

**CHAIR**

- Licenses Committee

**MEMBER**

- Community and Economic Development Committee
- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

October 31, 2014

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 140567

Attached are written objections to file number 140567, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to a recommendation of a ten (10) day suspension of the Class B Tavern and Public Entertainment Premises licenses for Ivory Elim for the premises located at 3501 N 6th St ("Elim's Lounge") in the 6th aldermanic district.

This matter will be heard by the full Council at its Wednesday, November 5, 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". The signature is written in a cursive, flowing style.

Tony Zielinski, Chair  
Licenses Committee

cc: All Council Members  
City Attorney's Office  
Common Council/City Clerk – License Division  
CCF 140567



**ROY BRADFORD EVANS**

Attorney at Law

4206 W. North Avenue  
Milwaukee, Wisconsin 53208  
(414) 445-3855 - Fax (414) 444-7887  
E-mail - evans.roy@att.net

**Return Receipt**

October 27, 2014

Mr. Jim Owczarski  
City Clerk of Milwaukee  
Milwaukee City hall  
200 East Wells Street  
Milwaukee, Wisconsin 53202

**RE: City Licenses Committee Decision to Suspend Class B. Tavern  
And Public Entertainment License of Elim's Lounge For 10 days  
Based on Police Report and Alderman Discretion. Objection.**

Dear Mr. Owczarski,

This is to acknowledge receipt of the Notice, Findings of Fact and Conclusions of Law regarding my client Elim's Lounge. My objection to the Committees action is based on the arbitrary and indifferent manner in which this penalty was applied to my client. The Police Report is accurate and my responses to my clients actions and discussions with the alderman were honest and forthright. Proper security protocol was followed and my client was not cited for any code or other lawful violations. The Alderman's requirement to have done more in the way of security with respects to this incident in particular, for instance "walking customer combatants to their cars", is not feasible. And, since in fact a gun was retrieved by one of the customer combatants from his car and used to wound two people outside of the licensed premises, is an unsafe practice as well. This irrational action would have put the security person and others in jeopardy and would have only exacerbated the incident. The safety of the staff as well as customers is of equal importance. Other safety protocols may improve safety however, they could not have changed this incident as it occurred. Conversely there was no one in attendance who objected to the renewal of this license. I believe that a ten (10) day suspension was unwarranted and has placed an unnecessary, punitive and unfair economic hardship on my clients business and his employees. Not only from a loss of income but scheduled dart and pool league activities had to be postponed and customers now have to seek entertainment elsewhere. My client has been a responsibly business owner considering all circumstances and, for the purpose of this renewal, has in no way by his actions or inactions, jeopardized the "health, safety and welfare of the citizens of the City of Milwaukee."

CITY OF MILWAUKEE  
2014 OCT 29 P 1:32  
CITY CLERK'S OFFICE

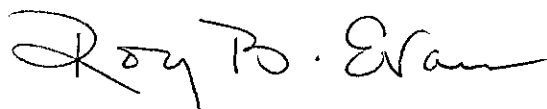
JOp2

Upon my review of the tape of the Utilities and License Committee hearing on October 20, 2014, I wish to point out to you the biased and disparate treatment associated with my clients suspension. I direct your attention to item number 12 on the calendar (9:30 AM, STENY'S). Despite a police record for this period that included: a fight in the bar that lead to two (2) gunshots with one individual wounded in the chest; a patron with a gun who was drunk and fired shots in the air out side of the premises; a felonious assault that occurred in the tavern which resulted in a broken nose and facial stitches requiring hospital treatment after one patron struck another with a beer bottle; a robbery and shooting in the parking area that resulted in the death of the robber; and, another scenario where a fight occurred on the premises where one of the combatants went to his car and retrieved a gun and fired at the other combatant, which, in itself, is similar to the incident creating the suspension of my clients license. The tape does not reflect any reprimands from the committee and in fact committee members characterized these incidents as "a couple of bumps in the road" along with other favorable comments towards the license holder including his being a "catalyst" to the area. The vote was renewal with a warning letter (3 approval, 1 abstention, 1 absent). The decision to renew this license with only a warning letter based on police reports, in contrast to my clients 10 day suspension, is arbitrary, unjust and inconsistent with common law and public policies that require fair, just and equal treatment of all its citizens including City of Milwaukee license holders.

Therefore my client, notwithstanding these and other concerns, agrees to accept the imposed ten (10) day suspension (November 2, 2014- November 11, 2014) of his Class B liquor and Entertainment license as recommended by the Utilities and License committee on October 20, 2014, **under protest**.

Please read this matter into the public record and place a copy of same on file for future reference.

