

## COMMITTEE ASSIGNMENTS

### CHAIR

- Licenses Committee

### VICE CHAIR

- Community and Economic Development Committee

### MEMBER

- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

January 12, 2017

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 160713

Attached is the written objection to file number 160713, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to the recommendation of:

Nonrenewal, based on neighborhood testimony of the Class A Malt & Class A Liquor license for Nael Jabbar for the premises located at 2643 W Atkinson Ave ("Hot Spot Supermarket") in the 1st aldermanic district.

Renewal, with a ten (10) day suspension, based upon not maintaining the property resulting in injury of the Filling Station, Food Dealer, and Weights & Measures license(s) for Mohammad Afzal for the premises located at 1203 E Oklahoma Ave ("Clark") in the 14th aldermanic district.

This matter will be heard by the full Council at its Wednesday, January 18, 2017 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statements and materials.

Respectfully,

Tony Zielinski, Chair  
Licenses Committee

cc: All Council Members  
City Attorney's Office  
Common Council/City Clerk – License Division  
CCF 160713



2017 JAN 11 AM 11:37

CITY CLERK'S OFFICE

Date: January 10, 2017

TO: Members of the Milwaukee Common Council via City Clerk

(jowcza@milwaukee.gov; molly.kuether@milwaukee.gov)

From: Nael Jabber Agent for Hot Spot Supermarket by and through his Attorney Jeffrey J. Guerard

Re: Nonrenewal of Class A Malt and Class A Liquor for the premise located at 2643 West Atkinson Milwaukee, Wisconsin ("Hot Spot Supermarket").

#### RESPONSE TO THE LICENSES COMMITTEE JANUARY 6, 2017 REPORT

The Licenses Committee reported dated January 6, 2017 ("The Report") does not adequately convey the tenor of the Licenses Committee meeting. At the meeting, the License Committee ("the Committee") did not consider any positive testimony or input in favor of Hot Spot Supermarket ("Hot Spot"). Conversely, throughout the hearing, the Committee listened and praised those who spoke out in opposition to the license renewal.

Several neighbors spoke favorably about Hot Spot. Mr. Campbell said he throws a party in the nearby park every year and that Hot Spot donates to help him. Mr. Cockroft said the store has helped the neighborhood and police stop loitering and drug dealing. Several residents praised Hot Spot's owner and said he was doing what he could for the community. Joe Bouva, the Secretary of the Garden Homes Neighborhood Association, testified that he frequently drives by Hot Spot and that 95% of the time there is no loitering. Attached to this response, are several photographs of the Hot Spot storefront demonstrating the lack of loitering. These photographs are taken from the Hot Spot security cameras.

Obviously, this was not enough for the Committee to recommend renewal of the license. The Committee's recommendation for nonrenewal is overly harsh and arbitrary. There were only two very minor incidents in the police report. Hot Spot has never been given a license suspension for its conduct. The Committee has routinely given, at most, suspensions for discipline in cases where the conduct of the applicant and the business is much more severe. *See File No. 160154, 90 day Suspension of Le Cabaret, Inc. d/b/a "Texas Jays" for a fight that resulted in felony charges; File No. 160637 10 day suspension of Premier Milwaukee, LLC; File No. 16048 10 day suspension of Hampton Ave. Group, LLC for selling synthetic marijuana out of the store multiple times.* These are but a handful of examples where the Committee has recommended

suspensions in light of much more detrimental conduct. The Committee's recommendation in this case is completely arbitrary and overly harsh.

