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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

June 23, 2011

David E. Smith
2449 N. 5th St., #B
Milwaukee, WI 53212

Dear Mr. Smith:

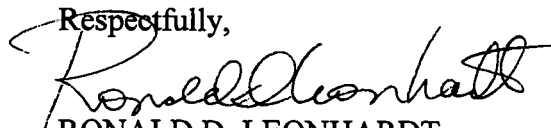
You are hereby notified that the Milwaukee Common Council will hold a hearing on Wednesday, July 6, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days or not renew your Class "D" Bartender's license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of your license based upon your nonappearance. The recommendation is the result of a public hearing before the Committee held on Monday, June 20, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days or not renew your license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, June 29, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: June 20, 2011
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D"
Bartender License of David E. Smith

FINDINGS OF FACT

1. David E. Smith (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, 2010.
2. An application to renew said license was filed with the Office of the City Clerk on April 5, 2011.
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 April 6, 2011, the Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On June 8, 2011 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 June 20, 2011, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear and he 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. A notice of the hearing as well as a copy of the police report was sent to David E. Smith at 2449 North 5th Street, No. B, Milwaukee, Wisconsin 53212 on June 8, 2011 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 2449 North 5th Street, No. B, Milwaukee, Wisconsin 53212 is the address given by the Licensee 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 June 20, 2011.

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 on the above facts found, the Committee concludes that the Licensee, David E. Smith, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license based upon nonappearance.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Bartender license held by David E. Smith based upon nonappearance.

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 renewal of the Class "D" Bartender License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 20th day of June, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

101366



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

June 23, 2011

Ian J. Pesch, Agt.
Starlight Grove, Inc
4568 S. 13th St.
Milwaukee, WI 53221

Dear Mr. Pesch:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Wednesday, July 6, 2011, 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 to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew your Class "B" Tavern and Tavern Amusement licenses for the premises at 3000 S. 13th St. ("Asalir").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of your Class "B" Tavern and Tavern Amusement licenses with a ten (10) day suspension based upon the police report and neighborhood objections. The recommendation is the result of a public hearing before the Committee held on Monday, June 20, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days or not renew your licenses based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, June 29, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: June 20, 2011

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Renewal Application of Ian J. Pesch, agent for "Starlight Grove, Inc." for Class "B" Tavern and Tavern Amusement licenses for the premises located at 3000 South 13th Street in the City and County of Milwaukee, Wisconsin ("Asalir")

FINDINGS OF FACT

1. Ian J. Pesch, as the agent for "Starlight Grove, Inc." (hereinafter the "Licensee"), is the holder of Class "B" Tavern and Tavern Amusement licenses for the premises located at 3000 South 13th Street in the City and County of Milwaukee, Wisconsin ("Asalir"). Said license expires at midnight, July 26, 2011.
2. An application to renew said license was filed with the Office of the City Clerk on May 13, 2011.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license on May 16, 2011. The hearing notice also stated that there were neighborhood objections.
4. On June 8, 2011, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for nonrenewal or suspension and the neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on June 20, 2011 at 2:15 p.m. in Room

301B of the third floor of City Hall. At said date, time, and place, the licensee did appear 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 July 11, 2010 at 1:49 a.m. officers of the Milwaukee Police Department were dispatched to 3000 South 13th Street for a trouble with subject complaint. Upon their arrival, officers observed the staff from Liquor Sweets tavern detaining a patron. Officers spoke to Ian Pesch, who stated the intoxicated patron became physically and verbally violent to other patrons in the tavern. His bouncers approached the patron to remove him from the bar when he became combative with them, and the patron was restrained until police arrived. The patron received two citations and was later released. Officers found the west side entry door to be locked and advised Mr. Pesch that the door cannot be locked during business hours. A warning was issued.
 - B. On November 7, 2010 at 1:16 a.m. officers of the Milwaukee Police Department were dispatched to 3000 South 13th Street for a fight complaint. Officers spoke to security guard, Terry Terriquez, who stated he was made aware of a patron in the bar who was bothering female patrons. Terriquez stated he asked this patron to leave the women alone, but the patron refused and began yelling obscenities and fought with security, biting Terriquez on his left forearm. Both security and the patron sustained minor injuries. The subject was issued a citation for disorderly conduct.
 - C. On January 22, 2011 at 12:27 a.m. officers of the Milwaukee Police Department were flagged down for a fight at 3000 South 13th Street. Officers spoke with security guard, Lt. Jeff Demeyers, who stated four subjects were throwing beer bottles inside the tavern at the band and patrons. Demeyers further stated he dispersed a 1-second spray of Oleoresin Capsicum in one of the subject's eyes to gain compliance. These patrons were removed from the tavern but continued to fight with security outside the tavern. Police also obtained a statement from the bar manager regarding this incident. The subject was arrested and issued citations. The licensee was not on scene during the investigation.

