

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### VICE CHAIR

- Community and Economic Development Committee

### MEMBER

- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

May 21, 2018

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 171878 contains the following recommendations:

Nonrenewal, based upon the second nonappearance of the Class D Operator's license for Harrison Kern.

Nonrenewal, based upon the second nonappearance of the Class D Operator's license for Eric Stein.

Nonrenewal, based upon the police report items #10, 11, 13-17, and police, applicant, and neighborhood testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises licenses for Karen Miller for the premises located at 7964 W Appleton Ave ("Rhino's") in the 5th aldermanic district.

Renewal, with a ten (10) day suspension, based upon the neighborhood testimony of the Filling Station, Food Dealer, and Weights & Measures licenses for Kulwant Dhillon for the premises located at 7535 W Burleigh St ("Burleigh Marathon") in the 10th aldermanic district.

Common Council File Number 180146 contains the following recommendation:

Revocation, based upon the revocation complaint, and police and aldermanic testimony of the Cigarette and Tobacco license for Jason Jones for the premises located at 3520 W Villard Ave ("Villard Ave Groceries & More") in the 1st aldermanic district.

Respectfully,

Tony Zielinski, Chair  
Licenses Committee

cc: All Council Members  
Files 171878, 180146

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: May 18, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Harrison D. Kern

### FINDINGS OF FACT

1. Harrison D. Kern (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2017.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
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 police report that could form a basis for nonrenewal or suspension of said license.
4. On May 3, 2018 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 May 15, 2018 at 1:00 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 Harrison D. Kern, 8940 North 96th Street, Milwaukee, WI 53224 on May 3, 2018 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 8940 North 96th Street, Milwaukee, WI 53224 is the address given by the Licensee on her 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 May 15, 2018 at 1:00 p.m.

### 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, Harrison D. Kern 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" Operator's 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" Operator's license held by Harrison D. Kern based upon nonappearance.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **five (5) ayes and zero (0) noes** that the Class "D" Operator's License of Harrison D. Kern not be renewed based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 18th day of May, 2018.



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TONY ZIELINSKI  
Chairman Licenses Committee

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: May 18, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Eric D. Stein

### FINDINGS OF FACT

1. Eric D. Stein (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2017.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
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 police report that could form a basis for nonrenewal or suspension of said license.
4. On May 3, 2018 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 May 15, 2018 at 1:00 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 D. Stein, 2543 South Graham Street, Milwaukee, WI 53207 on May 3, 2018 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 2543 South Graham Street, Milwaukee, WI 53207 is the address given by the Licensee on her 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 May 15, 2018 at 1:00 p.m.

### 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, Eric D. Stein 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" Operator's 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" Operator's license held by Eric D. Stein based upon nonappearance.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **five (5) ayes and zero (0) noes** that the Class "D" Operator's License of Eric D. Stein not be renewed based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 18th day of May, 2018.



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TONY ZIELINSKI  
Chairman Licenses Committee

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: May 18, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses of Karen A. Miller, for the premises located at 7964 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Rhino's").

### FINDINGS OF FACT

1. Karen A. Miller (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, and PEP Licenses for the premises located at 7964 West Appleton Avenue in the City and County of Milwaukee, Wisconsin ("Rhino's"). Said licenses expire at midnight on June 13, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on April 12, 2018.
3. Pursuant to Chapters 68, 85, and 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 April 16, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On May 3, 2018, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on May 15, 2018, commencing at approximately 9:00 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On June 18, 2017, at approximately 2:18 a.m., officers were dispatched to 7964 West Appleton Avenue to investigate a shooting. The investigation revealed that a patron was walking to his car and was shot in the leg in the parking lot.

The manager was cooperative and allowed officers to view the surveillance video. No violations were observed inside the tavern.

