



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

Tuesday, December 22, 2015

**COMMITTEE MEETING NOTICE**

AD 04

BUZDUM, Boro, Agent  
Mookie Exotic LLC  
316 Kames Ct

Slinger, WI 53086

You are requested to attend a hearing which is to be held in Room 301-B, Third Floor, City Hall on:

**Tuesday, January 05, 2016 at 02:00 PM**

**Regarding:** Your Class B Tavern, Food Dealer's and Public Entertainment Premises License Applications Requesting Adult Entertainment, Dancing by Performers, Disc Jockey, Jukebox, Karaoke, Bands, Battle of the Bands, Patron Contests, Patrons Dancing, and 5 Amusement Machines as agent for "Mookie Exotic LLC" for "10 Exotic" at 730 N Old World Third St.

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 85-2.7-4, probative evidence concerning whether or not a new license should be granted may be presented on the following subjects: whether or not the applicant meets the municipal requirements, the appropriateness of the location and premises where the licensed premises is to be located and whether use of the premises for the purposes or activities permitted by the license would tend to facilitate a public or private nuisance or create undesirable neighborhood problems such as disorderly patrons, unreasonably loud noise, litter, and excessive traffic and parking congestion. Probative evidence relating to these matters may be taken from the plan of operation submitted with the license application, if any, but shall not include the content of any music. Evidence regarding the fitness of the location of the premises to be maintained as the principal place of business, including but not limited to whether there is an overconcentration of businesses of the type for which the license is sought; whether the proposal is consistent with any pertinent neighborhood business or development plans; or the location's proximity to areas where children are typically present. The applicant's record in operating similarly licensed premises; and whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the activity to be permitted by the license being applied for or any other factor which reasonably relates to the public health, safety or welfare may also be considered. See attached police report or correspondence.

**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 in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in the first floor information booth in City Hall.

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: \_\_\_\_\_

Jason Schunk

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](http://www.milwaukee.gov/license)

Phone: (414) 286-2238 Fax: (414) 286-3057 Email Address: [License@milwaukee.gov](mailto:License@milwaukee.gov)

Koberstein, Jonathan

---

**From:** Schunk, Jason  
**Sent:** Thursday, October 29, 2015 9:26 AM  
**To:** Koberstein, Jonathan  
**Cc:** Celella, Jessica  
**Subject:** Fwd: Strip club dancing, prostitution and human trafficking

Please add

Sent from my iPhone

Begin forwarded message:

**REDACTED RECORD**

**From:** "Bauman, Robert" <[rjbauma@milwaukee.gov](mailto:rjbauma@milwaukee.gov)>  
**Date:** October 29, 2015 at 8:45:01 AM CDT  
**To:**  
**Cc:** "Schunk, Jason" <[LICMGR@milwaukee.gov](mailto:LICMGR@milwaukee.gov)>  
**Subject:** Re: Strip club dancing, prostitution and human trafficking

Attendance and testimony at the hearing is the most effective action residents can take. No hearing date has been set. We will place you on the notice list for 730 n Third St.

Sent from my iPhone

On Oct 28, 2015, at 10:00 PM, "

wrote:

I know. What can I do to help?

On Wednesday, October 28, 2015, Bauman, Robert <[rjbauma@milwaukee.gov](mailto:rjbauma@milwaukee.gov)>  
wrote:

Thank you. We have another application for 730 N Third St.

Sent from my iPhone

> On Oct 28, 2015, at 4:26 PM, wrote:  
>  
> Alderman Bauman  
>  
> Please note the connection, mentioned twice in this article, between strip clubs  
and prostitution and human trafficking. Please continue to Oppose license  
applications for strip clubs in your district and in Milwaukee.  
>  
> Check out this article from the Milwaukee Journal Sentinel: Court records detail  
group's sex trafficking, 'Pimp Roundtables' - <http://bit.ly/1GK2ACR>  
>  
> Thank you  
>

>  
>  
>  
>

> Sent from my iPad

The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of Milwaukee e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of Milwaukee full e-mail disclaimer at [www.milwaukee.gov/email\\_disclaimer](http://www.milwaukee.gov/email_disclaimer)

--

Sent from Gmail Mobile

Office of the City Clerk – License Division  
City Hall, Room 105  
200 East Wells Street  
Milwaukee, WI 53202

REDACTED RECORD

Re: Application from Boro Buzdum, Agt. Mookie Exotic LLC for a Class B Tavern License

To Whom It May Concern:

currently operates a business at  
walking distance from the Adult Entertainment business  
proposed by Boro Buzdum, Agt. Mookie Exotic LLC.

As a neighbor to this property, we strongly oppose the approval of this application. It is with good reason that establishments of this type have a reputation for an unsavory clientele. The Sixth Circuit U.S. Court of Appeals acknowledged in J.L. SPOONS, INC.,v. NANCY J. DRAGANI, Acting-Director, Ohio Department of Safety, et al., that there are "... undesirable secondary effects, including prostitution, drug trafficking, and assault, associated with nude dancing in an environment serving alcohol." This is not something we want to welcome into our neighborhood. We want our customers to feel safe when doing business with us.

In closing, this neighborhood already has a concentration of drinking establishments and, combined with the likely illicit behaviors, we do not feel that this business is a good fit in this location.

Sincerely,

2015 OCT 21 P 12:26

October 19, 2015

Office of the City Clerk—License Division  
City Hall, Room 105  
200 East Well St.  
Milwaukee, WI 53202

**REDACTED RECORD**

To Whom It May Concern:

This letter is concerning the Class B Tavern license and Entertainment premises application proposed for Mookie Exotic LLC to open the 10 Exotic adult entertainment club at 730 N. Old World Third Street.

We strongly object to the liquor and entertainment license being granted to 10 Exotic, as the purposes and residual consequences incurred by an adult entertainment establishment run counter to the character of the Westtown neighborhood. The immediate area is comprised of a mix of residential, commercial and academic establishments. An adult entertainment establishment brings not only an undesirable atmosphere, but also real risk for those who live, work, and attend school there. Additionally, it presents Milwaukee in a seedy light to the tourists who stay at the nearby hotels and to the many families who drive through the area to attend sports or theater events. It may also drive other existing or potential businesses away due to decreased property values or a desire not to be associated with such a business.<sup>i</sup>

The presence of the club also puts visitors, workers, students, and residents at risk for victimization. Many studies show that the presence of sexually-oriented businesses “are likely to draw crime (as well as criminally motivated offenders) to the neighborhood... including crimes of opportunity, including theft property vandalism and a range of violent offenses” including prostitution.<sup>ii</sup> Additionally, the increase in “soft targets...attracts predatory criminals.”<sup>iii</sup> This puts students, staff, and faculty in danger as they leave classes and wait for busses. Those who drive will experience diminished parking and safety while having to walk farther to their cars, as these establishments attract customers from wide areas who will also all need to park in a condensed area.<sup>iv</sup>

We urge you to deny Mookie Exotic LLC the entertainment license they seek, due to the damage it may inflict to the Westtown neighborhood, as we seek to provide a safe, economically-vibrant, and decent environment for Milwaukee residents, downtown employees, and visitors to enjoy.

Sincerely,

---

Koberstein, Jonathan

---

**From:** License  
**Sent:** Thursday, October 15, 2015 3:27 PM  
**To:** Koberstein, Jonathan  
**Subject:** FW: Possible Public Entertainment Premises - Across the Street from The Blue  
**Attachments:** SCRP C0mmer15101413560.pdf

REDACTED RECORD



Jonathan Koberstein  
License Specialist III  
City Clerk's Office – License Division  
City Hall Rm 105  
200 E Wells St  
Milwaukee, WI 53202  
(414)286-2238 Office

---

**From:**  
**Sent:** Thursday, October 15, 2015 3:10 PM  
**To:** License  
**Subject:** FW: Possible Public Entertainment Premises - Across the Street from The Blue

We don't want that type of business in the downtown area. We are trying to build a new downtown and we don't need that type of business.

Sincerely,

This email message may contain proprietary, private and confidential information. The information transmitted is intended only for the person(s) or entities to which it is addressed. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited and may be illegal. If you received this in error, please contact the sender and delete the message from your system.

MILWAUKEE  
LICENSE DIVISION  
2015 OCT 16 P 12:13

October 13, 2015

**REDACTED RECORD**

Office of the City Clerk - License Division  
City Hall, Room 105  
200 East Wells Street  
Milwaukee WI 53202

Re: Objection to New Class B Tavern and Public Entertainment Premises Applications

Dear City of Milwaukee:

Legal Action of Wisconsin is submitting an objection to the following license application:

License Type:	Class B Tavern, Public Entertainment Premises, and Food Dealer-Restaurant
Applicant:	Boro Buzzdum, Agt. Mookie Exotic LLC
Business Name:	10 Exotic
Premise Address:	730 N. Old World Third St.

As required by the notice, this written objection is being filed by

- 1) Name of person objecting: -
- 2) Contact information for the objector:  
| | |
- 3) - opposed to an issuance of a Class B Tavern and Public Entertainment Premises license which would include the dancing by performer - adult entertainment/strippers/erotic dance.



extensive services from our office location to victims of crime, including victims of domestic violence and sexual assault. In addition, we provide services to vulnerable seniors and other persons vulnerable to crimes. Many of our clients arrive at our Milwaukee Downtown location via bus. Many of the bus routes are along Wisconsin Avenue so the clients would have to walk in front of the proposed adult entertainment facility on their way to our office. Legal Action objects to the issuance of an adult entertainment license for the following reasons:

- a) The proposed adult entertainment venue is incompatible with the operation of a professional law firm and other professional offices within the neighborhood of the proposed venue. Our clients are victims of sexual and domestic violence. The presence of this type of venue in close proximity to the location of our delivery of service would add additional concern to our clients.
- b) Our clients are unable to secure child care when they need to so they often bring along young and small children. The presence of the adult entertainment venue in this professional office area is an incompatible use and is not appropriate for areas where small children are frequently present.
- c) On Wisconsin Avenue between Plankinton Avenue and 4<sup>th</sup> Street, the Milwaukee County Transit System operates four bus stops which are extensively used by high school students during school day afternoons. Three of the four bus stops are within a half block of the proposed adult entertainment venue. Two of the four bus stops have a direct line of sight to the front of the proposed venue's building. The operation of an adult entertainment venue in close proximity to an area frequented by high school students on a daily basis is not an appropriate use within the area.
- c) The area surrounding the Grand Avenue Mall and Third Street already has many challenges in maintaining occupancy in the surrounding professional office buildings. We believe the presence of this adult venue will only harm the ability of the building owners to encourage other professionals to rent and occupy space in the buildings surrounding the proposed venue. The inability, in particular, of the Century Building owner to maintain occupancy shifts costs to us in order to maintain the building and directly impacts our costs for the occupancy of the building.

If you have any questions concerning the above, please do not hesitate to contact me.

Sincerely,

MILWAUKEE POLICE DEPARTMENT  
LICENSING

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENT'S  
SYNOPSIS

DATE: 10/13/2015

LICENSE TYPE: BTAVN

NEW: ☒

RENEWAL: ☐

No. 218885

Application Date: 10/08/2015

License Location: 730 North Old World Third Street

Business Name: Mookie Exotic

Licensee/Applicant: Buzdum, Boro  
(Last Name, First Name, MI)

Date of Birth: 11/24/1964

Home Address: 316 Kames CT

City: Slinger

State: WI Zip Code: 53086

Home Phone: 262-844-9429

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

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

1. On 06/01/2012 the applicant was charged in Washington County with Disorderly Conduct §947.01(1).

Charge: Disorderly Conduct

Finding: Guilty

Sentence: Fine

Date: 10/31/2012

Case: 2012CM000590

2. On 10/31/2012 the Wisconsin Department of Transportation revoked the applicant's driver's license for 6 months for Operating While Intoxicated.
3. On 08/19/2015 the Wisconsin Department of Transportation revoked the applicant's driver's license for 14 months plus 10 days for Operating While Intoxicated.

Date: 11/11/2015  
Officer: Thomas Kline

City of Milwaukee Police Department  
90-5-1.5 Crime Prevention Survey  
Tavern Inspection

Name of Premise: 10 Exotic  
Address: 730 N Old World 3<sup>rd</sup> street  
Phone: 262 844 9426

Owner:  
Owner address:  
City State Zip:  
Owner Phone:  
Owner email:

Licensee/Agent: Buzdum, Boro  
Home Address: 316 Kames Ct.  
City State Zip: Slinger, Wi 53086  
Phone: 262 844 9426  
Email:

Preferred contact: Agent

Location currently open: ☐ YES ☒ NO

Projected open date:

Day's open: ☐S ☐M ☐T ☐W ☐Th ☐F ☐SA ☒ALL

Hours of Operation: Sun: 6:00am-2:00am  
Mon: 6:00am-2:00am  
Tue: 6:00am-2:00am  
Wed: 6:00am-2:00am  
Thu: 6:00am-2:00am  
Fri: 6:00am-2:30am  
Sat: 6:00am-2:30am  
24 hours ☐Y ☒N

Premise Type: ☒ Tavern/Bar  
☐ Restaurant  
☐ Other:

Licenses currently held:

Alcohol: ☐ Yes ☒ No Class: #:  
Tobacco: ☐ Yes ☒ No #:  
Food: ☐ Yes ☒ No #:  
Other: ☐ Yes ☒ No Type: #:  
Other: ☐ Yes ☒ No Type: #:

**Exterior Survey:**

1. Is the area around the location clean? ☒ Yes ☐ No
2. What surrounds the location? (Check all the apply)
  - a. ☐ Park
  - b. ☐ School
  - c. ☐ Youth Center
  - d. ☐ Church
  - e. ☐ Tavern(s) If so, how many
  - f. ☒ Residential
  - g. ☒ Other businesses
  - h. ☐ Other:
3. Can you see from the outside of the location into the interior ☐ Yes ☒ No
4. Can you see the employees inside of the location from the outside ☐ Yes ☒ No
5. Are exterior windows free of signage ☒ Yes ☐ No
6. Street parking ☒ Yes ☐ No
7. Is there a parking lot ☐ Yes ☒ No
8. Is the parking lot clean? ☐ Yes ☐ No
9. Is the parking lot well lit? ☐ Yes ☐ No
10. Valet Parking ☒ Yes ☐ No
  - a. Will this lot have a guard? ☐ Yes ☐ No
  - b. Will this lot have cameras? ☐ Yes ☐ No
11. Are there areas where a person could conceal themselves ☐ Yes ☒ No
12. Is there exterior lighting? ☒ Yes ☐ No. Does it appears to be adequate ☒ Yes ☐ No
13. Exterior Payphone? ☐ Yes ☒ No
14. Are there No Loitering Signs posted? ☒ Yes ☐ No
15. Are there exterior security cameras ☒ Yes ☐ No How Many: 3
16. Are the address numbers prominently displayed and easy to see ☒ Yes ☐ No

**Camera Survey:**

17. Does this location have security cameras? ☒ Yes ☐ No
18. Are they in working order? ☒ Yes ☐ No
19. What format are the cameras?
  - a. Color ☒ Yes ☐ No
  - b. Digital ☒ Yes ☐ No
  - c. VCR ☐ Yes ☒ No
  - d. Recorded ☒ Yes ☐ No
20. How long is footage stored for later viewing: 30 days
21. Are there exterior cameras ☒ Yes ☐ No How many: 3
22. Are there interior cameras ☒ Yes ☐ No How many: 9

23. Do all employees know how to retrieve recorded digital images/footage? ☐Yes ☒No  
24. Cameras located in parking lot ☐Yes ☐No How many

**Interior Survey:**

25. What is the planned/posted capacity 225  
26. What is the minimum number of employees that will be on premise 10  
27. Is the storeowner willing to be a standing complainant regarding loitering? ☒Yes ☐No  
a. If yes have them fill out the standing complaint form and give them two of the commercial signs ☒Yes ☐No  
28. Is the interior of the location neat and clean? ☒Yes ☐No  
29. Does an interior camera face the entrance/exit? ☒Yes ☐No  
30. Are emergency and non-emergency numbers posted near the phone? ☒Yes ☐No  
31. Does the owner know how to contact their police district directly? ☒Yes ☐No  
a. Did you provide a district contact guide to the owner? ☒Yes ☐No

**Security**

32. How many security personnel are going to be employed: 10  
33. How will they be deployed: Interior 8 Exterior 2  
34. What days will they be deployed ☒Mon☒Tue☒Wed☒Thu☒Fri☒Sat☒Sun  
35. Will the security be managed by business ☒or contracted☐  
36. Will they be armed ☒Yes ☐No  
37. What type of security measures will be used:  
☐Wanding/metal detector  
☒ID Scanner  
☒Dress Code  
☒Cover Charge  
☒Age restriction  
☐Other  
38. When at capacity, how will the overflow crowd be managed? Line outside  
39. Will a guard monitor the overflow crowd at all times? ☒Yes ☐No

**ADDITIONAL COMMENTS/RECOMMENDATIONS:**

Renovation- \$10,000.00

Projected open date 01/16

MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS

DATE: 09/02/2015  
LICENSE TYPE: BTAVN  
NEW:  
RENEWAL: X

No. 217161  
Application Date: 09/01/2015  
Expiration Date:

License Location: 730 N Old World Third Street  
Business Name: Boardroom Entertainment

Aldermanic District:

Licensee/Applicant: SMITH, Robert F  
(Last Name, First Name, MI)  
Date of Birth: 12/06/1968

Home Address: 212 E Mineral St  
City: Milwaukee  
Home Phone: (414) 649-9999

State: WI Zip Code: 53204

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

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

1. On 10/24/2004 at 2:15 AM the applicant was cited for Disorderly Premises Prohibited at 906 S Barclay St. No further information.

