



**JAMES A. BOHL JR.**

Alderman, 5th District

Date: November 19, 2009

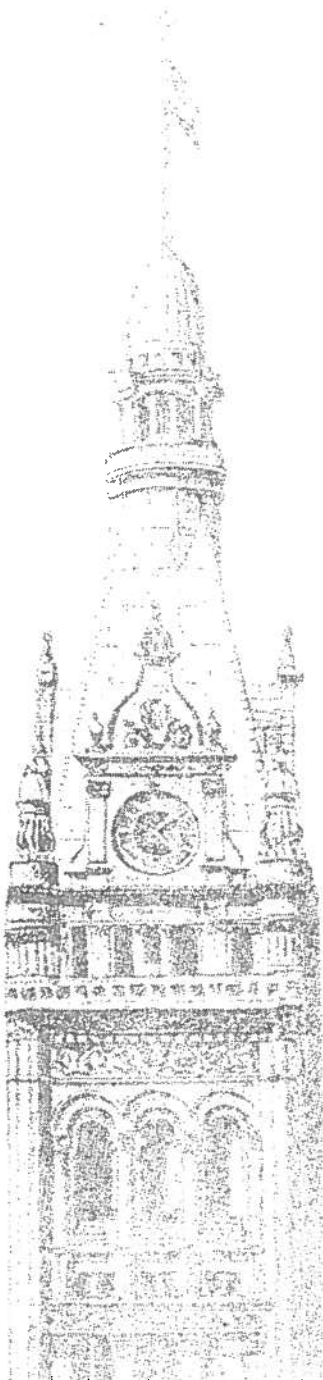
To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal applications of Tony M. Carter for Class "B" Tavern, Instrumental Music and Record Spin licenses for the premises located at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Ray's Rhythm & Blues Lounge").

#### FINDINGS OF FACT

1. Tony M. Carter (hereinafter the "Licensee") is the holder of Class "B" Tavern, Instrumental Music and Record Spin licenses for the premises located at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Ray's Rhythm & Blues Lounge"). Said licenses expire at midnight, December 12, 2009.
2. Applications to renew said licenses were timely filed with the Office of the City Clerk on October 7, 2009.
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 report that could form the basis of non-renewal or suspension of these licenses on October 8, 2009. In addition, there were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, fights, shootings, vandalism, thefts, operation of the premises in such a manner that it creates a public nuisance and, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On November 6, 2009, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the



police report that could form the basis for nonrenewal or suspension and of the neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on November 17, 2009 at 10:15 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did appear and admitted receipt of the notice. The licensee was not represented by counsel.

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

#### **PREVIOUS RECORD OF THE LICENSEE**

- A. On April 11, 2006 at 12:16 a.m., officers of the Milwaukee Police Department responded to a large fight at the licensed premises at 2712 North Doctor Martin Luther King Jr. Drive ("Ray's Rhythm & Blues Lounge"). Other squads were on the scene. Officers observed approximately 50 people in the street being loud, profane, and fighting. Two arrests, one for disorderly conduct (fighting) and one for disorderly conduct and obstructing an officer. Upon observing the number of patrons in the tavern, it appeared to be over its listed capacity of 80 persons. After police were able to maintain control of the fight several patrons of the tavern left the bar through the front and rear exits and officers were unable to obtain an accurate capacity count. The licensee was given a warning regarding the disorderly conduct and over capacity.
- B. On May 27, 2006 at 1:46 a.m., officers of the Milwaukee Police Department were dispatched to the intersection of West Center Street and North Doctor Martin Luther King Jr. Drive for a subject with a gun complaint. Upon their arrival, they found a large disturbance in the middle of the street. The incident started inside the licensed premises at 2712 North Doctor Martin Luther King Jr. Drive ("Ray's Rhythm & Blues Lounge") and the subject was escorted outside the tavern by security guards. The manager was on the scene and closed the tavern after the altercation occurred. One victim was hit and kicked in the face, a victim of substantial battery, and was treated by MFD Unit No. 7. Three suspects were taken into custody in connection with this incident.

- C. On March 9, 2007 at 1:35 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 2712 North Martin Luther King Jr. Drive for a shooting. Officers found an employee of the tavern who was shot in the leg. The investigation revealed that 3 to 4 shots were fired from a passing auto at the bar, striking the victim. There was a bullet entry point at the front door of the bar through a glass window. The victim was treated and released at a nearby hospital.
- D. On March 31, 2007 at 2:11 a.m., officers of the Milwaukee Police Department were dispatched to a battery complaint at the licensed premises at 2712 North Martin Luther King Jr. Drive. The investigation revealed a female patron who was fighting inside the tavern and sustained several lacerations to her head. The victim declined medical attention and declined to give police any more information regarding the battery. The tavern was closed at the time the police arrived and police were unable to obtain any statements regarding this incident from bar employees.
- E. On May 25, 2007 at 1:18 a.m., officers of the Milwaukee Police Department were dispatched to a noise nuisance complaint at the licensed premises at 2712 North Martin Luther King Jr. Drive. Officers spoke to the complainant who stated that at 12:50 a.m., he was awoken to 20-30 people exiting the tavern being loud and boisterous. Some patrons got into their cars or on their motorcycles and were accelerating the engines. The complainant stated he did not want a citation issued, but would like officers to speak with Tony Carter, the licensee. Mr. Carter was advised to keep his customers quiet and under control during hours of operation.
- F. On June 2, 2007, officers of the Milwaukee Police Department were flagged down by Ray's Rhythm & Blues security for a trouble with a subject. The investigation revealed a patron was denied entry into the tavern due to urinating on the building a few nights ago. This patron tried to enter the tavern again on this night and was turned away. The suspect then kicked the door and the glass window. He then spat at security. The suspect was still on the scene and was issued a disorderly conduct citation.
- G. On October 19, 2007 at 11:45 p.m., officers of the Milwaukee Police Department conducted a license

premises check at the licensed premises at 2712 North Martin Luther King Jr. Drive. As the officers entered the premises, they observed the licensee, Tony Carter, at the end of the bar, intoxicated. Officers asked for Carter's identification and asked if Carter had any weapons, to which Carter stated "check me." Officers then instructed Carter to put his hands up and he did. Carter began resisting arrest and struck an officer in the face with his elbow. Officers attempted to place Carter into custody when Carter bit an officer on the right hand, twice. Carter's actions caused the bar patrons to become unruly and to begin shouting at the police. At the police station, Carter admitted to police that he had heard a rumor that police were trying to shut down his tavern and when he saw the police enter he got angry and gave the police some attitude. Carter was charged with resisting/obstructing a police officer. At the hearing, Mr. Carter informed the Committee the citation that had been written had been dismissed.

