

AGENDA
SPECIAL MEETING
KENOSHA COMMON COUNCIL
KENOSHA, WISCONSIN
Council Chambers – Room 200 – Kenosha Municipal Building
Friday, November 11, 2011
5:00 P.M.

CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

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.

- C.1. Approve the Findings of Fact, Conclusions of Law and Recommendation (to revoke) in the matter of the Class "B" Beer/"Class B" Liquor License of GMR Entertainment, LLC, Jesus Paredes, Agent. (District #12) (L/P – Ayes 3, Nays 0) (Deferred from 11/07/11 meeting) **PAGES 1-5**

P. ANY SUCH MATTERS AS ARE AUTHORIZED BY LAW OR REGULAR BUSINESS

- P.1. Consider the proposed settlement and release of Litigation Regarding Bear Development, LLC, v. City of Kenosha et al., 10CV1141(United States District Court for the Eastern District of Wisconsin) (Fin - Recommendation Pending) **AT MEETING CLOSED SESSION:** The Common Council may go into Closed Session regarding this item, pursuant to §19.85(1)(g), Wisconsin Statutes to discuss the status and strategy with counsel. If the Common Council goes into Closed Session, it will return to open session prior to taking any action on the item.

IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE OR SPECIAL ACCOMODATIONS,
PLEASE CALL 653-4020 BEFORE THIS MEETING.
web site: www.kenosha.org



**COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN
LICENSING/PERMIT COMMITTEE**

In The Matter Of:

**The Class "B" Beer/"Class "B" Liquor Combination License of GMR Entertainment, LLC
d/b/a La Frontera, Jesus Paredes, Agent**

Findings of Fact, Conclusions of Law and Recommendation

The Complaint of the Deputy City Clerk/Treasurer for the City of Kenosha seeking the revocation of the above captioned license/licenses came to the Committee for hearings on October 31, 2011.

The members of the Licensing/Permit Committee present for the hearing were Chairman Ray Misner, Jesse Downing, Anthony Nudo, Patrick Juliana and Lawrence Green. The Licensing/Permit Committee was represented by special counsel, Steven M. Cain.

The Deputy City Clerk/Treasurer was represented by Assistant City Attorney Matthew A. Knight.

The licensee appeared by Guadalupe Ramirez and Counsel, Terry Rose.

NOW THEREFORE, based on the testimony and evidence received at the hearing, the arguments of counsel for the City, the arguments of the Counsel for Licensee, and the discussion by the members of the Licensing/Permit Committee, the Licensing/Permit Committee of the

6. That Licensee was assessed forty (40) demerit points based on a conviction of licensee and licensee's employee for sale of alcohol to underage person on premises, contrary to Section 125.07(10(a) Wis. Stats. pursuant to Sections 10.063D.1, 10.063D.6.a.1, and 10.063D.6.d of the Code of General Ordinances said violation having occurred on April 24, 2010 and conviction in the City of Kenosha Municipal Court on September 24, 2010.
7. That Licensee was assessed forty (40) demerit points based on a conviction for permitting an underage person to loiter on the licensed premises, contrary to Section 125.07(3) (b) Wis. Stats. pursuant to Section 10.063D.1, Section 10.063D.6.d and Section 10.063D.6.a.1 of the Code of General Ordinances said violation having occurred on April 24, 2010 and conviction in the City of Kenosha Municipal Court on September 24, 2010.
8. That Licensee was assessed forty (40) demerit points based on a conviction for permitting an underage person to loiter on the licensed premises, contrary to Section 125.07(3) (b) Wis. Stats. pursuant to Section 10.063D.1, Section 10.063D.6.d and Section 10.063D.6.a.1 of the Code of General Ordinances said violation having occurred on November 21, 2010 and conviction in the City of Kenosha Municipal Court on February 1, 2011.
9. That Licensee was assessed forty (40) demerit points based on a conviction for Operating without Licensed Operator on Premises, contrary to Section 125.32(2) Wis. Stats. pursuant to Section 10.063D.1 and Section 10.063D.6.d of the Code of General Ordinances said violation having occurred on April 14, 2011 and conviction in the City of Kenosha Municipal Court on September 13, 2011.
10. That Licensee was assessed forty (40) demerit points based on a conviction for permitting an underage person to loiter on the licensed premises, contrary to Section 125.07(3) (b)