- B. On September 17, 2017, at approximately 2:19 a.m., officers were dispatched to Rhino's, 7964 West Appleton Avenue, for a Trouble with Subject call. The caller stated he was trying to close the bar but subjects were refusing to leave. When the officers arrived they observed two female subjects fighting in the parking lot. One of the officer deployed O.C. spray to stop the fight. Both subjects were arrested.
- C. On December 2, 2017, at approximately 3:43 a.m., officers were dispatched to Rhino's, 7964 West Appleton Avenue, to a report the bar was open after hours. When the officers arrived they observed three employees leaving with the last subject out locking the door. One of the subjects assured the officer they were not open after hours.
- D. On February 3, 2018, an officer was monitoring Rhino's, 7964 West Appleton Avenue, regarding complaints of cocaine distribution. The officer observed a subject exit the bar and enter an auto. A hand to hand transaction was observed and a traffic stop was performed. A search of the occupants revealed cocaine and the subjects were arrested.
- E. On March 15, 2018, at approximately 2:13 a.m., officers were dispatched to Rhino's, 7964 West Appleton Avenue to investigate a shooting. Upon arrival the officer observed the victim lying in the parking lot. The officer interviewed two employees who stated they were inside getting the patrons out when they heard shots fired outside. They did not observe the incident. The employees were cooperative with the investigation.
- F. On March 20, 2018, a meeting was held at District 7 regarding Rhino's. The Licensee stated her son works the night shift and she was coming in during the evening hours. She stated she has been getting new patrons due to other taverns closing in the area and she has started using her ID scanner again. She stated the shootings have been happening in the parking lot and not inside her tavern. She was advised that in an incident occurs on her property she is responsible. She was advised she would receive a nuisance designation and she should create an action plan. She was also advised to have employees cleaning up until all patrons have left the property and to have uniformed security monitor the inside and outside.
- G. On April 2, 2018, an officer investigated a battery complaint which occurred at Rhino's on March 26, 2018, at 2 a.m. The victim is reporting that he was beat by a bartender with a bat. The officer went to the tavern to find out the bartender's name. He spoke with the Licensee, who came to the tavern in order for the officer to observe the video surveillance. The Licensee stated the patron had actually beaten up her bartender with the bat. The officer watched the video

which showed the patron and bartender having an argument. The patron then punching the bartender. The patron was then trying to get behind the bar and the bartender got the bat and attempted to hit the patron, missing him. The patron was able to get the bat from the bartender and began to punch, kick and hit the bartender with the bat. The officer asked why this incident was not reported by the bar and the Licensee stated the bartender did not want to prosecute. This incident happened prior to a meeting on March 26, 2018, at District 7 regarding the tavern being named a nuisance property but this incident was not disclosed by the Licensee at that time.

- H. Between April 1 and April 3, 2018, officers were monitoring Rhino's regarding complaints of cocaine distribution. The officer sent in a confidential informant who was able to purchase a white powdery substance from a patron in the bathroom.
- I. The Licensee stated the shooting last year was due to a robbery and he was brought inside until the ambulance arrived he added the shooting this year occurred after bar close when a man on a bicycle attempted to sell a bottle of liquor to patrons leaving the premises, a fight ensued, and the individual was shot in self-defense. She added that she hired an armed security guard and she uses the ID scanner every night, so identification information is available if there is an issue. She stated that she broke her arm in March and has not been at the premises due to her injury. She stated that there are now lights in the parking lot and the security guard checks the lot to make sure all cars are gone after the premises is closed. She stated that people go outside and sit in their cars, but she does not know what they are doing because she does not go outside and watch the customers in their cars. She added that she does not want drug activity at her premises. She stated that she has been in business since 2002 and has had very few issues. She stated that a security guard shot someone in self-defense. She stated security use to be intermittent because of cost, but now she has security every night regardless of the amount of patrons. She stated her patrons are blue collar working class people during the daytime and it is quiet until 10:30 PM or 11 PM. She added that she is unaware of who was doing the shooting, so she does not know if they're regulars or not. She stated she is aware the issues have increased in the last couple of years. She stated that she is going to add more cameras outside and inside and have a DVR that can record from the cameras. She apologized for any issues that have arisen from the premises. She stated patrons love her place because it is a home away from home. She stated she asked the bartender to file charges against the person who beat him up, but he refused, which is why the incident was not brought up to Ald. Bohl. She added she has made some mistakes and times are changing. She stated people are being threatened by guns and she wants to prove she can turn her business around because she doesn't want to lose it. She added that her son is not a drug dealer.