Charge : Disorderly Premises Prohibited  
Finding : Guilty, Municipal Court  
Sentence : Fined \$354.00  
Date : 12/14/2004  
Case : 04126492

2. On 06/13/08 at 11:24 pm, Milwaukee police observed a large crowd at Club Rain waiting to enter the club. Police spoke to a security guard who stated there was going to be problems because of the long line of patrons waiting to enter the club. Police observed about 70 patrons around the block waiting to enter the club. Police made several attempts to disperse the crowd with patrons becoming angry. One subject became unruly and was taken into custody. Due to the amount of people and the crowd becoming unruly, more squads were requested. Officers later spoke to Patsy Smith who stated they couldn't allow any more patrons in due to capacity. Citations were issued to Robert Smith, the licensee, for Disorderly Premises and Licensing-Change in Entertainment. A meeting was suggested to Smith to discuss recent incidents before something serious occurred. On 06/25/08 Smith went to District # 2 to discuss the concerns of Club Rain with district officers. Robert Smith was unable to attend however did contact officers later that day.

Charge: Change in Entertainment Notice Required  
Disorderly Premises  
Finding: Guilty  
Dismissed w/o prejudice  
Sentence: Fined \$100.00  
Date: 10/03/08  
Case: 08081739  
08081738

3. On 09/17/2004 the applicant was cited in the city of Milwaukee for B & Z Violations at 906 South Barclay Street.

Charge: B & Z Violations  
Finding: Guilty  
Sentence: \$220.00 fine  
Date: 07/05/2005  
Case: 04125787

4. On 09/18/2007 the applicant was cited in the city of Milwaukee for Building Code Violations at 212 East Mineral Street.

Charge: Building Code Violations  
Finding: Guilty  
Sentence: \$300.00 fine  
Date: 10/08/2009  
Case: 09018901

5. On 08/15/2008 the applicant was cited in the city of Milwaukee for Building Code Violations at 906 South Barclay Street.

Charge: Building Code Violations  
Finding: Guilty  
Sentence: \$580.00 fine  
Date: 07/21/2009  
Case: 09008677

6. On 11/22/2008 at 12:40am Milwaukee Police were dispatched to a fight at 906 South Barclay Street (Rain Night Club). Investigation revealed a fight had occurred between patrons inside the bar. The applicant was on scene at the time this incident occurred and was issued three citations:

Charge 1: Presence of Minor at Licensed Premises (two counts)  
2: Disorderly Premises Prohibited  
Finding 1: Guilty  
2&3 Dismissed without prejudice  
Sentence : \$250.00 fine  
Date : 08/31/2009  
Case 08153636/08153638/08153637

=====

7. On 03/03/12 at 1:00 am, Milwaukee police conducted a License Premise Check at 730 N Old World Third Street. Investigation found numerous underage patrons inside the bar who were trying to leave the establishment. Officers confirmed 72 underage patrons and who were not with any parent or guardian. Police spoke with Robert F Smith, the licensee, who had no explanation for the large number of underage patrons inside his tavern. A total of 60 citations were issued for Possession/Consumption of Alcohol 17-20, 10 citations for Presence of Underage/Minor, 5 for Misrepresenting Age, and 4 for Obstructing Issuance of Citation. Police were on scene for 3 hours and had to ask the bar staff several times to stop serving while police were investigating.

8. On 03/16/12 at 4:30 pm, members from District one and the License Investigation Unit met with Robert Smith and his attorney, Vincent Bobot in regards to large amounts of patrons who were underage and found inside 730 N OWT Street, Boardroom. An investigation found that 72 citations were issued one night with many of the ID's from out of state. Mr. Smith stated he was embarrassed by this incident and provided suggestions of improvements that included using an ID scanner, changing cameras and using a height measurement to check against ID information. Mr. Smith also provided a typed security measure plan and a suggestion was made that Smith should required a Wisconsin state ID, as most students need to change their addresses to a local one in order to vote. Police personnel provided other suggestions to Smith and advised him that if problems persist, uncover surveillance would be conducted.

9. On 11/24/12 at 1:36 am, Milwaukee police were dispatched to 730 N. Old World Third Street for an Underage Persons complaint. Upon arrival, officers were posted at the entry door and the rear door to ensure that no one would exit from the rear door. Investigation found eight patrons who were underage and also found that the bar's license had not been posted, only an invoice. No licensed manager was on scene. All underage patrons were cited and released.

10. On 03/03/2012 the applicant was cited at 730 North Old World Third Street in the city of Milwaukee for Presence of Minor at Licensed Premises.

Charge: Presence of Minor at Licensed Premises  
Finding: Guilty  
Sentence: \$1000.00 fine  
Date: 07/16/2012  
Case: 12046417

11. On 01/14/2015 Milwaukee police conducted a licensed premise check at 730 North Old World Third Street (Boardroom Entertainment). Several violations were observed and discussed with the applicant. These included not having the certificate of occupancy or food dealers license posted, and not having an ID scanner at the location. The applicant told the officers he was in the process of changing the listed agent for the business but would not elaborate.



12. On 01/21/2015 at 10:42pm, Milwaukee police conducted a licensed premise check at 730 North Old World Third Street (Boardroom Entertainment). Officers observed several young ladies inside the business that identified themselves as independent contractors that danced at the bar, but received only tips as compensation. Some of the dancers wore see through garments, thong underwear and "pasties". The applicant, Robert Smith, along with Radomir Buzdum and Timothy Miller were on scene. Buzdum told officers he had been informed by his attorney that the dancing was allowed because the dancers were independent contractors and not employees of the business. The applicant stated the women were wearing clothing similar to other women that attend clubs in Milwaukee. Miller stated he was asked by Radomir Buzdum to help at this location. Miller is a general manager at TNT Gentleman's club in Watertown.
13. On 01/22/2015 at 10:53pm, Milwaukee police conducted a licensed premise check at 730 North Old World Third Street (Boardroom Entertainment). Upon entering officers observed a female dancing on a stage wearing a dress with horizontal slits on both sides. The dancer had her dress pulled below her breasts which were covered with pasties. Upon observing the police the dancer pulled her dress up. Officers also observed several other young ladies inside the business that identified themselves as dancers at the bar. These dancers were observed wearing various articles of underwear and bras and/or "pasties". Officers located a room off the kitchen that was being used by the dancers as a dressing room, which was equipped with lockers. The applicant, Robert Smith along with Radomir Buzdum and Timothy Miller, were on scene. All three received citations for violations observed on 01/22/2015 as well as citations for violations observed the previous night (01/21/2015). On 01/23/2015, at 1:50am, Milwaukee police conducted follow up at 730 North Old World Third Street (Rusty's). The follow-up was regarding a female who had provided false identification during an interview. The subject had initially identified herself as Quiana Monre, but later told officers her real name was Azaria Wilder. During this encounter, officers observed a young lady dancing on a stage near the entrance wearing only underwear and high heels. The dancer had her breast exposed without pasties. The dancer got off the stage and ran to the back of the location.

As to the applicant:

Charge	1:	Public Entertainment Premises License Required
	2:	Public Entertainment Premises License required (violation date 01/21/2015)
Finding	1:	Not guilty
	2:	Not guilty
Sentence	:	
Date	:	08/24/2015
Case	:	15007754
	:	15007755

As to Radomir Buzdum:

Charge	1:	Public Entertainment Premises License Required
	2:	Public Entertainment Premises License required (violation date 01/21/2015)
Finding	1:	Dismissed without prejudice
	2:	Dismissed without prejudice
Sentence	:	
Date	:	06/04/2015
Case	1:	15007744
	2:	15007745

As to Timothy Miller:

Charge	1:	Public Entertainment Premises License Required
	2:	Public Entertainment Premises License required (violation date 01/21/2015)
Finding	1:	Dismissed without prejudice
	2:	Dismissed without prejudice
Sentence	:	
Date	:	06/04/2015
Case	1:	15007751
	2:	15007750

14. On 01/24/2015 Milwaukee police conducted a licensed premise check at 730 North Old World Third Street (Boardroom Entertainment). Officers observed that the stage with a vertical pole that had been in the southwest corner of the business, had been removed. No dancing was observed. Two females were observed wearing bikini type outfits with the rest of the females dressed in normal casual clothing.
15. On 01/24/2015 Milwaukee police conducted a licensed premise check at 730 North Old World Third Street (Boardroom Entertainment). During this check, several people admitted to officers that they smoked in the basement of the business. All females inside the business were wearing "club" type clothing (skirts, shorts, cropped shirts and bikini tops).
16. On 01/25/2015 a Milwaukee police officer filed a PA33 regarding a conversation he had with Radomir Buzdum on 01/21/2015. During this conversation, Buzdum told the officer that he has dealt with other municipalities regarding licensed premises throughout the state. Buzdum stated that he has sued other communities over the adult entertainment license and every time he and the city have compromised or reached a settlement. He explained that he would sue for a large sum of money and ask for full nudity. In an effort to resolve the lawsuit, the municipality would counter with a requirement of bikini tops and bottoms and ultimately they would settle for "pasties" on top and thongs on the bottom. Buzdum said it was a revolving cycle and this was just the way he would have to play it.
17. On 04/19/2015 Milwaukee police responded to 730 North Old World Third Street (Rusty's Old 50) for a loud music complaint. Officers observed approximately 10 patrons inside the business which appeared to operating as a normal tavern.

## Previous premise

**MILWAUKEE POLICE DEPARTMENT**  
**LICENSE INVESTIGATION UNIT**

**CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS**  
**SYNOPSIS**

**DATE:** 04/21/11

**LICENSE TYPE:** BTAVN

**NEW:**

**RENEWAL:** X

**No.** 125770

**Application Date:** 04/20/11

**Expiration Date:**

**License Location:** 730 N Old World Third Street

**Aldermanic District:**04

**Business Name:** Martini Mike's

**Licensee/Applicant:** Kozak, Michael C

(Last Name, First Name, MI)

**Date of Birth:** 01/22/73

**Male:** X

**Female:**

**Home Address:** 730 N Old World Third Street

**City:** Milwaukee

**State:** Wi

**Zip Code:** 53202

**Home Phone:** (414) 704-4139

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

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

1. On 3-27-92 in Kenosha County, Wis. A juvenile male was walking on Van Buren Rd with his friends when they heard someone staggering toward him and inquired, "Why are you walking in front of my girlfriend's house?" He stated the subject appeared to be intoxicated. The subject got real close to him as he was trying to catch up with his friends. The subject hit him, just once, on the right side of the face. The victim suffered a split lip and was knocked to the ground. When interviewed, the subject stated that he "freaked out" that night and struck someone in the face. He said he thought the victim and his friends had kicked his girlfriend's car.

Charge	:	Battery
Finding	:	Guilty
Sentence	:	\$660. Including costs
Date	:	6-11-92
Case	:	92CM00612 Kenosha County Circuit Court

2. INCIDENT: On 12/23/99 Officers responded to a Battery Complaint at Kazoo's located at 1932 E. Kenilworth Pl. Investigation revealed that two unknown persons punched the victim, and struck him with a barstool causing lacerations to his face and head, which required stitches. Criminal Complaint filed.

3. On 02/26/2001, officers were dispatched to Kazooz's tavern, located at 1932 E Kenilworth PL for a battery complaint. Investigation revealed that there were at least four underage patrons who stated that they were never asked for identification.

Charge : Presence of Underage (Michael Kozak)  
Finding : Dismissed  
Date : 04/19/2001  
Case # : 01027534

Charge : Presence of Underage (Bartender Aaron Bries)  
Finding : Guilty  
Sentence : \$331.00  
Date : 04/19/2001  
Case # : 01027516

NOTE: The above information was presented as a part of the renewal application for the Velvet Room (application date: 05/31/2001 #6586)

---

4. On 4-17-2003 at about 2:58am a Milwaukee Police officer on patrol observed numerous autos parked on the street in front of the Velvet Room, 740 N Old World Third St. The officer entered the tavern and saw 5 persons sitting at the bar. They each had what appeared to be alcoholic beverages. A bartender was present and was observed drinking. The agent, Michael Kozak, was on the premises. He stated that everyone was an employee. He could only produce 3 out of 5 employee time cards.

As to the licensee, Kozak, Michael C:

Charge : Patrons After Hours, Licensee Responsibility  
Finding : Case Dismissed  
Date : 9-5-2003  
Case : 03078265

As to the Bartender, Bries, Aaron D:

Charge : Patrons After Hours  
Finding : Guilty  
Sentence : \$100.00  
Date : 9-5-2003  
Case : 03078252

Continued on Page 3

5. On 5-17-2003 at 11:00pm an underage Milwaukee Police Aide entered the Velvet Room 730 N Old World Third St. at the direction of Milwaukee Police Officers. The aide was able to purchase a vodka tonic from the bartender, Nicholas J learned.

As to the bartender, Learned, Nicholas J:

Charge : Sale To Underage  
Finding : Guilty  
Sentence : \$150.00  
Date : 7-9-2003  
Case : 03092058

6. On 4-12-2005 at 2:10am while on patrol, a Milwaukee police officer observed 3 males exit the front door of the Velvet Room 730 N Old World Third St. When the officer entered the tavern, he observed a male and 2 females on the premise, and the male, the licensee, Michael C Kozak, was telling the females to go out the back. Kozak was very uncooperative and very argumentative. He stated "Don't you have something better to do? This is bullshit. What other bars did you fuck with tonight. Come on, give me some more tickets. I have been in business seven years and I have a criminal justice degree, and a lawyer. " While inspecting the licenses, the officer found the Occupancy Capacity sign posted in the kitchen area. Kozak was issued the following municipal citations:

Charge : a. Patrons After Hours  
b. Posting of Occupancy Capacity  
Finding : a. Guilty  
b. Guilty  
Citation : a. 05048465  
b. 05048466

---

7. Incident - On 8-20-2005 at 11:10pm Milwaukee police conducted a tavern check at the Velvet Room, 730 N Old World Third St. The licensee, Michael C Kozak was informed by a police sergeant that the noise variance permit granted for the Velvet Room's block party ended at 10:00pm Kozak produced a document that the variance was granted until 12:00am. The sergeant instructed Kozak that he would have to shut down the music. Kozak became very argumentative and uncooperative with the sergeant. Kozak stated give me the ticket; I am not fucking shutting down the music. A police inspector was called and permitted the music to go on until 12:00am. A David Krey from the Dept. of Nuisance & Environmental Health, who signed the variance permit, stated 2 permits were issued on 8-17-2005. The first was for midnight and a second was issued rescinding the first because the alderman wanted the permit granted until 10:00pm. No citation was issued.

**NOTE: A Municipal Bench Warrant was issued for Michael C. Kozak on 8-15-2005 by Milwaukee Municipal Court for Patrons After Hours-Class B. Warrant #05048465 Bail mount \$343.00. Incident #6 charge "a" above.**  
**A Warrant Notification letter was mailed to Michael C Kozak to his listed home address on 3-15-2006.**

---

- On 03/27/06, applicant was convicted of OWI in Milwaukee County. His license was revoked for 9 months.