- H. On November 12, 2007 at 2:00 p.m., officers of the Milwaukee Police Department were dispatched to 2712 North Dr. Martin Luther King Jr. Drive for an entry complaint. The investigation revealed an entry did occur and a report was filed.
- I. On November 20, 2007 at 4:56 p.m., officers of the Milwaukee Police Department were dispatched to 2712 North Martin Luther King Jr., Drive for a theft complaint. Police spoke to Tony Carter who stated that on November 2, 2007 at about 2:09 a.m., he locked up his business and went home. Mr. Carter returned about 4:00 p.m. and found that someone had entered his business and had stolen \$211.00 in cash and roughly \$440.00 in liquor. A check with the video surveillance revealed a known actor to Mr. Carter who sleeps in the upper apartment of the building enter through a broken lock door along with an unknown female removing the cash and liquor. The suspect was later arrested and charged with burglary.
- J. On March 15, 2008 at 2:08 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises at 2712 North Dr. Martin Luther King Jr. Drive for a shooting complaint. Upon their arrival, they observed an unconscious and unresponsive male lying against the wall of the licensed premises. The investigation revealed

that the victim and another patron were inside Ray's Rhythm & Blues Lounge when one patron accused the victim of improperly touching his girlfriend. An argument began with these two patrons exiting the tavern and continuing the fight. Witnesses inside the bar stated they heard one shot fired and observed the victim on the ground with a gun in his hand. The other subject involved in the fight with the victim was still on the scene and later arrested. Officers noted that upon their arrival, the doors to Ray's Rhythm & Blues Lounge were closed and locked and no one would answer the door when officers knocked. Officers conducted a follow-up the next day and spoke to the manager who stated she was working the night before and that they had closed earlier last night, before 2:00 a.m. She further stated she did not know anything about any shooting that occurred the night before. The victim and assailant was three doors from the premises when found, however, they had been in the bar prior to the incident. The licensee denied that anything happened in the bar.

- K. No neighbors testified in opposition to renewal of this license.

**THE FOLLOWING RECORD WAS CONSIDERED  
FOR THE 2009-2010 RENEWAL YEAR**

- M. On February 7, 2009 at 1:59 a.m., officers of the Milwaukee Police Department responded to a fight at 2712 North Martin Luther King Jr. Drive (Ray's Rhythm & Blues Lounge). The investigation revealed two patrons were fighting inside the business. Both patrons were cited and released.
- N. On February 14, 2009 at 2:16 a.m., officers of the Milwaukee Police Department responded to a shooting at Mt. Sinai Hospital. The investigation revealed earlier in the evening that two patrons were fighting inside 2712 North Martin Luther King Jr. Drive (Ray's Rhythm & Blues Lounge). The patrons were escorted out of the bar by security. One of the patrons retrieved a gun from his auto and shot the victim once in the foot. The shooting took place on the sidewalk outside the bar. No calls were made from the business regarding the fight. The licensee was cited for disorderly premises prohibited. A municipal warrant issued on April 6, 2009.

- O. On March 30, 2009 at 1:45 a.m., a Milwaukee police officer was monitoring bar closing time at 2712 North Martin Luther King Jr. Drive (Ray's Rhythm & Blues Lounge). The officer observed three patrons exit the bar. One of the patrons struck another one in the head, knocking him off his feet. The offending subject was taken into custody. The victim of this incident fled the scene prior to speaking to police. The suspect was cited for disorderly conduct.
- P. On May 16, 2009 at 2:10 a.m., a Milwaukee police officer, while on routine patrol, observed four patrons exit the business at 2712 North Martin Luther King Jr. Drive (Ray's Rhythm & Blues Lounge). The patrons were arguing loudly. When the officer intervened, three of the subjects stopped arguing but one continued arguing and shouting profanities at police and was cited for disorderly conduct.
- Q. The licensee has installed identification equipment.

#### CONCLUSIONS OF LAW

- 1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and 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 upon the above facts found, the Committee concludes that the licensee, Tony M. Carter, who holds Class "B" Tavern, Instrumental Music and Record Spin licenses for the premises located at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Ray's Rhythm & Blues Lounge ") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern, Instrumental Music and Record Spin licenses without undergoing a ten (10) day suspension of said licenses, based upon the police report.
- 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, Instrumental Music and Record Spin licenses of Tony M.

Carter for the premises located at 2712 North Dr. Martin Luther King Jr. Drive in the City and County of Milwaukee, Wisconsin ("Ray's Rhythm & Blues Lounge") with a ten (10) day suspension. The Committee finds the police report as stated above to be true.

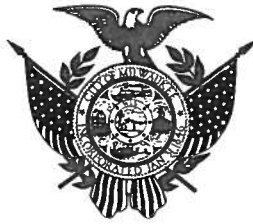
#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) no, and one (1) excused recommends that the Class "B" Tavern, Instrumental Music and Record Spin licenses held by Tony M. Carter be renewed with a ten (10) day suspension based on the police report.

Said suspension is to be in effect between 12:01 a.m., December 13, 2009 through midnight, December 22, 2009.

Dated and signed at Milwaukee, Wisconsin this 19th day of November, 2009.

  
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JAMES A. BOHL, Jr., Chair  
Licenses Committee



**JAMES A. BOHL JR.**  
Alderman, 5th District

Date: November 19, 2009

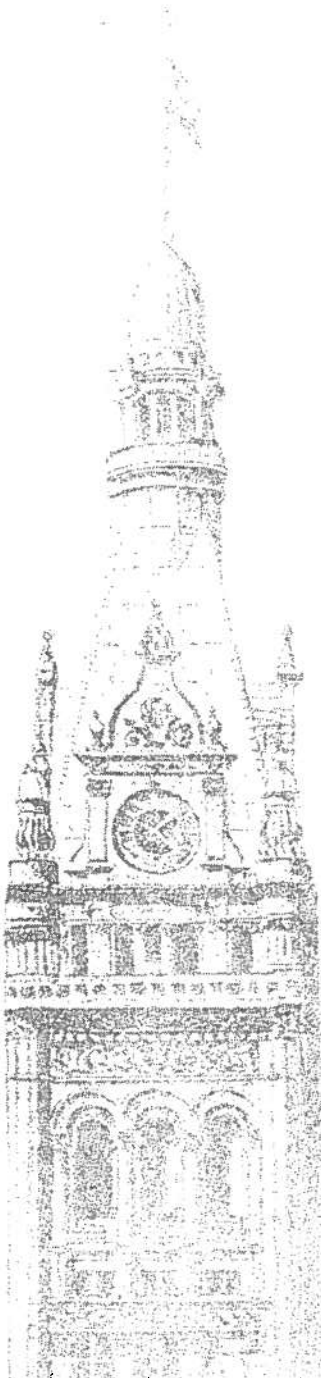
To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal applications of the Class "B" Tavern, Tavern Dance and Videogame Center licenses of Christina M. Elliot as agent for "Competitive Ventures, LLC" for the premises located at 4014-24 South Howell Avenue in the City and County of Milwaukee, Wisconsin ("Jerseys Sports Pub & Grill & 4014 Lounge").

#### FINDINGS OF FACT

1. Christina M. Elliot (hereinafter "the Licensee") is the holder of Class "B" Tavern, Tavern Dance and Videogame Center licenses for the premises located at 4014-24 South Howell Avenue in the City and County of Milwaukee, Wisconsin ("Jerseys Sports Pub & Grill & 4014 Lounge"). Said licenses expire at midnight on December 15, 2009.
2. Applications to renew said licenses were filed with the Office of the City Clerk on October 30, 2009.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On November 9, 2009, the Milwaukee Police Department responded with a report regarding the renewal of said licenses, which could form a basis of non-renewal or suspension. There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, fights, shootings, vandalism, thefts, operation of the premises in such a manner that it creates a public nuisance, disturbing the peaceful enjoyment of the neighborhood due to loud music and noise from the outside areas of the premises,





employment of persons wearing lingerie to solicit drinks and entertain patrons in violation of the Milwaukee Code of Ordinances and without the required licenses, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.

