

**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

May 1, 2006

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 051001

Recommendation of revocation of the Class "A" Malt transfer application of Lakhwinder Singh from 2101 W. Auer Ave. to 2303 W. Hopkins St. in the 6<sup>th</sup> aldermanic district.

With regard to the item listed above, the Licenses Committee held an evidentiary hearing on April 25<sup>th</sup>, 2006.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, May 9, 2006** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "James N. Witkowiak". The signature is written in a cursive style and is enclosed within a hand-drawn oval.

James N. Witkowiak, Chair  
Licenses Committee

cc: All Council Members  
CCF 051001



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: April 28, 2006

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Licenses Committee of the Class "A" Malt License held by Lackwinder Singh, as agent for Sandeep, Inc. for the premises located at 2303 West Hopkins Street in the City and County of Milwaukee, Wisconsin.

FINDINGS OF FACT

1. On February 28, 2006, the Milwaukee Common Council approved the transfer of a Class "A" Malt license of Lackwinder Singh as agent for Sandeep, Inc. from 2101 West Auer Street, Milwaukee, Wisconsin to 2303 West Hopkins Street, Milwaukee, Wisconsin. Said license expires on June 2, 2006.
2. On April 10, 2006, Rebecca Barron, a resident of the City of Milwaukee and Manager of the License Division filed a complaint seeking revocation of the transfer because of an apparent violation of § 90-11-3 of the Milwaukee code of Ordinances (MCO).
3. On April 20, 2006, a summons and complaint initiating this action, its exhibits, a copy of Chapter 126 of the Wisconsin Statutes, and a copy of Chapter 90, MCO was served on Lackwinder Singh by Sergeant Chester Ulickey of the Milwaukee Police Department by substituted service at the residence of Lackwinder Singh at 4734 North 70<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin.
4. The summons accompanying the complaint required Lackwinder Singh as agent for Sandeep, Inc. to appear before the Licenses Committee on April 25, 2006 at 4:15 p.m. to show cause why the Class "A" Malt license transferred and issued to Lackwinder Singh as agent for Sandeep, Inc. at 2303 West Hopkins Street in the City and County of Milwaukee, Wisconsin should not be revoked or suspended.
5. As soon as counsel could be heard following 4:15 p.m. on April 25, 2006, this matter was called by the Chairman of the Licenses Committee. The licensee did not appear as commanded by the summons.

6. Pursuant to Wis. Stat. § 125.12(2)(b), the Licenses Committee of the Milwaukee Common Council accepted the allegations of the complaint as true, and adopted a recommendation to revoke the transfer of the Class "A" Malt license from 2101 West Auer Street to 2303 West Hopkins Street in the City and County of Milwaukee, Wisconsin.
7. Pursuant to Wis. Stat. § 125.12(2)(b), the Licenses Committee of the Milwaukee Common Council makes the following findings of fact:
  - A. On January 20, 2006, Lackwinder Singh as agent for "Sandeep, Inc." made application for a transfer of a Class "A" Malt license for "Valentine Foods" 2101 West Auer Avenue to 2301 West Hopkins Street in the City and County of Milwaukee, Wisconsin. On January 30, 2006, Lackwinder Singh, as agent for "Sandeep, Inc." amended the aforementioned application to transfer the license from 2101 West Auer Street to 2303 West Hopkins Street in the City and County of Milwaukee, Wisconsin.
  - B. On May 3, 2005, the Milwaukee Common Council denied a Class "A" Malt license for the location of 2301 West Hopkins Street in the City and County of Milwaukee, Wisconsin for concentration.
  - C. The address of 2301 West Hopkins Street and 2303 West Hopkins Street in the City and County of Milwaukee, Wisconsin is in a single building is being extensively remodeled and as a practical matter constitutes a single premises, the address of one entrance of which has been declared to be concentrated.
  - D. Under the provisions of § 90-11-3 of the Milwaukee Code of Ordinances (MCO) no new application can be granted by the Milwaukee Common Council at 2301 West Hopkins Street in the City and County of Milwaukee, Wisconsin, without the demonstration of a change of circumstances, until May 3, 2008.
  - E. On February 28, 2006, the Milwaukee Common Council approved the transfer of the Class "A" Malt license of Lackwinder Singh as agent for "Sandeep, Inc." for the premises at 2303 West Hopkins Street in the City and County of Milwaukee, Wisconsin without the demonstration of a change of circumstances as required by § 90-11-3 MCO. The transfer was approved because the address of 2303 West Hopkins Street was mistakenly believed not to be the same as 2301 West Hopkins Street.

#### 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 Chapter 125 of the Wisconsin Statutes and Chapter 90 MCO.
2. Based upon the above facts found, the Committee concludes that the Licensee Lackwinder Singh as agent Sandeep, Inc. has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances, and specifically § 90-11-3, MCO to allow the transfer of the Class "A" Malt license from 2101 West Auer Street to 2303 West Hopkins Street in the City and County of Milwaukee, Wisconsin.
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 revoke the transfer of the Class "A" Malt license held by Lackwinder Singh as agent for Sandeep, Inc. from West Auer Street to 2303 West Hopkins Street in the City and County of Milwaukee, Wisconsin.

#### 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) excused, recommends that the transfer of the Class "A" Malt license of Lackwinder Singh as agent for Sandeep, Inc. from 2101 West Auer Street to 2303 West Hopkins Street in the City and County of Milwaukee, Wisconsin be revoked.

Dated and signed at Milwaukee, Wisconsin this 28th day of April, 2006.

  
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JAMES N. WITKOWIAK  
Chairman, Licenses Committee

104761



Office of the City Clerk

**Ronald D. Leonhardt**  
City Clerk

[www.milwaukee.gov](http://www.milwaukee.gov)

April 28, 2006

**Carolyn Hill Robertson**  
Deputy City Clerk

Lackwinder Singh  
Agent for Sandeep, Inc.  
4734 North 70<sup>th</sup> Street  
Milwaukee, WI 53218

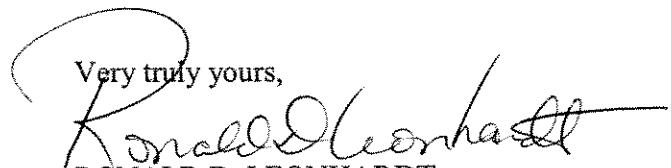
Dear Mr. Singh:

You are hereby notified that the Milwaukee Common Council will hold a hearing on May 9, 2006 commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider your transfer of a Class "A" Tavern license from 2101 West Auer Street to 2303 West Hopkins Street in the City and County of Milwaukee.

Attached you will find a copy of the Report of the Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending revocation of this license. The recommendation is the result of a public hearing before the Committee held on April 25, 2006 and a complaint.

You may file a written objection to the Report of the Licenses Committee. If you file a written objection to the report of the Licenses Committee, you may also appear before the Milwaukee Common Council to make oral arguments supporting your written objections and present oral arguments supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least three (3) working days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may then also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Very truly yours,



RONALD D. LEONHARDT  
City Clerk

Attachment

cc: License Division  
CCF 051001