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MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

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- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

Date: November 10, 2023

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Renewal Application of Thomas M. Cook, Agent for Pacific Bells LLC, for Extended Hours Establishments and Food Dealer licenses for the premises located at 6268 South 27th Street in the City and County of Milwaukee, Wisconsin ("Taco Bell #31507").

FINDINGS OF FACT

1. Thomas M. Cook (hereinafter the "Licensee") is the holder of Extended Hours Establishments and Food Dealer licenses with for the premises located at 6268 South 27th Street in the City and County of Milwaukee, Wisconsin ("Taco Bell #31507"). Said licenses expired at midnight, November 1, 2023.
2. An application to renew said licenses was filed with the Office of the City Clerk on August 8, 2023.
3. Pursuant to Chapters 68, 82, 84, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On August 9, 2023, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On October 24, 2023, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82, 84, and 85 of the Milwaukee Code of Ordinances of the police report and included a copy of the police report. The matter was scheduled for a hearing on the police report on November 7, 2023 at 9:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, Attorney Richard Donner appeared on behalf of the Licensee, and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Attorney Richard Donner appeared on behalf of the Licensee who said that this is a continuation of the hearing held on October 17th where there were questions that the committee had and that he has submitted the answers in writing. He added that they did not receive the photos of the text messages mentioned in the police report.



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Individuals also present:

- B. Mr. Cooney said that we needed consent from the minor to release those text messages but that Officer Thompson from MPD is here to testify.
- C. Officer Thompson was sworn in.
- D. Alderman Brostoff said that at the last hearing, the committee did not know the nature of those texts messages mentioned on the police report.
- E. Officer Thompson said that he saw different conversation threads between the parties that had nothing to do with the investigation. He added that the parties exchanged messages about work (like one manager showing up high and that he might get in trouble), things that could have happened at work or out of work, and threats to call police to tell on each other and to bring guns to the work place to shot each other.
- F. Alderman Brostoff asked if there were sex nature texts messages between the juvenile and the manager.
- G. Officer Thompson said that he does not recall it.
- H. Alderman Brostoff asked specifically about the text message of paying the minor \$60 for performing oral sex on the manager.
- I. Officer Thompson said that from what he saw on the text messages, the manager offered to pay the juvenile the \$60 amount for something and that he cannot confirm that that was an offer for performing oral sex.
- J. Alderwoman Coggs said that on the narrative, the victim said that he was offered \$60 to perform oral sex and that Officer Thompson could not confirm it in the text messages.
- K. Officer Thompson said that the juvenile said that he deleted those sex text messages and that during the manager's interview (when he was taken into custody days later), they were able to review his text messages, that some were deleted and that there was nothing to confirm the oral sex offer, just the \$60 amount.
- L. Alderwoman Coggs asked what was the manager's reasoning behind the \$60 amount.
- M. Officer Thompson said that he does not recall it and that he cannot speculate.
- N. Alderwoman Coggs asked if the text messages confirmed that they smoked weed together at work.
- O. Officer Thompson said that it is correct.
- P. Alderwoman Coggs asked if the text messages confirmed that they drank alcohol together at work.

- Q. Officer Thompson said that he could not recall if the text messages confirm it but that the manager admitted it during the interview.
- R. Alderwoman Coggs asked what is Taco Bell's policy for the use of weed.
- S. Ms. Melissa Johnston (Vice President HR) said that weed is not allowed on the premises.
- T. Alderwoman Coggs asked if having the manager admitting the use of weed and alcohol was not enough for Taco Bell to terminate him immediately.
- U. Attorney Donner said that they were not given access to the police report nor the case number and that an internal investigation was done where text messages were provided by the manager and that the minor and his father did not cooperate and that the manager was fired for a different reason. He also said that the internal investigation supports that there were threats regarding rape allegations but that the minor refused to cooperate with the investigation, the police stopped the investigation and the DA did not press charges so Taco Bell did not immediately fire the manager because they did not have the statements and text messages provided in the police report.
- V. Officer Thompson said that during the timeline that Attorney Donner said, he spoke to a regional manager and explained to her what was happening, that he provided her all the information that he had at that time (from the victim's side), that the manager was hiding because he knew that the police was looking for him. He added that that the juvenile recanted to the regional manager and that is when the employee returned to work and the police were able to arrest him because he finally opened the door.
- W. Alderwoman Coggs asked if the manager was working during the internal investigation.
- X. Ms. Johnston said that he was suspended.
- Y. Officer Thompson said that according to the manager's statement, he returned to work after the juvenile recanted to the regional manager.
- Z. Ms. Johnston said that the manager was suspended the day that incident took place on the 13th and returned to work on the 24th.
- AA. Officer Thompson said that the suspect was arrested on the 15th and that he was working according to what the suspect said.
- BB. Alderwoman Coggs asked when the police investigation ended.
- CC. Officer Thompson said that was on the 15th and that he took it to the DA the same day.
- DD. Alderwoman Coggs asked when the DA decided not to press charges.

