



**CITY OF MILWAUKEE
OFFICE OF THE CITY CLERK**

Friday, May 10, 2024

COMMITTEE MEETING NOTICE

AD 12

GUTIERREZ GARNICA, Everardo, Agent
EL ATORON LLC
3611 W LAPHAM St
Milwaukee, WI 53215

You are requested to attend a hearing which is to be held in the Council Chambers, Third Floor, City Hall:

Tuesday, May 21, 2024 at 08:45 AM

Regarding: Your Class B Tavern, Public Entertainment Premises and Food Dealer License Renewal Applications as agent for "EL ATORON LLC" for "EL ATORON" at 1428 W LINCOLN Av.

There is a possibility that your application may be denied for one or more of the following reasons: The recommendation of the committee regarding the application shall be based on evidence presented at the hearing. Per MCO 85-4-4, unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of the following: failure of the applicant to meet municipal qualifications, pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed or permitted activity, by the applicant or by any employee or other agent of the applicant. If the activities of the applicant involve a licensed premises, whether the premises tends to facilitate a public or private nuisance or has been the source of congregations of persons which have resulted in any of the following: disturbance of the peace; illegal drug activity; public drunkenness; drinking in public; harassment of passers-by; gambling; prostitution; sale of stolen goods; public urination; theft; assaults; battery; acts of vandalism including graffiti, excessive littering, loitering, illegal parking, loud noise at times when the licensed premise is open for business; traffic violations; curfew violations; lewd conduct; display of materials harmful to minors, pursuant to s. 106-9.6; or any other factor which reasonably relates to the public health, safety and welfare, or failure to comply with the approved plan of operation. It is the intention of the Common Council to suspend or non-renew the licenses if objectors provide testimony related to the factors enumerated in MCO 85-4-4 that the Common Council finds to be true by a preponderance of the evidence and/or police reports are found to be true by a preponderance of the evidence. The police reports and other attached documents relating to objections to the license are a part of this notice and expressly incorporated in this notice. The licensee should be prepared to address these matters at the hearing.

Notice for applicants with warrants or unpaid fines:

Proof of warrant satisfaction or payment of fines must be submitted at the hearing on the above date and time. Failure to comply with this requirement may result in a delay of the granting/denial of your application.

Failure to appear at this meeting may result in the denial of your license. Individual applicants must appear only in person or by an attorney. Corporate or Limited Liability applicants must appear only by the agent designated on the application or by an attorney. Partnership applicants must appear by a partner listed on the application or by an attorney. If you wish to do so and at your own expense, you may be accompanied by an attorney of your choosing to represent you at this hearing.

You will be given an opportunity to speak on behalf of the application and to respond and challenge any charges or reasons given for the denial. No petitions can be accepted by the committee, unless the people who signed the petition are present at the committee hearing and willing to testify. You may present witnesses under oath and you may also confront and cross-examine opposing witnesses under oath. If you have difficulty with the English language, you should bring an interpreter with you, at your expense, so that you can answer questions and participate in your hearing.

You may examine the application file at this office during regular business hours prior to the hearing date. Inquiries regarding this matter may be directed to the person whose signature appears below.

Limited parking for persons attending meetings during normal business hours is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of Kilbourn Avenue and Water Street. You must present a copy of the meeting notice to the parking cashier.

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at (414) 286-2998, Fax - (414) 286-3456, TDD - (414) 286-2025.

JIM OWCZARSKI, CITY CLERK

BY: _____

Jim Cooney
License Division Manager

If you have questions regarding this notice, please contact the License Division at (414) 286-2238.

