



Office of the City Clerk

June 4, 2009

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

www.milwaukee.gov

Jennie M. Nuell
c/o Attorney Michael A.I. Whitcomb
Law Offices of Michael A.I. Whitcomb
633 West Wisconsin Avenue, Suite 510
Milwaukee, WI 53203-1918

Dear Ms. Nuell and Attorney Whitcomb:

You are hereby notified that the Milwaukee Common Council will hold a hearing on June 16, 2009, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the suspension of the Class "B" Tavern license for the premises located at 4001 West Fond du Lac Avenue, Milwaukee, Wisconsin ("All Star Sports Bar").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending a sixty (60) day suspension of your license. The recommendation is the result of a public hearing before the Committee held on May 29, 2009.

You may file a written objection to the report of the Licenses Committee. If you file a written objection to the report you may also appear before the Milwaukee Common Council to make oral arguments supporting your written objections and present oral arguments supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk by 4:45 p.m. on June 11, 2009. You or a legal representative may then also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure

c: Robin Pederson, Assistant City Attorney



JAMES A. BOHL JR.
Alderman, 5th District

Date: June 5, 2009

To: All members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Complaint of Revocation of the Class
"B" Tavern license of Jennie M. Nuell for the
licensed premises at 4001 West Fond du Lac
Avenue in the City and County of Milwaukee,
Wisconsin ("All Star Sports Bar").

FINDINGS OF FACT

1. Jennie M. Nuell (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises at 4001 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar"). A renewal of said license was granted by the Milwaukee Common Council on October 7, 2008, and issued by the City Clerk on October 14, 2008. Said license expires at midnight, October 22, 2009.
2. A complaint for revocation of this license was filed on February 22, 2009 by Captain Patrick Mitchell on behalf of Chief Edward Flynn, both of the Milwaukee Police Department. The complaint alleged that the premises known as "All Star Sports Bar" is the scene of shootings and other criminal activity, up to and including obstruction of justice, as alleged in the complaint. A summons was issued and served upon Jennie M. Nuell on February 27, 2009.
3. Said summons commanded the appearance of Jennie M. Nuell to answer the complaint for revocation of license of Captain Patrick Mitchell and Chief Edward Flynn on March 6, 2009 at 9:00 a.m. in Room 301-B of City Hall. At that date time and place, Jennie M. Nuell appeared and answered the complaint as summoned and was represented by counsel, Attorney Michael A. I Whitcomb, 633 West Wisconsin Avenue, Suite 510, Milwaukee, WI 53203. Attorney Robin Pederson of the Office of the Milwaukee City Attorney, Room 800, City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202, represented the Milwaukee Police Department. Upon agreement of the parties, Ms. Nuell surrendered her licenses

and the matter was ultimately heard on May 29, 2009 commencing at 9:45 am in Room 301 B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202.

4. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On April 3, 1985, the applicant was arrested by Milwaukee Police Department for Possession of Controlled Substance.

Charge: Possession of Controlled Substance
Finding: Guilty
Sentence: 1 yr. Probation
Date: 07-02-85
Case: L-1575

- B. On November 15, 1989, the applicant was arrested by Milwaukee Police Department for Possession With Intent to Deliver/Manufacture.

Charge: Poss. W/Intent to Deliver/Manufacture
Finding: Guilty
Sentence: 3 yr's Probation
Date: 06-06-90
Case: F893652

- C. On November 18, 2003 at 7:33 am, applicant was issued two citations for Animals at Large at 10904 W. Florist.

Charge: Animals at Large
Finding: Guilty
Sentence: Fined \$75001 2~ citation was dismissed
Date: 03-15-04
Case: 03174416 03174417

- D. On March 24, 2007, applicant received a citation for Permitting Animal At Large at 8134W Muriel Place.

Charge: Permitting Animals At Large
Finding: Guilty
Sentence: Fined \$130.00
Date: 05/16/07
Case: 07040172

E. On March 4, 2008 at 8:36 p.m., Milwaukee police were dispatched to Shots Fired at 4001 W. Fond Du Lac Avenue. Police spoke to Jennie Nuell who stated she heard a couple of gunshots and that a bullet had entered the bar through a window near the main entrance and struck several bottles that were on a shelf behind the bar. Officers observed a bullet hole in the octagonal window next to the main door of the bar and saw several bottles that were broken. Police also recovered a bullet on the floor behind the bar. No injuries were reported.

