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- Steering and Rules Committee
- Zoning, Neighborhoods, and Development Committee

JOCASTA ZAMARRIPA ALDERWOMAN, 8TH DISTRICT

February 3, 2025

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 241543 contains the following recommendations:

Nonrenewal of the Class D Operator's license for Kelly H Brazil based upon the preponderance of the evidence in the police report and applicant testimony that demonstrates that the license would be a threat to health, safety and welfare of the public.

Nonrenewal of the Class B Tavern, Public Entertainment Premises and Food Dealer licenses for Antonio R Layton based upon the preponderance of the evidence in the police report, residents, aldermanic, applicant and MPD testimony that demonstrates the operation results in a threat to health, safety and welfare of the public for the reckless driving of patrons, excessive loitering, assaults, battery, loud noise at the time that the bar is operating and the failure to comply with the approved plan of operations; for the premises located at 2537 W National Av. ("La Cueva") in the 8th aldermanic district.

Common Council File Number 240903 contains the following recommendations:

Revocation of the Extended Hours, Filling Station, Food Dealer and Weights and Measures licenses held by Gurinder Nagra, based upon the preponderance of the evidence in the police report, neighborhood, MPD, aldermanic, applicant and counsel testimony that demonstrates the operation would result in a threat to the health, safety and welfare of the public specially relating to guns fired in the premises, loitering, the illegal drug activity, problematic area, parcel and failure to comply with the approved plan of operations; for the premises located at 4295 North Teutonia Av ("Teutonia Gas & Food") in the 1st aldermanic district.

Sincerely,

JoCasta Zamarripa
Chairperson, Licenses Committee

cc: All Council Members
Files 2414543, 240903





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JOCASTA ZAMARRIPA ALDERWOMAN, 8TH DISTRICT

Date: January 31, 2025

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 Kelly H. Brazil

FINDINGS OF FACT

1. Kelly H. Brazil (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, 2024.
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. On November 27, 2024, the Milwaukee Police Department responded with a report that could form the basis for the suspension or nonrenewal of said licenses.
4. On January 16, 2025 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 January 28, 2025 at 1:10 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee appeared 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. A notice of the hearing as well as a copy of the police report was sent to Kelly H. Brazil, 3803 North 13th Street, Milwaukee, WI 53206 on January 16, 2025 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 3803 North 13th Street, Milwaukee, WI 53206 is the address given by the Licensee on the application. The envelope was not returned to the License Division by the United States Postal Service.



- B. On November 12, 2024, the Licensee was arrested for Operating While Intoxicated (3rd).
- C. The Licensee was present and said that her address is 5220 N 68th St #8.
- D. The Licensee said that she has completed everything for the second item on the police report and that she still working on the third item with a court date coming up and that there are no pending warrants or tickets to pay. She also said that she is trying to keep her bartender's license because it is the only job that she has. She added that the court date is on February 14, 2025.

Individuals also present:

- E. Alderwoman Zamarripa asked the Licensee if her driver's license has been revoked.
- F. The Licensee answered "yes".
- G. Alderman Burgelis asked the Licensee if she realizes the difficulty/conflict that the committee might have with her bartender application while she was caught driving intoxicated for the third time and without a driver's license.
- H. The Licensee said that she was using an occupational driver's license and that she did not have the blowing device because it was not her car.
- I. Alderman Burgelis said that we are not here to discuss her criminal case but to discuss if the City should trust her with a bartender license while she was caught driving intoxicated for the third time.
- J. The Licensee said that working as a bartender she understands when people have reached their level.
- K. Alderman Burgelis said that the problem is that the Licensee does not know when she has reached her own level.
- L. Alderman Burgelis moved nonrenewal based upon the preponderance of the evidence in the police report and applicant testimony that demonstrates that the license would result in a threat to health, safety and welfare of the public. (Prevailed 3-1)

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, Kelly H. Brazil 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.



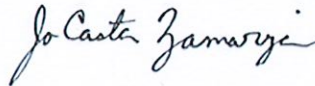
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Operator's license held by Kelly H. Brazil based upon the preponderance of the evidence in the police report and applicant testimony that demonstrates a threat to health, safety and welfare of the public.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **three (3) ayes, one (1) noes and one (1) excused** recommends that the Class "D" Operator's License of Kelly H. Brazil not be renewed based upon the preponderance of the evidence in the police report and applicant testimony that demonstrates a threat to health, safety and welfare of the public.

Said nonrenewal is effective February 11, 2025.

Dated and signed at Milwaukee, Wisconsin this 31 day of January, 2025.



JOCASTA ZAMARRIPA
Chairperson Licenses Committee

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JOCASTA ZAMARRIPA ALDERWOMAN, 8TH DISTRICT

Date: January 31, 2025

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class B Tavern, Public Entertainment Premises and Food Dealer Licenses, for Antonio R. Layton, Agent for La Cueva LLC, for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("La Cueva").

FINDINGS OF FACT

1. Antonio R. Layton (hereinafter "the Licensee") is the holder of Class B Tavern, Public Entertainment Premises and Food Dealer Licenses, for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("La Cueva"). Said licenses expire at midnight on February 12, 2025.
2. An application to renew said licenses was filed with the Office of the City Clerk on December 26, 2024.
3. Pursuant to Chapters 68, 85, 90 and 108 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 December 27, 2024, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On January 15, 2025, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on January 28, 2025, commencing at approximately 1:30 p.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing with counsel, Attorney Vince Bobot, via virtual, 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 March 1, 2024 at 2:28 a.m., Milwaukee Police were dispatched to a Shots Fired, later determined to be a Shooting at 2537 West National Avenue. On arrival, officers located seven spent casings and a blood trail in the rear of the business. The officers interviewed two victims at the hospital, one was a security guard and the other was a



20-year-old, who had been drinking inside the bar. The security guard stated an altercation began inside resulting in the subjects being removed. The fight became physical outside. Security attempted to break it up and was subsequently shot as well as the other victim. Officers attempted to interview the agent and employees, however, a female opened the door and stated they would get their boss, locked the door and no one ever returned despite multiple officers attempt to get them to unlock the door.

- B. On March 18, 2024, Milwaukee Police, an ADA and the Alderperson, met with the business regarding the incident. An employee stated the incident began inside the bar with a subject attempting to strike the bartender. The subject was removed and returned later with the underage victim/armed suspect, who was treated at the hospital. Video surveillance depicts a group of people arguing outside the tavern and a subject with a "security" sweatshirt, attempting to disarm the armed suspect, at which time the gun goes off and a subject sustained a gunshot wound to their leg. The "security" then obtains control of the firearm and fires multiple rounds striking the premise, the sidewalk and the suspect. The officers requested interior video surveillance, however, the employee stated it was set up incorrectly and therefore did not begin recording until March 2, 2024. The business had no explanation as to why no one called police during the incident. The business denied the underage suspect drinking inside the bar. The business stated the subject wearing the "security" sweatshirt is not an employee of theirs and is security at another business. It was determined there was no licensed bartender on scene during the incident. The business was advised they could not serve any alcohol until an employee obtained their license. It was further discussed one of the employees should obtain a B Manager License. The agent stated they reside in Sheboygan, however, use an employee address due to personal matters. Officers were further advised the business hired additional 5-armed security guards and fixed the video surveillance. No employees were fired or reprimanded due to the incident.
- C. On May 13, 2024 at 1:34 a.m., Milwaukee Police were dispatched to a Shots Fired at 2600 West National Avenue. On arrival, officers observed a large group gathered in the alley of 2537 West National Avenue. The crowd began to disperse. No one remained to speak to officers and the caller did not answer the phone on callback. Officers attempted to speak to security at the bar, however, found the bar to be closed. The officers contacted the manager who stated a large crowd gathered due to security removing people from the bar and had no knowledge of any shots fired. The manager denied having access to allow officers to view video surveillance; however, stated officers could obtain it in the future.
- D. On June 8, 2024, an officer obtained video from a local Alderman that were captured on Facebook of a large fight that occurred in front of 2537 West National Avenue, at approximately 12:54 a.m. The video depicts the fight lasts for approximately 2 minutes between several patrons, causing a crowd of at least 50 patrons gathering, causing traffic issues and a disturbance. It appeared a patron was pepper sprayed by an unknown subject. Plain-clothes security is observed attempting to break up the fight and the lone uniformed security officer only appears after the crowd has dispersed. The business did provide video of the incident; however, it was in a format



that was not viewable and could not be attached to the officer's report. It should be noted no one from the business called the police.