=====

8. On 07/09/07 at 1:13 am, Milwaukee police were flagged down by employees from Martini Mike's for a Trouble With Subject complaint. Investigation revealed a fight took place inside the tavern with the patrons continuing the fight outside of the tavern. Police spoke to the parties who were involved in the fight with all them stating it started inside the tavern. Officers spoke with the licensee, Michael Kozak who first stated the fight did not occur in the tavern but outside the tavern. Kozak stated he pushed some of the patrons involved in the fight out the back door with another employee escorting the other patrons out the front door. Kozak also stated the one of the patrons threw a glass at him and he wanted to prosecute for it. When asked why Kozak didn't call for police when the fight started he offered no explanation. Kozak and his staff were uncooperative at times with police and this incident tied up three squads and a patrol sergeant for 5 hours and 56 minutes. Citations were issued to the parties involved in the fight for Disorderly Conduct, Assault and Battery and Resisting/Obstructing An Officer.

9. On 09/13/07 at 5:17 am, applicant received a citation for Disorderly Conduct at 1721 W Canal Street.

Charge: Disorderly Conduct  
Finding: Guilty  
Sentence: Fined \$175.00  
Date: 12/11/07  
Case: 07111522

10. On 09/25/07 at 1:49 am, Milwaukee police conducted a tavern check at 730 N Old World Third Street, Martini's Mikes. Officers who were outside the tavern, observed that the DJ was still playing music and patrons playing pool. With 11 minutes left till closing, officers observed no lights on or heard any announcements being made that the tavern would be closing. Employee's observed officers standing outside the tavern and the licensee, Michael Kozak, starting having staff members close the overhead garage doors to the outside seating and the doormen were pulled inside and were told to "get everyone out now". Kozak stated to police that he was hosting wrestlers from the WWE Wrestlers who had just performed at the Bradley Center and officers advised Kozak that it was 1:58 am and he and his staff needed to get the patrons out of the bar. Officers observed most patrons standing around finishing their drinks. Police entered the tavern and informed patrons it was time to leave and were counting patrons as they left. A total of 31 people were still in the tavern after 2:00 am. After officers informed Kozak that a tavern report was going to be filed, Kozak became argumentative and uncooperative with police. A citation was issued to Kozak for Patrons After Hours. On 03/10/08, the charge was amended to Special Hours For Liquor Sale In Original Package.

Charge: Special Hours For Liquor Sale In Original Package  
Finding: Guilty  
Sentence: Fined \$6,014.69  
Date: 03/10/08  
Case: 07113316

11. On 10/04/07 at 11:27 am, Milwaukee police were dispatched to 730 N Old World Third Street for a Noise Nuisance complaint. Officer spoke to the caller who stated there is loud music coming the tavern and that it's worse on the weekends. The caller just wanted the tavern to close its windows or turn down the music. Officers spoke to Michael Kozak who apologized and stated he would close the windows and turn down the music.

**Applicant currently has an open warrant with Racine County Sheriff for Traffic Offense. Letter was mailed on 03/19/08. ( 07CT1470 )**

=====

- On 07/24/08, applicant was convicted of Implied Consent in Kenosha County. His license was revoked for 2 years.
- On 08/13/08, applicant was convicted of OWI in Kenosha County. His license was revoked for 1 year.

**Applicant currently has an open warrant with Racine County Sheriff for a traffic offense. Letter was mailed on 03/20/09. (07CT1470)**

**Applicant currently has two unpaid parking citations:**

06077449	\$30.00	Was due on 09/20/06
06088962	\$270.00	Was due on 09/28/06

13. On Thursday, April 9, 2009, at 9:53pm, Officers Mary Sikora and Tracy Tabiadon of the License Investigation Unit went with District One Officers and agents from the Wisconsin Department of Revenue to Martini Mike's at 730 N. Old World Third St. The agents were there to serve a tax warrant on the licensee Michael C. Kozak. The warrant was to seize any cash on the licensed premises for overdue taxes. An undertermined amount of money was seized.

While on the premises the agents conducted an alcohol audit and the licensee Michael Kozak was advised of the following violations:

- Suspected refilled or diluted alcohol bottles (contents sent for testing)
- Invoices not kept on licensed premises-(part of the building not covered by the license)
- Failure to keep 2 years of invoices on licensed premises
- Bugs in alcohol bottles
- Alcohol purchased not from a distributor
- Having alcohol on premises without supporting invoices
- Operating with a revoked state sellers permit

The State Revenue agents confiscated the alcohol in question and advised the licensee he would be subject to another audit.

=====

14. On 04/16/09 at 5:15 am, applicant received two citations for Disorderly Conduct and Trespassing Upon Buildings/Premises at 1721 W Canal Street.

Charge: Disorderly Conduct  
Trespassing Upon Buildings/Premises  
Finding: Guilty on both  
Sentence: Fined \$175.00  
Fined \$160.00  
Date: 08/07/09  
Case: 09071016  
09071015

15. On 05/30/09 at 2:25 am, Milwaukee police were dispatched to 730 N 3<sup>rd</sup> Street for a Fight with Injuries complaint. While officers were in route, the call was updated to Shots Fired and then a Shooting. Upon arrival, officers observed approximately 50 people in the street and coming out of Martini Mikes. Several patrons yelled to police that there was a man with a gun in the tavern and two shots had been fired. Back up was called and police observed Michael Kozak and two of his security bouncers outside the tavern. Witnesses stated to officers that a large fight broke out inside the tavern and a patron pulled a handgun from his waistband and chased another patron into the street and pushed the victim to the ground. The suspect then shot the victim two to four times striking the victim in the upper thigh and groin area. The suspect then fled the area. A citation was issued to Kozak for Disorderly Premises.

Charge: Disorderly Premises Prohibited  
Finding: **Dismissed w/o prejudice**  
Date: 06/29/10  
Case: 09092290

16. On 06/27/09 at 2:28 am, Milwaukee police were dispatched to 730 N 3<sup>rd</sup> Street for a Fight complaint. Officers spoke to Michael Kozak who stated one of his employees Daniel Wagner, was beat up by a subject he only knew as "Dee". Kozak further stated he had gone outside after his bar closed and observed a fight between two females, one of which was Wagner's girlfriend. Kozak stated then he observed "Dee" go up to Wagner and punch him in the head causing Wagner to fall. Kozak further stated that five other unknown males then approached Wagner with one of them punching Wagner to his neck. Kozak stated he yelled that he was calling police and all subjects left. Medical personnel was on scene and Wagner stated to officers that he was going to seek treatment at St Luke's and was having a friend drive him there. Officers stated to Wagner that they would meet him there to obtain his statement after finishing up their investigation at the scene. When officers went to St Luke's, they were told that no one by the name of Daniel Wagner ever checked in. Officers attempted to contact Wagner by his cell phone, which no one answered.



17. On 07/26/09 at 2:00 am, applicant received a citation for Excessive Noise Prohibited on Old World Third Street.

Charge: Excessive Noise Prohibited  
Finding: Guilty  
Sentence: Fined \$221.00  
Date: 10/02/09  
Case: 09118324

18. On 03/06/10 at 1:57 am, Milwaukee police were dispatched to the area of 720 N Old World Third Street for a Subject With Gun complaint. An anonymous caller stated he observed a burgundy Cadillac circling the area and believed he observed the passenger waving a gun out of the window. Officers checked the area and could not locate the auto. While in the area, officers observed a heavy presence of vehicular and pedestrian traffic. Autos were honking horns and revving their engines while pedestrians would occasionally hoot and holler as the cars passed. Officers observed that the cars would then stop in the vicinity of Martini Mike's. As police monitored the area, a citizen approached police and stated, " This is ridiculous! It's like this every time they're open! ( meaning Martini Mike's) I have a young child that gets woken up by this every weekend!" Officers inquired if the citizen ever tried to talk with the owner regarding the noise to which he replied, " Yeah, but he ( Mike Kozak) doesn't care. " Officers conducted followed up the next day and spoke to the doorman/bouncer regarding the closing time and noise issues. The bouncer stated to officers that, " it would be great if you guys ( the police) could allocate some time to come and help us out." Officers further advised that every effort should be made to prevent excessive noise from the bar's patrons as they leave the tavern and to be respectful and aware of the neighbors that are in the area.

Item # 15 previously reported, disposition now added on 04/21/11.

**Applicant currently has an open warrant regarding item # 10. There is an outstanding balance of \$2,814.69 that was due by 12/17/10.**

19. On 05/15/10 at 2:22 am, Milwaukee police were dispatched to W. Wisconsin and N Old World Third Street. Investigation revealed that three subjects had been shot with one fatality. Officers attempted to make contact with employees inside Martini Mike's and found that interior lights were off and that the doors were locked. While checking the rear of the tavern, police observed a subject sitting on a parking rail near parked autos. This subject was identified as Eric Folsom who stated he worked as a security guard for Martini Mike's. Police asked to speak with Folsom inside the tavern and Folsom stated there was an argument between two patrons between 11:00-11:45 pm, and that it was over a woman. Folsom stated one patron was calm and was allowed to remain in the tavern and that the other patron was still causing a disturbance and was being escorted out by security. When asked if there was any video surveillance, Folsom stated there were no working cameras either inside or outside the tavern. Folsom further stated that at approximately 1:30 am, the bar was evacuated at which he was told by unknown subjects that the individuals involved in the earlier altercation were just involved in a shooting. Folsom could not recall who gave him the information. Officers attempted to contact the licensee, Mike Kozak, but was advised he was in Las Vegas.

**Previous Premise**

MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS

DATE: 05/05/12

LICENSE TYPE: BTAVN

NEW: X

RENEWAL:

No. 147588

Application Date: 05/04/12

Expiration Date:

License Location: 730 N Old World Third Street

Aldermanic District:

Business Name: Six Star Holdings

Licensee/Applicant: KRAHN, Scott A

(Last Name, First Name, MI)

Date of Birth: 04/03/1964

Home Address: 1143 Mary Hill Circle

City: Hartland

State: WI

Zip Code: 53029

Home Phone:

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

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

1. On 03/04/1999 the applicant (Scott Krahm) was charged in Milwaukee County with Permit Gambling Machine on Premises §945.04(2) and Manufacture Lottery or Betting Device §945.05(1)(a).

Charge	1:	Permit Gambling Machine on Premises
	2:	Manufacture Lottery or Betting Device
Finding	1:	Guilty
	2:	Other
Sentence	1:	\$1314.00 fine
	2:	None indicated
Date	:	04/15/1999
Case	:	1999CF001096

The following applies to corporate officer Jon Ferraro:

- On 04/09/2004 the applicant was involved in a Hit and Run Property Damage Accident and later arrested for Operating an Auto While Intoxicated 2<sup>nd</sup>.

Charge : Operating an Auto While Intoxicated 2<sup>nd</sup>  
: Hit and Run  
Finding : Guilty, Circuit Court  
Sentence : 30-days House of Corrections, 14-month DL Revocation, Find \$1,226.00  
Date : 01/21/2005  
Case : 2004CT003182

- On 11/05/96, applicant was convicted of OWI in Milwaukee County. His license was suspended for 6 months.

=====

## Previous Premise



## City of Milwaukee, Wisconsin



Map Scale: 1: 11,693

© City of Milwaukee, Wisconsin  
Map Milwaukee: Property Information

City of Milwaukee, Wisconsin  
Map Milwaukee: Property Information



- City limits
  - Parcels
  - Freeways
  - Freeways
  - Exit ramps
  - Entry ramps
  - Ramps
  - Major streets
  - Streets
  - Waterways
  - Alcohol licenses
    - Class A intoxicating liquor
    - Class A fermented malt beverage
    - Class A liquor and malt
    - Class B fermented malt beverage
    - Class B tavern
    - Class C wine retailer

**- Notes -**

Licensed Alcohol Establishments Within  
a .5 Mile Radius Centered on 730 N Old  
World Third St on 10/08/2015