4. On November 9, 2009, 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 the neighborhood objections, and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report and neighborhood objections on November 17, 2009, at 8:45 a.m. in Room 301B of City Hall, 200 East Wells Street. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report. The Licensee was represented by Attorney Robert E. Haney, Podell, Ugent & Haney, S.C., The Loyalty Building, 611 North Broadway Street, Suite 200, Milwaukee, Wisconsin 53202-5004.
5. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact.
  - A. On May 18, 2007, the applicant was charged in Milwaukee County for disorderly conduct and found guilty on September 6, 2007. A sentence of a forfeiture/fine was imposed.
  - B. On March 21, 2009 at 1:29 a.m., officer of the Milwaukee Police Department responded to a battery complaint at 4014-24 South Howell Avenue (Jerseys Sports Pub & Grill and 4014 Lounge). The investigation revealed that a patron at the bar was struck once in the face, causing pain.
  - C. On June 17, 2009 at 11:11 p.m., officers of the Milwaukee Police Department responded to a noise nuisance complaint at 4024 South Howell Avenue (Jerseys Sports Pub & Grill and 4014 Lounge). The investigation revealed that there were several patrons on the patio. These patrons were laughing and talking. Police advised the bartender, Scott Rick that there were still patrons outside on the patio and they were making enough noise that someone had called police. Mr. Rick stated the patio was usually closed by 10:30 p.m. and that no one should be outside. Mr. Rick then went outside to the patio and asked the remaining patrons to

leave. The patrons complied.

- D. On July 17, 2009 at 1:07 a.m., officers of the Milwaukee Police Department responded to a battery complaint at 4024 South Howell Avenue (Jerseys Sports Pub & Grill and 4014 Lounge). The investigation revealed that the applicant and her live-in boyfriend, Rodney Lass, were involved in a fight in the basement of the business. Lass punched and kicked the applicant causing pain and injury. A battery-domestic violence report was subsequently filed. The case was not processed by the District Attorney's Office on August 6, 2009.
- E. There were four neighbors testifying in opposition to the renewal of this license. One neighbor who is a paramedic and comes home late at night testified to illegally parked cars, despite the fact that this location has a parking lot, and patrons vomiting and urinating in her front yard.
- F. The same neighbor has small children and testified to the fact that in the summer months there is a volley ball court on the premises (which is included the permanent extension of this premises) on which league volley ball games are held, and which is the source of loud patrons swearing during volley ball games. The objecting neighbor testified to the fact that efforts made to improve the conduct of the volley ball participants has improved, but not sufficiently to completely stop the offensive activity of the patrons playing volley ball. The neighbor testified to the fact that prior to the present owner taking over the property, swearing would be stopped by a phone call to the premises. The neighbor also testified to seeing patrons take bongs and smoke marijuana between the buildings. The neighbor testified to the fact that such problems did not occur until the current owner took over the business.
- G. The second neighbor testified to the fact that their sleep is regularly disturbed by activities of the patrons of this premises, particularly in relation to the volley ball games. This neighbor has moved her bedroom to escape the noise of the volley ball games. This same neighbor has also observed drug use by patrons of the establishment in a parking lot owned by a bank.
- H. The third neighbor testified that her home is directly behind the bar and the volley ball court. That person has lived in

her home seventeen years and says that when she moved there, the then owner of the property was very responsive to any concerns she had with problems generated by patrons of the establishment. The second owner was less responsive, and the current owner is the least responsive, in her experience. This neighbor testified that her current experience with the operation of the establishment is "horrible." The swearing from the patrons of the volley ball court is so bad that her thirteen year old child has started using the language.

- I. The same neighbor also testified to being offended by bikini clad individuals washing motor bikes blocking the sidewalk in front of the bar, and necessitating going around them in order to use the sidewalk. The licensee explained that the episode was only done four times the past summer as part of a Harley Davidson Festival Event, and that they will not be repeated.
- J. The same neighbor testified that she is studying to become a nurse and is disturbed by the late night activities of the tavern patrons on the volley ball court and deck after 10:30 p.m. She is required to close her windows and turn on the air conditioning in order to stop the noise from disturbing her.
- K. The licensee testified that the volley ball games end at 9:45 p.m., even though league rules allow games as late as 10:00 p.m. Notwithstanding that fact, this neighbor testified to patrons still using the volley ball area for carrying their parties until late nights. Further, evidence received at the hearing revealed the previous owner of the establishment closed the volley ball court at 8:30 pm.
- L. The Board of Zoning Appeals took away the use of the deck of this establishment. Despite that fact, a live band was playing on the deck for a Halloween party on October 31, 2009. Per neighbor testimony at committee, in order to placate the neighbors, an individual representing himself to be on behalf of the establishment came to this neighbor and offered her a bottle of wine for the apparent inconvenience of having the band play on the deck until 2:00 am. He also gave this witness his phone number. On the evening in question, the band played, and when it became too loud, this neighbor called and asked to have the music turned down. For a time it was, but the volume increased at about

2:05 am. She called again to request the music be turned down, and received no answer.

- M. This witness has not met the licensee before the time of the hearing in this matter.
- N. The husband of the third witness testified that despite “No Trespassing” signs on his property, patrons of the establishment regularly go onto to his property to retrieve volley balls that have gone over the fence. The licensee countered that she has recently spent money to improve the netting of the volley ball court. The objecting neighbor also testified that the activities of the patrons of this establishment prevent his daughter from being able to get to sleep.
- O. At the hearing, the license testified that she had Milwaukee Police Department CAD reports indicating that on 29 occasions calls that came in regarding her establishment that were closed out as C-9 (Baseless).

### **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 upon the above facts found, the Committee concludes that the Licensee, Christina M. Elliot, 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 her Class “B” Tavern, Tavern Dance and Videogame Center licenses for the premise located at 4014-24 South Howell Avenue in the City and County of Milwaukee, Wisconsin (“Jerseys Sports Pub & Grill & 4014 Lounge”) without undergoing a forty-five (45) day suspension of said licenses. The Committee finds the incidents in the police department report and neighborhood objections, 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, Tavern Dance and Videogame Center licenses for the premise located at

4014-24 South Howell Avenue in the City and County of Milwaukee, Wisconsin ("Jerseys Sports Pub & Grill & 4014 Lounge") with a forty-five (45) days suspension based upon her past activities as a licensee, and for the danger the operation of this premises posed to the health, safety and welfare of the citizens of the community.

### **RECOMMENDATION**

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes, recommends that the Class "B" Tavern, Tavern Dance and Videogame Center licenses of Christina M. Elliot for the premises located at 4014-24 South Howell Avenue in the City and County of Milwaukee, Wisconsin be renewed with a forty-five (45) day suspension.

Said suspension is to be in effect from 12:01 a.m., December 16, 2009 through midnight, January 29, 2010.

