SPECIAL AGENDA

LICENSING/PERMIT COMMITTEE
Kenosha Municipal Office Building – Room 202
Friday, April 4, 2014
4:00 p.m.

PLEASE NOTE DAY & TIME CHANGE

Chairman:	**Jesse Downing**	**Alderperson:**	**Curt Wilson**
Vice-Chair:	**Patrick Juliana**	**Alderperson:**	**Chris Schwartz**
		Alderperson:	**Anthony Kennedy**

CALL TO ORDER
ROLL CALL

NOTE: All licenses and permits are subject to withholding of issuance by the City Clerk as specified in Section 1.045 of the Code of General Ordinances.

Regarding item 1, the Licensing/Permit Committee may go into Closed Session for purpose of deliberation under authority of §19.85 (1), Wisconsin Statutes, and then reconvene into open session for purpose of holding hearings and making final determinations.

1. Complaint by the Chief of Police, City of Kenosha, seeking revocation of the Cabaret License of Imagine4, LLC, d/b/a Big Shotz Sports Bar, 3000 Roosevelt Road, Kurt Streck, Agent. *(8th District)*

CITIZENS COMMENTS/BUSINESS AS AUTHORIZED BY LAW
ALDERMEN COMMENTS
STAFF COMMENTS

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS MEETING.

IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE, PLEASE CALL 653-4020 BEFORE THIS MEETING

COPY

COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN
COMMITTEE ON LICENSES/PERMITS

In The Matter Of:

THE CABARET LICENSE OF
IMAGINE4, LLC.,
d/ba/ BIG SHOTZ SPORTS BAR
3000 Roosevelt Road
Kenosha, WI 53142
Kurt Streck, Agent

SUMMONS
ORDER TO APPEAR

TO: Imagine4, LLC
d/b/a Big Shotz Sports Bar
Kurt Streck, Agent
3000 Roosevelt Road
Kenosha, WI 53142

YOU ARE HEREBY ORDERED TO APPEAR on **Friday**, the **4th** day of **April, 2014**, at **4:00 o'Clock in the p.m.,** in Room 202 of the Municipal Office Building, 625 - 52nd Street, Kenosha, Wisconsin, before the Committee on Licenses/Permits of the Common Council of the City of Kenosha, Wisconsin, **AND SHOW CAUSE** why the relief granted in the Complaint attached hereto should not be granted.

YOUR FAILURE TO APPEAR MAY RESULT IN THE NONRENEWAL, REVOCATION AND/OR ISSUANCE OF RESTRICTIVE ORDERS WITH RESPECT TO SAID LICENSES

Dated at Kenosha, Wisconsin, this 1 day of April, 2014.

CITY OF KENOSHA, WISCONSIN

By: _____
DEBRA SALAS
City Clerk/Treasurer

Drafted by:
MATTHEW A. KNIGHT
Deputy City Attorney

COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN
COMMITTEE ON LICENSES/PERMITS

In The Matter Of:

THE CABARET LICENSE OF
IMAGINE4, LLC.,
d/ba/ BIG SHOTZ SPORTS BAR
3000 Roosevelt Road
Kenosha, WI 53142
Kurt Streck, Agent

COMPLAINT

---

1. I am a state certified law enforcement officer presently employed by the City of Kenosha Police Department. I have worked as a law enforcement officer with the Kenosha Police Department for 25 years. I am currently the top ranking officer in the Kenosha Police Department, Police Chief. My duties include the management of the City of Kenosha Police Department including planning, organizing, staffing, directing and controlling police services to ensure and protect the public safety and welfare interests of the citizens of the City of Kenosha;

2. Imagine4, LLC, d/b/a Big Shotz Sports Bar, hereinafter referred to aas "Licensee" at all times relevant herein is and has been the holder of a Class "B" Beer/"Class B" Liquor Combination License and aCabaret License for the premises located at 3000 Roosevelt Road, Kenosha, Wisconsin.