Milwaukee

Department of Administration - ITMD



Licensed Alcohol Beverage Establishments Within a 5 Mile Radius Centered on 730 N Old World Third St on 10/06/2015										Total
Legal entity	Trade name	Licensee	Address	License type name	Room capacity	Total capacity	Expiration date			
BREW CITY BEER GEAR, INC	BREW CITY BEER GEAR	FRANK R KEPLER, Agt	275 W WISCONSIN AV 2100	Class A Fermented Malt Beverage Retailer's License			7/1/2016			
GRAND CONVENIENT, LLC	GRAND CONVENIENT STORE	ANHEIM K YATAI, Agt	724 N OLD WORLD THIRD ST	Class A Fermented Malt Beverage Retailer's License			6/1/2016			
AVENUE LIQUOR, INC	AVENUE LIQUOR	REKHA A GABRIWALA, Agt	616 W WISCONSIN AV	Class A Malt & Class A Liquor License			7/1/2016			
KIRK STOP OF MILWAUKEE, INC	WESTOWN MARKET	JERRY T SPENCER, Agt	700 W WISCONSIN AV 300	Class A Malt & Class A Liquor License			6/1/2016			
Chive Tree LLC	Convenience +	Jamal T Shawar, Agt	308 E Wisconsin Av	Class A Malt & Class A Liquor License			5/20/2016			
Tourist Convenience LLC	Flirts Full of Snacks	ANHEIM K YATAI, Agt	240 W Wells St	Class A Malt & Class A Liquor License			11/29/2015			
MALGRENS #1200	MALGRENS ATHLETIC CLUB	ANHEIM K YATAI, Agt	275 W WISCONSIN AV 1108	Class A Malt & Class A Liquor License			7/27/2016			
MILWAUKEE ATHLETIC CLUB	MILWAUKEE ATHLETIC CLUB	Nicholas M Baritz, Agt	758 N BROADWAY	Class A Retailer's Intoxicating Liquor License			6/30/2016			
Collective Coffee Roasters, Inc	Collective Coffee Roasters, Inc	William D Stanley, Agt	207 E BUTT ADO ST 168	Class B Fermented Malt Beverage Retailer's License		45	4/1/2016			
JING'S CORPORATION	MATC Cuisine Restaurant	RICARDO B BLASCHCA, Agt	1209-13 N WATER ST	Class B Fermented Malt Beverage Retailer's License			7/30/2015			
1209 WATER ST, INC	BROTHERS BAR & GRILL	Isabella M Albrecht, Agt	780 N Jefferson St	Class B Tavern License		368	1/21/2016			
Plum Lounge	Plum Lounge	MAXEN G MILNA, Agt	780 N Jefferson St	Class B Tavern License		268	5/1/19/2016			
5 Pines LLC	John Hawk's Pub	Valentin Huml, Agt	100 E Wisconsin Av	Class B Tavern License		268	5/29/2016			
761M&SLOVELLAR LLC	Jim's Timeout	SANUEL L BERMAH, Agt	746 N James Lovell St	Class B Tavern License		182	7/25/2016			
ANMBRIDGE CONCESSIONS, INC	ALOFT MILWAUKEE DOWNTOWN	Christopher R Torres, Agt	1230 N OLD WORLD THIRD ST	Class B Tavern License		160	7/27/2016			
ALEM ETHIOPIAN RESTAURANT, LLC	ALEM ETHIOPIAN VILLAGE	MULU H HABTESLASSIE, Agt	307 E WISCONSIN AV	Class B Tavern License		98	11/20/2015			
APARTMENT 720, LLC	APARTMENT 720	Tony J. Skouris, Agt	720 N MILWAUKEE ST	Class B Tavern License		150	1/10/2015			
Apple Hospitality Group, LLC	Applebee's Neighborhood Grill & Bar	LaToya A PHL, Agt	275 W Wisconsin Av 1040	Class B Tavern License		231 on first floor	7/25/2015			
AMBED, LLC	MO'S IRISH PUB	JAMES A VASSALLO, Agt	142-44 W Wisconsin Av	Class B Tavern License		480 249 on second floor	6/21/2016			
Art's Performing Center	Art's Performing Center	LYLE C MESSINGER, SP	144 E Juneau Av	Class B Tavern License		80	6/30/2016			
Bad Genie LLC	Bad Genie	ROBERT F KING, Agt	789 N Jefferson St	Class B Tavern License		182	6/18/2016			
BAR NONE MILWAUKEE, LLC	FIRE ON WATER	ADAM F GRIFFIN, Agt	518 N WATER ST	Class B Tavern License		156	10/12/2015			
BARTOLLOTTA CATERING - GRANN EXCHANGE LLC	BARTOLLOTTA CATERING - GRANN EXCHANGE LLC	AMY M BLADON, Agt	1339 N WATER ST	Class B Tavern License		60	10/12/2015			
Bienven Third Ward, LLC	Cafe Renoux	GUILLERMO M VEC, Agt	225 E MICHIGAN ST	Class B Tavern License		299	9/27/2016			
BL RESTAURANT OPERATIONS, LLC	Cafe Renoux	Amelia K Ulrich, Agt	146 N Broadway	Class B Tavern License		455	9/27/2016			
Blazin Whips, Inc	Buffalo Wild Wings #407	Scott R Enich, Agt	1123 N WATER ST	Class B Tavern License		300	7/26/2016			
Boardroom Entertainment Mkt, LLC	Ruby's Old 50	ROBERT F SMITH, Agt	710 N Old World Third St	Class B Tavern License		253	3/20/2016			
BOOBY IDA, LLC	McGillivuddy's Bar & Grill	ANDREW C DEUSTER, Agt	1133-37 N Water St	Class B Tavern License		345	10/30/2015			
BREW CITY BAR B Q, INC	TRINITY THREE IRISH PUBS	JOHN M WISE, Agt	1020 N Water St	Class B Tavern License		833	9/22/2016			
BRG 1000 Water St LLC	Rumpus Room - A Bartolotta Gastropub	JOHN M WISE, Agt	1030 N Water St	Class B Tavern License		254	6/15/2016			
BW HOLDINGS, LLC	BRICK 3 PIZZA	RICARD J BARRETT, Agt	1107 N OLD WORLD THIRD ST	Class B Tavern License		57	11/27/2015			
CEM Stangel LLC	WARD'S HOUSE OF PRIME	RIHAN J WARD, Agt	540 E MASON ST	Class B Tavern License		100	3/1/2016			
Careo Go LLC	BB's	Sharon D Stangel, Agt	645 N James Lovell St	Class B Tavern License		260	3/1/2016			
CARDROPHIE CLUB	THE CAPITAL GRILLE OF MILW #8027	GIORGIO G FAZZARI, SP	833 W Wls. onlin Av 105	Class B Tavern License		100	6/19/2016			
CANNOWAS, INC	THE GUINNESS	Omair A SHARRET, Agt	842 N OLD WORLD THIRD ST	Class B Tavern License		160	12/12/2016			
Caron's Bibo of Milwaukee, LLC	THE GUINNESS	Omair A SHARRET, Agt	301 W Juneau Av	Class B Tavern License		133	5/20/2016			
Cherise Mart, Inc	COURTYARD BY MARIOTT	OMAIR A SHARRET, Agt	724 N MILWAUKEE ST	Class B Tavern License		26	5/23/2016			
CHINA GOURMET, INC	COURTYARD BY MARIOTT	OMAIR A SHARRET, Agt	215 W Highland Av	Class B Tavern License		304	9/16/2015			
COURTYARD MANAGEMENT CORPORATION	Residence Inn - Milwaukee	ANTHONY S BEER, Agt	101 W MICHIGAN ST	Class B Tavern License		213	7/12/2016			
CSM Milwaukee Downtown LLC	COTOTE UGLY SALOON	BRIAN C RANDALL, Agt	1331 N WATER ST	Class B Tavern License		50	5/12/2016			
CUS MILWAUKEE, LLC	DICK'S	ROBERT C LAD, Agt	727 N MILWAUKEE ST	Class B Tavern License		170	6/30/2016			
DICK'S PIZZA, LLC	DINO'S TAVERNA	DEAN ZARKOS, Agt	777 N JEFFERSON ST	Class B Tavern License		100	9/14/2016			
DISTIL MILWAUKEE, LLC	DISTIL	Joseph McLean, Agt	728 N MILWAUKEE ST	Class B Tavern License		270	7/24/2016			
EAST TOWN ASSOCIATION, INC	CUBANITAS	Marta C Bianchini, Agt	106 W WELLS ST	Class B Tavern License		125	3/1/2016			
ECCO FOODS, LLC	PORT OF CALL	Karl R Kopp, Agt	1023-27 N Old World Third St	Class B Tavern License		100	6/30/2016			
ELSA'S ON THE PARK, LTD	ELKS ON THE PARK	SUSANNE M WINTER, Agt	611 N BROADWAY	Class B Tavern License		270	7/24/2016			
Evolution of Milwaukee LLC	Heron Garden Inn	STEVEN W MATHI, Agt	315 E Wisconsin Av	Class B Tavern License		125	6/30/2016			
Fish MTD, LLC	FLANNERY'S BAR & RESTAURANT	ORRY P Leao, Agt	326 E Mason St	Class B Tavern License		240	6/30/2016			
FLANNERY'S PUB, INC	Amibida	Lynn M Wilcox, Agt	800 W WELLS ST	Class B Tavern License		60	11/27/2015			
FortyTwo Ventures, LLC	FortyTwo Lounge	HANS WEISSEBERGER, III, Agt	1009 N Old World Third St	Class B Tavern License		483	3/5/2016			
GRANDVIEW MANAGEMENT, INC	ZULU HOSPITALITY GROUP	JEFFREY M WELK, Agt	411 E MASON ST	Class B Tavern License		300	7/27/2016			
HB Milwaukee Inc	ANFUNE BAR & GRILL	JAMES D HUMBERT, Agt	400 N WATER ST	Class B Tavern License		150	6/30/2016			
HOPDIP, INC	HOTEL/CAFE METRO	MARC R BIANCHINI, Agt	708 N MILWAUKEE ST	Class B Tavern License		600	6/30/2016			
HTWA MARKET PROJECT, LLC	MILWAUKEE PUBLIC MARKET	Jamie A Berfer, Agt	311 E Wisconsin Av	Class B Tavern License		483	6/30/2016			
Indulge Wine Rooms, LLC	Indulge	THOMAS C ANDEREA, Agt	370 E MASON ST	Class B Tavern License		140	9/17/2016			
JAY Squared LLC	KARL KATZSCH'S RESTAURANT	Elizabeth B LaFond, Agt	150-58 E JUNEAU AV	Class B Tavern License		140	6/30/2016			
KARL KATZSCH, INC	SCOTT'S PUB / DUKES ON WATER	Timothy M O'organ, Agt	822 N WATER ST	Class B Tavern License		140	6/30/2016			
KEN ELLIOT'S, INC	LEWY PUB CLUB	HABIB MAHIE, Agt	400 W WISCONSIN AV	Class B Tavern License		140	6/30/2016			
Kopper LLC	LADY BUG CLUB, LLC	Robert W Hinkel, Agt	420-500 W Wisconsin Av	Class B Tavern License		140	6/30/2016			
LEWY PREMIUM FOOD SERVICE, LP	LEWY PREMIUM FOOD SERVICE, LP	ROBERT C SCHMIDT, JR, Agt	801 N JEFFERSON ST	Class B Tavern License		140	6/30/2016			
Lewy Restaurants at the Bradley Center	Lewy Restaurants at the Bradley Center	JEFFREY A KOVACOVICH, JR, Agt	1275 N WATER ST	Class B Tavern License		390	6/30/2016			
LUIGI'S, INC	LUIGI'S			Class B Tavern License						
Lucie's Duesling Piano Bar, LLC	Lucie's Duesling Piano Bar & Grill			Class B Tavern License						
LUKE'S OF MILWAUKEE, LTD	RED ROCK SALOON MILWAUKEE			Class B Tavern License						



# Six Star Holdings, LLC v. City of Milwaukee

United States District Court for the Eastern District of Wisconsin

March 18, 2013, Decided; March 18, 2013, Filed

Case No. 10-C-0893

## Reporter

932 F. Supp. 2d 941; 2013 U.S. Dist. LEXIS 37026; 2013 WL 1130437

SIX STAR HOLDINGS, LLC and FEROL, LLC,  
Plaintiffs, v. CITY OF MILWAUKEE, Defendant.

**Counsel:** **[\*\*1]** For Six Star Holdings LLC, Ferol LLC, Plaintiffs: Jeff Scott Olson, Jeff Scott Olson Law Firm SC, Madison, WI.

For City of Milwaukee, Defendant: Adam B Stephens, Stuart Mukamal, Milwaukee City Attorney's Office, Milwaukee, WI.

**Judges:** LYNN ADELMAN, United States District Judge.

**Opinion by:** LYNN ADELMAN

## Opinion

### **[\*943] DECISION AND ORDER**

Since 2009, plaintiffs Six Star Holdings, LLC and Ferol, LLC have sought to open night clubs featuring erotic dance entertainment in the downtown area of the City of Milwaukee. In order to both serve liquor and present erotic dancing, [\*944] the plaintiffs had to obtain two licenses under the Milwaukee Code of Ordinances: a tavern license and a "tavern amusement" license. In August 2010, each plaintiff applied for both licenses, and the City denied their applications. A year later, in September 2011, plaintiff Six Star decided to open a night club that featured erotic dance entertainment but did not serve alcohol. Six Star thought that to open such a "dry" gentlemen's club, it needed to be licensed to operate a theater. It therefore applied for a theater license. However, the City never acted on that application. Instead, a few months after Six Star applied for a theater license, the City repealed **[\*\*2]** the chapter of the Code of Ordinances that provided for issuance of theater licenses. At the same time, the City also repealed the ordinance

governing tavern-amusement licenses as well as a related ordinance governing "public entertainment clubs." The City replaced these ordinances with new ordinances governing "public entertainment premises."

In the present lawsuit, which arises under 42 U.S.C. § 1983, the plaintiffs allege that the former ordinances governing tavern amusement, theaters, and public entertainment clubs violated the First Amendment. They also allege that the tavern, tavern-amusement, and theater ordinances were unconstitutionally applied to them. The plaintiffs do not seek any injunctive or other form of prospective relief, and they do not bring any claims involving the newly enacted ordinance governing public entertainment premises. Instead, they seek only damages for the time period in which the repealed ordinances (and the tavern ordinance, which is still in force) prevented them from offering erotic dance entertainment in the City. Before me now are the parties' motions for summary judgment.

## **I. BACKGROUND**

The plaintiffs are managed by John Ferraro, who is the manager **[\*\*3]** of three existing erotic dance establishments in Wisconsin, each named Silk Exotic Gentlemen's Club. One of these establishments is located in the City of Milwaukee, although not in the downtown area. In 2009, Ferraro formed Ferol and leased premises located on Pittsburgh Avenue in downtown Milwaukee, intending to open a new erotic dance establishment, named Satin. Because Satin would have offered both liquor and erotic entertainment, Ferol needed to obtain both a tavern license and a tavern-amusement license. Ferol applied for both licenses in July 2009. Once the applications were filed, the alderman for the district in which Satin was to be located informed his constituents of Ferol's

proposal. Many in the neighborhood voiced opposition to the proposal, and Ferol's lawyer advised it that, based on the amount of public opposition, the applications were sure to be denied. Under the Code of Ordinances, when a license application is denied, the applicant is disqualified from applying for the same license for the same premises for one year. See Milwaukee Code of Ordinances § 85-13-4-a. After considering the advice of its lawyer, Ferol decided to withdraw its applications rather than risk [\*\*4] having the applications denied and being prohibited from reapplying for one year.

In August 2010, Ferraro decided to reapply for tavern and tavern-amusement licenses for Satin. He also decided to attempt to open a third erotic dance establishment in the City of Milwaukee and formed Six Star for the purpose of operating that establishment, which would have been named Silk East. Six Star proceeded to execute a lease for a location on Old World Third Street in downtown Milwaukee and to apply for the necessary tavern and tavern-amusement licenses.

[\*945] Soon after Ferol and Six Star filed their applications, community members expressed opposition to the proposals. However, rather than withdraw their applications, both Ferol and Six Star decided to proceed to a hearing before the Licenses Committee of the Milwaukee Common Council, which was held on September 20, 2010. During the hearing, the Committee heard testimony from members of the communities surrounding each proposed establishment. The plaintiffs had lawyers present and were permitted to cross-examine the community members who testified in opposition to the applications. The plaintiffs were also permitted to present their own witnesses in [\*\*5] support of their applications.

The Committee heard Six Star's applications first. Sixteen witnesses testified in opposition to its proposal for the Old World Third location. Ten of those witnesses represented commercial interests in the neighborhood, such as existing retail stores, hotels, and business associations. They almost uniformly opposed using the location as an erotic dance establishment on the ground that such a use would have been inconsistent

with a development plan that had been adopted for the neighborhood. The business representatives testified that the goal of the development plan was to attract more retail establishments to the neighborhood, such as clothing stores and other shops, and that the presence of a gentlemen's club would deter retailers from moving in. Most of the remaining witnesses were residents of the neighborhood, including individuals who lived in apartments above the proposed location. Those witnesses expressed concern about the noise that the proposed establishment would generate, about the safety of the neighborhood given the kind of clientele adult establishments are known to attract, and about the effect of the establishment on property values. [\*\*6] Some of the residents also noted that the area was already oversaturated with bars and night clubs. One resident, Francisco Camacho, indicated that he found erotic dancing offensive. He testified that he opposed both Six Star's and Ferol's proposals on the ground that erotic dancing perverts the community and is against the teachings of Islam.

Alderman Bauman, the alderman for the district, testified in opposition to Six Star's applications. He mostly emphasized the concerns of the business community and their efforts to turn the area into one focused on shopping and retail. As he explained:

There is an inherent conflict between trying to generate retail and commercial with a gentlemen's club. Forget the morality issue, forget the propriety of it all, just look at the economics of it. They are somewhat different markets. They are looking for different things by their very definition. And you're not going to put an American Girl's store next to a gentlemen's club on Chicago Avenue and Michigan Avenue, for example. They are conflicting markets.

You've heard from the downtown. The City of Milwaukee has invested, I believe it's \$50,000 with a match from the downtown stakeholders of another [\*\*7] \$50,000 for a \$100,000 fund to attempt to catalyze downtown retail investment. Again, we're working at cross



purposes. If we allow clubs that will retard that retail development, our investments are making no sense.

Continuation of Licenses Committee Hearing Tr., Sept. 20, 2010 at 12-13, ECF No. 61-2.

Once all testimony had been taken, the Committee discussed Six Star's applications. Alderman Hamilton moved to recommend that the Common Council deny the applications on the ground that granting the licenses would be contrary to the [\*946] health, safety and welfare of the neighborhood. He explained that his motion was based on the inconsistency between an erotic dance establishment and the kind of retail environment that the neighborhood was trying to create, and also on the residents' "resounding opposition" to the proposal. See id. at 19-20. The Committee voted to recommend that the Common Council deny Six Star's applications. The vote was unanimous.

Turning to Ferol's applications, the Committee heard testimony from eleven witnesses who opposed the proposal. The witnesses included representatives of the business community and residents of the neighborhood. Both the residents and the business [\*8] representatives stated that the proposal was inconsistent with a development plan that had been adopted for the area. As one witness explained, the development plan called for a mix of residential and retail uses, including so-called "mixed" uses in which retail or commercial establishments occupied the first floor of a building and residential units occupied the upper floors. See Continuation of Licenses Committee Hearing Tr., Sept. 20, 2010 at 22-25, ECF No. 62-1. The plan specified that the commercial uses in the neighborhood would be "boutique-scaled," which meant that they would be small-scale businesses such as boutique retailers and design showrooms. Id. at 22-23. The witness explained that the proposal for Satin involved a large facility (20,000 square feet and up to 1,000 to 1,200 patrons per day) that was significantly out-of-scale with this focus on boutique uses. The witness further explained that there was not enough parking in the area to support a facility of that size. Other witnesses echoed this concern about adequate parking. Still other witnesses expressed concern about

the effect of the proposal on residential property values and on neighborhood safety, and about [\*9] potential noise and traffic issues.

Alderman Witkowiak, the alderman for the district, also testified in opposition to Ferol's applications. He mostly reiterated the concerns expressed by the community members who testified in opposition to Ferol's applications. He explained that the proposal was too large and out-of-scale for the neighborhood, that there would be inadequate parking space to support the proposal, that the proposal was inconsistent with the development plan for the area, and that some residents were concerned about safety and property values.

Once all testimony had been taken, the Committee discussed Ferol's applications. This time, Alderman Kovacs moved to recommend that the Common Council deny them. He cited the overwhelming objections by the residents and businesses in the neighborhood and potential parking and traffic problems. The Committee unanimously voted to recommend that the Common Council deny Ferol's applications.

The next day, September 21, 2010, the Common Council voted to accept the Licensing Committee's recommendations on Six Star's and Ferol's applications for tavern and tavern-amusement licenses.