- E. On June 15, 2024 at 1:30 a.m., Milwaukee Police were dispatched to a Fight at 2537 West National Avenue. On arrival, officers were advised there was no fight and they were attempting to get patrons to leave the area. Officers were advised the bar manager observed a subject outside they believe to have a current restraining order on, waving at the manager. It was determined the subject lives next door to the bar. The business is a designated nuisance premise and is in billing status or has submitted an abatement plan.
- F. On July 27, 2024, Milwaukee Police conducted an Underage Tavern Enforcement Initiative utilizing a plain-clothes officer and an underage Police Aide. At approximately 9:45 p.m., they attempted to enter 2537 West National Avenue, however, were denied entry due to the Police Aide not providing an ID.
- G. On August 2, 2024 at 8:22 p.m., Milwaukee Police conducted a License Premise Check at 2537 West National Avenue. No violations were found.
- H. On September 11, 2024 at 12:44 a.m., Milwaukee Police were dispatched to a Shooting at South 17th Street and West National Avenue. The victim was shot in the leg and transported to a hospital. The victim stated they were at 2537 West National Avenue, and were ejected by security, along with another subject. As they were walking, the other subject yelled something at a passing car, who slowed down and fired shots, striking the victim in the leg. The business was cooperative allowing officers to access the ID Scanner to determine whom the victim was with.
- I. On October 16, 2024 at 3:30 p.m., Milwaukee Police conducted a License Premise Check at 2537 West National Avenue Assisting in this assignment was an Agent from Wisconsin Department of Revenue Alcohol and Tobacco. Four Liquor bottles with contaminates were discarded. The only other violation was Hookah boxes on display that contained tobacco. The manager was advised they do not have a tobacco license and therefore, cannot sell tobacco products. The Agent seized 27 boxes of tobacco containers.
- J. On November 15, 2024 at 7:38 p.m., Milwaukee Police conducted a License Premise Check at 2537 West National Avenue This was in regards to information received the business was promoting flyers on social media. The manager was advised they were not in compliance by promoting on social media and agreed to take the posts down.
- K. On December 6, 2024 at 11:00 p.m., Milwaukee Police conducted a License Premise Check at 2537 West National Avenue. Hookah smokers were observed on the tables. Additional squads responded at 11:38 p.m., to conduct further follow-up regarding the hookahs. Officers observed patrons smoking Hookah, however, after checking samples provided by the business it was determined it did not contain tobacco. The officers observed that security used a counter for the patrons and although the number reflected on the counter seemed low the officers did not believe the business was over capacity.



- L. Attorney Bobot said that there has been a significant decline of egregious activities at the premises after the Licensee met with the police and Alderwoman Zamarripa. He mentioned the following examples: that item 6 (7/27/2024) the access was denied for not providing ID, item 7 (8/02/2024) no violations were found, item 8 (9/11/2024) someone got shot by a passing auto and that he does not know if it was related to the situation that was taken care of earlier. He added that for item 9 (10/16/2024) it was check conducted by DOR where four bottles were contaminated and discarded and the tobacco was seized and that from that point, there was no more tobacco at the establishment. He also said that the flyers promoting the business were discarded and taken down from social media (item 10) and item 11 (12-06/24) was a premises check where no violations were observed. He said that his client has been cooperative with the police and has a security system in place and is willing to have multiple security guards to remain in business.

Individuals also present:

- M. Attorney Nathaniel Adamson (on behalf of MPD) requested to wait for swearing the officers in as one more is on his way here and that he is going to testify relating on an incidence that is not on the licensed premises report but it has been noticed out through Captain's Pajot objection. He added for the record, that this establishment on December 31, 2024 has a capacity of 99 people was at 172-180 and that the bar had to be shut down. He said that he received information this morning, which is obviously passed the time to be noticed but that last night there, was...
- N. Attorney Bobot objected to any information that was not noticed.
- O. Attorney Adamson said that he appreciates that because he wants to make sure that whatever behavior occurred last night and if this committee recommends renewal of this license, that this be noted specifically that it should be considered at the new cycle.
- P. Attorney Travis Gresham advised the Chair to address Attorney Bobot's objection if Attorney Adamson wants to use that information as evidence.
- Q. Attorney Bobot said that we should wait for the witness instead of having Attorney Adamson putting in some type of evidence.
- R. Attorney Adamson said that he is not offering as evidence but as a potential over capacity from last night that has not been investigated because the head count has not been completed yet.
- S. Attorney Bobot objected to the comment and asked to strike that comment from the record.
- T. Alderman Westmoreland denied the objection.
- U. Attorney Adamson said that for accuracy and clarity of the record, on the notice that was sent out, item 5 on the police report, the last paragraph reads: "The business is a



designated nuisance premise and is in billing status or has submitted an abatement plan.” He commented that it has been placed there in error and that it was based on a police report that was submitted in error (page 23 of the total ebook). He also said that this business has not been designated a nuisance by MPD, and was not in the nuisance status at the time of item 5.

- V. Alderwoman Zamarripa said that there some videos attached to the notice that she would like the committee to see. She added that the first one is from social media.
- W. Attorney Gresham advised the Chair to explain where the videos came from.
- X. Mr. Cooney said that the videos were made public on social media.
- Y. The first video was played.
- Z. Alderwoman Zamarripa said that it is her understanding that this video is pertaining to the item 4 (6/08/2024) on the police report which mentions that the video was captured on Facebook, the large fight that occurred in front of 2537 W National Av. “La Cueva”.
- AA. Attorney Bobot had technical difficulties.
- BB. Attorney Bobot asked if the date could be verified.
- CC. Attorney Adamson answered “yes” and that Officer Vodicka could verify it.
- DD. Officers Vodicka, Dehen and Powell were sworn in.
- EE. Officer Vodicka said that he received an email from Alderman Perez’s office with two videos of fights. He said that he recognized the exterior of the premises as La Cueva and that to be sure, because the video was not time stamped; he and his partner Officer Dehne went “Taqueria El Toro” to check the surveillance system there and that it captured the same fight.
- FF. Alderwoman Zamarripa said that she wants to play the horizontal video to show the members that this business in both applications (new and renewal) indicate that they are a food restaurant and a tavern and did not check off the nightclub option. She said that when they met with them, Mr. Layton told her that he was looking to hire a chef from Bartolotta’s to be another potential Bartolotta’s , so she wants the committee to see how they went from what is on the application to the business that they are running now.
- GG. The video was played.
- HH. Attorney Adamson said that Officer Powell is here to testify on the item of December 31, 2024 and asked him to explain his relation with this establishment and knowledge of this establishment.



