

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

September 9, 2016

To the Honorable, the Common Council

Honorable Members:

Common Council File Numbers 160408 and 160503 contain the following recommendations:

Nonrenewal, based upon the second nonappearance of the Class D Operator's license of Lorena Garcia Mondragon.

Renewal, with a fifteen (15) day suspension, based upon the police report Food Dealer license for Faraj Jaber for the premises located at 4790 N Hopkins St ("Foodtown Mini Mart") in the 7th aldermanic district.

Renewal, with a sixty (60) day suspension, based upon neighborhood testimony of the Class B Tavern and Public Entertainment Premises license(s) for Byron Gudiel for the premises located at 1629 S 10th St ("La Casa Vieja") in the 12th aldermanic district.

Revocation, based upon the revocation complaint, Health Department reports, police and neighborhood testimony, and fitness of location of the Class A Fermented Malt Beverage Retailer, Food Dealer Retail, and Cigarette and Tobacco license(s) for Varinder Singh for the premises located at 3100 N 27th St ("All Star Food") in the 7th aldermanic district.

Respectfully,

A handwritten signature in black ink that reads "Tony Zielinski".

Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
Files 160408 & 160503

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TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: September 9, 2016

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Licenses Committee on the complaint seeking revocation of the Class "A" Fermented Malt Beverage Retailer, Food Dealer Retail and Cigarette and Tobacco license held by Varinder Singh, agent for JJ Food & Beer, Inc., for the premises located at 3100 North 27th Street in the City and County of Milwaukee, Wisconsin ("All Star Foods").

FINDINGS OF FACT

1. Varinder Singh (hereinafter the "License") is the holder of Class "A" Fermented Malt Beverage Retailer, Food Dealer Retail and Cigarette and Tobacco licenses for the premises located at 3100 North 27th Street in the City and County of Milwaukee, Wisconsin ("All Star Foods").
2. A complaint for revocation of this license was filed with the City Clerk by Captain Timothy Heier on behalf of Chief of Police Edward Flynn. The complaint alleged that the premises known as "All Star Foods" is disorderly, riotous, indecent or improper and the licensee has permitted criminal behavior including prostitution and loitering to occur on the licensed premises and that it constitutes a public nuisance.
3. Said summons commanded the appearance of Varinder Singh to answer the complaint for revocation of the Class "A" Fermented Malt Beverage Retailer, Food Dealer Retail, and Cigarette and Tobacco licenses on September 6, 2016 at 3:15 p.m. in Room 301-B of City Hall. At that date time and place, the licensee, Varinder Singh appeared and was represented by Attorney Andrew Arena.
4. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee found the following:
 - A. Police Officer Christine Rutherford stated she led an investigation into a trafficking victim who was being used for prostitution at All Star Foods. The investigation revealed that the 14-year old victim performed oral sex on Layith Sadeq and Jovonta Martin. There was a restraining order against Mr. Martin prohibiting him from being at All Star Food. Layith Sadeq reached out to the victim on Facebook.
 - B. Police Officer Penny Brown stated she conducted a licensed premises check and

found that the employee did not have the required Class “D” license, the operator Ali Aldararah returned and stated he had only been gone a short time. This occurred more than once. Mr. Aldararah was also convicted of WIC fraud.

- C. Claire Evers, Milwaukee Health Department stated the Health Department issued 3 orders to suspend in the last 5 month for rodent infestations. She stated they have not made any sustained changes resulting in the suspensions.
- D. Police Officer Edward Ciano stated he has been an officer in District 5 for 12 years and has dealt with problems of prostitution, loitering, and drug dealing. He has been to All Star Food 12 times in the past year and has never seen or met the Licensee. He added the neighborhood needs a change and the store is a safe haven for offenders.
- E. Mr. Singh stated he was unaware of what was happening in the basement because he was in India. He stated his employee was also unaware of how the people got into the basement. He stated he hired an exterminator and was told everything was under control. He has called other exterminator companies about the rodent problem. He apologized for what happened because he was in India for 2 months and the incidents occurred while he was away. He stated he knew one of the employees for 4 months, and another employee for 2 months prior to allowing them to run his business while he was in India. He stated he fired the employee who let the people in the basement. He stated he goes outside and tells the people loitering that he will call the police and then they leave. He stated he and his employees clean outside every 2 hours. He stated he will contract with an armed security company.
- F. Captain Timothy Heier stated he has been at District 5 since 2016. He stated that his officers have been at the store over 80 times. There was a shooting on August 23rd where an employee was shot, but nothing was taken. He added that the victim/employee told him that the first task that day was to check for mouse droppings. He is concerned about the number of health code violations and the suspensions. There were 359 calls for service since 2014, 80 from this year alone. The intersection of North 27th Street and West Burleigh Street is an area of drug trafficking, prostitution, dangerous driving, and loitering. The problems have not changed even with three different operators. He believes the residents need a break from the criminal activity occurring in the area.
- G. Alderman Rainey stated infestations of rodents and the sexual assault of a minor are very concerning. He added there are 4 liquor licenses within a one-block radius and the neighborhood does not need it and is in support of the revocation and a finding of unfitness of location.
- H. Reverend James W Brown 3159 North 26th Street stated he is against the location because everything that was stated is true. He added that they are selling cigarettes and beer to minors. He stated he has been approached by drug

dealers and has seen girls being harassed and women being molested by people loitering.

- I. Marco Freedman 3057 North 26th Street stated there are problems in the area and the kids in the area are the problem due to lack of leadership. He stated the store is not the problem.
- J. Denise Curvey 3057A North 26th Street stated she goes to the store and does not have any problems. She has observed loitering at the store.
- K. Emanuel Green 3148 North 24th Place stated there is loitering everywhere. He added he goes to the store, gets what he needs and goes home. The loitering makes him uncomfortable.
- L. Assistant City Attorney Nick DeSiato stated there is a history of criminal activity including 16 citations, which is an on-going problem. The seriousness of the issues including the sexual assault, the shootings, the collusive operation, and the people who believe they can behave in any way at this store. This will continue to be a problem and it is an unfit location for a convenience store. Heather Hough, City Attorney's Office also appeared on behalf of the City Attorney's Office.
- M. Attorney Arena stated the sexual assault is being handled in court. He does not believe there is a collusive arrangement occurring. He stated it is not fair to say the location is unfit and the police should be issuing loitering citations.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 125 and 134 of the Wisconsin Statutes and Chapters 68, 84, 85, and 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, J. Varinder Singh, has not met the criteria of Chapters 68, 84, 85 and 90 of the Milwaukee Code of Ordinances or Chapters 125 and 134 of the Wisconsin Statutes to allow the continued operation of the premises.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to deem this location unfit for these types of licenses and revoke the Class "A" Fermented Malt Beverage Retailer, Food Dealer Retail, and Cigarette and Tobacco licenses held by Varinder Singh for the premises located at 3100 North 27th Street in the City and County of Milwaukee, Wisconsin ("All Star Foods") based upon the evidence and testimony provided by the

Milwaukee Police Department, Milwaukee Health Department, neighborhood testimony, revocation complaint, and being an unfit location.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes, recommends that the Class "A" Fermented Malt Beverage Retailer, Food Dealer Retail, and Cigarette and Tobacco licenses held by Varinder Singh for the premises located at 3100 North 27th Street in the City and County of Milwaukee, Wisconsin ("All Star Foods") be revoked.

Dated and signed at Milwaukee, Wisconsin this 9th day of September, 2016.

A handwritten signature in black ink that reads "Tony Zielinski". The signature is written in a cursive, flowing style.

Tony Zielinski, Chair
Licenses Committee