



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: October 15, 2020

RE: 1619 S. 1st 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: Cost Referral Letter

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:

Please see attached.

/s/ Kendrick Yandell

Signature

Kendrick Yandell

Name (please print)

757 N Broadway St, Ste 300, Milwaukee, WI 53202

Mailing address and zip code

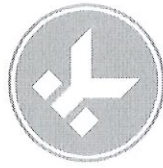
414-856-5358

Daytime phone numbers

ken@kby-law.com

E-Mail Address(s)

CITY OF MILWAUKEE
2020 OCT 15 P 3:37
CITY CLERK'S OFFICE



YANDELL
LAW OFFICES LLC

October 13, 2020

Administrative Review Appeals Board
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202
E: jowcza@milwaukee.gov- City Clerk

Re: Appeal of Cost Referral Letter
1619 S. 1st St., Milwaukee, WI 53204

Dear Board Members:

MRG Group, LLC, through its attorney, Kendrick B. Yandell, appeals the Milwaukee Police Department's cost referral letter (Exhibit 1) regarding the above-mentioned property pursuant to MCO 80-10-5-b.

MRG contends that the cost referral letter is inappropriate in this case as (1) an abatement plan was submitted in a timely fashion and (2) the Milwaukee Police Department underlying determination of this property as a nuisance is not supported by the facts or spirit of the law.

AN ABATEMENT PLAN WAS SUBMITTED TIMELY

Under MCO 80-10-3-d the Milwaukee Chief of Police can refer the cost of police services to the Commissioner on Neighborhood Services or the City Attorney for subsequent nuisance activities occurring at the premises 13 days after notice of nuisance premises was given and the party failed to respond.

In this case, MRG had filed an appeal with this Board per MCO 80-10-5-a appealing the Milwaukee Police Department's nuisance determination. This appeal was pending for several months. The parties agreed to dismiss the appeal and file an abatement plan under MCO 80-10-3-c instead. On September 16th, 2020, City Attorney Hough agreed to a 10-day submission deadline for the abatement plan. The abatement plan was submitted to Attorney Hough on

e:ken@kby-law.com ● t: 414.856.5358 ● f: 414.246.4373

www.kby-law.com

September 30th, 2020. (see attached Exhibit 2). The Milwaukee Police Department ruled this submission untimely and subsequently sent this cost referral letter.

This rejection of the abatement plan as untimely is improper under Wis. Stat.

§801.847(1)(b) which states in pertinent part,

...in computing any period of time prescribed or allowed by chs. 801.847, by any other statute governing actions and special proceedings, or by order of court, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a day the clerk of courts office is closed. When the period of time prescribed or allowed is less than 11 days, Saturdays, Sundays and holidays shall be excluded in the computation.

According to this statute, the day from which the time period begins is not included in the calculation, meaning that the clock started on September 17th. Weekends are also not included in the calculation since the time allowed was under 11 days. Ten days after September 17th excluding weekends is September 30th. Therefore, the filing of the abatement plan was timely.

Since an abatement plan was filed on time there was no failure to respond. Milwaukee County Ordinance 80-10-3-d only allows for cost referral letters to be filed (i) after a failure to respond, (ii) after a plan was accepted by the chief of police but the premises owner fails to implement the plan, or (iii) after the administrative review appeals board affirms the nuisance premises. MCO 80-10-3-d-1, 2, & 3. None of those requirements occurred in this case. Therefore, the cost referral letter is improper.

DETERMINATION OF THIS PROPERTY AS A NUISANCE IS IMPROPER

Regardless of whether the abatement plan was timely submitted or not, the underlying issue is that the determination of this property as a nuisance is improper.

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 Points View Boîte (“PVB”), have worked proactively with the Milwaukee Police Department to substantially decrease undesirable incidents, and has taken aggressive and reasonable steps to ensure the safety of patrons, staff, community members, and police officers.

MRG originally withdrew their appeal of the nuisance determination made by the Milwaukee Police Department on March 10, 2020, because they thought they were going to be able to work with the department and the city attorney’s office to resolve this matter. MRG not only proposed a 9-point abatement plan but also proactively implemented this plan in an attempt to resolve this matter and provide a safer environment at the premises. The Department and City’s Attorney’s office declared this plan late and rejected it. MRG was informed that the necessary decision-makers were unavailable to review this decision for the next 10 days. Subsequently, the only recourse available to MRG at this time is to renew their objections to the original nuisance determination to this board.

The Milwaukee Police Department based its nuisance determination on five incidents that occurred at the premises that they determined to be nuisance activities. Of these five incidents, three are not nuisance activities as a matter of law and the other two were extremely mitigated.

Incidents No. 2, 3, and 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.

