

SUMMONS

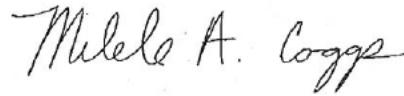
TO: Any Police Officer of and for the City of Milwaukee

On June 1, 2021 at 9:30 a.m. you will be given an opportunity to speak on your own behalf, and to respond to and challenge any charges or reasons given by witnesses at the aforementioned hearing in support of a revocation or suspension of your licenses. You may present your own supporting witnesses, under oath, at this hearing, and you may also confront and cross-examine opposing witnesses. If you wish to do so, and at your own expense, you may be accompanied by an attorney or interpreter of your own choosing to represent you at this hearing. Because of the virtual hearing format, you are strongly encouraged to provide a list of your witnesses to Staff Assistant Molly Kuether-Steele at molly.kuether-steele@milwaukee.gov no later than 48 hours prior to the hearing. That list should include a name, email address, and phone number for each person. You should also share the best practices document with each of your potential witnesses.

This meeting will be held via GoToMeeting. Please see the enclosed best practices document for further instructions. The access code is [REDACTED]. If you wish to call in, please call +1 [REDACTED] and use Access Code: [REDACTED].

If you, Miguel A. Martinez, fail to appear virtually before the Committee on June 1, 2021 at 9:30 a.m., as required by the summons, the Committee will proceed to consider the allegations of the complaint which shall be taken as true. If the Committee determines that the allegations are sufficient and the circumstances warrant, the law permits your licenses be revoked or suspended.

Dated as of the 19th day of May, 2021.



ALDERWOMAN MILELE A. COGGS
CHAIR, LICENSES COMMITTEE



JAMES R. OWCZARSKI
CITY CLERK

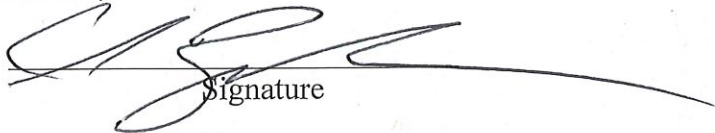
Complaint; Wisconsin Statutes Section 125.12;
Milwaukee Code of Ordinances Sections 85-3 to 85-5, 90-12, and 108-11.

Proof of Service:

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

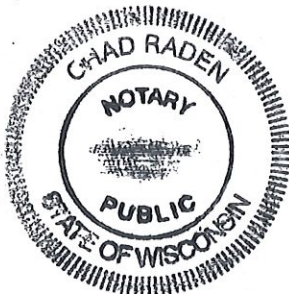
COMES NOW Penny Monreal, being first duly sworn and upon his/her oath, who deposes and says that he/she is an officer of the Milwaukee Police Department, and that he/she did at 11:00 AM/PM on the 20th day of May 2021, serve a true and correct copy of this summons, the complaint, Wisconsin Statutes Section 125.12, Milwaukee Code of Ordinances Sections 85-3 to 85-5, 90-12, and 108-11 upon Miguel Martinez at 6891 S. Burdson, #203.

Subscribed and sworn to before me
this 20th day of May 2021


Signature

CHAD RADEN
Printed Name

Notary Public, State of Wisconsin
My Commission: 12-28-24



In re the Class "B" Tavern license and Public Entertainment Premises license of:

The Flow DJ's Entertainment LLC whose
Registered Agent is Miguel A. Martinez
as the Licensee for the licensed premises
known as VIP Lounge MKE, located at
828 S. 1st Street, Milwaukee, Wisconsin 53204

SWORN CHARGES BY CHIEF OF POLICE FOR REVOCATION OF LICENSES

Pursuant to Wisconsin Statutes Section 125.12 and Sections 85-4, 90-12 and 108-11 Milwaukee Code of Ordinances ("MCO"), Acting Chief of Police Jeffrey Norman, a City of Milwaukee resident and interested party, by Captain David Salazar, Commander of Police District 2, and interested party, being first duly sworn and upon his oath, respectfully charges the following based upon review of official Milwaukee Police Department ("MPD") reports drafted in the ordinary course of business, review of documents received by MPD District 2 and communication with other police, law enforcement and municipal officials:

1. Miguel A. Martinez, is the registered agent for the Flow DJ's Entertainment LLC, (hereinafter, the "Licensee") is the holder of a Class "B" Tavern license and Public Entertainment Premises license for the licensed premises known as VIP Lounge located at 828 South 1st Street, Milwaukee, Wisconsin 53204.

2. The Licensee has been the Agent of Flow DJ's Entertainment, LLC since September 23, 2014.

3. On September 22, 2020, the Common Council voted to renew the above-stated licenses with a ten (10) day suspension based upon MPD reports and aldermanic and neighborhood testimony. A true and correct copy of the City of Milwaukee License Committee Findings of Fact memorandum to the Common Council with the recommendation for suspension

is attached as **Exhibit A**. A true and correct copy of the letter notifying the Licensee of the suspension and renewal is attached as **Exhibit B**.

4. On July 30, 2019, the Common Council voted to renew the above-stated licenses with a warning based upon testimony given at the July 16, 2019 Licensing Committee Hearing. A true and correct copy of the City of Milwaukee License Division warning letter is attached as **Exhibit C**.

5. On July 31, 2018, the Common Council voted to renew the above-stated licenses with a ten (10) day suspension based upon MPD reports and aldermanic testimony. A true and correct copy of the City of Milwaukee License Committee Findings of Fact memorandum to the Common Council with the recommendation for suspension is attached as **Exhibit D**. A true and correct copy of the letter notifying the Licensee of the suspension and renewal is attached as **Exhibit E**.

UNLAWFUL LICENSE ACTIVITY AND DISORDERLY PREMISE

6. VIP Lounge has a history of repeated Class "B" tavern violations and disruptive nuisance activities. This repetitive history has been observed by public citizens and verified through ongoing Milwaukee Police Department ("MPD") and Milwaukee Health Department ("MHD") investigations. This activity is a substantial burden to MPD and other City Departments as law enforcement officers and City representatives are deployed to conduct their investigations.

7. Upon information and belief, VIP Lounge was operating over capacity on September 6, 2020. MPD Officers interviewed the Licensee at the time who acknowledged he was aware of the amount of patrons inside the premise. MPD officers observed patrons exiting and fighting among patrons on the sidewalk and street. Premise security was unable to take control of the fights and ten (10) MPD police squads were called to the scene to help disperse the

unruly crowd of patrons. In addition, MHD officials observed patrons not abiding by the Covid-19 Public Health Plan for the City of Milwaukee and the Milwaukee Code of Ordinances (“MCO”) requiring that masks be worn during the COVID-19 pandemic.

8. Upon information and belief, VIP Lounge operated over capacity again on December 31, 2020, in violation of the COVID-19 Public Health Plan for the City of Milwaukee.

9. On January 3, 2021 MPD conducted a licensed premise check. MPD officers observed patrons exiting the premise verbally arguing and then physically fighting. MPD officers attempted to interview the Licensee but he became confrontational and argumentative with MPD Officers.

10. Upon information and believe, VIP Lounge operated over capacity again on January 8, 2021 in violation of their plan of operation, building code ordinance, and in violation of the Covid-19 Public Health Plan for the City of Milwaukee and the Milwaukee Code of Ordinances. MPD observed a line outside the entrance and multiple patrons inside the entrance. A counting device was not being used. MPD officers observed multiple patrons without masks in violation of MCO 62-8.1 (Mask Required Indoors).

11. On January 15, 2021, MPD, City Attorney’s Office and MHD personnel conducted an in-person meeting with the Licensee and counsel regarding the repeated violations. Topics of discussion included neighborhood complaints, overcapacity, responsibility for patrons peacefully exiting the premise, recent calls for service, overserving patrons, the Covid-19 Health Plan requirements, violations observed, and what was expected of the Licensee and staff going forward.

12. Shortly after the January 15, 2021 meeting, on January 29, 2021 MPD and MHD officials observed patrons not abiding by the mask requirement, guests seated/failing to be seated at distanced tables, and failing to social distance in accordance with COVID-19 Public Health

Plan for the City of Milwaukee and in violation of MCO 62-10 (Violation/Obstruction of Orders, social distancing), MCO 62-8.1 (Mask Required Indoors) and MCO 62-10 (Violation/Obstruction of Orders, guests must be seated). Citations were issued to the Licensee.

13. Upon information and belief, on February 8, 2021 MHD Director Carly Hegarty revoked VIP Lounge's COVID Safety Plan as a result of continued non-compliance with COVID-19 restrictions. The Licensee was sent an e-mail notification of the revocation. A true and correct copy of the notification is attached as **EXHIBIT F**.

14. On February 20, 2021, MPD and MHD personnel observed customers standing around in the premise and people dancing. A citation was issued to the Licensee for violation of MCO 62-10 (violation/obstruction of orders).

15. On or about May 3, 2021, MPD Officers were dispatched to a location near the premise for a shots fired complaint. Upon investigation, it was revealed that the incident was related to the Premise. During the investigation, MPD obtained surveillance footage from Robert Hamilton, resident at 904 S 1st St, the area reflecting a large crowd exiting the premise with no regard for vehicular traffic which had to stop or swerve to keep from striking patrons. There is no visible security presence related to the premise controlling the situation. A true and correct copy of the video surveillance is attached as **Exhibit G**.

16. On May 6, 2021, a shooting occurred outside of the VIP Lounge outside of the premise. Two individuals left a nearby establishment and left in a 2011 Red Ford Focus. While driving, the passengers made observations that a large group of patrons from VIP Lounge were leaving all at once. The individuals traveled to the intersection of 1st and Walker and were attempting to leave the area. However, the patrons exiting the VIP Lounge continued to gather in the street and prevented the individuals from driving through the intersection safely. While blocked in traffic, the shooting suspect approached the vehicle attempting to open the passenger

door and proceeded to hit the window with a firearm. Although there were people and vehicles obstructing the flow of traffic, the individuals attempted to drive around the cars and people. While driving, the suspect shot six times at the vehicle and wounding the passenger. A total of eight (8) shots were fired; six shots were fired at a vehicle hitting a passenger, and two additional shots into the air.

17. Upon review of security camera footage taken May 6, 2021 from Robert Hamilton, resident at 904 S 1st St, and Freight 38, a licensed premise located at 838 S 1st St, surrounding businesses, the suspect was a patron of VIP Lounge prior to the incident. The security camera footage also reflects a number of patrons leaving the establishment and loitering and dancing in the streets significantly impairing traffic and safety. The surveillance video reflects that premise security took no action to disperse or control its patrons. A true and correct copy of the video footage from Robert Hamilton is attached as **EXHIBIT H**. A true and correct copy of the video footage from Freight 38 is attached as **EXHIBIT I**.

18. On Thursday, May 6, 2021, at approximately 1:40am, Officer Adrian Gutierrez MPD requested video surveillance footage from the Licensee. MPD was informed that the video system was not working that day and video was not provided by the Licensee.

19. The Licensee and his employees failed to make any attempts to control patrons of the establishment as they exited the premise.

20. Despite being in operation when a shooting occurred outside of the premise, the Licensee and VIP Lounge employees did not contact MPD; nor make an attempt to deescalate the situation.

21. A check of MPD CAD reports for District Two between 1:00 a.m. and 4:00 a.m. on May 6, 2021 reveal no calls for service from the Licensee or his employees related to anything that occurred at the licensed premise or surrounding area on that date. A true and

correct copy of the CAD report for the May 6, 2021 shooting incident is attached as **Exhibit J**.

22. A true and correct copy of the PA-33 Licensed Premise Report filed by MPD Police Officers regarding the May 3, 2021 shots fired incident described above is attached as **Exhibit K**.

23. A true and correct copy of the PA-33 Licensed Premise Report filed by MPD Police Officers regarding the May 6, 2021 shooting incident described above is attached as **Exhibit L**.

24. A true and correct copy of the Milwaukee Police Department Licensing Synopsis and supporting PA-33s for VIP Lounge is attached as **Exhibit M**.

BASED UPON the failure to comply with municipal ordinances and orders related to COVID-19, disorderly premise activity at the licensed premise including altercations, shots fired, the display of a dangerous weapon and a shooting that occurred outside of the licensed premise by patrons of the establishment and the ongoing nuisance issues and complaints surrounding the licensed premise, which has cumulatively had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood;

THE CHIEF OF POLICE, by his designee, respectfully requests the immediate revocation of the Class "B" Tavern license and Public Entertainment Premises license relative to the above-referenced Licensee and licensed premises, VIP Lounge, because:

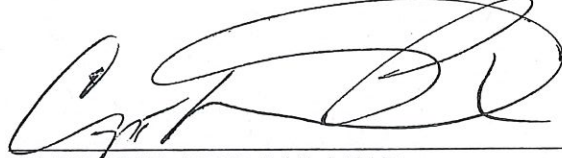
1. Pursuant to Wis. Stat. Sec. 125.12(2) (ag) 1., the Licensee has violated Ch. 125, Wis. Stats. and municipal regulations;
2. Pursuant to Wis. Stat. Sec. 125.12(2)(ag)2., the Licensee keeps or maintains a disorderly or riotous, indecent or improper house;
3. Pursuant to MCO 85-4-4-c, VIP Lounge has been the source of congregations of persons which have resulted in one or more of the following: disturbance of the peace, assaults,

battery, loitering, loud noise at times when the licensed premise is open for business and after those hours when the premise should be closed, other factors which reasonably relate to the public health, safety and welfare, and the failure to comply with the approved plan of operation;

4. Pursuant to MCO 85-4-4-c, 90-12-1-f, and 108-11-3, VIP Lounge is operated in such a manner that it constitutes a public or private nuisance and that conduct at VIP Lounge has had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood; and
5. Pursuant to MCO 85-4-4-c-22, 90-12-1-i and 108-11-3, there are other reasonable causes which are in the best interests, public safety, welfare and good order of the City of Milwaukee, including:
 - a. **Disregard for Public Safety:** VIP Lounge MKE Licensee and employees failed to protect public safety during multiple incidents in 2021 including but not limited to failing to abide by Covid-19 related regulations, disorderly premise activities leading to a shooting of an individual that occurred in May of 2021. VIP Lounge MKE Licensee and employees failed to abate or attempt to abate the incidents from occurring, and failed to notify authorities of the altercation.

Dated at Milwaukee, Wisconsin this 19th day of May, 2021.

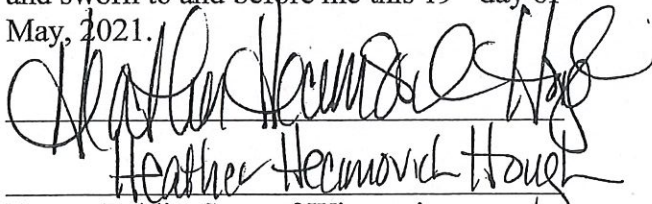
CHIEF OF POLICE JEFFREY NORMAN BY:



CAPTAIN DAVID SALAZAR

Commander, Milwaukee Police District 2

The foregoing complaint seeking revocation
of the Class "B" Tavern license, Food
Dealer – Restaurant license and Public
Entertainment Premises license was subscribed
and sworn to and before me this 19th day of
May, 2021.


Heather Hecimovich Hough
Notary Public, State of Wisconsin
My commission expires: Permanent

Drafted by:

HEATHER HECIMOVICH HOUGH

Assistant City Attorney

SBN: 1092637



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

Date: September 11, 2020

To: All Members of the Milwaukee Common Council

From: Licenses Committee

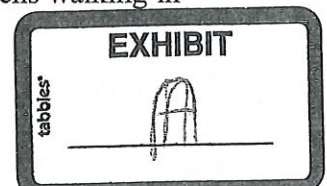
Re: Report of the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses with Change of Entertainment Adding Comedy Acts and Battle of the Bands of Miguel A. Martinez, Agent for The Flow DJ's Entertainment LLC, for the premises located at 828 South 1st Street in the City and County of Milwaukee, Wisconsin ("VIP Lounge").

FINDINGS OF FACT

1. Miguel A. Martinez (hereinafter "the Licensee") is the holder of Class "B" Tavern and PEP Licenses for the premises located at 828 South 1st Street in the City and County of Milwaukee, Wisconsin ("VIP Lounge"). Said licenses expire at midnight on September 23, 2020.
2. An application to renew said licenses was filed with the Office of the City Clerk on July 21, 2020.
3. Pursuant to Chapters 85, 90, and 108 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 August 26, 2020, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On August 26, 2020, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on September 4, 2020, commencing at approximately 2:20 p.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee, appeared and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On August 11, 2019 at 2:23 am, Milwaukee Police were dispatched to 828 South 1st Street for a fight complaint. Upon arrival, officers observed several broken beer bottles on the street in front of 828 South 1st Street and several citizens walking in



City Hall Room 205 • 200 East Wells Street • Milwaukee, WI 53202
PHONE (414) 286-2994 FAX (414) 286-3456 E-MAIL mcoggs@milwaukee.gov
WEBSITE www.milwaukee.gov/district6



the alley attempting to enter the rear of the tavern. After several knocks on the locked front entrance door, security allowed officers to enter. The Licensee was informed that there was a fight outside and that officers needed to review surveillance footage. While reviewing the footage, officers could hear noise coming from above the establishment and when they went to investigate, officers found approximately 30 patrons in a living room area drinking beer (some of which were the citizens the officers observed earlier trying to enter the back of the tavern). The Licensee said that he had no idea how the patron got to the second level and that he was not having an "after party". One of the officers observed security of the establishment allow patrons to enter through the rear entrance but no citations were issued because officers could not prove the Licensee was aware there were patrons inside his establishment.