- II. Officer Powell said that he works at MPD District 2 with the Violent Crime Reduction Team. He added that his introduction to La Cueva was when they first opened, and that during the weekends, they do tavern patrols and deal with tavern problems. He said that he talked to Kurtis who was his point of contact or head manager, and gave him the break down about being in a bad spot that also told him that the previous business was kicked out and gave him certain guidance points. Officer Powell said that it started with small incidences like noise complaints or a little fight outside the bar and that it got progressively worse as time went on. As for the December 31, 2024 incident, he said that he, another uniformed squad and two supervisors, went to La Cueva at 11:13 pm because they believe it was operating over capacity. He said that the initial area seemed moderately crowded and where the DJ was (the lounge area at the back), it was over packed. He also said that he talked to the security guard at the door who told him that they were at 120 people. He added that he, Officer Lomeli and Officer Merrill went in with their body cameras on and that Officer Lomeli and Officer Merrill walked through the bar with the hand clicker to get the head count of the people as they were passing by. He explained that the first count was 160 just walking through the bar and after reporting it to Captain's Yanick, they got permission to shut down the bar for over capacity. He continued saying that Officer Lomeli was positioned outside, Officer Merrill inside with the clickers reset and started to count people as they were exiting the bar. He said that the counts were 172 and 180 including the staff present at the bar at that time. He added that there were another four incidents where he responded as primary officer, assisting investigating or doing follow-ups in regards to La Cueva. He said that one of those incidents were about a stabbing that took place just outside La Cueva where there was a gentleman who was hitting his brother inside the establishment and that they were overserved at the point that they could not take care of themselves. He explained that the brothers were pushed out by security, that they had some type of issue with the security guard and kicked the door. He said that he gave La Cueva those kind of warnings about unruly patrons, to call MPD and to let MPD deal with them. He continued saying that La Cueva security took it upon themselves and that the video shows the security brutally assaulting these two men to the point that one needed stitches and that when they were trying to file the police report, this person became uncooperative. He added that other person was left on the street unattended and later got in an argument with another person and was stabbed. Officer Powell said that La Cueva security guards have been less than helpful to say the least. He added that one of the securities is on parole for first-degree reckless endangered safety, which is a serious felony, and that there are rumors from patrons that the security has been armed and that there are two or three people that are convicted felons that should not be armed but there's no case found against them yet.
- JJ. Attorney Adamson asked Officer Powell if there have been any other recent issues with over capacity that have yet to be fully investigated by MPD.
- KK. Officer Powell said that as of this morning, several officers from the night shift were dispatched to La Cueva to do a tavern check that they parked at a McDonald's lot from where they saw two to three large groups of 15-20 people exiting the bar. He thinks that La Cueva staff saw the officers and the establishment began moving people out of the bar. He added that after getting enough resources, they went inside the bar to conduct the check and they counted about 96 people.



- LL. Attorney Bobot asked Officer Powell if MPD has identified the stabbing victim.
- MM. Officer Powell said that the victim was identified and that there is a police report filed.
- NN. Alderman Burgelis asked if during those tavern checks any weapons were found inside the premises.
- OO. Officer Powell answered “no”.

Individuals in objection:

- PP. Martha Alamo – 716 South 26th Street – said that they met with the Licensee at the beginning and that they were told that it was going to be a pretty restaurant, which is not. She added that she owns 6 properties on the block, that she is concerned about her properties, her neighbors and tenants and that she was told that what happens outside La Cueva is not their responsibility. She also said that people are overserved, they park all over, they spin wheels, and they are loud and that the amount of people coming out from this establishment is like from a Bucks game. She added that neighbors are tired, that she has tenants and she expects them to be respectful to their neighbors because it is her business and that La Cueva should do the same.
- QQ. Chris Gramling -1020 South 36th Street – block organizer – said that problems are developing since the owner changed. He said that he is here to represent his neighbors that are tired of the fights, overserved patrons and seeing people pulling out guns and even fired them. He added that security guards are not patrolling the street, that they are inside the bar drinking and that crowds become rowdy.
- RR. Chris Logan – Mitchell Court Apartments- resident for 13 years – said that many of her neighbors are fearful to appear but that there have been shootings, that people park at their lot, that it is a nightmare with the shootings and stabbings and that they do not want to go out when the bar is open. She added that they do not need a license there and that they all can hear what is going on there. She added that there is a lot that they go through and is not something to live with.
- SS. Alderwoman Zamarripa asked the Licensee if he has a good relation or is in a good standing with the landlord.
- TT. The Licensee said that an eviction order has been filed.
- UU. Attorney Bobot said that they are contesting the eviction because the rent has been paid and that his client has the legal possession of the building.
- VV. Alderman Burgelis asked the Licensee if there any other allegation to breaking the lease agreement.
- WW. The Licensee’s attorney said that he has not.



- XX. Alderwoman Zamarripa said that she met with Mr. Layton and number of his partners at the MPD District's 2 office after the very first incident happened (less than a month after they opened) when he did not want to share the footage because he said that he did not have it and locked the door on MPD. She asked the Licensee if he recalls that the purpose of the meeting was to discuss the next steps and that Mr. Layton told her that his plan was to run a Bartolotta's style restaurant and that he would hire staff who worked there.
- YY. The Licensee answered "yes".
- ZZ. Alderwoman Zamarripa asked what happened because this business has operated as a nightclub since then.
- AAA. The Licensee said that he brought someone in to train the staff to make gourmet pizzas and sell wings so they sell lots of food.
- BBB. Alderwoman Zamarripa asked if it is also a nightclub.
- CCC. The Licensee said that dancing with a DJ is not a nightclub.
- DDD. Alderwoman Zamarripa asked the Licensee if he offers bottle service.
- EEE. The Licensee said that he discontinued the bottle service.
- FFF. Alderwoman Zamarripa asked when it was discontinued.
- GGG. The Licensee said that last year, December.
- HHH. Alderwoman Zamarripa asked the Licensee if he offered bottle service on New Year's Eve.
- III. The Licensee said that he gave bottles of champagne to some guests.
- JJJ. Alderwoman Zamarripa said that she is disappointed about the lack of transparency.
- KKK. Attorney Bobot said that the Licensee said that he discontinued the bottle service in December but had bottles of champagne in New Year's Eve.
- LLL. Alderwoman Zamarripa asked Attorney Bobot if he does not think that the answer is inconsistent.
- MMM. Attorney Bobot said that New Year's Eve is a bad example so he asked Mr. Layton when did he discontinued the bottle service.
- NNN. The License applicant said that the first week of December.
- OOO. Attorney Bobot asked the Licensee if he provided champagne in New Year's Eve.



- PPP. The Licensee answered “yes, sir”.
- QQQ. Alderwoman Zamarripa asked the Licensee how often he is at La Cueva because at the meeting he said that he lives in Sheboygan.
- RRR. The Licensee said that two-three times a week.
- SSS. Attorney Bobot asked the Licensee how long he has been in business.
- TTT. The Licensee said ‘one year’.
- UUU. Attorney Adamson asked the Licensee what kind of steps he took to secure his security guards.
- VVV. The Licensee said that they have screeners, bouncers and then security and that he did interviews and references.
- WWW. Attorney Adamson said that the Licensee indicated to have five armed security guards and asked him what they are armed with.
- XXX. The Licensee said that he got rid of all armed security guards.
- YYY. Attorney Adamson asked what sort of background check he did.
- ZZZ. The Licensee said “only CCAPs”.
- AAAA. Attorney Adamson asked the Licensee if he was aware of the felony convictions of some of his security guards.
- BBBB. The Licensee said that just for the bouncers and not for the security guards.
- CCCC. Attorney Adamson asked the Licensee why he and his staff are not calling the police when fights happens.
- DDDD. The Licensee said that the fights resolve quickly.
- EEEE. Attorney Adamson asked why nobody called the police and why no one was reprimanded when there were no calls for service (in regards to the fight video).
- FFFF. The Licensee said that security broke the fight that everyone was gone and it was not necessary.
- GGGG. Attorney Adamson asked how many dining tables he has.
- HHHH. The Licensee said about 15.
- IIII. Attorney Adamson asked why did he obtained tobacco to sell before obtaining the proper permit.