MRG contends that No. 3 of the “described nuisance activities” does not constitute a Nuisance Activity for three reasons. First, numerous security guards on the scene at the time of the alleged incident reported to management that no such fight occurred. After reviewing surveillance footage, MRG/PVB did not see any such activity. Second, counsel for MRG is unaware of any additional evidence supporting the allegation. The allegation does not identify a single witness or participant. Although the police are alleged to have been present as witnesses, the alleged fight did not rise to the level of probable cause to issue a citation or even a warning. There were no calls for police assistance, no shoulder cam or squad video, and no reported injuries or complaints.

Finally, this incident does not rise to the level of a “nuisance activity” as a matter of law per MCO 80-10.2.c-1-k., see Wis. Stats. 940.01 to 940.32 (Crimes against Life and Bodily Security). There is a bona fide dispute as to whether anything actually occurred, or whether it may have simply been two or more people briefly roughhousing as they left the bar at bar time. With no witnesses, victims, video, citations, or injuries, this alleged Nuisance Activity does not rise to the level of any one of the crimes enumerated in MCO 80-10.2.c-1-k. Crimes against Bodily

Security invariably require some evidence of an injury, and evidence of intent to cause injury. Roughhousing, without more, does not rise to the level of a crime against bodily security.

Arguably, such an incident might be deemed “disorderly conduct” per MCO 80-10.2.c-1-b. However, this is a lesser charge, and pursuant to MCO 80-10.3.a-1. (requiring “3 or more nuisance activities at a premises within 30-days), this incident does not qualify as a “nuisance incident” under MCO 80-10.2.c-1-k.

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 or building. Counsel for MRG has been informed that surveillance video showed an unknown person approaching the building from across the street by foot, standing briefly outside, and then shooting into the building before fleeing. This random act of aggression by an unknown individual cannot reasonably be attributed to the property or business owners’ failure to control the use of their property.

Incidents No. 1 and 5 are Extremely Mitigated

There are two incidents that MRG acknowledges occurred, but MRG contends that there are mitigating circumstances requiring further evaluation. PVB made extensive operational and physical modifications in response to the April 7, 2019 event. The March 8, 2020 event, eleven months later, was completely unforeseeable, and not related to any deficiency in PVB or MRG’s operations.

Incident No. 1: April 7, 2019

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.

Incident No. 5: March 8, 2020

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.

Surveillance video shared with the officers, and viewed by PVB/MRG’s owner, shows an individual (the victim) in a raised VIP section and two individuals (the assailants) standing in front of this raised VIP section. No words were exchanged, and no fight took place. In fact, from observing the video, it does not appear that any conflict even existed. The assailants left PVB, stationed themselves in the alley far away and behind PVB, removed plates from their car, pulled guns from their car and waited for the alleged victim to exit PVB. It appears that the assailants fired approximately five rounds at the victim before fleeing in their car. MRG does not believe that the other casings were on or about their premises, and it is not clear who the perpetrators were, or when and where the shots were fired.

Upon viewing the video, even the officers conceded that they were unable to observe any outward signs of conflict. None. If trained officers, and management, could not discern any sign of conflict after multiple reviews of the surveillance video, it is clear that nobody in PVB could have been aware of what was going to happen because there were no signs of conflict.

A Nuisance Determination is Inconsistent with the Spirit, if not the Letter, of the Law

MRG and PVB have not “chronically failed to control the use of their property.” They have consistently and proactively taken all reasonable measures to ensure the safety of patrons, staff, community members, and police officers. The Common Council’s preface to MCO 80-10 states in relevant part that “[t]he common council . . . finds that premises, owners and other parties conducting business activities upon the premises, that chronically fail to control the use of their

property substantially interfere with the comfortable enjoyment of life, health, and safety of the community. These incidents, on April 9, 2019, and March 8, 2020, occurred 11 months apart.

MRG and PVB invested a significant amount of money into preventing future incidents after the April 9, 2019 incident, including physical improvements, additional surveillance cameras, sealing and monitoring unnecessary egresses, and hiring additional security, and an outside security consultant. Event Nos. 2 and 4 are not "Nuisance Incidents" as a matter of law. Incident No. 3 is unsubstantiated and did not rise to the level of probable cause for officers to even question anybody, much less issue citations, or even warnings.

Finally, the March 8th event was completely unforeseeable. There was no fight. There were no warnings. The gunman hid their guns in their cars at the furthest point away from PVB.

With no outward signs of conflict or aggression, it is immensely unreasonable to expect that MRG or PVB could have foreseen, much less prevented, this reckless and lawless action. MRG has consistently acted 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. 99.999% 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. (see Exhibit 3 stating "RAMOS-GARCIA was cooperative" RAMOS-GARCIA arrived and cooperated with our inspection" "RAMOS-GARCIA.. who was on scene and cooperative" "the

licensee/premises provided video...that assisted in identifying actors involved in this incident” “RAMOS-GARCIA stated that he is hiring extra security... and has a plan to post security personnel at certain spots throughout the property” and “RAMOS-GARCIA was cooperative for the duration of our investigation, and voluntarily complied”).

