

JAMES A. BOHL JR.
Alderman, 5th District

February 20, 2004

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 030601

Recommendation of non-renewal of the Class "D" bartender license of Elsa Mata based upon police report and non-appearance.

Recommendation of non-renewal of the Class "D" bartender license of Jay Culp based upon police report.

Recommendation of renewal with a 20-day suspension based upon police report of the Class "B" Tavern license of David Schulist for the premises located at 2539 W. Mitchell St. ("Schulist Tap") in the 8th Aldermanic District.

With regard to the item listed above, the Utilities and Licenses Committee held an evidentiary hearing on February 18, 2004.

Pursuant to section 90-11 Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on Tuesday, **March 2, 2004** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "James A. Bohl Jr." with a stylized flourish at the end.

James A. Bohl, Jr., Chair
Utilities & Licenses Committee

cc: Common Council/City Clerk - License Division
All Council Members
File No. 030601



JAMES A. BOHL JR.
Alderman, 5th District

Date: February 20, 2004

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender
License of Elsa Mata.

FINDINGS OF FACT

1. Elsa Mata (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, 2003.
2. An application to renew said license was filed with the Office of the City Clerk on December 23, 2003.
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 December 24, 2003, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 15, 2004 and February 6, 2004, 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 January 27, 2004 commencing at 9:00 a.m. At said date, time and place, the licensee failed to appear. On February 18, 2004, the matter was scheduled for a hearing commencing at 9:00 a.m. in Room 301B of City Hall. At said date and time, licensee failed to appear. She 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. Notice of hearing as well as a copy of the police report was sent to Elsa Mata at 1805 South 25th Street, Lower, Milwaukee, WI 53204 on January 15, 2004 and February 6, 2004 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 1805 South 25th Street, Lower, Milwaukee, WI 53204 is the address given by the applicant on her 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 January 27, 2004 and February 18, 2004.
- B. On November 15, 1993, Elsa Mata was arrested in Milwaukee County for operating while intoxicated. She was found guilty of that citation on November 16, 1993 and her driver's license was suspended for nine months.
- C. On April 9, 1994, Elsa Mata was arrested in Milwaukee County for operating while intoxicated. She was found guilty on April 28, 1994 and her license was revoked for 18 months.
- D. On November 2, 1994, Elsa Mata was arrested in Milwaukee County for operating while intoxicated. She was found guilty of that citation on December 5, 1994 and her driver's license was revoked for three years.
- E. On August 29, 2003, Elsa Mata was arrested in West Allis, Wisconsin for operating while intoxicated (fourth offense) misdemeanor. The case was scheduled for January 8, 2004 at 8: 30 a.m.

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 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, Elsa Mata has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of her Class "D" Bartender's license. re commends that the full Common Council of the City of Milwaukee exercise its discretion to deny renewal of the Class "D" Bartender's license held by Elsa Mata based upon her non-appearance and the danger that she represents to the health safety and welfare of the citizens of the City of Milwaukee by her conduct as evidenced in the police report. The Committee finds the police report to be true.

3. The Committee recommends that recommends that the full Common Council of the City of Milwaukee exercise its discretion to deny renewal of the Class "D" Bartender's license held by Elsa Mata based upon her non-appearance and the danger that she represents to the health safety and welfare of the citizens of the City of Milwaukee by her conduct as evidenced in the police report.

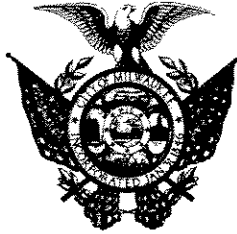
RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes to zero (0) noes, recommends that the Class "D" Bartender License not be renewed based on police report and non-appearance.

Dated and signed at Milwaukee, Wisconsin this 20th day of February, 2004.

A handwritten signature in black ink that reads "James A. Bohl, Jr." with a stylized flourish at the end.

JAMES A. BOHL, Jr., Chair
Utilities and Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: February 20, 2004

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Jay H. Culp.

FINDINGS OF FACT

1. Jay H. Culp (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, 2003.
2. An application to renew said license was filed with the Office of the City Clerk on November 3, 2003.
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 November 4, 2003, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On December 19, 2003 and February 6, 2004, 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 January 6, 2004 commencing at 9:30 a.m. and February 18, 2004, commencing at 9:00 a.m. in Room 301B of City Hall. On February 18, 2004, the licensee appeared and admitted receipt of the notice of the hearing. 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. On July 19, 2002, the applicant was cited in Kenosha County for Underage Alcohol Possession. He was found guilty of that citation on August 9, 2002.
- B. On June 11, 2003, the applicant was cited by the Walworth County Sheriff's Department for underage alcohol possession. He was found guilty of that citation on July 9, 2003.
- C. The applicant's date of birth is July 1, 1983. (Age 20).

