



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

February 15, 2008

To the Honorable, the Common Council

Dear Members:

Common Council File 071188 contains the following recommendations:

Nonrenewal, based on non-appearance, of the Class "D" Bartender license of Eric Thundercloud.

Renewal, with a 10-day suspension based on the police report, of the Class "D" Bartender license of Owen Minahan. (Committee vote: Ayes: 3, Noes: 1, Excused: 1)(Ayes – Ald. Wade, Ald. Puente and Ald. Bohl; No – Ald. Witkowski, Excused – Ald. Witkowiak)

Renewal, with a 10-day suspension based on the police report, of the Class "A" Malt license of Wajeeh Al-Turkman, Agent for "Dino's Food Mart, LLC" for the premises located at 5835 W. Silver Spring Dr. ("Dino's Food Mart") in the 9th aldermanic district.

Renewal, with a 10-day suspension based on the police report, of the Class "B" Tavern license of Angelia Rose with a change of hours for the premises at 4443 W. Lisbon Ave. ("Chocolate Rose Lounge") in the 15th aldermanic district. (Committee vote: Ayes: 2, Noes: 1, Excused: 2)(Ayes – Ald. Witkowski and Ald. Bohl; No- Ald. Wade; Excused – Ald. Witkowiak and Ald. Puente)

Renewal, with a 90-day suspension based on the police report, of the Class "A" Malt license of Sherry Turner for the premises at 4028 W. Lisbon Ave. ("Guru Food Store") in the 15th aldermanic district. (Committee vote: Ayes: 4, Abstain - 1)(Aye - Ald. Witkowiak, Ald. Bohl, Ald. Puente and Ald. Witkowski; Abstain – Ald. Wade)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on February 12th.

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 Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, February 26, 2008** at 9:00 A.M. in the Common Council Chambers.

Respectfully,



James N. Witkowiak, Chair
Licensees Committee

cc: All Council Members
Files 071188



Date: February 14, 2008

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Eric J. Thundercloud

FINDINGS OF FACT

1. Eric J. Thundercloud (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on November-15, 2007.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On November 16, 2007, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 30, 2008 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on February 12, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. A notice of the hearing as well as a copy of the police report was sent to Eric J. Thundercloud at 4900 West Coldspring Road, No. 16, Greenfield, Wisconsin 53220 on January 30, 2008 by U.S. prepaid first-class mail in an

envelope bearing the return address of the License Division. The address of 4900 West Coldspring Road, No. 16, Greenfield, Wisconsin 53220 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on February 12, 2008.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Owen A. Minahan, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license based upon nonappearance.
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 should exercise its discretion to not renew the Class "D" Bartender license held by Eric J. Thundercloud based upon nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) excused, recommends that the Class "D" Bartender License be denied based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin, this 14th day of February, 2008.


JAMES N. WITKOWIAK
Chairman Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: February 14, 2008
To: All Members of the Milwaukee Common Council
From: Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Owen A. Minahan

FINDINGS OF FACT

1. Owen A. Minahan (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2007.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 10, 2008.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On January 11, 2008, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 30, 2008 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on February 12, 2008, commencing at 1:30 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On April 4, 2005, the applicant was convicted of operating while intoxicated and Blood Alcohol Content .08+ in Milwaukee County. His license was revoked for six months and he received a guilty suspended sentence for the Blood Alcohol Content.

B. The applicant's Wisconsin driver's license revealed the following conviction:

April 18, 2007 operating while intoxicated

Milwaukee County
Circuit Court

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the licensee, Owen A. Minahan has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license without undergoing a ten (10) day suspension based upon the police report.
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 should exercise its discretion to renew the Class "D" Bartender license held by Owen A. Minahan with a ten (10) day suspension of said license based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) no, and one (1) excused, recommends that the Class "D" Bartender License be renewed with a ten (10) day suspension.

Said suspension shall take effect upon the action of the Common Council on February 26, 2007 and for ten days thereafter.

Dated and signed at Milwaukee, Wisconsin this 14th day of February, 2007.



JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chairman Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: February 15, 2008

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Wajeeh S. Al-Turkman, agent for Dino's Food Mart, LLC, for a Class "A" Malt license for the premises located at 5835 West Silver Spring Drive in the City and County of Milwaukee, Wisconsin ("Dino's Food Mart").