3. I am intimately aware that the Kenosha Police Department has deployed substantial police resources to Big Shotz Sports Bar, located at 3000 Roosevelt Road (hereinafter the "property"). I am familiar with those services required at the property as a result of the discussions with other police investigators and review of official police documents and records related to the property;

4. That the Licensee regularly operates the business as a night club tavern with live D.J. entertainment;

5. The investigations and department contact involving the property were documented by reports drafted by City of Kenosha police officers that described their activities, the matters observed and the factual findings resulting from the investigations. Furthermore, I am familiar with the Kenosha Police Department records regarding police investigations involving the property, compilations that documented the calls for police service regarding that address and other statistical records. Based upon my training and experience, these reports, records and data compilations document the activities of the Kenosha Police Department, the matters observed pursuant to duty imposed by law and the factual findings resulting from investigations made pursuant to authority granted by law;

6. That the Kenosha Police Department has observed a pattern of disorderly behavior occurring at the property, in the adjacent city sidewalks/streets, and in the adjacent parking lots on evenings after 11:00 p.m., concluding on the following mornings until 3:00 a.m. The behavior includes loitering, fighting, littering, loud music, profane language, indecent conduct, open intoxicants and obstruction.

7. That there are no adjacent businesses open for business during the hours that the disorderly conduct is occurring. The adjacent parking lots are utilized by the patrons of Big Shotz Sports Bar during the hours at issue. That upon information and belief the persons involved in the disturbances are patrons of Big Shotz Sports Bar;

8. That upon information and belief, on the nights that the disorderly behavior is occurring, the tavern, while utilizing its cabaret license, promotes and provides live D.J. entertainment and dancing;

9. That the Police Department has expressed its concern related to the disorderly patrons with the tavern representatives and has not seen a change in the pattern of behavior at the location;

10. That the Police Department has participated in public discussions before the City of Kenosha Licensing/Permit committee on August 26, 2013, November 11, 2013, and January 29, 2014, with regard to the Licensee's cabaret license providing the Licensee public notice of the Department's concerns with the pattern of disorderly behavior occurring at the property;

11. That upon information and belief, the promotional evenings are drawing crowds of 160 to 200 people, which is greater than the businesses building capacity posted at the premises;

12. That from July 1, 2013, through March 26, 2014, the Kenosha Police Department has received and responded to one hundred thirty-one (131) calls for service at the location;

13. That on the most recent response call to the location on March 16, 2014, the Kenosha Police Department observed a disorderly crowd of approximately 150-200 patrons exiting Big Shotz Sports Bar at or about 1:44 a.m.;

14. That the disorderly event included loitering, fighting, injuries, broken bottles, loud music, profane language, indecent conduct and open intoxicants on public streets and in the parking lots servicing the Licensee's customers;

15. That in order to resolve the disorderly event, the City of Kenosha Police Department utilized fourteen (14) officers on scene;

16. That the event described is similar to prior disturbances related to the business, resulting in police response;

17. That based upon representations of the tavern representatives and the observed pattern of behavior, the Kenosha Police Department reasonably believes that the conduct observed will continue to occur on late night/early mornings at the location when the business promotes live D.J. entertainment;

18. That I have reviewed the police reports generated as a result of the disturbances and have discussed the situations with the officers who have responded to the disturbances;

19. That the disorderly crowds related to the live performances present an imminent danger to officer safety due to the large size and nature of violations observed. Furthermore, the crowds present a threat to public safety and welfare city-wide due to the exhaustion of police services needed to resolve the disturbances while leaving the remainder of the city lacking protective services.

20. That I requested the Licensee's Cabaret License be administratively suspended due to the ongoing pattern of disorderly behavior occurring at and around the licensed premises.

21. That the Licensee's Cabaret License was administratively suspended on March 28, 2014, pursuant to the Order of Administrative Suspension attached hereto and incorporated herein as Exhibit A.

