

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

IN THE MATTER OF: Due Process Hearing on the license of The Place on 6th, O. Keith Fair, agent for the "Class B" intoxicating liquor and fermented malt beverage license, soda water beverage license, a non-intoxicating beverage license, a public dance hall license, and a license to operate juke boxes, mechanical amusement devices, and video games at 509 6th Street, Racine, WI.

FINDINGS OF FACT

1. That The Place on 6th, O. Keith Fair agent, operates a tavern doing business as The Place on 6th, and holds a "Class B" intoxicating liquors and fermented malt beverage license as well as a dance hall license, soda water beverage license, a non-intoxicating beverage license, and a license to operate juke boxes, mechanical devices and video games for the premises located at 509 6th Street, Racine, WI.
2. A Summons and Complaint and Notice of Intent to Revoke or Suspend the licenses referenced in Paragraph 1 of the Findings of Fact were signed by the City of Racine Police Chief and the City Clerk respectively, on May 29, 2012, and a date for the due process hearing was scheduled for June 7, 2012. At the request of counsel for the licensee, the matter was rescheduled for June 21, 2012. On June 17, 2012, an Amended Complaint was signed and served on the Licensee. At the request of counsel for the licensee, the due process hearing was again rescheduled and a subsequent Amended Complaint dated June 23, 2012, was signed by Police Chief Arthel Howell and served on the Licensee. Counsel Callahan for the Licensee thereafter withdrew from the case and the matter was rescheduled for hearing on August 8, 2012. The matter was adjourned at that time. On October 8, 2012, an Amended Complaint was signed by Alderman and City of Racine resident, Greg Holding, and served on the Licensee. A due process hearing was ultimately scheduled for October 15, 2012.
3. On October 15, 2012, at a duly noticed special meeting of the Public Safety and Licensing Committee, a standing committee of the Racine Common Council charged with oversight of licenses, both liquor and otherwise, Licensee appeared represented by Attorney Vincent Bobot and the City appeared by special counsel Tom Binger. A due process hearing was conducted on said date and the proceedings duly transcribed by a court reporter.
4. As a consequence of the testimony and evidence presented at the due process hearing, the Public Safety and Licensing Committee of the Racine Common Council charged with the oversight of licenses in the City of Racine, makes the following Findings of Fact, Conclusions of Law and Recommendation:
 - (a) The allegation as set forth in Paragraph 2 of the Amended Complaint (Hearing Exhibit 1) that O. Keith Fair holds a "Class B" intoxicating Liquor and Fermented Malt Beverage license, a soda water beverage license, a non-intoxicating beverage license, a public dance hall license and a license to operate juke boxes, mechanical amusement devices and video games, as agent for The Place on 6th located at 509 6th Street, Racine, Wisconsin, is sustained by the evidence.