Dated and signed at Milwaukee, Wisconsin this 19th day of November, 2009.



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JAMES A. BOHL, Jr., Chair  
Licenses Committee



**JAMES A. BOHL JR.**  
Alderman, 5th District

Date: November 19, 2009

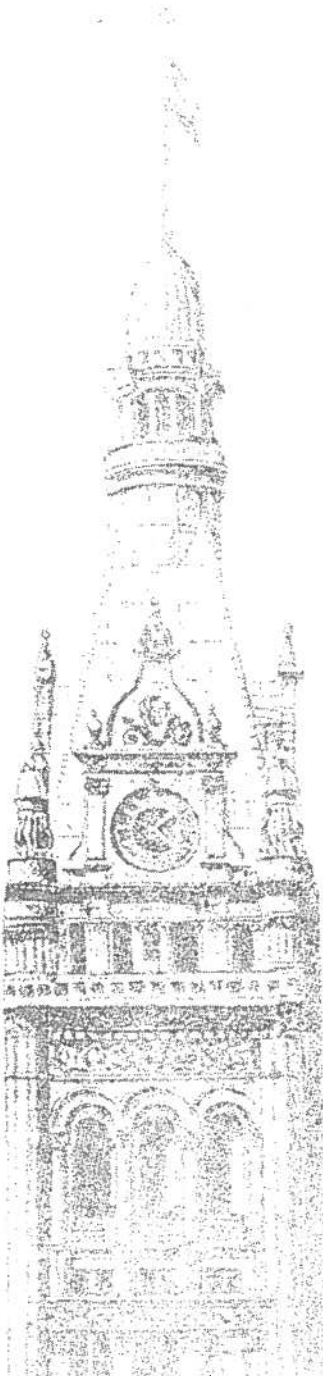
To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal applications of Lyle A. McDowell for a Class "B" Tavern and Record Spin licenses for the premises located at 3478 North 2<sup>nd</sup> Street in the City and County of Milwaukee, Wisconsin ("Club 2-C ").

#### FINDINGS OF FACT

1. Lyle A. McDowell (hereinafter the "Licensee") is the holder of Class "B" Tavern and Record Spin licenses for the premises located at 3478 North 2<sup>nd</sup> Street in the City and County of Milwaukee, Wisconsin ("Club 2-C "). Said license expires at midnight, December 20, 2009.
2. Applications to renew said licenses were timely filed with the Office of the City Clerk on October 7, 2009.
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 report that could form the basis of non-renewal or suspension of these licenses on October 28, 2009. There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, fights, shootings, public urination, drug and criminal activity, prostitution, trespassing, public urination, operation of the premises in such a manner that it creates a public nuisance, fights, shootings, vandalism, thefts, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On November 6, 2009, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the



police report that could form the basis for nonrenewal or suspension and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report on November 17, 2009 at 10:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee did appear, but was not represented by counsel.

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

**PREVIOUS RECORD OF THE LICENSEE**

- A. On December 11, 2003, at 4:30 p.m., officers of the Milwaukee Police Department made a lawful inspection of the licensed premises at 2901 North 23<sup>rd</sup> Street. Mr. McDowell was the licensee at 2901 North 23<sup>rd</sup> Street at the time. Officers arrested Heath Wasserman, who was in the bar, for carrying a concealed weapon-gun. An incident report was filed.
- B. On March 28, 2004 at 2:46 a.m., officers of the Milwaukee Police Department responded to the licensed premises at 2901 North 23<sup>rd</sup> Street regarding a shooting. The investigation revealed that a shooting occurred at the rear of the licensed premises. The shooting involved three patrons of the tavern. The licensee stated that no fight had occurred outside the tavern nor was there a shooting inside the tavern, only that the actors had been in the tavern for a party. An incident report was filed.
- C. On June 6, 2004, at about 1:37 a.m., unknown person(s) fired several shots into the premises striking a patron in the lower leg. The criminal investigation indicated that at about 10:45 p.m. on June 5, 2004, two patrons began fighting, left the tavern and began arguing with each other across the street. The security person observing this did not call the police because he believed it was no longer the bar's responsibility. About an hour later, one of the patrons that had been involved in the argument returned to the front of the tavern yelling that he was looking (for the person he argued with earlier). This individual was heard threatening to shoot at the tavern. At about 1:35 a.m., the son of the first participant in the fight and an accomplice approached the tavern armed with a handgun

and shotgun and fired shots into the tavern. A passing squad observed shooting and arrested one of the suspects.

- D. On July 9, 2004, officers of the Milwaukee Police Department investigated a battery complaint. The victim stated she was in the licensed premises at 2901 North 23<sup>rd</sup> Street at about 1:30 a.m. on July 9, 2004. When she refused a man's advances, the man struck her in the mouth with a bottle, cutting her upper lip. The applicant stated that a man named "Mackie" had struck the woman but the applicant did not call police. An incident report was filed.
- E. On September 6, 2004, at about 1:28 a.m., officers of the Milwaukee Police Department were dispatched to a shooting at 2901 North 23<sup>rd</sup> Street, Big V's Sports Bar. The criminal investigation indicates that about 1:00 a.m., a subject was denied entry into the bar because he refused to be searched. About 30 minutes later, a subject was observed by a neighbor discharging a handgun at the premises. Two patrons suffered non-life threatening injuries. No arrest was made.
- F. On November 26, 2004 at about 1:50 a.m., an individual had just left the premises at 2901 North 23<sup>rd</sup> Street and was shot in the head as he entered his vehicle parked across the street. No further information was made available to the Committee.
- G. On April 17, 2006, at 10:21 p.m., officers were dispatched to Club 2-C at 3478 North 2<sup>nd</sup> Street, on an anonymous report that the new club was being operated in violation of its license. The officers spoke to the bartender, who showed them the license for the Checker Board Lounge, issued to Ralph Bailey. There was no license for Club 2-C and all the old signs and drink menus were posted as Club 2-C. The applicant had applied for a license transfer for Club 2-C, but it had not been granted and Mr. McDowell was using the Checker Board Lounge license during the "transitional time" until he got his license approved for that location. Officers returned on May 2, 2007, and found the tavern was still operating under the Checker Board Lounge licenses. The bartender became upset with police, asking why the "police were hasslin' them like this." The bartender called the new



owner, Lyle Mc Dowell, and McDowell arrived shortly thereafter. McDowell was issued a citation for permit person to tend bar without license. The licensee was found guilty of permit person to tend bar without license on June 26, 2006 and fined \$100.00.

- H. On November 11, 2007 at 2:15 a.m., officers of the Milwaukee Police Department were dispatched to 3532 North 2<sup>nd</sup> Street for a shooting complaint. The investigation revealed an underage woman, who was in the tavern earlier with a friend, was shot outside after leaving Club 2-C. The investigation revealed that the female was under the age of 21. While talking with witnesses and conducting field interviews, officers discovered two firearms located inside the tavern. One was located behind the bar with one round in the chamber and six rounds in the magazine and was determined to be the bar owners firearm. The other was found on a patron inside the tavern. The patron was placed under arrest for carrying a concealed weapon. Citations were issued for presence of underage to both the victim and the licensee.
- I. On June 27, 2008 at 12:35 p.m., officers of the Milwaukee Police Department were flagged down for an entry complaint at 3478 North 2<sup>nd</sup> Street. The investigation revealed an entry occurred with numerous liquor items being removed. An incident report was filed.