FINDINGS OF FACT

1. Wajeeh S. Al-Turkman (hereinafter the "Licensee"), is the holder of a Class "A" Malt license for the premises located at 5835 West Silver Spring Drive in the City and County of Milwaukee, Wisconsin ("Dino's Food Mart"). Said license expires at midnight, March 3, 2008.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 17, 2008.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license on January 18, 2008. There were also neighborhood objections to loitering, littering, loud music, condition of the property, sales of paraphernalia, drug and criminal activity, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 31, 2008, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for nonrenewal or suspension and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report on February 12, 2008 at 2:00 p.m. in Room 301B of the third floor of City Hall. At

said date, time and place the licensee did appear but was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On January 22, 2007 at 4:23 pm, officers of the Milwaukee Police Department spoke to the owner Wajeeh Al-Turkman of Dino's Food Mart at 5835 West Silver Spring via phone. Al-Turkman stated there was a male loitering by his front entrance that he believed was selling drugs. Officers obtained a description and as officers approached the subject, he entered Dino's Food Mart. The investigation revealed that the subject had marijuana on his possession along with 19 individually wrapped clear baggies that contained a green leafy plant like substance. This subject was arrested and charged with possession of a controlled substance with intent to deliver.
 - B. On February 17, 2007 at 4:45 pm, officers of the Milwaukee Police Department were in the area North 60th and Silver Spring for complaints of drug dealing. Officers observed a subject standing in front of 5835 West Silver Spring who would then conduct hand-to-hand drug transactions with other subjects who would approach him. Officers approached this subject in a marked police squad, who then fled on foot. After a brief foot chase, officers took this suspect into custody and recovered 5 clear plastic baggies each containing a green leafy substance along with a large amount of cash. The suspect was charged with possession of a controlled substance with intent to deliver.
 - C. On February 19, 2007 at 5:19 pm, the Milwaukee Police Department received a call from the owner of Dino's Food Mart at 5835 West Silver Spring Drive. The owner related to police that there was a subject standing in front of his store selling drugs. Officers obtained a description and at 5:34 pm, found this subject to be at a bus shelter near by and observed drug transactions taking place. Officers stopped the subject and while conducting a pat down search, found two large baggies of suspected marijuana inside the suspect's pants. He was arrested and charged with possession of a controlled substance with intent to deliver.
 - D. On March 7, 2007 at 7:00 pm, officers of the Milwaukee Police Department were on patrol and observed three subjects standing in front of the licensed premises at 5835 West Silver Spring Drive (Dino's Food Mart) conducting drug sales. Officers attempted to identify this subject when he saw police approaching and fled on foot. After a brief foot chase, officers arrested the suspect and found fourteen individual bags of marijuana on his person. The suspect was arrested and charged with possession of a controlled substance with intent to deliver.

- E. On March 28, 2007 at 12:45 pm, officers of the Milwaukee Police Department were working undercover regarding complaints of drug dealing in front of 5835 West Silver Spring Drive. Officers observed a subject who was standing in front of Dino's Mart being approached by several customers with an exchange taking place. Suspecting that narcotics were being sold, officers approached this subject in an unmarked car and as the squad car approached, observed the subject throw down a green leafy substance and walk away. The suspect was stopped and marijuana was recovered along with a 3 inch knife. This suspect was charged with possession of a controlled substance with intent to deliver, carrying concealed weapon and received citations for loitering drug related and resisting an officer.
- F. On May 15, 2007 at 8:50 pm, officers of the Milwaukee Police Department were exiting 5835 West Silver Spring Drive when they could hear loud music emanating from a car parked on the lot nearby. Officers observed the driver exiting the auto and conducted a field interview. Officers found five plastic baggies containing marijuana on the subject. The suspect was arrested and charged with possession of a controlled substance with intent to deliver and issued a citation for the loud music.
- G. On July 22, 2007 at 7:58 pm, officers of the Milwaukee Police Department observed a subject loitering in the parking lot of 5835 West Silver Spring Drive. Officers would see several subjects approach this male and engage in short conversations with brief hand-to-hand transactions. Upon seeing officers approach, this subject dropped a clear plastic baggie that contained suspected marijuana. This suspect was arrested and charged with possession of a controlled substance with intent to deliver and loitering illegal drug activity.
- H. On July 23, 2007 at 5:37 pm, officers of the Milwaukee Police Department observed a subject in front of 5835 West Silver Spring engage in what appeared to be a hand-to-hand drug transaction. Upon seeing officers, the subject fled and after a brief foot chase, the suspect was apprehended and marijuana was found on his person. He was arrested and charged with possession of a controlled substance with intent to deliver and obstructing an officer.

