OF FACT

1. Michael Ray, Sr. (hereinafter "the Licensee") is the holder of Class "B" Tavern and PEP Licenses for the premises located at 4750 North Hopkins Street in the City and County of Milwaukee, Wisconsin ("Gold Diggers Milw"). Said licenses expire at midnight on January 17, 2023.
2. An application to renew said licenses was filed with the Office of the City Clerk on October 24, 2022.
3. Pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 25, 2022, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On December 21, 2022, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report. The matter was scheduled for a hearing on the police report on January 4, 2023, commencing at approximately 2:45 p.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Maistelman at the hearing, and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On September 13, 2022 at 9:55 p.m., Milwaukee Police were dispatched to 4750 North Hopkins Street for a ShotSpotter complaint. Investigation revealed that the security guard was robbed in front of the establishment and the suspects, while fleeing in a vehicle, fired a handgun, striking a building next to the tavern. The Licensee, who was cooperative, was a witness to the incident and allowed officers to review surveillance footage which captured some of the incident. The security guard was not cooperative



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with the investigation and refused to admit he was robbed or give officers his information.

- B. The Licensee was present along with Attorney Maistelman who said that the person from item 20 is here to speak.
- C. Zhane Brooks - 4750 N 35th St – said that she missed the court date and that she did not have any saying at the court date because she did not receive the notice but that the assault never happened.
- D. Mr. Ray said that he wants to keep running his business.

Individuals in opposition:

- E. Roshounda Cleveland - 4750 N 37th St – said that she is the only one that has the guts to appear every year here for seven years. She said that she has been here testifying for the same reasons over the years (garbage, loitering, people drinking and smoking in front of her house, even people having sex in front of her house after leaving the bar) and no changes have happened. She said that even when the bar is open, there are people urinating outside. She said that she has submitted the videos of everything that she testifies about. She mentioned that they had a neighborhood meeting at the Villard library where she talked about her concerns and that the Licensee has not done anything to fix them and that in fact, the problems have gotten worse. She also said that this situation is getting ridiculous at the point that some things are done on purpose like shots being fired in front of her house and/or people blasting music at 3-4 am. She also said that you can see the difference when the bar is closed because only regular stuff happens on the street.

Individuals also present:

- F. Alderman Spiker asked Ms. Cleveland if the police answer her calls.
- G. Ms. Cleveland said that they do and that they come to her house to retrieve videos as well and that she has been in touch with the community liaison officer.
- H. Alderman Spiker asked if she gets in touch with the Licensee when there is a problem.
- I. Ms. Cleveland said that she does not because when she used to do it, they just laughed at her.
- J. Attorney Maistelman said that the witness gives identical testimony every year so he asked for a date/time of any specific event.
- K. Ms. Cleveland said that she gives identical testimony because the same things are still happening. She added that a couple of months ago, she had to call the police three times in one month because of people defecating outside when the bar is open.
- L. Attorney Maistelman asked what the police did.

- M. Ms. Cleveland said that the police did nothing because they did not catch them but they saw the videos.
- N. Attorney Maistelman asked Ms. Cleveland what has not been done in reference to the meeting that she had with the Licensee and Alderman Rainey.
- O. Ms. Cleveland said that the security guard just sits in the car in front of the bar and that he does not patrol or control the area at all, people loitering outside the bar, people urinating outside, people blasting music.
- P. Alderman Rainey said that this is a very difficult situation and that Ms. Cleveland concerns from last year have made it to the local news and that they are well documented. He added that the issue is that there is no police report associated with the calls from the neighbor and that it is hard to take a route to satisfy both parties but after everything that he has heard and seen supports a motion of renewal with a 30-day suspension due the issues that neighbor has been reporting.
- Q. Alderman Spiker asked Sergeant Velasquez why the events that Ms. Cleveland are not in report.
- R. Sergeant Velasquez said that she is looking at the file and that there a lot of service calls for this location that did not make it to the police report and that mostly are noise complaints that are not substantiated.
- S. Alderman Chambers said that after reading the e-mails, he noticed that the bar is open past 2 am and asked the Licensee if the neighbors come to him to complain prior doing it with the alderperson and what he has done in order to be a better neighbor.
- T. Attorney Maistelman said that no one is here to support those e-mails so those should not be taken in consideration.
- U. Mr. Ray said that the police have the passwords for the surveillance system and that there are no customers after 2 am but his employees who leave after.
- V. Attorney Maistelman said that only one neighbor has brought all of the issues up and, that the neighbor never calls them and, that Sergeant Velasquez said that none of the service calls were substantiated.
- W. Mr. Ray said that Ms. Cleveland never calls him, that she has his number, and that it is posted on the back door of his business.
- X. Alderman Chambers moved renewal with a 30-day suspension based on the police report, neighborhood and aldermanic testimony. There were no objections. (Prevailed 3-0)