Hot Spot is willing to work with the neighbors and the community to further combat any illegal activity occurring in the neighborhood. Hot Spot has hired a professional security guard who has reduced the loitering and drug dealing. There is no report any drug dealing going on in or in front of Hot Spot. If there is any of drug dealing observed, Mr. Jabber or his staff immediately calls the police. Hot Spot is attempting to stop the drug dealing and loitering, not foster it. Hot Spot currently has no loitering signs posted, and has signed a no loitering agree,

In the future, Hot Spot will do the following to improve its service to the neighborhood:

1. Increase lighting inside and outside of the store, including in the parking lot to enhance visibility.
2. Place strategic landscaping to improve the overall appearance of the storefront and deter any criminal activity.
3. Hire additional security guards and work even more closely with the police department. Currently, Hot Spot has four security guards that work in one man shifts. In the future, Hot Spot is going to have two security guards per shift. One of these security guards will be outside.
4. Employ Community residents to work at the store as stockers, cashiers, etc.
5. Invite community members to be on a newly formed advisory committee. The Committee will be once a month to discuss the strategies for improving the store and the progress that has been made.

Hot Spot is a family business that has been in Mr. Jabber's family for approximately 30 years. Hot Spot currently employs 14 people. The Committee's recommendations are overly harsh and arbitrary to Hot Spots employees. Hot Spot requests renewal of its license or if the Council believes discipline is necessary requests a short suspension.

