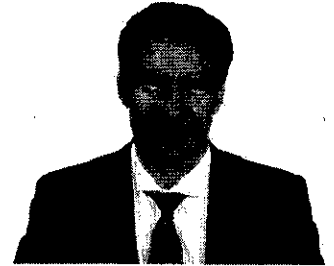
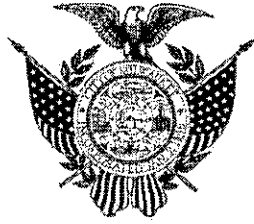


**CHAIR**

- Licenses Committee

**MEMBER**

- Community and Economic Development Committee
- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

June 19, 2014

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 140058

Attached are written objections to file number 140058, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to recommendations for:

Renewal, with a ten (10) day suspension of the Class B Tavern and Public Entertainment Premises licenses for Victor Jones, agent for Victor's on Van Buren, Inc for the premises located at 1230 N Van Buren St ("Victor's") in the 4th aldermanic district.

Renewal, with a twenty (20) day suspension of the Class B Tavern and Food Dealer licenses for Adam Kirchner, agent for Dick's Pizza, LLC for the premises located at 730 N Milwaukee St ("Dick's") in the 4th aldermanic district.

This matter will be heard by the full Council at its Tuesday, June 24, 2014 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Respectfully,

A handwritten signature in black ink that reads "Tony Zielinski".

Tony Zielinski, Chair  
Licenses Committee

cc: All Council Members  
City Attorney's Office  
Common Council/City Clerk – License Division  
CCF 140058



**LAW OFFICES OF  
MICHAEL A.I. WHITCOMB**

633 West Wisconsin Avenue, Suite 510  
Milwaukee, Wisconsin 53203-1918

Telephone 414-277-8384  
Facsimile 414-277-8002  
maiw-law@att.net

June 18, 2014

The Honorable Common Council  
of the City of Milwaukee  
Room 205, City Hall  
200 East Wells Street  
Milwaukee, WI 53202

CITY OF MILWAUKEE  
2014 JUN 18 AM 11:14  
CITY CLERK'S OFFICE

Re: Renewal of Class "B" Tavern and Public Entertainment Premises Licenses  
Licensee: Victor's on Van Buren, Inc.  
Agent: Victor R. Jones  
Premises: 1230 North Van Buren Street  
Trade Name: Victor's

Honorable Members of the Common Council:

Please be informed that this office represents the above-referenced license renewal applicant. This communication is submitted as the applicant's written objections to the June 13, 2014, report of the Licenses Committee (hereinafter "Committee"), recommending renewal of the licenses with a ten-day suspension. The applicant requests that these written objections be considered at the Common Council meeting of Tuesday, June 24, 2014, at which time the Committee's recommendations regarding the license renewals will be considered.

The recommendation of the Committee was based only upon two incidents contained in a report of the Milwaukee Police Department, and upon "lack of proper management". The recommendation was the first adverse action taken against Victor R. Jones in sixty-six years as a tavern operator in Milwaukee, with fifty-two years at Victor's.

Initially it cannot be contended reasonably that the ten-day suspension is justified in any respect by the report of the Milwaukee Police Department. The first incident resulted in a citation for presence of minor at licensed premise. At Victor's, this is the only adverse incident of record for the 18,980 days Victor's has been open over the last fifty-two years.

The second incident was not adverse to the applicant. It occurred late New Year's Day morning and involved a patron who refused to vacate the licensed premise upon request. The patron assaulted security after he was escorted outside of the licensed premise. Police were alerted, and the patron was cited for disorderly conduct. Victor's and its personnel acted professionally and appropriately.

Most legally troublesome is the conclusion that the recommended ten-day suspension was based upon lack of proper management. This unconstitutionally vague and overbroad standard for imposing license discipline cannot stand. It is devoid of any meaningful analytical formulation. The assertion of lack of proper management related to the presence of underage patrons on April 11, 2013. What would proper management have done under the circumstances?

Victor's, as with numerous other popular taverns in the downtown area, have been thwarted with fake identification that is nearly impossible to detect due to advanced duplication technology. In college towns, fake identification is prevalent. Victor's has been working with Marquette Public Safety since 2011 to address the problem.

As an accommodation to Marquette University graduate students, Victor's provided transportation to and from campus. These of-age graduate student patrons did not cause any problems, but over time underage students too sought access to Victor's. Access was gained by sophisticated fake identification. To remedy the problem, dual identification was required. This worked for a few years.

During a tavern check of April 11, 2013, reflected in the first incident, half of the underage patrons voluntarily disclosed their fake identification to police officers. The other half professed not to have any identification. This is not uncommon. Fake identification is often tossed away or secreted. It was then that it became known to management that earlier efforts to curtail underage access were stymied by sophisticated advanced fake identification technology, especially for out-of-state identification. Thus, soon after April 11, 2013, management called to meet with representatives of the Milwaukee Police Department and the City Attorney's Office.

