

Fin.
2-20-17

In the Matter of Revocation of "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage License of

Scorpion Bar and Grill, LLC
Jorge A. Ibarra, Owner
214 North 8th Street
Manitowoc, Wisconsin 54220

**FINDINGS OF FACT
CONCLUSION OF LAW
AND RECOMMENDATION**

The Finance Committee of the Common Council having conducted a hearing on Thursday, February 9, 2017, in the above matter, pursuant to Wis. Stat. §125.12, regarding the Revocation of Scorpion's "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage License; and

Scott Luchterhand, Assistant Police Chief having appeared as the complainant, and Jorge A. Ibarra having appeared as the Licensee and Owner of Scorpion, in response to the Summons and Complaint for Revocation of Scorpion's "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage License;

The Finance Committee hereby makes the following Findings of Fact, Conclusions of Law and Recommendation:

FINDINGS OF FACT

1. The Licensee currently holds a "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage License.
2. The Licensed establishment, Scorpion Bar and Grill, has been the site of serious incidents stemming from the control of this establishment, problems with patrons, employees and management, which substantially relate to the circumstances of their licensed activity.

On February 9, 2017, Assistant Police Chief Scott Luchterhand recommended to the Committee that the license for the operation of Scorpion be revoked, which recommendation included a July 31, 2016, incident in which a physical assault of a patron occurred within Scorpion involving approximately five or six individuals and which resulted in one person requiring emergency medical care. Despite the size and severity of the physical assault, no one from Scorpion contacted law enforcement at any time to report or stop the incident. Since the granting of the license in July of 2015, there have been several more law enforcement contacts with problems at or stemming from Scorpion including repeated citations for permitting patrons after bar close and for permitting minors to loiter within the premises.

It is believed that Jorge Ibarra has failed to make a concerted effort to improve the operation of this establishment, given the history of violations relating to this establishment, which is not consistent with the responsibilities granted with a "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage License.

3. The Licensee maintains a disorderly or riotous, indecent or improper house in violation of Wis. Stats. §125.12 (2).
4. The Licensee does not possess the qualifications required under this Chapter to hold the license.
5. Pursuant to Wisconsin Statutes Section 125.12 (2)(b), the Committee finds the allegations of the Complaint as true.

CONCLUSIONS OF LAW

Based on the Licensed establishment's numerous, serious incidents stemming from the control of this establishment and which substantially relate to the licensed activity, as listed in paragraph 2 of the Findings of Fact, Scorpion Bar and Grill, owner, Jorge A. Ibarra, does not

possess the qualifications to hold a "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage License under Chapter 125 of the Wisconsin Statutes.

RECOMMENDATION

The Finance Committee hereby recommends that the license of Scorpion Bar and Grill be revoked.

Dated this 9th day of February, 2017.

FINANCE COMMITTEE

By: 
Scott McMeans, Chairperson

CITY OF MANITOWOC

WISCONSIN, USA
www.manitowoc.org



February 10, 2017

Jorge Ibarra, Agent
Scorpion Bar and Grill LLC
214 N. 8th Street
Manitowoc, WI 54220

RE: "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage License
2016-2017 License No. TAV-1665 for Scorpion Bar and Grill, LLC
214 N. 8th Street

Gentlemen:

In accordance with Section 125.12 of the Wisconsin State Statutes, a non-renewal hearing was held on Thursday, February 9, 2017, at 5:30 P.M. at City Hall, 900 Quay Street.

After holding the non-renewal hearing and deliberating on the evidence introduced at the hearing, the Finance Committee recommended that the license be revoked. The Committee's findings of fact, conclusions of law and recommendation is enclosed and will be considered by the entire Common Council at the meeting of February 20, 2017.

If the complainant or applicant wishes to object, they have the opportunity to appear before the entire Common Council on Monday, February 20, 2017, at the Council Chambers in City Hall. The Council meeting begins at 6:30 P.M.

If you have any questions, please contact my office at 686-6950.

Very truly yours,

Jennifer Hudon
City Clerk

JH:dan

Enc.

cc: City Atty. Kathleen McDaniel
Chief of Police Nick Reimer
Members, Finance Committee