Approximately one year later, Six Star decided that it would [\*10] attempt to operate the Old World Third location as a "dry" gentlemen's club—i.e., a night club that featured erotic dance entertainment but that did not serve alcohol. Six Star thought that it needed a theater license under Chapter 83 of the Code of Ordinances to operate such an establishment, and on September 14, 2011, it applied for such a license. Pursuant to its usual practice, the City Clerk's office notified the alderman for the district that the application had been filed. That was Alderman Bauman, and he instructed the City Clerk to "hold" Six Star's application. Because of this hold, Six Star's application was not set for a hearing before the Licenses Committee, and no action was ever taken on [\*947] the application before the City repealed Chapter 83.

## II. DISCUSSION

### A. Claims Involving Tavern and Tavern-Amusement Licenses

The plaintiffs' primary claims are that the tavern-amusement ordinance, which, before March 1, 2012, appeared in Chapter 90 of the Milwaukee Code of Ordinances,<sup>1</sup> was unconstitutional on its face and unconstitutionally applied to them. However, the tavern-amusement ordinance did not, by itself, prevent either plaintiff from operating taverns that featured erotic dance [\*\*11] entertainment. Rather, the plaintiffs needed both tavern licenses and tavern-amusement licenses to open the kind of night clubs they planned to open.<sup>2</sup> The City considered the plaintiffs' applications for both of these kinds of licenses together at the same hearing and denied them both for the same reasons. See Licenses Committee Hearing Tr., Sept. 20, 2010, at 2, ECF No. 59-1; Continuation of Licenses Committee Hearing Tr., Sept. 20, 2010, at 3, ECF No. 62-1. The plaintiffs have not argued that the tavern-licensing ordinance was unconstitutional on its face and have not clearly developed any argument showing that it was unconstitutionally applied to them. Yet, unless plaintiffs could show that the tavern-licensing ordinance was either unconstitutional on its face or unconstitutionally applied to them, they would not be entitled to damages even if the tavern-amusement ordinance were invalidated. Nonetheless, the arguments that plaintiffs make against the tavern-amusement ordinance to a certain extent imply that the City applied the tavern-licensing ordinance unconstitutionally, and the City does not argue that it is entitled to summary judgment on the ground that the plaintiffs have [\*\*12] not brought a proper challenge to the tavern-licensing ordinance. Thus, I consider plaintiffs to be challenging the

tavern-amusement ordinance both on its face and as-applied, and the tavern-licensing ordinance as-applied.

Turning to these challenges, the plaintiffs' first argument is that the City imposed a "prior restraint" on speech without complying with the strict procedural requirements governing prior restraints. See, e.g., FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 110 S. Ct. 596, 107 L. Ed. 2d 603 (1990); City of Lakewood v. Plain Dealer Publ'g Co., 486 U.S. 750, 108 S. Ct. 2138, 100 L. Ed. 2d 771 (1988); Freedman v. Maryland, 380 U.S. 51, 85 S. Ct. 734, 13 L. Ed. 2d 649 (1965). However, the Seventh Circuit rejected that very argument in Blue Canary Corp. v. City of Milwaukee, 251 F.3d 1121 (7th Cir. 2001).

[\*\*13] There, the Seventh Circuit considered a challenge to a City of Milwaukee tavern-licensing decision that was in all material respects the same as the challenge the plaintiffs bring in the present case—a challenge involving the City's denial of a tavern license and an appropriate tavern-amusement license for a tavern that wanted to present erotic entertainment.<sup>3</sup> The court framed [\*\*948] the question presented as whether the City was permitted to take into account, in deciding whether to grant the licenses, "the character of the entertainment that the plaintiff served with its drinks." Id. at 1123. The plaintiff had argued that, in answering that question, the court should treat the City's licensing requirements as prior restraints. However, the court rejected that argument and evaluated the City's requirements under the standards applicable to time, place, or manner restrictions. Id. Accordingly, in the present case, I must treat the City's licensing requirements as time, place, or manner restrictions rather than

<sup>1</sup> Before March 1, 2012, sections 90-33, 90-34, and 90-35 of the Milwaukee Code of Ordinances pertained to tavern-amusement licenses. When I use the term "tavern-amusement ordinance," I am referring to those former sections of the Ordinances.

<sup>2</sup> Various provisions in Chapter 90 of the Code of Ordinances pertain to tavern licensing. Section 90-5 specifies the criteria for obtaining such a license, and when I use terms like "tavern-licensing ordinance" or "tavern ordinance," I am referring to that section.

<sup>3</sup> In Blue Canary, the tavern sought renewal of its existing tavern license rather than a new license. However, for present purposes, there is no material difference between renewal of an existing license and denial of an application for a new license.

as prior restraints.<sup>4</sup> See also *Schultz v. City of Cumberland*, 228 F.3d 831, 851 (7th Cir. 2000) ("Licensing, though functioning as a prior restraint, is constitutionally legitimate [\*\*14] when it complies with the standard for time, place or manner requirements.").

*Blue Canary* also establishes that a city's decision to deny tavern licenses on the basis of the "character" of the applicant's proposed entertainment is, in general, a permissible regulation of the time, place, or manner of expressive activity. As the court explained, a city is permitted to consider the secondary effects of the entertainment, such as noise, safety, parking and traffic problems, and the general incompatibility of the entertainment with the normal activity of the neighborhood, when making licensing decisions. See 251 F.3d at 1123-25. In the present case, the transcript of the licensing hearing indicates that the City denied the plaintiffs' license applications for reasons having to do [\*\*15] with these secondary effects rather than with disapproval of the content of the proposed expressive activity. The primary reason for denying the licenses for Silk East was that its presence in the neighborhood would have deterred the kind of retailers the community was trying to attract. As the alderman for the district testified, a retailer like American Girl® is unlikely to open a shop next to a gentlemen's club. This was a permissible basis for denying the licenses. See *id.* at 1124 ("Countless cases allow municipalities to zone strip joints, adult book stores, and like erotic sites out of residential and the classier commercial areas of the city or town.

Establishments that purvey erotica, live or pictorial, tend to be tawdry, to be offensive to many people, and to attract a dubious, sometimes a disorderly, clientele. Liquor and sex are an explosive combination, so strip joints that sell liquor are particularly unwelcome in respectable neighborhoods."). Likewise, the decisions to deny the licenses for Satin were based on its incompatibility with the neighborhood—the community members testified that the proposal was out-of-scale and that it would present parking, traffic, and safety [\*\*16] issues. Again, a decision based on such secondary effects rather than on disagreement with the content of the expressive message qualifies as a permissible time, place, or manner regulation.<sup>5</sup>

[\*949] The plaintiffs argue that the City's decisions cannot be upheld under a secondary effects rationale because the City did not produce formal studies or other credible evidence supporting its conclusion that erotic entertainment generates secondary effects. See Reply Br. at 5-8, ECF No. 75. However, the cases on which plaintiffs rely for the proposition that a city must produce evidence concerning secondary effects involved ordinances that, by their terms, expressly regulated erotic entertainment. See *City of Los Angeles v. Alameda Books*, 535 U.S. 425, 122 S. Ct. 1728, 152 L. Ed. 2d 670 (2002), *Annex Books, Inc. v. City of Indianapolis*, 581 F.3d 460 (7th Cir. 2009), *R.V.S., L.L.C. v. City of Rockford*, 361 F.3d 402, 411 (7th Cir. 2004). In the present case, neither the tavern-licensing ordinance nor the tavern-amusement ordinance purported to

<sup>4</sup> The plaintiffs contend that *Blue Canary* was wrongly decided. See Opening Br. at 31 n.4. However, as plaintiffs acknowledge, I am bound by Seventh Circuit precedent.

<sup>5</sup> Although the vast majority of the testimony at the hearing focused on secondary effects, at least one community member's objection to Silk East and Satin was based, in part, on his moral objection to erotic entertainment. See Licenses Committee Hearing Tr., Sept. 20, 2010 at 5-7, ECF No. 59-1 (testimony of Francisco Camacho). However, objections like Mr. Camacho's were few and far between, and the record of the hearing does not indicate that the Licenses Committee gave those objections any weight. To be sure, the aldermen said that their decisions were based on the "overwhelming" or "resounding" neighborhood opposition to the proposed establishments, and they did not disclaim statements like Mr. Camacho's, but given that the vast majority of the opposition was based on secondary effects, I cannot conclude that the content-based objections played a causal role in the City's decision. I also note that, in *Blue Canary*, at least some of the public opposition to the renewal of the plaintiff's liquor [\*\*17] license was based on "moral disapproval of the entertainment," 251 F.3d at 1122, yet the court found no constitutional violation in the City's decision not to renew the license.

regulate erotic activity specifically. Rather, those ordinances were designed to deal with the direct effects of taverns and the secondary effects of all forms of tavern entertainment. See Milwaukee Code of Ordinances [**\*\*18**] § 90-35-1 (stating that City had found that tavern entertainment "can be a source of noise, litter, large and unruly congregations of people, and traffic and parking congestion that adversely affects the health, safety and welfare of the people of the city of Milwaukee"). No authority of which I am aware holds that a city must rely on formal studies before it may conclude that tavern entertainment has the potential to produce secondary effects such as noise, parking, and traffic problems, or the potential to conflict with the normal activity of a neighborhood. That conclusion would seem to be obvious, just as it is obvious that rallies held in a public park have the potential to generate excessive noise and other secondary effects. See *Thomas v. City Park District*, 227 F.3d 921, 924 (7th Cir. 2000). Moreover, at the licensing hearing, the City did take evidence, in the form of testimony from those in the neighborhood, before concluding that the plaintiffs' proposals would in fact generate undesirable secondary effects. Blue Canary establishes that neighborhood testimony is appropriate evidence concerning the secondary effects of a proposed form of tavern entertainment. 251 F.3d at 1124-25. [**\*\*19**] Thus, before the City denied the plaintiffs' license applications, it did consider appropriate evidence concerning secondary effects, and so the City's decisions were not inconsistent with Alameda Books and related cases.

The plaintiffs also argue that the City cannot satisfy the prong of the time, place, or manner test requiring the government to leave open reasonable alternative avenues of communication. See *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 47, 106 S. Ct. 925, 89 L. Ed. 2d 29 (1986).<sup>6</sup> Although the plaintiffs

initially argue that the City cannot show that it left open reasonable alternative avenues for all forms of tavern entertainment—including musical performances, stand-up comedy, dancing, karaoke, and other forms of tavern entertainment—their focus is on the lack of alternative avenues for erotic entertainment.<sup>7</sup> Plaintiffs argue that, to carry its burden as to reasonable alternatives, the City must point to parcels of property [**\*950**] where erotic entertainment was permitted as a matter of right rather than at the discretion of the City's licensing authorities. However, neither the Supreme Court nor the Seventh Circuit has held that a time, place, or manner restriction leaves open reasonable alternative [**\*\*20**] avenues of communication only if it permits certain forms of expression as a matter of right in designated areas. Thus, the City's burden is not to point to sites where erotic dancing was permitted without a license. Rather, to satisfy the reasonable-alternatives requirement, the City must show that it did not exercise its licensing authority in a way that resulted in an unreasonable restriction on erotic expression.

To that end, the City has offered evidence as to the number [**\*\*21**] of taverns allowed to present erotic dance entertainment in the City of Milwaukee between 2006 and 2010. There were fifteen taverns that presented erotic entertainment on a regular basis in 2006, fourteen in 2007, ten in 2008, twelve in 2009, and eleven in 2010. Each year, a few other taverns offered erotic entertainment on a part-time or occasional basis. (In 2010, for example, five taverns offered occasional erotic entertainment.) The plaintiffs contend that these numbers are insufficient for a city with a population close to 600,000. However, no evidence in the record indicates that any person who wanted to view erotic dance entertainment in the City of Milwaukee between 2006 and 2010

<sup>6</sup> Under the usual formulation of the test, time, place, or manner restrictions are constitutional if they are content-neutral, narrowly tailored to serve a substantial governmental interest, and do not unreasonably limit alternative avenues of communication. See, e.g., *Ward v. Rock Against Racism*, 491 U.S. 781, 791, 109 S. Ct. 2746, 105 L. Ed. 2d 661 (1989); *City of Renton*, 475 U.S. at 46-47.

<sup>7</sup> To the extent that plaintiffs actually mean to argue that the City did not leave open reasonable alternative avenues for tavern entertainment in general, it is sufficient to note that there is nothing in the record to suggest that there was a shortage of tavern entertainment in the City of Milwaukee during the period of time for which plaintiffs seek damages.

found it unreasonably difficult to do so.

The plaintiffs contend that even if the number of erotic dance establishments in Milwaukee was sufficient to meet the needs of consumers of such entertainment, a time, place, or manner restriction must also allow those who wish to present such entertainment a reasonable opportunity to present it. That general proposition is true. See North Avenue Novelties, Inc. v. City of Chicago, 88 F.3d 441, 444 (7th Cir. 1996) (noting that, when examining availability of [\*\*22] reasonable alternatives, "it is necessary to focus both on the ability of producers as a group to provide sexually explicit expression, as well as on the ability of the public as a whole to receive it"). However, the evidence in the record does not show that the licensing requirements left purveyors of erotic entertainment with no reasonable opportunities to operate in the City. True, the licensing ordinance prevented the plaintiffs from opening erotic dance establishments at their chosen locations, but the plaintiffs have not shown that they could not have found alternative locations in the City. Of course, because of the licensing requirements, the plaintiffs could not have known for sure whether they would have been permitted to offer erotic dance entertainment at any specific alternative location unless they actually applied for a license for that location and received a decision on the application, but the plaintiffs have offered no evidence suggesting that they even considered alternative sites, such as sites that were not located in the downtown area.<sup>8</sup> Moreover, the plaintiffs have offered no evidence from other would-be purveyors of erotic entertainment indicating that the [\*\*23] City's licensing requirements prevented them from offering [\*951] erotic entertainment within the city limits. To be sure, the plaintiffs point out that a fair number of applications for new erotic taverns were either denied or withdrawn between 2006 and 2010, but no context is given for those denials and withdrawals (other than those involving the plaintiffs' applications). For example, I have not been told where the

proposed taverns would have been located, whether the proposed licensees made reasonable efforts to find alternative locations, or whether the proposed licensees were qualified to hold tavern licenses in the first place. Thus, based on the present record, which includes the fact that a number of taverns featuring erotic dance entertainment operated within the city limits during the time period relevant to this suit—including one operated by the manager of the plaintiffs—I conclude that the City left open reasonable alternative avenues for presenting and consuming erotic dance entertainment.

The plaintiffs also contend that the tavern and tavern-amusement ordinances granted City officials "unbridled discretion" to determine whether to grant or deny such licenses. "Unbridled discretion" is a phrase that derives from prior-restraint cases involving censorship, see Southworth v. Bd. of Regents, 307 F.3d 566, 575-78 (7th Cir. 2002) (discussing history of unbridled discretion), but it has been applied in cases in which the prior restraint is analyzed as a time, place, or manner restriction, see Thomas v. Chicago Park Dist., 534 U.S. 316, 323, 122 S. Ct. 775, 151 L. Ed. 2d 783 (2002). However, in either kind of case, the concern behind the unbridled-discretion standard is censorship—a risk that the licensing authority will use its unduly broad discretion to favor or disfavor speech based on content. *Id.* The standard is usually applied in circumstances where the law at issue either explicitly involves censorship, such as the law governing the Maryland board of censors at issue in Freedman v. Maryland, 380 U.S. 51, 85 S. Ct. 734, 13 L. Ed. 2d 649 (1965), [\*\*25] or when the law at issue presents a significant censorship risk, such as when a single person is granted power over a newspaper's ability to sell papers, see City of Lakewood v. Plain Dealer Pub'g Co., 486 U.S. 750, 108 S. Ct. 2138, 100 L. Ed. 2d 771 (1988), or a single person is granted power to decide whether a group will be allowed to hold a rally in a public park, see Thomas, 534 U.S. at 323-24.

<sup>8</sup> The plaintiffs have not argued that they have a right to offer erotic dance entertainment in the downtown area, as opposed to other areas within the city limits. Moreover, as I have already [\*\*24] noted, "[c]ountless cases allow municipalities to zone strip joints, adult book stores, and like erotic sites out of residential and the classier commercial areas of the city or town." Blue Canary, 251 F.3d at 1124.