Individuals present in opposition:

- J. Cpt. Boris Turcinovic stated the establishment is beyond the control of the Licensee and her son is letting her down. He added that there have been two shootings in the last calendar year. He stated that Licensee is' a nice person, but the neighborhood has had enough, and it is time for new management.
- K. Nicholas McVey, 7924 W Appleton Avenue, testified in opposition. He stated in the past year he has witnessed shootings at least four times, drug trafficking at least a couple dozen times, and someone get abducted in the parking lot. He added that he's called 911 after each incident. He added that a patron urinated in front of his home and he called the police regarding the incident. He added that patrons parked in his parking lot and he contacted the Licensee and her son regarding the issues.
- L. Patrick McVey, 7924 W Appleton Avenue, Apt 1A, testified in opposition. He stated he agrees with the previous speaker. He added on July 26th the bouncer offered to sell him drugs. He stated that he believes people are being overserved and driving drunk.
- M. Mark Schmidt, 8048 W Potomac Avenue, appeared in opposition. He stated he agrees with the previous speaker and his backyard is in line with the parking lot. He stated he was outside during the shooting in June and is concerned about the gun play. He added there has been an increase in violence and noise in the neighborhood.
- N. Nia Walters, 8015 W Potomac Avenue, appeared in opposition. She stated she heard gunshots three nights in a row and called Assistant Chief Harpole. She added people are doubling parking and sitting outside in the summer and there did not used to be these types of problems. She stated at bar close patrons are milling around outside the premises and motorcycles are being revved.
- O. Alderman Khalief Rainey asked about the clientele and who is doing the shootings.
- P. Alderman Bohl stated there have been drug concerns at the premises for years. He added that the concerns have been evident for a while and the Licensee has been in contact with his office. He stated that the Licensee never mentioned the beating inside the premises. He added that the Licensee is present in the daytime, but not the nighttime. He added that the Licensee's son may have been involved in some of the drug issues. He stated that the Licensee is a nice person, but he is unsure that the Licensee grasps the severity of the issues and the gravity of the situation. He added that these problems have not occurred overnight. He added that he does not have confidence in the Licensee's ability to adequately manage the premises and is concerned about the safety of neighborhood residents.

- Q. Alderman Zielinski stated he is concerned about the safety of neighborhood residents and the Licensee's ability to change with the times.
- R. Alderman Bohl moved nonrenewal based on the police report items #10, 11, 13-17, police testimony, neighborhood testimony, and Licensee testimony. (Prevailed 5-0)

#### 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 Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Karen A. Miller, has not met the criteria to allow renewal of his Class "B" Tavern, Food Dealer, and PEP licenses.
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 not to renew the Class "B" Tavern, Food Dealer and PEP licenses of Karen A. Miller for the premises located at 7964 West Appleton Avenue, in the City and County of Milwaukee, Wisconsin ("Rhino's") based upon items #10, 11, 13-17 in the police report, police testimony, neighborhood testimony, and Licensee testimony.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, and zero (0) noes**, recommends that the Class "B" Tavern, Food Dealer and PEP Licenses of Karen A. Miller for the premises located at 7964 West Appleton Avenue ("Rhino's") in the City and County of Milwaukee, Wisconsin not be renewed based upon items #10, 11, 13-17 in the police report, police testimony, neighborhood testimony, and Licensee testimony.

The nonrenewal begins 12:01 a.m. on June 14, 2018.

Dated and signed at Milwaukee, Wisconsin this 18th day of May, 2018.



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TONY ZIELINSKI  
Chairman, Licenses Committee

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: May 18, 2018

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Kulwant Dhillion for Filling Station, Food Dealer, and Weights & Measures licenses for the premises located at 7535 West Burleigh Street in the City and County of Milwaukee, Wisconsin ("Burleigh Marathon").

### FINDINGS OF FACT

1. Kulwant Dhillion (hereinafter the "Licensee") is the holder of Filling Station, Food Dealer and Weights & Measures licenses for the premises located at 7535 West Burleigh Street in the City and County of Milwaukee, Wisconsin ("Burleigh Marathon"). Said licenses expire at midnight, June 18, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on March 15, 2018.
3. Pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation.
4. On May 3, 2018, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on May 15, 2018 at 10:30 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 Paul Oberer.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. The Licensee stated he retrained the employee in question in the police report and there is now a sign regarding the sale of tobacco to minors. He added that he is at the store almost every day. He stated that his employees clean up the snow all the time. He stated that he remembers meeting Mr. Winstanley a long time ago. He added that his employees clean up every day.

