

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

June 23, 2016

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 151770 contains the following recommendation:

Nonrenewal, based upon nonappearance of the Tattoo and Body Piercing license(s) for Montrell Sharp for the premises located at 635 E Locust St ("Straight Klowin Ink") in the 6th aldermanic district.

Renewal, with a thirty (30) day suspension, based upon the police report, and aldermanic and applicant testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises license(s) for Martin Jimenez Segura for the premises located at 2537 W National Ave ("Candelas") in the 8th aldermanic district.

Nonrenewal, based upon nonappearance of the Class D Operator's license(s) for Megan Davidson.

Respectfully,

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

Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
File 151770

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TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: June 23, 2016

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Tattoo and Body Piercing renewal application of Montrell J. Sharp

FINDINGS OF FACT

1. Montrell J. Sharp (hereinafter the "Licensee") is the holder of a Tattoo and Body Piercing License in the City and County of Milwaukee, Wisconsin. Said license expires on June 30, 2016.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
3. Pursuant to Chapter 85 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On June 8, 2016 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 85 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on June 21, 2016 at 9:30 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. A notice of the hearing as well as a copy of the police report was sent to Montrell J. Sharp, 635 East Locust Street, Milwaukee, WI 53212 on June 8, 2016 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 635 East Locust Street, Milwaukee, WI 53212 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on June 21, 2016 at 9:30 a.m.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 85 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Montrell J. Sharp has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 85 of the Milwaukee Code of Ordinances to allow renewal of the Tattoo and Body Piercing license based upon his second nonappearance.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Tattoo and Body Piercing license held by Montrell J. Sharp based upon his second nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, recommends by a vote of three (3) ayes and two (2) excused that the Tattoo and Body Piercing License of Montrell J. Sharp not be renewed based upon his second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 23rd day of June, 2016.



TONY ZIELINSKI
Chairman Licenses Committee

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TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: June 23, 2016

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern, Food Dealer's and Public Entertainment Premises (PEP) licenses of Martin Jimenez-Segura for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("Candelas").

FINDINGS OF FACT

1. Martin Jimenez-Segura (hereinafter "the Licensee"), is the holder of a Class "B" Tavern, Food Dealer's and PEP licenses for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("Candelas"). Said license expired at midnight on May 20, 2016.
2. An application to renew said license was filed with the Office of the City Clerk on May 25, 2016.
3. On June 10, 2016 the City Clerk's Office provided timely notice to the Licensee of a License's Committee hearing pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes regarding police report and neighborhood objections to the renewal of the license. The matter was scheduled for a hearing on the Milwaukee Police Department report and neighborhood objections on May 26, 2016, commencing at 8:30 a.m. in Room 301B of the third floor of City Hall. At said date and place, the Licensee did appear and was not represented by counsel.
4. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact:
 - A. On January 31, 2015, Milwaukee police responded to a loud music complaint at 2537 West National Avenue (Candelas). Officers could hear music while standing outside at the rear of the business. They spoke to the applicant who indicated he would ask the DJ to turn down the bass on the speakers and he would look into having the rear of the building sound proofed. No violations were observed and no citations were issued.
 - B. On November 25, 2015 Milwaukee police responded to a loud music complaint at 2537 West National Avenue.



- C. On December 26, 2015 Milwaukee police responded to a shots fired complaint at 2537 West National Avenue (Candela's Bar). A Milwaukee police department incident report was filed regarding the casing recovered outside the premise. Upon arrival, officers discovered the front door to the business was locked and they had to knock to gain entry. Once inside, officers discovered several patrons under the legal drinking age of 21 and that the number of patrons exceeded the posted authorized occupancy of 99. Officers counted 290 patrons as they exited the business. The applicant, who was on the scene during this incident, received several citations.

Presence of minor at licensed premise	guilty	fined \$150
Licensed premise-immediate police entry required	guilty	fined \$150
Licensed premise-exceeding occupancy limit	guilty	fined \$5,000
Disorderly premise prohibited	guilty	fined \$150

Disposition for the above was March 17, 2016

- D. Applicant stated that he was unaware of the items on the police report. He stated he is unaware of what happened during the pajama party, because he rented the place out for a Christmas party. He added that the loud music complaints are from surrounding bars. The applicant clarified that the bars are not near his bar, but patrons from other bars are calling in complaints about his bar. Applicant stated he is checking IDs and has security and a counter to count patrons to keep track of capacity after Alderman Rainey asked why they had exceeded the occupancy by almost 200 patrons.
- E. Claudia Jimenez stated they stopped having private events because the patrons did not know how to behave. She added they are now focused on running the restaurant and community events.
- F. Alderman Donovan stated the application came up twice before committee and was denied because of nonappearance. He stated there are no other bars near the premises. He added he is concerned about their lackadaisical approach to running their establishment because they missed two hearings regarding their renewal before the committee and they had 290 people which exceeded their capacity. He feels a message needs to be sent to them.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapters 90 and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Martin Jimenez-Segura, has not met the criteria of Chapter 125 of the Wisconsin Statutes or

Chapters 90 and 108 of the Milwaukee Code of Ordinances to allow renewal of his Class "B" Tavern, Food Dealer's and PEP licenses for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("Candelas"), without undergoing a thirty (30) day suspension of said licenses. The Committee finds the police report, aldermanic and applicant testimony, as stated above, to be true.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and PEP licenses of Martin Jimenez-Segura, for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("Candelas"), with a thirty (30) day suspension based on the police report, aldermanic and applicant testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) excused recommends that the Class "B" Tavern and PEP licenses of Martin Jimenez-Segura for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("Candelas") be renewed with thirty (30) day suspension based upon the police report, aldermanic and applicant testimony.

Said suspension will be in effect between July 6, 2016 through 11:59 p.m. August 4, 2016.

Dated and signed at Milwaukee, Wisconsin this 23rd day of June, 2016.



TONY ZIELINSKI, Chairman
Licenses Committee

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VICE CHAIR

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MEMBER

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TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: June 23, 2016

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Megan Davidson.

FINDINGS OF FACT

1. Megan Davidson (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2015.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On June 9, 2016 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on June 21, 2016 at 1:00 p.m. in Room 301-B of City Hall. At said date, time and place, the Licensee did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. A notice of the hearing as well as a copy of the police report was sent to Megan R. Davidson, 7744 West Beckett Avenue, Milwaukee, WI 53218 on March 3, 2016 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 7744 West Beckett Avenue, Milwaukee, WI 53218 is the address given by the Licensee on her application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on June 21, 2016 at 1:00 p.m.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Megan R. Davidson has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license based upon her second nonappearance.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Operator's license held by Megan R. Davidson based upon her second nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of four (4) ayes and one (1) excused that the Class "D" Operator's License of Megan R. Davidson not be renewed based upon her second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 23rd day of June, 2016.



TONY ZIELINSKI
Chairman Licenses Committee