In the present case, the tavern and tavern-amusement licensing requirements did not explicitly involve censorship, and they did not present a significant censorship risk. As discussed, the purpose of the licensing requirements was not censorship but to ensure that a proposed form of tavern entertainment was basically compatible with the neighborhood in which it planned to locate. Moreover, it is difficult to envision a realistic scenario in which the Licenses Committee could have used its licensing power to favor or disfavor specific forms of expressive tavern entertainment. As the Seventh Circuit recognized in Blue Canary, the City of Milwaukee is a major city rather than a small town with a homogenous population that is likely to find certain forms of tavern expression offensive and to want to ban them from the City. 251 F.3d at 1124. [**\*\*26**] Thus, there was never any realistic chance that the Licenses Committee would have used its licensing authority to facilitate a campaign to ban rock music, erotic dancing, or any other form of entertainment from the City's taverns. It is also important to take note of the procedural elements of the licensing ordinances, which required the Licenses Committee to hold a public hearing and make its recommendation to the Common Council in writing. See Milwaukee Code of Ordinances § 90-35-4-c; Stip. Facts ¶¶ 25-40, ECF No. 44. If the City's residents had found a particular form of tavern entertainment offensive and opposed [**\*952**] a license application for that reason, and the Licenses Committee had recommended denial of the application for the same reason, those events would have been out in the open and could have been remedied through an as-applied challenge. This is in contrast to unbridled-discretion cases like City of Lakewood, in which the decisionmaker could have rendered an as-applied challenge ineffective by denying a license without holding a hearing or identifying the evidence on which he or she relied. 486 U.S. at 769. Thus, in the present case, the tavern and

tavern-amusement ordinances [**\*\*27**] were not invalid on the ground that they vested decisionmakers with unbridled discretion.

The plaintiffs also argue that the tavern and tavern-amusement ordinances do not satisfy United States v. O'Brien, 391 U.S. 367, 88 S. Ct. 1673, 20 L. Ed. 2d 672 (1968). In that case, the Supreme Court held that a content-neutral regulation that has an incidental effect on expression satisfies the First Amendment if it meets a four-pronged test: "[1] if it is within the constitutional power of the Government; [2] if it furthers an important or substantial governmental interest; [3] if the governmental interest is unrelated to the suppression of free expression; and [4] if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest." Id. at 377. Plaintiffs argue that the tavern and tavern-amusement ordinances did not satisfy the first prong of the O'Brien test—that the ordinances be "within the constitutional power of the Government"—and they give two reasons in support of this argument: (1) the ordinances were contrary to Chapter 125 of the Wisconsin Statutes, which relates to alcoholic beverages, and (2) the ordinances were de facto zoning regulations that [**\*\*28**] were not passed pursuant to the state-law procedures that apply to zoning regulations. In making these arguments, the plaintiffs assume that O'Brien's first prong allows a court to examine whether a municipality complied with state law when passing the regulation at issue. However, I can find no authority that supports this assumption. O'Brien's first prong is rarely discussed, but there is no indication that it was meant to "constitutionalize" matters of state law.<sup>9</sup> Rather, when courts apply O'Brien's first prong to a municipal regulation, they ask only whether the regulation at issue is of a kind that is within the "general police powers" of a municipality. See

<sup>9</sup> Plaintiffs cite various cases in which courts reviewed municipal ordinances for compliance with state laws, but in none of those cases did the court purport to be applying the O'Brien test. Instead, it appears that the courts were adjudicating state-law claims. See, e.g., Ravenna Road Mgmt. v. City of Twinsburg, 450 F. Supp. 2d 782, 785-86 (N.D. Ohio 2006); Northshore Experience, Inc. v. City of Duluth, 442 F. Supp. 2d 713, 718-19 (D. Minn. 2006); Fifth Column v. Vill. of Valley View, 100 F. Supp. 2d 493, 507 (N.D. Ohio 1998); S. Entm't Co. of Florida v. City of Boynton Beach, 736 F. Supp. 1094, 1101-02 (S.D. Fla. 1990); City of Ann Arbor v. Danish News Co., 139 Mich. App. 218, 361 N.W.2d 772, 774-76 (Mich. Ct. App. 1984).

*Ben's Bar, Inc. v. Vill. of Somerset*, 316 F.3d 702, 722-23 (7th Cir. 2003). In the present case, there is no question that regulating the locations of taverns and the time, place and manner of tavern entertainment is within the general police powers of a municipality. *Id.* at 722 (holding that a municipality's "regulation of alcohol sales and consumption in 'inappropriate locations' is clearly within its general police powers"); *Blue Canary*, 251 F.3d at 1124. To the extent plaintiffs believe that the City failed to comply [\*\*29] with state law when passing the specific ordinances at issue, they may have a claim against the City under state law. However, in the present case, the plaintiffs have brought [\*\*953] no state-law claims and proceed only under 42 U.S.C. § 1983. See Fourth Amended and Supplemental Complaint ¶ 101, ECF No. 36. Thus, these matters of state law are not subject to review in this case.

Finally, Six Star argues that the City's decision to deny its license applications was "discriminatory" because the [\*\*30] City ultimately granted tavern and tavern-amusement licenses for the Old World Third premises to another applicant, Robert Smith. Six Star contends that the only difference between its proposal and Smith's proposal was that Smith did not propose to offer erotic entertainment. That appears to be true, but as discussed, the City was allowed to base its decision on "the character of the entertainment" that Six Star intended to present and whether such entertainment was compatible with the normal activity of the neighborhood. *Blue Canary*, 251 F.3d at 1123. Here, the decision to permit Smith's tavern but exclude Six Star's gentlemen's club is explainable by the fact that the presence of an ordinary tavern in the neighborhood would not have deterred respectable retailers from moving in, whereas the presence of a gentlemen's club would have. Thus, the City's having granted tavern and tavern-amusement licenses for the Old World Third premises to a different applicant does not show that the decision to deny Six Star's applications for the same licenses was based on impermissible factors.

Accordingly, the City's motion for summary judgment on plaintiffs' claims involving the tavern and tavern-amusement [\*\*31] ordinances will be granted.

## B. Theater Ordinance

Former § 83-1-2 of the Milwaukee Code of Ordinances stated that "[n]o person, firm or corporation . . . shall keep, maintain, conduct or operate for gain or profit, any theater or moving picture house in the city without first obtaining a license therefore." Section 83-1-1-b defined "theater" as "any edifice, or parts thereof, used for the purposes of dramatic or operatic or other exhibitions, plays or performances for admission to which remuneration or any other consideration is paid, charged or received." Section 83-1-5-b stated that an application for a theater license "shall be granted when the following requirements are met: the building, structure or premises for which the license is sought must conform in all respects to the provisions of this section and to the law of this state and the ordinances of the city applying to such buildings, structures, or premises."

In September 2011, Six Star applied for a license to operate the Old World Third location as a theater called the Outer Limits Gentlemen's Club. The theater would have offered erotic dance entertainment but no alcohol. It is undisputed that, pursuant to a "hold" placed [\*\*32] on Six Star's application by Alderman Bauman, no decision was ever made on Six Star's application. The theater ordinance was repealed effective March 1, 2012.

The plaintiffs claim that former Chapter 83 was unconstitutional on its face and was unconstitutionally applied to Six Star. I begin with Six Star's as-applied challenge, which hinges on the fact that the City dragged its heels and never reached any decision on the licensing application before repealing the theater ordinance.<sup>10</sup> Numerous cases recognize that a licensing or permitting scheme that touches upon expression violates the *First* [\*\*954] Amendment when it allows the government to unreasonably

<sup>10</sup> The City argues that Six Star's claim against Chapter 83 is moot because that ordinance has been repealed. However, Six Star seeks damages for the period in which Chapter 83 prevented it from operating the Outer

delay or postpone a decision on whether to grant or deny a license. See, e.g., City of Lakewood, 486 U.S. at 771; Freedman, 380 U.S. at 57-58; Vodak v. City of Chicago, 639 F.3d 738, 749 (7th Cir. 2011); Thomas, 227 F.3d at 927-28. Here, the theater ordinance was a regulation governing the time, place, or manner of expressive activity—namely, "dramatic or operatic or other exhibitions, plays or performances," § 83-1-1-b. Thus, to defeat Six Star's as-applied challenge, the City must offer a legitimate explanation for its failure to render [\*\*33] a prompt decision on Six Star's application to engage in such expressive activity at the Old World Third location.

The City's primary argument is that Six Star applied for the wrong kind of license. It contends that, in September 2011, the license required for offering erotic dance entertainment in an establishment that does not serve alcohol was the public entertainment club license required by Milwaukee Code of Ordinances § 108-5-1-a (2010). However, even if that were true, it would not have justified the City's failure to render a decision on Six Star's application. If the City believed that Six Star had applied for the wrong license, it should have denied the application on that ground. Then, if Six Star thought it had applied for the correct license, it could have challenged the City's decision [\*\*34] in an appropriate legal action.

In any event, the facts in the record do not establish that Six Star applied for the wrong type of license. The public entertainment club ordinance required any person who wanted to offer "public entertainment" to obtain an

appropriate license or permit. Milwaukee Code of Ordinances § 108-5-1-a (2010). "Public entertainment" was defined as "any entertainment of any nature or description to which the public generally may gain admission, whether with or without the payment of a fee." Id. § 108-3-3. This definition included plays and other forms of entertainment that fell within the scope of the theater ordinance. However, one did not need both a theater license and a public entertainment club license to offer the kind of entertainment that fell within the scope of the theater ordinance. This was so because the public entertainment club ordinance stated that the holder of a theater license did not need to obtain a public entertainment club license. Id. § 108-5-2-c. Moreover, nothing in either ordinance indicated that an establishment that wanted to offer erotic dance entertainment could not have operated under a theater license instead of a public entertainment [\*\*35] club license.<sup>11</sup> The repealed ordinances allowed Six Star to choose which type of license it wanted, and it chose to apply for a theater license. Accordingly, the City could not have denied Six Star's application for a theater license on the ground that Six Star should have applied for a public entertainment club license instead.<sup>12</sup>

[\*955] Accordingly, because the City has offered no legitimate explanation for its failure to render a prompt decision on Six Star's application for a theater license, plaintiffs' motion for summary judgment on the issue of whether the theater ordinance was unconstitutionally applied to it will be granted. This result eliminates the need to address Six Star's facial challenge to the repealed ordinance.

---

Limits Gentleman's Club as a theater, and so its claim is not moot. See Buckhannon Bd. and Care Home, Inc. v. W. Va. Dep't of Health and Human Res., 532 U.S. 598, 608-09, 121 S. Ct. 1835, 149 L. Ed. 2d 855 (2001).

<sup>11</sup> The City points out that, in 2010, the only establishments that held theater licenses under Chapter 83 were "traditional, commonly-defined theaters featuring fixed seating facing a permanent stage offering dramatic performances, plays and the like." See Pl's Resp. to City's PFOF ¶ 6, ECF No. 72. However, that fact is irrelevant, since there was nothing in Chapter 83 that required an establishment to conform to this description in order to obtain a theater license.

<sup>12</sup> The City also points out that, at the time Six Star applied for a theater license, Robert Smith was already operating his tavern at the Old World Third location. However, the City does not explain why that mattered. See City's Response Br. at 48-49, ECF No. 55. Apparently, Six Star had an agreement with Smith under which Smith would vacate the premises if Six Star had been able to obtain a license [\*\*36] to operate as either a tavern or a theater. Nothing in Chapter 83 suggests that the City needed to know this in order to process Six Star's application for a theater license.



There is still the matter of Ferol's facial challenge to the theater ordinance. Ferol never applied for a license under Chapter 83. However, Ferol contends that because the theater ordinance was a prior restraint, it has standing to challenge the ordinance and to obtain damages. As a general matter, it is true that a plaintiff can bring a facial challenge to an allegedly unconstitutional licensing regulation without applying for a license. See City of Lakewood, 486 U.S. at 755-56. However, in the present case, the ordinance has been repealed, and Ferol's Article III standing depends on its having sustained damages as a result [\*37] of Chapter 83's existence. Yet, the summary-judgment record contains no affidavit or other evidence indicating that Ferol had concrete plans to open a dry gentlemen's club (as opposed to a tavern) at the Pittsburgh Avenue location or any other location in the City of Milwaukee during the time that Chapter 83 was in force. Thus, I do not see how Ferol could have been damaged by the mere existence of Chapter 83, and so I am not satisfied that Ferol has standing to challenge Chapter 83 on its face. See Summers v. Earth Island Inst., 555 U.S. 488, 499, 129 S. Ct. 1142, 173 L. Ed. 2d 1 (2009) ("it is well established that the court has an independent obligation to assure that standing exists, regardless of whether it is challenged by any of the parties"). Therefore, I will not adjudicate Ferol's facial challenge to Chapter 83 on the merits at this time. However, should Ferol believe that it can establish Article III standing, it may submit appropriate affidavits to that effect and I will reconsider this ruling.

### C. Public Entertainment Club Ordinance

The remaining claims are the plaintiffs' facial challenges to the former public entertainment club ordinance, which appeared in Chapter 108 of the Milwaukee Code of Ordinances. [\*38] As already discussed in the context of plaintiffs' claims involving the theater ordinance, Chapter 108 provided that no person could offer any form of public entertainment without obtaining either a public entertainment club license or a theater license. Having ruled that Six Star is entitled to damages in connection with its as-applied challenge to the theater ordinance, I do not need to separately consider Six Star's facial challenge to the public entertainment club ordinance, as

both claims involve the same pool of damages—namely, damages attributable to Six Star's inability to offer erotic dance entertainment without also serving alcohol at the Old World Third location. Moreover, because the record contains no affidavits or other evidence indicating that Ferol had any concrete plans to offer erotic dance entertainment without also serving alcohol at the Pittsburgh Avenue location or any other location during the time that the public entertainment club license was in force, I am not satisfied that Ferol has Article III standing to bring a facial challenge to the public entertainment club ordinance. See Summers, 555 U.S. at 499. Accordingly, I do not need [\*956] to reach the merits of plaintiffs' [\*39] facial challenges to Chapter 108 at this time. Again, if Ferol believes that it can establish Article III standing, it may submit appropriate affidavits and I will reconsider this ruling.

### III. CONCLUSION

For the reasons states, **IT IS ORDERED** that plaintiffs' motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART**, and that defendant's motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART**. Summary judgment is granted to the City on plaintiffs' claims involving the tavern and tavern-amusement ordinances. Summary judgment is granted to Six Star on the issue of the City's liability for damages relating to Six Star's inability to offer erotic dance entertainment without also serving alcohol at the Old World Third location. I do not reach the merits of Ferol's claims involving the theater ordinance and the public entertainment club ordinance. If Ferol believes that it can prove that it suffered damages that are traceable to those ordinances, then it may attempt to do so during further proceedings.

**IT IS FURTHER ORDERED** that the parties' motions to file briefs that exceed the page limitations [ECF Nos. 48 & 54] are **GRANTED**.

**FINALLY, IT IS ORDERED** that an in-person status [\*40] conference will be held on **April 11, 2013 at 10:30 a.m.** to discuss further proceedings.

Dated at Milwaukee, Wisconsin, this 18th day of March 2013.

/s/ Lynn Adelman

District Judge

LYNN ADELMAN



Tuesday, December 22, 2015



# Notice of Public Hearing

---

BUZDUM, Boro, Agent  
10 Exotic at 730 N Old World Third St

Class B Tavern, Food Dealer's and Public Entertainment Premises License Applications  
Requesting Adult Entertainment, Dancing by Performers, Disc Jockey, Jukebox, Karaoke, Bands,  
Battle of the Bands, Patron Contests, Patrons Dancing, and 5 Amusement Machines

**Tuesday, January 05, 2016 at 2:00 PM**

To whom it may concern:

The above application has been made by the above named applicant(s). This requires approval from the Licenses Committee and the Common Council of the City of Milwaukee. The hearing before the Licenses Committee will take place on 1/5/2016 at 2:00 PM, in Room 301-B, Third Floor, City Hall. If you wish, you may provide testimony at the hearing regarding the request; see below for further information. You are not required to attend the hearing. Once the Licenses Committee makes its recommendation, this recommendation is forwarded to the full Common Council for approval at its next regularly scheduled hearing. Please review the information below and if you have further questions regarding this process, please contact the License Division at (414) 286-2238.