- B. Atty. Paul Oberer stated he is unaware of the issues described by Mr. Winstanley because there were no complaints on the record previously. He added that he is unaware of outstanding DNS reports and citations. He stated that there needs to be cooperation with Mr. Winstanley and he can call him any time to address issues. He added that the Licensee needs to be a good neighbor and an understanding with neighbors needs to be reached.

Individual present in opposition:

- C. Roger Winstanley, 3024 N 76th Street, stated there are outstanding DNS complaints regarding trash, litter and the condition of the property. He added that this premises has been a nuisance since 2005 and he has written 14 letters of complaint to DNS and Alderman Murphy, and made numerous complaint phone calls to DNS and DPW. He added that the patio, sidewalk, and bus stops were not cleared of snow and ice adequately or in a timely manner. He added that the landscaping is not being maintained at the grass is high and full of trash. He stated that he has talked with the Licensee numerous times about trash and snow removal and nothing has been addressed. He added he would like the Licensee to clean the premises of litter on a daily basis. He stated he met the Licensee inside the premises to complain and the Licensee says "yeah", but he does not do anything.
- D. Alderman Bohl asked about the litter and not having the sidewalks adequately shoveled. He stated neighbors shouldn't be notifying the Licensee about problems. He asked the Licensee how often he is at this location. He stated that since the premises changed from Speedway to Marathon it has gone downhill. He stated the Licensee should be cleaning up trash daily and should be proactive.
- E. Alderman Murphy stated DNS has issued numerous clean up orders and wants to know what the Licensee will do moving forward. He added that the Licensee needs to hire more personnel to handle issues such as trash.
- F. Alderman Murphy moved approval with a 10 day suspension based on neighborhood testimony. (Prevailed 5-0)

#### 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 68, 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Kulwant Dhillion who holds Filling Station, Food Dealer, and Weights & Measures licenses for the premise located at 7535 West Burleigh Street in the City and County of Milwaukee, Wisconsin ("Burleigh Marathon") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Filling Station, Food Dealer, and

Weights & Measures licenses without undergoing a ten (10) day suspension. The Committee finds the neighborhood objections as stated above to be true. The Committee based its recommendation on the neighborhood testimony.

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 Filling Station, Food Dealer, and Weights & Measures licenses without undergoing a ten (10) day suspension for the premises located at 7535 West Burleigh Street in the City and County of Milwaukee, Wisconsin ("Burleigh Marathon"). The Committee based its recommendation on the neighborhood testimony.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, and zero (0) noes**, recommends that the Filling Station, Food Dealer and Weights & Measures licenses held by Kulwant Dhillion for the premises located at 7535 West Burleigh Street in the City and County of Milwaukee, Wisconsin ("Burleigh Marathon") be renewed with a ten (10) day suspension based its recommendation on the neighborhood testimony.

The suspension is in effect between 12:01 a.m. on June 19, 2018 until 11:59 p.m. on June 28, 2018.

Dated and signed at Milwaukee, Wisconsin this 18th day of May, 2018.



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TONY ZIELINSKI, Chair  
Licenses Committee

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: May 18, 2018

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Revocation of Jason Jones Agent for Villard Ave Groceries & More, Cigarette and Tobacco License for the premises located at 3520 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Villard Ave Groceries & More").

### FINDINGS OF FACT

1. Jason Jones (hereinafter the "Licensee") is the holder of a Cigarette and Tobacco license for the premises located at 3520 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Villard Ave Groceries & More").
2. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Wisconsin Statutes § 134.65, Assistant City Attorney Patrick J. Leigl filed a revocation complaint, attached and incorporated by reference, against the Licensee on April 26, 2018.
4. On May 8, 2018, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 85 of the Milwaukee Code of Ordinances of the date of the hearing. The licensee appeared in Room 301B of City Hall on the hearing date of May 15, 2018. At said date, time and place, the Licensee appeared, at the hearing with counsel, Attorney James Toran, and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report and Revocation Complaint. The Milwaukee Police Department was represented by Assistant City Attorney Patrick J. Leigl.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On March 23, 2018, Milwaukee Police Department officers conducted an investigation at Villard Groceries & More by having a confidential informant attempt to purchase a single cigarette at the store. At approximately 6:45 p.m., the informant entered the store and later returned with four Newport cigarettes. It was determined that the informant purchased the single cigarettes for \$0.50 each.
  - B. On March 31, 2018, Milwaukee Police Department officers conducted an investigation at Villard Groceries & More by having a confidential informant