- JJJJ. The Licensee said that the manager was trying to save money and bought the wrong stuff.
- KKKK. Attorney Adamson asked the Licensee why he was allowing his business to be open and serving alcohol without a licensed bartender on the premises.
- LLLL. The Licensee said that they were renewing the licenses.
- MMMM. Attorney Adamson said that for the shooting that occurred with the juvenile drinking at the Licensee's bar, the person did not apply for the bartender license until March 12, which means 11 days after. He asked the Licensee why no one working at the establishment had an application in for a bartender's license at the time when the first shooting happened.
- NNNN. The Licensee said that the manager he hired before told him that the person had a bartender license.
- OOOO. Attorney Adamson asked the Licensee if he, as the liquor licensee, did not verify that.
- PPPP. The Licensee answered "correct".
- QQQQ. Markos Lopez – landlord & building owner – 1345 N Jefferson St # 495 - said that he is currently in the process of evicting "La Cueva" and asked the committee not to renew the license. He added that the Licensee tried to sublease the property without his permission, which goes against one of the sections of the lease agreement; also for the numerous noise complaints, that they are also late with paying the rent for a month or two and that they need to pay the water bill. He added that he has received the payment for the rent but that he has not received the associated fees for the late payment and that the water bill has not been fully paid yet. He added that his tenant signed as the building owner on the food dealer application submitted by Mr. C Grill and Sushi LLC on June 11, 2024 and that it is a public record.
- RRRR. Attorney Bobot asked if the sublease application was for using the building.
- SSSS. The Licensee said that it was for a food truck.
- TTTT. Mr. Lopez said that they do not have permission to do so, not even for a food truck.
- UUUU. Mr. Cooney explained that the License Division received a food dealer application on June 11, 2024 for Mr. C Grill and Sushi LLC with the first floor kitchen as the premises description and that Mr. Layton signed the application for a shared kitchen.
- VVVV. Alderwoman Zamarripa asked Attorney Bobot if Mr. Kurtis Peterson retained his services.



- WWWW. Attorney Bobot said that the Licensee (Mr. Layton) retained him and that it is his understanding that Mr. Kurtis works at the establishment.
- XXXX. Alderwoman Zamarripa said that he has a representative statement from Mr. Layton authorizing Kurtis Peterson to pick up his licenses.
- YYYY. Attorney Bobot said that it is possible but that Mr. Layton retained him.
- ZZZZ. Alderwoman Zamarripa noted that Mr. Layton and Mr. Peterson have the same home address.
- AAAAA. The Licensee said that Mr. Peterson is the general manager and he lives with him.
- BBBBB. Alderwoman Zamarripa said that she asked earlier to the Licensee if he offers bottle service and that he said no and that he discontinued it last year. She added that her staff assistant just texted a photo from a Facebook posted by Kurtis Peterson on January 26, 2025 at 12:37 pm that reads; "Man, it's up for real, we got Ernest Montgomery and Kid Lil Fett in the building. Guest Bottle Girls, Cashy Cash and Jelly, some of my favorite bartenders so on and so forth. Don't miss it".
- CCCCC. Attorney Bobot said that this was new to him.
- DDDDD. The Licensee said that he has to follow up with Kurtis.
- EEEEE. Alderwoman Zamarripa said that it is on Facebook right now, if they want to pull it up and that, she wants to point out once more her continued frustration on the lack of transparency that she is getting from the Licensee.
- FFFFF. Alderman Burgelis asked the Licensee if he saw the video that was played earlier.
- GGGGG. The Licensee answered "yes".
- HHHHH. Alderman Burgelis asked the Licensee if he saw any tables on that video.
- IIIII. The Licensee said that the tables were moved out.
- JJJJJ. Alderman Burgelis asked why the restaurant moved the tables out.
- KKKKK. The Licensee said that it was a birthday party.
- LLLLL. Alderman Burgelis said that it did not look like a restaurant to him and asked the Licensee if it look like a restaurant to him.
- MMMMM. The Licensee said that he could see how it does not. He added that they serve food until 1:30 am.
- NNNNN. Alderman Burgelis asked if that is a common occurrence at his business.



- OOOOO. The Licensee said that not that he is aware of.
- PPPPP. Alderman Burgelis asked if he was present when the video was taken on June 8, 2024.
- QQQQQ. The Licensee answered “yes, sir” and after he said “no”.
RRRRR. Alderman Burgelis said that the Licensee testified earlier that he stops at the location 3 times a week and asked him for how long he remains there.
- SSSSS. The Licensee said that it depends from two hours to all night.
- TTTTT. Alderman Burgelis asked the Licensee if he knows that he needs a food license to sell food at his establishment.
- UUUUU. The Licensee answered “yes, sir”.
- VVVVV. Alderman Burgelis asked the Licensee if he knew that he needed a tobacco license to sell tobacco products.
- WWWWW. The answer was “yes, sir”.
- XXXXX. Alderman Burgelis asked if the manager was disciplined for selling tobacco without a license.
- YYYYY. The Licensee answered, “yes, she was”.
- ZZZZZ. Alderman Burgelis asked when did he find out that his business was selling tobacco without a license.
- AAAAA. The answer was “when the DOR contacted my manager” (same day).
- BBBBB. Alderman Burgelis asked the Licensee if he did not know that he was selling tobacco or if he did not know that he did not have the license to sell tobacco.
- CCCCC. The Licensee said that he did not know that the product was tobacco based.
- DDDDD. Alderman Burgelis said, “So you were not in control of your business” to the Licensee.
- EEEEEE. Alderman Burgelis asked the Licensee if he knew that he needed a liquor license to sell liquor in a business in the City of Milwaukee.
- FFFFFF. The Licensee answered “yes”.
- GGGGG. Alderman Burgelis asked the Licensee if he was aware that his staff was selling liquor without being licensed as bartenders.



- HHHHHH. The Licensee answered “no”.
- IIIII. Alderman Burgelis said, “So you were not in control of your business” to the Licensee.
- JJJJJ. The Licensee said that it was the manager who hired the staff and that she was terminated.
- KKKKKK. Alderman Burgelis asked what date was that.
- LLLLLL. The Licensee answered, “I don’t recall”.
- MMMMMM. Alderman Burgelis asked the Licensee if he knew that his business offered service bottles two days ago.
- NNNNNN. Mr. Layton had technical difficulties.
- OOOOOO. Attorney Bobot said that this was new to him, that he was not aware of the Sunday’s incident.
- PPPPPP. Alderman Burgelis asked Attorney Bobot if he recognizes that there is pattern where his client does not know what is going on with his business.
- QQQQQQ. Attorney Bobot said that his client answered the questions.
- RRRRRR. Mr. Layton was back and Alderman Burgelis repeated the question about his business offered service bottles two days ago and if the manager still employed.
- SSSSSS. The Licensee answered “apparently”.
- TTTTTT. Alderman Burgelis said that there is a pattern with the Licensee not knowing what is going on at the business.
- UUUUUU. Alderwoman Zamarripa said that the Licensee appears to be pushing back when he is asked if this business is a nightclub and continues say that it is not. She added that there is another video inside the establishment that was also noticed and, that she would like to see. She added that video conveys what she says about this business being a nightclub and not a food establishment.
- VVVVVV. The video was played.
- WWWWWW. Alderwoman Zamarripa asked both Attorney Bobot and the Licensee: “is this a nightclub?”
- XXXXXX. Attorney Bobot asked for the date of the video.