---

## Important details for those wishing to provide information for the Licenses Committee to consider when making its recommendation:

1. The license application is scheduled to be heard at the above time. Due to other hearings running longer than scheduled, you may have to wait some time to provide your testimony.
2. You must appear in person and testify as to matters that you have personally experienced or seen. (You cannot provide testimony for your neighbor, parent or anyone else; this is considered hearsay and cannot be considered by the committee.)
3. No letters or petitions can be accepted by the committee (unless the person who wrote the letter or the persons who signed the petition are present at the committee hearing and willing to testify).
4. Persons opposed to the license application are given the opportunity to testify first; supporters may testify after the opponents have finished.
5. When you are called to testify, you will be sworn in and asked to give your name, and address. (If your first and/or last names are uncommon please spell them.)
6. You may then provide testimony.
  - a. Include only information relating to the above license application.
  - b. Include only information you have personally witnessed or seen.
  - c. Provide concise and relevant information detailing how this business has affected or may affect the peaceful enjoyment of your neighborhood.
  - d. If by the time you have the opportunity to testify, the information you wish to share has already been provided to the committee, you may state that you agree with the previous testimony. Redundant or repetitive testimony will not assist the committee in making its recommendation.
7. After giving your testimony, the members of the Licenses Committee and the licensee may ask questions regarding the testimony you have given or other factors relating to the license application.
8. Business Competition is not a valid basis for denial or non-renewal of a license.  
**Please Note: If you have submitted an objection to the above application your objection cannot be considered by the committee unless you personally testify at the hearing.**

[illegible]

[illegible]

CURRENT RESIDENT	734 N OLD WORLD 3RD ST 25	MILWAUKEE, WI 53203-2209
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 26	MILWAUKEE, WI 53203-2209
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 30	MILWAUKEE, WI 53203-2209
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 31	MILWAUKEE, WI 53203-2209
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 32	MILWAUKEE, WI 53203-2208
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 33	MILWAUKEE, WI 53203-2208
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 34	MILWAUKEE, WI 53203-2208
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 35	MILWAUKEE, WI 53203-2208
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 36	MILWAUKEE, WI 53203-2208
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 37	MILWAUKEE, WI 53203-2208
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 38	MILWAUKEE, WI 53203-2208
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 39	MILWAUKEE, WI 53203-2208
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 40	MILWAUKEE, WI 53203-2208
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 41	MILWAUKEE, WI 53203-2208
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 42	MILWAUKEE, WI 53203-2207
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 43	MILWAUKEE, WI 53203-2207
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 44	MILWAUKEE, WI 53203-2207
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 45	MILWAUKEE, WI 53203-2207
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 46	MILWAUKEE, WI 53203-2207
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 47	MILWAUKEE, WI 53203-2207
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 48	MILWAUKEE, WI 53203-2207
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 49	MILWAUKEE, WI 53203-2207
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 50	MILWAUKEE, WI 53203-2207
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 51	MILWAUKEE, WI 53203-2210
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 52	MILWAUKEE, WI 53203-2210
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 53	MILWAUKEE, WI 53203-2210
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 54	MILWAUKEE, WI 53203-2210
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 55	MILWAUKEE, WI 53203-2210
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 56	MILWAUKEE, WI 53203-2210
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 57	MILWAUKEE, WI 53203-2210
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 58	MILWAUKEE, WI 53203-2210
CURRENT RESIDENT	734 N OLD WORLD 3RD ST 59	MILWAUKEE, WI 53203-2210

**Total Records: 144**

**Radius: 250.0 feet and Center of Circle: 730 N Old World Third ST**



Tuesday, December 22, 2015

## Licenses Committee Notice of Hearing

David Weir  
2602 E Newberry Blvd

Milwaukee, WI 53211

Date: 1/5/2016  
Time: 02:00 PM  
Location: Room 301-B, Third Floor, City Hall

The Licenses Committee will consider the following license application:

Class B Tavern, Food Dealer's and Public Entertainment Premises License  
Applications Requesting Adult Entertainment, Dancing by Performers, Disc Jockey,  
Jukebox, Karaoke, Bands, Battle of the Bands, Patron Contests, Patrons Dancing,  
and 5 Amusement Machines  
BUZDUM, Boro, Agent  
10 Exotic at 730 N Old World Third St

Please note this application may be recommended for denial based on fitness of the location due to concentration of alcohol beverage outlets in the area. If the application is denied for this reason, no other application for an alcohol beverage license for this location shall be recommended for approval by the Licenses Committee within three years of the date of denial unless the applicant has demonstrated a change of circumstances since the prior denial.

If you have any questions, please call (414) 286-2238.





Tuesday, December 22, 2015

## Licenses Committee Notice of Hearing

Old World Third Street LLC  
1459 N Farwell Av

Milwaukee, WI 53202

Date: 1/5/2016  
Time: 02:00 PM  
Location: Room 301-B, Third Floor, City Hall

The Licenses Committee will consider the following license application:

Class B Tavern, Food Dealer's and Public Entertainment Premises License  
Applications Requesting Adult Entertainment, Dancing by Performers, Disc Jockey,  
Jukebox, Karaoke, Bands, Battle of the Bands, Patron Contests, Patrons Dancing,  
and 5 Amusement Machines  
BUZDUM, Boro, Agent  
10 Exotic at 730 N Old World Third St

Please note this application may be recommended for denial based on fitness of the location due to concentration of alcohol beverage outlets in the area. If the application is denied for this reason, no other application for an alcohol beverage license for this location shall be recommended for approval by the Licenses Committee within three years of the date of denial unless the applicant has demonstrated a change of circumstances since the prior denial.

If you have any questions, please call (414) 286-2238.







## BUSINESS LICENSE PLAN OF OPERATION

ccl-busplan 9/15/15

Office of the City Clerk License Division

200 E. Wells St. Room 105, Milwaukee, WI 53202

(414) 286-2238 www.milwaukee.gov/license e-mail address: [license@milwaukee.gov](mailto:license@milwaukee.gov)

### 1. Type of Business

- Applying for: ☐ Extended Hours Establishment ☐ Filling Station ☐ Waste Tire Transporter ☐ Waste Tire Generator  
☐ Self Service Laundry ☐ Rooming House: Number of Units: \_\_\_\_\_ ☐ Hotel/Motel: Number of Units: \_\_\_\_\_  
☐ Massage Establishment ☒ Other (supplemental application for specific license also required)

Provide a detailed description of the type of business you plan on operating:

Gentleman's Club featuring female dancers.

Do you have any experience operating this type of business? ☐ No ☒ Yes If yes, explain

Night Club/serving for

in Spearmin + Rhino  
town of trouton

### 2. Business Operations

- a. Proposed Opening Date: Dec 1st 2015  
b. Is this premise under construction? ☒ No ☐ Yes If yes, list estimated completion date: \_\_\_\_\_  
c. Is this a franchise? ☒ No ☐ Yes  
d. Is this premises currently licensed? ☐ No ☒ Yes If yes, list type of license: \_\_\_\_\_  
e. Is the current licensee operating? ☐ No ☐ Yes If no, list date closed: \_\_\_\_\_  
f. Do you have future plans for other businesses, licenses or permits at this location? ☒ No ☐ Yes  
If yes, explain: \_\_\_\_\_  
g. Have you previously held an Extended Hours License in Milwaukee? ☐ No ☐ Yes  
If yes, list address(es): \_\_\_\_\_  
h. Are other businesses operating in the same building? ☒ No ☐ Yes If yes, describe: \_\_\_\_\_

### 3. Litter & Noise

- a. How are grounds kept clean? ☒ Sweep ☐ Pressure Wash ☒ Pick Up Litter ☐ Hired Maintenance  
☐ Building Owner Responsibility ☒ Garbage Cans Outside ☐ Other: \_\_\_\_\_  
b. How often will grounds be cleaned? ☐ Daily ☐ Weekly ☒ As Needed ☐ Monthly ☐ Other: \_\_\_\_\_  
c. Grounds cleaned by: ☐ Licensee ☐ Building Owner ☒ Employees ☐ Hired Maintenance ☐ Other: \_\_\_\_\_  
d. How are noise issues prevented and/or addressed? ☒ Security ☒ Manager approaches customer(s) ☐ Call Police  
☒ Signs Posted ☐ Other: \_\_\_\_\_  
e. Will a sound amplification system be used? ☐ No ☒ Yes If yes, describe: Speakers

### 4. Smoking & Sanitation

- f. Are there designated outdoor smoking areas? ☐ No ☒ Yes If yes, describe: Sidewalk  
g. Number of Garbage Cans: Inside: 15 Locations: Througout building behind bar & bathro  
Outside: 2 Locations: by entrance.  
h. Is a crowd control barrier used? ☒ No ☐ Yes If yes, describe: \_\_\_\_\_  
i. Describe sanitation facilities (restrooms): 3 stalls in WOMENS Room 3yurnals & 2stales in mens Ro  
Name of solid waste contractor: ☐ Advanced Disposal ☒ Waste Management ☐ Other: \_\_\_\_\_

## 5. Security

- a. Are there onsite parking spaces? ☒ No ☐ Yes If yes, how many? \_\_\_\_\_

Describe parking security plan: \_\_\_\_\_

- b. Is there a loading zone? ☒ No ☐ Yes If yes, describe loading area security plan: \_\_\_\_\_

- c. Will you have security personnel on premise? ☐ No ☒ Yes If yes, how many? 70 or more depending on business

What are their responsibilities? to make sure all customers have a good time and respect rules

Is security equipment used? ☒ No ☐ Yes If yes, describe: \_\_\_\_\_

List their licensing, certification, or training credentials: \_\_\_\_\_

Will there be security cameras? ☐ No ☒ Yes If yes, where? In side building & outside

Will searches/identification verification be conducted upon entry? ☐ No ☒ Yes If yes, describe: Scanner

## 6. Percentage of Sales (must total 100%)

Alcohol <u>70</u> %	Food <u>10</u> %	Secondhand Merchandise <u>0</u> %	Precious Metals & Gems <u>0</u> %
Entertainment <u>20</u> %	Cigarettes <u>0</u> %		
Pawnbroker Activity <u>0</u> %	Salvaged Materials <u>0</u> % (such as scrap metal)	Personal Services (such as tattoo, body piercing, salon, tailor, tanning, etc.) <u>0</u> %	Other <u>0</u> % Describe: _____

## 7. Businesses/Licenses on the Premises (check all that apply):

### Type 1

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> Full Service Restaurant              | <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Deli or Fast Food Restaurant           | <input type="checkbox"/> Private/Fraternal/Veterans Club |
| <input checked="" type="checkbox"/> Night Club                | <input type="checkbox"/> Tavern           | <input type="checkbox"/> Cocktail Lounge                        | <input type="checkbox"/> Teen Club                       |
| <input type="checkbox"/> Banquet Hall                         | <input type="checkbox"/> Sports Facility  |   |  |
| <input type="checkbox"/> Hotel/Motel – Number of Rooms: _____ |   | <input type="checkbox"/> Rooming House – Number of Rooms: _____ |  |

### Type 2

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Liquor Store    | <input type="checkbox"/> Corner Store                     | <input type="checkbox"/> Supermarket   | <input type="checkbox"/> Convenience Store |
| <input type="checkbox"/> Gas Station     | <input type="checkbox"/> Amusement/Phonograph Distributor | <input type="checkbox"/> Auto Wrecker  |  |
| <input type="checkbox"/> Used Car Dealer | <input type="checkbox"/> Used Auto Parts                  | <input type="checkbox"/> Personal Service Establishment<br>(such as tattoo business, hair salon, tailor, etc.) | <input type="checkbox"/> Recording Studio  |

What other licenses/permits will you hold at this location? (check all that apply)

- ☒ Occupancy Permit ☐ Cigarette & Tobacco ☐ Gas Station ☐ Extended Hours ☐ Class "B" Tavern ☐ Weights & Measures  
☐ Secondhand Dealer ☐ Precious Metal & Gem ☐ Other: \_\_\_\_\_

## 8. Legal Capacity (only if a Type 1 premises in #6 above)

Capacity 216 (Call the Milwaukee Development Center at 414-286-8211 if you have questions.)

## 9. Premises Description

d. Identify all area(s) of the premises that will be used in operating this business (include areas used only for storage):

☒ 1<sup>st</sup> Floor ☒ 2<sup>nd</sup> Floor ☒ Basement Storage ☐ Patio ☐ Beer Garden ☐ Sidewalk Café ☐ Deck ☐ Rooftop  
☐ Other: Describe: \_\_\_\_\_

e. Describe Location: ☐ Major Thoroughfare ☐ Secondary Street ☐ Other: \_\_\_\_\_

f. Nearest Major Cross Street: Wisc. or Wells

g. Describe Building: ☒ Free Standing Building ☐ Strip Mall ☐ Other: \_\_\_\_\_

h. Describe Premises Structure: ☐ Single Story ☒ Multi-Story - # of Stories \_\_\_\_\_ ☐ Other: \_\_\_\_\_

i. Describe Surrounding Area: ☐ Commercial ☐ Residential ☐ Industrial ☐ Other: \_\_\_\_\_

j. Building Owner Name: David Weir Phone Number: 414 234-8812

Business Owner Address: 2602 E Newbury Blvd Milwaukee WI 53211

## 10. Hours of Operation & Customers

Will customers be entering the premises? ☐ No ☒ Yes

Day of the Week	Proposed Hours of Operation:		Estimated Number of Customers expected each day	Potential Age Range of Customers	Class B Applicants: Age Restriction (If none, write 'None')
	Open Time (include a.m. or p.m.)	Close Time (include a.m. or p.m.)			
Sunday	6AM	2AM	206	21+	None
Monday	6AM	2AM	↓	↓	↓
Tuesday	6AM	2AM			
Wednesday	6AM	2AM			
Thursday	6AM	2AM			
Friday	6AM	2:30AM			
Saturday	6AM	2:30AM			

Extended Hours Establishment License is required for any convenience store, filling station, personal service establishment (such as tattoo, body piercing, salon, tailor, tanning, etc.), recording studio or restaurant which is open between the hours of 12 a.m. and 5 a.m.

Entertainment Indoor Closing Hours - If alcohol beverage establishment, same as alcohol license hours.  
 If non-alcohol establishment 1:00 am Sunday to Thursday; 1:30 am Friday and Saturday.

Entertainment Outdoor Closing Hours - 10:00 pm Sunday - Thursday; 12:00 am Friday and Saturday, unless otherwise approved by Common Council in licensee's plan of operation.

## 11. Signature(s)

[Signature]  
 Sole Proprietor, Partner, Agent, or 20% or more Shareholder

\_\_\_\_\_  
 Signature of additional partner or 20% or more Shareholder

See Application Information for a list of all required application forms.



# ALCOHOL BEVERAGE & PUBLIC ENTERTAINMENT PREMISES SUPPLEMENTAL PLAN OF OPERATION

Office of the City Clerk License Division

200 E. Wells St. Room 105, Milwaukee, WI 53202

(414) 286-2238 e-mail address: [license@milwaukee.gov](mailto:license@milwaukee.gov) [www.milwaukee.gov/license](http://www.milwaukee.gov/license)Legal Entity Name: Mookie Exotic LLC.Premise Address: 730 Old World 3rd St. Milw. WI**Proximity of Premises to Church, School, Daycare Center or Hospital**Is there at least 300 feet between the building and any church, school, daycare center or hospital? ☒ Yes ☐ No**"Service Bar Only" Designation**If applying for Class B or C license, are you applying for "Service Bar Only"? ☒ No ☐ Yes

Service Bar Only means customers cannot sit at the bar. Alcohol is served to patrons seated at tables. No stools, chairs or other articles of furniture shall be placed at the service bar for patrons to sit upon.

**Business Information**a) Are you taking out this application for anyone that may not be eligible for a license? ☒ No ☐ Yes

If yes, list name and address: \_\_\_\_\_

b) Will the agent, a partner or the individual licensee be conducting the day-to-day operations of the business? ☐ No ☒ Yes

If no, list the name and address of the person(s) who will: \_\_\_\_\_

Class B Applicants: If the agent, a partner or the individual licensee will not be conducting the day-to-day operations of the business, the person(s) listed above must obtain a Class B Managers license.

c) Does anyone else have money invested or any other interest in this business? ☒ No ☐ Yes

If yes, explain: \_\_\_\_\_

d) Have you made an agreement with anyone to repay any loan or any other payments based upon income from the business?

☒ No ☐ Yes If yes, list name and address: \_\_\_\_\_**Proof of Ownership, Lease, or Offer to Purchase (new & transfer applicants only)**

Submit proof of ownership, lease, or offer to purchase the building with this application.