#### **CURRENT RECORD OF THE LICENSEE**

- J. On December 21, 2008 at 2:39 a.m., officers of the Milwaukee Police Department were dispatched to a battery complaint at 3523 North 2<sup>nd</sup> Lane. The investigation revealed that the caller, who appeared intoxicated, stated he had been punched while a patron inside Club 2-C (3478 North 2<sup>nd</sup> Street). The caller refused medical attention and was unable or unwilling to provide a description of his assailant. No citations or police reports were filed.
- K. On May 10, 2009 at 2:00 a.m., officers of the Milwaukee Police Department were flagged down at 3478 North 2<sup>nd</sup> Street (Club 2-C) for a shooting. The investigation revealed that at approximately 2:00 a.m. on May 10,

2009, a patron was leaving the bar and crossed the street westbound from the business. A subject approached the patron on foot from the south. This subject displayed a handgun and told the patron to go into the gangway just to the west of where they were standing. Instead of going into the gangway, the victim ran away from the subject with the gun and went back across the street toward the club. While running away, the victim heard one gun shot and realized he had been shot in the abdomen by the perpetrator. This shooting took place outside the business. An incident report was filed.

- L. On June 13, 2009 at 2:37 a.m., a Milwaukee police dispatcher advised squads of a pending call for a shooting at 3478 North 2<sup>nd</sup> Street (Club 2-C). A Milwaukee police squad responded at 2:43 a.m. The investigation revealed a fight had taken place inside the business around 1:45 a.m. between two patrons. One of the patrons yelled "shoot him" at which point a third party produced a handgun and shot the victim once. This shooting took place inside the business. An incident report was filed.
- M. The licensee was required to close his business on July 7, 2009, as the Department Neighborhood services placarded the building. The licensee spent \$29,000 in needed repairs. He also submitted a plan to improve security to the Command of Police District No. 5, which included a security camera, wandering patrons, and an extra security guard.
- N. No neighbors appeared in opposition to renewal of this license.

#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and 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 upon the above facts found, the Committee concludes that the licensee, Lyle A. McDowell, who holds Class "B" Tavern and Record Spin licenses for the premises located at 3478 North 2<sup>nd</sup> Street in the City and County of Milwaukee, Wisconsin ("Club 2-

C ") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Records Spin licenses without undergoing a ten (10) day suspension of said licenses based upon a police report.

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 Record Spin licenses of Lyle A. McDowell for the premises located at 3478 North 2<sup>nd</sup> Street in the City and County of Milwaukee, Wisconsin ("Club 2-C ") with a ten (10) day suspension of said licenses because of a police report. The Committee finds the police report, as stated above, to be true.

#### 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 and Record Spin licenses held by Lyle A. McDowell be renewed with a ten (10) day suspension based upon a police report.

Said suspension is to be in effect between 12:01 a.m., December 21, 2009 through midnight, December 30, 2009.

Dated and signed at Milwaukee, Wisconsin this 19th day of November, 2009.

A handwritten signature in black ink, reading "James A. BOHL Jr." with a stylized flourish at the end.

JAMES A. BOHL, Chair  
Licenses Committee



**JAMES A. BOHL JR.**  
Alderman, 5th District

Date: November 19, 2009

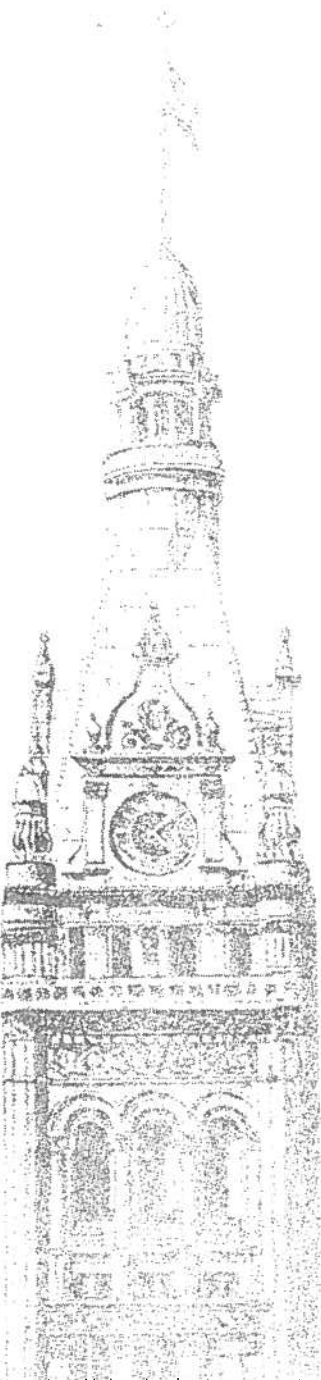
To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal applications of the Class "B" Tavern and Tavern licenses of Rafael Molinari for the premises located at 1503 West Arthur Avenue in the City and County of Milwaukee, Wisconsin ("La Borinquena").

#### FINDINGS OF FACT

1. Rafael Molinari (hereinafter "the Licensee") is the holder of Class "B" Tavern and Tavern Dance licenses for the premises located at 1503 West Arthur Avenue in the City and County of Milwaukee, Wisconsin ("La Borinquena"). Said license expires at midnight on December 15, 2009.
2. Applications to renew said licenses were filed with the Office of the City Clerk on October 14, 2009.
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. There was no police report produced on these licenses. There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, drug sales inside the premises, disorderly patrons during and after hours, disturbing the peace, operation of the premises in such a manner that it creates a public nuisance, patrons honking horns, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On November 6, 2009, 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 and the neighborhood objections. The matter was scheduled for a



hearing on the police department report and neighborhood objections on November 17, 2009 at 9:30 a.m., in Room 301B of City Hall, 200 East Wells Street. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report. The Licensee was represented by Attorney David Saucedo on behalf of Attorney Richard Smith, 4811 South 76<sup>th</sup> Street, Suite 300, Milwaukee, Wisconsin 53220.

5. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact.

- A. For the 2008 – 2009 license year, this location was renewed with a warning letter. That warning letter was based upon neighborhood testimony regarding noise for the location that disturbs neighbors and wakens them in the night, as well as patrons consuming drugs. The local alderman talked to this licensee last year and also warned him that if the activity continued, the license could be non-renewed.
- B. For the current license year, the same neighbors appeared and testified that despite the renewal for the 2008 – 2009 license year with a warning letter, the activity of which they complained last year continues.
- C. The neighbors are subjected to motor bikes making noise so loud that they set off car alarms at closing time, as well as driving them on the sidewalk, creating a danger to users of the sidewalk.
- D. The neighbors have seen patrons snorting cocaine outside of the premises behind a dumpster.
- E. One neighbor complained that her daughter was awoken by gunshots which they attribute to this premises because it is the only source of persons in the area at closing time.
- F. The local alderman has received a significant number of complaints from various individuals regarding the noise generated from this premises.
- G. The neighborhood objectors also testified to the fact that when the patrons leave at closing time and are noisy, the bar manager employed by the licensee is actually part of the group outside of the premises making noise.