- B. On August 18, 2019 at 3:20 am, Milwaukee Police were dispatched to 828 South 1st Street to investigate an after-hour tavern violation. Upon arrival, officers were greeted by the Licensee who was cooperative and stated that there were only his seven employees inside the establishment, and officers did not observe any open alcoholic beverages inside.
- C. On September 22, 2019 at 1:40 am, Milwaukee Police were dispatched to 838 South 1st Street for a subject with weapon complaint. Investigation revealed that a fight occurred at 828 South 1st Street and one of the subjects went to their vehicle and retrieved a baseball bat. Security at 828 South 1st Street stated that there was no fight but they did walk a subject to his vehicle and he did try to arm himself with a baseball bat but was stopped by security and the subject drove away.
- D. On November 10, 2019 at 2:06 am, Milwaukee Police investigated a fight that occurred at 828 South 1st Street. Surveillance footage revealed that two subjects entered the back room where a band was and they had their arms around each other. A short time later, both subjects come out of the room, exchange words with each other, and one actor strikes the other several times in the face. The subject that was punched falls into a corner, security comes and separates the subjects, and the striking actor is escorted outside the business. The Licensee said that he did not call police.
- E. On August 1, 2020 officers investigated a sexual assault that occurred at VIP Lounge, 828 South 1st Street. The victim stated she was at the bar closing out her tab when a subject grabbed her buttocks. She confronted the subject who walked out of the bar. The victim stated none of her friends witnessed the incident.
- F. On August 16, 2020 officers investigated a shots fired complaint at 904 South 1st Street. The caller stated he heard shots being fired and looked out his window and saw a car in the parking lot of VIP Lounge, 828 South 1st Street. He stated he observed the passenger of the auto shooting a gun in the air. The officer advised the Licensee of this incident.
- G. The Licensee stated #17 on the police report is about an apartment upstairs unrelated to the licensed premise that the police entered without permission, and the



tenant was having a party upstairs. He added that he closes at 2 a.m. and he is concerned about after-hours issues and that is why he has security. He stated that #22 in the police report happened after he was closed and the police never asked him about it. He added that this is not the first time Mr. Hamilton complained about his premises and garbage. He stated that he is a good neighbor and he does not have a problem with his parking lot. He added that there are 4-5 bars in the area and they all park in his lot. He stated that he is going to put a fence around his parking lot. He added that he only has security on Saturday, with six guards inside and two outside in a patrol car around the parking lot, and they work from 9 p.m. until 2:30 a.m. He stated that security clears the outside and parking lot of patrons before they go back inside. He added that he does not have security cameras in the parking lot.

Individual present in opposition:

- H. Bob Hamilton, 904 South 1st Street, stated he heard 2 gunshots last weekend, the weekend before he heard 50-60 gunshots on Saturday, and the weekend before that there were 12-14 shots fired. He added that he went outside to talk to police and witnessed piles of gun shell casings. He stated that he saw a guy holding his arm out the window and firing a gun. He added that he has tenants and they are afraid to go outside and are threatening to leave. He stated that this is out of control, he is concerned for his safety, and this is a frequent occurrence. He added that he called the police 3 weekends in a row. He stated that it is the customers coming from the parking lot of the premises and when the bar is closed there are no issues. He added that there have been issues at the premises since day one and he is worried about someone being killed.

Individuals also present:

- I. Alderman Perez stated that he has several concerns about the shots fired incidents, and not calling the police regarding fights. He added that Mr. Hamilton testified before about similar incidents and he has grave concerns.
- J. Milwaukee Police Department Captain Salazar stated this bar is problematic and in the last two months there have been a dozen calls for service causally related to the premises. He added that the number of shots is very concerning, and this is indicative of shootout type activity and multiple shooters. He added that based on his experience, locations that have this level of gunfire often end up with a homicide if the situation is not curtailed.
- K. Alderman Borkowski stated that 22 items on the police report since 2015 seems like a pattern. He added #22 on the police report and the email Alderman Perez received on August 24th seem to be the same incident, but different accounts. He stated that three straight weekends of shooting is out of control, and he would hate to live in that neighborhood. He added that this is outrageous and there should be a stiff penalty. He stated that he does not think the Licensee is taking this seriously and 50-60 gunshots is never acceptable.

- L. Alderwoman Lewis stated that her primary concern is abatement, and that she has not heard a sufficient plan from the applicant to mitigate the danger from the management.
- M. Alderman Kovac moved approval with a 10 day suspension based on the police report, and neighborhood, aldermanic, and police testimony. (Prevailed 4-1)

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 Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Miguel A. Martinez who holds Class B Tavern and Public Entertainment Premise (PEP) licenses for the premise located at 828 South 1st Street in the City and County of Milwaukee, Wisconsin ("VIP Lounge") has not met the criteria of Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to not renew the Class B Tavern and Public Entertainment Premises without undergoing a ten (10) day suspension. The Committee finds aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, and aldermanic, police, and neighborhood testimony.
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 Public Entertainment Premise (PEP) licenses for the premises located at 828 South 1st Street in the City and County of Milwaukee, Wisconsin ("VIP Lounge") without undergoing a ten (10) day suspension. The Committee based its recommendation on the police report, and aldermanic, police, and neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes and (1) noes**, recommends that the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Miguel A. Martinez for the premises located at 828 South 1st Street ("VIP Lounge") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a ten (10) day suspension.

The suspension is in effect between 12:01 a.m. on September 24, 2020 until 11:59 p.m. on October 3, 2020.



Dated and signed at Milwaukee, Wisconsin this 11th day of September, 2020.

Milele A. Coggs

MILELE A. COGGS
Chair, Licenses Committee

/270612





Office of the City Clerk

Jim Owczarski
City Clerk
jowcza@milwaukee.gov

Jessica Celella
Deputy City Clerk
Jessica.Celella@milwaukee.gov

September 22, 2020

Miguel Martinez
The Flow DJ's Entertainment LLC
5221 S 13th St #C
Milwaukee, WI 53221

Atty. Vincent Bobot
5414 S 13th St
Milwaukee, WI 53221

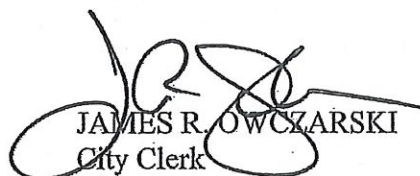
Dear Mr. Martinez:

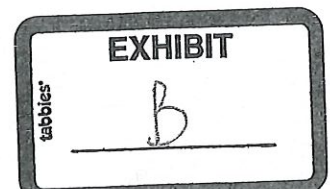
This is to notify you that on Friday, September 4, 2020, the City's Licenses Committee voted to recommend to the City's Common Council to renew, with a ten (10) day suspension, the Class B Tavern and Public Entertainment Premises licenses for the premises located at 828 S 1st St ("VIP Lounge") based on the police report, and police, aldermanic, and neighborhood testimony.

On September 11, 2020, you were mailed a true and correct copy of the findings of fact, conclusions of law, and recommendations of the Licenses Committee with respect to the Class B Tavern and Public Entertainment Premises licenses in which the Committee recommended that the licenses be renewed, with a ten (10) day suspension based on the police report, and police, aldermanic, and neighborhood testimony. You were further notified that the Milwaukee Common Council would consider the matter at its meeting of Tuesday, September 22, 2020, commencing at 9:00 a.m. in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin. You were advised of the right to file written objections and to appear personally or by counsel to address the Common Council. At that date, time, and place, you did not appear, and you did file written objections to the report of the Licenses Committee. You were represented by counsel.

Following consideration of the report of the Licenses Committee, the Common Council voted to renew, with a ten (10) day suspension the Class B Tavern and Public Entertainment Premises licenses based on the police report and police, aldermanic, and neighborhood testimony. Said suspension is effective 12:01 a.m. on September 24, 2020 until 11:59 p.m. on October 3, 2020.

Respectfully,


JAMES R. OWCZARSKI
City Clerk





Office of the City Clerk
License Division

Jim Owczarski
City Clerk
jowcza@milwaukee.gov

Jessica Celella
License Division Manager
licmgr@milwaukee.gov

July 30, 2019

Miguel A Martinez, Agent
The Flow DJ's Entertainment LLC
5221 S 13th St #C
Milwaukee, WI 53221

RE: The Flow DJ's Entertainment LLC at 828 S 1st St

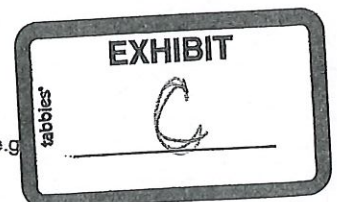
Dear Miguel A Martinez:

On 07/30/2019, the Common Council voted to renew your Tavern and Public Entertainment licenses with a warning letter.

This course of action was taken based upon testimony given at your hearing on 07/16/2019. The warning is being given with the expectation that you will take appropriate action to ensure that incidents of this nature do not reoccur.

Sincerely,

Nathan Schafer
License Specialist



CHAIR

- Licenses Committee
- City Information Management Committee

VICE CHAIR

- Milwaukee Arts Board

MEMBER

- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board

**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: July 20, 2018

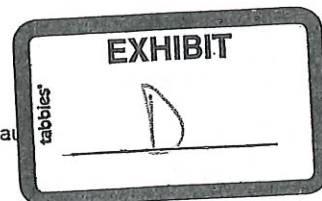
To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Miguel A. Martinez, for the premises located at 828 South 1st Street in the City and County of Milwaukee, Wisconsin ("VIP Lounge").

FINDINGS OF FACT

1. Miguel Martinez (hereinafter "the Licensee") is the holder of Class "B" Tavern, and PEP Licenses for the premises located at 828 South 1st Street in the City and County of Milwaukee, Wisconsin ("VIP Lounge"). Said licenses expire at midnight on September 23, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on June 5, 2018.
3. Pursuant to Chapters 85 and 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 June 6, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On July 5, 2018, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85 and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on July 17, 2018, commencing at approximately 10:45 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:



- A. On May 21, 2017, at approximately 2:05 a.m., Milwaukee Police Department Officers were dispatched to a fight at 828 South 1st Street. Upon arrival, officers were unable to locate anyone fighting.
- B. On July 28, 2017, officers conducted license premise check at Desperados, 828 South 1st Street, based on a complaint of dancers, which is in violation of their license. The officers entered through the front entrance and observed females dancing in very revealing lingerie. The Licensee was on scene and stated the tavern was rented out for a private party. He was aware he did not have the proper license to allow dancers on the premise and did nothing to stop them. The officer also observed patrons with hands full of money and money on the floor. They also observed a changing room for the dancers.
- C. On August 6, 2017, officers were dispatched to VIP Lounge, 828 South 1st Street for a fight. The officer spoke with two victims who were security at the tavern. The guards stated that a subject was kicked out for being disruptive. The subject returned with five friends and chased one security guard outside. The suspects then began hitting and kicking the guard. The second guard was struck while helping the first guard. The suspects then fled the scene. On August 11, 2017, the officers contact the Licensee, who stated he did not witness the incidents and there are no cameras that would have captured the incident.
- D. On September 10, 2017, officers conducted a licensed premises check on VIP Lounge, 828 South 1st Street. Officers found 14 bottles of liquor contaminated with fruit flies. The Licensee was on premise and bottles were disposed of. No other violations were observed.
- E. On October 28, 2017, an officer observed vehicles parked In the alley adjacent to VIP Lounge, 828 South 1st Street. The officer spoke with the security guard at VIP Lounge who stated she did not know who owned the car. The officer began citing the cars and employees from other businesses came out to thank the officer because this was a constant problem. The officer observed a subject exit VIP Lounge and move one of the cars he cited. The officer spoke with employees of VIP Lounge and they were receptive to correcting the problem.
- F. On December 4, 2017 at 2:04 a.m. officers conducted a license premises check at VIP Lounge, 828 South 1st Street. Upon entering the officer observed 40 patrons who were still drinking alcohol. The Licensee was on scene and the officer asked him what time was closing and he stated



2:00 a.m. The officer then asked what the current time was and the Licensee stated 2:05 a.m. The Licensee was cited for allowing patrons after hours. The Licensee was found guilty of the citation on February 1, 2018, and fined \$10,190.00.

- G. On January 20, 2018, officers worked the special event, Fresh Empire, at VIP Lounge, 828 South 1st Street. The event was a tobacco free DJ event for children aged 13-17 with approximately 250-300 patrons. The event security was Midwest Intelligence Agency, who provides interior and exterior security. The security also assisted at closing time to clear additional business where patrons of the event go after closing.
- H. On February 23, 2018, officers conducted a licensed premises check at VIP Lounge, 828 South 1st Street. The business was closed, but the Licensee was on scene and allowed the officers inside. The officers located 13 bottles contaminated with fruit flies and 12 bottles missing labels. Wisconsin Department of Revenue Agents seized 18 boxes of hookah tobacco, which the Licensee said he supplies free to patrons. The Licensee does not have a Tobacco License. The DOR agents also seized 100 bottles of beer and 62 bottles of liquor that were not purchased from a distributor.
- I. On March 24, 2018 MPD officers responded to VIP Lounge, 828 South 1st Street, to assist with a large crowd exiting a Fresh Empire event. The officers observed 100 people standing in the street and 200 on the sidewalk. When the subjects walked to surrounding business they walked into the roadway affecting traffic. The organizer, Travis Chambers stated there was a fight inside between two females. Chambers had security empty the building. Several fights then occurred outside. He stated that he gives away 1500 tickets but only allows 300 inside. There were several calls for service regarding patrons from Fresh Empire. There were two arrests for Disorderly Conduct and two arrests for Resisting or Obstructing an Officer.
- J. Regarding the dancing incident, the Licensee stated that he rented the premises out for a birthday party on this date. He was unaware there were going to be dancers. He no longer rents the premises for these kinds of events. The Licensee also indicated that he has since hired a new security company.
- K. The Licensee stated that he put up five "No Parking" signs in the alley to alleviate the concerns regarding parking. He has also changed his "last



call" time from 1:50 a.m. to 1:30 a.m. in order to get patrons out of the licensed premises. He also stated that he has installed new cameras at the location as well.

- L. Alderman Cavalier Johnson indicated that he was concerned about the fruit flies in the bottles of alcohol. The Licensee stated that the bottles with the fruit flies had been sitting unsold, and were not available for sale at all. However, he has changed the caps on all his bottles to a more protective cover. Ald. Kovac indicated that he believed the Licensee's explanation, and did not believe the issue represented a very serious infraction, but was more concerned about the public safety related issues.
- M. Mr. Travis Chambers, 725 North Plankinton Avenue, stated that he is the manager of the Fresh Empire events. He explained that Fresh Empire is a federally funded program that hosts events for youth between the ages of 13-18 between 4 p.m. and 8 p.m. Mr. Chambers stated that there were not 100 people in the street during the March 24, 2018 event, but a number closer to 25. He felt that the police response was disproportionate to the nature of the incident. He stated that the Licensee has been a tremendous help to Fresh Empire, including purchasing \$600.00 worth of alcohol locking equipment for Fresh Empire. Mr. Chambers stated that there were some issues with the proper storage of alcohol during the underage events, but that this was remedied as soon as it was brought to the Licensee's attention. Mr. Chambers further explained that the fighting incident referenced above was a result of a gap in Fresh Empire's private security, which was not the fault of the Licensee.
- N. Alderman Jose Perez, the local alderperson, was present and testified that he was concerned about the Fresh Empire events. He further testified that he was also to observe the bodycam footage of the patrons in VIP Lounge after hours. He indicated that he was concerned about the dancing and the illegally parked cars. The alderman indicated that he has been there when Fresh Empire Ald. Perez acknowledged that the Licensee had been receptive to the changes suggested during a meeting with the police and suggested a minimal suspension due to the theory of progressive discipline.
- O. Alderman Johnson made a motion for a renewal with a 10-day suspension based on the police report and aldermanic testimony. (Prevailed 4-0)

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 Chapters 85 and 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Miguel Martinez, has not met the criteria to allow renewal of his Class "B" Tavern and PEP licenses without serving a 10-day suspension.
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 PEP licenses of Miguel Martinez for the premises located at 828 South 1st Street, in the City and County of Milwaukee, Wisconsin ("VIP Lounge") based upon the police report and aldermanic testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes, zero (0) noes, and one (1) excused**, recommends that the Class "B" Tavern and PEP Licenses of Miguel Martinez for the premises located at 828 South 1st Street ("VIP Lounge") in the City and County of Milwaukee, Wisconsin be renewed with a 10-day suspension based upon the police report and aldermanic testimony.

Said suspension is in effect between 12:01 a.m. on September 24, 2018 until 11:59 p.m. on October 3, 2018.

Dated and signed at Milwaukee, Wisconsin this 20th day of July, 2018.



NIK KOVAC
Chairman, Licenses Committee

/249434





Office of the City Clerk

Jim Owczarski
City Clerk
jowcza@milwaukee.gov

Richard G. Pfaff
Deputy City Clerk
rpfaff@milwaukee.gov

July 31, 2018

Miguel Martinez
The Flow DJ's Entertainment LLC
5221 S 13th St #C
Milwaukee, WI 53221

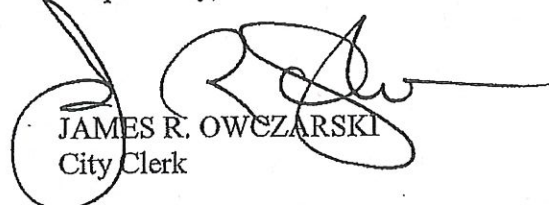
Dear Mr. Martinez:

This is to notify you that on Tuesday, July 17, 2018, the City's Licenses Committee voted to recommend to the City's Common Council to renew with a ten (10) day suspension the Class B Tavern and Public Entertainment Premises license(s) for the premises located at 828 S 1st St ("VIP Lounge") based on the police report and aldermanic testimony.

On July 20, 2018, you were mailed a true and correct copy of the findings of fact, conclusions of law, and recommendations of the Licenses Committee with respect to the Class B Tavern and Public Entertainment Premises license(s) in which the Committee recommended that the license be renewed with a ten (10) day suspension based on the police report and aldermanic testimony. You were further notified that the Milwaukee Common Council would consider the matter at its meeting of Tuesday, July 31, 2018, commencing at 9:00 a.m. in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin. You were advised of the right to file written objections and to appear personally or by counsel to address the Common Council. At that date, time, and place, you did not appear, and you did not file written objections to the report of the Licenses Committee. You were not represented by counsel.

Following consideration of the report of the Licenses Committee, the Common Council voted to renew with a ten (10) day suspension the Class B Tavern and Public Entertainment Premises license(s) based on the police report and aldermanic testimony. Said suspension is in effect from 12:01 a.m. September 24 until 11:59 p.m. on October 3, 2018.

Respectfully,


JAMES R. OWCZARSKI
City Clerk



From: Hegarty, Carly

Sent: Monday, February 8, 2021 4:47 PM

To: viploungemke@gmail.com

Cc: CEHSupervisor <CEHSupervisor@milwaukee.gov>; Evers, Claire <CEVERS@milwaukee.gov>; Acevedo, Jose <jaceve@milwaukee.gov>; Contreras, Eliel <econtr@milwaukee.gov>; Diener, Matthew <mdiene@milwaukee.gov>; Vodicka, Kevin <kvodic@milwaukee.gov>; Piceno, Oscar <opicen@milwaukee.gov>; Raden, Chad <CRADEN@milwaukee.gov>; License <LICENSE@milwaukee.gov>; Perez, Jose <JoseG.Perez@milwaukee.gov>; Murillo, Maribel <Maribel.Murillo@milwaukee.gov>

Subject: Revocation of your Covid-19 Safety Plan

Importance: High

Good Afternoon,

I am writing to inform you that the Covid 19 Safety Plan originally approved on 12/11/20 for your business VIP Lounge located at 828 S. 1st is now **revoked**.

This is as a result of continued noncompliance.

Going forward whether inside or outside, the establishment shall comply with Physical Distancing requirements to the extent possible, Protective Measure Requirements, and Safe Business Practices, and shall limit the total number of individuals on the premises to the lesser of 25% of the total occupancy of the location established by the City of Milwaukee, if any, or one person for every 30 square feet of floor space open to the public.