A lease or offer to purchase must:

- a) Be in the same legal entity name as that apply for the license
- b) Reflect the same address as the premises address on this application
- c) Reflect current dates and
- d) Be signed by the lessor/seller and lessee/buyer

**Property Information (new & transfer applicants only)**a) Do you own or lease the building? ☐ Own ☒ Leaseb) Who owns the fixtures (for example, coolers, etc.)? Mookie Exotic LLC.c) Are you purchasing the stock and/or fixtures? ☒ No ☐ Yes If yes, amount paid \$ \_\_\_\_\_d) Total amount paid for business \$ 0e) Total amount paid for goodwill of the business \$ 0

Goodwill comprises the reputation and customer relationships of an existing business. If the price you pay for the business exceeds the fair market value of all of the rest of the assets of the business, the excess may be considered goodwill.

f) Have you made arrangements with the seller for payment of personal property taxes? ☐ No ☒ Yes*See Application Information for a list of all required application forms.*

### Lease Information (new & transfer applicants who are leasing the premises only)

- a) Date lease begins Sept 28 15 Ends Sept. 28 2044
- b) Monthly rental \$ 4000 per month
- c) Do you have an option to renew the lease? ☐ No ☒ Yes
- d) Does your lease allow for assignment to another party without the consent of the owner? ☐ No ☒ Yes
- e) For what length of time have you been guaranteed occupancy (number of years)? 29 years
- f) In addition to paying the monthly rental, will you have to pay anything additional to the owner of the building to guarantee performance of the lease? ☒ No ☐ Yes If yes, explain \_\_\_\_\_
- g) Does the present owner or occupancy object to the granting of your license? ☒ No ☐ Yes  
If yes, explain \_\_\_\_\_

### Change of Agent Applicants Only

- Have there been any changes to the floor plan since the last application was submitted? ☒ No ☐ Yes  
If no, a new floor plan is not required. If yes, submit a new floor plan and explain the change(s): \_\_\_\_\_

### Notarized Signatures of Applicants

SUBSCRIBED AND SWORN TO BEFORE ME

This 8<sup>th</sup> day of OCTOBER, 20 15

(Clerk/Notary Public)

My Commission Expires MARCH 22, 2019

\*Notary Seal must be affixed.

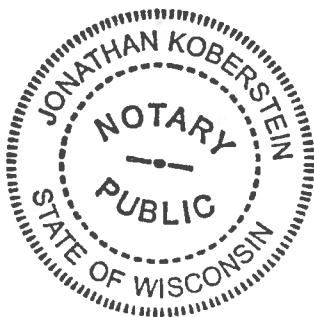
[Signature]  
Sole Proprietor, Partner, 20% or more Shareholder, or  
Agent – only if there are no 20% or more shareholders

[Signature]  
Additional partner or 20% or more shareholder

Note: All information contained in this application is subject to approval by the Common Council.  
Deviating from approved plan of operation will subject licensee to citations, and/or suspension or non-renewal of the license.  
Contact the License Division for information on how to request changes.

### New and transfer of premise applicants must submit the following:

- ☐ Proof of ownership, lease or offer to purchase the building ☐ Detailed floor plan ☐ If a restaurant, copy of the menu





# PUBLIC ENTERTAINMENT PREMISES LICENSE SUPPLEMENTAL APPLICATION

Office of the City Clerk License Division

200 E. Wells St. Room 105, Milwaukee, WI 53202

(414) 286-2238 [www.milwaukee.gov/license](http://www.milwaukee.gov/license) e-mail address: [license@milwaukee.gov](mailto:license@milwaukee.gov)

## TYPES OF ENTERTAINMENT (CHECK ALL THAT APPLY)

<input type="checkbox"/> Instrumental Musicians	<input checked="" type="checkbox"/> Bands	<input checked="" type="checkbox"/> Battle of the Bands	<input type="checkbox"/> Comedy Acts
<input checked="" type="checkbox"/> Disc Jockey	<input type="checkbox"/> Magic Shows	<input type="checkbox"/> Poetry Readings	<input checked="" type="checkbox"/> Dancing by Performers
<input checked="" type="checkbox"/> Adult Entertainment/ Strippers/Erotic Dance	<input type="checkbox"/> Wrestling	<input checked="" type="checkbox"/> Patron Contests	<input checked="" type="checkbox"/> Patrons Dancing
<input checked="" type="checkbox"/> Jukebox	<input checked="" type="checkbox"/> Karaoke	<input type="checkbox"/> Bowling Alley	<input type="checkbox"/> Pool Tables
<input type="checkbox"/> Motion Pictures	<input checked="" type="checkbox"/> Amusement Machines -	<input type="checkbox"/> Concerts	<input type="checkbox"/> Theatrical Performances
How many? _____	How many? <u>5</u>	Approx. # per year? _____	Approx. # per year? _____
<input type="checkbox"/> Other: _____			

## WILL PROMOTERS EVER BE USED FOR ANY OF THE ENTERTAINMENT?

☒ No ☐ Yes, describe: \_\_\_\_\_

## LEGAL CAPACITY OF PREMISES

\_\_\_\_\_ (Call the Development Center at 414-286-8211 with questions.) Legal capacity determines the fee for your Public Entertainment Premises License. If you would like to request the license be approved with a lower capacity than that listed above, indicate the lower capacity here: \_\_\_\_\_. If approved, this lower capacity will print on your license and override the capacity listed on your Occupancy Permit.

## WILL SOUND AMPLIFICATION EVER BE USED?

☐ No ☒ Yes, describe: in house speakers

## DECLARATIONS, ACKNOWLEDGEMENTS, & DISCLOSURES

Read And Initial Each Item Confirming Your Understanding:

- ☒ 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, 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 use such information as a condition of employment, or penalize any employee or discriminate in the selection of personnel for hiring 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.

## NOTARIZED SIGNATURES OF APPLICANTS

SUBSCRIBED AND SWORN TO BEFORE ME

This 8<sup>th</sup> day of OCTOBER, 20 15

(Clerk/Notary Public)

My Commission Expires MARCH 22, 2019

\*Notary Seal must be affixed.

Agent/Owner/Partner

Additional Owner/Partner

Office Use Only: Initials: \_\_\_\_\_ Filed: \_\_\_\_\_ App: \_\_\_\_\_

☐ Check if only PEP (must be heard w/in 60 days) Granted \_\_\_\_\_ License # \_\_\_\_\_



# FOOD DEALER LICENSE PLAN OF OPERATION

OFFICE OF THE CITY CLERK, LICENSE DIVISION

CITY HALL, 200 E. WELLS ST, ROOM 105, MILWAUKEE, WI 53202 •

(414) 286-2238 • [license@milwaukee.gov](mailto:license@milwaukee.gov) • [www.milwaukee.gov/license](http://www.milwaukee.gov/license)FREST  
218889

Legal Entity Name:

Mookie Exotic LLC

Premises Address:

730 Old World 3rd St Milw. WI 53211

## 1. Application Type

Is this a new food business or are you taking over a food business which is currently operating?

- ☐ Taking over a currently operating, licensed food business  
☒ New business (includes taking over a closed food business)

Will you be sharing kitchen space with another food establishment?

- ☐ Yes, I intend to rent space in my kitchen to other food businesses  
☐ Yes, I am renting space from another food business which will also be using the kitchen\*  
☒ No, I will be the only food business using the space

\*If renting space in a commercial kitchen with another operator, a completed and signed Shared Kitchen Agreement is required.

The form is available at [www.milwaukee.gov/license](http://www.milwaukee.gov/license)

Provide a brief description of the food establishment.

Frozen Pizzas from a distributor.

Attach a copy of your menu or general listing of the types of food products that will be sold. Indicate what information you will be including:

- ☐ Menu ☐ List of the types of products (for example: packaged foods, deli case, meat department)

What is the anticipated opening date or date of change of ownership:

Dec. 1st

## 2. Construction, Remodeling and Equipment

Are any construction, remodeling or equipment changes planned? ☐ Yes ☒ No If no, skip to section 3.

Scope of the planned project?

- ☐ New construction or conversion of an existing structure to be used as a food establishment  
☐ Renovation/remodeling of a food establishment, which may or may not include equipment changes  
☐ Renovation/remodeling limited to the installation/change/replacement of food equipment

Provide a brief summary of the proposed construction, remodeling and/or equipment change:

Note: Building permits may be required. Contact the City of Milwaukee Development Center.

Date alterations/changes planned to begin

Name, address and phone number of architect

Name, address and phone number of general contractor

### 3. Premises Description

Will food be prepared or sold at a single or multiple food preparation and/or sale sites (for example a hotel with multiple dining rooms or bars):

☒ Single ☐ Multiple

If multiple sites will be used, how many distinct sites will be used?

List all sites and briefly describe the nature of the food activities at each site:

Are any outdoor operations planned? ☒ Yes ☐ No

If yes, what activities will be conducted outdoors (check all that apply):

☐ Bar ☐ Cooking/Grilling ☐ Dining – Patio ☒ Dining – Sidewalk (DPW permit required) ☐ Storage

☐ Other, specify

Seating provided on site for dining? ☒ Yes ☐ No

If yes, are there additional banquet facilities other than the main dining area? ☐ Yes ☒ No

Total square footage of the establishment (exclude space utilized for other purposes other than food)

16900 Sq Ft

Number of Full Time Employees

75

Number of Part Time Employees

15

### 4. Business Type

Establishment Type (select the one that best describes the proposed business)

- ☐ **Bed and Breakfast**
- ☐ **Community Food Program** – free meal site or food pantry. Any site where all food is provided free of cost to those in need, or to organizations serving persons in need.
- ☐ **Distiller or Brewer** – facilities that are primarily engaged in the production of alcoholic beverages
- ☐ **Food Distributor** – a business that transports food for sale to retail and wholesale establishments and does not perform any food items  
If distributor, is food stored on site? ☐ Yes ☐ No
- ☐ **Food Manufacturer** – commercial operation that produces, packages, labels, or stores food for human consumption, but primarily does not provide food directly to a consumer. Food is sold to distributors, retailers or restaurants. There may be a small store on site where only the manufacturers products are sold, but the majority of product is sold to other licensed food establishments.  
If manufacturer, is there a retail store onsite? ☐ Yes ☐ No
- ☐ **Food Store** – a food establishment in which the majority of food sales consist of beverages or multi-serving food products requiring further preparation prior to consumption, examples of food stores include bakeries, grocery stores, convenience stores, coffee shops, liquor stores. Food stores include businesses whose primary business is other than food (book store, pharmacy, etc.), but offer convenience food items.  
If Food store, are you considered a convenience food store (see definition below)? ☐ Yes ☐ No  
A convenience food store contains less than 5,000 sq. ft. of retail sales space AND has as its primary business the sale of basic food items and in addition sells household products. Basic food items may include, but are not limited to, milk and dairy products, bread products, prepared sandwiches, frozen entrees, refrigerated food and baby food. Household products may include, but are not limited to, cleaning products, paper products, baby products and pet food
- ☐ **School** – educational institution including elementary, middle and high schools. Check type:  
☐ Satellite Kitchen is a school kitchen with limited food preparation including reheating or holding of cooked food, storage of cold ready-to-eat food items and portioning and serving of bulk requiring no on-site preparation for service  
☐ Production Kitchen is a school kitchen in which food preparation activities beyond reheating, portioning and hot and cold holding are performed  
☐ Restaurant is a school kitchen operated by an outside entity or contractor, any school meal program not directly operated by the schools
- ☐ **Restaurant** – a food establishment in which the majority food sales consist of meals or other items ready for immediate consumption
- ☐ **Shared Kitchen, Commissary or Base** – a commercial kitchen used for the production of food to be served or sold at another location; a base of operations for a food peddler caterer or seasonal market vendor
- ☒ **Tavern** – a food establishment in which food sales are limited to beverages, primarily intoxicating beverages



## Type of sales (check all that apply, even if it reflects a small percentage of the proposed business)

Type of sales (check all that apply, even if it reflects a small percentage of the proposed business)

- ☒ Made directly to the general public or end consumer (includes internet sales)

What percentage of your planned food sales will be meals versus grocery items?

- ☐ % from meals (ready-to-eat food)
- ☐ % from grocery items (foods typically requiring preparation before serving, includes typical grocery items, beverages, bakery items and raw produce)

Will customers be able to purchase food through a drive through? ☐ Yes ☒ No

Will customers be able to purchase food from a self-service salad or food bar? ☐ Yes ☒ No

Will food be prepared on site and then transported for sale or consumption at another location? ☐ Yes ☒ No

If yes, check all the reasons why the food will be transported:

- ☐
- Catering
- ☐
- Delivery
- ☐
- Base for Mobile Food Peddler
- ☐
- Base for temporary or seasonal food stand

☐ Other-Describe:

## 5. ISSUANCE OF LICENSE

Will any alcohol or intoxicating beverages be sold at the establishment? ☒ Yes ☐ No

If yes, what type of license do you have or will you be applying for?

- ☐ Class A fermented malt beverage license  
☐ Class B fermented malt beverage licenses  
☐ Class C wine license

If yes, if your food license is approved prior to the alcohol license, when would you like the food license issued?

- ☐ immediately so you can open your food business ☒ at the same time as the alcohol license

## 6. AFFIRMATION OF UNDERSTANDING – PERMIT NEEDED TO OPERATE

Read and initial each item confirming your understanding:

I understand that an inspection and sign off by the Health Department is required before my permit may be issued.

I understand that the Health Department will review my application and will update the application based on what is observed during my onsite inspection. My representative onsite at the time of inspection must have the authority to approve corrections to my application.

I understand that an occupancy permit must be issued and an inspection may be required from the Department of Neighborhood Services before my permit may be issued.

I understand that the Department of Neighborhood Services must sign off on my application with the License Division before my permit may be issued.

I understand the local council member must approve or deny my request before my permit is eligible to be issued. If denied, I understand that I may appeal and be scheduled for a hearing before the License Committee of the Common Council.

I understand that the License Division must have proof of payment for the associated permit fees before my permit may be issued.

I understand that all of the above must be complete before my permit is eligible to be issued.

I understand that the license for which I am applying must be issued and posted in my business premises prior to opening for business.

I, Boro Buzovum, will not operate my food business, until the permit has been issued and posted in the establishment.

Name of Applicant

**Signature of Applicant:**

Date:

10-4-2015

Old World 320 St.

SIDE WALK CAFE

55' WITHE

8' FT x 30' FT

OVERHEAD DOORS

5-17-2011

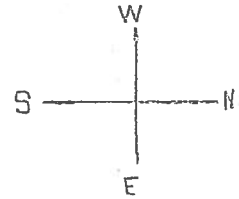
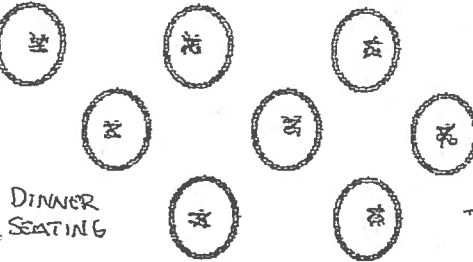
6900 sq. ft

ENTRANCE

HALLWAY

SOLID DIVIDER

FRONT



BAR

ALCOHOL  
STORAGE  
+  
DISPLAY

COUNTERS  
55" HIGH

55'

105'

125' LENGTH

MOOKIE EXOTIC LLC.

730 N OLDWORLD  
THIRD ST., 53203

BORO BUZZOUM  
AGENT

DBA  
10 EXOTIC  
10/8/2015

FLOOR

(DINNER SEATING)  
LOUNGE

TOP

(DINNER SEATING)

Storage BEER/LIQUOR (Backstage)

BAR

35'

10'

EMERGENCY

Water Room

STORAGE  
Bike

OFFICE  
STORAGE

KITCHEN

KITCHEN

Kitchen Equipment

HALLWAY

Rest  
Rooms

REST  
Rooms

(4) 15'  
x  
(12) 8'

LIQUOR storage if  
needed!

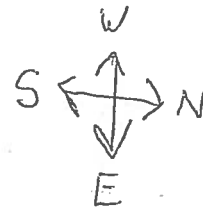
Basement  
Storage

6900  
sq-ft.

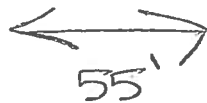
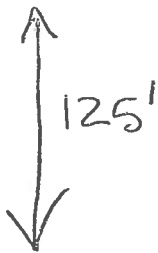
Basement used to store  
tables only!!



STAIRS



SOBA  
STORAGE



MOOKIE Exotic

LLC.

730 N OLDWORLD THIRD ST

BORD BUZZDUM

DBA

10

Exotic

11/8/2015

53203