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 of the Milwaukee Code of Ordinances.

2. Based upon the above facts found, the Committee concludes that the licensee, Wajeeh S. Al-Turkman has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "A" Malt license for the premises located at 5835 West Silver Spring Drive in the City and County of Milwaukee, Wisconsin ("Dino's Food Mart") without undergoing a ten (10) day suspension of said license based upon a police report.

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 renew the Class "A" Malt license of Wajeeh S. Al-Turkman for the premises located at 5835 West Silver Spring Drive in the City and County of Milwaukee, Wisconsin ("Dino's Food Mart") with a ten (10) day suspension of said because of the police report. The Committee finds the police report, as stated above, to be true.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) excused recommends that the Class "A" Malt license held by Wajeeh S. Al-Turkman for the premises located at 5835 West Silver Spring Drive in the City and County of Milwaukee, Wisconsin ("Dino's Food Mart") be renewed with a ten (10) day suspension based upon the police report.

Said suspension is to be in effect between 12:01 a.m. March 4, 2008 through midnight, March 14, 2008.

Dated and signed at Milwaukee, Wisconsin this 15th day of February, 2008.


JAMES N. WITKOWIAK, Chair
Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: February 15, 2008

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Angelia P. Rose for a Class "B" Tavern license for the premises located at 4443 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Chocolate Rose Lounge").

FINDINGS OF FACT

1. Angelia P. Rose (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises located at 4443 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Chocolate Rose Lounge "). Said license expires March 1, 2008.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 15, 2008.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license on January 16, 2008. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, fights, shootings, drug and criminal activity, prostitution, trespassing, vandalism, public urination, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 31, 2008, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for nonrenewal or suspension and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report on February 12, 2008 at 10:15 a.m. in Room 301B of the third floor of City Hall. At

said date, time and place the licensee did appear, but was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On December 2, 2006, officers of the Milwaukee Police Department were dispatched to 4443 West Lisbon Avenue, Milwaukee, Wisconsin ("Chocolate Rose Lounge") for a reckless use complaint. Officers spoke with the caller who stated that another patron in the tavern had argued with her and had pointed a handgun to her head. The complainant stated she never saw a gun but assumed it was a gun. Officers also interviewed the owner of Chocolate Rose Bar, Angelia Rose, who stated she observed the complaint arguing with another patron, but did not see a handgun. No tavern violations were observed.
 - B. On March 3, 2007 at 2:00 am, the licensee, Angelia P. Rose, received two citations for posting of occupancy capacity and immediate entry/police/local and state authorities at 4443 West Lisbon Avenue, Milwaukee, Wisconsin ("Chocolate Rose Lounge"). The immediate entry police/local was dismissed without prejudice on September 14, 2007. The licensee was found guilty of posting of occupancy. The licensee was fined \$378.00.
 - C. On April 15, 2007 at 12:23 am, officers of the Milwaukee Police Department dispatched to 4443 West Lisbon Avenue, Milwaukee, Wisconsin ("Chocolate Rose Lounge") for a shooting complaint. The investigation revealed a subject who was denied entrance by security earlier that night, returned and shot three patrons who were exiting the tavern. Officers also found two underage patrons inside the tavern who were cited for presence of underage. The licensee, Angelia Rose, received a citation for presence of underage. She was found guilty on this citation on September 14, 2007 and fined \$184.00.
 - D. No neighbors appeared to testify against renewal of this license. One person appeared in support of this license.

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 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Angelia P. Rose, has not met the criteria of Chapter 90 of the Milwaukee Code of

Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of her Class "B" Tavern license for the premises located at 4443 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Chocolate Rose Lounge") without undergoing a ten (10) day suspension license based upon a police report.