As a reminder seating must be provided to all guests. Guests must remain seated with the exception of ordering (if counter services are provided as detailed in the attached order), moving to and from the table on arrival, departure and use of restroom. Dance floors must be closed.

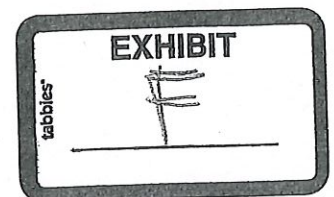
I have attached the current order for your reference.

Please note we have notified MPD and the Alderperson on these matters. Please let us know if you have any questions.

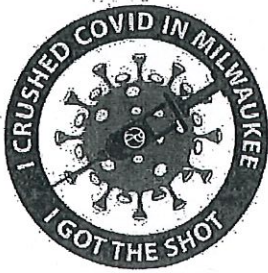
~Carly

Please note: Due to the COVID-19 Emergency Response activation, all MHD services have been reduced to essential services and staff are working remotely. Visit milwaukee.gov/healthservices and milwaukee.gov/coronavirus for updated information.

Carly Hegarty, RS, IFSL Graduate
Director of Consumer Environmental Health
Pronouns: She • Her • Hers
City of Milwaukee Health Department
Zeidler Municipal Building | 841 N. Broadway, 3rd Floor | Milwaukee, WI 53202
Cell: (414) 708-4678 | Fax: (414) 286-5990
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Detailed History for Police Call #211260174 As of 5/14/2021 09:51:12

Output for:

Priority:1 Type:1356 - SHOOTING

Location:828 S 1ST ST,MKE

LocCross:btwn E NATIONAL AV and E WALKER ST

Created:	05/06/2021 01:40:47	PD14	025766
Entered:	05/06/2021 01:40:47	PD14	025766
Dispatch:	05/06/2021 01:40:47	PD14	025766
Enroute:	05/06/2021 01:40:47	PD14	025766
Onscene:	05/06/2021 01:40:47	PD14	025766
Transprt:	05/06/2021 03:49:27	PD01	027435
Complete:	05/06/2021 04:04:39	PD01	027435
Closed:	05/06/2021 05:46:36	PD14	025766

IC: PrimeUnit:6169 Dispo:C8 Type:1356 - SHOOTING

Agency:MWPD DAREA:D6(D2) Squad Area:228 RptDist:5235

Case #:IR211260017 ☐ Detail

01:40:47 CREATE Location:828 S 1ST ST,MKE Type:1357 DAREA:D2 RptDist:5235 TypeDesc:SHOTS FIRED
LocCross:btwn E NATIONAL AV and E WALKER ST Priority:1 Response:1PO
Agency:MWPD SquadArea:228 LocType:S

01:40:47 ENTRY

01:40:47 DISPOS 2585 Location:828 S 1ST ST,MKE Operator:022549 024304 OperNames:BAAS, TAYLOR D
SPINATO, JAMES J

01:40:47 DISPOS 2322 Location:828 S 1ST ST,MKE Operator:031318 031949 OperNames:WILSON,
MATTHEW KIBLER, JEFFREY M

01:40:47 DISPOS 2328 Location:828 S 1ST ST,MKE Operator:029217 OperNames:RODRIGUEZ, JESUS JR

01:40:47 -PRIU 2585

01:40:47 -PREMIS Comment:PPR

01:41:31 MISC Comment:PER 2573...SHOTS FIRED BY VIP NIGHTCLUB...15-20...SUBJS WERE
SHOOTING ON THE N/W CORNER OF 1ST/WALKER...

01:41:46 BACKER 2510 Operator:018945 028462 OperNames:RAMIREZ-CERVANTES, GUADALUPE A
GUTIERREZ, ADRIAN M

01:42:05 INFO Location:904 S 1ST ST,MKE Name:ROBERT Phone:(262) 353-5292 LocCross:btwn E
WALKER ST and E MINERAL ST Priority:1 Contact?:EITHER Call/InPerson
Comment:CLLR STS HE JUST HEARD 6-7 SHOTS AND SAW VEH GOING S/B FROM
LOCATION

01:42:05 ALI E911Phne:262/353-5292 E911Pilot:414/511-0042 E911Add:912 S 1ST - SW ST,MKE
E911Subs:T-MOBILE USA E911Srce:WPH2 AliLong:-87.911138 AliLatitude:43.021860

01:42:05 ALIGEO GeoLong:-87.911138 GeoLat:43.021860 ClosestAdd:928 S 1ST ST AddDesc:10 ft NE
ClosestInt:S 1ST ST / E WALKER ST InterDesc:111 ft S

01:42:28 INFO Location:828 S 3RD ST,MKE Info:EAST OF LOC Phone:(414) 322-6335 LocCross:btwn W
NATIONAL AV and W WALKER ST Priority:1 Contact?:EITHER Call/InPerson
Comment:CLLR REPORTING SHOTS FIRED...EAST OF LOC...6 SHOTS, THEN TWO
MORE...CAME FROM 1ST OR 2ND STREET PER CLLR....NFI

01:42:28 ALI E911Phne:414/322-6335 E911Pilot:414/511-7456 E911Add:122 E ST WASHINGTON W,XX
E911Subs:AT & T MOBILITY E911Srce:WPH2 AliLong:-87.913241 AliLatitude:43.022321

01:42:28 ALIGEO GeoLong:-87.913241 GeoLat:43.022321 ClosestAdd:242 W WALKER ST AddDesc:39 ft N
ClosestInt:W WALKER ST / S 2ND ST InterDesc:172 ft W

01:43:06 MISC Comment:WERE SUBUJS SHOOTING INTO THE AIR OR AT SOMEONE??

EXHIBIT

tabbles

J

01:43:39 MISC 2328 Comment:ACCORDING TO WITNESSES, SOMEONE WAS BEING SHOT AT....NO VICTIM AT THIS TIME

01:44:33 BACKOS 2325 Location:S 1ST ST / E WALKER ST,MKE Operator:027133 030921 OperNames:YOUNG, JORDAN J SANCHEZ, ROBERTO A

01:45:00 BACKER 2323 Operator:029455 031282 OperNames:POWELL,ANTWAN D FREY, KEVIN Comment:CHECKING FOR POSSIBLE VICTIMS

01:45:17 MISC 2585 Comment:CASINGS AT WALKER/1ST

01:46:22 BACKOS 2312 Operator:019226 OperNames:ALBERT, JOSHUA G

01:46:24 MISC 2312 Comment:BROKEN GLASS AT INTERSECTION WHERE CASINGS WERE RECOVERED...ADVISE OF ANY VICTIMS SHOWING UP AT HOSPITALS...

01:46:28 ONSCN 2510

01:46:48 INFO Location:S 1ST ST / E WALKER ST,MKE Name:FEMALE CALLER Phone:(414) 839-6496 LocDesc: < 800/ 101> Priority:1 Contact?:EITHER Call/InPerson Comment:CLLR STS GIRLS TWERKING ON THE STREET AND SOMEONE SHOT INTO THEIR VEH...CLLR IS NOW ON EMBER LA BY CARGILL

01:46:48 ALI E911Phne:414/839-6496 E911Pilot:414/511-7177 E911Add:915 W WISCONSIN AV SE SECTOR,XX E911Subs:US CELLULAR E911Src:WPH2 AliLong:-87.923519 AliLatitude:43.031451

01:46:48 ALIGEO GeoLong:-87.923519 GeoLat:43.031451 ClosestAdd:970 W CANAL ST AddDesc:13 ft NE ClosestInt:W CANAL ST / S 11TH ST InterDesc:402 ft E

01:47:11 BACKOS 2310 Operator:015505 OperNames:ROSADO, JAIME S Comment:WERE SHOOTING AT A RED FORD TAURUS UNK DIRECTION

01:47:16 INFO Name:ASHLEY Priority:1 Contact?:EITHER Call/InPerson Comment:CLLR IS POSS ON CANAL...CLLR IS VERY FRANTIC

01:47:55 COMBIN Service:P Call:~~211260186~~ Type:1357 Agency:MWPD

01:48:34 INFO Priority:1 Comment:CLLR STS B/M STARTED POUNDING ON CLLR'S WINDOW CLAIMING VEH BELONGS TO HIM / CLLR HAS VIDEO OF SUBJ

01:48:34 VEH V#:1 VehCol:RED Make:FORD Model:FOC Misc:CLLR'S VEH

01:48:34 SUBJ S#:1 Race:B Sex:M Age:20'S Misc:WRG WHI SWEATER W/ LETTER M ON IT

01:50:04 MISC 2312 Comment:SEND 2323 TO MEET ON EMBER LANE...

01:50:07 INFO Priority:1 Comment:CLLR WILL DRIVE TO POTO HOTEL TO WAIT FOR POLICE

01:50:36 MISC 2585 Comment:ADD'L CASING AT 813 S 1ST...DIFFERENT CASING AND CALIBUR

01:51:25 CHGLOC 2323 Location:POTAWATOMI HOTEL #RE:,MKE Comment:TO MEET WITH VICTIM WHOSE VEHICLE WAS SHOT INTO/AT

01:51:54 LOGM Message:~~012105060651010180~~ MessageType:Text Received:05/06/2021 01:51:40 Comment:SENT TO PD PT

01:53:32 *ONSCN 2323

01:54:48 *CLEAR 2328 Dispo:C18 DispoLevel:0

01:56:52 *RFT 2323 Comment:INQUIRY QVEH,,407WKP,AT,00,,,

01:57:53 MISC 2323 Plate:407WKP Comment:MEDICAL FOR H/F 25YO C^B POSSIBLY STRUCK BY BULLET - GRAZE WOUND

01:59:06 MISC 2323 Comment:LOOKS LIKE THE VEHICLE WAS SHOT 5 TIMES ON RIGHT SIDE OF VEHICLE...

01:59:21 MISC 2323 Comment:1721 W CANAL IS ADDRESS TO SEND MEDICAL

01:59:48 MISC 2312 Comment:SQD NEEDED AT 1ST/MINERAL TO BLOCK TRAFFIC

02:00:51 BACKOS 2327 UnitID:2310 Location:S 1ST ST / E MINERAL ST,MKE Operator:030900 028776 OperNames:HERRIGES, TRAVIS J FONSECA,MOISES A

02:01:10 CHGLOC 2323 Location:POTAWATOMI HOTEL #RE:,MKE

02:01:41 MISC 2323 Comment:SUSP WAS ARMED WITH BLK SEMI-AUTO GLOCK STYLE AND WAS THE SHOOTER...

02:01:53 MISC 2323 Comment:RIGHT ABDOMEN NEAR THE RIBS

02:01:54 NOTIFY 2323 Notified:MFD Comment:ADVISED RE

02:03:00 MISC 2322 Comment:SUSP IS B/M 30YO W/GOLD TEETH AND BEARD 6FT WRG BLUE/WHITE JACKET W/FUR AROUND THE HOOD AND HAS THE LETTER M ON FRONT OF JACKET RIGHT SLEEVE BLUE LEFT SLEEVE WHITE

02:04:06 *RFT 2323 Comment:INQUIRY QPER,SLINKER,ASHLEY,N,F,W,06161994,,
02:04:31 *RFT 2323 Comment:INQUIRY QPER,LOPEZ,GENESIS,,F,W,12281991,,
02:05:17 BACKER 2321 UnitID:2312 Location:828 S 1ST ST,MKE Operator:026056 026046
OperNames:MARTIN, TRAVES N GNAS, TYLER D
02:05:24 *RFT 2327 Comment:INQUIRY QVEH,,790ZUL,AT,00,,
02:06:02 MISC 2312 Plate:790ZUL Comment:13 CASINGS RECOVERED AT 2 LOCATIONS...VEHICLE
COMING THRU ROADBLOCK...PLT LISTED
02:08:43 *ONSCN 2321
02:09:09 NOTIFY 2312 Notified:7472 SGT TS Comment:RE MEDICAL REQ FOR POSS GRAZE WOUND
02:09:40 MISC 2585 Comment:UPDATE** THIN B/M UNK AGE WRG BLUE/WHITE JUMPSUIT THAT
HAS FUR ON HOOD...CAN SEE HIM APPRAOCH VIC VEHICLE...POUND ON DOOR
WITH GUN THEN FIRES SEVERAL ROUNDS INTO THE VEHICLE..
02:09:51 CASE Incident#:IR211260017 Comment:019226
02:10:10 ONSCN 2323
02:10:38 MISC 2323 Comment:TRUCK 2 IS ON SCENE..
02:11:30 MISC 2312 Comment:CP IS 1/WALKER S/E FROM THE WEST
02:11:56 CLOS 2312 Location:** CP 1ST/WALKER S/E FROM THE W**
02:12:15 MISC 2510 Comment:NO ONE AT VIP SAW ANYTHING SO FAR
02:13:12 INFO Location:828 S 1ST ST,MKE Name:MFD 17 LocCross:btwn E NATIONAL AV and E
WALKER ST Priority:1 Contact?:EITHER Call/InPerson Comment:MFD WANTS TO
KNOW IF ITS SAFE TO ENTER FOR 1721 W CANAL FOR VIC W/ GRAZE WOUND, PLS
CALL THEM
02:13:57 BACKOS 2328 Location:S BARCLAY ST / E WALKER ST,MKE Operator:029217
OperNames:RODRIGUEZ, JESUS JR
02:14:37 CHANGE Type:1357-->1356 TypeDesc:SHOTS FIRED-->SHOOTING
02:14:58 CLEAR 2321
02:15:03 NOTIFY Notified:MFD Comment:ADVISED SQD STS MEDICAL WAS OS AT LOC
02:17:53 MISC 2323 Comment:CONFIRMED GRAZE WOUND ON FEMALE VIC
02:18:13 MISC 2310 Comment:GRAZED TO RIGHT SIDE OF ABDOMEN AND MED 17 ON SCENE
02:18:54 *RFT 2322 Comment:INQUIRY QPER,CAMPELL,VARR,N,M,B,11252000,,
02:19:05 MISC 2310 Comment:OFFICER W IN MED WITH VIC TO FROEDT...WILL ADVISE WHEN
ENROUTE
02:19:10 NOTIFY 2323 Notified:7472 SGT TS Comment:CONFIRMED GRAZE WOUND
02:19:48 MISC 2312 Comment:TO 2310, HAS ANYBODY GOT INFO FOR INCIDENT NOTIFICATION??
02:22:45 CONTCT 2325 ContactTime:30
02:25:51 MISC 2322 Comment:SHOOTER WAS W/ ANOTHER ACTOR RED SWTSHRT RED SWTPANTS
B/M THIN BLD
02:26:21 MISC 2322 Comment:BOTH ACTORS FLED E/B ON WALKER GOT INTO A DARK SEDAN
WALKER/ BARCLAY FLED S/B IN THE VEHICLE
02:31:17 CONTCT 2327 ContactTime:30
02:37:11 BACKER 9344 Location:FROEDTERT MEMORIAL LUTHERAN HOSPITAL,MKE Operator:012053
OperNames:STIRMEL, SUSAN J
02:37:14 MISC 9344 Comment:REQ FI FOR PHOTOS
02:37:35 BACKER 1921 UnitID:9344 Location:FROEDTERT MEMORIAL LUTHERAN HOSPITAL,MKE
Operator:018030 OperNames:ULATOWSKI, PETER J
02:38:33 MISC 2323 Comment:TRAMA ROOM C
02:39:31 MISC 2322 Comment:CST TO LOC
02:39:34 SELECT
02:39:36 HLD PND Comment:CST
02:42:39 SELECT
02:42:41 BACKER 9343 Location:POTAWATOMI BINGO CASINO,MKE Operator:024277
OperNames:DONAHUE, CASEY C
02:42:41 -HOLD
02:42:57 BACKER 9338 UnitID:9343 Location:POTAWATOMI BINGO CASINO,MKE Operator:018114

OperNames:DRISCOLL, MICHAEL T
 02:43:14 BACKER 9315 UnitID:9343 Location:POTAWATOMI BINGO CASINO,MKE Operator:018543
 OperNames:ISLEB, ADAM J
 02:45:52 BACKER 9345 Operator:025697 OperNames:MC FADDEN, CEDRIC X
 02:45:52 BACKER 9340 Operator:028490 OperNames:SMITH, RACHEL A
 02:47:15 ONSCN 9338 9343
 02:49:36 ONSCN 9344
 02:50:12 ONSCN 9340 9345
 02:52:29 MISC 2312 Comment:BE ADVISED...RECKLESS SILVER HONDA CRV S/B FROM 2/MINERAL
 THAT NEARLY STRUCK A SQD HERE
 02:52:30 *RFT 2327 Comment:INQUIRY QVEH,,AJN8553,AT,00,,
 02:54:15 MISC 1921 Comment:ADV, WILL RESPOND TO POTOWATOMI AFTER HOSPITAL
 02:59:23 ONSCN 1921
 03:00:02 MISC 9344 Comment:WILL BE IN ED ROOM #1
 03:06:32 MISC 2312 Comment:FI TO SCENE ON NATIONAL
 03:08:37 ONSCN 9315 Comment:FOR ABOUT 15
 03:11:14 *RFT 2510 Comment:INQUIRY QVEH,,407WKP,AT,00,,
 03:11:21 CHGLOC 1921 Location:POTAWATOMI BINGO CASINO,MKE
 03:29:31 CONTCT 2585 1921 2310 2312 2322 2323 2325 2327 2328 2510 ContactTime:120
 03:29:31 CONTCT 9315 9338 9340 9343 9344 9345 ContactTime:120
 03:29:45 CHGLOC 9315
 03:30:02 ONSCN 9315
 03:43:51 ONSCN 1921
 03:49:27 TRANSP 9344 Location:POTAWATOMI BINGO CASINO,MKE Mileage:880 Comment:CONV VIC &
 HALF OF 2323
 03:51:37 CLOS 1921 Comment:AT THE SCENE
 03:58:44 CLEAR 2585 Dispo:C8 DispoLevel:0
 03:58:46 CLEAR 9315
 04:04:39 CMPLT 9344 Mileage:890
 04:12:39 CHGLOC 9343 Location:PAB,MKE
 04:13:12 CLEAR 9344 Dispo:C8 DispoLevel:0
 04:13:29 *CHGLOC 2322 Location:D2 Comment:REG
 04:13:42 *CLEAR 2312 Dispo:C18 DispoLevel:0
 04:14:10 CLEAR 1921
 04:14:22 CLEAR 9340 9345 Dispo:C8 DispoLevel:0
 04:14:51 *ONSCN 2322
 04:16:13 ONSCN 9343
 04:16:16 CLEAR 9343 Dispo:C8 DispoLevel:0
 04:17:43 *CHGLOC 2323 Location:D2 Comment:RE
 04:21:26 *CHGLOC 2325 Location:D2 Comment:REG
 04:22:11 CHGLOC 2310 Location:D2 #RE:,MKE
 04:23:09 CLEAR 2327
 04:25:52 *ONSCN 2323
 04:27:19 *ONSCN 2325
 04:32:39 *CLEAR 2328 Dispo:C18 DispoLevel:0
 04:34:22 *CLEAR 2322 Dispo:C8 DispoLevel:0
 04:35:40 CLOS 9338 Location:PAB,MKE
 04:35:42 CLEAR 9338 Dispo:C8 DispoLevel:0
 04:39:34 *CLEAR 2325 Dispo:C18 DispoLevel:0
 04:56:31 ONSCN 2310
 04:56:41 *CLEAR 2310 Dispo:C18 DispoLevel:0
 05:24:04 *CLEAR 2323 Dispo:C8 DispoLevel:0
 05:46:21 SCDOFF 2510

