



**IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.**

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

**IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK**

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED

**PLEASE READ CAREFULLY:**

This Board may only determine if the City Department followed proper administrative procedures. It cannot hear appeals as to whether a Building Order is valid or not (those must be appealed to the Standards and Appeals Commission).

**TO:** Administrative Review Appeals Board  
City Hall, Rm. 205  
200 E. Wells St.  
Milwaukee, WI 53202  
(414) 286-2231

**DATE:** 3/25/2020

**RE:** 1619 S. 1<sup>st</sup> St.  
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by Milwaukee Police Department  
(Name of City Department)

Amount of the charges \$                     

Charge relative to: appeal of nuisance determination (16)

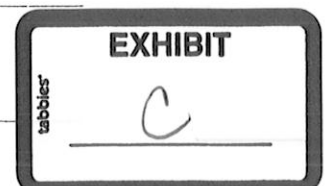
I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

See Attached

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Kendrick B. Yandell Attorney-in-Fact  
Signature  
Kendrick B. Yandell  
Name (please print)

162 N. 67<sup>th</sup> St Milwaukee 414.856.5358  
Mailing address and zip code 53213 Daytime phone number



March 24, 2020

Administrative Review Appeals Board  
City Hall, Rm. 205  
200 E. Wells St.  
Milwaukee, WI 53202

Re: Appeal - Notice of Nuisance Premises  
1619 S. 1<sup>st</sup> St., Milwaukee, WI 53204

Dear Board Members:

MRG Group, LLC, through its attorney, Kendrick B. Yandell, appeals the Milwaukee Police Department's determination that the above-referenced property is a nuisance, pursuant to MCO 80-10.5.a.

MRG contends the determination that the property is a nuisance is not supported by the facts or spirit of the law. MRG, and its commercial tenant Werk Investments, LLC, DBA PVB ("PVB"), have worked proactively with the Milwaukee Police Department to significantly minimize undesirable incidents, and taken aggressive and reasonable steps to ensure the safety of patrons, staff, community members, and police officers.

**INCIDENT NOS. 2 THROUGH 4 ARE NOT "NUISANCE ACTIVITIES"**

Nuisance Activity Nos. 2. and 4. of the "described nuisance activities" are not "nuisance activities" as a matter of law because they do not relate to people "associated with the premises." MCO 80-10.2.e. defines a "person associated with a premises" as an owner, operator, manager, resident, occupant, guest, visitor, patron or employee or agent of any of these persons."

Nuisance Activity No. 2 describes an "unknown subject" who shot into the property at 4:56 A.M. nearly three hours after PVB closed. This individual is not known by, or associated with, MRG or PVB and is not known to have ever visited PVB. Even if the unidentified person had at any prior time been "associated with the premises," the timing of his or her actions is too far attenuated from PVB's regular business operations. It is beyond the ability of any business or property owner to reasonably predict or control the acts of random people at 5:00 A.M.

Nuisance Activity No. 4 describes an "unknown subject" discharging a firearm into the premises. Again, there is no known connection between this "unknown subject" and the business

#### APRIL 7, 2019 INCIDENT

Nuisance Activity No. 1 was aggressively addressed by PVB's management on or about May 2019. The incident as described in the Notice of Nuisance Premises, states that two parties engaged in a verbal and physical altercation at the bar. The parties were allegedly separated, and after leaving the premises, one of the persons was attacked outside by the same subject.

MRG maintains that this is not entirely correct. MRG states that an altercation occurred inside the premises. During said altercation, one of the individuals struck the alleged victim, then ran out a side door onto the patio, jumped a low gate, and disappeared.

In response, MRG took the following corrective actions: (i) installed additional cameras inside and outside of the premises; (ii) installed a fence around the patio; (iii) enclosed the patio, to prevent people from climbing over the fence; (iv) closed the patio for business; (v) dead-bolted the door; (vi) hired additional armed security personnel; (vii) stationed guards at every door; and (viii) sealed the adjacent parking lot, requiring a photo ID for every car entering. Additionally, MRG hired William Anderson, a former US Marine officer, special forces operative, and security consultant, to conduct a security analysis of the premises. Mr. Anderson reported that PVB's security operations were professional, and that he could find no weaknesses in their security protocols. Mr. Anderson has stated that he would be willing to testify, if required, with adequate notice.

#### MARCH 8, 2020 INCIDENT

Regretfully, MRG is aware of the unfortunate March 8, 2020 incident described in Nuisance Activity No. 5. Again, MRG contends the incident is not properly described and fails to include important, mitigating facts.

First, MRG contends that it could not have reasonably foreseen the incident, nor acted to prevent it. Second, MRG was fully cooperative with the police, providing witness statements and sharing video surveillance. Third, the incident, as described, omits other important mitigating details.

The Incident Report states that "unknown actor(s) had discharged multiple firearms in the area as patrons exited the premises, striking the victim who was in the parking lot." "Twenty eight (28) spent casings were located 'around the premises.'" However, the report does not describe what actually occurred according to video surveillance, nor what "around the premises" means.

professionally, reasonably and aggressively. While MRG has made every effort to monitor and prevent misbehavior, it is simply not possible for any entity to monitor and control the hearts and minds of random individuals, intent on aberrant behavior.

Hundreds of people come to PVB every weekend to socialize, network, and relax; thousands have come in the last year. The overwhelming majority of these people do not act up or cause problems. MRG and PVB have taken nearly every conceivable action possible to prevent the 4 or 5 people involved in the above-referenced incidents from their reckless behavior. They have worked with the police in every instance, providing copies of surveillance video, meeting with MPD, and making any and all improvements necessary to monitor and prevent unlawful behavior.

To declare MRG's premises a "nuisance," and to charge MRG with the costs of policing, flies in the face of the spirit of the law and ignores MRG's conscientious preventative measures. Furthermore, imposing the cost of future police responses will impose an undue financial burden on MRG despite its best efforts to be a good neighbor and community member. Finally, declaring the property a "nuisance" sends a negative message to similarly situated businesses, which may deem it in their best interest to avoid contacting police when needed, for fear of also being deemed "nuisances."

For all of the above reasons, MRG respectfully asks this Board to find that the premises located at 1619 S. 1<sup>st</sup> St. is not a nuisance. Counsel, members of MRG/PVB, as well as lay and expert witnesses are available, with sufficient notice, to answer the Board's questions, and provide testimony and additional documentation and video, in support of this appeal.

Sincerely,

/s/Kendrick B. Yandell

Attorney for MRG Group LLC and Werk Investments LLC

414.856.5358

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