As a result of the meeting the licensee presented and implemented a plan to address the recent concerns. Advanced technology was obtained to analyze out-of-state identification, the campus shuttle was used only to take patrons back to campus, and further educational training was provided to assist employees in recognizing fake identification. These enhanced procedures have worked as there have been no underage incidents since the last one on April 11, 2013, over fourteen months ago. This most convincingly establishes proper management at Victor's.

The meeting also resulted in Victor's agreeing to accept a citation for presence of underage, with the proviso that should further presence of underage incidents occur within two years of April 11, 2013, the city may impose greater citation sanctions resulting from the incident of April 11, 2013. It was understood that this resolution would not adversely affect the applicant's tavern licenses. This was a reasonable and practical solution for an establishment that has been properly managed for fifty-two years.

Victor's management immediately addressed the incident of April 11, 2013, met with city representatives and reached an accord. Victor's did not anticipate an adverse Committee recommendation. Thus, the applicant appeared before the Committee without benefit of counsel.

Victor's has stood the test of time, but is continually tested by the underage that resort to the finest and most contemporary technology to gain access with fake identification. Advanced fake identification detection technology eventually catches up, but it is always a step behind. As fake identification technology has advanced, the licensee has responded appropriately with advanced detection technology.

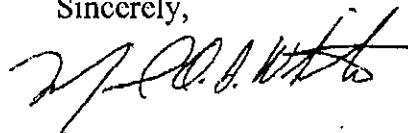
Each of Victor's last two fake identification detection screening devices was acquired upon the recommendation of police officials. The licensee welcomes, appreciates and adopts their expert recommendations. The licensee is an expert in tavern entertainment not in fake identification technology. Victor's employs the state-of-the-art fake identification detection technology, and in so doing has prevented the access of minors to the premises.

This Honorable Body and the City of Milwaukee should look favorably and gratefully upon a licensee that only appears before the Committee once every fifty years. This family operated business is a template for a successful tavern. It has forty employees and has supported generations of the Jones family. At any given time there are at least two to three Jones family members on premise who on occasion have been instrumental in directly assisting the police in the apprehension of felons who have sexually assaulted women.

Victor's treats its patrons respectfully, cooperates, communicates and assists police officers regularly, and when the untoward happens addresses and resolves the matter professionally and expeditiously. Victor's has and has had the persistent support of the local alderman. Victor's has over fifty years of operation without neighborhood complaints or objections of any kind. There have not been any shooting incidents. There have not been any drug incidents. There has not been any parking or traffic problems. There is just no justification legal or factual for a ten-day suspension. It is capricious and arbitrary. No reasonable person upon comprehension of the record of the licensee could possibly conclude or even suggest that Victor's does not have proper management.

Based upon the foregoing, it is requested respectfully that notwithstanding the recommendation of the Committee, your Honorable Body vote to renew the licenses of Victor's on Van Buren, Inc. without a suspension.

Sincerely,



Michael A.I. Whitcomb

c: Victor's on Van Buren, Inc.

**Ceella, Jessica**

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**From:** kimberlyklein67@hotmail.com on behalf of Kim K. <kim@milwaukee-st.com>  
**Sent:** Tuesday, June 17, 2014 5:30 PM  
**To:** Owczarski, Jim; Ceella, Jessica  
**Subject:** Objection - Dick's Pizza  
**Attachments:** Written Objection - Dick's Pizza.PDF

June 17, 2014

City Clerk Jim Owczarski,

My attorney and I attended the License Committee Meeting on Tuesday, June 10th for the renewal of our Food Dealer License and our Class B Tavern License and the License Committee voted to give us a 20 day suspension. We have received the Findings of Fact and noticed that the recommendation for our 20 day suspension will be held at separate times (essentially a 40 day suspension); the Food Dealer License is suspended from 12:01am on July 1 through midnight on July 20 and our Class B Tavern License is suspended from 12:01am on July 28 through midnight August 17.

We are a restaurant and bar and food and liquor work together as an intricate part of our business. We would like the committee to take this into consideration and have Dick's serve the 20 day suspension for our Food Dealer License and our Class B Tavern License at the same time from 12:01am on July 28 through midnight on August 17.

Thank you for your consideration,

Adam Kirchner  
Food Dealer & Liquor License Agent  
Dick's Pizza LLC  
414-305-7467  
[adam@milwaukee-st.com](mailto:adam@milwaukee-st.com)



June 17, 2014

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Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Adam Kirchner", written in a cursive style.

Adam Kirchner

Food Dealer & Liquor License Agent

Dick's Pizza LLC