F. On June 29, 2008 at 1:58 pm, Milwaukee police were dispatched to 4001 West Fond Du Lac for a Battery complaint. Officers spoke to a security guard identified as who stated a patron was escorted out of the bar earlier by another guard. The guard was outside the bar when this patron approached him and started to argue with him and spit in face. The security guard stated he grabbed the subject because he was going to handcuff him and call police when a female jumped on his back and grabbed his badge which was around his neck. The male subject then ran away. Police were able to identify the subject and a citation was issued to this patron for Assault and Battery.

G. On July 14, 2008, Milwaukee police were dispatched to 4001 West Fond Du Lac for a fight complaint. Investigation found the presence of an underage inside the tavern. The underage patron was issued a citation for Presence of Underage as was as the licensee, Jennie Nuell.

Charge:	Presence of Underage
Finding:	Dismissed without prejudice
Date:	10/21/08
Case:	08093029

H. On July 24, 2008 at 1:15 a.m., Milwaukee police were flagged down by security for All Stars Sports Bar located at 4001 West Fond Du Lac. The guards stated they had detained two subjects who entered the tavern after being told they couldn't because the tavern was closed. The subjects had to be physically removed from the tavern and were detained outside of the bar. Officers issued trespassing citations to both subjects.

I. On July 27, 2008 at 12:45 a.m., Milwaukee police were dispatched to 4001 West Fond Du Lac ("All Star Sports Bar") for a report of a fight. Officers spoke to the security guards who stated there had been an argument between

several patrons that escalated into a physical fight. All of the subjects were physically removed from inside the tavern and were being detained by security until police arrived. Citations for disorderly conduct were issued to five of the patrons and they were released from the scene.

- J. On August 27, 2008 at 12:15 a.m., Milwaukee police were dispatched to 4001 West Fond Du Lac Avenue ("All Star Sports Bar") for an Entry To Auto complaint. Investigation found an unknown actor broke into an auto and removed property from within. Officers spoke to the licensee, Jennie Nuell, who was able to provide officers video surveillance of the incident. A report was filed.
- K. On November 15, 2008 at 4:58 a.m., Milwaukee police were dispatched to 5000 West Chambers (St Joseph's Hospital) for a Battery complaint. Police spoke to the victim who stated at approximately 1:15 am, she was inside the All Star Sports tavern when she saw her ex-boyfriend inside the tavern with another girl. The victim stated that her ex-boyfriend ordered the girl he was with to fight the victim. A fight ensued with security escorting both subjects out of the tavern. The fight continued outside of the tavern when friends of the suspect came out from the tavern and also began fighting with the victim. The victim was treated for pain to the head and face. On November 19, 2008 at 1:10 a.m., Milwaukee police conducted follow up at the All Star Sports bar and spoke to Eddie Nuell, manager of the bar. Nuell stated he was bartending that night and did observe two females fighting near the pool table. Nuell stated both subjects were thrown out of the tavern for fighting and that he observed one female cross the street while the other female stayed in front of the bar. Nuell then stated he observed both females fighting again outside of the tavern with family members, who were still inside the tavern, leaving the bar to break up the fight. Nuell stated there was probably video surveillance regarding this incident. However, he was unable to retrieve it for officers at that time. Nuell stated he could drop off a copy of the tape at the district for the officers when he was able to retrieve it. Officers have not received a copy of the tape. A report was filed.
- L. On November 27, 2008 at 1:17 a.m., Milwaukee police were dispatched to 4001 West Fond Du Lac ("All Star Sports Bar") for a subject with weapon complaint. Police were advised by a complainant who was at District Seven that there were people pointing guns at the heads of other

people in front of the tavern. As police arrived at 4001 West Fond Du Lac they observed a large crowd in front of the bar and people leaving at the direction of the bar staff. The patrons leaving were loud and boisterous and officers assisted in dispersing the crowd. Police then spoke to the manager/bartender Eddie Nuell who stated that there had been a fight inside the tavern between several females before police arrived. Nuell further stated the bar staff broke up the fight and escorted the females out of the tavern. Police advised Nuell of the complaint of fighting outside the tavern and Nuell stated he wasn't aware of any fight outside of the tavern.