- D. On March 20, 2011 at 12:33 a.m. officers of the Milwaukee Police Department were dispatched to a loud music complaint at 3000 South 13th Street. Police spoke with Marina Hernandez , who stated she was sorry that the music was loud and that she would turn it down. There was DJ on the main level of the tavern and also a live band on the second level. The licensee was not on scene and attempts to contact the complainant were unsuccessful.
- E. Neighbor, Laura Chavez testified that a drunk driver went into the bar and fired shots up in the air when the person left. Ms. Chavez also witnessed three incidents of patrons urinating on lawns and one patron who defecated on a lawn. She also testified to bottles, trash, cigarettes butts and to not seeing security outside and no cleaning up after closing.
- F. Neighbor, Matt Fletcher testified to seeing public urination by patrons on two occasions, people drinking in their vehicles before entering the bar, loud music after closing, and lots of parking problems. Mr. Fletcher feels the problems will escalate as summer is coming.

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, Ian J. Pesch, agent for "Starlight Grove, Inc.," who holds Class "B" Tavern and Tavern Amusement licenses for the premises located at 3000 South 13th Street in the City and County of Milwaukee, Wisconsin ("Asalir") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of the licenses without undergoing a ten (10) day suspension. The Committee finds the police report and neighborhood objections, as stated above, to be true.
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and

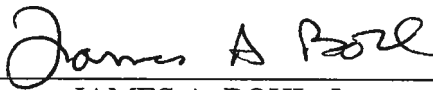
Tavern Amusement licenses of Ian J. Pesch, agent for "Starlight Grove, Inc." for the premises located at 3000 South 13th Street in the City and County of Milwaukee, Wisconsin ("Asalir") with a ten (10) day suspension based upon the police report and neighborhood objections.

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) no, recommends that the Class "B" Tavern and Tavern Amusement licenses of Ian J. Pesch, agent for "Starlight Grove, Inc." for the premises located at 3000 South 13th Street in the City and County of Milwaukee, Wisconsin ("Asalir") be renewed with a ten (10) day suspension based upon the police report and neighborhood objections.

Said suspension is to be in effect between 12:01 a.m. on July 27, 2011 through to midnight, August 6, 2011.

Dated and signed at Milwaukee, Wisconsin this 20th day of June, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

101366



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

June 23, 2011

Jagdish K. Patel, Agt.
Clybourn Supermarket, LLC
3972 S. 96th St.
Greenfield, WI 53228

Atty. E. Joseph Kershek
Kershek Law Offices
10777 W. Beloit Rd.
Greenfield, WI 53228

Dear Mr. Patel and Atty. Kershek:

You are hereby notified that the Milwaukee Common Council will hold a hearing on Wednesday, July 6, 2011, 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 to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class "A" Fermented Malt Beverage Retailer's license for the premises at 2903 W. Clybourn St. ("Milwaukee Foods").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "A" Fermented Malt Beverage Retailer's license with a twenty (20) day suspension based upon neighborhood testimony of loitering and litter and aldermanic testimony. The recommendation is the result of a public hearing before the Committee held on Monday, June 20, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days or not renew the license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, June 29, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: June 20, 2011