- attempt to purchase a single cigarette at the store. At approximately 11:43 a.m., the informant entered the store and later returned with four Newport cigarettes. It was determined that the informant purchased the single cigarettes for \$0.50 each.
- C. On April 12, 2018, Milwaukee Police Department officers conducted an investigation at Villard Groceries & More by having a confidential informant attempt to purchase a single cigarette at the store. At approximately 5:25 p.m., the informant entered the store and later returned with four Newport cigarettes. It was determined that the informant purchased the single cigarettes for \$0.50 each.
- D. ACA Patrick Leigl stated this is the third time the licensee has appeared before the committee for this issue. He stated the licensee is cloaking the store with a new name and the original owner, Mr. Daniel Perry is still involved. The premises had its tobacco license revoked in November 2017, when Mr. Perry had the license, and now there is just a different business name. He added that Mr. Perry currently owns the premises and owned the premises at the time of the previous revocation. He stated that the current Licensee was also employed at the location at the time of the previous revocation. He added there are numerous complaints going back to July 2016. He stated unlawful sale of tobacco has continued at this location.
- E. PO Donald Krenzien of the Milwaukee Police Department was called to testify regarding his role in the investigation. Officer Krenzien explained that he works with confidential informants for narcotics investigations. He stated he used a confidential informant to purchase single cigarettes from the premises on three occasions. He added that a camera was used for the first buy. Officer Krenzien stated that he was unaware if the Licensee knew the employees were selling single cigarettes.
- F. Common Council President Ashanti Hamilton, the local alderperson, stated the same people involved in the previous revocation are still involved in the business. He added that it is the same activity and the same operators as last time. He stated there is loitering and other nuisance activity occurring at the premises. He added neighborhood residents and neighboring businesses need relief from the loitering and nuisance activity occurring at the premises.
- G. Lieutenant Warren Allen testified that he has received complaints from businesses and residents of the area. He added there have been complaints about loitering and double parking and businesses are leaving the area because of the nuisance activity. He stated CLOs deal with complaints and calls for service for the premises. He stated MPD has been receiving, responding, and investigating complaints since 2015. Individuals present on behalf of the licensee.
- H. Attorney James Toran asked PO Krenzien if a body camera was used during the controlled buys. He asked if the sales were from the employee's personal cigarettes and if the licensee was aware the employees were selling single cigarettes. He stated the licensee took the business over in December 2017 after the previous owner's license was revoked. He stated that the licensee kept the

previous employees. He added that the employees who sold the single cigarettes have since been terminated, and new employees have been hired. He stated there is no place to park so people have to double park. He added that the licensee is taking the steps he needs including firing old employees and installing security cameras. He stated the licensee has only had the business for 5 months and does not condone the actions of the former employees, but takes responsibility for their actions. He stated there has been no attempt to sit down and talk with the licensee about his business practices. He added the licensee is willing to work with the police and run a good business. He recommends a warning letter or suspension.

- I. Alderman Kovac moved for revocation based on the revocation complaint, police testimony and aldermanic testimony. Said motion prevailed on a vote of 5 Ayes, 0 Noes.

### 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 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found and the findings in the revocation complaint, the Committee concludes that the Licensee, Jason Jones who holds a Cigarette and Tobacco License for the premise located at 3520 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Villard Ave Groceries & More") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Wisconsin Statutes § 134.65 to continue to hold the above described Cigarette and Tobacco license. The Committee finds the allegations in the revocation complaint to be true. The Committee based its recommendation on the facts in the sworn complaint, police and aldermanic testimony.
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 Cigarette and Tobacco license for the premises located at 3520 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Villard Ave Groceries & More"). The Committee based its recommendation on the facts found in the sworn complaint, police, and aldermanic testimony.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, and zero (0)** recommends that the Cigarette and Tobacco license held by Jason Jones for the premises located at 3520 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Villard Ave Groceries & More") be revoked based its recommendation the facts found in the sworn complaint, police, and aldermanic testimony.

Said revocation is in effect on May 30, 2018.



Dated and signed at Milwaukee, Wisconsin this 18th day of May, 2018.

A handwritten signature in black ink that reads "Tony Zielinski". The signature is written in a cursive style with a large, stylized "T" and "Z".

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TONY ZIELINSKI, Chair  
Licenses Committee

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