22. That Licensee's Agent Kurt Streck and Licensee's corporate officer Jeff Ciotti, were issued municipal citations for Operating After Permitted Hours, contrary to Wisconsin Statute Section 125.32, said violation having occurred on August 23, 2013, and resulting in a conviction in the City of Kenosha Municipal Court on October 23, 2013;

23. That Licensee's Agent, Kurt Streck, was issued a municipal citation for Operating Without an Outdoor Area Extension, contrary to Section 10.075 of the Code of General Ordinances, said violation having occurred on February 2, 2014, and resulting in a conviction in the City of Kenosha Municipal Court on February 21, 2014;

24. That Licensee's Agent, Kurt Streck, and Licensee's employee Jennifer Phillips, were issued municipal citations for Permitting an Underage Person to Loiter on Licensed Premises, contrary to Wisconsin Statute Section 125.07(3)(b), said violation having

occurred on February 21, 2014, with pending municipal court pretrial dates scheduled in the City of Kenosha Municipal Court;

25. That conviction of the violation of any provision of the Wisconsin Liquor Law or City of Kenosha Code of General Ordinances is sufficient cause for the revocation and/or suspension of Licensee's Cabaret License pursuant to Section 10.07 H.2. of the Code of General Ordinances;

26. That upon sufficient proof that the Licensee has permitted or suffered the licensed premises to be conducted by himself, employees and patrons in a disorderly manner, in violation of State Law or General Code is sufficient cause to revoke Licensee Cabaret License pursuant to Section 10.07 H.3. of the Code of General Ordinances.

NOW, THEREFORE, Petitioner requests that the Common Council consider disciplinary action including suspension and/or revocation of Licensee's Cabaret License.

Dated at Kenosha, Wisconsin this 1st day of April, 2014.

JOHN W. MORRISSEY
Chief of Police, City of Kenosha

Subscribed and sworn to before me
this 1st day of April, 2014.

Matthew A. Knight
Notary Public, Kenosha County, WI
My Commission is permanent.

TO: Imagine4, LLC
d/b/a Big Shotz Sports Bar
3000 Roosevelt Road
Kenosha, Wisconsin

COPY

ORDER OF ADMINISTRATIVE SUSPENSION

A request for an administrative suspension has been filed with the City Clerk/Treasurer requesting the immediate suspension of your cabaret license. Based upon the request for Administrative Suspension attached hereto,

IT IS HEREBY ORDERED:

1. The cabaret license of Imagine4, LLC d/b/a Big Shotz Sports Bar, is immediately suspended.
2. An administrative review hearing shall be scheduled for license review within ten (10) days pursuant to the terms of Subsections 10.07 G. and 10.07 H. of the Code of General Ordinances for the City of Kenosha, Wisconsin.

Dated this 28 day of March, 2014

KEITH G. BOSMAN
Mayor, City of Kenosha

Drafted by:
Matthew A. Knight
Deputy City Attorney
625 - 52nd Street, Rm. 201
Kenosha, WI 53140
Phone: (262) 653-4170
Fax No.: (262) 653-4176

Kenosha Police Department
Public Safety Building
1000 – 55th Street
Kenosha, WI 53140-3794
(262) 605-5200

JOHN W. MORRISSEY
Chief of Police

DANIEL G. MISKINIS
Deputy Police Chief

COPY

March 28, 2014

Debbie Salas
City Clerk/Treasurer
City of Kenosha
625-52nd Street, Room 101
Kenosha, Wisconsin 53140

Re: Imagine 4, LLC, d/b/a Big Shotz Sports Bar

Dear Ms. Salas:

Please be advised that due to an ongoing and continuing pattern of disorderly conduct, which presents a threat to public safety and requires a substantial commitment of Kenosha Police Department resources, I am requesting review of the cabaret license issued to Imagine 4, LLC, d/b/a Big Shotz Sports Bar. This request is made pursuant to §§ 10.07G of the Code of General Ordinances of the City of Kenosha.

Sincerely,

John W. Morrissey
Chief of Police
City of Kenosha

Enclosure

RECEIVED
MAR 28 2014
CITY OF KENOSHA
CITY CLERK-TREASURER

The mission of the Kenosha Police Department is to serve all people with respect, fairness and compassion. We are committed to preserving peace, order and safety; enforcing laws and ordinances; and safeguarding constitutional rights.