Respectfully,



Roy B. Evans  
Attorney at Law  
Wis. Bar 1009982

RBE/e

Cc: MNO  
Client file  
Attachment



## LICENSES COMMITTEE

ALD. T. ANTHONY ZIELINSKI, CHAIR

Ald. Millele A. Coggs, Vice Chair

Ald. Joseph A. Dudzik, Ald. Robert W. Puente,

Ald. Russell W. Stamper II



MILWAUKEE

October 20, 2014

Room 301-B, Third Floor, City Hall

### LICENSE APPLICATIONS TO BE CONSIDERED BY THE COMMITTEE

08:30 AM

- 02 JABER, Faraj A, Agent for "HAKAM, INC", Class A Malt & Class A Liquor and Secondhand Dealer License Applications for "FOODTOWN & LIQUOR" at 6608 W FOND DU LAC AV.
- 13 MOELLER, Jason L, Agent for "P T G, LLC", Class B Tavern and Public Entertainment Premises License Renewal Applications for "COOPS TAVERN" at 1577 W MORGAN AV. (Expires 11/4/2014)
- 11 SANCHEZ-MORA, Ericacio, Agent for "Taqueria Buenavista No 2 LLC", Class B Tavern License Application for "Taqueria Buenavista" at 3447 W Forest Home Av.
- 04 DEUSTER, Andrew C, Agent for "BOOBY JDK, LLC", Class B Tavern and Public Entertainment Premises License Renewal Applications for "McGillcuddy's Bar & Grill" at 1133-37 N Water St. (Expires 11/29/2014)
- 04 MUNA, Mazen G, Agent for "12AM Management Group, LLC", Class B Tavern, Food Dealer - Restaurant, and Public Entertainment Premises License Applications Requesting Instrumental Musicians, Bands, Disc Jockey, Patron Contests, Jukebox, and Karaoke for "Phantom Bar" at 780 N Jefferson St.
- 04 ZHANG, Man F, Agent for "KIKU LLC", Class B Tavern License Renewal Application for "KIKU" at 200 W WISCONSIN AV. (Expires 10/28/2014)
- 03 HUTCHENS, Shawn D, Agent for "Riverwest Pizza LLC", Class B Tavern, Food Dealer - Restaurant, and Public Entertainment Premises License Applications Requesting Instrumental Musicians, Disc Jockey, and Karaoke for "Riverwest Pizza Co" at 932 E WRIGHT ST.
- 03 SANDINO, Francisco, Agent for "Colgasand Investments LLC", Class B Tavern, Food Dealer - Restaurant, and Public Entertainment Premises License Applications Requesting Instrumental Musicians, Bands, Comedy Acts, Jukebox, Karaoke, and Amusement Machines for "Van Buren Sport Bar and Grill LLC" at 1682 N Van Buren St.

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09:15 AM

- 09 HUBBARD, Bryant K, Agent for "HUBBARD & ASSOCIATES NA, INC", Class B Tavern and Public Entertainment Premises License Renewal Applications for "MJ Martini Bar" at 6901 W BROWN DEER RD. (Expires 11/2/2014)
- 06 SALEEM, Mohammad, Agent for "Haji LLC", Extended Hours Establishments and Food Dealer - Restaurant License Applications for "Haji's Red Hot" at 2100 W Hopkins St.
- 06 ELIM, Ivory, Class B Tavern and Public Entertainment Premises License Renewal Applications for "ELIM'S LOUNGE" at 3501 N 6TH ST. (Expires 11/1/2014)
- 12 AGUILAR VILLARREAL, Sonia, Agent for "Sabor Internacional LLC", Class B Tavern, Food Dealer - Restaurant, Extended Hours Establishment, and Public Entertainment Premises License Applications Requesting to Close at 4 AM Thurs-Sat and Requesting Instrumental Musicians, Patrons Dancing, Jukebox, and Karaoke for "Sabor Internacional LLC" at 1234 S Cesar E Chavez DR.
- 12 RIVERA, Emily, Agent for "Salas Burgers LLC", Class B Fermented Malt Beverage and Class C Wine Retailer's License Applications for "Salas Burgers" at 807 W Historic Mitchell St.
- 12 STENSTRUP, Jerome L, Agent for "STENY'S, INC", Class B Tavern and Public Entertainment Premises License Renewal Applications for "STENY'S" at 800 S 2ND ST. (Expires 11/12/2014)
- 15 CLINCY, Terry D, Class B Tavern and Public Entertainment Premises License Renewal Applications Requesting to be Open Mon 12 PM - 2 AM, Close at 2 AM Instead of 1:30 AM Sun, Tues-Thurs, and Close at 2:30 AM Instead of 2 AM Fri-Sat for "Lorenzo's" at 1218 W Cherry St. (Expires 11/22/2014)
- 15 COLBERT, Hope V, Class B Tavern and Public Entertainment Premises License Applications With 25+ Age Distinction Requesting Amusement Machines, a Pool Table, and a Jukebox for "V&S" at 1376 W Wright St.
- 15 COLE, M C, Class B Tavern and Public Entertainment Premises Licenses Transfer - Change of Location Requesting Disc Jockey, Patrons Dancing, Jukebox, and Amusement Machines for "New Hammer's Den" at 1816 W Fond Du Lac Av.
- 15 LEWIS, Donald R, Class B Fermented Malt Beverage Retailer's, Class C Wine Retailer's, Food Dealer - Restaurant, and Public Entertainment Premises License Applications Requesting Bands and Instrumental Musicians for "Young Urban Jazz" at 2451 W Fond Du Lac Av.