- YYYYYY. Alderwoman Zamarripa said that it was noticed also.
- ZZZZZZ. The Licensee said that the backside of the bar is no longer open
- AAAAAAA. Attorney Bobot declined to make any further questions.
- BBBBBBB. Attorney Bobot said that we know that there is no prior discipline, that it is a new business, that they have security, that they have a camera system that is apparently functioning now, that they showed up at the police station meeting to talk about the safety concerns at the establishment and that it was never designated as a nuisance property. He added that looking at the police report, there has not been much recent activity. He also said that there has been an alleged over capacity issues that have not been adjudicated to the municipal court. He added that a suspension with a length up to the committee would serve as ample warning and justification instead of denying the license.
- CCCCCCC. Alderwoman Zamarripa said that this is the first renewal, that she considers herself a very fair alderperson and that she is always willing to work with business owners over safety issues because she wants businesses to thrive. She added that she sat down with the Licensee as soon as the problems started. She also said that this business has been so egregious, disingenuous and untruthful with her, neighbors, her constituents that here today and to the local law enforcement as well. She added that the purpose of the meeting with MPD, the Licensee, Mr. Peterson and Mr. Gomez was to try to figure out how to move forward. She said that at the very beginning and at the same meeting with MPD, they assured that it was going to be a Bartolotta's style food operations restaurant with wedding and quinceaneras and that it did not happen and that the business is run as a nightclub since day one and not run well.
- DDDDDDD. Alderwoman Zamarripa moved nonrenewal based upon the preponderance of the evidence in the police report, residents, aldermanic, Licensee and MPD testimony that demonstrates operation results in a threat to health, safety and welfare of the public for the reckless driving of patrons, excessive loitering, assaults, battery, loud noise at the time that the bar is operating and the failure to comply with the approved plan of operations. There were no objections. (Prevailed 5-0)
- EEEEEEE. Alderman Burgelis said that on the motion the Licensee did not show any signs of respect and that the opportunity for a discipline action was long gone because the Licensee does not have control of his business. (Prevailed 5-0)



CONCLUSIONS OF LAW

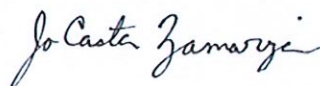
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes.
2. Based upon the above facts found, the Committee concludes that the Licensee, Antonio R. Layton who holds Class B Tavern, Public Entertainment Premises and Food Dealer Licenses for the premise located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("La Cueva") has not met the criteria of Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes for the renewal of the Class B Tavern, Public Entertainment Premises and Food Dealer Licenses. The Committee finds the police report and aldermanic objections as stated above to be true.
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 for non-renewal of the Class B Tavern, Public Entertainment Premises and Food Dealer Licenses for the premises located at 2537 West National Avenue in the City and County of Milwaukee, Wisconsin ("La Cueva"). The Committee based its recommendation upon the preponderance of the evidence in the police report, residents, aldermanic, Licensee and MPD testimony that demonstrates operation results in a threat to health, safety and welfare of the public for the reckless driving of patrons, excessive loitering, assaults, battery, loud noise at the time that the bar is operating and the failure to comply with the approved plan of operations.

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, Public Entertainment Premises and Food Dealer Licenses of Antonio R. Layton for the premises located at 2537 West National Avenue ("La Cueva") in the City and County of Milwaukee, Wisconsin not be renewed.

Said nonrenewal is in effect February 12, 2025.

Dated and signed at Milwaukee, Wisconsin this 31 day of January, 2025.



JOCASTA ZAMARRIPA
Chairperson, Licenses Committee

/296074





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JOCASTA ZAMARRIPA
ALDERWOMAN, 8TH DISTRICT

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE-CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee
- Zoning, Neighborhoods, and Development Committee

Date: January 31, 2025

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Licenses Committee on the complaint seeking revocation of the Extended Hours, Filling Station, Food Dealer and Weights and Measures license held by Gurinder S. Nagra, agent for Teutonia Gas and Food, for the premises located at 4295 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Teutonia Gas & Food").

FINDINGS OF FACT

1. Gurinder S. Nagra (hereinafter the "Licensee") is the holder of an Extended Hours, Filling Station, Food Dealer and Weights and Measures licenses for the premises located at 4295 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Teutonia Gas & Food").
2. A Complaint for Revocation of this license was filed with the City Clerk by Ms. Natalie Easter Allen alleging that Mr. Nagra had hired a convicted violent felon, William Pinkin, to provide security for the gas station, and that Mr. Pinkin while at the gas station, shot Isiah Allen in the back of the head resulting in Allen's death because Allen had shoplifted a food snack.
3. A Summons was served on Mr. Nagra commanding his appearance to answer the Complaint for revocation of the Extended Hours, Filling Station, Food Dealer and Weights and Measures licenses on January 31, 2025, 2023 at 9:00 a.m. in Room 301-B of City Hall. At that date time and place, the licensee, Gurinder S. Nagra appeared with counsel, Attorney Emil Obviagele. Included with the Summons were copies of the Complaint for Revocation and a Police Report dated September 9, 2023, which included the police incidents at the business during the current license year, including the shooting of Isiah Allen on August 16, 2023.
4. **Based upon the sworn testimony heard and the evidence received at the January 31, 2025 hearing, the Committee found the following:**
 - A. On October 1, 2022 at 5:06 p.m., officers were dispatched to a Battery at 4295 N. Teutonia Avenue. The caller stated they purchased items and prepaid for gas inside the store, however, when they tried to pump gas, the pump would not work. The caller stated they again entered the store, and were asked to leave by the clerk due to disorderly actions. The customer stated they refused and the clerk attempted to escort



- the customer out and that is when the 911 call was placed. The employee stated they did not see that the transaction went through on their end, however, agreed to the customers' demands.
- B. On October 9, 2022 at 11:13 p.m., officers were dispatched to 4295 N. Teutonia Ave., for a Shoplifter. Investigation revealed a subject walked in and took several items and exited without paying. The employee stated this subject does this often and is still trying to identify the subject.
- C. On October 10, 2022 at 9:07 p.m., officers were dispatched to a Shoplifter at 4295 N. Teutonia Ave. Investigation revealed a suspect attempted to shoplift items, however, when the employee intervened the suspect attempted to damage items. The suspect was conveyed to a homeless shelter and later issued a citation for Disorderly Conduct.
- D. On October 26, 2022 at 5:21 p.m., officers were dispatched to 4295 N. Teutonia Ave., for a Battery. Investigation revealed a verbal argument between an employee and the suspect began inside the store, then turned physical outside, at which time the employee began suffering from a seizure. The employees were cooperative and allowed officers to view video surveillance of the incident.
- E. On November 11, 2022 at 10:42 a.m., officers were dispatched to 4295 N. Teutonia Ave., for Shots Fired. Investigation revealed a suspect, armed with a sub-compact black rifle, was seen pointing it toward the sky and firing the weapon appearing to test fire in the parking lot. Video surveillance depicted the employees on scene allowing the armed suspect to enter, loiter and exit, multiple times without locking the doors. The employees did not lock the bullet proof glass and continued to wait on other customers while the armed suspect was in the store. While officers were interviewing the employee regarding the incident, the officer observed the subject walking toward the entrance and the employee positively identified the suspect. The suspect was no longer armed, however, was taken into custody.
- F. On January 7, 2023 at 8:09 p.m., officers were dispatched to an Armed Robbery at 4295 N. Teutonia Ave. Investigation revealed the victim was pumping gas when they were approached by a subject from behind. The suspect pressed an object into the victim's back and demanded money. The victim complied and as the suspect was running away, the victim saw the suspect with a handgun in their hand. The employees were cooperative and allowed officers to view video surveillance of the incident.
- G. On March 23, 2023 at 5:07 p.m., officers were flagged down by a citizen for a Battery in progress at 4295 N. Teutonia Ave. Investigation revealed a customer was upset over the pump being cancelled. The clerk advised the suspect they have no control over this and it could have been due to an incorrect pin number. The suspect became irate and began to knock over shelves and throw things around inside the store. When the employee tried to follow the suspects to take pictures of the license plates, the suspect got out of the vehicle and punched the employee in the face multiple times in the head and face.