- EE. Officer Thompson said that was on the 16th.
- FF. Alderwoman Coggs asked when the police shared the file information with Taco Bell Officer Thompson said that Taco Bell needed to do an open records request.
- GG. Attorney Donner said that they filed the open records request but that case number was not filed yet and that they were not able to get anything even with the names involved in the case.
- HH. Alderwoman Pratt asked Ms. Johnston what an employee has to do to get fired from Taco Bell when even the employee admitted the use of alcohol, weed and the possible child enticement in the premises. She added that she is positive that if the employee would have taken money from the cash register, he would have been fired immediately.
- II. Ms. Johnston said that they were unable to sustain the child enticement allegations and that is why the manager was able to return to work 10 days later.
- JJ. Alderwoman Pratt asked if the minor had some other advocate besides the parent when he recanted.
- KK. Attorney Donner said that they refused to participate.
- LL. Alderwoman Coggs asked Ms. Thompson why Taco Bell started the investigation.
- MM. Ms. Thompson said that they started it because they were told that the employee was arrested.
- NN. Officer Thompson said that they did not arrest the suspect at the store, that they conducted the investigation talking to other employees at the store.
- OO. Alderwoman Coggs said that she feels that there is a gap in the timeline that she is trying to understand but asked if when Taco Bell knew about the alcohol, weed and child enticement allegations, someone reviewed the schedules of the two employees and the surveillance videos to check out what it may have happened in the restaurant or at the parking lot.
- PP. Ms. Johnston said that HR did not do it.
- QQ. Alderwoman Coggs asked if HR learned something about this situation or if it has affected the procedures for future investigations.
- RR. Ms. Johnston said that they should have kept the employee suspended until they have received the police report.
- SS. Alderwoman Coggs asked if that it will be changed.
- TT. Ms. Johnston said that it should change and that she will change it.

- UU. Alderman Brostoff went through the answers provided in the document attached to the file and asked Ms. Johnston if it is fair to say that they based their decision to bring the employee back to work after receiving text messages that could have been manipulated by the same employee.
- VV. Ms. Johnston said that it is fair to say so.
- WW. Alderman Brostoff said that according the report provided by Taco Bell, the employee was terminated for failing to follow the handling cash procedures and that the termination has nothing to do with the child enticement, alcohol and weed use allegations.
- XX. Ms. Johnston said that it is correct.
- YY. Alderman Brostoff asked if Taco Bell understands why it is so upsetting for the committee to hear that nothing further was done after knowing the serious level of the allegations against the manager and allowed him to return to work around minors.
- ZZ. Ms. Johnston said that she understands.
- AAA. Alderman Borkowski said that he is concerned because Taco Bell has many stores everywhere here and in the country and that he feels that there is a massive disconnection between the stores and the top management. He added that someone inside the company must have ended this serious situation somehow and that he does not get any kind of effect that management cares.
- BBB. Attorney Donner said that it is a serious matter, that he understands the frustration, that this is not a reoccurring situation, that the record reflects that this is a good corporate citizen over the years and that they are making changes to avoid that it happens again. He added that there are procedures in place and that there could have been a miscommunication or lack of communication between Taco Bell and the police department.
- CCC. Alderman Spiker asked if this store is a franchisee.
- DDD. Ms. Thompson said that all the stores in Milwaukee are a franchise and that the agent resides in Texas.
- EEE. Alderman Spiker said that whatever the committee decides to do would be tied to the other stores and that hopefully it does not happen again. He also asked Ms. Johnston what substantial changes will be made besides what was presented to the committee prior the meeting. He also said that there is a huge failing (besides the possible child enticement) in the structure with the use of alcohol and marijuana inside store and confirmed by the accused employee.
- FFF. Ms. Johnston said that she is happy to rewrite the entire investigation policy and to provide it to the committee.