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.” 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.

For all of the above reasons, MRG respectfully asks this Board to find that their abatement plan was timely and the cost referral letter is improper. Additionally, MRG respectfully asks this Board to consider whether the premises located at 1619 S. 1st St is a nuisance or not and find that it is not a nuisance.

Sincerely,

/s/Kendrick B. Yandell
Attorney
Yandell Law Offices, LLC
757 N. Broadway, Ste. 300
Milwaukee, WI 53202
T: 414-856-5358
F: 414-246-4373
E: ken@kby-law.com



Milwaukee Police Department Police
Administration Building 749 West State
Street Milwaukee, Wisconsin 53233
<http://www.milwaukee.gov/police>

Michael J. BRUNSON
Chief of Police

(414) 933-4444

Tuesday, September 29, 2020

Marcos RAMOS-GARCIA
MRG GROUP LLC.
1748 S 3rd St
Milwaukee, WI 53204

Re: Notice of Failure to Respond or Appeal

Dear MRG GROUP LLC:

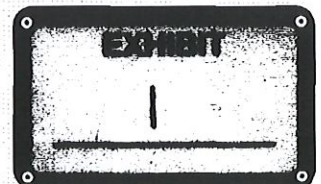
This letter is notice to you that the Milwaukee Chief of Police, by the chief's designee, the district commander, has not timely received a proposed course of action for abatement of nuisance activities occurring at the premises located at 1619 S 1st St ("the premises"), nor have you timely filed an appeal, in response to our March 10, 2020 Notice of Nuisance Premises, which directed you to provide a proposed course of action, or appeal, within 10 days of receipt of the notice, pursuant to Milwaukee Code of Ordinances ("MCO") § 80-10, Chronic Nuisance Premises.

Accordingly, as provided at MCO § 80-10-6, the premises is subject to placement of a special charge as a lien on the property by the Commissioner of the Department of Neighborhood Services for the cost of any police services and enforcement rendered in relation to nuisance activities that occur at the premises for a period of one year from the date of the Notice of Nuisance Premises, beginning 13 days after you received the notice.

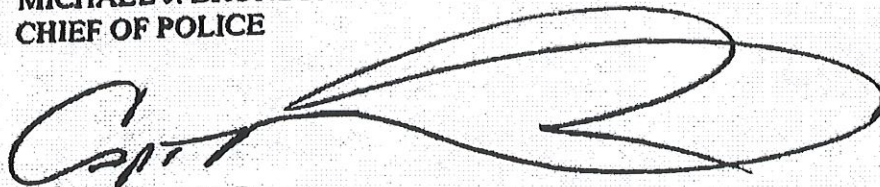
Once you have been billed for the costs of police services and enforcement for three or more separate nuisance activities within one year, the premises may be designated a chronic nuisance, pursuant to MCO § 80-10-6, and each and every subsequent incident of nuisance activity at the premises may be deemed a separate violation and result in a citation being issued to you for failure to abate the nuisance activity. Each citation would subject you to a forfeiture of not less than \$1,000.00 or more than \$5,000.00. Upon default of payment of a chronic nuisance citation you would be subject to imprisonment in the county jail or house of correction for a period of not less than 40 days or more than 90 days for each violation.

Please contact P.O. Matthew DIENER or P.O. Kevin VODICKA at (414) 935-7763 with any questions.

Best regards,



MICHAEL J. BRUNSON
CHIEF OF POLICE

A large, stylized handwritten signature in black ink, appearing to read 'Capt Salazar', with a long, sweeping horizontal line extending to the right.

DAVID SALAZAR
CAPTAIN OF POLICE

Attachment: Notice of Nuisance Premises
CC: Department of Neighborhood Service, Lake Tower 1st Floor - Pete Laritson
City Hall Common Council

v. 8/19



YANDELL
LAW OFFICES LLC

September 30, 2020

Via email only

Heather Hough
Assistant City Attorney
200 E. Wells St., Rm 800
Milwaukee, WI 53202

Re: 1619 S. 1st St.
Abatement Plan

Dear Attorney Hough:

Please accept this enumerated list of actions as the abatement plan for 1619 S. 1st St. I have included all actions taken by the property owner to address concerns raised by the Milwaukee Police Department.