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of Jagdish K. Patel, agent for "Clybourn Supermarket, LLC" for a Class "A" Fermented Malt Beverage Retailer's License for the premises located at 2903 West Clybourn Street in the City and County of Milwaukee, Wisconsin ("Milwaukee Foods")

FINDINGS OF FACT

1. Jagdish K. Patel, as the agent for "Clybourn Supermarket, LLC" (hereinafter the "Licensee"), is the holder of a Class "A" Fermented Malt Beverage Retailer's license for the premises located at 2903 West Clybourn Street in the City and County of Milwaukee, Wisconsin ("Milwaukee Foods"). Said license expires at midnight on July 25, 2011.
2. An application to renew said license was filed with the Office of the City Clerk on May 4, 2011.
3. On June 9, 2011 the City Clerk's Office provided timely notice to the Licensee of a Licenses Committee hearing pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes regarding neighborhood objections to the renewal of the license. The matter was scheduled for a hearing on the neighborhood objections on June 20, 2011, commencing at 11:15 a.m. in Room 301B of the third floor of City Hall. At said date, time, and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing. The Licensee was represented by Attorney E. Joseph Kershek, 10777 West Beloit Road, Greenfield, Wisconsin 53228.
4. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. Neighbor, Bob Weiland testified to seeing panhandlers purchasing and drinking alcohol from the business after receiving money from drivers from the freeway on/off ramps.
- B. Neighbor, Amatullah Umrani testified to the fact that there are enough outlets in the area that sell beer and there is no need for more outlets. She said that there have been improvements in loitering and littering in the past year but those efforts are not totally successful.
- C. Neighbor, Bob Green testified to patrons buying beer from the licensed premise, proceeding to sit in automobiles and drink the beer, and littering. Mr. Greene said that the Merrill Park Neighborhood Association objects to the renewal of the license.
- D. There were fourteen (14) supporters of the licensed premise to testify to the committee.
- E. Alderman Robert Bauman testified that the neighborhood testimonies were similar, if not the same as those of the previous hearing. He also testified that the licensee suffered license suspensions consecutively in recent years, the physical appearance of the building is poor, and there are loitering and littering around the store.

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 concludes that the licensee, Jagdish K. Patel, agent for "Clybourn Supermarket, LLC," who holds a Class "A" Fermented Malt Beverage Retailer's license for the premises located at 2903 W. Clybourn Street in the City and County of Milwaukee, Wisconsin ("Milwaukee Foods") has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the license without undergoing a twenty (20) day suspension of said license. The Committee finds the neighborhood objections and aldermanic testimony, as stated above, to be true.
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its

judgment to renew the Class "A" Fermented Malt Beverage Retailer's license of Jagdish K. Patel, agent for "Clybourn Supermarket, LLC" for the premises located at 2903 West Clybourn Street in the City and County of Milwaukee, Wisconsin ("Milwaukee Foods") with a twenty (20) day suspension based upon neighborhood objections 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 and one (1) no, recommends that the Class "A" Fermented Malt Beverage Retailer's license of Jagdish K. Patel, agent for "Clybourn Supermarket, LLC" for the premises located at 2903 West Clybourn Street in the City and County of Milwaukee, Wisconsin ("Milwaukee Foods") be renewed with a twenty (20) day suspension based upon neighborhood objections and aldermanic testimony.

Said suspension is to be in effect between 12:01 a.m. on July 26, 2011 through to midnight, August 14, 2011.

Dated and signed at Milwaukee, Wisconsin this 20th day of June, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

101366



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

June 23, 2011

Fadi Alkhatib
Choice 1 Foods, LLC
511 E. Centennial Dr.
Oak Creek, WI 53154

Atty. Marc Christopher
P.O. Box 370452
Milwaukee, WI 53237

Dear Mr. Alkhatib and Atty. Christopher:

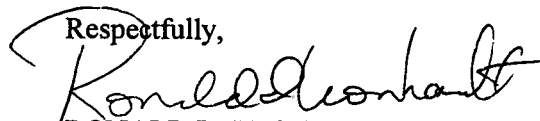
You are hereby notified that the Milwaukee Common Council will hold a hearing on Wednesday, July 6, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Food Dealer Retail license for the premises at 2478 N. 38th St. ("Choice 1 Foods").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Food Dealer Retail license with a ten (10) day suspension based upon the testimonies of neighbors and aldermanic aides of loitering and litter. The recommendation is the result of a public hearing before the Committee held on Monday, June 20, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew the license based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, June 29, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: June 20, 2011

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application for a Food Dealer's License for Fadi Alkhatib, agent for "Choice 1 Foods, LLC" for the premise located at 2478 North 38th Street ("Choice 1 Foods")

FINDINGS OF FACT

1. Fadi Alkhatib (hereinafter the "Licensee"), agent for "Choice 1 Foods, LLC," applied for renewal of the Food Dealer's License for the premises located at 2478 North 38th Street in the City and County of Milwaukee, Wisconsin ("Choice 1 Foods").
2. The application for a Food Dealer's License in the name of Fadi Alkhatib was filed with the Milwaukee Health Department. The local Common Council member objected to the issuance of that license based upon objections of the neighborhood that the operation of the premises was such that it created a public nuisance and the premises tended to contribute to neighborhood incidents and conditions identified in s. 68-4-11-g of the Milwaukee Code of Ordinances.
3. On June 10, 2011, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 68. The matter was scheduled for a hearing on June 20, 2011, commencing at 3:00 p.m. in Room 301B of City Hall. At said date, time, and place, the licensee did appear and he was represented by Attorney Marc Christopher, P.O. Box 370452, Milwaukee, Wisconsin 53237.
4. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds:

- A. Legislative Assistant Alex Runner, on behalf of Alderman Willie Hines, testified that the property was unfit for business. Also, he testified that there are loitering, littering, and graffiti in the area.
- B. Legislative Assistant Keith Stanley, on behalf of Alderman Willie Hines, testified that two out of the three police district roll calls occurred at the intersection near the business. Also, he testified that there was a lack of communication between the licensee and the alderman's office.
- C. Neighbor, Latricia Brown testified that she supports the license. Also, she testified that there is loitering in the area.
- D. Neighbor, Jeffrey Kemp testified that he supports the license. Also, he testified that there is crime, loitering, and graffiti in the area and neighborhood. He suggested there should be a probation period.
- E. Neighbor, Mary McCarter testified that she supports the license. Also, she said there is loitering. She witnessed the business owners calling police during an issue that occurred inside the store while shopping there.
- F. There were five additional supporters of the Licensee to testify to the committee.

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 68 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Fadi Alkhatib, agent for "Choice 1 Foods, LLC," for the premises located at 2478 North 38th Street in the City and County of Milwaukee, Wisconsin ("Choice 1 Foods") has not met the criteria of Chapter 68 of the Milwaukee Code of Ordinances to allow the issuance of a Food Dealer License without undergoing a ten (10) day suspension of said license. The Committee finds the testimonies of neighbors and aldermanic aides of loitering and littering associated with the premises., as stated above, to be true.

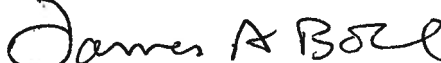
3. In order to protect the health, safety, and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Food Dealer License of Fadi Alkhatib, agent for "Choice 1 Foods, LLC," for the premises located at 2478 North 38th Street in the City and County of Milwaukee, Wisconsin ("Choice 1 Foods") with a ten (10) day suspension based upon the testimonies of neighbors and aldermanic aides of loitering and littering associated with the premises.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) no, and one (1) excused, recommends that the Food Dealer License application of Fadi Alkhatib, agent for "Choice 1 Foods, LLC," for the premises located at 2478 North 38th Street in the City and County of Milwaukee, Wisconsin ("Choice 1 Foods") be renewed with a ten (10) day suspension based upon the testimonies of neighbors and aldermanic aides of loitering and littering associated with the premises.

Said suspension is to be in effect between 12:01 a.m. on July 6, 2011 through to midnight, July 15, 2011.

Dated and signed at Milwaukee, Wisconsin this 20th day of June, 2011.