05:46:36 CLEAR 2510 Dispo:C18 DispoLevel:0
 05:46:36 -CLEAR
 05:46:36 CLOSE
 11:34:20 RO
 11:34:20 -PREMIS Comment:PPR
 11:34:26 SELECT
 11:34:31 HOLD
 11:34:32 SELECT
 11:34:35 DISPOS 6169 Operator:016603 OperNames:ANTONIAK, MICHAEL
 11:34:35 -PRIU 6169
 11:34:36 -HOLD
 11:35:12 MISC 6169 Comment:PER SQD 6114 HAVE FI RESPOND TO D6 REGARDING
 11:35:26 REDIR 6169 DAREA:D2-->D6
 11:35:33 CLOS 6169 Location:D6,MKE
 11:36:46 XREF Service:P Call:#211260973 Type:PH Agency:MWPD
 11:36:56 CONTCT 6169 ContactTime:120 Comment:PER SQD 6114
 11:38:00 BACKER 1730 UnitID:6169 Location:D6,MKE Operator:007357 OperNames:WINTER, ALAN C
 11:38:03 COMBIN Service:P Call:#211260973 Type:PH Agency:MWPD
 12:03:25 CONTCT 6169,1730 ContactTime:30
 12:34:27 ONSCN 1730
 12:41:52 CONTCT 6169 ContactTime:30 Comment:WITH FI
 13:09:59 CLEAR 1730
 13:15:49 CONTCT 6169
 13:49:02 CONTCT 6169 ContactTime:60
 14:54:41 CONTCT 6169
 15:23:10 CLEAR 6169 Dispo:C8 DispoLevel:0
 15:23:10 -CLEAR
 15:23:10 CLOSE

CONTACT INFO:

Name	Phone	RPaddr	Contact?	Language?	Resolved?	Satisfied?
ROBERT	(262) 353-5292		EITHER Call/InPerson			
	(414) 322-6335		EITHER Call/InPerson			
FEMALE CALLER	(414) 839-6496		EITHER Call/InPerson			
ASHLEY			EITHER Call/InPerson			
MPD 17			EITHER Call/InPerson			

Call summary for: 05/06/2021 - 05/06/2021

Output for:

Click on heading to change sort order.

Call	Priority	Type	DAREA	RptDist	Unit	From	To	Location
#211260029	2	1603	D2	5612	2324	00:20	01:07	1866 S 4TH ST,MKE
#211260070	3	I	D2	5235	2573	00:38	02:15	800-BLK S 1ST ST,MKE
#211260174	1	1356	D6	5235	6169	01:40	05:46	828 S 1ST ST,MKE
#211260508	3	1304	D2	5524		07:26	07:26	1648 S 5TH ST,MKE
#211260947	3	1528	DPR	5235	8149	11:24	13:14	828 S 1ST ST,MKE
#211261047	3	1537	D2	5234		12:05	12:05	S BARCLAY ST / E WALKER ST,MKE
#211261172	4	1800	D2	5611		12:52	12:52	2000 S 4TH ST,MKE
#211261910	3	1636	D2	5268	2223	17:37	18:08	E MINERAL ST / S 1ST ST,MKE
#211262347	2	BC	D2	5092	2224	20:46	21:00	602 S 1ST ST,MKE
#211262381	4	PAT	D2	5518	2224	21:01	21:13	1600 S 3RD ST,MKE
#211262474	3	I	D2	5566	2267	21:46	22:16	300 W MAPLE ST,MKE
#211262617	2	BC	D2	5739	2224	23:06	23:31	2023 S KINNICKINNIC AV,MKE

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1188

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 05/03/2021 01:20:00
CAD Number:: 211230170
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204

Licensed Premise Data (1)

VIP LOUNGE

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
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

Narrative (1)

INITIAL INVESTIGATION

Diener, Matthew J 018626

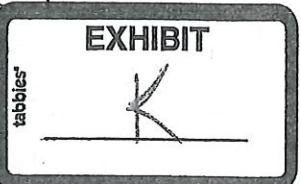
05/13/2021

This report is written by P.O. Angel MUNOZ, assigned to D2, Late Shift, Squad 2328.

On 05/03/2021 at approximately 1:25 a.m. my partner and I, responded to 901 S. Barclay St. to a Shots Fired overheard by Squad 863 P.O. Andrew GOLLUP.

Upon arrival, I located nine brass casings. The following were four brass .40 cal blazer Smith and Wesson Casings and the other were five brass .40 Cal GFL Smith and Wesson casings in the middle of the street.

There is a camera mounted on the corner of 133 E. Walker St. but the business was closed.



Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1188

P.O.. RODRIGUEZ took photos of the casings and placed them into MPD Inventory#210115616.

End of Report.

Officer (2)

Reporting Officer:	Diener, Matthew J (018626)	05/13/2021 07:20:00
Section: (Work Location):	21	
Approving Officer:	Raden, Chad M (010032)	05/13/2021 07:44:43
Section: (Work Location):	27	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1154

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 05/03/2021 01:24:00
CAD Number:: 211230170
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Phone
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53221

Licensed Premise Data (1)

VIP LOUNGE MKE

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
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

Narrative (1)

INITIAL INVESTIGATION

Diener, Matthew J 018626

05/05/2021

This report is written by PO Matthew DIENER, assigned to District 2, day shift, squad 2166. On Wednesday, May 5, 2021, at approximately 10:18am, squad 2166 (DIENER, VODICKA) responded to 904 S 1st St to check for video that might've captured the shots fired that occurred on 5/3/21 at 901 S Barclay

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1154

St. We spoke with Robert HAMILTON, the owner of the Upholstery Shop, located at 904 S 1st St, and observed that several cameras are affixed to different corners of his building. We retrieved the video from HAMILTON and observed the following on the footage (it should be noted the time stamp is one hour behind the actual time):

At approximately 1:22am from Camera 4, you observe a large crowd exiting 828 S 1st St with no regard for the vehicular traffic along S 1st St, observed walking in the middle of S 1st St causing vehicles to swerve from striking the leaving patrons. Also observed are 3 different subjects driving tricycle style motorcycles, driving at high rate of speed into oncoming traffic, performing illegal u-turns and burnouts on S 1st St, almost causing several accidents. At approximately 1:23am you observe the suspect, wearing a white t-shirt, white backwards baseball hat, and a black single strap backpack with the strap across the front of his chest. The suspect then walks east on E Walker St followed by 2 of his associates, and out of view of Camera 4.

The suspect is then observed on Camera 8 continuing east on E Walker St. People are observed entering their vehicles, performing u-turns and cruising along E Walker St. The suspect is then observed walking south onto S Barclay St, out of Camera 8's view. The video footage was copied on disc and saved for future viewings.

Officer (2)

Reporting Officer:	Diener, Matthew J (018626)	05/05/2021 12:16:00
Section: (Work Location):	21	
Approving Officer:	Raden, Chad M (010032)	05/06/2021 07:59:35
Section: (Work Location):	27	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1168

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 05/03/2021 01:24:00
CAD Number:: 211230170
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204

Licensed Premise Data (1)

VIP LOUNGE MKE

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 05/07/2021 12:34:00
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)

ADDITIONAL LICENSE PREMISES REPORT

Vodicka, Kevin E 018950

05/07/2021

This report is written by P.O. Kevin VODICKA assigned to District Two, Day Shift Community Prosecution Unit. During follow up for this incident, it was determined that the Wantable Cafe, located at 123 E Walker St, had been struck by gunfire by one of the unknown actors. A bullet strike was observed on the northeast corner of the building, on the brick façade, near the exterior camera that faces the S Barclay St to the north.

Officer (2)

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1168

Reporting Officer: Vodicka, Kevin E (018950)

05/07/2021 12:21:00

Section: (Work Location): 21

Approving Officer: Raden, Chad M (010032)

05/11/2021 11:54:59

Section: (Work Location): 27

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211260017

OtherEvent #: 21-LP-1181

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 05/06/2021 01:40:00
CAD Number:: 211260174
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Phone
Address:: 6891 S BIRDSONG DR
Apartment or Suite:: 203
City:: OAK CREEK
State:: WISCONSIN
Zip Code:: 53154

Licensed Premise Data (1)

VIP LOUNGE MKE

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 05/11/2021 10:40:00
Business Was Cited For Violation:: No
Citation Number: (Additional Citations List In Narrative): J9815NC3DB
Violation/Ordinance Number:: 90-21
Licensee was cooperative: (If not explain in narrative): No
Licensee or Manager was on premises at time of violation/incident:: No

Narrative (1)

SUPPLEMENTAL LICENSE PREMISES REPORT

Vodicka, Kevin E 018950

05/11/2021

EXHIBIT

tabbies

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211260017

OtherEvent #: 21-LP-1181

This report is written by P.O. Kevin VODICKA assigned to District Two Day Shift Community Prosecution Unit. On Thursday, May 6, 2021, at 1:40 AM, Milwaukee police officers were conducting an unrelated "plainclothes" operation in the area of 1000 S 1st St when officers heard multiple gunshots coming from a crowd of people in front of VIP Lounge MKE, located at 828 S 1st St Milwaukee, WI 53204. The investigation revealed that as the tavern closed for the night a large crowd gathered in front of the tavern on the sidewalks and city streets. The patrons obstructed traffic by dancing in front of and on top of motor vehicles that were in and out of traffic, acting a loud, profane, and boisterous manner in a public place, at one point a motorist threw US currency to the patrons. During the incident a subject approached a motorist, who was unable to exit the area due to the crowd, and discharged a firearm into the vehicle, striking the passenger. During this time security or the premises took no action to disperse or control the patrons and no calls for service were placed to the police department for assistance.

The video was obtained from Freight 38 (838 S 1st St), Bray Architects (829 S 1st St) and a resident and placed on Milwaukee police Inventory. Video from the VIP Lounge was not obtained as the surveillance system ceased recording shortly before the incident occurred. A citation for "Disorderly Premises Prohibited" was mailed to the agent for the premises.

Officer (2)

Reporting Officer:	Vodicka, Kevin E (018950)	05/11/2021 10:40:00
Section: (Work Location):	24	
Approving Officer:	Raden, Chad M (010032)	05/12/2021 08:03:12
Section: (Work Location):	27	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211260017

OtherEvent #: 21-LP-1169

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 05/06/2021 01:40:00
CAD Number:: 211260174
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 12/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-383-9415
Phone 1 Type:: Phone
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53221

Licensed Premise Data (1)

VIP TAVERN

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: No
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)

LICENSE PREMISE REPORT

Gutierrez, Adrian 028462

05/07/2021

This report is written by P.O. Adrian GUTIERREZ assigned to Squad 2510 with SGT Guadalupe RAMIREZ-CERVANTEZ at District Two, Late Power Shift.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211260017

OtherEvent #: 21-LP-1169

On Thursday, May 6, 2021 at approximately 1:40 AM, we were dispatched to the address of 828 S. 1st St. regarding a shots fired that turned out to be a shooting call.

Upon arrival, I spoke to VIP's security (unknown name) that was by the front door. The security stated he observed multiple persons dancing in the intersection of S. 1st St. and W. Walker St. The security stated he did not hear any gun shots. I was unable to get his name due to him leaving before I got his information.

I then spoke with the owner/agent Miguel A. MARTINEZ (W/M, 12-22-79) who stated his surveillance cameras were functioning properly. MARTINEZ took us to his office in the back of the tavern. MARTINEZ logged into the surveillance camera system. MARTINEZ attempted to show us the footage of the accident but he was unable to work the system. P.O. James SPINATO (Squad 2585) attempted to review the footage. We concluded the surveillance appeared to stop recording prior to the incident taking place. There was only 10-15 minutes of surveillance footage captured in the camera (camera 14) pointing to where the incident took place.

The surveillance camera system does show live feed. It is unknown why the surveillance footage stopped recording before the incident took place.

MARTINEZ appeared upset when I told him the camera system only captured 10-15 minutes and did not capture the incident.

We were unable to determine where the persons that were dancing in the street and the person who discharged the firearm at another person in the intersection of S. 1st St. and W. Walker St.

The shooter was a black male who ran towards a red vehicle that was stuck behind traffic in the intersection of S. 1st St. and W. Walker St. facing n/b. The red vehicle was occupied by two females. The registered owner of the red vehicle was one of the female passengers of the red vehicle. The black male was tapping on the front passenger's window with a handgun while telling the occupants to exit his vehicle. The red vehicle started to drive n/b then the black male discharged his handgun in the direction of the red vehicle multiple times striking the vehicle and one of the females in the right side flank. The female suffered non-life threatening injury.

No witnesses located in the area of the incident.

Officer (2)

Reporting Officer:	Gutierrez, Adrian (028462)	04/12/2021 02:13:00
Section: (Work Location):	25	
Approving Officer:	Ramirez, Guadalupe A (018945)	05/07/2021 22:21:17
Section: (Work Location):	25	

MILWAUKEE POLICE DEPARTMENT

LICENSING

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS SYNOPSIS

DATE: 01/13/21 (PRELIM)

LICENSE TYPE: BTAVN

NEW: ☐

RENEWAL: ☒

No.

Application Date:

License Location: 828 S 1st Street

Business Name: Desperados

Licensee/Applicant: Martinez, Miguel
(Last Name, First Name, MI)

Date of Birth: 01/22/1979

Home Address: 5221 S. 13th Street #C

City: Milwaukee

State: WI **Zip Code:** 53221

Home Phone: 414-736-7754

This report is written by Police Officer Corstan D. COURT, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 01/19/2015 Milwaukee police conducted a licensed premise check at 828 South 1st Street (Desperados). No violations were observed.
2. On 02/23/2015 at 2:11am Milwaukee police observed several vehicles parked in front of 828 South 1st Street (Desperados). Officers then conducted a licensed premise check and discovered several patrons still inside the business. The applicant was behind the bar and dispensing alcoholic drinks. Officers identified themselves and pointed out that the license indicated the business should be closed to the public at 2:00am. The applicant told officers he knew he was operating after hours and apologized, but stated he was having a hard time convincing patrons to leave. The applicant was cited. The citation maintains a balance due of \$378.00

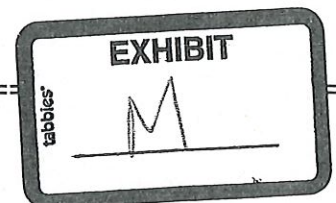
Charge: Class B Premises-Allow Patrons After Hours

Finding: Dismissed per municipal court clerk, no additional information

Sentence:

Date:

Case: Citation #61058933



Item #2 previously reported, disposition added 06/09/2016.

3. On 11/14/2015 Milwaukee police conducted a licensed premise check at 828 South 1st Street (Desperados) based on Aldermanic complaints of patrons having sex and breaking bottles in the parking lot. Officers spoke to the applicant who stated he was aware of the complaints and had hired additional security to monitor the parking lot. He stated the activities have since ceased. No violations were observed.

- =====
4. On 04/30/2017 Milwaukee police were dispatched to a fight at 828 South 1st Street. The victim had numerous injuries on his face but refused medical attention. Another party told officers that the victim was attacked by three subjects as he left the bar. Milwaukee police incident report #171200016 filed.
- =====

5. On 05/21/2017 at 2:05am officers were dispatched to a fight at 828 S 1st St. Upon arrival squads were unable to locate anyone fighting.
6. On 07/28/2017 officers conducted a license premise check at Desperados, 828 S 1st St, based on a complaint of dancers, which is in violation of their license. The officers entered through the front entrance and observed females dancing in very revealing lingerie. The applicant was on scene and stated the tavern was rented out for a private party. He was aware he didn't have the proper license to allow dancers on the premise and did nothing to stop them. The officer also observed patrons with hands full of money and money on the floor. They also observed a changing room for the dancers.
7. On 08/06/2017 at 2:37am officers were dispatched to VIP Lounge, 828 S 1st St for a fight. The officer spoke with two victims who were security at the tavern. The guards stated a subject was kicked out for being disruptive. The subject returned with 5 friends and chased one security guard outside. The suspects then began hitting and kicking the guard. The second guard was struck while helping the first guard. The suspects then fled the scene. On 08/11/2017 the officers contacted the applicant who stated he did not witness the incidents and there are no cameras that would have captured the incident.
8. On 09/10/2017 officers conducted a licensed premises check on VIP Lounge, 828 S 1st St. The officers found 14 bottles of liquor contaminated with fruit flies. The applicant was on premise and the bottles were disposed of. No other violations were observed.
9. On 10/28/2017 an officer observed vehicles parked in the alley adjacent to VIP Lounge, 828 S 1st St. The officer spoke with the security guard at VIP Lounge who stated she did not know who owned the car. The officer began citing the cars and employees from other businesses came out to thank the officer because this was a constant problem. The officer observed a subject exit VIP Lounge and move one of the cars he cited. The officer spoke with the employees of VIP Lounge and they were receptive to correcting the problem.

10. On 12/04/2017 at 2:04am officers conducted a licensed premises check at VIP Lounge, 828 S 1st St. Upon entering the officer observed 40 patrons who were still drinking alcohol. The applicant was on scene and the officer asked him what time was closing and he stated 2:00am. The officer then asked what the current time was and the applicant stated 2:05am. The applicant was cited for allowing patrons after hours.

Charge: Allow Patrons after Hours
Finding: Guilty
Sentence: Fined \$10,190.00
Date: 02/01/2018
Case: 17074948

11. On 01/20/2018 officers worked the special event, Fresh Empire, at VIP Lounge, 828 S 1st St. The event is a tobacco-free DJ event for children aged 13-17 with approximately 250-300 patrons. The event security is Midwest Intelligency Agency, who provides interior and exterior security. The security also assists at closing time to clear additional businesses where patrons of the event go after closing.

12. On 02/23/2018 officers conducted a licensed premises check at VIP Lounge, 828 S 1st St. The business was closed but the applicant was on scene and allowed the officers inside. The officers located 13 bottles contaminated with fruit flies and 12 bottles missing labels. WI Department of Revenue Agents seized 18 boxes of hookah tobacco, which the applicant says he supplies free to patrons. The applicant does not have a Tobacco License. The agents also seized 100 bottles of beer and 62 bottles of liquor that were not purchased from a distributor.