- H. On March 12, 2023 Milwaukee Police sent a Nuisance Designation letter to the property owner of the business located at 4295 N. Teutonia Ave. The property was placed into nuisance due to two incidents at the location, they are as follows:
- On November 11, 2022 at 10:25 a.m., Police were dispatched to a shots fired complaint at the. The complaint stated that a subject shot a gun in the air. Casings were recovered near the entrance of the store, and the staff did not call police regarding the incident. (Reference item # 19)
 - On February 8, 2023 at 11:09 a.m., Police were dispatched to an armed robbery complaint. The victim stated that he was pumping gas, and the suspect pressed a gun to his head and took US currency.
- I. On April 14, 2023 at 1:24 p.m., Milwaukee Police were dispatched to 4295 N. Teutonia Ave., for an armed robbery complaint. Officers spoke with the victim, the store clerk who stated that two suspects entered the store. Suspect 1 took items without paying for them and suspect 2 displayed a hand gun and pointed it at the store clerk. The armed suspect then attempted to get in to the employee locked area, but could not. Both suspects left in a vehicle driven by a 3rd suspect. The suspects returned. One of the suspects appeared to be armed with a long gun and attempted to enter the employee locked area a second time. The suspects could not gain entry and fled in the suspect vehicle. The suspect vehicle returned for a third time, and the suspects reentered the store. The suspects removed more items from the store and one of the suspects pointed the hand gun at the store clerk. The suspects fled. The business provided video of the incident to officers, which confirmed the event.
- J. On June 22, 2023 at 12:59 a.m., Milwaukee Police were dispatched to 4295 N. Teutonia Ave, for a ShotSpotter complaint. Officers spoke with the store clerk who stated that two suspect vehicles, with a total of 6 suspects pulled into the parking lot of the business. The suspects entered the store and took items from the business without paying for them. The employee attempted to stop the suspect's actions. One of the suspects pointed a hand gun at the employee, and threatened to shoot him. All the suspects entered the vehicles, and one of the suspects from the rear of the vehicle fired three shots in the air when fleeing the location. Officers reviewed the video which depicted the suspects' description, vehicle descriptions, and the incident in its entirety.
- K. On August 16, 2023 at 6:21 a.m., Milwaukee Police were dispatched to 4295 N. Teutonia Ave, for a shooting complaint. Officers arrived at the location and observed a victim unresponsive and shot in the back of the head. The victim was located on the east side of the parking lot. Life saving measures were performed by officers and MFD, and the victim died at the scene. Officers spoke with store clerk who did call the police regarding the shooting. Detectives responded to the scene and took over the investigation, video surveillance was recovered at the scene. Investigation revealed that the victim was shot by the suspect, a store employee.
- L. On September 9, 2023, Milwaukee Police District 5 Officers summarized the Nuisance Designation that was placed on the business located at 4295 N. Teutonia Ave. C.P.U. officers agreed to a plan by the business agent to mitigate the nuisance



activity occurring on and around the property, with a start date of April 6, 2023. The property completed the 45-day monitoring period on May 21, 2023, without any additional qualifying police calls of service, as outlined in Milwaukee City Ordinance 80-10.

On August 21, 2023 a new Nuisance Designation letter was drafted and sent to the property owner due to the following incidents at the location:

- On June 22, 2023 Police were dispatched to a ShotSpotter complaint, where the suspects took items from the location and fired three shots in the air. The employee on duty failed to call the police regarding the shots fired.
- On August 16, 2023 Police were dispatched to a shooting complaint. Investigation revealed that the victim was shot by the suspect, a store employee, which resulted in the death of the victim.

M. The Licensee was present and Attorney Emil Obviagele appeared on his behalf.

N. The police report was read.

O. Attorney Obviagele said that the summons that he received are primarily about the shooting that took place in August 16, 2023 and that there was a revocation hearing prior and that his client did not have the chance to present a comprehensive plan in terms of what he intended to do address the safety concerns. He added that one of the things that they are willing to offer today is to close at midnight in the summer months and at 2 am the rest of the year to remove the congregations aspect going forward. He said that in addition his client is ready to hire licensed and bonded security guard from 9 pm to close time.

Individuals also present:

P. Alderman Spiker asked regarding the June 22 incident report who called the police because the nuisance designation references the shots fired and that no employee on duty called.

Q. Attorney Obviagele said that he was under the impression that they made the call but he knows that they employee made the attempt and that when MPD showed up, they were very cooperative.

R. Alderman Spiker read for the record the third paragraph of the PA33 dated 9/19/2023 and asked if employees are not instructed to call the police and what is the protocol when shots are fired.

S. Attorney Obviagele said that they disputed that police report that the employee did not call and that he is under the impression that they have always worked with the police on this issue to have it rectified. He said that he believes that for the 8/16 incident; the employee made the call and that is not the overall practice.

T. Mr. Nagra said that he tells his employees to call the police always.



- U. Alderman Spiker said that it seems to be that the person involved on the June 22 incident is the same as the one on August 16.
- V. Attorney Obviagele said that it is unclear because the police report has not been released to them because the shooter is being prosecuted and that he was supposed to be sentenced around January 23 but it was postponed to February. He added that is why Attorney Gresham and he agreed to be here today with the idea that there was going to be a resolution for that case.
- W. Alderman Burgelis asked the Licensee if the person was an employee and happened to be at the store when he was not supposed to be there or if he was not employed at the moment.
- X. The Licensee said that he was an employee but he was not on the clock at the time of the incident.
- Y. Alderwoman Pratt, the local alderperson was sworn in. She did not have any questions at the moment.
- Z. Alderman Westmoreland said that it seems that the employee was not working at the time.
- AA. The Licensee said that the employee was not working at the moment but he was waiting for his medical transportation.
- BB. Alderman Westmoreland at what time Mr. Pinkin finished working.
- CC. The Licensee said that at midnight.
- DD. Alderman Westmoreland asked at what time was the shooting.
- EE. The Licensee said at 6 a.m.
- FF. Alderman Westmoreland asked what Mr. Pinkin was doing at 6 a.m. when he was finished at midnight and he was not employed as a security but just to clean.
- GG. The Licensee said that he was waiting to be picked up by DaVita.
- HH. Attorney Obviagele said that his client explained that Mr. Pinkin was a 55 years old man who approached the business saying that he lived in the community, that he needed a job and that he started to work there helping with the language barrier, cleaning up and monitoring around. He added that Mr. Pinkin was receiving services from DaVita and that he arranged to be picked up at the gas station. Attorney Obviagele also said that as described on the police report, Mr. Pinkin was sitting down at the back of the store and that is not where security normally sits.
- II. Alderman Westmoreland asked for a clarification of Mr. Pinkin's duties.