REQUEST FOR ADMINISTRATIVE SUSPENSION

NOW COMES JOHN W. MORRISSEY, Chief of Police for the City of Kenosha, Wisconsin, and hereby requests that the cabaret license of Imagine4, LLC d/b/a Big Shotz Sports Bar, located at 3000 Roosevelt Road, Kenosha, Wisconsin, be administratively suspended pursuant to § 10.07 G., Code of General Ordinances, City of Kenosha, on the following basis:

1. I am a state certified law enforcement officer presently employed by the City of Kenosha Police Department. I have worked as a law enforcement officer with the Kenosha Police Department for 25 years. I am currently the top ranking officer in the Kenosha Police Department, Police Chief. My duties include the management of the City of Kenosha Police Department including planning, organizing, staffing, directing and controlling police services to ensure and protect the public safety and welfare interests of the citizens of the City of Kenosha;

2. I am intimately aware that the Kenosha Police Department has deployed substantial police resources to Big Shotz Sports Bar, located at 3000 Roosevelt Road (hereinafter the "property"). I am familiar with those services required at the property as a result of the discussions with other police investigators and review of official police documents and records related to the property;

3. The investigations and department contact involving the property were documented by reports drafted by City of Kenosha police officers that described their activities, the matters observed and the factual findings resulting from the investigations. Furthermore, I am familiar with the Kenosha Police Department records regarding police investigations involving the property, compilations that documented the calls for police service regarding that address and

other statistical records. Based upon my training and experience, these reports, records and data compilations document the activities of the Kenosha Police Department, the matters observed pursuant to duty imposed by law and the factual findings resulting from investigations made pursuant to authority granted by law;

4. That the Kenosha Police Department has observed a pattern of disorderly behavior occurring at the property, in the adjacent city sidewalks/streets, and in the adjacent parking lots on evenings after 11:00 p.m., concluding on the following mornings until 3:00 a.m.

5. That there are no adjacent businesses open for business during the hours that the disorderly conduct is occurring. The adjacent parking lots are utilized by the patrons of Big Shotz Sports Bar during the hours at issue. That upon information and belief the persons involved in the disturbances are patrons of Big Shotz Sports Bar.

6. That upon information and belief, on the nights that the disorderly behavior is occurring, the tavern, while utilizing its cabaret license, promotes and provides live D.J. entertainment and dancing;

7. That the Police Department has expressed its concern related to the disorderly patrons with the tavern representatives and has not seen a change in the pattern of behavior at the location;

8. That the Police Department has participated in public discussions before the City of Kenosha Licensing/Permit committee on August 26, 2013, and November 11, 2013, with regard to the Licensee's cabaret license providing the Licensee public notice of the Department's concerns with the pattern of disorderly behavior occurring at the property;

9. That upon information and belief, the promotional evenings are drawing crowds of 160 to 200 people, which is greater than the businesses building capacity posted at the premises;

10. That from July 1, 2013, through March 26, 2014, the Kenosha Police Department has received and responded to one hundred thirty-one (131) calls for service at the location;

11. That on the most recent response call to the location on March 16, 2014, the Kenosha Police Department observed a disorderly crowd of approximately 150-200 patrons exiting Big Shotz Sports Bar at or about 1:44 a.m.;

12. That the disorderly event included fighting, injuries, broken bottles, loud music, profane language, indecent conduct and open intoxicants on public streets;

13. That in order to resolve the disorderly event, the City of Kenosha Police Department utilized fourteen (14) officers on scene;

14. That based upon representations of the tavern representatives and the observed pattern of behavior, the Kenosha Police Department reasonably believes that the conduct observed will continue to occur on late night/early mornings at the location when the business promotes live D.J. entertainment;

15. That I have reviewed the police reports generated as a result of the disturbances and have discussed the situations with the officers who have responded to the disturbances;

16. That the disorderly crowds related to the live performances present an imminent danger to officer safety due to the large size and nature of violations observed. Furthermore, the crowds present a threat to public safety and welfare city-wide due to the exhaustion of police services needed to resolve the disturbances while leaving the remainder of the city lacking protective services.

NOW, THEREFORE, I am requesting the administrative suspension of Imagine4, LLC's Cabaret License, pursuant to § 10.07 G. of the Code of General Ordinances.

Dated at Kenosha, Wisconsin this 28 day of March, 2014.

JOHN W. MORRISSEY
Chief of Police, City of Kenosha

Subscribed and sworn to before me
this 28 day of March, 2014.

Matthew A. Knight
Notary Public, Kenosha County, WI
My Commission is permanent.