13. On 03/24/2018 officers responded to VIP Lounge, 828 S 1st St, to assist with a large crowd exiting the Fresh Empire event. The officer observed 100 people standing in the street and 200 on the sidewalk. When the subjects walked to surrounding businesses they walked in the roadway affecting traffic. The organizer Travis CHAMBERS stated there was a fight inside between two females. CHAMBERS had security empty the building. Several fights then occurred outside. He stated he gives away 1,500 tickets but only allows 300 inside. There were several calls for service regarding patrons from Fresh Empire. There were 2 arrests for Disorderly Conduct and 2 arrests for Resisting or Obstructing an Officer.

14. On 04/28/2018 at 7:45pm officers conducted a licensed premise check at VIP Lounge, 828 S 1st St., which was holding the Fresh Empire underage event. The officers observed black cloth covering the bar shelves and underneath the bar area. Under the cloth were several bottles of liquor. The applicant stated he covers the liquor and also has an employee watching to make sure no juveniles access the alcohol. The applicant was advised that all the bottles need to be removed from the bar area and must be secured in an area the juveniles could not access.

=====

15. On 07/08/2018 officers were dispatched to Shots Fired at V.I.P. Lounge, 828 S 1st St. Upon arrival the officers observed a large group of people yelling at each other in front of the bar. The officer spoke with security who stated there was a fight inside that went outside but there were no shots fired. The security stated that several people did throw glass bottles. The

applicant stated he was in the office and was not aware of the fight and did not hear any gun shots.

16. On 12/09/2018 at 11:43pm officers went to VIP Lounge, 828 S 1st St, in regards to shots fired at 2:35am that same morning. The officers interviewed the security guard who stated there was a fight outside that he attempted to break up but because of the number of people involved he could not break it up. After the fight was over a subject went to a car and produced a firearm. The security guard grabbed the arm of the subject holding the gun as he was raising his arm up. The gun discharged twice and the security guard attempted to disarm the subject but the subject pulled the gun away and fled in his auto. The security cameras did not work outside but did capture the parties involved in the fight leaving the tavern.

- =====
17. On 08/11/19 at 2:23am, Milwaukee Police were dispatched to 828 S. 1st Street for a fight complaint. Upon arrival, officer's observed several broken beer bottles on the street in front of 828 S. 1st Street and several citizens walking in the alley attempting to enter the rear of the tavern. After several knocks on the locked front entrance door, security allowed officers to enter. The applicant was informed that there was a fight outside and that officers needed to review surveillance footage. While reviewing the footage, officers could hear noise coming from above the establishment and when they went to investigate, officers found approximately 30 patrons in a living room area drinking beer (some of which were the citizens the officers observed earlier trying to enter the back of the tavern). The applicant said that he had no idea how the patron got to the second level and that he was not having an "after party". One of the officers observed security of the establishment allow patrons to enter through the rear entrance but no citations were issued because officers could not prove the applicant was aware there were patrons inside his establishment.

18. On 08/18/19 at 3:20am, Milwaukee Police were dispatched to 828 S. 1st Street to investigate an after hour tavern violation. Upon arrival, officers were greeted by the applicant who was cooperative and stated that there were only his seven employees inside the establishment and officers did not observe any open alcoholic beverages inside.

19. On 09/22/19 at 1:40am, Milwaukee Police were dispatched to 838 S. 1st Street for a subject with weapon complaint. Investigation revealed that a fight occurred at 828 N. 1st Street and one of the subjects went to their vehicle and retrieved a baseball bat. Security at 828 N. 1st Street stated that there was no fight but they did walk a subject to his vehicle and he did try to arm himself with a baseball bat but was stopped by security and the subject drove away.

20. On 11/10/19 at 2:06am, Milwaukee Police investigated a fight which occurred at 828 S. 1st Street. Surveillance footage revealed that two subjects entered the back room where a band was and they had their arms around each other. A short time later, both subjects come out of the room, exchange words with each other, and one actor strikes the other several times in the face. The subject that was punched falls into a corner, security comes and separates the subjects, and the striking actor is escorted outside the business. The applicant said that he did not call police.

21. On 08/01/2020 officers investigated a Sexual assault the occurred at VIP Lounge, 828 S 1st St. The victim stated she was at the bar closing out her tab when a subject grabbed her buttocks. She confronted the subject who walked out of the bar. The victim stated none of her friends witnessed the incident.

22. On 08/16/2020 officers investigated a shots fired at 904 S 1st. The caller stated he heard shots being fired and looked out his window and saw a car in the parking lot of VIP Lounge, 828 S 1st St. He stated he observed the passenger of the auto shooting a gun in the air. The officer advised the applicant of this incident.

=====

23. On 09/06/20 at 1:55am, Milwaukee Police conducted a license premise check at 828 S. 1st Street. After noticing that the club was over capacity, Officers interviewed the applicant who said he was aware of the amount of patrons inside the club (none of whom were wearing masks) and had a plan for closing time by having security tell patrons not to hang around the club and go home. Officers talked with security and an employee at the front door and they said they did not know how many people were inside the establishment and neither had a hand held counter. At 2:00am, approximately 200 patrons exited the club and several fights broke out on the sidewalk and street. Security was unable to take control of the fights and 10 police squads (6 from a neighboring district) were called to the scene to help disperse the fighting crowd.

24. On 12/31/20 at 11:06pm, Milwaukee Police conducted a license premise check at 828 S. 1st Street. Officers informed the applicant that he was only allowed 50% capacity (150 patrons) which includes his employees. The applicant said to officers that an Environment Health Specialist told him that the 50% (150 patrons) did not include his staff. Police counted 14 employees inside the establishment and security staff told officers, several times throughout the night, that there were 147 patrons inside the club.

25. On 01/03/21 at 12:02am, Milwaukee Police were dispatched to 828 S. 1st Street for a subject with gun complaint. Upon arrival, officers interviewed security who stated that they pat down every patron as they enter or re-enter the club and that the applicant received a text about the subject with gun but never called police. Officers walked through the establishment and found no violations or a subject with a firearm.

26. On 01/03/21 at 2:04am, Milwaukee police conducted a license premise check at 828 S. 1st Street for tavern closing time. Officers observed several patrons exit the build, verbally arguing, which eventually became physical. There was no security outside to help defuse the situation and officers had to break up the fight. Officers tried to interview the applicant (who appeared intoxicated) about the altercation but he became confrontational and argumentative with police. The applicant told officers that they were harassing him and he would contact the alderman due to this harassment. The applicant then told officers that the other clubs in the area were the real issue and that none of the issues in the area were from his establishment. No tavern violations were observed.

27. On 01/08/21 at 11:29pm, Milwaukee Police conducted a license premise check at 828 S. 1st Street. Upon arrival, officers observed a line outside the entrance, multiple patrons inside the entrance, and a counting device, on a ledge, which was not being used. When entering the lobby of the establishment, officers observed multiple patrons without face coverings and security, upon seeing police enter, told patrons to put on their face coverings. Officers found the applicant and asked him how many patrons he had inside the club, he told officers that there were 153 patrons inside (50% capacity is 150 patrons). Officers estimated that there were approximately 160-180 patrons inside the establishment.

28. On 01/15/21 at 12:00pm, Milwaukee Police held a meeting at the Second District Station House with the applicant of 828 S. 1st Street regarding the recent calls for service and firearm incidents around his establishment. Topics of discussion were; recent firearm offenses, complaints by neighbors, overcapacity, loud music, patrons fighting in the area around the tavern, security not patrolling the area after bar close, intoxicated patrons entering the establishment, over serving the patrons, and abiding with the cities COVID regulations. The applicant said that he will raise the minimum age of the club to 25, close the premise at 2am on the weekends, have two security guards at the front door, and will "look into" purchasing a devise to track crowd size. The applicant did express his frustration over the other taverns in the area not attempting to coordinate security concerns with each other and the safety of his security if they wander too far from the establishment. The applicant was issued citations for numerous violations for violating the COVID health plan. (as of 05/12/21, the tickets have not been received by the City Attorney's Office).
29. On 01/29/21 at 11:18pm, Milwaukee Police, along with a City of Milwaukee Environmental Specialist, conducted a license premise check at 828 S. 1st Street. Officers observed approximately 100 patrons outside, approximately 200 patrons inside, standing, and dancing without facemasks. Environmental Health Specialist interviewed the applicant about the violations and the applicant stated he understood the safety plan he submitted but said it was impossible for his employees to enforce his safety plan. The Environmental Health Specialist told the applicant to have the Disk Jockey make an announcement and have patrons sit down and wear face masks. The Environmental Health Specialist told the applicant he will be receiving citations for the violations (as of 05/12/21, the tickets have not been received by the District Attorney's Office). At tavern close, a battery- domestic violence occurred and the aggressor was arrested.
30. On 04/12/21 at 1:36am, Milwaukee Police were dispatched to 828 S. 1st Street for a theft complaint. Investigation revealed that a subject left her purse on a table and went on the dance floor. When she returned, her purse was gone. Police interviewed the applicant who said that the surveillance system was not working and when police walked around the establishment, they did not recover the purse or personal belongings. The staff was cooperative.
31. On 04/18/21 at 2:15am, Milwaukee Police were dispatched to 828 S. 1st Street for a shots fired complaint. Upon arrival, officers recovered fourteen spent casings and witnesses state that they heard the gunshots but did not witness who fired them. On 05/10/21 follow up was conducted to retrieve video surveillance of the incident from a neighboring business. The video shows patrons leaving and loitering outside 828 S 1st street, along with numerous vehicles stopped, in traffic, on S. 1st street, but due to the distance from the camera, the subject who discharged the firearm could not be identified.
32. On 05/03/21 at 1:25am, Milwaukee Police were dispatched to 901 S. Barclay Street for a shots fired complaint. Upon arrival, officer located nine brass shell casings and investigation revealed that the incident is related to the tavern located at 828 S. 1st Street. On 05/05/21 at 10:18am, Milwaukee Police conducted follow-up at 901 S. Barclay Street regarding a shots fired incident which occurred on 05/03/21. Surveillance footage shows a large crowd exiting 828 S. 1st Street with no regard for vehicular traffic which had to stop or swerve to keep from striking patrons. Vehicles were driving at high rates of speed, tricycles were performing "burnouts", and illegal U-turns were all caught on camera. The suspect who discharged a firearm is seen walking east on E. Walker Street then south on S. Barclay Street. While performing this follow-up, officers found a bullet strike which hit the northeast corner of the building at 123 E. Walker Street.

33. On 05/06/21 at 1:40am, Milwaukee Police were dispatched to 828 S. 1st Street for a shooting complaint. Investigation revealed that a subject discharged his firearm at a vehicle striking a subject inside. An employee (security) was interviewed who stated that he observed multiple people dancing in the intersection of S. 1st Street and W. Walker Street but did not hear any gunshots (the employee left before their information could be obtained). There were no other witnesses located in the area. Officer had the applicant show officer's surveillance footage of the incident but he was unable to work the system. It was later found that the system ceased recording shortly before the incident. An unrelated "plain clothes" operation which was in the area of 1000 S. 1st Street and heard multiple gunshots coming from a large crowd of people in front of 828 S. 1st Street. They observed patrons obstructing traffic, dancing on vehicles, acting loud, profane, and boisterous. While this was happening, security took no action to disperse or control its patrons and no calls for service were placed by the establishment. A citation was issued to the applicant for Disorderly Premise Prohibited.

Charge: Disorderly Premise Prohibited

Finding: Court date of 10/25/21

Sentence:

Date:

Case: Citation #J9815NC3DB

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444



Case #:192230031

OtherEvent #: 19-LP-1062

Incident

828 S 1ST ST Milwaukee, WISCONSIN 53204

Incident Date/Time:: 08/11/2019 02:23:00
CAD Number:: 192230278
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-736-7754
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53221

Licensed Premise Data (1)

VIP LOUNGE

Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Work
Address:: 828 S 1ST ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 08/11/2019 02:29:00
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:: Yes

Narrative (1)

INITIAL INVESTIGATION

Espitia, Oscar 025682

08/11/2019

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444



Case #:192230031

OtherEvent #: 19-LP-1062

This report is typed by PO Oscar ESPITIA assigned to District Two, Late Power Shift and Tavern Squad 2565.

On Sunday August 11th, 2019 at approximately 2:25 AM my partner PO SPNATO and I responded to the area of 800 S. 1 St. to investigate a fight complaint. Upon arrival I observed several broken beer bottles on the street and several more leaning on the wall of 828 S. 1st St. (VIP Lounge). I knocked several times and no one answered. I observed several citizens walking to the alley and attempting to enter VIP rear entrance.

I knocked on the front door again and security answered the door and allowed me to enter the bar. I spoke to the owner who verbally identified himself as Miguel A. MARTINEZ (W/M, 01/22/79), and informed him we were investigating a fight outside his tavern and asked him if we could review his cameras. MARTINEZ was cooperative and allowed me to view surveillance footage. While reviewing the camera footage I could hear noise coming from above the tavern. Sgt. MARTIN and PO RUSCH entered a stair way from a door next to the bar which leads to the second level. Sgt. MARTIN and PO RUSCH upon walking to the second level they observed approximately 30 patrons standing in a living room area drinking beers.

MARTINEZ stated he didn't know how the people got to the second level and that he is not having after bar parties.

During this time I observed several patrons I had observed trying to enter through the rear entrance of VIP upstairs drinking beers. There are three ways to enter the second level, 1st from the S. 1st St. and the other entrances are from inside VIP lounge.

PO RUSCH stated he observed VIP security allow patrons enter through the rear entrance but before he could walk up to the door security closed and locked the door.

We were unable to prove MARTINEZ was aware patrons were upstairs so no citations issued. But we believe he was going to have after bar parties.

End of report...

Officer (2)

Reporting Officer:	Espitia, Oscar (025682)	08/11/2019 19:14:00
Section: (Work Location):	25	
Approving Officer:	Krueger, Jeffrey S (017798)	10/10/2019 00:27:54
Section: (Work Location):	25	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

x

Case #:192300029

OtherEvent #: 19-LP-0753

Incident

828 S 1ST ST Milwaukee, WISCONSIN 53204

Incident Date/Time:: 08/18/2019 03:20:00
CAD Number:: 192300390
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Cell
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53221

Licensed Premise Data (1)

vip club

Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Cell
Address:: 828 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

Narrative (1)

INITIAL INVESTIGATION

Lomeli, Vidal 027125

08/18/2019

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444



Case #:192300029

OtherEvent #: 19-LP-0753

This report is being written by P.O. Vidal LOMELI, assigned to District Two, Late Shift, Squad 2322, with P.O. Angel MUNOZ

On Sunday, August 18, 2019 at approximately 3:34 A.M. P.O. MUNOZ and I were dispatched to investigate a tavern violation at 828 S 1ST St., in the City and County of Milwaukee.

Upon arrival the owner Miguel A. MARTINEZ, W/M, 01/22/1979 opened the front door to the business. MARTINEZ stated seven of his employees were in the business. MARTINEZ was very cooperate and I did not observe any open alcoholic beverages. MARTINEZ stated seven of his employees were inside working.

This completes my report.

Officer (2)

Reporting Officer:	Lomeli, Vidal (027125)	08/18/2019 03:49:00
Section: (Work Location):	23	
Approving Officer:	Gloria, Jesus N (016616)	08/19/2019 06:09:03
Section: (Work Location):	23	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444



Case #:192650025

OtherEvent #: 19-LP-1061

Incident

828 S 1ST ST Milwaukee, WISCONSIN 53204

Incident Date/Time:: 09/22/2019 01:40:00
CAD Number:: 192650201
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-736-7754
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53221

Licensed Persons Involved (1)

JACKSON, JERRY

Person Involvement:: Employee
DOB:: 09/04/1977
Sex:: MALE
Race:: BLACK/AFRICAN AMERICAN
Phone 1 Number:: 9205744077
Phone 1 Type:: CELL
Address:: 4839 N 77TH ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53218

Licensed Premise Data (1)

VIP LOUNGE

Phone 1 Number:: (414)-736-7754
Address:: 828 S 1ST ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 09/22/2019 02:10:00
Business Was Cited For Violation:: No

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444



Case #:192650025

OtherEvent #: 19-LP-1061

Licensee was cooperative: (If not
explain in narrative): Yes

Licensee or Manager was on
premises at time of
violation/incident:: No

Narrative (1)

INITIAL INVESTIGATION

Espitia, Oscar 025682

09/22/2019

This report is typed by PO Oscar ESPITIA assigned to District Two, Late Power Shift and assigned to the tavern squad 2565.

On Sunday September 22nd, 2019 at approximately 1:40 AM my partner PO SPINATO and I where dispatched to 838 S. 1st St. to investigate a subject weapon complaint.

Upon arrival I spoke to the security guard of Freight 838 who stated a unknown Hispanic male drove in front of the club and displayed a firearm. The security guard stated the subject was in a small silver SUV. While speaking to the security guard a silver SUV drove by the night club and the security guard sated that was the subject's vehicle.

We placed a broadcast over the Milwaukee police radio the description of the vehicle and Squad 2216 (Sgt HERNANDEZ), conducted a traffic stop at 1009 S. 1 St. We spoke to the driver, Jennifer K. RIOS-DELVALLE (W/F, 01/07/88), who stated she was at VIP night club with her brother and boyfriend when a fight erupted. RIOS-DELVALLE stated her brother was getting beat up by several individuals so her boyfriend ran outside to get a baseball bat to help her brother in the fight.

Other Officers spoke to RIOS-DELVALLE boyfriend regarding the incident and his story was the same.

I spoke to security guard of VIP, Jerry JACKSON (W/M, 09/15/64), who stated no fight occurred. JACKSON stated he stopped the fight and walked RIOS-DELVALLE and her boyfriend to their vehicle. JACKSON stated RIOS-DELVALLE attempted to grab a baseball bat from his vehicle but he stopped him put him in vehicle and they drove away. I advised him and the owner of VIP that I will be filling a tavern report regarding.

I observed no violations.

End of Report.

Officer (2)

Reporting Officer:

Espitia, Oscar (025682)

09/22/2019 20:13:00

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444



Case #:192650025

OtherEvent #: 19-LP-1061

Section: (Work Location): 25

Approving Officer: Krueger, Jeffrey S (017798)

10/10/2019 00:33:08

Section: (Work Location): 25

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:193140023

OtherEvent #: 19-LP-1201

Incident

828 S 1ST ST Milwaukee, WISCONSIN 53204

Incident Date/Time:: 11/09/2019 23:45:00
CAD Number:: 193140210
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 12/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-383-9415
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53221

Licensed Premise Data (1)

VIP Lounge

Address:: 828 S 1ST ST
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 11/10/2019 03:30:00
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

Knapinski II, James N 017097

11/11/2019

This report is submitted by P.O. James Knapinski, assigned to District Two, Late Power Shift.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:193140023

OtherEvent #: 19-LP-1201

On Sunday, 11/10/19, at 2:06 A.M., I was dispatched to a battery complaint at St. Luke's Hospital.