CONCLUSIONS OF LAW



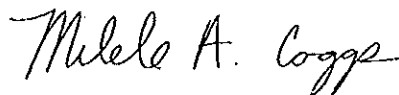
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Michael Ray, Sr. who holds Class B Tavern and Public Entertainment Premise (PEP) licenses for the premise located at 4750 North Hopkins Street in the City and County of Milwaukee, Wisconsin ("Gold Diggers Milw") has not met the criteria of Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to renew the Class B Tavern and Public Entertainment Premises without undergoing a 30-day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, neighborhood and aldermanic testimony.
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 not renew the Class B Tavern and Public Entertainment Premise (PEP) licenses for the premises located at 4750 North Hopkins Street in the City and County of Milwaukee, Wisconsin ("Gold Diggers Milw"), without undergoing a 30-day suspension. The Committee based its recommendation on the police report, neighborhood and aldermanic testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **three (3) ayes**, **zero (0) notes** and **two (2) excused**, recommends that the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Michael Ray, Sr. for the premises located at 4750 North Hopkins Street ("Gold Diggers Milw") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a 30-day suspension.

The suspension is in effect between 12:01 a.m. on January 18, 2023 until 11:59 pm on February 16, 2023.

Dated and signed at Milwaukee, Wisconsin this 6 day of January, 2023.



MILELE A. COGGS
Chairman, Licenses Committee

/283204



COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

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- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

Date: January 9, 2023

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Supplemental Report of the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Tanisha Kelly, Agent for Penthouse LLC, for the premises located at 3621 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Penthouse Lounge") following remand from the Milwaukee County Circuit Court to allow the Agent with the assistance of legal counsel to respond to the police report and testimony presented at the Licenses Committee meeting held on October 18, 2022

SUPPLEMENTAL FINDINGS OF FACT

1. Tanisha Kelly (hereinafter "the Licensee") is the holder of Class "B" Tavern and PEP Licenses for the premises located at 3621 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Penthouse Lounge"). Said licenses expired at midnight on November 11, 2022.
2. An application to renew said licenses was filed with the Office of the City Clerk on August 30, 2022.
3. Pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On August 31, 2022, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. This matter was originally heard by the Licenses Committee on October 18, 2022 and the Committee issued its Findings of Fact and Conclusions on law on October 21, 2022 recommending non-renewal of the licenses.
5. Following remand from the Circuit Court for a supplemental hearing, on December 21, 2022, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes. The matter was scheduled for a supplemental hearing on January 5, 2023, commencing at approximately 2:00 p.m. in Room 301-B of the third floor of City Hall.



At said date, time and place, the Licensee appeared with counsel, Attorney Robert Webb at the hearing, and admitted receipt of the notice of hearing.