- H. According to testimony at committee, licensee has not come to the neighbors and asked them whether or not the operation of his tavern has caused them any problems.
- I. The licensee testified that he has attempted to improve the operation of the tavern by having a doorman to make sure drinks are not carried outside, and by making sure the music is off by 1:00 a.m. or 1:30 a.m. on Fridays and Saturdays.

### **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 upon the above facts found, the Committee concludes that the Licensee, Rafael Molinari, 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 his Class "B" Tavern and Tavern Dance license for the premise located at 1503 West Arthur Avenue in the City and County of Milwaukee, Wisconsin ("La Borinquena"). The Committee finds that the neighborhood objections, 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 not renew the Class "B" Tavern and Tavern Dance license for the premise located at 1503 West Arthur Avenue in the City and County of Milwaukee, Wisconsin ("La Borinquena") based upon his past activities as a licensee, and for the danger the operation of this premises posed to the health, safety and welfare of the citizens of the community.

### **RECOMMENDATION**

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes, recommends that the Class "B" Tavern and Tavern Dance licenses of Rafael Molinari for the premises located at 1503 West Arthur Avenue in the City and County of Milwaukee, Wisconsin not be renewed.

Dated and signed at Milwaukee, Wisconsin this 19th day of  
November, 2009.

*James A. Bohl Jr.*

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JAMES A. BOHL, Jr., Chair  
Licenses Committee



**JAMES A. BOHL JR.**  
Alderman, 5th District

Date: November 19, 2009

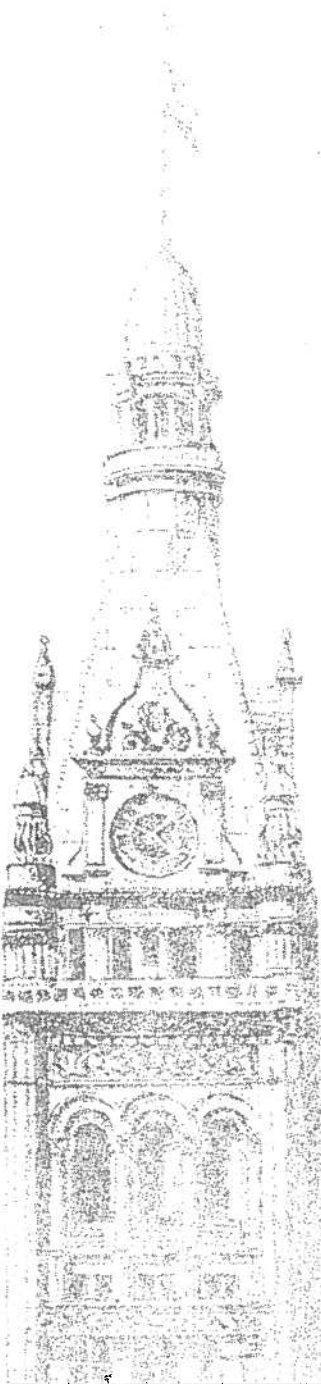
To: All members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal applications of Habib Manjee, Agent for Lady Bug Club, LLC, for Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses with change of hours and entertainment for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Ladybug Club/618 Live On Water").

#### FINDINGS OF FACT

1. Habib Manjee ("Licensee") is the holder of Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Ladybug Club/618 Live On Water"). Said licenses expire at midnight, December 20, 2009.
2. Applications to renew said licenses and change the hours and entertainment was filed with the Office of the City Clerk on October 13, 2009.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 15, 2009, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said licenses. There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, fights, vandalism, thefts, operation of the premises in such a manner that it creates a public nuisance, past history of licensed location (see enclosed findings of facts), cruising, disorderly patrons during and after hours disrupting the neighborhood, damage to private property, parking on private





property, disturbing the peace, causing the normal flow of traffic on roadways to be impeded, excessive and inappropriate use of police resources, neighborhood problems due to mismanagement, endangering safety by exceeding capacity, shootings and gunshots, fireworks, harassment of neighbors by staff, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.

4. On November 6, 2009, 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 neighborhood objections and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report and neighborhood objections on November 17, 2009, commencing at 3:30 p.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the Licensee appeared and admitted receipt of notice for the hearing, as well as notice of the objection to renewal of licenses. The Licensee was represented by Attorney David R. Halbrooks, and Attorney Matt Lerner, Maistelman & Associates, LLC, 5027 West North Avenue, Milwaukee, WI 53208.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On September 20, 2008, a walk-in battery complaint came into District 7. The victim stated she was at Club 618, 618 North Water Street, at about 12:30 a.m. She was walking out to her car and was attacked by a known suspect who pulled her hair and punched her several times in the face causing pain. The victim stated that she and the suspect have a long history of disliking each other. The known suspect stated the victim has repeatedly given her trouble in the pasts. The suspect was cited and the citation was dismissed without prejudice.
  - B. On September 28, 2008, at 12:14 a.m., a Milwaukee Police Department squad was sent to 622 North Water Street to conduct traffic/crowd control. The squad was on scene for 2 hours and 47 minutes dealing with the patrons leaving.
  - C. On October 4, 2008 at 11:58 p.m., a Milwaukee Police Department squad was sent to 622 North Water Street to conduct traffic/crowd control. The squad was on scene for 3 hours and 10 minutes dealing with the patrons leaving.

- D. On October 11, 2008 at 11:03 p.m., a Milwaukee Police Department squad was sent to 622 North Water Street to conduct traffic/crowd control. The squad was on scene for 2 hours and 18 minutes dealing with the patrons leaving.
- E. On October 19, 2008 at 1:12 a.m., a Milwaukee Police Department squad was sent to 622 North Water Street to conduct an investigation. The squad was on scene for 27 minutes and the investigation resulted in a C-10.
- F. On October 26, 2008 at 12:38 a.m., a Milwaukee Police Department squad was sent to 622 North Water Street to conduct traffic/crowd control. The squad was on scene for 2 hours and 49 minutes dealing with the patrons leaving.
- G. On November 1, 2008 at 11:22 p.m., a Milwaukee Police Department squad was sent to 622 North Water Street to conduct traffic/crowd control. The squad was on scene for 2 hours and 53 minutes dealing with the patrons leaving.
- H. On November 2, 2008 at 10:35 p.m., a Milwaukee Police Department squad was sent to 622 North Water Street to conduct traffic/crowd control. The squad was on scene for 2 hours and 49 minutes dealing with the patrons leaving.
- I. On February 7, 2009 at 2:10 a.m., Milwaukee Police Department squads were dispatched to a battery at 622 North Water Street. Upon squads arriving, no battery was found but instead a large melee was found outside the tavern. It took numerous squads to disperse the crowd away from the area. This was the first night the tavern was open after its suspension. The licensee, Habib Manjee, stated he had a private promoter that night and he was insisting on letting people in that he would not have. Manjee stated he had replaced many of his security staff and the doorman was still learning what to look for.
- J. On February 8, 2009 at 11:03 p.m., Milwaukee Police Department squads were assigned to monitor 622 North Water Street for problems with its crowd and traffic congestion outside. There were also several NTF squads in the area that were ordered down to monitor the tavern and do traffic enforcement. The district squads were in the area for 3 hours and 15 minutes.