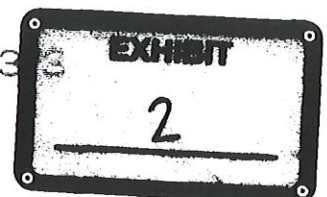
1. Security increased from 5 security guards to 8-10, depending on the night.
2. Additional surveillance cameras installed around exterior and interior of the property, now totaling 16 cameras.
3. The owner has now hired two managers to work alongside him during peak hours. Managers handle issues such as overseeing security operations, de-escalating potential conflicts, and providing guidance to security and staff in case of fights or other activities.
4. Security guards now patrol parking lot, sidewalk surrounding the premises, up to Lapham and 2nd street. This was implemented to deter car break-ins and discourage non-PVB persons from lingering around the establishment. This was done in response to reports of off-premise car break-ins.
5. Hired security consultant, with extensive combat, special operations, and military background to periodically evaluate security guards and protocols, and to provide guidance on revising training and implementation of security protocols.
6. Hired female security guard at door to help with pat-downs and metal detection of female patrons and male patrons as they enter and re-enter the tavern.
7. Additional security fencing installed around perimeter of the establishment.
8. No parking rule implemented in the alley behind the establishment. This was discussed and agreed to by Owner, Marcos Ramos-Garcia and residential neighbors. This has eliminated patrons' lingering at bar close.
9. Strict dress code has been implemented along with a mandatory mask requirement.

Please let me know if you have additional questions or concerns.

Sincerely,
/s/Kendrick B. Yandell
Attorney
Yandell Law Offices, LLC
757 N. Broadway, Ste. 300
Milwaukee, WI 53202

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www.kby-law.com



Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233
414-933-4444

Case #: 191880027

OtherEvent #: 19-LP-0630

Incident

1619 S 1ST ST Milwaukee, WISCONSIN 53204

Incident Date/Time:: 07/07/2019 02:13:00
CAD Number:: 191880248
District:: 2
Beat:: 228
Reporting Area:: 5516

Business Agent (1)

RAMOS-GARCIA, MARCOS ANTONIO

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 03/01/1985
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-292-5770
Address:: 1748 S 3RD ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204

Licensed Premise Data (1)

POINT'S VIEW BOITE

Address:: 1619 S 1ST ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: No
Licensee Notified Date/Time:: 07/07/2019 02:13:00
Business Was Cited For Violation:: No
Licensee was cooperative: (If not
explain in narrative): Yes
Licensee or Manager was on
premises at time of
violation/incident:: Yes

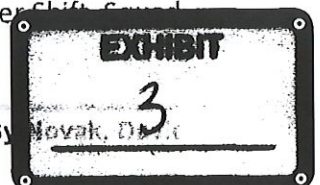
Narrative (1)

INITIAL INVESTIGATION

Baas, Taylor D 022549

07/08/2019

This report is written by Police Officer Taylor D. BAAS, assigned to District Two, Late Power Shift, 2550 with Police Officer James KNAPINSKI.



Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444



Case #:191880027

OtherEvent #: 19-LP-0630

On Sunday, July 7th, 2019 at approximately 2:11AM, we began to monitor The Pointe View Boite bar at 1619 S. 1st St., which is located in the City and County of Milwaukee.

While monitoring the closure of the bar, we were parked across the street. We then began to observe multiple unknown females near the bar, by the intersection of S. 1st St. and W. Lapham Av. The females appeared to be in a verbal argument and attempting to strike one another.

While the females began to try to fight, we then observed a physical fight break out between two unknown black males. The black males were fighting in the parking lot of "Scrub-a-dub" which is directly to the south of the bar. The Pointe View Boite utilizes the parking lot.

PO KNAPINSKI and I immediately activated our lights, and exited our squad car. Upon doing so, the fight between the two unknown black males was broken up and they left.

Due to the large amount of subjects in the area, and only being PO KNAPINSKI and I, we were unable to obtain any information of the subjects involved in a physical altercation.

Multiple squads arrived on scene, and the crowd was able to be dispersed peaceful. I spoke to Marcos RAMOS-GARCIA (M/W, 03/01/1985) shortly after. RAMOS-GARCIA was cooperative and spoke to his security guards regarding the fight that broke out.

No tavern violations were observed.

End of report.

Officer (2)

Reporting Officer:	Baas, Taylor D (022549)	07/08/2019 00:46:00
Section: (Work Location):	25	
Approving Officer:	Krueger, Jeffrey S (017798)	07/08/2019 22:13:16
Section: (Work Location):	25	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:193390186

OtherEvent #: 19-LP-1345

Incident

1619 S 1ST ST Milwaukee, WISCONSIN 53204

Incident Date/Time:: 12/05/2019 21:49:00
CAD Number:: 193392745
District:: 2
Beat:: 228
Reporting Area:: 5516

Business Agent (1)

RAMOS-GARCIA, MARCOS ANTONIO

Person Involvement: (Must choose Agent (License Holder)
AGENT from drop down):
DOB:: 03/01/1985
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-292-5770
Address:: 1748 S 3RD ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204

Licensed Premise Data (1)

Point View Boite

Phone 1 Number:: (414)-226-6228
Address:: 1619 S 1ST ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 12/05/2019 22:00:00
Business Was Cited For Violation:: No
Licensee was cooperative: (If not explain in narrative): No
Licensee or Manager was on premises at time of violation/incident:: No

Narrative (1)

INITIAL INVESTIGATION

Spinato, James J 024304

12/06/2019

This report is written by PO James SPINATO, assigned to squad 2565 with PO Oscar ESPITIA, District two

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:193390186

OtherEvent #: 19-LP-1345

late Power shift.