- (b) The allegation as set forth in Paragraph 3 of the Amended Complaint (Hearing Exhibit 1) that the referenced Licensee is operating The Place on 6th in violation of Wis. Stat. §125.12(2)(ag)(1), and applicable municipal ordinances is sustained by the evidence.
- (c) The allegation as set forth in Paragraph 4 of the Amended Complaint (Hearing Exhibit 1) that Licensee has operated The Place on 6th in violation of Section 125.12 (2)(ag)(2) of the Wisconsin Statutes and Section 6-121 of the Racine Municipal Code of Ordinances as “disorderly or riotous, indecent or improper house,” is sustained.
- (d) The allegation as set forth in Paragraph 5 of the Amended Complaint (Hearing Exhibit 1) that the Licensee has created undesirable neighborhood problems because o the management and/or location of The Place on 6th.
- (e) The allegation set forth in Paragraph 1 of the Additional Allegations portion of the Amended Complaint (Hearing Exhibit 1) that on or about January 1, 2012, a disorderly, disruptive and civil disturbance did occur in or immediately adjacent or appurtenant to The Place on 6th, is not sustained.
- (f) The allegation set forth in Paragraph 2 of the Additional Allegations portion of the Amended Complaint (Hearing Exhibit 1) that a disorderly, disruptive and civil disturbance did occur in or immediately adjacent or appurtenant to The Place on 6th on February 1, 2012 is sustained by the evidence.
- (g) The allegation set forth in Paragraph 3 of the Additional Allegations portion of the Amended Complaint (Hearing Exhibit 1) that a disorderly, disruptive and civil disturbance did occur in or immediately adjacent or appurtenant to The Place on 6th on February 5, 2012 is sustained by the evidence.
- (h) The allegation set forth in Paragraph 4 of the Additional Allegations portion of the Amended Complaint (Hearing Exhibit 1) that a disorderly, disruptive and civil disturbance did occur in or immediately adjacent or appurtenant to The Place on 6th on March 11, 2012 is sustained by the evidence.
- (i) The allegation set forth in Paragraph 5 of the Additional Allegations portion of the Amended Complaint (Hearing Exhibit 1) that a disorderly, disruptive and civil disturbance did occur in or immediately adjacent or appurtenant to The Place on 6th on April 8, 2012 is not sustained by the evidence.
- (j) The allegation set forth in Paragraph 6 of the Additional Allegations portion of the Amended Complaint (Hearing Exhibit 1) that a disorderly, disruptive and civil disturbance did occur in or immediately adjacent or appurtenant to The Place on 6th on April 13, 2012 is not sustained by the evidence.
- (k) The allegation set forth in Paragraph 7 of the Additional Allegations portion of the Amended Complaint (Hearing Exhibit 1) that on numerous occasions during the past 12 months citizens have observed disorderly, disruptive and civil

disturbances immediately adjacent or appurtenant to The Place on 6th and which incidents, and the operation of The Place on 6th in general, have had deleterious impact on the surrounding neighborhood in the City of Racine is sustained by the evidence.

- (l) The allegation set forth in Paragraph 8 of the Additional Allegations portion of the Amended Complaint (Hearing Exhibit 1) that a disorderly, disruptive and civil disturbance did occur in or immediately adjacent or appurtenant to The Place on 6th on June 17, 2012 is sustained by the evidence.
- (m) The allegation set forth in Paragraph 8 of the Amended Complaint (Hearing Exhibit 1) that a disorderly, disruptive and civil disturbance did occur at or immediately adjacent or appurtenant to The Place on 6th on June 23, 2012 is sustained by the evidence.
- (n) The allegation set forth in Paragraph 9 of the Additional Allegations portion of the Amended Complaint (Hearing Exhibit 1) that the incidents described in Paragraphs 3 through 8 of the Amended Complaint justify the revocation or suspension of all the licenses delineated in Paragraph 2 of the Amended Complaint is sustained.

CONCLUSIONS OF LAW

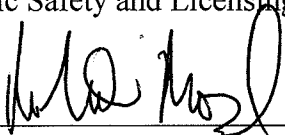
The above findings constitute violations of the City of Racine Municipal Code and Wisconsin Statutes relating to premises that are licensed for the sale of alcoholic beverages and non-intoxicating beverages. The findings also establish that O. Keith Fair managed The Place on 6th in such a way as to create undesirable neighborhood problems and be a nuisance and to constitute a disorderly or riotous, indecent and/or improper house.

RECOMMENDATION

That the "Class B" intoxicating liquor and fermented malt beverage and all other licenses issued by the City of Racine to The Place on 6th and/or its agent, O. Keith Fair, shall be revoked.

Dated this 16th day of October, 2012.

Public Safety and Licensing Committee:



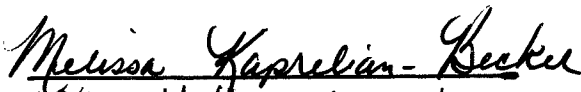
Robert Mozol, Vice-Chairman



Alder Molly E. Hall



Alder Krystina Sarrazin



Alder Melissa Kaprelian-Becker