M. On December 6, 2008 at 2:02 a.m., Milwaukee police were patrolling the area of 40th and Fond Du Lac when officers observed patrons exiting the All Star Sports bar walking into the streets and impeding traffic. Officer observed these subjects to be intoxicated and additional squads were called to help break up the crowds. Three squads were needed for 60 minutes to help clear the area. One patron was arrested and issued a disorderly conduct ticket because of a fight that took place just north of the tavern.

N. On December 14, 2008 at 2:03 a.m., Milwaukee police were dispatched to 4001 West Fond Du Lac for a shooting complaint. Officers spoke to Marcus Nuell, who works security for the tavern, and Nuell stated that there was no shooting at the bar but that he did hear shots fired about one block away. Police gave Marcus Nuell a description of the shooter and asked if he had seen anyone matching the description, to which Marcus Nuell stated "no". Investigation revealed Marcus Nuell had knowledge of the shooting which happened outside approximately 30 feet from the tavern door. Marcus Nuell knew the location of the shooting suspect who was found hiding in the private living quarters of the Nuell family home, which was directly above the tavern. Further investigation revealed the shooting suspect was employed by the tavern as a security guard and was identified as Marques Hendrix. Hendrix ran and hid on the second floor after realizing police were investigating the shooting. A gun was also located on the second floor and matched the description police were given. Police viewed video surveillance that showed Hendrix was the shooter. Police interviewed Jennie Nuell and when asked if she knew anything about the shooting, she stated "no". When officers asked Jennie Nuell if they could review the video she stated no one at the location knew how to operate it. Jennie Nuell further

stated she would call the person who installed the system to obtain the video. Officers were aware that Jennie and Marcus Nuell knew how to operate the system since officers had handled a complaint of entry into autos a few months prior to this incident in which they provided video to police. During a search of the second floor, the video system was found disconnected and hidden under a bed. A search of the bar revealed a loaded .38 revolver hidden between two shirts. Police interviewed bar manager Eddie Nuell and asked if he had any knowledge of the shooting, to which he stated "no". Investigation also revealed Eddie Nuell had knowledge of the shooting and had sent text messages to Hendrix who was hiding on the second floor at the time. All subjects were arrested for further questioning to this shooting investigation. As of January 8, 2009, Eddie Nuell and Jennie Nuell were charged with Resisting or Obstructing An Officer. On April 8, 2009, a modifier of Party To A Crime was added. (It should be noted that Jennie Nuell was charged under the name of Jennie M. Bernard).

As to Eddie Nuell:

Charge:	Resisting or Obstructing An Officer PTAC
Finding:	Guilty due to Guilty Plea
Sentence:	Fined/2 days HOC
Date:	04/08/09
Case:	08CM007457

As to Jennie Nuell (Bernard):

Charge:	Resisting or Obstructing An Officer PTAC
Finding:	Guilty due to Guilty Plea
Sentence:	Fined/1 day HOC
Date:	04/08/09
Case:	08CM007462

- O. On December 18, 2008 at 3:15 p.m., Milwaukee police pulled up to the All Star Sports Bar and observed an unknown subject who was at the front door run back into the tavern upon seeing police and lock the door. Officers looked through the windows but were unable to see anyone or get a response as they knocked on the door. Officers contacted DNS Inspector Matt Dama, who responded to the location within 15 minutes. It was then that Jennie Nuell walked out from the bar. When asked who ran into the tavern when officers arrived, Nuell stated no one had. Officers conducted a protective search of the bar when

Marcus Nuell began walking down the stairs from the upper area of the bar. Police could smell a strong odor of burned marijuana. Upon further investigation, police checked the upper portion of the bar and found a subject trying to conceal himself in a bedroom. This subject was identified as Eddie Nuell. Also found in the bedroom were brown cigar wraps suspected to contain marijuana. The wraps were confiscated and later tested positive for marijuana. Police interviewed Jennie Nuell regarding what officers found and Nuell stated she was not aware that Eddie was hiding and that marijuana was found. Ms. Nuell later stated to police that it was her daughter that ran into the tavern to let her know that the police were on scene. It should be noted the only exit from the upstairs is through the bar.