- JJ. Attorney Obviagele said that he was hired to clean up and that there is an element of security with every job at the gas station but that he was not hired as one and that his primary obligation was to clean up the premises.
- KK. Alderman Westmoreland asked if he was armed.
- LL. The Licensee said that he did not know that Mr. Pinkin was armed.
- MM. Alderman Spiker asked regarding the June 22, 2023 incident why Mr. Pinkin stepped out as the security guard and confronted the guys trying to steal the bag of chips.
- NN. Attorney Obviagele said that Mr. Pinkin was not hired as a security guard but that he was providing security services but not in the traditional sense. He added that he was supposed to clean up, make his rounds to make sure that the store was clean.
- OO. Alderman Spiker said that the Licensee needed to make sure to take the proper steps if things were going in the direction of needing a professional security guard (according to the police report) because as a business owner he also wants to make sure that no one steps in like one as happened with this employee who was not hired as one. He added that no steps were taken to secure the safety.
- PP. Attorney Obviagele said his client do not carry nor allows his employees to carry guns, that his client has operated this gas station since 2000 and this happened when there was a rise of crime in the city and that on 2022 and 2023 we were dealing with crime issues at many other businesses and that this incident was nothing that anyone could have anticipated.
- QQ. Alderman Spiker said that his question was about having someone more professional taking care of the security as they are offering right now or talk about the hours. He asked what steps were taken after the June 22 incident.
- RR. Attorney Obviagele said he does not have any evidence of any counseling done with Mr. Pinkin after that incident but that his client did not have the chance to put up a comprehensive plan after the 8/16/23 incident. He added that somethings have to be done and put in place and that one of the things that he is also recommending is to reach out to MPD and have them to install one its monitoring cameras so they can see what happens in real time.
- SS. Alderman Spiker said that Attorney Obviagele is talking about the steps that they are willing to take now to mitigate the risk but that unfortunately those steps were not taken in place back in June, 2023 when the previous nuisance designation was in March, 2023.
- TT. Attorney Obviagele said that there was a nuisance designation in March, 2023 and that a plan was put together in collaboration with MPD which his client completed and passed in May, 2023.



- UU. Alderwoman Zamarripa asked what plan was put in place after June 22, 2023 to protect his business and employees and that she heard Alderman Spiker asking the same.
- VV. The Licensee said that he instructed Mr. Pinkin not to go after someone for a bag of chips and to put their lives in danger. He added that he does not know why a person from the same community shuts another one.
- WW. Alderwoman Zamarripa asked if he is talking about Mr. Pinkin because he was there as an employee.
- XX. The Licensee said that Mr. Pinkin was the one on the incident.
- YY. All people offering testimony were sworn in at the same time.
- ZZ. Natalie Easter-Allen – 4345 North 24th Place – said that Mr. Pinkin was the security guard on the June incident per police report. She added that at the last renewal, Mr. Nagra was supposed to change the hours, update the surveillance system and to hire a security guard. She said that if the Licensee would have hired a professional guard, her son would have been here. She said that she does not believe him because he said the same thing before and that her son had to pay a price. She added that she has lived across the street since 1973 and that she can see where her son was murdered from her window. She also said that since the gas station is closed, the neighborhood is peaceful, that no police have come ever since, no reckless driving and no one is getting robbed.
- AAA. Alderman Spiker asked if there was an amendment on record to check what Mrs. Easter-Allen just testified that happened at the renewal hearing.
- BBB. Mrs. Lopez said that there is note in the committee tab that from April 2023 that says that there was an amendment to have a security guard during the hours of operation and that the application was approved with a warning letter as amended.
- CCC. Alderman Spiker said that not having security guard would be a plan of violation as the application was amended.
- DDD. Steven E. Pryor – 2225 West Olive Street – he said that he has been a resident of the community for 54 years and that what he saw that day was the most ruthless in the last 35 years. He said that he was there before the police arrived, that the kid was bleeding from the head while the clerks were still taking customers. He said that he asked the tenant 4 times to call the police and that he told the police that the security guard lived across the street when he came back after 1pm. He also said that there was a person applying for a liquor license on 27th St and that with two objections and was denied, he said that he does not want these people in his neighborhood because they are trying to clean the neighborhood. He said that he asked the clerks to call the police 4 times and to shut the store down and that he was the one who closed the store not the clerks.



- EEE. Mrs. Easter - 1858 North Commerce Street – she said that she moved in 1971 and she moved out in 2019. She said that her grandkids and children went to the gas station when it was owned by a man who was respectful to the neighborhood. She added that there was no trouble, no shootings, no robberies and that things changed when this owner came and started to disrespect the community and were treated like if they were not human beings. She said that the gas station has going down hill because people are not respected and that if what happens at this gas station would have happened in Franklin, the gas station would be shut down in minutes. She added that at the previous hearing. Mr. Nagra said that his employees have to notify him before calling the police and that he admitted before the committee that he was not notified. She said that she understands that Mr. Nagra hired Mr. Pinkin to give him a second chance but that he should be responsible for what his employees do and that his employee was carrying a gun and the owner must be held accountable because he did not run a background check.
- FFF. Mr. Moore – 901 West Winnebago – said that he lived in the community for 50 years, that he is working in the community to establish the culture from when he grew up and that this business from the time that the applicant took ownership has failed in responsibility and to the community and continued to endanger the community. He explained that since this business is closed and the revocation of the license from Hot Spot, the community has found peace, that you see people walking again, you do not hear gun shots and that you do not see people there because there is no place to hang out any more. He added that Mr. Pinkin was a convicted murderer and he was hired as a security guard in a gas station and to him was like putting a pedophile in a daycare. He also said that the police did their job, that they put up a nuisance, the community and people outside the community have spoken, that they collected more than 10,000 signatures demanding that this business be revoked. He said that the City needs a break from these businesses that go around the law for their profit. He asked the committee to give them an opportunity to live, to reestablish the culture of black people coming to this area to start a better life.
- GGG. Alderman Spiker asked Mr. Moore to elaborate more on the congregation that happened before the gas station was shutdown.
- HHH. Mr. Moore said that there were drug dealers, boys that wanted to rob the drug dealers, the robbers and that an employee who worked at the gas station stayed in the building and knew who were the robbers. He added that he has been an organizer in the community for 29 years and that he knows what is going on.
- III. Attorney Obviagele objected on the basis of speculation.
- JJJ. The chair noted the objection.
- KKK. Mr. Moore said that from 18th to 29th and from Roosevelt to Hope it has been peaceful since the gas station closed and the Hot Spot licenses were taken away.
- LLL. Attorney Obviagele asked Mr. Moore what he thinks that could have been done to prevent this incident from happening.



MMM. Mr. Moore said that if the Licensee would have put in place the amendment he agreed to follow at the previous renewal hearing, his family would not be mourning the loss of his nephew.

NNN. Alderman Burgelis said that there was a commitment prior the incident to have a security guard during the hours of operation so he asked the Licensee what he did to have a security guard during the hours of operation and who was on duty to fulfill that obligation with the plan of operations. Mr. Nagra said that in August they were closed from 2 a.m. to 5 a.m.

OOO. Alderman Burgelis pointed out that the plan of operation states to have a security guard during the hours of operations and that he was open at the time of the shooting and it is clear that it was not Mr. Pinkin because he was not in the clock. He asked who was protecting the building at the moment other than the store clerk.

PPP. The Licensee answered “no”.

QQQ. Alderman Burgelis said that he just wanted to confirm that there was a plan of operations that was not followed up and that the result was very tragic.

RRR. Attorney Obviagele called the police officers to testify.

SSS. Officer Klein – District 5 – answering Attorney Obviagele’s questions he said that he was one of the officers dispatched on 8-16-2023, that he was there few times before, that this was one of the hot spots at the time, that he cannot attribute the problems in the area to the gas station, that it is his believe that the clerk of the gas station called MPD, that during the investigations he was not able to determine that Mr. Pinkin had a reason to be at the gas station at the time, that he had no prior interaction with the gas station, that he was not involved in the investigation of June 22 and that he has not worked as a community liaison police officer and that based on his experience, he believes that the gas station could have nothing to prevent Mr. Pinkin from committing the murder.