- K. On February 15, 2009 at 1:52 a.m., while on patrol, a Milwaukee Police Department squad observed a large crowd gathering outside of the Lady Bug Club, 618 North Water Street and several subjects arguing in the street. The officer observed a female lying on the ground in pain and the female stated that security from the club had pushed her to the ground. Several squads were called to the scene to disperse the crowd. The victim had x-rays, which revealed that her left wrist and right wrist were broken. The victim was unable to identify which security guard pushed her.
- L. On February 21, 2009 at 12:01 a.m., a Milwaukee police officer was flagged down by a taxicab driver for a fight at 622 North Water Street. The owner, Habib Manjee, stated an unknown black female was escorted out of the club for being disorderly. As she was being escorted out of the club, she became aggressive with security and was yelling at them. Security stated they did not want anything to be done as far as prosecution for disorderly conduct.
- M. On March 14, 2009 at 2:00 a.m., a Milwaukee Police Department squad observed traffic was backing up due to Lady Bug Club 622 North Water Street letting out. Numerous squads and a sergeant were needed to clear the traffic congestion as well as other incidents.
- N. On May 31, 2009 at 2:20 a.m., as a Milwaukee Police Department squad was doing crowd control at Michigan/Broadway for Tavern 618 Live, the officers observed security trying to escort a subject out of the middle of the street who was yelling, screaming, using profane language and swinging his arms toward security personal. The security guard stated he was grabbed by the subject who punched him with a closed fist on his right side about four times, causing pain and swelling. The subject also punched him in the face and chest. Officers approached the subject and tried to conduct a field interview. The subject fled and was taken into custody after a brief foot pursuit. The subject refused to cooperate with police and stated "F--- You". The subject was very combative and had to be shackled and have a spit mask placed over his face due to his agitated state as he was expelling spit during his yelling. The subject was arrested for disorderly conduct and resist or obstruct a police officer.

- O. On June 14, 2009 at 1:26 a.m., a Milwaukee Police Department squad was dispatched to 618 North Water Street for a battery complaint. The victim was observed bleeding from the right side of her head. The victim as well as her friend stated she was hit with a bottle. The security had the suspect detained but did not know it was her so let her go and did not get a name. The video was also looked at but it was of poor quality and the scene was already cleaned up. The victim received two stitches to the right side of her forehead.
- P. On July 3, 2009 at 3:39 a.m., a Milwaukee Police Department squad was dispatched to 2323 North Lake Drive (St. Mary's Hospital) for a battery complaint. The victim stated a known actor struck her in the face with a "martini glass" inside the bar at 616 North Water Street and caused her pain. The victim received 7 stitches to her left cheek for the laceration. The case was reviewed at the DA's office and was a "no process" because the victim did not show up.
- Q. On August 1, 2009 at 2:45 a.m., a Milwaukee Police Department detective responded to the shooting investigation at 250 East Wisconsin Avenue. During the investigation, a witness stated he was at "Club 618" located at 618 North Water Street with his friend the victim. They were both waiting outside the club to talk with women as they left and they were also walking unknown females to their cars to get their phone numbers. At one point they decided to stand on the northwest corner of North Broadway and East Wisconsin and observe. The witness said at one point a bluish green, medium size, older model 4-door SUV pulled up to the corner and one of the two occupants said "Break yourself." Both of them started to run at which time the witness heard a single shot. The victim said he was shot and the SUV fled in an unknown direction. The witness is unable to provide a description of the occupants of the vehicle as he was extremely intoxicated at the time and it happened so fast. The victim was treated for his gunshot to his right thigh at Froedtert Hospital. The owner, Habib Manjee, was issued a citation for presence of underage.
- R. On Sunday, October 18, 2009 at 12:45 a.m., a squad was sent to the 618 North Water Street (Ladybug Club/618 Live) for a fight. The squad had been there 20 minutes

earlier for 'trouble with a subject'. At that incident, club security was holding an individual who they did not want cited, but just to leave. The subject was allowed to leave. The same person then returned and punched a security guard in the nose. The actor was cited.

- S. Four neighbors, three of whom live in the area, objected to the renewal of this license. The first lives in an apartment building with an apartment with windows that faces Water Street and the rear parking lot. That individual testified that every weekend there is chaos from the patrons of the Lady Bug Club both in front of the premises and in the rear parking lot. That individual sees persons going from the Lady Bug Club to the rear parking lots. Those individuals are intoxicated and he has heard beer bottles breaking. Every weekend this individual is awoken by persons using loud speakers one half hour to forty five minutes beyond bar time to move people along. This individual does not experience the loud noise and being awoken on Mondays and Tuesdays when the Lady Bug Club is closed. This neighbor testified to people yelling and screaming and standing and dancing on top of cars in the two rear parking lots until at least 2:30 a.m. This neighbor also testified that security personnel from the Lady Bug Club does go to the parking lots and asks the individuals to leave, but he is none the less disturbed.
- T. The second objecting neighbor has personally seen acts of rowdiness by the patrons of the establishment. He has seen patrons urinating in the lobby of his building. On October 28, 2009 this individual heard footsteps on the roof of his building, and he went up to the roof to investigate. He found two individuals who identified themselves as security personnel from the Lady Bug Club, who had come up a ladder on the North end of the building. They informed this witness that they were trying to observe persons breaking into cars. This individual and his partner were, in his words, completely terrified by what was transpiring on the roof of the building. They had a light that was shined into this witness's face. The chaos of the patrons of this establishment occurs every night the Lady Bug Club is open, and it does not occur when the Lady Bug Club is not operating. When the Lady Bug Club was closed at the beginning of the licensing year for forty-five days the area was "delightful." When the Lady Bug Club was reopened the noise and chaos started again. This

witness has seen public urination, clogged traffic lanes, individuals not using cross walks to get across the street. The noise is disruptive. He sees the chaos from the patrons of the 618 Club (Lady Bug Club), and the security forces escorting people to their cars, some of which are in the two rear parking lots off of Broadway Street. The disruptions run from approximately 11 p.m. to 2:30 p.m., and he does not sleep. Most of this occurs on Thursday, Friday, and Saturday nights.

- U. The third objecting neighbor testified that on nights when the Lady Bug Club is operating cars stop in the street to allow patrons to get out or get into cars, car race in the street, people dance in the street and on the sidewalk, and there is open urination by individuals in the street. This witness has to get up early in the morning and the activity is very disruptive. None of this occurred during the period of the forty-five day suspension.
- V. The fourth objector lives in Hales Corners but has a business in the area. This witness believes that something will have to be done to control the crowds attending the Lady Bug Club. During the period of the suspension nothing like he sees went on, but when it reopened, all of this started happening again. He wants the situation resolved, and if it is not, he wants the Lady Bug Club closed.
- W. The District One Police Captain testified in opposition to the renewal of this license. He has not sent a nuisance abatement letter because he believes the technical criteria for declaring this location a nuisance has not been met, but he believes that this location should be non-renewed. Time is devoted to controlling the activity generated by the operation of the Lady Bug Club every night that it is open.
- X. Captain Mitchell testified that the policing around the Lady Bug Club is affected by the calls for service in relation to the tavern capacity in the areas concerned. The capacity between North Old World Third Street and the 1100 block of Water Street is approximately 9000 persons. The capacity of the 600 block of Water Street is approximately 450. In looking at battery incidents and aggravated assaults, there were approximately 5 year to date in the 600 block of Water Street and there were approximately 15 aggravated assaults and battery incidents between the 11

block of Water Street and North Old World Third Street. Therefore, the number of incidents of aggravated assaults and battery incidents is disproportionately higher in the 600 block of Water Street.