Upon arrival I was met by St. Luke's staff stating the caller was in room 6B. I was then informed that the victim only spoke Spanish. I requested a Spanish speaking officer to translate for me. P.O. Vidal Lomeli responded and spoke with Abraham D. Landeros, W/M, 12/06/82. Through translation Landeros stated he was at the VIP Lounge, 828 S. 1st St. for a concert. Landeros stated that one performer in the band was a friend and went into the back room to talk with him. Landeros stated that at about 11:45 P.M., a W/M tells him to close the door behind him and then the door opens again. Landeros stated that the W/M became mad and tried to walk away when the W/M struck him in the face several times. Landeros stated he was on the ground when another W/M approached him and started to kick him in the arm and leg. Landeros stated that once he got up she saw to W/F's run off. Landeros stated he did not know what the W/F's had to do with the incident but stated they must of done something. Landeros did state that the subjects were seated with them in the VIP area of the bar. Landeros described the first actor as a W/M, 5'8" 190 Lbs, black shirt and blue pants. The second actor was a W/M, 6'0" 200 Lbs, wearing a gray shirt. Landeros had several abrasions to his face. Landeros did not receive stitches nor did he have any broken bones.

I then changed locations to the VIP Lounge at 828 S. 1st St. and spoke with the Agent, Miguel A. Martinez, 01/22/79. Martinez stated that he was aware of the fight from earlier in the night. Martinez stated that a patron had gone in an employee only area to speak with the band. Martinez stated that a fight did occur between two patrons but his security broke up the fight and escorted one party out of the business. Martinez stated that he did offer help to the listed subject, Landeros, but he refused and told him "I'm going to get my gun and shoot him." Martinez provided me with surveillance video which showed the victim and actor come into the back room together, with arms around their shoulders entering the room where the band was. Martinez did not state why he did not call police. At 11:58 P.M. the victim and actor are outside the room and have words with each other, when the actor strikes the victim in the face several times. The victim falls into the corner and security comes and separates the subjects. The actor is then escorted out of the business. There was not a second actor as Landeros described. End of report.

Officer (2)

Reporting Officer:	Knapinski II, James N (017097)	11/11/2019 00:28:00
Section: (Work Location):	25	
Approving Officer:	Raden, Chad M (010032)	11/19/2019 14:10:24
Section: (Work Location):	27	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:210150111

OtherEvent #: 21-LP-0203

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 01/15/2021 12:00:00
CAD Number:: 210150900
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Phone
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53221

Licensed Premise Data (1)

VIP Lounge

Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Phone
Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 01/15/2021 12:00:00
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:: No

Narrative (1)

MEETING WITH LICENSEE

Vodicka, Kevin E 018950

01/15/2021

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:210150111

OtherEvent #: 21-LP-0203

This report is written by P.O. Kevin VODICKA assigned to District Two, Day Shift Community Prosecution Unit. On Friday, January 15, 2021, at 12:00 PM, the licensee for VIP Lounge, Miguel MARTINEZ, and his attorney, Vincent BOBOT, met Captain David SALAZAR, SGT Chad RADEN, ACA Heather HOUGH, P.O. Matthew DIENER, P.O. Oscar ESPITIA, Milwaukee Health Dept. Consumer Environmental Supervisor Michael OTZELBERGER, and myself at District Two to discuss recent firearm incidents around VIP Lounge and violations of the City of Milwaukee COVID-19 Public Health Plan regulations.

The meeting starting with a recap of recent license premises reports, a recap of recent firearm offenses around the tavern, and complaints by a neighbor(s) in the area regarding the conduct of patrons at or near closing time.

MARTINEZ stated that as of today, Friday, January 15, 2021, he was going to voluntarily raise the minimum age for patrons from 21 to 25 and that he closes the premises at 2:00am on the weekends so that his patrons leave the area prior to bar close.

P.O. ESPITIA brought up concerns of the premises being over capacity, patrons loitering after bar close, patrons playing music, and patrons arguing and fighting in the area around the tavern after bar close. P.O. ESPITIA is assigned to the District Two tavern car and stated that he has personally observed these activities and that security for the tavern does not patrol the area after bar close but instead remains near the front of the tavern. P.O. ESPITIA also brought up that he has observed that employees at the front door are not tracking how many patrons are inside of the bar as they do not use the "clicker" to monitor the size of the crowd.

MARTINEZ stated that he will now have at two security guards at the front door, will look into purchasing a new device to track crowd size, and will continue to supervise his employees at the front door. MARTINEZ stated that his security guards remain outside of the tavern until 2:25 or 2:30 am to monitor activity but is concerned for their safety if they patrol too far from the tavern.

MARTINEZ was advised to ensure that his employees are not allowing intoxicated patrons into the bar and are not over serving patrons inside of the bar. MARTINEZ was reminded to call for police services when patrons engage in physical fights whether the patrons ask for police/medical services or not. MARTINEZ was reminded of COVID regulations (no patrons on the dancefloor, mask requirements when not actively eating or drinking, and no patrons walking up to the bar for drinks).

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:210150111

OtherEvent #: 21-LP-0203

MARTINEZ expressed his frustration that he had reached out to other taverns in the area in an attempt to coordinate with security concerns but did not receive any cooperation.

MARTINEZ was issued citations by the Health Dept for numerous violations of the City of Milwaukee's COVID Health Plan.

Officer (2)		
Reporting Officer:	Vodicka, Kevin E (018950)	01/15/2021 14:27:00
Section: (Work Location):	21	
Approving Officer:	Gawin, Rochelle A (011316)	01/17/2021 11:34:48
Section: (Work Location):	21	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:210290177

OtherEvent #: 21-LP-0361

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 01/29/2021 23:18:00
CAD Number:: 210292444
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Phone
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53221

Licensed Persons Involved (1)

MARTINEZ, MIGUEL A

Person Involvement:: Agent (License Holder)
DOB:: 01/22/1979
Sex:: MALE
Race:: WHITE
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53221

Licensed Premise Data (1)

VIP Lounge

Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Phone
Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 01/29/2021 23:20:00

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:210290177

OtherEvent #: 21-LP-0361

Business Was Cited For Violation:: Yes

Licensee was cooperative: (If not explain in narrative): No

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

Narrative (1)

License Premise Report

Espitia, Oscar 025682

01/30/2021

This report is typed by PO Oscar ESPITIA assigned to District Two, Late Power Shift and Squad 2585 (License Premise Squad)

On Saturday January 29th, 2021 at approximately 11:20 PM my partner PO SANCHEZ along with Squad 2573 (PO GUTIERREZ & PO OCHOA) and I assisted City of Milwaukee Environmental Health Specialist Michael STARKS on a tavern check at 828 S. 1st St. (VIP Night Lounge).

When walking up to the tavern we observe approximately 100 patrons outside in line waiting to get in. Two security guards at the door padding patrons down. Upon entering the tavern we observe approximately 200 patrons standing and dancing on the dance floor not practicing social distancing. I observed multiple patrons not wearing mask.

Environmental Health Specialist STARKS spoke with owner of VIP Night Lounge who was identified as Miguel A. MARTINEZ (01/22/79). MARTINEZ provide a Covid-19 safety plan. MARTINEZ stated he was aware that patrons are to wear face mask if they are not eating or drinking, no standing or dancing allowed and enforce social distancing.

MARTINEZ stated it was impossible for his employees to enforce patrons to sit down, wear mask or practice social distancing. MARTINEZ stated when he filed his safety plan he did mention how he was going to enforce these regulations but was unable to enforce.

Environmental Health Specialist STARK advised MARTINEZ to have the DJ to make an announcement and ask patrons to sit down and wear face mask. STARK advised MARTINEZ he will be receiving citations for Not Practicing Social Distancing, not enforcing patrons to wear face mask and allowing patrons to stand and or dancing.

Shall be noted that MARTINEZ has been explained these regulations in the past and received citations for the same violations last week.

At bar close a female and male patron of VIP Lounge got into a physical altercation outside and a subject was arrested for Battery Domestic Violence.

End of Report...

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:210290177

OtherEvent #: 21-LP-0361

Officer (2)

Reporting Officer:	Espitia, Oscar (025682)	01/30/2021 00:55:00
Section: (Work Location):	25	
Approving Officer:	Jolliff, Justin M (018641)	02/01/2021 22:22:25
Section: (Work Location):	24	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211020022

OtherEvent #: 21-LP-1027

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 04/12/2021 01:36:00
CAD Number:: 211020184
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 12/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-383-9415
Phone 1 Type:: Phone
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53221

Licensed Premise Data (1)

VIP TAVERN

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: No
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)

LICENSED PREMISED REPORT

Gutierrez, Adrian 028462

04/12/2021

This report is written by P.O. Adrian GUTIERREZ assigned to Squad 2571 with P.O. Carissa SANCHEZ at District Two, Late Power Shift.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211020022

OtherEvent #: 21-LP-1027

On Monday, April 12, 2021 at approximately 1:36 AM, we were dispatched to the address of 828 S. 1st St. regarding a theft of purse call.

Upon arrival, we spoke with Catrina M. SMITH (B/F, 4-9-80) who stated she was inside VIP Lounge (828 S. 1st St.). SMITH stated she had her black leather purse (valued at \$569) on the table that she was seated. SMITH stated she left her purse on the table unattended and went into the dance floor to dance. SMITH stated when she got back to her table the purse was gone. SMITH stated she did not observed who took her purse from the table. This took place while the lounge/bar was letting out for bar close.

Inside the purse SMITH had a pink Samsung Galaxy 7 (valued at \$795), unknown carrier, phone number 214-995-5050. The purse also had her WI Driver's license, a CCW permit card, one credit card, debit card, and \$200 in US currency (5 \$20 dollar bills and 2 \$50 dollar bills).

We went into VIP lounge and spoke with the owner of VIP Lounge, Miguel A. MARTINEZ (W/M, 1-22-79), who stated the surveillance cameras that record the dance floor and where SMITH was sitting stopped working a few days prior. MARTINEZ stated he has put a repair request with the person in charge of his surveillance system. MARTINEZ stated he offered to assist SMITH but she was upset due to being intoxicated.

We walked around the bar area but we were unable to locate the SMITH's belongings from inside the bar. When we walked the bar no patrons were inside due to the bar being closed.

We advised SMITH to call her debit and credit card providers to request them to cancel.

MARTINEZ and the bar staff were cooperative.

Officer (2)

Reporting Officer:	Gutierrez, Adrian (028462)	04/12/2021 02:13:00
Section: (Work Location):	25	
Approving Officer:	Ramirez, Guadalupe A (018945)	04/12/2021 18:20:39
Section: (Work Location):	25	

Milwaukee Police Department

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

Case #:211080025

OtherEvent #: 21-LP-1177

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 04/18/2021 02:15:00
CAD Number:: 211080234
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL ANTONIO

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Phone
Address:: 5221 S 13TH ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53221

Licensed Premise Data (1)

VIP LOUNGE MKE

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 05/10/2021 15:57:00
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

05/10/2021

This supplemental report is written by P.O. Kevin VODICKA assigned to District Two, Day Shift Community Prosecution Unit.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211080025

OtherEvent #: 21-LP-1177

On Sunday April 18, 2021 at 2:20AM, squad 2324, P.O. Murray HAYES and I, was dispatched to a Shots Fired incident located at 907 S.1st St for fourteen rounds which is located in the city and county of Milwaukee.

Upon arrival, P.O.HAYES located fourteen spent assorted .9mm casings near the residence located at 907 S 1st St. between W. Washington St. and W. Walker St. Officers spoke to multiple witnesses who stated they heard multiple gunshots, but did not observed who fired the gunshots.

On Monday, May 10, 2021, at or about 12:00 PM, I conducted follow up regarding this incident. I met with employees of Bray Architects, located at 829 S 1st St, who allowed me to review video surveillance of this incident. The camera labeled "1st Street South" captures the front (the 800 block of S 1st St), both lanes of traffic and sidewalk, as well as a portion of the 900 block of S 1st St. The video is of high quality and the area is well lit due to street and business lighting. The video depicts patrons leaving and loitering outside of VIP Lounge, located at 828 S 1st St.

Vehicles are observed stopped in traffic as patrons mill about the area. Several patrons who exited VIP Lounge as well numerous vehicles are observed in the area of 904 S 1st St and where officers recovered spent casings; however, due to the distance from the camera the subject(s) who discharged the firearm(s) cannot be determined.

Officer (2)		
Reporting Officer:	Vodicka, Kevin E (018950)	05/10/2021 15:54:00
Section: (Work Location):	21	
Approving Officer:	Raden, Chad M (010032)	05/11/2021 11:55:37
Section: (Work Location):	27	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1154

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 05/03/2021 01:24:00
CAD Number:: 211230170
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Phone
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53221

Licensed Premise Data (1)

VIP LOUNGE MKE

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
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

Narrative (1)

INITIAL INVESTIGATION

Diener, Matthew J 018626

05/05/2021

This report is written by PO Matthew DIENER, assigned to District 2, day shift, squad 2166. On Wednesday, May 5, 2021, at approximately 10:18am, squad 2166 (DIENER, VODICKA) responded to 904 S 1st St to check for video that might've captured the shots fired that occurred on 5/3/21 at 901 S Barclay

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1154

St. We spoke with Robert HAMILTON, the owner of the Upholstery Shop, located at 904 S 1st St, and observed that several cameras are affixed to different corners of his building. We retrieved the video from HAMILTON and observed the following on the footage (it should be noted the time stamp is one hour behind the actual time):

At approximately 1:22am from Camera 4, you observe a large crowd exiting 828 S 1st St with no regard for the vehicular traffic along S 1st St, observed walking in the middle of S 1st St causing vehicles to swerve from striking the leaving patrons. Also observed are 3 different subjects driving tricycle style motorcycles, driving at high rate of speed into oncoming traffic, performing illegal u-turns and burnouts on S 1st St, almost causing several accidents. At approximately 1:23am you observe the suspect, wearing a white t-shirt, white backwards baseball hat, and a black single strap backpack with the strap across the front of his chest. The suspect then walks east on E Walker St followed by 2 of his associates, and out of view of Camera 4.

The suspect is then observed on Camera 8 continuing east on E Walker St. People are observed entering their vehicles, performing u-turns and cruising along E Walker St. The suspect is then observed walking south onto S Barclay St, out of Camera 8's view. The video footage was copied on disc and saved for future viewings.

Officer (2)

Reporting Officer:	Diener, Matthew J (018626)	05/05/2021 12:16:00
Section: (Work Location):	21	
Approving Officer:	Raden, Chad M (010032)	05/06/2021 07:59:35
Section: (Work Location):	27	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1188

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 05/03/2021 01:20:00
CAD Number:: 211230170
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204

Licensed Premise Data (1)

VIP LOUNGE

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
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

Narrative (1)

INITIAL INVESTIGATION

Diener, Matthew J 018626

05/13/2021

This report is written by P.O. Angel MUNOZ, assigned to D2, Late Shift, Squad 2328.

On 05/03/2021 at approximately 1:25 a.m. my partner and I, responded to 901 S. Barclay St. to a Shots Fired overheard by Squad 863 P.O. Andrew GOLLUP.

Upon arrival, I located nine brass casings. The following were four brass .40 cal blazer Smith and Wesson Casings and the other were five brass .40 Cal GFL Smith and Wesson casings in the middle of the street. There is a camera mounted on the corner of 133 E. Walker St. but the business was closed.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1188

P.O.. RODRIGUEZ took photos of the casings and placed them into MPD Inventory#210115616.

End of Report.

Officer (2)		
Reporting Officer:	Diener, Matthew J (018626)	05/13/2021 07:20:00
Section: (Work Location):	21	
Approving Officer:	Raden, Chad M (010032)	05/13/2021 07:44:43
Section: (Work Location):	27	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1168

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 05/03/2021 01:24:00
CAD Number:: 211230170
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204

Licensed Premise Data (1)

VIP LOUNGE MKE

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 05/07/2021 12:34:00
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)

ADDITIONAL LICENSE PREMISES REPORT

Vodicka, Kevin E 018950

05/07/2021

This report is written by P.O. Kevin VODICKA assigned to District Two, Day Shift Community Prosecution Unit. During follow up for this incident, it was determined that the Wantable Cafe, located at 123 E Walker St, had been struck by gunfire by one of the unknown actors. A bullet strike was observed on the northeast corner of the building, on the brick façade, near the exterior camera that faces the S Barclay St to the north.

Officer (2)

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211230021

OtherEvent #: 21-LP-1168

Reporting Officer: Vodicka, Kevin E (018950)

05/07/2021 12:21:00

Section: (Work Location): 21

Approving Officer: Raden, Chad M (010032)

05/11/2021 11:54:59

Section: (Work Location): 27

Milwaukee Police Department

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

Case #:211260017

OtherEvent #: 21-LP-1181

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 05/06/2021 01:40:00
CAD Number:: 211260174
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 01/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-736-7754
Phone 1 Type:: Phone
Address:: 6891 S BIRDSONG DR
Apartment or Suite:: 203
City:: OAK CREEK
State:: WISCONSIN
Zip Code:: 53154

Licensed Premise Data (1)

VIP LOUNGE MKE

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 05/11/2021 10:40:00
Business Was Cited For Violation:: No
Citation Number: (Additional Citations List In Narrative): J9815NC3DB
Violation/Ordinance Number:: 90-21
Licensee was cooperative: (If not explain in narrative): No
Licensee or Manager was on premises at time of violation/incident:: No

Narrative (1)

SUPPLEMENTAL LICENSE PREMISES REPORT

Vodicka, Kevin E 018950

05/11/2021

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211260017

OtherEvent #: 21-LP-1181

This report is written by P.O. Kevin VODICKA assigned to District Two Day Shift Community Prosecution Unit. On Thursday, May 6, 2021, at 1:40 AM, Milwaukee police officers were conducting an unrelated "plainclothes" operation in the area of 1000 S 1st St when officers heard multiple gunshots coming from a crowd of people in front of VIP Lounge MKE, located at 828 S 1st St Milwaukee, WI 53204. The investigation revealed that as the tavern closed for the night a large crowd gathered in front of the tavern on the sidewalks and city streets. The patrons obstructed traffic by dancing in front of and on top of motor vehicles that were in and out of traffic, acting a loud, profane, and boisterous manner in a public place, at one point a motorist threw US currency to the patrons. During the incident a subject approached a motorist, who was unable to exit the area due to the crowd, and discharged a firearm into the vehicle, striking the passenger. During this time security or the premises took no action to disperse or control the patrons and no calls for service were placed to the police department for assistance.