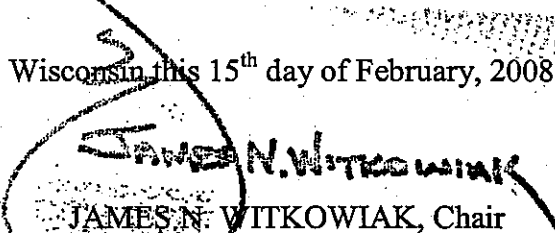
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern license of Angelia P. Rose for the premises located at 4443 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Chocolate Rose Lounge") with a ten (10) day suspension of said license because of the police report. The Committee finds the police report, as stated above, to be true.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of two (2) ayes, one (1) noe, and two (2) excused recommends that the Class "B" Tavern license held by Angelia P. Rose for the premises located at 4443 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Chocolate Rose Lounge") be renewed with a ten (10) day suspension based upon the police report.

Said suspension is to be in effect between 12:01 a.m. March 2, 2008 through midnight March 11, 2008.

Dated and signed at Milwaukee, Wisconsin this 15th day of February, 2008:


JAMES N. WITKOWIAK, Chair
Licenses Committee

128877



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: February 15, 2008

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Sherry Turner for a Class "A" Malt license for the premises located at 4028 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Guru Food Store").

FINDINGS OF FACT

1. Sherry Turner (hereinafter the "Licensee") is the holder of a Class "A" Malt license for the premises located at 4028 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Guru Food Store"). Said license expires February 27, 2008.
2. An application to renew said license was timely filed with the Office of the City Clerk on December 5, 2007.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license on December 6, 2007. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, disturbances during and after hours, shootings and fights, public urination, vandalism and disorderly patrons, harassment of passersby, drug and criminal activity, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 31, 2008, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for nonrenewal or suspension and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report on February 12, 2008 at 10:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee did appear, and was represented by Attorney

Michael A.I. Whitcomb, 633 West Wisconsin Avenue, Suite 510, Milwaukee, Wisconsin 53202-1918.

6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. In January, 2007, police officers were advised by anonymous citizens that persons were selling crack cocaine and marijuana, daily, on the parking lot of Guru Food Mart, 4028 West Lisbon Avenue, Milwaukee, Wisconsin ("Guru Food Store").
 - B. Also, in February, 2007, a delivery driver making a delivery at the store was threatened by a male with a handgun.
 - C. On December 30, 2006, a shooting occurred on this lot and six .45 casings were ultimately recovered. One of the two shooters has been charged with 1st degree reckless injury. The store had no exterior cameras.
 - D. On February 26, 2007, at 2:44 pm, officers of the Milwaukee Police Department traveling east on Lisbon Avenue, observed two subjects engaged in a hand-to-hand transaction on the parking lot of Guru Foods. When officers attempted to stop the subjects for interviews, they fled. One was apprehended after a chase; he threw three small bags of marijuana to the ground before being apprehended.
 - E. On March 1, 2007, officers of the Milwaukee Police Department monitoring the parking lot with binoculars, for a period of one hour observed groups of young (teens-mid 20's) males congregating, unchallenged, on the parking lot. Several hand-to-hand transactions took place. The licensee was advised to post signs disallowing loitering and mount exterior surveillance equipment. At hearing, the licensee testified that she immediately complied with that request.
 - F. On March 15, 2007, at 11:15 am, officers of the Milwaukee Police Department observed a 17 year old male loitering on the parking lot at Guru Food Mart, 4028 West Lisbon Avenue, and noted his youthful, school age appearance. At 12:04 pm, he was again observed still loitering. He had moved off the parking lot to the bus stop on the corner. The officers observed, and noticed the subject wave off a bus which had stopped to pick him up. When questioned, he said he was waiting for a bus. The subject was arrested and searched. The officers recovered a corner cut bag with containing seven individually packages of white

chunks that closely resembled crack cocaine from his trouser pocket. He told officers he was selling fake crack to recover money he lost in a dice game. The substance was field tested, and the result was negative. Subject was cited and released.

