



IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED.

TO: Administrative Review Board of Appeals
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202
(414) 286-2231

DATE: 4-26-22

RE: 3115 West Fond du Lac Avenue
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by City of Milwaukee Police Department
(Name of City Department)

Amount of the charges \$ _____

Charge relative to: _____

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

See the attached documents.

CITY CLERK'S OFFICE
2022 APR 27 P 4:17
CITY OF MILWAUKEE

Attorney Paul A. Oberer
Signature

Attorney Paul A. Oberer
Counsel for Pearlstone LLC
Name (please print)

106 West School St. No. 502
Mailing address and zip code
Milwaukee, WI 53204

414.331.9239
Daytime phone number

paul.oberer@obererlawgroup.com
E-Mail Address(es)

117

To: Administrative Review Board of Appeals
From: Attorney Paul A. Oberer
Re: Appeal of Administrative Procedure/City of Milwaukee Chief of Police (Designee)
Defective Notice of Nuisance Premises
3115 West Fond du lac Avenue
Owner: Pearl's One, LLC
Date: April 27, 2022

INTRODUCTION

I'm counsel for Pearl's One, LLC. This memorandum identifies the improper and defective procedure the City of Milwaukee Police Department followed relative to this matter.

THE CITY OF MILWAUKEE POLICE DEPARTMENT FAILED TO INCLUDE ALL OF THE INFORMATION REQUIRED BY THE CITY OF MILWAUKEE NUISANCE ORDINANCE 80-10(3) IN ITS APRIL 15, 2022 LETTER

On April 25, 2022, Mr. Daljit Kler (Pearl's One, LLC's President) visited the 3115 West Fond du lac Avenue commercial property to meet with the tenant. The commercial tenant provided Mr. Kler during the meeting with several letters that had been mailed recently to Pearl's One, LLC at that address. One of the letters was the letter from the Milwaukee Police Department postmarked April 15, 2022. A copy of the letter in its entirety and the attendant envelope accompanies this memorandum and is identified as Exhibit A.

Mr. Kler took these unopened letters home with him on that date. He opened immediately the attached letter. As Mr. Kler's attached affidavit states, the envelope contained only the two pages identified as Exhibit A. A copy of Mr. Kler's affidavit is identified as Exhibit B.

Missing from the April 15, 2020 Milwaukee Police Department nuisance notice letter is the following information required by City of Milwaukee Ordinance 80-10-3:

·a-1-c. A statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, or referred or collection, and that the owner or other responsible party may be cited under sub. 6.

·a-1-d a **complete list** (emphasis added) of examples of nuisance abatement measures; and

·a-1-e. A statement that the premises owner or other responsible party shall within 10 days either respond to the chief of police with an acceptable, written course of action to abate the nuisance activities at the premises or file an appeal; and

·other additional information included in the standard Milwaukee Police Department Notice of Nuisance citation letter.

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City of Milwaukee Ordinance 320-11 provides as follows:

320-11. Administrative Review Board of Appeals.

1. DUE PROCESS. The purpose of this section is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by municipal authorities which involve constitutionally protected rights of specific persons who are entitled to due process protection under the 14th amendment to the United States constitution. In order to insure that such rights are protected in the administration of the affairs, ordinances, regulations and by-laws of the city it is declared and required that the provisions of ch. 68, Wis. Stats., relating to municipal administrative review procedure shall be in full force and effect in this city, except as provided in subs. 5 and 6.

The Milwaukee police department's April 15, 2022 chronic nuisance notice letter doesn't include a material amount of the information required by City of Milwaukee Ordinance No. 80-10. As a result, the nuisance notice is materially defective and insufficient, and Pearl's One LLC's due process rights under the 14th amendment to the United States Constitution have not been preserved. Accordingly, for this reason Pearl's One LLC requests that the Administrative Board of Review find that the Milwaukee Police Department's nuisance notice is unenforceable.

Additionally, City of Milwaukee Ordinance 80-10(2) c.-c1. and c-1- L for our purposes defines a nuisance activity as follows:

"Nuisance activity" means any of the following activities, behaviors or conduct whenever engaged in by persons associated with a premises (emphasis added); and

Crimes involving illegal possession or use of firearms as defined in ch. 941 and s. 948.60, Wis. Stats.

All three allegations identified in the Milwaukee police department's April 15, 2022 chronic nuisance notice letter allege a shooting on the premises by unnamed individuals. The allegations don't identify who these individuals are or how they are in any way "associated with the premises".

Additionally, the allegations fail to identify how Pearl's One, LLC how any way is responsible for the alleged "nuisance activity" on the premises.