On Friday December 5, 2019 at 9:50 pm we conducted a tavern check at 1619 S. 1st St. We were accompanied by Special agent Georgeann KING of the State of department of Revenue. Upon entering the tavern the bartender advised us that the owner was not onsite but was able to contact the owner by phone. The owner Marcos A. RAMOS-GARCIA arrived and cooperated with our inspection of the premises. Upon completion KING confiscated 24 bottles of beer and five containers of hookah tobacco. KING advised RAMOS-GARCIA that he was not to reuse liquor bottle for any reason, and to only use premixed beverages the day they are mixed.

Officer (2)

Reporting Officer:	Spinato, James J (024304)	12/06/2019 01:03:00
Section: (Work Location):	25	
Approving Officer:	Krueger, Jeffrey S (017798)	12/07/2019 19:22:23
Section: (Work Location):	25	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:200550008

OtherEvent #: 20-LP-0166

Incident

1619 S 1ST ST Milwaukee, WISCONSIN 53204

Incident Date/Time:: 02/23/2020 21:43:00
CAD Number:: 200550027
District:: 2
Beat:: 228
Reporting Area:: 5516

Business Agent (1)

RAMOS-GARCIA, MARCOS ANTONIO

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 03/01/1985
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-292-5770
Phone 1 Type:: Cell
Address:: 1748 S 3RD ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204

Licensed Premise Data (1)

POINTE VIEW BOITE

Phone 1 Number:: (414)-226-6228
Phone 1 Type:: Work
Address:: 1619 S 1ST ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 02/23/2020 21:41:00
Business Was Cited For Violation:: No
Licensee was cooperative: (If not
explain in narrative): No
Licensee or Manager was on
premises at time of
violation/incident:: No

Narrative (1)

INITIAL INVESTIGATION

Munoz Jr, Angel L 026038

02/24/2020

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:200550008

OtherEvent #: 20-LP-0166

This report is written by P.O. Angel MUNOZ, assigned to District 2, Late Shift, Squad 2322.

On 02/24/2020 at 12:25 a.m., my partner P.O. Kevin OCHOA and I, were flagged down at 1619 S. 1st St. (Point Views bar) in reference to a Weapon Violation.

I made contact with the bar owner, Marcos RAMOS-GARCIA who stated that his employees were down in the basement on 02/23/2020 at approximately 9: 41 p.m., when they heard what sounded like a gun shot. RAMOS-GARCIA viewed the cameras and noticed that a male discharged a firearm into the front window. RAMOS-GARCIA stated that the room which the bullet went into was empty and business was closed during the incident. RAMOS-GARCIA stated that a casing was recovered at the front residence of the location. RAMOS-GARCIA did not recognize that male suspect.

I reviewed the closed circuit cameras and observed a male emerge from the alley of the north side of the street between S. 1st St. and S. 2nd St. The male walks across W. Lapham St. The male continues to walk into an open field next to 1619 S. 1st St. and stands next to the building for a few seconds looking around the area. The male who was dressed in a black sweater and black pants then walks in front of the bar door and you can see a muzzle flash on the video and runs around the building through the Scrub a Dub parking lot, cuts through a yard onto S. 2nd St.

Officer (2)

Reporting Officer:	Munoz Jr, Angel L (026038)	02/24/2020 07:57:00
Section: (Work Location):	23	
Approving Officer:	Albert, Joshua G (019226)	02/26/2020 03:34:57
Section: (Work Location):	23	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:200610014

OtherEvent #: 20-LP-0186

Incident

1619 S 1ST ST Milwaukee, WISCONSIN 53204

Incident Date/Time:: 03/01/2020 02:08:00
CAD Number:: 200610206
District:: 2
Beat:: 228
Reporting Area:: 5516

Business Agent (1)

RAMOS-GARCIA, MARCOS ANTONIO

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 03/01/1985
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-292-5770
Address:: 1748 S 3RD ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204

Licensed Premise Data (1)

POINTS VIEW BOITE

Phone 1 Number:: (414)-292-5770
Phone 1 Type:: Work
Address:: 1619 S 1ST ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204
License Type:: Other
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 03/01/2020 02:20:00
Business Was Cited For Violation:: No
Licensee was cooperative: (If not Yes
explain in narrative):
Licensee or Manager was on Yes
premises at time of
violation/incident::

Narrative (1)

INITIAL INVESTIGATION

Spitzer, Benjamin S 022574

03/01/2020

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:200610014

OtherEvent #: 20-LP-0186

This report is written by PO Benjamin SPITZER, Assigned to District Two, Late Power.