- Y. Supporters of the renewal of the Class "B" Tavern license of the Lady Bug Club included some businessmen who observed that they had been helped by the Operations Manager of the Lady Bug Club, Mr. Nicholas Mercado. The landlord of the building testified in favor of renewal, and many customers and staff of the location. A few promoters who have had acts staged at the Lady Bug Club also testified in favor of renewal of the license. In addition two security personnel who are under contract for security at the location testified in favor of renewal of the Class "B" Tavern license. One of the adjoining businessmen has been there at 2:00 a.m. five or six times in the last year and denied seeing any problems.
- Z. The security personnel testifying in favor of renewal of the Class "B" Tavern license confirmed that they do indeed have to stop traffic along Michigan Avenue to contend with the crowds at closing time going to the parking lot at the Southeast Corner of Michigan Avenue and Broadway Street in Milwaukee. Those same individuals denied that they have seen persons dancing on cars in the parking lot, and that they themselves want to get home. They did, however, confirm that when the patrons are noisy, security instructs them to quiet down.
- AA. Mr. Mercado testified as to the procedures used to ensure that only properly dressed, and identified prior to entry and to the procedures used if a customer becomes belligerent.

#### 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 upon the above facts found, the Committee finds that the Licensee, Habib Manjee, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern and Tavern Amusement

(Cabaret/Nite Club) licenses held by him for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Ladybug Club/618 Live On Water ") without undergoing a twenty (20) day suspension of said licenses. The Committee finds the police report and neighborhood objections, as stated above, to be true.

3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to renew the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the licensed premises at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Ladybug Club/618 Live On Water ") with a twenty (20) day suspension of said licenses based upon the danger that his conduct represents to the health, safety and welfare 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 three (3) ayes, one (1) no, and one (1) excused, recommends that the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses of Habib Manjee, as agent for Lady Bug Club, LLC, for the premises located at 622 North Water Street in the City and County of Milwaukee, Wisconsin ("Ladybug Club/618 Live On Water "), be renewed with a twenty (20) day suspension.

Said suspension is to be in effect between 12:01 a.m., December 21, 2009 and midnight, January 9, 2010.

Dated and signed at Milwaukee, Wisconsin this 19th day of November, 2009.



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JAMES A. BOHL, Jr., Chair  
Licenses Committee





**JAMES A. BOHL JR.**  
Alderman, 5th District

Date: November 19, 2009

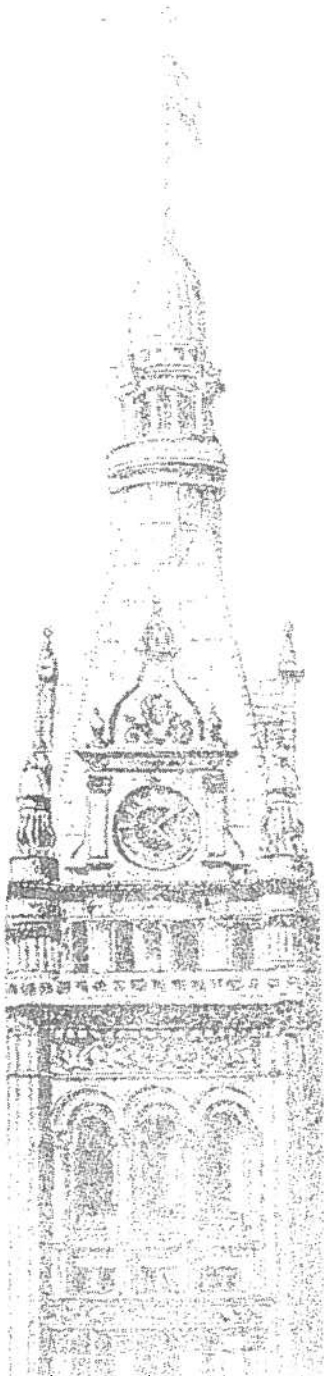
To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of the Class "D"  
Bartender License of Daniel Escamilla

#### FINDINGS OF FACT

1. Daniel Escamilla (hereinafter the "Licensee") is the holder of a Class "D" Bartender license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, December 31, 2009.
2. An application to renew said license was untimely filed with the Office of the City Clerk on October 2, 2009.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 4, 2009, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On November 5, 2009, 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 November 17, 2009, commencing at 1:45 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and he was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. The Milwaukee Police Department's investigation regarding this application revealed the following previous convictions of the licensee:



### **PREVIOUS RECORD OF THE LICENSEE**

4/10/1978	Possession of Switchblade Knife Milwaukee County
6/29/1979	Endanger Safety Conduct Regardless of Life Milwaukee County
2/06/1989	Theft (Felony) Waukesha County
1/29/1992	Operating Auto While Intoxicated (1st) Milwaukee County
8/02/1994	Operating Auto While Intoxicated (2nd) Milwaukee County
3/07/1997	Operating Auto While Intoxicated (3rd) Milwaukee County
12/29/1997	Disorderly Conduct Milwaukee County
1/12/2004	Operating Auto While Intoxicated (4th) Milwaukee County
5/04/2004	Bail Jumping - Misdemeanor Milwaukee County
5/04/2004	Disorderly Conduct Milwaukee County
5/17/2004	Disorderly Conduct Milwaukee County

- B. On September 21, 2006, applicant received a citation for sale of alcohol to underage person at Brewers Way. The applicant was found guilty of this citation on November 15, 2006 and fined \$160.00.
- C. On October 12, 2007, applicant was charged with battery in Milwaukee County and sentence to seven months in the House of Corrections on November 19, 2007.
- D. On April 6, 2008, the applicant was cited by Milwaukee Police Department for resisting/obstructing Police Officer and found guilty on July 11, 2008 and fined \$75.00.

### **CURRENT RECORD OF THE LICENSEE**

- E. On February 24, 2009, the applicant was cited by Milwaukee Police Department for disorderly conduct and found guilty on May 8, 2009 and fined \$175.00.
- F. On February 24, 2009, the applicant was charged by Milwaukee County for battery and found guilty of an

amended charge of disorderly conduct on May 20, 2009, fined costs and sentenced to 60 days in the House of Corrections.

- G. At hearing, the licensee testified that previously he was in a bad living situation, he moved home with his father, and that he uses his bartender's license to supplement his income.

#### 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, Daniel Escamilla, 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" Bartender license based upon the police report.
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" Bartender license held by Daniel Escamilla based upon the police report.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and (0) noes, recommends that the Class "D" Bartender License be denied based upon the police report.

Dated and signed at Milwaukee, Wisconsin this 19th day of November, 2009.



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JAMES A. BOHL, Jr.  
Chair, Licenses Committee