200 E. Wells Street, Room 105, City Hall, Milwaukee, WI 53202. www.milwaukee.gov/license
Phone: (414) 286-2238 Fax: (414) 286-3057 Email Address: License@milwaukee.gov

MILWAUKEE POLICE DEPARTMENT

LICENSING

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS SYNOPSIS

DATE: 04/12/24

LICENSE TYPE: Class B Tavern

NEW:

RENEWAL:

No. 364115

Application Date:

License Location: El Atoron

Business Name: 1428 W Lincoln

Licensee/Applicant: Gutierrez Garnica, Everardo
(Last Name, First Name, MI)

Date of Birth: 09/06/82

Home Address: 3611 W Lapham

City: Milwaukee

State: WI **Zip Code:** 53215

Home Phone:

This report is written by Police Officer Penny Monreal, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 10/23/23 at 12:30a.m., Milwaukee Police were dispatched to a Spotshotter at 1405 W. Lincoln Av. On arrival officers observed a large group of people arguing in the street, however, ran into 1428 W. Lincoln when they observed police. On entrance, the officers determined this was an argument between the bartender and a patron. The agent was on scene and cooperative and stated this had nothing to do with the business as it initiated outside and was a personal matter between the subjects. Later a subject arrived at a local hospital with a laceration to their head and it was determined to have occurred at the establishment. The victim stated they were hit in the head with a chair due to a large group fighting and fled the location due to the altercation.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:232960009

OtherEvent #: 23-LP-3414

Incident

1428 W LINCOLN AV Milwaukee, WISCONSIN 53215

Incident Date/Time:: 10/23/2023 00:33:00
CAD Number:: 232960032
District:: 2
Beat:: 227
Reporting Area:: 5824

Business Agent (1)

GUTIERREZ GARNICA, EVERARDO

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 09/06/1982
Sex:: MALE
Race:: H
Address:: 3611 W LAPHAM ST
State:: WISCONSIN

Licensed Persons Involved (1)

GUTIERREZ-GARNICA, EVERARDO

Person Involvement:: Agent (License Holder)
DOB:: 09/06/1982
Sex:: MALE
Race:: UNKNOWN
Phone 1 Number:: 4143146843
Phone 1 Type:: Cell
Address:: 3611 W LAPHAM ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53215

Licensed Premise Data (1)

EL ATORON

Address:: 1428 W LINCOLN AV
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53215
License Type:: Alcohol
Licensee Notification Was Made:: No
Business Was Cited For Violation:: No
Licensee was cooperative: (if not explain in narrative): No
Licensee or Manager was on premises at time of violation/incident:: No

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:232960009

OtherEvent #: 23-LP-3414

Narrative (1)

LICENSED PREMISE REPORT

Finn, Daniel W 036915

10/23/2023

This report is written by PO Daniel FINN, assigned to District 2, late shift, squad 2350 (PO Nicholas WILCKENS).

On Monday October 23, 2023, at approximately 12:30am, we were dispatched to 1405 W Lincoln Ave for a report of a shotspotter.

Upon our arrival I observed multiple people in the street arguing, after they observed us approach, I saw multiple people run into El Atoron which is located at 1428 W Lincoln Ave. Upon approaching El Atoron, we observed two women who appeared to be arguing and trying to fight each other. After both parties appear to have seperated, we requested multiple Spanish translators to help build a picture of what occurred at the location.

PO MARTIN spoke to one of the females that were involved in the altercation. She was identified as Evelin LOPEZ-GARCIA (1/17/2001 F/H), who stated that she was bartender at this location. She further stated that she and another women, who she only gave the first name of Gabriela, were fighting over one of the men in the bar.

I spoke to licensed premise owner Everardo GUTIERREZ-GARNICA (06/09/1982 W/M) . They stated he did not have any involvement with what occurred outside and inside the business, stating that the two females had isolated issues not pertaining to the business itself . The business was *cooperative* with the investigation, the owner gave lots of information on what occurred and gave all his information. There were no security guards located at this business.

There was one individual that was later found and identified as Ismail COLORADO (8/2/2002 M/H) that had a laceration to the left side of his head. He stated that he had been hit in the head with a chair while at El Atoron. Bell Ambulance transported COLORADO to St. Francis. COLORADO stated that he did not wish to press charges. COLORADO stated that he did not know who had hit him in the head due to a large group fighting. He stated that once he was struck he left the business in attempt to flee the altercation.