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

- A. On November 5, 2021 at 8:26 p.m., Milwaukee Police conducted a License Premise Check at 3621 North Teutonia, due to information received from other officers who responded to a Shots Fired complaint a few days earlier, at which time the location appeared to be open and operating, without a Class B License or Occupancy Permit. On arrival officers observed patrons exiting the bar, however, the open sign was not illuminated and the blinds were closed. As officers approached they could see interior lights illuminated and loud music coming from the bar. Once inside officers were met by a security guard and observed patrons at the bar with small wine bottles and plastic cups in front of them, as well as a bartender tending to the patrons. Officers further observed a side room with a dance floor, lights, and DJ equipment, which appeared to be getting ready for a party. As officers were interviewing an employee on scene, another security guard entered the establishment and addressed officers. The security guard stated he was hired to provide security for a private party and it was not open to the public. Officers requested to see the Occupancy License and Class B Tavern, however, no one could provide a valid license. Officers observed female patrons of the bar go upstairs to the apartments and exit with their purses, as well as males come downstairs from the apartments and exit the premise. The employees on scene were all advised they could not be operating as there was no occupancy or Class B Tavern License. Officers were contacted via telephone by the bar manager a few days later and were advised he or the agent were not aware of any party, and did not hire any security. The bar manager stated he believed the employee on scene was the brother or cousin of the agent who had keys to allow contractors in the building.
- B. On November 12, 2021 at 9:26 p.m., Milwaukee Police conducted a License Premise check at 3621 North Teutonia, due to information received from DNS on November 11, 2021, regarding the Occupancy permit. Officers were advised no one was to be inside the premise other than for renovations. Officers observed the "Open" sign to be illuminated and a patron at the bar who was served an alcoholic beverage. Officers interviewed the manager on duty who stated they were granted the Occupancy License and Class B Tavern license on November 11, 2021 and provided officers with a copy of both documents. The investigation revealed there was no licensed bartender on scene and approximately 15 patrons consuming alcoholic beverages. Officers interviewed the only licensed bartender via the telephone, who stated she was on her way there. The employees were advised not to serve any alcoholic beverages until there was a licensed bartender on scene.

C. On February 16, 2022 at 8:30 p.m., Milwaukee Police conducted a License Premise check, due to citizens' complaints at 3621 North Teutonia Avenue, along with agents from the Wisconsin Department of Revenue Alcohol and Tobacco. On arrival officers observed the DJ table was set up and operating with the lights illuminating from the table. Officers also observed menus for food such as Wing Wednesdays. Officers interviewed the bar manager, who stated food was being brought in. During the investigation officers had reason to speak to a resident of the apartments upstairs, at which time they smelled fried foods emanating from the residence and observed a fryer with Styrofoam packaging on the table. Officers believed the food being offered at the bar were actually being prepared in an upstairs apartment. Officers advised the bar manager they have no Public Entertainment Premise License for the DJ, nor did they have a Food License to prepare and serve food. Officers also observed the video surveillance system was not in working order. Agents from the Department of Revenue seized alcohol and tobacco from the tavern, due to not having proper invoices, distributor receipts or licenses. Citations were issued for Food Dealer License Required and Public Entertainment Premise License.

Charge 1: Food Dealer License
2: Public Entertainment Premise
Finding: Pre-Trial 11/10/22 8:30 A
Sentence:
Date:
Case: 22034255/22035391

D. On February 22, 2022 at 5:37 a.m., Milwaukee Police were dispatched to St. Mary's Hospital for a Battery, which occurred at 3621 North Teutonia Avenue. Officers interviewed the victim, who stated she was recruited to strip at The Penthouse. The victim stated it was her first time, however, they have strippers every Monday and there were approximately 7 other dancers that night. The victim stated she was assaulted by two other dancers prior to closing, and security and the owner just watched, without intervening. On February 25, 2022 at 2:04 a.m., officers proceeded to the business in an effort to view video surveillance regarding the incident. The employee on scene allowed officers to view the video surveillance but speculated the system records live feeds only. Officers were not able to search previous events on the video system and the employee stated he was on scene and heard of a fight, however, denied actually witnessing the fight. A citation was issued for Public Entertainment License Required.

Charge: Public Entertainment License Required
Finding: Arraignment 09/08/22 1:30 p.m.
Sentence:
Date:
Case: 22037546

- E. On April 22, 2022, Milwaukee Police along with DNS inspectors, conducted a License Premise check at 3621 North Teutonia Avenue. This establishment has a valid Class B Tavern and Public Entertainment License (with restrictions-no DJ Equipment). The owner of the property stated the lower tavern is leased out, however, the upstairs is uninhabitable and only allows the agent of the tavern to use it for storage. Upon entrance to the establishment officers proceeded to check the upstairs to ensure it was safe for DNS Inspectors to conduct their inspection. Officers observed hookah pipes, a DJ Table, a gambling table that appeared to be set up for Crap games, and a makeshift commercial kitchen with fryers and freezers full of food that appeared to be match items offered on menus in the tavern. The DNS inspectors stated they would be issuing orders deeming the upstairs uninhabitable due to exposed plumbing and wiring. The DNS inspectors explained to the manager and employee on scene the upstairs shall not be used under any circumstances and it was currently being used as an unlicensed kitchen facility. A citation was issued for Food Dealer License Required.