On Sunday, March 1st, 2020 at 2:10 AM while assigned to Squad 2565, PO Adrian GUTIERREZ and I, conducted a tavern check at Points View Boite, 1619 S. 1st St, when we were advised by dispatch that there was a pending subject with gun complaint at the same location.

An anonymous caller reported several subjects blocking the road in front of the tavern with guns, but provided no descriptions. The tavern was beginning to let out, traffic was not being blocked, and no subjects were observed fighting or armed with weapons. As security was escorting people from the tavern there were several verbal altercations between patrons, threatening to fight each other, but no physical altercations. I spoke with the licensee, identified as Marcos A. RAMOS-GARCIA (W/M, 03-01-1985), who was on scene and cooperative. RAMOS-GARCIA requested police presence to remain on scene due to the crowd. Several patrons that were causing the disturbance outside of the tavern remained in the parking lot and in the immediate area, and security did not make an attempt to clear the lot until most of the lot was already clear after bar close. These subjects disregarded Officers commands to clear out of the parking lot initially, and eventually left after being told to do so several times.

No tavern violations were observed.

End of report.

Officer (2)

Reporting Officer:	Spitzer, Benjamin S (022574)	03/01/2020 23:03:00
Section: (Work Location):	25	
Approving Officer:	Raden, Chad M (010032)	03/02/2020 15:08:14
Section: (Work Location):	27	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:200620011

OtherEvent #: 20-LP-0239

Incident

1619 S 1ST ST Milwaukee, WISCONSIN 53204

Incident Date/Time:: 03/02/2020 00:47:00
CAD Number:: 200620077
District:: 2
Beat:: 228
Reporting Area:: 5516

Business Agent (1)

RAMOS-GARCIA, MARCOS A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 03/01/1985
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-292-5770
Address:: 1619 S 1ST ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204

Licensed Persons Involved (1)

RAMOS-GARCIA, MARCOS ANTONIO

Person Involvement:: Manager
DOB:: 03/01/1985
Sex:: MALE
Race:: WHITE
Address:: 1748 S 3RD ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204

Licensed Premise Data (1)

POINTS VIEW BOITE

Phone 1 Number:: (414)-292-5770
Address:: 1619 S 1ST ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204
Licensee Notification Was Made:: No
Business Was Cited For Violation:: No
Licensee was cooperative: (If not explain in narrative): No
Licensee or Manager was on premises at time of violation/incident:: No

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:200620011

OtherEvent #: 20-LP-0239

Narrative (1)

INITIAL INVESTIGATION

Sanchez, Carissa M 029820

03/02/2020

This report is written by PO Carissa SANCHEZ assigned to District Two, Late Power Shift, Squad 2565 with PO Benjamin SPITZER.

On Saturday, March 2nd, 2020 at approximately 12:47 AM squad 2565 was dispatched to 1619 S. 1st St. which is in the City and County and Milwaukee WI to investigate a tavern violation.

Upon arrival, PO SPITZER contacted the caller via phone identified as Antoinette PETTIS (w/f 04-05-1987) who stated she is the mother of Orlando K. RIVAS (w/m 05-16-2000). PETTIS stated she received word from a third party caller who stated that her underage son RIVAS was at a bar called Points View which is located at the above listed address.

PETTIS stated she and RIVAS have an agreement that he is not allowed to go to Points View bar due to the fact that he is underage. PETTIS stated RIVAS has a fake ID and has seen it in the past. PETTIS stated RIVAS has also used the fake ID in the past to go out. PETTIS stated RIVAS is known to go to Points View.

PO SPITZER looked up RIVAS's name on DOT and was able to print off a photo of RIVAS to show the security guard.

PO SPITZER spoke with the security guard identified as Micheal DP. PORTER (b/m 04-23-1985) and asked if he would check the bar to see if he could observe RIVAS inside the bar. PORTER conducted a walk through of the bar and did not locate RIVAS inside.

This concludes this report.