JAMES A. BOHL, Jr.
Chair, Licenses Committee

101366



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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

June 23, 2011

Salvatore Salvo, Agt.
Pop Promotions, LLC
1033 N. Old World Third St., #502
Milwaukee, WI 53203

Atty. David Halbrooks & Atty. Matthew Lerner
Maistelman & Associates
5027 W. North Ave.
Milwaukee, WI 53208

Dear Mr. Salvo, Atty. Halbrooks, and Atty. Lerner:

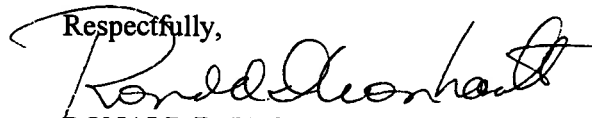
You are hereby notified that the Milwaukee Common Council will hold a hearing on Wednesday, July 6, 2011, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider whether to renew, renew with a suspension between 10 and 90 days, or not renew the Class B Tavern and Tavern Amusement licenses for the premises at 606 S. 5th St. ("Texture").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of the Class B Tavern and Tavern Amusement licenses based upon the police report, neighborhood objection, and police department testimony. The recommendation is the result of a public hearing before the Committee held on Tuesday, June 21, 2011.

Please be advised that the Common Council will determine whether to renew, renew with a suspension between 10 and 90 days, or not renew the licenses based upon the Findings of Fact contained within the Licenses Committee report.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on Wednesday, June 29, 2011 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: June 21, 2011

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Tavern Amusement licenses of Salvatore Salvo, agent for "Pop Promotions, LLC," for the premises located at 606 South 5th Street in the City and County of Milwaukee, Wisconsin ("Texture")

FINDINGS OF FACT

1. Salvatore Salvo, as the agent for "Pop Promotions, LLC" (hereinafter the "Licensee"), is the holder of Class "B" Tavern and Tavern Amusement licenses for the premises located at 606 South 5th Street in the City and County of Milwaukee, Wisconsin ("Texture"). Said licenses expire at midnight on July 25, 2011.
2. An application to renew said licenses was filed with the Office of the City Clerk on May 13, 2011.
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 May 16, 2011, the Milwaukee Police Department responded with a report regarding the renewal of said licenses, which could form a basis of non-renewal or suspension.
4. On June 11, 2011, 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 Milwaukee Police Department report and copies of neighbor complaints regarding the premises. The matter was scheduled for a hearing on the Milwaukee Police Department report and neighborhood objections on June 21, 2011, commencing at 11:00 a.m. in Room 301B of the third floor of City Hall. At said date, time, and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report and neighborhood objections. The Licensee was represented by Attorney David Halbrooks and Attorney Matthew Lerner, Maistelman & Associates, 5027 West North Avenue, Milwaukee, WI 53208.
5. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact.

- A. On September 6, 2010 at 1:58 a.m. officers of the Milwaukee Police Department observed a large crowd gathering in the street in front of Texture Nightclub located at 606 South 5th Street. Security officers were flagging down police to report that the subjects were attempting to fight with security and making threats to "shoot up the place." Officers called for more squads to the scene. Police were advised that two security officers had deployed pepper spray at the three subjects who were disorderly. Police were told that the three subjects were inside the club refusing to leave and when verbal attempts failed to have the subjects leave, security attempted to physically remove them. Once they got the subjects to the door, threats were made to security and one subject was overheard stating he had a gun in his car. A fight between the subjects and security and that is when a security guard utilized the pepper spray. Citations were issued to the subjects for disorderly conduct.
- B. On March 14, 2011 at 1:25 a.m. officers of the Milwaukee Police Department were monitoring closing at Club Texture. Officers observed an auto playing excessively loud music and conducted a traffic stop. The investigation found that patron had just left Texture's Club. One passenger was arrested on an outstanding warrant.
- C. On March 6, 2011 at 1:58 a.m., officers of the Milwaukee Police Department were monitoring the closing at Textures and observed 40-50 people fighting with security as they exited the club. More squads were called to the scene to gain control of the scene. The fights were broken up and three subjects were cited for disorderly conduct.
- D. On March 28, 2011 at 1:00 a.m. a squad car had to call for more squads in attempts to help with the large crowd of about 30 subjects outside the club. The investigation found the club was at capacity and was not letting any other patrons in the club for the rest of the night. Loitering citations were issued to two subjects.
- E. On April 2, 2011 at 12:10 a.m. a battery complaint was taken at the 2nd precinct that occurred in front of the Texture nightclub. The victim stated that she and her cousin had left the Texture nightclub and were driving in front of the tavern when a car that was also parked in front of the tavern pulled out in front of her and she struck that car. She got out to look at her car and the driver of the other car exited his auto and began yelling obscenities to her. The driver without provocation struck her four to five times in the face causing pain and a bloody nose. The victim stated she attempted to get back into her car but the subject followed her and struck her several more times. The victim sought medical assistance and was treated for a fractured nose. Follow up was conducted and officers located the driver of the other car. His statement was similar to the one given by the victim only the subject stated the driver of the other car was the one who got physical first and that he was just defending himself. On April 12, 2011 officers conducted a follow up with the security guards at Texture and requested a copy of the video surveillance from the club.