- P. On December 19, 2008 at 1:35 a.m., Milwaukee police responded to 4001 West Fond Du Lac Avenue for follow up regarding a shooting. Officers entered the tavern and observed three patrons who were wanted in connection with the shooting that occurred on 12/14/08. Police arrested these three subjects, with two being charged with Resisting/Obstructing a Police Officer. The third was charged with Felon in Possession of Firearm. A tavern check was conducted and one patron was arrested on an outstanding warrant with another patron being cited for Disorderly Conduct. Officers also found a bag of white chalky substance that later tested positive for cocaine and had a street value of \$450.00. It was placed on inventory.
- Q. On December 26, 2008 at 1:20 a.m., Milwaukee police were dispatched to 3278 N. 41st Street for a shooting complaint. Police spoke to the victim who stated he had just walked out of the All Star Sports Bar when he was shot in his leg. The victim was treated for a gunshot wound to the right leg. Officers also spoke to a witness who stated he was the victim's cousin and that they just left the tavern and were talking on the front steps of the tavern when he heard two shots coming from behind him to the right of the doorway of the bar. The witness stated he did not see who was shooting and took off running when he heard the shots.
- R. On January 3, 2009 at 4:03 a.m., Milwaukee police were dispatched to 2323 North Lake Drive regarding a battery complaint. Officers spoke to the victim who stated she was a patron on the All Star Sports Bar on Fond Du Lac Avenue when a known female came up to her and started a verbal argument with her. The victim stated she walked

over to one of the security guards to tell him what happened when one of the bartenders pushed her and the known female began kicking and punching her. The victim stated she only knew the bartender as "Eddie" and that "Eddie" told this known female to "kick her ass". The victim stated she left the bar with a friend and drove herself to the hospital for treatment. At no time did Milwaukee police receive a call from All Star Sports Bar regarding a fight. At hearing, Mr. Eddie Nuell testified that this victim, Ms. Mitchell, entered the bar, was combative and loud, and was asked to leave. She resisted and in the process of the melee that resulted, he was injured. Mr. Eddie Nuell's version of events was corroborated by other witnesses.

- S. On February 17, 2009 at 9:25 p.m., Milwaukee police conducted a tavern check at 4001 West Fond Du Lac Avenue. Upon entering the premises, a patron ran into the bathroom and officers followed. Police observed this subject with his hand in the garbage can. A search of garbage revealed a loaded .380 and 20 suspected ecstasy pills. The patron was arrested and conveyed to the district station. The suspected ecstasy pills later tested inconclusively and were sent to the crime lab for further analysis.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation regarding complaints seeking revocation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found regarding the complaint for revocation of license of Captain Patrick Mitchell as it relates to the licensed premises, the Committee concludes that Ms. Jennie M. Nuell, the licensee for the premises located at 4001 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar"), has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances in that she keeps a disorderly, riotous, indecent and improper house, and that the continued operation of this premises constitutes a public nuisance and this premises and the conduct on the premises and in the immediate surrounding neighborhood has had a substantial adverse effect upon the health, safety convenience and prosperity of the neighborhood, and that as such a sixty day suspension of the license held by Jennie M. Nuell

should be imposed. The Licenses Committee finds the complaint filed by Captain Mitchell, as stated above, to be true.

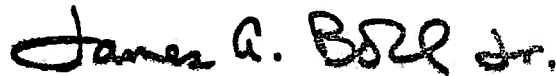
3. The Licenses Committee recommends that the full Common Council of the City of Milwaukee exercise its discretion to suspend the Class "B" Tavern license and tavern related licenses held by Ms. Jennie M. Nuell for the premises located at 4001 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar") for sixty (60) days based upon the complaint for revocation of license of Captain Patrick Mitchell, the testimony heard and the evidence received due to the danger that the operation of this premises poses to the health, safety, welfare, and of the citizens of the City of Milwaukee.

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) no, recommends that the Class "B" Tavern license and related licenses held by Ms. Jennie M. Nuell for the premises at 4001 West Fond du Lac Avenue in the City and County of Milwaukee, Wisconsin ("All Star Sports Bar") be suspended for a period of sixty (60) days based upon the complaint filed by Captain Patrick Mitchell, and the evidence and testimony received.

Said suspension is to be in effect between Council action on June 16, 2009 and midnight, August 14, 2009.

Dated and signed at Milwaukee, Wisconsin this 5th day of June, 2009.



JAMES A. BOHL, Jr., Chair
Licenses Committee