GGG. Attorney Donner said that this was taken very seriously, that there were failings in the investigation techniques, that there are procedures in place with some holes that are going to be fixed immediately. He added that this business is in the community and that they have shown good faith writing the report submitted and that Ms. Johnston is willing to rewrite the investigation policy this evening to be included in the file.

HHH. Alderman Chambers asked what are the hours of operations.

III. Mr. Cooney said that they are open from 7 am to 2 am Sun – Thu and closes at 3 am on Friday and Saturday.

JJJ. Alderman Spiker suggested a suspension of the Extended Hours given the activity that happened there.

KKK. Alderman Borkowski said that he heard Alderman Spiker's recommending suspension but that he is inclined for nonrenewal.

LLL. Alderman Brostoff said that he would like to move for nonrenewal because the company is not taking any responsibility and allowed the manager to return to work around minors. He added that items on the police report were not considered in the termination's decision.

MMM. Alderman Brostoff moved nonrenewal based upon the preponderance of the evidence in police report that demonstrates the operation results in a threat to the health, safety and welfare of the community.

NNN. The motion failed 2 3 (Pratt, Chambers and Coggs).

OOO. Alderman Chambers said that there was a lack of many things, that he takes the health and safety of the children in consideration and moved renewal with a 30-day suspension of the Extended Hours Establishments license and renewal with a 10-day suspension of the Food Dealer license based upon the preponderance of the evidence in police report that demonstrates the operation results in a threat to the health, safety and welfare of the community. The motion passed (3-2).

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82, 84, and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Thomas M. Cook who holds Extended Hours Establishments and Food Dealer licenses for the premise located at 6268 South 27th Street in the City and County of Milwaukee, Wisconsin ("Taco Bell #31507") has not met the criteria of Chapters 68, 82, 84, and 85, of the Milwaukee Code of Ordinances to renew the Extended Hours Establishment and Food Dealer license without undergoing a thirty (30) day suspension for the Extended Hours license, and a ten (10) day suspension for the Food Dealer license. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its

recommendation on the upon the preponderance of the evidence in police report that demonstrates the operation results in a threat to the health, safety and welfare of the community.

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 not renew the Extended Hours Establishments and Food Dealer licenses for the premises located at 6268 South 27th Street in the City and County of Milwaukee, Wisconsin ("Taco Bell #31507") without undergoing a thirty (30) day suspension for the Extended Hours license, and a ten (10) day suspension for the Food Dealer license. The Committee based its recommendation on the upon the preponderance of the evidence in the police report that demonstrates the operation results in a threat to the health, safety and welfare of the community.

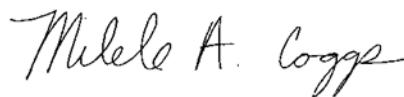
RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **three (3) ayes and two (2) noes** recommends that the Extended Hours and Food Dealer licenses of Thomas M. Cook for the premises located 6268 South 27th Street in the City and County of Milwaukee, Wisconsin ("Taco Bell #31507") not be renewed without first undergoing a thirty (30) day suspension for the Extended Hours license, and a ten (10) day suspension for the Food Dealer license based upon the preponderance of the evidence in police report that demonstrates the operation results in a threat to the health, safety and welfare of the community.

The suspension of the Extended Hours Establishments license is in effect between 12:01 a.m. on November 21, 2023 until 11:59 p.m. on December 20, 2023.

The suspension of the Food Dealer license is in effect between 12:01 a.m. on November 21, 2023 until 11:59 p.m. on November 30, 2023.

Dated and signed at Milwaukee, Wisconsin this 10 day of November, 2023.



MILELE A. COGGS
Chairman, Licenses Committee

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