

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

September 16, 2021

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 210538

Attached are written objections to file number 210538, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to a recommendation of:

Nonrenewal, based on the police report and videos, and police, applicant, and aldermanic testimony of the Class B Tavern and Public Entertainment Premises licenses for Marcos Ramos-Garcia for the premises located at 1619 S 1st St. ("Points View Boite") in the 12th aldermanic district.

This matter will be heard by the full Council at its Tuesday, September 21, 2021 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Respectfully,

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 210538





September 14, 2021

To: All Members of the Milwaukee Common Council

From: Yandell Law Offices, LLC on behalf of Licensee, Marcos Ramos-Garcia

Re: Objections, Exceptions, Mitigations to Licensing Committees Findings of Fact and Recommendation of Non-Renewal of License

Dear Common Council Members:

Licensee, Marcos Ramos-Garcia, through his attorney, Yandell Law Offices, LLC, Attorney Kendrick B. Yandell, submits the following response to the Licensing Committee's recommendation of non-renewal for the premises located at 1619 S. 1st St. ("Points View Boite").

Mr. Ramos-Garcia respectfully asks the Council to vote to renew his license with a **15-day suspension**.

Points View Boite has been in business since August 2017. From March 2018 through July 16, 2021, there have been 26 reported police contacts. Of those, twenty (20) indicate that Mr. Ramos-Garcia was "cooperative;" two do not mention him because he was not on site, and on at least five of those reported occasions, Mr. Ramos-Garcia provided video to officers. However, this does not tell the full story. Mr. Ramos-Garcia has provided video to Milwaukee police officers on numerous other occasions for incidents occurring in the neighborhood which did not even involve his establishment. For the latest report, reported incidents actually decreased to five (5), one of which involved a theft from the car of a patron off-premises.

This dramatic decrease is due in large part to Mr. Ramos-Garcia's unwavering commitment to making the necessary investments in personnel, security equipment, training, and physical improvements to his facilities. Mr. Ramos-Garcia has spent several thousand dollars upgrading security cameras and installing fencing. He has invested in outside training for security and staff on how to deescalate situations and effectively deal with unruly patrons. Many of these improvements have been made to shore up weak spots in their security framework, as he and his team constantly monitor for weaknesses which might jeopardize the safety of the community, his patrons, and staff.

A short list includes the following:

1. Hiring a substantial security presence including male and female guards to prevent disreputable patrons from attempting to sneak weapons or other paraphernalia onto the premises.

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

www.kby-law.com

2. Working with neighbors to block off and control the northern alley egress so that criminals cannot sneak onto the premises from the rear undetected.
3. Installing security fencing around rear egresses and preventing patrons from being able to exit from secondary doors, except in cases of emergency.
4. Installing state of the art surveillance cameras all over the interior and exterior of the premises.
5. Investing in outside review by former military security professionals to evaluate his establishment's security protocols and procedures.
6. Sending security personnel out into the neighborhood to keep an eye on cars parked on the street, in an effort to deter break-ins.

Despite these ongoing efforts, Mr. Ramos-Garcia has had a few isolated incidents which have inordinately damaged his business's reputation. Although extremely disappointing, these incidents are in no way representative of Mr. Ramos-Garcia's business practices. No matter how hard a business owner tries to foresee and prevent all possible problems, it is simply not possible to read the hearts and minds of a limited number of ill-intentioned individuals intent on acting ignorantly and unlawfully.

Mr. Ramos-Garcia understands the community's safety concerns, and wishes to briefly address the five allegations in the latest police report.

5.A – E: July 20, 2020 - Incident

At the Committee's review hearing, testimony was given by the Milwaukee Police Department that Mr. Ramos-Garcia interfered with an ongoing police investigation into an incident involving shots fired by an individual associated with Points View Boite. Mr. Ramos-Garcia, who was not in any way involved with the shooting, was charged with one count of obstruction for allegedly picking up bullet casings at an adjacent property after officers left the scene.

Our office represented Mr. Ramos-Garcia in the circuit court where these charges were dismissed. The matter was dismissed, in part, because a licensee has no duty to look for, or turn over to police, shell casings from a victimless shooting, completely unrelated to the business, occurring at a different property. Likewise, it was impossible to see shell casings in Mr. Ramos-Garcia's hands, contrary to testimony by PO Vodicka.

Neither the complaint nor the officers were able to explain why Mr. Ramos-Garcia would have had any motive to interfere with this investigation, given that Points View Boite was not involved with the incident in any way. Contrary to testimony at the committee hearing, no video was presented to our office showing the gunman exiting Points View Boite. In fact, there was no evidence whatsoever that the gunman was in any way associated with Points View Boite.

Officers arrived on the scene within two minutes of the incident. In the videos provided to our office, Mr. Ramos-Garcia is not confrontational with the officers, merely concerned that they were demanding his license information for an incident of which they knew nothing, and which turned out to not have happened at their facility. Mr. Ramos-Garcia questioned the officers on why



they needed his license information for no more than 40 seconds before agreeing to provide them with the requested information. In reviewing several body cam videos of the scene, at no point is Mr. Ramos-Garcia heard to say to officers that he would look for or provide officers with additional evidence, besides video, as he has done on numerous prior occasions. These allegations are not supported by any demonstrable evidence.