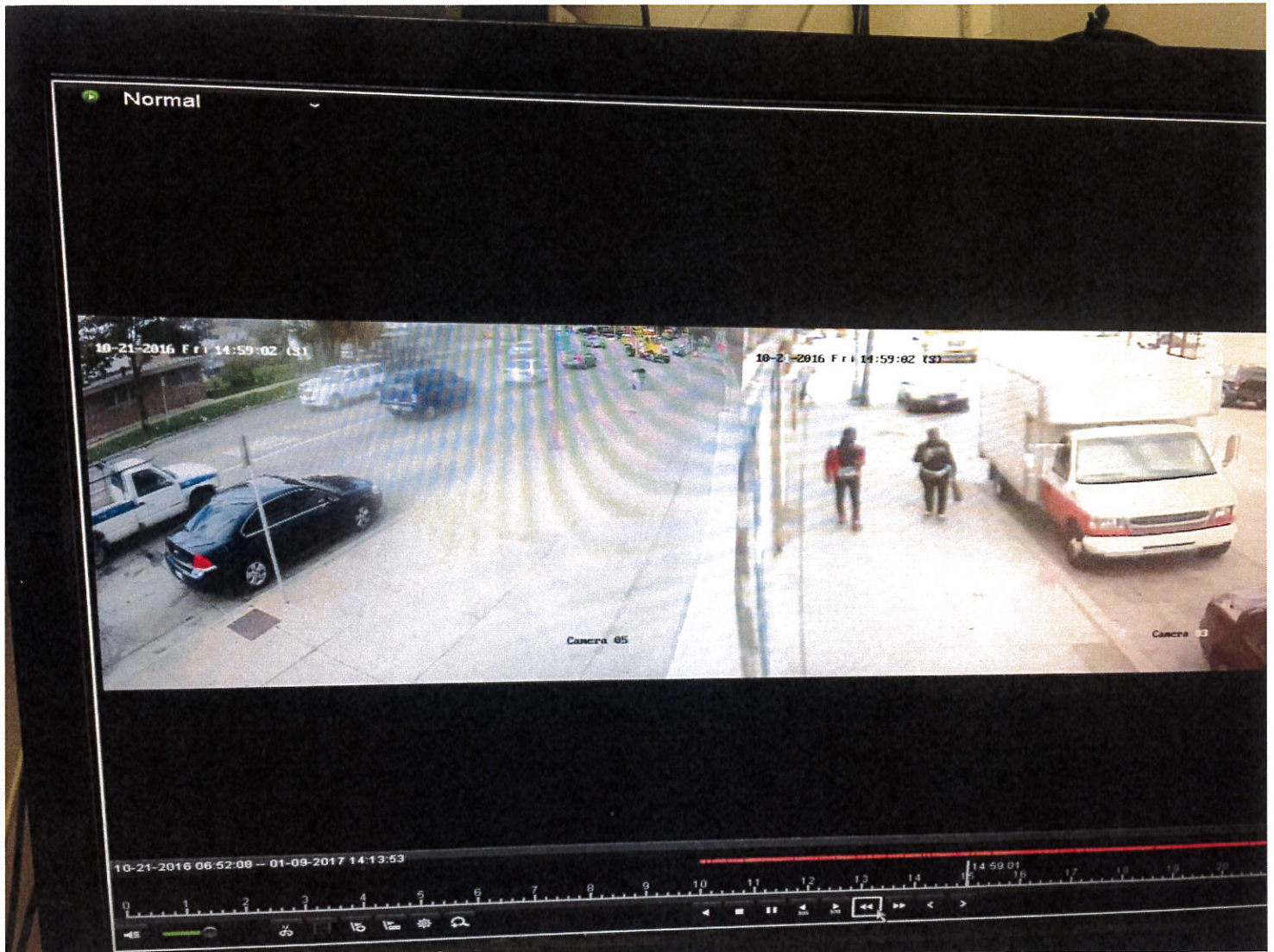
Sincerely,

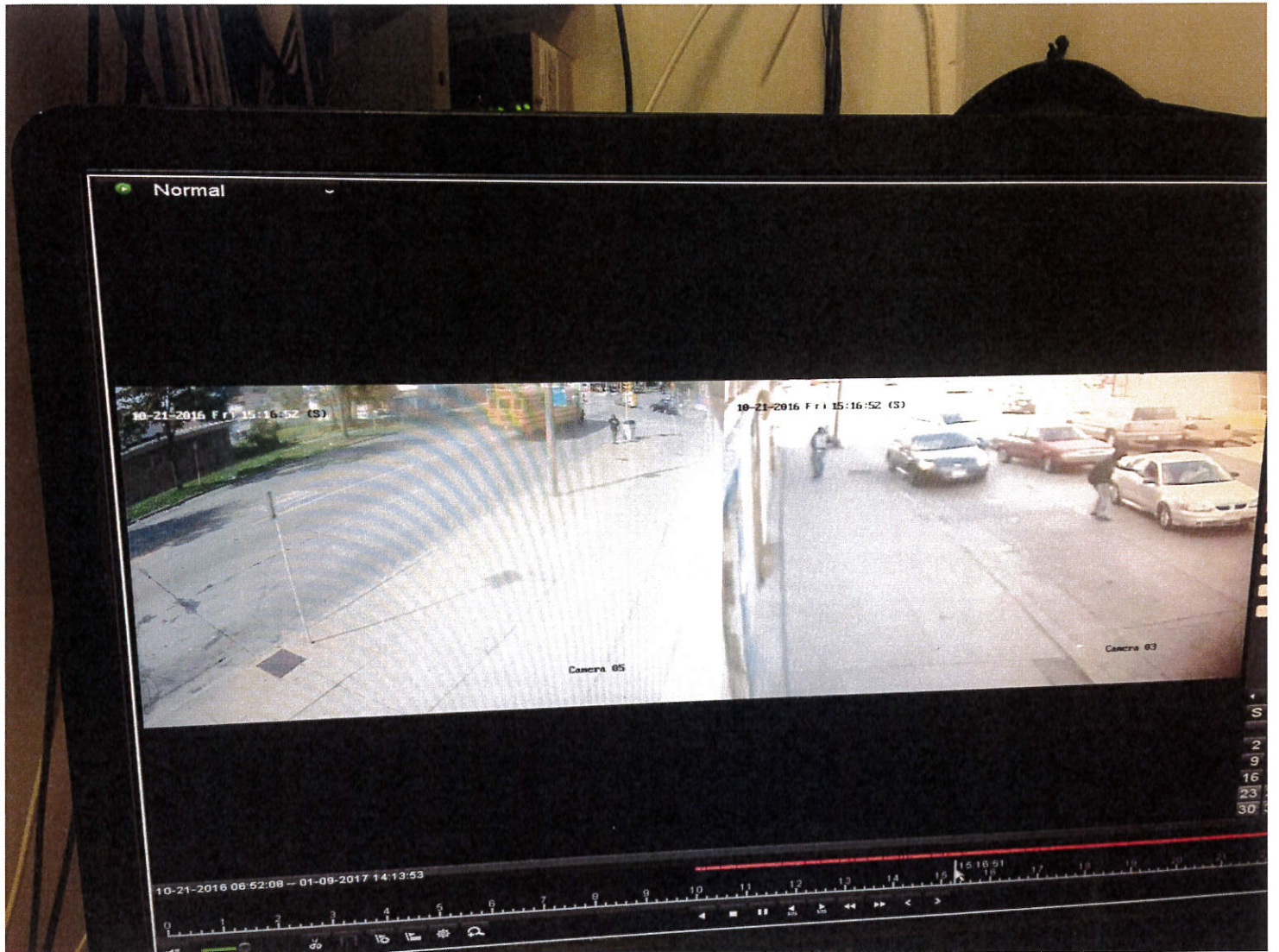
AHMAD & GUERARD, LLP



Jeffrey J. Guerard  
Attorney For Hot Spot Supermarket

























**Kuether, Molly**

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**From:** Owczarski, Jim  
**Sent:** Wednesday, January 11, 2017 9:04 AM  
**To:** Bob Duthie  
**Cc:** Zielinski, Tony; Kelly L Peck; Nancy A Duthie; Kuether, Molly  
**Subject:** RE: IN CONSIDERATION OF THE LICENSE RENEWAL OF MR. MOHAMMAD AFZAH  
DOING BUSINESS AS "MA PETROLEUM 1203 EAST OKLAHOMA AVE., MILWAUKEE, WI

Good Morning,

This is received.

Molly – for the record.

Questions, &c., of me, please let me know.

Jim

Jim Owczarski, CMC  
City Clerk  
(414)-286-2998  
@mkeclerk

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**From:** Bob Duthie [<mailto:bob.duthie.crma@statefarm.com>]  