- F. Neighbor, Juli Kaufman testified as to the disturbances such as excessive noise and drag racing caused by former patrons of the licensed premises as they leave the area at bar time between 1:15 a.m. to 2 a.m. She also testified to additional disturbances of noise, public urination, loud music, swearing, and threats made to her personally and to her property from former patrons of the licensed premises during bar time. On two occasions, she said that she was confronted and yelled at by former patrons outside who stated that they were from Texture. Ms. Kaufmann testified that her previous complaints regarding disorder and excessive noise associated with former patrons of Texture as documented by her e-mails to Alderman Witkowiak, were written as matters were observed and were true and accurate.
- G. Lieutenant James MacGillis, District 2 of the Milwaukee Police Department, testified as to his personal observations of the March 6, 2011 incident as described above. He said that the street where the fight took place was shut down from traffic flow. Lt. MacGillis also testified that Texture and other Walkers Point nightclubs had participated in a Second Police District meeting on or about April 4, 2011 and that disorder problems in the area had improved based upon better cooperation between police and the nightclubs.
- H. There was also testimony from Police Officer Christopher Agnew, District 2 of the Milwaukee Police Department. He testified that he observed the fight on the March 6, 2011 incident as described above. He did not know the duration of the fight and estimated ten to fifteen people were involved. He stated that he wrote a March 14, 2011 PA-33 but did not witness the event firsthand.
- I. Testimony from the license applicant revealed that he would not seek renewal of Texture's licenses at the conclusion of his lease of the premises in June, 2012. Based upon a potential lack of accountability in the upcoming licensing year, and the history of the premises as described by the police and neighbor witnesses, the Committee finds that there is an unreasonable and substantial risk to the public health, safety and welfare to the surrounding neighborhood if the operation of this licensed premise continues.

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 concludes that the licensee, Salvatore Salvo, as agent for "Pop Promotions, LLC" for the premises located at 606 South 6th Street in the City and County of Milwaukee, Wisconsin ("Texture") has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class

"B" Tavern and Tavern Amusement licenses held by him based upon the police report, neighborhood objection, and police department 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 Tavern Amusement licenses held by Salvatore Salvo, as agent for "Pop Promotions, LLC" for the premises located at 606 South 5th Street in the City and County of Milwaukee, Wisconsin ("Texture") based upon the past activities as a licensee, and for the danger the operation of this premises posed to the health, safety and welfare of the citizens of the community.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes, recommends that the Class "B" Tavern and Tavern Amusement licenses held by Salvatore Salvo, as agent for "Pop Promotions, LLC" for the premises located at 606 South 5th Street in the City and County of Milwaukee, Wisconsin ("Texture") not be renewed based upon the police report, neighborhood objection, and police department testimony.

Dated and signed at Milwaukee, Wisconsin this 21st day of June, 2011.


JAMES A. BOHL, Jr.
Chair, Licenses Committee

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