Charge: Food Dealer License Required
Finding: Pre-Trial 11/10/22 8:30 a.m.
Sentence:
Date:
Case: 22033662

- F. On April 16, 2022 at 2:26 a.m., Milwaukee Police conducted a License Premise Check at 3621 North Teutonia Ave. Officers received information employees lock the door whenever police attempt to enter the premise. As officers approached the establishment they observed patrons exiting the bar, however, a subject made eye contact with the officers, and when they attempted to gain entry the door was locked. As more patrons began to exit, officers eventually gained entry and observed patrons at the bar still finishing their drinks and hookah, however, it was 2:30 a.m. Officers advised all patrons the bar was closed and they were to exit immediately.
- G. On August 4, 2022 officers assisted Wisconsin Department of Revenue Agents in the service of the Licensee with an order to produce taxes. The Licensee was located and issued the order.
- H. On February 16, 2022 at 8:30pm., Milwaukee Police conducted a License Premise check, due to citizens' complaints at 3621 N. Teutonia Avenue, along with agents from the Wisconsin Department of Revenue Alcohol and Tobacco. On arrival officers observed the DJ table was set up and operating with the lights illuminating from the table. Officers also observed menus for food such as Wing Wednesdays. Officers interviewed the bar manager, who stated food was being brought in. During the investigation officers had reason to speak to a resident of the apartments upstairs, at which time they smelled fried foods emanating from the residence and observed a fryer with Styrofoam packaging on the table. Officers believed the food being offered at the bar were actually being prepared

in an upstairs apartment. Officers advised the bar manager they have no Public Entertainment Premise License for the DJ, nor did they have a Food License to prepare and serve food. Officers also observed the video surveillance system was not in working order. Agents from the Department of Revenue seized alcohol and tobacco from the tavern, due to not having proper invoices, distributor receipts or licenses. Citations were issued for Food Dealer License Required and Public Entertainment Premise License.

Charge1: Food Dealer License
2: Public Entertainment Premise
Finding: Pre-Trial 11/10/22 8:30A
Sentence:
Date:
Case: 22034255/122035391

- I. On February 22, 2022 at 5:37am., Milwaukee Police were dispatched to St. Mary's Hospital for a Battery, which occurred at 3621 N. Teutonia Avenue. Officers interviewed the victim, who stated she was recruited to strip at The Penthouse. The victim stated it was her first time, however, they have strippers every Monday and there were approximately 7 other dancers that night. The victim stated she was assaulted by two other dancers prior to closing, and security and the owner just watched, without intervening. On February 25, 2022 at 2:04am., officers proceeded to the business in an effort to view video surveillance regarding the incident. The employee on scene allowed officers to view the video surveillance but speculated the system records live feeds only. Officers were not able to search previous events on the video system and the employee stated he was on scene and heard of a fight, however, denied actually witnessing the fight. A citation was issued for Public Entertainment License Required.

Charge: Public Entertainment License Required
Finding: Arraignment 09/08/22 1:30pm
Sentence:
Date:
Case: 22037546

- J. On April 22, 2022, Milwaukee Police along with DNS inspectors, conducted a License Premise check at 3621 N Teutonia Avenue. This establishment has a valid Class B Tavern and Public Entertainment License (with restrictions-no DJ Equipment). The owner of the property stated the lower tavern is leased out, however, the upstairs is uninhabitable and only allows the agent of the tavern to use it for storage. Upon entrance to the establishment officers proceeded to check the upstairs to ensure it was safe for DNS Inspectors to conduct their inspection. Officers observed hookah pipes, a DJ Table, a gambling table that appeared to be set up for Crap games, and a makeshift commercial kitchen with fryers and freezers full of food that appeared to be match items offered on menus in the tavern. The DNS inspectors stated they would be issuing orders deeming

the upstairs uninhabitable due to exposed plumbing and wiring. The DNS inspectors explained to the manager and employee on scene the upstairs shall not be used under any circumstances and it was currently being used as an unlicensed kitchen facility. A citation was issued for Food Dealer License Required.