The video was obtained from Freight 38 (838 S 1st St), Bray Architects (829 S 1st St) and a resident and placed on Milwaukee police Inventory. Video from the VIP Lounge was not obtained as the surveillance system ceased recording shortly before the incident occurred. A citation for "Disorderly Premises Prohibited" was mailed to the agent for the premises.

Officer (2)

Reporting Officer:	Vodicka, Kevin E (018950)	05/11/2021 10:40:00
Section: (Work Location):	24	
Approving Officer:	Raden, Chad M (010032)	05/12/2021 08:03:12
Section: (Work Location):	27	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211260017

OtherEvent #: 21-LP-1169

Incident

828 S 1ST ST MILWAUKEE, WISCONSIN 53204

Incident Date/Time:: 05/06/2021 01:40:00
CAD Number:: 211260174
District:: 2
Beat:: 228
Reporting Area:: 5235

Business Agent (1)

MARTINEZ, MIGUEL A

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 12/22/1979
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (414)-383-9415
Phone 1 Type:: Phone
Address:: 5221 S 13TH ST
Apartment or Suite:: C
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53221

Licensed Premise Data (1)

VIP TAVERN

Address:: 828 S 1ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53204
License Type:: Alcohol
Licensee Notification Was Made:: No
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)

LICENSE PREMISE REPORT

Gutierrez, Adrian 028462

05/07/2021

This report is written by P.O. Adrian GUTIERREZ assigned to Squad 2510 with SGT Guadalupe RAMIREZ-CERVANTEZ at District Two, Late Power Shift.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:211260017

OtherEvent #: 21-LP-1169

On Thursday, May 6, 2021 at approximately 1:40 AM, we were dispatched to the address of 828 S. 1st St. regarding a shots fired that turned out to be a shooting call.

Upon arrival, I spoke to VIP's security (unknown name) that was by the front door. The security stated he observed multiple persons dancing in the intersection of S. 1st St. and W. Walker St. The security stated he did not hear any gun shots. I was unable to get his name due to him leaving before I got his information.

I then spoke with the owner/agent Miguel A. MARTINEZ (W/M, 12-22-79) who stated his surveillance cameras were functioning properly. MARTINEZ took us to his office in the back of the tavern. MARTINEZ logged into the surveillance camera system. MARTINEZ attempted to show us the footage of the accident but he was unable to work the system. P.O. James SPINATO (Squad 2585) attempted to review the footage. We concluded the surveillance appeared to stop recording prior to the incident taking place. There was only 10-15 minutes of surveillance footage captured in the camera (camera 14) pointing to where the incident took place.

The surveillance camera system does show live feed. It is unknown why the surveillance footage stopped recording before the incident took place.

MARTINEZ appeared upset when I told him the camera system only captured 10-15 minutes and did not capture the incident.

We were unable to determine where the persons that were dancing in the street and the person who discharged the firearm at another person in the intersection of S. 1st St. and W. Walker St.

The shooter was a black male who ran towards a red vehicle that was stuck behind traffic in the intersection of S. 1st St. and W. Walker St. facing n/b. The red vehicle was occupied by two females. The registered owner of the red vehicle was one of the female passengers of the red vehicle. The black male was tapping on the front passenger's window with a handgun while telling the occupants to exit his vehicle. The red vehicle started to drive n/b then the black male discharged his handgun in the direction of the red vehicle multiple times striking the vehicle and one of the females in the right side flank. The female suffered non-life threatening injury.

No witnesses located in the area of the incident.

Officer (2)		
Reporting Officer:	Gutierrez, Adrian (028462)	04/12/2021 02:13:00
Section: (Work Location):	25	
Approving Officer:	Ramirez, Guadalupe A (018945)	05/07/2021 22:21:17
Section: (Work Location):	25	

permitted to present the applicant's own witnesses, subject to cross-examination.

e. Committee members may ask questions of witnesses.

f. The applicant shall be permitted a brief summary statement.

4. RECOMMENDATION. The recommendation of the committee regarding the applicant shall be based on evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

a. Whether or not the applicant meets the municipal requirements.

b. The appropriateness of the location and premises where the licensed premises is to be located and whether use of the premises for the purposes or activities permitted by the license would tend to facilitate a public or private nuisance or create undesirable neighborhood problems such as disorderly patrons, unreasonably loud noise, litter, and excessive traffic and parking congestion. Probative evidence relating to these matters may be taken from the plan of operation submitted with the license application.

c. The fitness of the location of the premises to be maintained as the principal place of business, including but not limited to whether there is an overconcentration of businesses of the type for which the license is sought, whether the proposal is consistent with any pertinent neighborhood business or development plans, or proximity to areas where children are typically present.

d. The applicant's record in operating similarly licensed premises.

e. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the activity to be permitted by the license being applied for.

f. Any other factors which reasonably relate to the public health, safety and welfare.

5. FACTORS NOT CONSIDERED FOR RECOMMENDATION. The recommendations of the committee regarding the applicant shall not be based on evidence presented at the hearing related to the type or content of any music, or the actual or likely financial or non-financial effects on actual or potential competitors.

6. Committee Decision. The committee may make a recommendation immediately following the hearing or at a later

date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

7. DOCUMENT. If the common council grants the application for a license, the city clerk, or other city official or department authorized by the code to issue licenses, shall issue an appropriate document to the applicant confirming that fact. The document shall also contain any restrictions or conditions which the common council may place on approval.

85-3. Notice and Service. 1. NOTICE OF POSSIBLE NON-RENEWAL, SUSPENSION OR REVOCATION. a. Unless otherwise provided, the city clerk, or other city official or department authorized by the code to receive applications for licenses or permits, shall provide written notice of the possibility of non-renewal, or of suspension or revocation of a license or permit to the applicant addressed to the person or agent at the address most recently provided by the applicant.

b. Written notice of possible non-renewal, suspension or revocation shall include:

b-1. The date, time and place of a hearing to be held by the committee.

b-2. A statement of the common council's intent to revoke, suspend or not renew the license or permit if objections, charges or allegations are found to be true.

b-3. A statement of the specific reasons for revocation, suspension or non-renewal.

b-4. A statement that an opportunity will be provided to respond to and challenge the reasons for revocation, suspension or non-renewal, and to present witnesses under oath and to confront and cross-examine witnesses under oath.

b-5. A statement that the applicant may be represented by an attorney of the applicant's choice at the expense of the applicant.

b-6. A statement that, if the applicant requires the assistance of an interpreter, the applicant may employ an interpreter at the expense of the applicant.

b-7. A statement that, upon conclusion of a hearing before the committee, the committee will prepare a written report and recommendation to the common council, and shall provide a copy of the report and recommendation to the applicant.

85-4 License and Permit Procedures

2. SERVICE OF DOCUMENTS.

Service of notices of meetings and service of other documents including committee reports and recommendations shall be made upon any party entitled to such notice and service by placing the same in the United States first class mail, postage prepaid. Hearing notices shall be served upon the applicant so that the applicant has at least 7 days' notice of the hearing.

3. OBJECTIONS. a. How Made.

Notice of an objection to the renewal of a license or in support of suspension of a license or permit by an interested party shall not be included in the notice of hearing if the objection has not been received by the city clerk within 45 days of the expiration of the license. Failure to timely submit an objection shall not be a bar to testimony or other evidence that relates to any matter actually identified in the notice of hearing as a basis for nonrenewal or suspension. An objection shall include information that could form the basis of a license nonrenewal or suspension and may be transmitted in writing or by electronic means. Any city official, or the official's delegate, shall forward an objection from an interested party, or from a resident as provided in s. 90-1-19, to the city clerk. The information provided by an official or the official's delegate to the city clerk shall include the name of the objector, contact information for the objector, and information known to the objector that may form a basis for nonrenewal or suspension. The submission by a city official or the official's delegate of a written summary of the objection to the city clerk shall be treated in the same manner as other objections. The city clerk is authorized to establish forms for the purpose of assisting persons wishing to submit an objection.

b. Exception. If application for renewal is filed with the city clerk after the deadline for renewal application established by the city clerk and prior to the expiration of the license, an objection may be submitted in fewer than 45 days prior to the expiration of the license and may be considered at a regularly scheduled meeting of the licensing committee provided sufficient and timely notice is given.

85-4. Hearing Procedure; Non-Renewal, Suspension or Revocation. 1. **AUTHORITY OF COMMITTEE.** The committee shall conduct hearings with respect to the non-renewal, suspension or revocation of a license or permit pursuant to this section. The chair of the committee shall be the presiding officer.

1.5. MULTIPLE LICENSE TYPES.

When the committee conducts a hearing relating to the possible denial, non-renewal, suspension or revocation of a business type license and the licensee holds one or more other types of licenses or permits issued by the city clerk for the same premises, the committee shall also consider possible non-renewal, suspension or revocation of the other licenses or permits at the same hearing. Notice of possible denial, non-renewal, suspension or revocation of the non-alcohol beverage licenses or permits shall be provided in accordance with s. 85-3.

2. **COMMITTEE HEARING PROCEDURE.** a. The chair shall advise the applicant of the right to proceed to a due process hearing represented by counsel with all testimony, both direct and cross examination, under oath or that the applicant may simply make a statement to the committee.

b. The chair shall direct that oaths be administered and subpoenas issued upon request of any party.

c. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this section. The chair shall open the hearing with a statement that a notice was sent to the applicant, and, if the applicant appears, shall further inquire whether the notice was received. Unless expressly provided elsewhere in this code, the chair shall advise the licensee and parties seeking nonrenewal, suspension or revocation of the license that each side will be limited to 30 minutes for testimony and oral argument. This time may be extended by the chair, subject to approval by the committee, if additional time is necessary for a full and fair presentation of the facts and arguments. When permitted by the chair, questioning by committee members and relevant responses shall not count against the time limitation. In the event that the applicant does not admit receipt of the notice and also denies knowledge of the contents of the notice, the chair shall ascertain whether the applicant wishes to immediately proceed to a full hearing or whether the applicant wishes the matter to be held to the call of the chair or to a time certain. The decision to proceed or to hold the matter shall be made by the committee.

d. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

3. RECORD. An electronic or stenographic record shall be made of all licensing proceedings before the licensing committee and the common council. An electronic record shall audibly, accurately and completely reflect the testimony and statements made by participants in the proceedings. Recordings shall be maintained in a manner prescribed by the city clerk. An electronic record shall be made available for stenographic transcription or for transcription by other means at the expense of the person or party seeking the transcription of all or any portion of the record.

4. GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION. The recommendations of the committee regarding the applicant shall be based on evidence presented at the hearing. Unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of:

a. Failure of the applicant to meet municipal qualifications.

b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed or permitted activity, by the applicant or by any employee or other agent of the applicant.

c. If the activities of the applicant involve a licensed premises, whether the premises tends to facilitate a public or private nuisance or has been the source of congregations of persons which have resulted in any of the following:

- c-1. Disturbance of the peace.
- c-2. Illegal drug activity.
- c-3. Public drunkenness.
- c-4. Drinking in public.
- c-5. Harassment of passers-by.
- c-6. Gambling.
- c-7. Prostitution.
- c-8. Sale of stolen goods.
- c-9. Public urination.
- c-10. Theft.
- c-11. Assaults.
- c-12. Battery.
- c-13. Acts of vandalism including graffiti.
- c-14. Excessive littering.
- c-15. Loitering.
- c-16. Illegal parking.
- c-17. Loud noise at times when the licensed premise is open for business.

- c-18. Traffic violations.
- c-19. Curfew violations.
- c-20. Lewd conduct.
- c-21. Display of materials harmful to minors, pursuant to s. 106-9.6.
- c-22. Any other factor which reasonably relates to the public health, safety and welfare.
- c-23. Failure to comply with the approved plan of operation.

5. HEARING OFFICER. Where it is impractical for the committee to hold an evidentiary hearing, the committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the committee as well as to the applicant, the applicant's agent, manager, operator or any other employee of the applicant, and to the person bringing the complainant or objector. The chair of the committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report. Notice of the committee hearing on the report shall be given to all parties. The committee may take and reserve additional evidence at the time of said hearing. The committee may accept or reject the report of the hearing officer or make any changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The committee shall transmit its recommendation to the common council for action as provided in sub. 6.

6. COMMITTEE REPORT. The committee may make a report and recommendations immediately following the hearing or at a later date. The committee may recommend that the license or permit be renewed, not renewed, suspended or revoked. In addition, if the committee determines that circumstances warrant, the committee may recommend that the license or permit be renewed conditioned upon a suspension of the license or permit for a defined period of time. When the committee elects to recommend that a license or permit be renewed with a period of suspension, the license or permit may be suspended for a period of not less than 10 days and no more than 90 days.

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85-5. Council Action. 1. REPORT TO BE PROVIDED. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation upon the applicant and upon the complainant or objector, if any. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. A copy of the report shall be distributed to each member of the common council.

2. FILING WRITTEN STATEMENTS OR RESPONSES. Following a recommendation by the committee that the license or permit not be renewed, or that the license or permit be revoked or suspended, the applicant may submit a written statement including objections, exceptions and arguments of law and fact. When the proceedings have been commenced upon the complaint or objection of an interested party who has appeared and offered evidence, the complainant or objector may also submit a written statement in response. Written statements shall be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

3. COPIES TO BE PROVIDED TO COMMON COUNCIL MEMBERS. A copy of any statement in response to the report and recommendations of the committee that is timely filed shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

4. PROCEDURE AT MEETING OF THE COMMON COUNCIL. a. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendations. The city clerk shall notify the applicant, and the complainant or objector, if any, by United States first class mail, postage prepaid, 5 working days prior to the hearing before the common council, and shall also notify the city attorney, that the council will convene to act upon the report and recommendations.

b. Each member of the common council shall be asked to affirm that he or she has read the report and recommendations of the committee. When a written statement has been timely filed by the applicant, or by a complainant or objector, each member of the common council shall be asked to affirm that he or she has read the statement. If members of the

council have not read the recommendation and report of the committee and any statement in response that has been timely filed, the chair shall allocate time for the members to do so.

c. Oral argument on behalf of the applicant, and oral argument by the complainant or objector, if any, shall be permitted only to those parties having timely filed a written statement. Oral argument shall be limited to 5 minutes. The city attorney shall also be permitted to make an oral presentation of not more than 5 minutes.

d. Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by designated agents or counsel. Partnerships shall be represented only by a partner or counsel. Limited liability companies shall be represented only by designated agents or counsel. Complainants and objectors shall appear only in person or counsel. Any person making an appearance before the council who requires the services of an interpreter shall obtain one at his or her own expense.

e. The common council shall determine by a majority roll call vote of those in attendance and voting whether to adopt the recommendation of the committee. The city clerk shall provide written notice of the decision to the applicant, and to the complainant or objector, if any, including a written statement or summary of the reasons for the decision.

f. Unless otherwise expressly provided, the revocation of a license or permit shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for revocation shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for renewal shall be effective on the date the common council takes action to suspend the license or permit, or on the date of the expiration of the license or permit, whichever is later. A license or permit may be suspended for not less than 10 days and no longer than 90 days.

g. If a retail alcohol beverage license for a premises is suspended and the licensee also holds a public entertainment premises license for the premises, the public entertainment premises license shall be suspended for the same time period as the alcohol beverage license.

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c-1-c. The appropriateness of tavern location and premises. Evidence of the appropriateness of the location may be included in the report provided by the chief of police or chief's designee under par. b-2-a.

c-1-d. Neighborhood problems due to management or location.

c-1-e. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholder holding 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, of any of the offenses enumerated in s. 125.12(2)(ag), Wis. Stats., as amended.

c-1-f. Failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-c.

c-1-g. Any other factor or factors which reasonably relate to the public health, safety and welfare.

c-2. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend that the license be renewed or not renewed. In addition, if the committee determines that circumstances warrant it, the committee may recommend that the license be renewed conditioned upon a suspension of the license for a defined period of time. When the committee elects to recommend that a license be renewed with a period of suspension, the license may be suspended for not less than 10 days and no longer than 90 days. Such suspension shall commence on the effective date of the license renewal. Following the hearing, the committee shall submit a report to the common council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the council should take. The committee shall provide the complainant and applicant with a copy of the report. The applicant and complainant, if any, may file a written statement in response to the report including objections, exceptions and arguments of law and fact. A written statement must be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

d. Council Action. d-1. The applicant shall be given 5 working days' notice of the date set for hearing by the full common council.

d-2. At the meeting of the common council, the chair shall allow oral argument by an applicant or complainant who has timely submitted a written statement in response to the recommendations of the licensing committee. The city attorney shall also be permitted a statement. Oral arguments shall not exceed 5 minutes on behalf of any party. Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

d-3. Prior to voting on the committee's recommendation, all members of the council who are present shall signify that they have read the recommendation and report of the licensing committee and any written statements in response that have been filed thereto. If they have not, the chair shall allocate time for the members to do so. If they have read the report and recommendation, then a roll call vote shall be taken as to whether or not the recommendation of the committee shall be accepted. The applicant shall be provided with written notice of the results of the vote taken by the common council.

3. REQUEST TO SURRENDER A LICENSE. See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

90-12. Revocation or Suspension of Licenses. 1. CAUSES. Any license issued under this chapter may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Such licenses shall be suspended or revoked for the following causes:

a. The making of any material false statement in any application for a license.

b. The conviction of the licensee, his agent, manager, operator or any other employee for keeping a gambling house or a house of prostitution or any felony related to the licensed operation.

c. A showing that such licensee has violated any state law or city ordinance prohibiting the sale of intoxicating liquors or fermented malt beverages to underage persons, or to any person intoxicated or bordering on the state of intoxication.

d. The violation of the provisions in ss. 90-7 through 90-10 and 90-13 through 90-31.

e. The violation of any of the excise laws of this state.

f. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood; or

g. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholder holding 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, of any of the offenses enumerated in s. 125.12(2)(ag), Wis. Stats., as amended.

h. Failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-c.

i. For any other reasonable cause which shall be in the best interests and good order of the city.

3. STATE LAW APPLICABLE. Except as hereinafter provided, the provisions of ss. 125.12(2)(ag) to (c), Wis. Stats., shall be applicable to proceedings for the suspension and revocation of all licenses granted under this chapter.

4. COMMENCEMENT OF PROCEEDINGS. Suspension or revocation proceedings may be instituted by the licensing committee of the common council upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any city resident.