Officer (2)

Reporting Officer:	Sanchez, Carissa M (029820)	03/02/2020 06:43:00
Section: (Work Location):	22	
Approving Officer:	Jolliff, Justin M (018641)	03/10/2020 23:25:49
Section: (Work Location):	24	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:200680014

OtherEvent #: 20-LP-0549

Incident

1619 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 03/08/2020 01:39:00
CAD Number:: 200680181
District:: 2
Beat:: 228
Reporting Area:: 5516

Business Agent (1)

RAMOS-GARCIA, MARCOS ANTONIO

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 03/01/1985
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-292-5770
Address:: 1748 S 3RD ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204

Licensed Persons Involved (2)

Malmberg, Carolleann Denise

Person Involvement:: Bartender
DOB:: 10/20/1998
Sex:: FEMALE
Race:: WHITE
Address:: 1420 S 54TH ST
City:: West Milwaukee
State:: WISCONSIN
Zip Code:: 53214

WHALEN, RENEE M

Person Involvement:: Bartender
DOB:: 03/02/1992
Sex:: FEMALE
Race:: WHITE
Address:: 1400 E POTTER AV
Apartment or Suite:: # 1
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53207

Licensed Premise Data (1)

Pointe's View Boite

Phone 1 Number:: (414)-292-5770

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:200680014

OtherEvent #: 20-LP-0549

Address:: 1619 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 03/08/2020 04:19:00
Business Was Cited For Violation:: No
Licensee was cooperative: (If not explain in narrative): No
Licensee or Manager was on premises at time of violation/incident:: No

Narrative (1)

LICENSED PREMISES REPORT

Vodicka, Kevin E 018950

06/10/2020

This report is written by P.O. Kevin VODICKA assigned to District Two, Day Shift Community Prosecution Unit. On Sunday, March 8, 2020, at or about 1:44AM Milwaukee police officers were dispatched to 1619 S 1st St, Pointe's View Boite, to investigate a report of a "Shooting".

The investigation revealed that patrons had been involved in an argument inside of the premises where a patron accidentally spilled champagne on another group of patrons. As patrons exited the premises unknown actors discharged rounds from multiple firearms striking the victim. Suspects were later located and taken into custody. The licensee/premises provided video, along with a neighboring business, that assisted in identifying actors involved in this incident.

The following are summaries of statements given by employees:

Johnny W. BURKS (B/M, 12-29-81)

Security guard at the bar Points View Boite bar who stated that a white Suburban was seen driving northbound on S. 1st St. when it approached the front of the bar and started to fire approximately 10-15 shots into the air. BURKS stated that he saw two males inside the vehicle.

Interview of Hank C. MCGOWAN (B/M 8-6-84)

MCGOWAN stated he is a security guard for Point View Boite and was unable to see or hear anything regarding the gun shots. MCGOWAN stated the reason he could not see or hear anything is because he was inside while it occurred. MCGOWAN stated he did not see anything that sparked his attention inside that could have caused this.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:200680014

OtherEvent #: 20-LP-0549

Interview of Johnny W. BURKS (B/M 12-24-81)

BURKS stated he is also a security guard for Point View Boite and was in fact outside while the gun shots were going off. BURKS stated while outside he heard shots going off and saw a white or silver SUV speeding off. BURKS stated he also seen people running and "ducking" down all around him. BURKS stated he really did not see much more.

Interview of Caroleana D. MALMBERG (W/F 10-20-98)

MALMBERG stated she is a server (shot girl) for Point View Boite and was unable to see anything that happened outside regarding the gun shots. MALMBERG stated she did hear three to five gunshots outside of the "night club". MALMBERG stated while inside she did not see anything that seemed out of place between anyone. MALMBERG stated she is constantly running around.

Interview of: (Whalen,Renee M.

Whalen stated she was one of the bartenders working at (Point View Boite) last night. Whalen stated during her shift she didn't see any disturbances or hear about any fights. Whalen stated around 1:45 am to 2:00 am while closing the security guard ran in from outside yelling everybody get down they shooting. Whalen stated at that time she started hearing gun shots between 4 to 6 shots, she really couldn't tell because the music was still on. Whalen stated during this time the security guard told everyone to stay down for about 1 to 2 minutes, and once he figured it was all over he started clearing out the bar. Whalen stated she didn't have any more information regarding this incident.

Officer (2)

Reporting Officer:	Vodicka, Kevin E (018950)	06/10/2020 09:46:00
Section: (Work Location):	24	
Approving Officer:	Raden, Chad M (010032)	06/11/2020 11:40:56

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:200680014

OtherEvent #: 20-LP-0549

Section: (Work Location): 27

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233
414-933-4444

Case #:200730034

OtherEvent #: 20-LP-0257

Incident

1619 S 1ST ST Milwaukee, WISCONSIN 53204

Incident Date/Time:: 03/12/2020 14:00:00
CAD Number:: 200721354
District:: 2
Beat:: 228
Reporting Area:: 5516

Business Agent (1)

RAMOS-GARCIA, MARCOS ANTONIO

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 03/01/1985
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-292-5770
Address:: 1748 S 3RD ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204

Licensed Persons Involved (1)

RAMOS-GARCIA, MARCOS ANTONIO

Person Involvement:: Agent (License Holder)
DOB:: 03/01/1985
Sex:: MALE
Race:: WHITE
Address:: 1748 S 3RD ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204