Charge: Food Dealer License Required
Finding: Pre-Trial 11/10/22 8:30am
Sentence:
Date:
Case: 22033662

- K. On April 16, 2022 at 2:26am., Milwaukee Police conducted a License Premise Check at 3621 N. Teutonia Avenue Officers received information employees lock the door whenever police attempt to enter the premise. As officers approached the establishment they observed patrons exiting the bar, however, a subject made eye contact with the officers, and when they attempted to gain entry the door was locked. As more patrons began to exit, officers eventually gained entry and observed patrons at the bar still finishing their drinks and hookah, however, it was 2:30am. Officers advised all patrons the bar was closed and they were to exit immediately.
- L. On August 4, 2022 officers assisted Wisconsin Department of Revenue Agents in the service of the applicant with an order to produce taxes. The Licensee was located and issued the order.
- M. The Licensee was present along with Attorney Robert Webb.
- N. Attorney Farris said that this is unique position because at the original hearing on October 21, 2022, Attorney Webb had to leave because we were behind on schedule. The committee recommended nonrenewal of the licenses so the Licensee file a restraining order and the judge ordered that the application be returned to committee. He also said that new testimonies are not allowed but that it is up to the committee.

Individuals also present:

- O. Attorney Webb said that they have disputed some charges because no evidence was presented at the hearing. He added they have acknowledged two citations and that they want to amend the original application by not opening Sundays and Mondays, close at 2 am the remaining days.
- P. Alderwoman Coggs asked if Ms. Kelly is the 100% owner of Penthouse, LLC.
- Q. Attorney Webb said that she is and that he was retained by Penthouse, LLC.
- R. Alderman Perez asked Attorney Webb which are the violations then.

- S. Attorney Webb said that food was served from an unknown location and that there was a disc jockey on that night.
- T. Alderman Perez said that from his experience on this committee, they take very seriously when an owner does not understand the rules and regulations of the licenses and that he does not agree that the remedy is closing 2 days.
- U. Sergeant Velasquez said that they pleaded guilty for the February 16, 2022 and the February 22, 2022 items.
- V. Alderman Perez said that the two citations are six days apart.
- W. Alderwoman Coggs said that anyone involved with “I don’t know” for the disc jockey part of the public entertainment premises license is not valid because she had a conversation with the Licensee and explained her the way she handles those special permits when a new license is granted.
- X. Mr. Cooney clarified that all types of entertainment were removed from the application when the license was approved.
- Y. Alderwoman Coggs said that even if the Licensee was not present at the moment, the business has been targeted in social media with promoters offering disc jockey and other types of entertainment and that the Licensee should have not allowed that.
- Z. Alderwoman Coggs asked the Licensee if she still has the same manager.
- AA. The Licensee said that she does.
- BB. Alderwoman Coggs said that the cut of days and hours are not the matter but the management which still the same and asked what kind of reassurance they get when nothing has changed.
- CC. Attorney Webb said that no Disc Jockey and/or food is found on the premises now and that they are taking responsibility by sacrificing revenue.
- DD. Alderwoman Coggs asked the Licensee if this business has changed the name or targeted with a different name.
- EE. The Licensee said that she has changed the name to Rumors.
- FF. Alderwoman Coggs asked Mr. Cooney what the ordinance says about changing the name.
- GG. Mr. Cooney said that the change must be filed within 10 days and that no change has been filed.