- Wis. Stats. pursuant to Section 10.063D.1, Section 10.063D.6.d and Section 10.063D.6.a.1 of the Code of General Ordinances said violation having occurred on April 30, 2011 and conviction in the City of Kenosha Municipal Court on September 13, 2011.
11. That Licensee was assessed forty (40) demerit points based on a conviction for permitting an underage person to loiter on the licensed premises, contrary to Section 125.07(3) (b) Wis. Stats. pursuant to Section 10.063D.1, Section 10.063D.6.d and Section 10.063D.6.a.1 of the Code of General Ordinances said violation having occurred on May 23, 2010 and conviction in the City of Kenosha Municipal Court on September 13, 2011.
12. That Licensee has accumulated two hundred eighty (280) demerit points within 730 consecutive days under Section 10.063 of the Code of General Ordinances thereby subjecting the Licensee to revocation, suspension or nonrenewal pursuant to Section 10.063.D.1 of the Code of General Ordinances.

CONCLUSIONS OF LAW

1. Pursuant to Section 10.063.D.1. of the Code of General Ordinances for the City of Kenosha, any licensee who within 730 consecutive days equals or exceeds a total of 100 demerit points for conduct described in Sections 10.063.D.7-13 of the Code of General Ordinances for the City of Kenosha committed by the Licensee, or an employee or agent of the licensee, whether or not charged or convicted, subjects the licensee to having their license revoked, non-renewed or suspended within the discretion of the Common Council.

2. The Licensee's accumulation of 280 demerit points within 730 consecutive days subjects the Licensee to having its license revoked, non-renewed or suspended pursuant to Section 10.063 of the Code of General Ordinances for the City of Kenosha.
3. Based on the violations giving rise to the assessment of demerit points the Licensing/Permit Committee concludes that revocation is the appropriate discipline to be imposed again the Licensee.

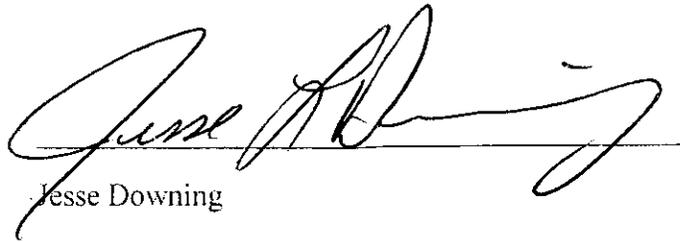
RECOMMENDATION

Based on the allegations of the Complaint, the evidence and testimony received at the hearing, the arguments of Counsel for the City of Kenosha, the arguments of counsel, the discussions by the members of the Licensing/Permit Committee, and the Findings of Fact and Conclusions of Law set forth above, the Licensing/Permit Committee recommends to the Common Council by a vote of 5-0, that the above captioned license/licenses be revoked.

Dated at Kenosha, Wisconsin, on this 9th day of November, 2011.

LICENSING/PERMIT COMMITTEE

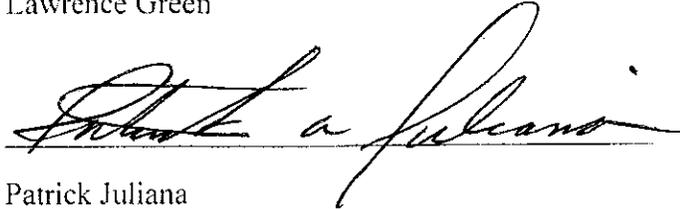
Ray Misner, Chairperson



Jesse Downing



Lawrence Green



Patrick Juliana

Anthony Nudo