5. PROCEDURES FOR REVOCATION OR SUSPENSION. a. Complaint; Summons; Report.

a-1. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a licensee involving conduct which would violate statutes or ordinances that are grounds for revocation or suspension of a license, the city clerk shall issue a summons, as authorized by Wisconsin statutes, demanding that the licensee appear before the licensing committee, not less than 3 days nor more than 10 days from the date of issuance, to show cause why the license should not be revoked or suspended.

a-2. A police officer shall serve the summons upon a licensee in accordance with Wisconsin statutes, and shall also serve a copy of the complaint with a copy of this subsection upon the licensee.

a-3. The chief of police shall prepare a report with information relating to the allegations contained in the written charges or complaint. The report shall first state whether the chief of police has information relating to the allegations contained in the written charges or complaint. The report may be offered and made part of the permanent record of the hearing without motion. Information contained in the report shall be admissible and may be considered by the committee as a public record to the extent that the information in the report sets forth the activities of department personnel, or provides information about matters observed by police personnel under a duty imposed by law, or contains factual findings resulting from an investigation made under authority of law, unless the sources of information or other circumstances indicate lack of trustworthiness. A copy of the report shall be provided to the licensee at least 7 days prior to the time scheduled for appearance upon the summons and complaint.

b. Committee Hearing. b-1. Upon receipt of evidence that the summons has been served, the licensing committee shall convene at the date and time designated in the summons for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the full common council in connection with the proposed revocation or suspension.

b-2. If the licensee appears before the committee at the time designated in the summons and denies the charges contained in

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the complaint, an evidentiary hearing in connection with the revocation or suspension shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the city attorney and the licensee in connection with the revocation or suspension.

b-3. The procedure at evidentiary hearing shall be as follows:

b-3-a. The chief of police or complainant shall first present evidence in support of the complaint. The chief of police or complainant may offer the report prepared under par. a-3.

b-3-b. After the chief of police or complainant rests, the licensee may present evidence in opposition to the written charges or complaint.

b-3-c. The chief of police or complainant and the licensee may subpoena and present witnesses. All witnesses shall testify under oath and shall be subject to cross-examination.

b-3-d. The chief of police or complainant and the licensee shall each be limited to 30 minutes for testimony and oral presentation unless the chair, subject to approval of the committee, extends the time to assure a full and fair presentation.

b-3-e. Questions by committee members and responses to members' questions shall not be counted against the time limitations.

b-3-f. At the close of the testimony, the chief of police or complainant and the licensee shall be given a reasonable time to make arguments upon the evidence produced at the hearing.

b-4. The chair of the licensing committee shall be the presiding officer. The chair shall direct that oaths be administered and subpoenas issued upon request of either side. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members present and voting.

b-5. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

b-6. A record shall be made of all licensing proceedings before the committee and before the common council as provided in s. 85-4-3.

c. Committee Report. c-1. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation on the licensee and transmit a copy thereof to the city attorney. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. The report shall be distributed to each member of the common council.

c-2. The committee shall provide the licensee, and the complainant, if any, with a copy of the report. The licensee and complainant may file a written statement or response including objections, exceptions and arguments of law and fact to the report to the common council. A written statement or response must be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

c-3. Any written statement or response to the report and recommendations of the committee shall be filed by the close of business on the day that is 3 working days prior to the date on which the matter is to be heard by the common council. Copies of written statements shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

d. Council Action. d-1. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendations. Not less than 5 working days prior to the hearing before the common council, the city clerk shall notify the licensee and complainant by United States first class mail, postage prepaid, sent to the last known address of the licensee and complainant, and shall also notify the city attorney, of the time and place that the common council will convene. Each member of the common council shall be asked to affirm that he or she has read the report and recommendations of the committee. When written statements or responses are timely filed to a committee report and recommendations that the license be suspended or revoked, each member of the common council shall be asked to affirm that he or she has read the statements or responses. If

members of the council have not read the recommendations and report of the committee and any statements or responses that have been filed, the chair shall allocate time for the members to do so. Oral argument in support of the report and recommendations presented by the city attorney, oral argument on behalf of the licensee in opposition to the report and recommendations and oral argument by the complainant objecting to the report and recommendations shall be permitted where written statements or responses have been timely filed. Argument shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendations and the written exceptions. Licensees shall appear only in person or by counsel. Corporate licensees shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

d-2. The common council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the committee. Such vote shall be a roll call vote. If the common council finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation with the committee's report and recommendation and in accordance with Wisconsin statutes, the city clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the accused.

7. REQUEST TO SURRENDER A LICENSE. See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

90-13. Alterations to Premises. Except as provided in s. 200-26-6-b, any alteration, change or addition resulting in expansion of a licensed premises shall be approved by the licensing committee prior to issuance of a permit pursuant to s. 200-24 by the department of neighborhood

services. An applicant whose license application has been denied by the committee may appeal the decision to the common council.

90-14. Restrictions as to Location of Premises.

1. 300 FEET RESTRICTION. No "Class A" or "Class B" license for the sale of intoxicating liquor may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any church, school, day care center or hospital, except that this prohibition may be waived by a majority vote of the common council. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, day care center or hospital to the main entrance of the premises covered by the license.

2. EXCEPTIONS. The prohibition in sub. 1 does not apply to any of the following:

a. Premises covered by a "Class A" or "Class B" license on June 30, 1947.

b. Premises covered by a "Class A" or "Class B" license prior to the occupation of real property within 300 feet thereof by a school, day care center, hospital or church building.

c. A restaurant located within 300 feet of a church, day care center or school. This paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of its gross receipts.

90-15. Hours of Operation. 1. "CLASS A" RETAILER'S INTOXICATING LIQUOR LICENSE. No premises for which a "Class A" retailer's intoxicating liquor license has been issued shall be permitted to remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.

2. CLASS "A" FERMENTED MALT BEVERAGE RETAILER'S LICENSE. No holder of such a license shall sell fermented malt beverages between the hours of 9:00 p.m. and 8:00 a.m., except a brewery that operates a bonafide 3rd shift for at least 9 months of a previous year may sell fermented malt beverages to its employees in a designated employee shopping area on brewery premises between the hours of 8:00 a.m. to 11:00 p.m.

3. CLASS "B" FERMENTED MALT BEVERAGE AND "CLASS B" TAVERN LICENSES. a. Closing Hours - Prohibited Hours. a-1. No person holding such licenses shall permit a patron to enter or remain on the

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clerk at least 45 days prior to the date on which the license expires, provided that the renewal was filed by the date established by the city clerk. If the applicant fails to file within the time frame established by the city clerk, an objection may be filed within 10 days of the filing of the renewal application. An objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

2. Procedure for Nonrenewal. If there is a possibility that the licensing committee will not renew the license, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

108-11. Nonrenewal, Revocation or Suspension of Licenses.

1. PROCEDURE. a. Procedures for Revocation or Suspension. Any license issued under this chapter may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

b. Due Process Hearing and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

2. REQUEST TO SURRENDER A LICENSE OR WITHDRAW A RENEWAL APPLICATION. Whenever any licensee wishes to surrender a license or withdraw a renewal application, the procedures for disqualification of a license provided in s. 85-13 shall apply.

3. GROUNDS FOR NONRENEWAL, SUSPENSION OR REVOCATION. The recommendation of the committee regarding the licensee shall be based on evidence presented

at the hearing. Probative evidence concerning nonrenewal, suspension or revocation may include evidence of circumstances cited in s. 85-4-4.

4. COUNCIL ACTION. Following the receipt of a report and recommendation of the committee, the common council shall consider the report and recommendations pursuant to the procedures provided in s. 85-5.

5. WHEN ALCOHOL BEVERAGE LICENSE SUSPENDED. If a retail alcohol beverage license for a premises is suspended and the licensee also holds a public entertainment premises license for the premises, the public entertainment premises license shall be suspended for the same time period as the alcohol beverage license.

108-12. Appeal Rights. Any aggrieved applicant for, or holder of, a public entertainment premises license may seek judicial review to appeal the common council's denial of a new license or license transfer, or the suspension, nonrenewal or revocation of an existing license pursuant to s. 68.13, Wis. Stats.

108-15. Alteration of Premises. Any alteration, change or addition resulting in expansion of a licensed premises shall be approved by the licensing committee prior to issuance of a license, pursuant to s. 200-24, by the department of city development. An applicant whose application has been denied by the committee may appeal the decision to the common council.

108-16. Standards for Special Event Campgrounds. All special event campgrounds shall meet the following standards:

1. The campground operator shall obtain a campground permit from the department of neighborhood services in accordance with ch. DHS 178, Wis. Adm. Code. The permit application shall be accompanied by a plan of operation and a site plan that meets all applicable requirements of ch. DHS 178, Wis. Adm. Code. The department of neighborhood services shall not issue a campground permit to any permit applicant who has outstanding violations of the code of ordinances. For an indoor campground, a certificate of occupancy

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Section 125.12 - Revocations, suspensions, refusals to issue or renew

(1) REVOCATION, SUSPENSION, NONISSUANCE OR NONRENEWAL OF LICENSE.

(a) Except as provided in this subsection, any municipality or the department may revoke, suspend or refuse to renew any license or permit under this chapter, as provided in this section.

(b)

1. In this paragraph, "violation" means a violation of s. 125.07(1) (a) , or a local ordinance that strictly conforms to s. 125.07(1) (a) .

2. No violation may be considered under this section or s. 125.04(5) (a) 1 unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this section or s. 125.04(5) (a) 1

(c) Neither a municipality nor the department may consider an arrest or conviction for a violation punishable under s. 101.123(8) (d) , 945.03(2m) , 945.04(2m) , or 945.05(1m) in any action to revoke, suspend, or refuse to renew a Class "B" or "Class B" license or permit.

(2) REVOCATION OR SUSPENSION OF LICENSES BY LOCAL AUTHORITIES.

(ag)*Complaint.* Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging one or more of the following about a person holding a license issued under this chapter by the municipality:

1. The person has violated this chapter or municipal regulations adopted under s. 125.10 .

2. The person keeps or maintains a disorderly or riotous, indecent or improper house.

3. The person has sold or given away alcohol beverages to known habitual drunkards.

4. The person does not possess the qualifications required under this chapter to hold the license.

5. The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41(1) ; of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41(1m) ; or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.

5m. The person has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to s. 961.65 .

6. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.

6m. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

7. The person received the benefit from an act prohibited under s. 125.33(11) .

(ar)Summons. Upon the filing of the complaint, the municipal governing body or a duly authorized committee of a city council shall issue a summons, signed by the clerk and directed to any peace officer in th municipality. The summons shall command the licensee complained of to appear before the municipal governing body or the committee on a day and place named in the summons, not less than 3 days and not more than 10 days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least 3 days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under ch. 801 for service in civil actions in circuit court.

(b)Procedure on hearing.

1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.

2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the municipal governing body and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked, except that, if a complaint under par. (ag) 4. is found to be true with respect to a license issued under s. 125.51(4) (v) , the license shall be revoked.

3. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both. If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided under subd. 2.

4. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

5. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the municipal governing body finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The municipal governing body or the committee may require the complainant to provide security for such costs before issuing the summons under par. (ar).

(c)Effect of revocation. When a license is revoked under this subsection, the revocation shall be recorded by the clerk and no other license issued under this chapter may be granted within 12 months of the date of

revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

(d)Judicial review. The action of any municipal governing body in granting or failing to grant, suspending or revoking any license, or the failure of any municipal governing body to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the municipality. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the municipal governing body in the manner provided in ch. 801 for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The municipal governing body, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, the matter shall be deemed at issue and hearing may be had within 5 days, upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within 10 days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the court of appeals.

(3) REFUSALS BY LOCAL AUTHORITIES TO RENEW LICENSES. A municipality issuing licenses under this chapter may refuse to renew a license for the causes provided in sub. (2) (ag). Prior to the time for the renewal of the license, the municipal governing body or a duly authorized committee of a city council shall notify the licensee in writing of the municipality's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub. (2) (b) and judicial review shall be as provided in sub. (2) (d). If the hearing is held before a committee of a city council, the committee shall make a report and recommendation as provided under sub. (2) (b) 3. and the city council shall follow the procedure specified under that subdivision in making its determination.

(3m) REFUSALS BY LOCAL AUTHORITIES TO ISSUE LICENSES. If a municipal governing body or duly authorized committee of a city council decides not to issue a new license under this chapter, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision.

(4) SUSPENSION OR REVOCATION OF LICENSES ON COMPLAINT OF THE DEPARTMENT.

(ag)Complaint. A duly authorized employee of the department may file a complaint with the clerk of circuit court for the jurisdiction in which the premises of a person holding a license issued under this chapter is situated, alleging one or more of the following about a licensee:

1. That the licensee has violated this chapter.
2. That the licensee keeps or maintains a disorderly or riotous, indecent or improper house.
3. That the licensee has sold alcohol beverages to known habitual drunkards.
4. That the licensee has failed to maintain the premises in accordance with the standards of sanitation prescribed by the department of health services.
5. That the licensee has permitted known criminals or prostitutes to loiter on the licensed premises.
6. That the licensee does not possess the qualifications required under this chapter to hold the license.
7. That the licensee has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41(1) ; of possessing, with intent to manufacture, distribute or

deliver, a controlled substance or controlled substance analog under s. 961.41(1m) ; or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.

7m. That the licensee has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that section or under a federal law or a law of another state that is substantially similar to s. 961.65 .

8. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.

8m. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

(ar)Summons. Upon the filing of the complaint, the clerk of the court shall issue a summons commanding the licensee to appear before the court not less than 20 days from its date of issuance and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served at least 20 days before the date on which the person is commanded to appear. Service shall be in the manner provided in ch. 801 for civil actions in circuit court.

(b)Procedure on hearing. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the court finds the allegations sufficient, it shall order the license either suspended for not more than 90 days or revoked, except that, for allegations under par. (ag) 6. with respect to a license issued under s. 125.51(4) (v) , it shall order the license revoked. The clerk of the court shall give notice of the suspension or revocation to the person whose license is suspended or revoked. If the licensee appears and answers the complaint, the court shall fix a date for the hearing not more than 30 days after the return date of the summons. The hearing shall be had before the court without a jury. If upon the hearing the court finds the allegations of the complaint to be true, it shall order the license either suspended for not more than 90 days or revoked, except that, if upon the hearing the court finds allegations under par. (ag) 6. to be true with respect to a license issued under s. 125.51(4) (v) , the court shall order that license revoked. If the court finds the allegations of the complaint to be untrue, the complaint shall be dismissed.

(c)Effect of revocation or suspension. When a license is revoked or suspended under this subsection, the clerk of court shall notify the authority which issued the license. If the license is revoked, no other license may be issued under this chapter to the person whose license was revoked or to any person related to him or her as owner, lessor, bailor or lender, within the 12 months after the date of revocation and no other license may be granted for the premises covered by the revoked license within 60 days of the date of revocation. The findings and order of the court shall be filed within 10 days after the hearing and the order shall be final unless appeal is taken to the court of appeals. If an appeal is taken from a revocation, any period during which the order is stayed shall be added to the 12 months and 60 days, respectively. No part of the fee paid for any license which is revoked may be refunded. Whenever any court has revoked or suspended any license under this subsection, no further proceedings shall be commenced under this subsection except upon grounds arising after the original revocation or suspension.

(5) REVOCATIONS OR SUSPENSIONS OF, OR REFUSALS TO RENEW, PERMITS BY THE DEPARTMENT. The department may, after notice and an opportunity for hearing, revoke, suspend or refuse to

renew any retail permit issued by it for the causes provided in sub. (4) and any other permit issued by it under this chapter for any violation of this chapter or ch. 139, except that, for a violation of sub. (4) (ag) 6. with respect to a license issued under s. 125.51(4) (v) or a violation of s. 125.535 or 139.035 , the department shall revoke the license or permit. A revocation, suspension or refusal to renew is a contested case under ch. 227.

(6) REVOCATION OR SUSPENSION OF INTOXICATING LIQUOR WHOLESALERS' PERMITS FOR CERTAIN VIOLATIONS.

(a) Any person may file a sworn written complaint with the department alleging that an intoxicating liquor wholesaler has violated s. 125.54(7) (a) . The complaint shall identify the specific legal basis for the complaint and sufficient facts for the department to determine whether there is cause to find that a violation has occurred. The department shall provide a copy of the complaint to any wholesaler against whom allegations are made, along with notice of the time period under par. (b) to show cause why the wholesaler's permit should not be revoked or suspended or to request a hearing.

(b) Within 30 days of receiving a copy of the complaint under par. (a), any wholesaler against whom allegations are made may file a sworn written response or a written request for an evidentiary hearing before the department under s. 227.44 .

(c) Subject to pars. (d) 1. and (dm), if no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which response or request for hearing is due under par. (b), the department shall make a written decision as to whether a violation has occurred and either dismiss the complaint or take action under par. (e). Any decision under this paragraph shall include findings of fact and conclusions of law and shall state all reasons for the decision. The department shall provide a copy of the decision to the complainant and to any wholesaler against whom allegations are made.

(cm) Subject to pars. (d) 2. and (dm), if a request for an evidentiary hearing is made under par. (b), the hearing shall be conducted in the manner specified for a contested case under ss. 227.44 to 227.50 , except that the hearing shall be conducted within 45 days of receiving the request for hearing under par. (b) and the department shall make its written decision, including whether a violation has occurred and whether the complaint is dismissed or action is taken under par. (e), within 15 days after the hearing. In addition to service of the decision as provided under s. 227.48 , the department shall provide a copy of the decision to the complainant.

(d)

1. If no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which a response or request for hearing is due under par. (b), the department may extend the time period for making a decision under par. (c) by an additional 60 days if the department provides notice within the time period specified in par. (c) that an additional 60 days is necessary for investigation.

2. If a request for an evidentiary hearing is made under par. (b), within 45 days of receiving the request for hearing under par. (b), the department may extend the time period for conducting the hearing by an additional 45 days if the department provides notice within 45 days of receiving the request for hearing under par. (b) that an additional 45 days is necessary for investigation.

(dm) Within 45 days of receiving any response or request for hearing under par. (b) or, if no response or request for hearing is made, within 45 days of the date on which a response or request for hearing is due under par. (b), the department may elect to file a complaint in circuit court under sub. (4) that includes all allegations of the complaint under par. (a) for which the department determines there is cause to find that a

violation of s. 125.54(7) (a) has occurred. If the department files a complaint in circuit court as provided under this paragraph, the department shall not conduct a hearing under par. (cm) or make a written decision under par. (c), but shall proceed with the matter as provided under sub. (4).

(e) If the department finds the allegations under par. (a) true and sufficient, the department shall either suspend for not less than 10 days nor more than 90 days or revoke the wholesaler's permit, and give notice of the suspension or revocation to the wholesaler.

(f) A revocation or suspension proceeding under this subsection is a contested case under ch. 227, except that ss. 227.44 to 227.50 apply to a proceeding under this subsection only if a request for an evidentiary hearing is made under par. (b).

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1981 c. 79; 1983 a. 516; 1987 a. 93; 1993 a. 98; 1995 a. 27 s. 9126 (19); 1995 a. 417, 448; 1997 a. 27, 35, 166, 187; 1999 a. 9; 2005 a. 14, 25, 442; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 12.