**Sent:** Tuesday, January 10, 2017 6:10 PM  
**To:** Owczarski, Jim  
**Cc:** Zielinski, Tony; Bob Duthie; Kelly L Peck; Nancy A Duthie  
**Subject:** IN CONSIDERATION OF THE LICENSE RENEWAL OF MR. MOHAMMAD AFZAH  
DOING BUSINESS AS "MA PETROLEUM 1203 EAST OKLAHOMA AVE., MILWAUKEE, WI

TO: MR. JAMES OW CZARSKI, THE HONORABLE ALDERMAN TONY ZIELINSKI AND ESTEEMED MEMBERS OF THE  
MILWAUKEE COMMON COUNCIL:

PLEASE BE ADVISED THAT MR. MOHAMMAD AFZAL, OWNER OF "MA PETROLEUM" LOCATED AT 1203 EAST OKLAHOMA  
AVENUE IN MILWAUKEE, WI IS IN RECEIPT OF YOUR CORRESPONDENCE DATED JANUARY, 6, 2017 IN THE MATTER OF  
MAINTAINING HIS VARIOUS LISENSSES.

MR. AFZAH L WISHES TO ADVISE THE COMMITTEE THAT HE INTENDS ON COOPERATING TO THE FULLEST WITH THE  
COMMON COUNCIL, THE CITY OF MILWAUKEE, THE MILWAUKEE POLICE DEPARTMENT, AND ALL AGENCIES AND  
AFFILIATES OF THE CITY OF MILWAUKEE.

THE INSURED INSISTS THAT HE MAINTAINS A SAFE PLACE OF BUSINESS, THAT HIS PREMISES ARE UNDER CONTRACT  
AND ARE PLOWED ON A REGULAR AND CONSISTENT BASIS. ADDITIONALLY, THE PREMISES ARE SALTED AND SANDED AS  
WELL.

