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FOR INFORMATION CALL

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Ald. Bob Donovan
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Alderman Blasts Courts For Overstepping Bounds

Unusual Order Keeps Bar Open Without License

La Espanola, 2237 W. Forest Home Ave., lost its bid to sustain a tavern and record spin license last month, but circuit court judge Thomas R. Cooper has issued a restraining order to keep the bar open one week past the January 14, 2009 license expiration date. The Council upheld the 3-2 committee vote for non-renewal by a unanimous 15-0 count at the December 16, 2008 meeting.

The City of Milwaukee License Division Manager says this is a very unusual circumstance because though the courts have intervened in Council license matters before, this action would allow the bar to remain open without a valid license, something illegal by city ordinance.

“This is just one more example of the courts overstepping their bounds and overriding a legislative body,” Ald. Donovan said. “The Council acts on the behalf of the community and now a judge has stepped in to the potential detriment of that community and in one sweeping gesture has overridden a thoughtful, evidence based decision by a governing body.”

The bar was licensed as a tavern and record spin establishment, allowing them to serve alcohol and play music, but it did not have a dance license. A shooting in July of 2008 came into question during the renewal process and the committee and Council voted for non-renewal based on the police report.

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“This bar is a tragedy waiting to happen,” Ald. Donovan said. “How many murders and shootings have to take place here before the courts support the legislative action of the Council as they should?”

The courts have allowed for the bar to remain open one week past its January 14, 2009 license expiration until a hearing on January 22, 2009 can be held to further discuss the license situation. According to city ordinance, no tavern establishment can operate without a valid license and the court’s decision allows for the illegal operation of an establishment not licensed for business.

“A bar license is a privilege, not a right in this community,” Ald. Donovan said. “The evidence presented before the committee and the Council clearly demonstrated that La Espanola violated that privilege and this is just one more example of how the courts have stuck their noses too far into business that has already been properly settled.”

Ald. Donovan will appear at a news conference with area residents tomorrow, January 15, 2009 to discuss the situation and details on the conference will follow.