TTT. Officer Klein responded Alderwoman Zamarripa questions as follows: He was not the first on the scene, that he did not see any signs if the store was open or close, that he saw the victim on the ground and that he tried everything they could to save his life.

UUU. Alderman Burgelis asked if it is common for residents to carry guns in that neighborhood for self-protection.

VVV. Officer Klein answered “yes” and answering to his other question said that other business have surveillance cameras and good lights as security measures and some gas stations have security on duty while other don’t and that sometimes the security starts at 6 a.m.

WWW. Officer Klein said that the gas stations cameras were working and that he believes that the entire scene was caught answering Attorney Obviagele’s questions.



- XXX. Officer Parks – District 6 – answering to Attorney Obviagele’s questions said that he is not familiar with the business, that he was there only the day of the incident and that they were dispatched to support and that he did not participate in the investigation.
- YYY. Officer Cabral - District 5 – answering to Attorney Obviagele’s questions said that he was one of the initial responders until the investigation team arrived, that he has 18 years of service and that he is not familiar with the business.
- ZZZ. The police officers were released after Attorney Obviagele had no further questions.
- AAAA. Alderman Burgelis asked the applicant if he was aware of or if he had any indication that Mr. Pinkin had a firearm in the store.
- BBBB. The Licensee said that he had no Indication of Mr. Pinkin having a weapon in the premises.
- CCCC. Alderman Westmoreland asked the Licensee if he knew where Mr. Pinkin lived.
- DDDD. The Licensee said that he did not know and that he had a friend selling bbq across the street who lives there.
- EEEE. Alderman Westmoreland asked when Mr. Pinkin was hired.
- FFFF. The Licensee said June 2023.
- GGGG. Alderwoman Pratt said that she has no recommendation and that she will leave it up to committee. That this is also her neighborhood and that she sees this location every time she leaves home. She added that she received several complaints about this business and the bbq stand, that the plan at the renewal in April 2023 was to mitigate the issues and that is why the amendment was made on the table in front of the committee because the applicant said that he had a security guard in a vehicle parked outside. Alderman Spiker asked Alderwoman Pratt what is her experience after the gas station was shut down since she drives around the premises everyday.
- HHHH. Alderwoman Pratt said that there is no congregation anymore and that community groups and partnerships are working to improve the area which is composed of two neighborhoods.
- IIII. Alderman Burgelis asked Alderwoman Pratt if it is common to have nuisance properties at her district.
- JJJJ. Alderwoman Pratt said that is not common.
- KKKK. Attorney Ovbiagele asked his client what he is trying to do to mitigate the problem moving forward if he is given the chance to get the license back.



- LLLL. The Licensee said that he will be open until to 12am during the summer months and at to 2am the rest of the year and that he will have a security guard from 9pm to close time. He also said that he was caught out of guard when he made the amendment at the table to have the security guard at all times, because he did not know the cost and he cannot afford it.
- MMMM. Attorney Obviagele said that no business can afford licensed and bonded security 24hr/day under the market conditions and that the amendment that the Licensee accepted was not feasible and that those changes on the table does not lead the clarity.
- NNNN. Alderwoman Zamarripa said that his client was asked if he wanted to make the amendment and he accepted and that she does not know understand how all of the sudden he has problems with that procedure.
- OOOO. Mrs. Lopez read the minutes from the April 25, 2023 hearing and that the Licensee said that he had a security guard in a parked vehicle and he was asked to add it to the plan.
- PPPP. Alderwoman Zamarripa asked Attorney Obviagele if he represented his client on that hearing.
- QQQQ. Attorney Obviagele said that it was his partner Attorney Samatha Huddleston but what was proposed and accepted was no feasible and that there was no a timeline to implement it.
- RRRR. Alderwoman Pratt said that what was amended was because the Licensee said that he had the security in place and nor because she asked for.
- SSSS. The Licensee said that he got confused and that he thought that was what he was required to do.
- TTTT. Alderwoman Zamarripa said that they are contradicting with the counsel opening remarks about safety measures.
- UUUU. Alderman Westmoreland asked if there was an attempt to reach out Alderwoman Pratt to inform her that he could not do it or afford to have security during the hours of operations after the April's hearing.
- VVVV. The Licensee said that he reached out to Alderwoman Pratt 3/4 days later but that he does not know where it ended.
- WWWW. Alderman Westmoreland asked if closing earlier would have made security affordable because it was necessary.
- XXXX. Attorney Obviagele said that when tragedy strikes it is always easy to point fingers and some instances to police department for to being funded and that we have people suffering from actions or inactions. He added that his client started



operations 20 years ago, that nothing changed on the plan of operations, and that what happened was a premeditated crime that could have happened everywhere. He also said that his client gave a second chance to a person and that Mr. Pinkin failed. He also explained that behind business are lives in the same way as the affected families. He said that his client has been closed for more than 400 days, that is paying rent and that closing the business is not the answer. He also said that what the family is calling for is a deeper change and 20 years with no disciplinary actions all the way to a revocation with no income and fulfilling obligations has been a severe punishment. He added that the police officers who testified said that they did not see a problem with the store and that there are other businesses that have been in worse situations and have not been revoked. He mentioned that the facility has been affected with substantial damages and that they are asking for a chance.

YYYY. Alderman Spiker said that things have been complicated, that the Licensee testified that he had security and that he was asked to get the record straight, and this is business as usual because they are trying to make the record reflect reality. He added that it was not a misunderstanding and that what is concerning to him is given the pattern of armed robbery, of issues testified by the residents and the alderperson a security was needed prior August 16 and that was not supplied. He said that instead someone was playing a roll of primarily cleaning and on the side protecting the place but that it was not the proper reaction when guns are involved. He said that in addition, if someone was threatened with a weapon, you have to take it very seriously and the fact that no action was taken, it is not a great surprise that someone would get armed and a disaster happened. He said that with the gas station operating, there was a clear threat to health, safety and welfare and that based on the testimony heard today, he does not think that it would have been corrected prior to the June 22 robbery.

ZZZZ. Alderman Spiker moved revocation of the Extended Hours Establishments, Filling Station, Food Dealer and Weights & Measures based upon the preponderance of the evidence in the police report, neighborhood, MPD, aldermanic, Licensee and counsel testimony that demonstrates the operation would result in a threat to the health, safety and welfare of the public specially relating to guns fired in the premises, loitering, the illegal drug activity, problematic area, parcel and failure to comply with the approved plan of operations. There were no objections. (Prevailed 5-0)

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold a hearing on the revocation of Extended Hours, Filling Station, Food dealer and Weights and Measures licenses and to 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 revocation of the licenses of Gurinder Nagra, is necessary to protect the health, safety and welfare of the public.




3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to deem this location unfit for these types of licenses and revoke the Extended Hours, Filling Station, Food Dealer and Weights and Measures license held by Gurinder Nagra for the premises located at 4295 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Teutonia Gas & Food") based upon the preponderance of the evidence in the police report, neighborhood, MPD, aldermanic, Licensee and counsel testimony that demonstrates the operation would result in a threat to the health, safety and welfare of the public specially relating to guns fired in the premises, loitering, the illegal drug activity, problematic area, parcel and failure to comply with the approved plan of operations.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **fives (5) ayes and zero (0) noes**, recommends that the Extended Hours, Filling Station, Food Dealer and Weights and Measures license held by Gurinder Nagra for the premises located at 4295 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Teutonia Gas & Food") be revoked.

Said revocation is effective February 11, 2025.

Dated and signed at Milwaukee, Wisconsin this 31 day of January, 2025.



JOCASTA ZAMARRIPA
Chairman, Licenses Committee

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