THE STATION'S OWNER, MR. MOHAMMAD AFZAL HAS INDEED FILED A CLAIM WITH THE STATE FARM INSURANCE COMPANIES , CLAIM NUMBER IS 49-0547-8M5. THE CLAIM FOR THE CONSTITUANT, MS. SUSAN STUEMPFL OF 2051 W. HOWARD AVE. IS CURRENTLY BEING EVALUATED BY STATE FARM AT THIS TIME. PLEASE DO NOTE FOR THE RECORD THAT THE MAJOR OBSTACLE IS MOST CERTAINLY ONE OF COMMUNICATION BETWEEN THE CLAIMANT (THE CONSTITUANT) AND THE BUSINESS OWNER, MR. MOHAMMAD AFZAL. NATURALLY THE CONSTITUENT WAS HIGHLY AGITATED BY THE ALLEGED INCIDENT AND WAS HIGHLY EMOTIONALLY CHARGED. SUSAN (WELL MEANING, WE ASSUME) APPROACHED MR. AFZAL, WHO SPEAKS VERY LITTLE ENGLISH AND CAUSED MR. AFZAL GREAT UPSET IN THAT HE COULDN'T HELP HER ONLY BECAUSE HE WAS HAVING TREMENDOUS DIFFICULTY IN UNDERSTANDING HER (ESPECIALLY WHEN SHE WAS SO ANGRY AND AS SHE WAS SPEAKING SO RAPIDLY).

WE WISH TO EMPHASIZE THAT IT IS THE BUSINESS OWNER'S FULLEST INTENT TO COOPERATE WITH THE CITY OF MILWAUKEE TO HIS FULLEST IN THIS MATTER, AND THE INSURED WISHES TO AVOID ANY INTERRUPTION OF HIS BUSINESS OPERATIONS DUE TO THIS COMMUNICATION PROBLEM BETWEEN HIMSELF AND THE CONSTITUANT; MS. STUEMPFL. FURTHER, THE INSURED IS MOST ANXIOUS TO ALSO COOPERATE WITH THE STATE FARM INSURANCE COMPANIES, EVIDENCED BY THE FACT THAT HE EARNESTLY MADE AN APPOINTMENT WITH HIS AGENT AND SOUGHT OUT AN INTERPRETER TO REMEDY THIS PROBLEM.

PLEASE ACCEPT THIS LETTER AS FORMAL DOCUMENTATION, THAT THE BUSINESS OWNER MR. AFZAL IS HEREBY REQUESTING THAT HIS BUSINESS OPERATION NOT BE INTERRUPTED BY THE CITY OF MILWAUKEE. THE INSURED WISHES TO COMMUNICATE TO THE COMMON COUNCIL ONCE AGAIN, THAT HE IS MOST DESIRIOUS TO SEEK A REASONABLE AND TIMELY REMEDY TO THIS MATTER, THE BUSINESS OWNER HEREBY REQUESTS THAT THIS MATTER BE STAYED AND TABLED UNTIL HE IS ABLE TO COOPERATE WITH CITY OFFICIALS IN THEIR PURSUIT OF JUSTICE TO BOTH THE CONSTITUANT AND THE BUSINESS OWNER.

AT THIS JUNCTURE, MR. AFZAL IS SEEKING A LICENSED ATTORNEY WHO SPEAKS HIS NATIVE LANGUAGE (SHUKRI) SO THAT HE MAY COOPERATE BETTER WITH CITY OFFICIALS AND EFFICIENTLY PARTICIPATE IN THE HEARING BEFORE HIM.

THE BUSINESS OWNER PRESENTS A "SOLUTION ORIENTED APPROACH" TO RESOLVE THIS MATTER AND IS ENTHUSIASTICALLY COOPERATING WITH ALL PARTIES INVOLVED, HE ASKS THAT THE CITY RECOGNIZE HIS SINCERE EFFORTS TO COOPERATE AND AVOID THE CLOSURE OF HIS BUSINESS AS HE RELIES ON THIS BUSINESS TO SUPPORT HIS FAMILY.

RESPECTFULLY SUBMITTED,

ON BEHALF OF MR. MOHAMMAD AFZAL (OWNER OF MA PETROLEUM