Licensed Premise Data (1)

POINTS VIEW BOITE

Phone 1 Number:: (414)-292-5770
Address:: 1619 S 1ST ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 03/12/2020 14:00:00
Business Was Cited For Violation:: No
Licensee was cooperative: (If not explain in narrative): Yes

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:200730034

OtherEvent #: 20-LP-0257

Licensee or Manager was on
premises at time of
violation/incident::

Yes

Narrative (1)

TAVERN CALL-IN

Diener, Matthew J 018626

03/13/2020

This report is written by PO Matthew DIENER, assigned to District 2, day shift, squad 2166. On Thursday, March 12, 2020, at approximately 1:45pm, myself and Captain LOUGH met at 1619 S 1st St, Point's View Boite. We spoke with the owner/licensee, Marcos RAMOS-GARCIA, about his upcoming promotion party hosted by local hip-hop artist Shamaar CRITTENDON, aka "Munch Lauren". We discussed our safety/security concerns with the premise, since a shooting just occurred in the parking lot on Sunday, March 8, 2020 during bar close, and that CRITTENDON's performances have been linked to shootings/firearm related incidents.

RAMOS-GARCIA stated that he is hiring extra security that evening, and has a plan during bar close to post security personnel at certain spots throughout the property to streamline patrons leaving the premise. We told RAMOS-GARCIA that he has to pay extra attention outside when patrons leave, as it has been my experience that patrons will stow firearms inside their vehicles before entering the bar. RAMOS-GARCIA stated that he also hired a female security guard to pat down female patrons to prevent contraband being smuggled inside the club.

Officer (2)

Reporting Officer:	Diener, Matthew J (018626)	03/13/2020 09:14:00
Section: (Work Location):	21	
Approving Officer:	Ackley, Thomas S (018520)	03/14/2020 14:23:38
Section: (Work Location):	21	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:201030128

OtherEvent #: 20-LP-0415

Incident

1619 S 1ST ST Milwaukee, WISCONSIN 53204

Incident Date/Time:: 04/12/2020 23:28:00
CAD Number:: 201032184
District:: 2
Beat:: 228
Reporting Area:: 5516

Business Agent (1)

RAMOS-GARCIA, MARCOS ANTONIO

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 03/01/1985
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-292-5770
Phone 1 Type:: Cell
Address:: 1748 S 3RD ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204

Licensed Premise Data (1)

POINTS VIEW BOITE

Phone 1 Number:: (414)-292-5770
Address:: 1619 S 1ST ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204
License Type:: Other
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 04/12/2020 23:40:00
Business Was Cited For Violation:: No
Licensee was cooperative: (If not explain in narrative): Yes
Licensee or Manager was on premises at time of violation/incident:: Yes

Narrative (1)

INITIAL INVESTIGATION

Spitzer, Benjamin S 022574

04/12/2020

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:201030128

OtherEvent #: 20-LP-0415

This report is written by PO Benjamin SPITZER, Assigned to District Two, Late Power.

On Sunday, April 12th, 2020 at 11:28 PM while assigned to Squad 2573, PO Adrian GUTIERREZ and I, conducted a Business Check-C at Point's View Boite, 1619 S. 1st St, after Sergeant Jeffrey KRUEGER, Squad 2515, observed lights on within the establishment.

On arrival the lights within the establishment were on. I observed approximately ten subjects within the premise consuming snacks, non alcoholic beverages, and smoking hookah. From prior dealings with this establishment I did recognize several of the subjects within the premise to be employees. An employee opened the door for us, and advised us the licensee, identified as Marcos RAMOS-GARCIA (W/M, 03-01-1985), was on his way back to the location.

I spoke with RAMOS-GARCIA who stated earlier in the evening he held a virtual fundraiser with employees. RAMOS-GARCIA stated after the virtual event the employees were just cleaning, and consuming snacks afterwards. We advised RAMOS-GARCIA that by having employees within the premise that he was violating the safer at home order. RAMOS-GARCIA was cooperative for the duration of our investigation, and voluntarily complied to have everyone within the premise leave. We advised RAMOS-GARCIA that due to the safer at home order there could be no gatherings within any licensed establishments. RAMOS-GARCIA stated he thought it was ok since they were employees of the premise.

End of report.

Officer (2)

Reporting Officer:	Spitzer, Benjamin S (022574)	04/12/2020 23:45:00
Section: (Work Location):	25	
Approving Officer:	Krueger, Jeffrey S (017798)	04/13/2020 20:00:26
Section: (Work Location):	25	

Receipt of A.R.A.B. Appeal Fee

Date:	10/15/2020
Received Of:	Atty. Kendruck Yandell
Property at:	1619 S. 1 st St.
Received By:	LME
Check # (If Applicable):	1542 \$25.00