Later on, Mr. Ramos-Garcia is seen in a video procured from an unknown source, receiving two or three items, which he testified were change and an earring from other parties. He testified that he did not pick up shell casings. Officers, who received a call that same day from the property owner who actually did find a shell casing for them, did not return to the scene to continue their investigation until 17 days later, at which time there were no casings.

While a great deal was said about this incident at the committee hearing, Mr. Ramos-Garcia should not be held liable for allegations which did not even survive a prima facie review by a circuit court judge.

5.F. January 10, 2021 - Customer Count

Testimony was given by an officer not at the scene on the night of this incident, that officers approached Points View Boite asking if the outside security guards were using a counter to monitor the head count. Security directed the officers inside Points View, where a counter was produced by Mr. Ramos-Garcia who took the counter directly from an inside security guard. The counter stated that 44 patrons were inside the tavern. Officers speculated that there were more than 80. No video was provided. No head count was taken. No citations were issued.

Mr. Ramos-Garcia had five such inspections and was not issued a single citation for Covid-19 related violations. Mr. Ramos-Garcia complied with all protocols to ensure Points View Boite was safe and sanitary. He ensured that patrons wore masks and maintained social distancing protocols. Points View Boite is a relatively small establishment with seating in the front, and additional seating in a rear addition located up a half-flight of stairs. It is not known at this time whether the rear seating area was in use or not, however, if it was not in use, it is very likely that a group of 44 people could appear larger, as they were all gathered in the front half of the building. Mr. Ramos-Garcia maintains that his security guards were following protocols, and Mr. Ramos-Garcia shared the information that he had readily available to him with the officers. He has no reason to suspect that he was misled by his staff, and strongly denies attempting to mislead officers.

5.G. April 5, 2021 – Alleged Gun

It is alleged that a man with a gun threatened a couple at the bar, and patron was injured by an ex-girlfriend. Although they alleged that a gun was present, not brandished, there were no witnesses and no video of the incident. The police report notes that the victims were intoxicated, but makes no assessment as to the veracity of their claim regarding a firearm. Due to the extreme

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

www.kby-law.com

security measures taken, including metal detectors and purse checks, Mr. Ramos-Garcia believes this report might have been exaggerated by the victims in order to get back at the ex-girlfriend.

5.H. June 26, 2021 - Vehicle Break-In

This incident did not occur at Points View. The perpetrators were in no way associated with the establishment.

5.I. July 12, 2021 - Shots Fired

A fight broke out nearly forty minutes after Points View Boite closed on a Sunday night. At the time of the fight, half of the security guards were inside waiting to be paid out for the night. Other staff members had already left for the night. A limited number of guards happened to be outside when a fight broke out and shots were fired. It is not clear why these guards did not inform Points View immediately that a fight had broken out and that shots were fired, before leaving for the night. When officers arrived, they asked the remaining staff what happened. Unfortunately, the staff inside the bar was not aware of what had just occurred outside, as police arrived within minutes.

Video of this incident was apparently provided, but counsel for Mr. Ramos-Garcia was unable to open or review the videos despite attempting to use numerous apps. This left Mr. Ramos-Garcia in a position that he was unable to properly review and address the incident prior to the committee hearing.

However, Mr. Ramos-Garcia understands the importance of reporting such incidents to the police and does not take this matter lightly. After being informed of his guards' failure to notify management of the incident, disciplinary action was taken, and some guards were terminated from Points View. Although Mr. Ramos-Garcia was not present on the night of the incident, his manager was present at the licensing committee's hearing and prepared to testify. His testimony was not taken.

5.J. July 16, 2021 Fight

Although all preventative measures are taken to deescalate conflicts, occasionally, fights occur on premises during business hours. While Mr. Ramos-Garcia's staff did what it could do to break up the fight, before they fled into the night. As noted, Mr. Ramos-Garcia was cooperative with officers' investigation because he understands the importance of working with police as they do their job to keep our streets safe.

Conclusion

Mr. Ramos-Garcia has made substantial improvements to Points View Boite. He has invested hundreds of thousands of dollars into his business since 2017. Points View Boite employs twenty (20) people, most of whom rely on Points View Boite to raise their children, feed their families, and support the local economy.



Although Points View has had some problems over the years, the overarching trend has been one of improvement. The number incidents have greatly decreased. Importantly, there was **only one** incident inside of the bar in the most recent reporting period. This demonstrates Mr. Ramos-Garcia's continued dedication to improving the safety of patrons, and taking all possible corrective actions.

Mr Ramos-Garcia respectfully requests that the Council **renew his license with a 15-day suspension** which would be commensurate to the Council's policy of incremental enforcement, not the harsh sanction of closure.

Respectfully,

Electronically signed by

Kendrick B. Yandell

Attorney

Yandell Law Offices, LLC

757 N. Broadway, Ste. 300

Milwaukee, WI 53202

P: 414.856.5358

F: 414.246.4373

E: ken@kby-law.com

cc:

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

www.kby-law.com