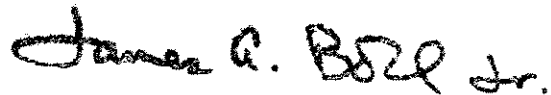
CONCLUSIONS OF LAW

- 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 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
- 2. Based upon the above facts found, the Committee finds that the licensee, Jay H. Culp, has not met the criteria of Chapter 125, Wis. Stats., or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class D Bartender's license, and the danger his conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee. The Committee finds the police report to be true.
- 3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its discretion to deny renewal of the Class D Bartender's License held by Jay H. Culp.

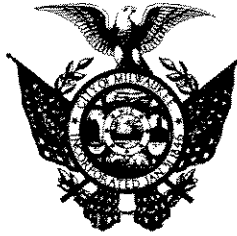
RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes to zero (0) noes, recommends that the Class "D" Bartender License not be renewed based on the fact the licensee has twice been found guilty of underage possession of alcohol.

Dated and signed at Milwaukee, Wisconsin this 20th day of February, 2004.



JAMES A. BOHL, Jr., Chair
Utilities and Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: February 20, 2004

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern License of David Schulist, "Schulist Tap" at 2539 West Mitchell Street, Milwaukee, WI 53204

FINDINGS OF FACT

1. David Schulist (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance Hall License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, March 23, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on January 5, 2004.
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 January 6, 2004, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On February 6, 2004, 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 February 18, 2004 commencing at 10:30 a.m., in Room 301-B of City Hall. At said date, time and place, the licensee appeared. The licensee was represented by Attorney Sue Colburn, 236 North Water, 4th Floor, Milwaukee, WI 53202-5708.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On February 22, 2003, David Schulist was arrested in Milwaukee County for manufacturing and delivering of THC (less than 200 grams) (felony) and possession of cocaine (misdemeanor). On May 1, 2003, he was found guilty to an amended charge of possession of THC (misdemeanor) and guilty of possession of cocaine. He was fined \$500 on each count and spent 45 days in the House of Correction on each count and had a six month suspension of his driver's license, concurrent.
- B. On April 19, 2003 at 6:36 p.m. a search warrant was executed at the license premises at 2537-39 West Mitchell Street in the City and County of Milwaukee, Wisconsin the ("Schulist Tap"). The warrant was for the tavern and the living quarters above the tavern. Prior to the search warrant, there had been three open drug dealing complaints at this location as well as numerous drug dealing complaints in the past. Found at the tavern premises were two illegal gambling machines at the bar. In the living quarters was found a total \$28,096.00 and two safes. There was also two switchblade knives found but that charge was dropped. The licensee was found guilty of a gambling place (municipal citation), and fined \$200 on June 11, 2003.
- C. At hearing, the licensee's parents, who are aged and in ill health, testified that they rely on the operation of this tavern by their son for sustenance and their livelihood in old age. The father of the licensee also testified that the large amount of money in the safe was maintained because of the father's lack of confidence in the banking system. The cash was used to pay various debts and bills and to prepare for the possibility of a funeral for the parents.
- D. The licensee, at hearing, amended his renewal application to include only a "Class B" tavern license and drop the tavern dance portion of his license for renewal.

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 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, David Schulist, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class "B"

Tavern License without undergoing a twenty (20) day suspension. The Committee finds the police report to be true.

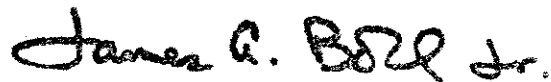
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its discretion to renew the Class "B" Tavern License held by David Schulist for the premises located 2539 West Mitchell Street in the City and County of Milwaukee ("Schulist Tap") with a twenty (20) day suspension based upon the danger these premises pose to the health, safety and welfare of the citizens of the City of Milwaukee and the licensee's conduct as reflected in the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes to zero (0) noes, recommends that the Class "B" Tavern License held by David Schulist for the premises located at 2539 West Mitchell Street in the City and County of Milwaukee, WI ("Schulist Tap") be renewed with a twenty (20) day suspension.

Said suspension to be in force from midnight March 23, 2004 to midnight April 12, 2004.

Dated and signed at Milwaukee, Wisconsin this 20th day of February, 2004.



JAMES A. BOHL, Jr., Chair
Utilities and Licenses Committee