There was no security surveillance gathered at this time.

While on scene, I observed the licenses posted and they were up to date.

There was no information or any casings found that involved the shotspotter that we were originally dispatched to.

Officer (2)

Reporting Officer:

Finn, Daniel W (036915)

10/23/2023 01:17:00

Section: (Work Location): 23

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:232960009

OtherEvent #: 23-LP-3414

Approving Officer:

Albert, Joshua G (019226)

11/20/2023 22:52:11

Section: (Work Location): 23

2024-2025 Plan of Operation for 1428 W LINCOLN AV

1. Litter & Security Plans			
How are the grounds kept clean? <input checked="" type="checkbox"/> Sweep <input type="checkbox"/> Pressure Wash <input type="checkbox"/> Pick Up Litter <input type="checkbox"/> Other:			
How often will grounds be cleaned? <input checked="" type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Other:			
Who cleans the grounds? <input checked="" type="checkbox"/> Licensee <input type="checkbox"/> Building Owner <input type="checkbox"/> Employees <input type="checkbox"/> Hired Maintenance <input type="checkbox"/> Other:			
How are noise issues prevented and/or addressed? <input type="checkbox"/> Security <input checked="" type="checkbox"/> Manager approaches customer(s) <input type="checkbox"/> Call Police <input type="checkbox"/> Signs Posted <input type="checkbox"/> Other:			
Are there designated outdoor smoking areas? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, Describe:			
Number of garbage cans: Inside <u>8</u> Locations: <u>bathrooms, kitchen, dining room, bar</u> Outside <u>1</u> Locations: <u>back parking</u>			
Is a crowd control barrier used? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, Describe:			
Number of restrooms: <u>2</u>		Name of solid waste contractor: <u>Waste management</u>	
Are there parking spaces on the premises? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, list number of spaces: _____ and describe security plans:			
Are there designated loading areas? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, describe security plans:			
Do you have security personnel on the premise? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, how many? _____ AND What are their responsibilities? _____ What security equipment do they use? _____ List their licensing, certification or training credentials: _____			
Are there security cameras? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, list all locations: <u>dining room, bar, front of rest.</u>			
Are searches and/or identification checks conducted upon entry? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, describe:			
2. Percentage of Sales (must total 100%)			
Alcohol <u>10</u> %	Food Sales <u>90</u> %	Entertainment _____ %	Other _____ %
3. Businesses On The Premises (choose all that apply):			
<input checked="" type="checkbox"/> Restaurant <input type="checkbox"/> Cafe/Coffee Shop <input type="checkbox"/> Cocktail Lounge <input type="checkbox"/> Convenience Store <input type="checkbox"/> Night Club <input type="checkbox"/> Liquor Store <input type="checkbox"/> Tavern <input type="checkbox"/> Sports Facility <input type="checkbox"/> Hotel <input type="checkbox"/> Banquet Hall <input type="checkbox"/> Supermarket <input type="checkbox"/> Private/Fraternal/Veterans' Club <input type="checkbox"/> Other:			
4. Hours of Operation and Age Restriction			
Are there any changes to the current hours of operation or age restriction? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, Describe:			
Please Note: If you will be open earlier or later than the hours listed on your current license for even one event or holiday (for example, St. Patrick's Day, Brewers Opening Day, etc.) during the license period, this must be reported and printed on your license. Your hours of operation and age restriction are listed on your current license.			
5. Floor Plan and Capacity			
Are you requesting any changes to your capacity or floor plan*? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, describe: _____ and submit a new floor plan with this renewal application. A sample plan can be found online at www.milwaukee.gov/licenses under License Forms and Related Information.			
Alcohol/Food Establishments: A "Permanent Extension of Premises Application" is required if you are adding any square footage to the licensed premises.			
6. Sidewalk Dining: Fee:			
Are there any changes to the sidewalk dining site plan? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, submit an updated site plan with this application.			
7. Food License: FREST 18886 Fee: \$800.00		8. Weights and Measures: Fee:	
Your current food license includes the following food operations: DHS - MODERATE, Sales \$20,001 - \$200,000, Tavern Restaurant. Are there any changes to your food operations as listed above? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if Yes, explain _____		Number/Type of Devices: Are there any changes to the number or types of devices? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, contact our office for further instructions.	