- G. On March 15, 2007, officers were dispatched to "a subject with a gun" call at North 41st Street and West Brown Street. According to the caller, six or seven subjects were in front of Guru Food Mart, 4020 West Lisbon Avenue, fighting with guns. The caller said they were hiding the guns on the side of the store in trash cans. The caller also said they were going in and out of the store. Several squads responded, and upon arrival the subjects fled. There was a foot pursuit of the subjects who eluded the officers. Near constant loitering and drug dealing has been observed in and around Guru Foods in the last several months and the owner, Kanwarjit S. Bajwa, and father of the licensee, has been made aware of police observations.
- H. On April 27, 2007, at 10:28 am, officers of the Milwaukee Police Department, along with Department of Revenue Agent Henry Morel conducted a premises check at Guru Foods, 4028 West Lisbon Avenue. While conducting a check, the officers observed two cigar boxes containing single Newport cigarettes. The cashier was asked how much for the cigarettes. He said 3 for \$1.00. Also observed was a box containing individual "Chore Boy" copper scrubbing pads placed on a lower shelf behind the counter. "Chore Boy" scrubbing pads are commonly used as a filter in a crack pipe because they do not burn and usually are purchased individually. It should be noted that the store displays its cleaning supplies on a store shelf on the opposite side of the store. Also found behind the counter were an open box of value time sandwich bags, a package of unused razor blades, and one box of individually packaged syringes, with a Walgreens prescription label affixed to the top of the box in the name of Willie Veasley. Singh, the cashier, stated that Veasley has never been employed at Guru and he does not know where the syringes came from. The cigarettes, the sandwich bags, the razor blades, and the syringes were placed on inventory. The store was being run by an unlicensed person (no Class "D" license) without supervision. The licensee was issued a citation for restrictions on unlicensed person.

As to the cashier, Bhajan Singh:

He was issued a citation for selling stamped packages and was charged on July 16, 2007 and fined \$160.00.

He was also issued a citation for sale of drug paraphernalia.

At hearing, the licensee and the owner testified that the scrubbing pads and razor blades are behind the counter to prevent theft. The syringes were explained by the fact that a former employee, Willie Veasley, was diabetic. He, however, no longer works at the store. The clerk on duty, Mr. Singh, did not know those facts.

- I. On May 23, 2007, at 6:07 pm, officers of the Milwaukee Police Department were dispatched to a subject with a gun at Guru Foods, 4028 West Lisbon Avenue. Upon their arrival, they spoke to Bhajan Singh, the cashier, who stated a subject was in the store and stole some items. He then called the police. Singh stated that after the police left, the subject returned and was yelling, "Why you call the police, when you come outside you will get yours." Singh said he thought the subject might carry a gun. The subject never made reference to a gun, nor did he see a gun. An incident report was filed.
- J. On June 9, 2007, at 4:20 pm, while working the Tobacco Initiative Program, officers of the Milwaukee Police Department observed minors, working with the Wisconsin Win Program, enter Guru's Food, 4028 West Lisbon Avenue, in an attempt to buy cigarettes. The subject purchased a single Phillies Cigarillo, for \$.83. When asked why the clerk, Bhajan Singh, sold the product, he stated that "he did not sell any minor a cigarillo." The manager pulled the video tape showing the minors were in the store, and the cash register tape that showed that a Cigarillo was purchased a short time after the minors entered the store. Bhajan Singh was issued a citation for sale of tobacco products to underage.
- K. At hearing the licensee and the owner argued that a bus stop is the source of loitering and drugs and it is adjacent to the store's parking lot. The Committee is satisfied that the lack of attention of the management of this store has contributed to the problems at this location. However, the licensee is attempting to fence the parking lot and has installed cameras and is now more aware of the problems.
- L. No neighbors appeared in opposition to renewal of this license, while three supporters appeared.

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 of the Milwaukee Code of Ordinances.

2. Based upon the above facts found, the Committee concludes that the licensee, Sherry Turner, has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of her Class "A" Malt license for the premises located at 4028 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Guru Food Store") without undergoing a ninety (90) day suspension of said license based upon a police report.
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 renew the Class "A" Malt license of Sherry Turner for the premises located at 4028 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Guru Food Store ") with a ninety (90) day suspension of said because of the police report. The Committee finds the police report, as stated above, to be true.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) abstention recommends that the Class "A" Malt license held by Sherry Turner for the premises located at 4028 West Lisbon Avenue in the City and County of Milwaukee, Wisconsin ("Guru Food Store") be renewed with a ninety (90) day suspension based upon the police report.

Said suspension is to be in effect between 12:01 a.m. February 28, 2008 through midnight, May 28, 2008.

Dated and signed at Milwaukee, Wisconsin this 15th day of February, 2008.


JAMES N. WITKOWIAK, Chair
Licenses Committee

128874