- HH. Alderman Chambers asked Attorney Farris what was the ruling exactly.
- II. Attorney Farris said that Judge Ashley's ruling was because her attorney was not present at the hearing, just concerned about the fairness of the procedure because the attorney did not have a chance to make his case for his client.
- JJ. Alderman Chambers asked Attorney Webb if food was not served and that no dancers (strippers) were on the premises.
- KK. Attorney Webb said that not to his knowledge.
- LL. Alderman Chambers said that he has seen posts of food and dancers advertised by Penthouse Lounge.
- MM. Alderwoman Coggs said that Officer Garland found the same food in the upstairs kitchen and on the menu that was on the premises and that Attorney Webb is saying that food was brought from the outside.
- NN. Alderman Brostoff said that he understands that the Licensee was not present when the violations happened and asked if the Licensee is present when making decisions to advertise.
- OO. Attorney Webb said that they took responsibility of the things that occurred at the time of the citations and that the Licensee was not directly involved and; that those situations have been corrected going forward and that he talked to his client about changing conduct to avoid questions that are hard to defend.
- PP. Alderwoman Coggs asked Attorney Webb what things is he referring to.
- QQ. Attorney Webb said that those things that are on the notice from October 21, 2022 that were in violation of the license and that what he is arguing is that when people are dying inside the bars, or need to be rushed out of the bar due to alcohol poisoning, in comparison as relates to that, their acknowledgement of what those things are on a scale of their own recommendation, those do not warrant the non-renewal of the licenses.
- RR. Alderwoman Coggs said that this past year we have had a record number of murders and; that murder alone would never be the threshold for potential non renewals and that we should be thinking preventively. She said that there are a million red flags with bad management that end up one or two years later with murders. She added that if we pay attention to management with red flags early enough, we will get to a place where non renewals are not based on a murder. She said that people have to be better managers and stewards of their locations and, to provide for the public and local safety of those who visit and work and live around the location. Alderwoman Coggs said that the hearing was not only about those two citations, that it also had to do with shots being fired, fights and

a lot more and the testimonies we heard from the Licensee and her staff showed us that the management is horrible.

SS. Alderman Chambers asked the Licensee again who handles the promotion of the business.

TT. The Licensee said that she has a number of people advertising the business with her authorization.

UU. Alderman Chambers asked again if the business has changed of names.

VV. Attorney Webb said that he has not filed any paper work to change the name.

WW. Alderman Borkowski said that the business has changed the name to Rumors and that it has been advertised like that and that it can be seen on page 4 of the file and that they have stated that they have not changed the name at least on the promotions.

XX. Attorney Webb requested the copy of the documents because he said that he is relying on the October 21, 2022 documents.

YY. Mr. Cooney said that are in the notice sent for this hearing on page 3.

ZZ. Alderwoman Coggs said that she has no confidence that this business will be run any better because no abatement plan was presented to the committee addressing the issues of the previous hearing. She added that the Licensee missed the mark of the real issue which is the bad management and, that she won't be supporting the renewal of this application for the quality of life of the people that live around, works and visit the place. Alderwoman Coggs asked the Licensee and her attorney if they have any further comments or questions for the chair and/or committee.

AAA. Attorney Webb said that they don't have any questions.

BBB. Attorney Farris said that following the recommendations from Judge Ashley, Alderman Brostoff must abstain because he had not watched the original hearing and that the recommendation for the Common Council must be either change or reaffirm their November 01, 2022 decision.

CCC. Alderman Chambers moved to reaffirm the Common Council's decision from November 1, 2022. There were no objections. (Prevailed 4-0-1)

CONCLUSIONS OF LAW

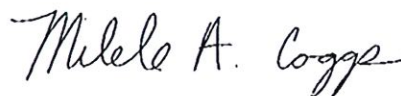
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee re-affirms its October 18, 2022 decision that the Licensee, Tanisha Kelly who holds Class B Tavern and Public Entertainment Premise (PEP) licenses for the premise located at 3621 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Penthouse Lounge") has not met the criteria of Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to renew the Class B Tavern and Public Entertainment Premises. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, neighborhood and aldermanic testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, the Committee re-affirms its recommendation that the full Common Council of the City of Milwaukee should also re-affirm its November 1, 2022 decision not to renew the Class B Tavern and Public Entertainment Premise (PEP) licenses for the premises located at 3621 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Penthouse Lounge"). The Committee based its recommendation on the police report, neighborhood and aldermanic testimony.

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) abstain**, re-affirms its recommendation that the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Tanisha Kelly for the premises located at 3621 North Teutonia Avenue ("Penthouse Lounge") in the City and County of Milwaukee, Wisconsin not be renewed.

Said non-renewal is effective January 17, 2023.

Dated and signed at Milwaukee, Wisconsin this 9 day of January, 2023.



MILELE A. COGGS
Chairman, Licenses Committee

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