1. CURRENT APPROVED ENTERTAINMENT for EL ATORON 1428 W LINCOLN AV

The following types of entertainment have been approved for your current Public Entertainment Premises license:

Jukebox, Karaoke, Instrumental Musicians, Bands

2. ADDING ENTERTAINMENT

If applicable, check any entertainment you wish to add: **ONLY CHECK ENTERTAINMENT TYPE(S) YOU ARE ADDING. YOUR CURRENT APPROVED ENTERTAINMENT IS LISTED ABOVE. ALSO SUBMIT AN UPDATED FLOOR PLAN AND PLAN OF OPERATION OR CONFIRMATION STATEMENT IF THE NEW ENTERTAINMENT DOES NOT CHANGE THE CURRENT PLAN OF OPERATION.**

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Instrumental Musicians | <input type="checkbox"/> Bands | <input type="checkbox"/> Battle of the Bands | <input type="checkbox"/> Comedy Acts |
| <input type="checkbox"/> Disc Jockey | <input type="checkbox"/> Magic Shows | <input type="checkbox"/> Poetry Readings | <input type="checkbox"/> Dancing by Performers |
| <input type="checkbox"/> Jukebox | <input type="checkbox"/> Wrestling | <input type="checkbox"/> Patron Contests | <input type="checkbox"/> Patrons Dancing |
| <input type="checkbox"/> Adult Entertainment/
Strippers/Erotic Dance | <input type="checkbox"/> Karaoke | <input type="checkbox"/> Bowling Alley | <input type="checkbox"/> Pool Tables |
| <input type="checkbox"/> Motion Pictures (movies by admission)
How many screens? _____ | <input type="checkbox"/> Amusement Machines
How many? _____ | <input type="checkbox"/> Concerts
Approx. # per year? _____ | <input type="checkbox"/> Theatrical Performances
How many? _____
Approx. # per year? _____ |
| <input type="checkbox"/> Other: _____ | | | |

No entertainment changes can take place until approved by Common Council and a new license has been issued and posted on the premises.

3. REMOVING ENTERTAINMENT

If applicable, list any entertainment you wish to remove:

4. PROMOTERS/SOUND AMPLIFICATION

Will promoters ever be used for any of the entertainment? No Yes If Yes, Describe:

At any time will sound amplification be used? No Yes If Yes, Describe:

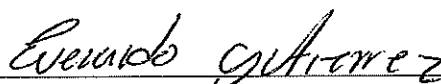
5. SIGNATURE

I understand that after the license has been issued, a change to the plan of operation will require a written request to change and approval from the Common Council.

I agree to inform the City Clerk within 10 days of any substantial changes in the information supplied in this application.

I understand that I shall not willfully refuse to provide the services offered under this license, or add charges or require deposits not required of the general public because of race, color, sex, religion, national origin or ancestry, age, handicap, lawful source of income, marital status, sexual orientation, gender identity or expression, familial status or the fact that a person is now or has been a member of the military service, whether dressed in uniform or not; and shall not seek such information as a condition of employment, or penalize any employee or discriminate in the selection of personnel for training or promotion on the basis of such information.

I have knowledge of the City Ordinances currently regulating public entertainment, and understand that the license may be subject to suspension, non-renewal or revocation, if I violate any rule, law or regulation of the city of Milwaukee and State of Wisconsin.



Signature of Sole Proprietor, a Partner, or if a Corporation or LLC, the Agent must sign