The nuisance notice is materially defective and insufficient for these reasons as well, and Pearl's One LLC's due process rights under the 14th amendment to the United States Constitution have not been preserved. Accordingly, Pearl's One LLC requests that the Administrative Board of Review find that the Milwaukee Police Department's nuisance notice is unenforceable.

Exh. B respectfully submitted,

Attorney Paul A. Oberer

Milwaukee Police Department
Police Administration Building
749 West State Street
Milwaukee, Wisconsin 53233

Exh. b-7A



Milwaukee Police Department
Police Administration Building
749 West State Street
Milwaukee, Wisconsin 53233
<http://www.milwaukee.gov/police>

Jeffrey B. Norman
Acting Chief of Police

(414) 933-4444

04/15/2022

Shoabi I Kiyani

GPC

4532 S 23rd St #3

Milwaukee, WI 53221-2705

Re: Notice of Nuisance Premises

Dear Shoabi I Kivani:

This letter is notice to you that the Milwaukee Chief of Police, by the chief's designee, the district commander, has determined that the premises located at 3115 W Fond Du Lac Av ("the premises") is a nuisance pursuant to Milwaukee Code of Ordinances ("MCO") 80-10, Chronic Nuisance Premises. As an individual or entity that is licensed or subject to a license in the operation of a business upon the premises, you are a responsible party for abating the nuisance activities occurring at the premises.

The Milwaukee Police Department has responded to the following described nuisance activities at the premises on the corresponding dates, which qualify the premises as a nuisance:

1. On April 14, 2022 at 11:37P.M. a call was placed to the Milwaukee Police Department regarding a shooting at the premises. This call for service was given computer aided dispatch # 22-104-1861. Officers were dispatched to the location to check on the complaint and were able to obtain evidence that a shooting had occurred on the premises. This is a violation of MCO 80-10-2-C-1-L.
2. On October 12, 2021 at 3:05A.M. a call was placed to the Milwaukee Police Department regarding a shooting at the premises. This call for service was given computer aided dispatch # 21-285-0762. Officers were dispatched to the location to check on the complaint and were able to obtain evidence that a shooting had occurred on the premises. This is a violation of MCO 80-10-2-C-1-L.
3. On September 25, 2021 at 3:35A.M. a call was placed to the Milwaukee Police Department regarding a shooting at 2568 N 52nd St. This call for service was given computer aided dispatch # 21-268-0274. Officers were dispatched to the location to check on the complaint and were able to obtain evidence that a shooting had actually occurred on the premises (3115 W Fond Du Lac Av). This is a violation of MCO 80-10-2-C-1-L.

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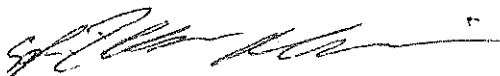
- Install "No Trespassing" signs in the front and rear of the exterior of the premises. This signage permits police to cite trespassers in commercial properties.
- Participate in the E-Notify system for email updates regarding the premises.
- Regularly file open records requests for Milwaukee Police Department Computer Aided Dispatch System (CADS) reports regarding the property.
- Institute a standing complaint with the local Milwaukee Police district station that will allow the police department to remove any individuals loitering on the property.
- Draft and serve a no trespassing order against identified nuisance persons and provide the local police district station a copy of the served order.
- Install and maintain a digital security surveillance system.
- Employ security personnel.
- Enroll in Respect 21 or MARTS program (contact CLO for more information)
- Make repairs to windows, doors and lights and improve landscaping.
- Participate in the City Clerk's Office Pivot Program workshop for businesses. Information on this training program may be obtained by emailing pivot@milwaukee.gov.

Once you have been billed for the costs of police services and enforcement for three or more separate nuisance activities within one year of the date of this notice of nuisance premises, the premises may be designated a chronic nuisance, pursuant to MCO 80-10-6, and each and every subsequent incident of nuisance activity at the premises may be deemed a separate violation and result in a citation being issued to you for failure to abate the nuisance activity. Each citation would subject you to a forfeiture of not less than \$1,000.00 or more than \$5,000.00. Upon default of payment of a chronic nuisance citation you would be subject to imprisonment in the county jail or house of correction for a period of not less than 40 days or more than 90 days for each violation.

Please contact P.O. Bowie Buchner at 414-935-7314 with any questions, and I look forward to hearing from you.

Best regards,

Jeffrey Norman
CHIEF OF POLICE



Denmark Morrison
ACTING DISTRICT COMMANDER

Attachment: Copy of Milwaukee City Ordinance 80-10
CC: City Clerk - License Division
Common Council, City Hall - Russell Stamper II
Pearls One LLC Daljit S Kler

5/7



BE A FORCE

Milwaukee Police Department

P.O. Box 531

Milwaukee, WI 53201-0531

IN REPLY REFER TO:

PO. BUCHNER 72

Pearls One LLC
Dajit S Kler
3115 W Fond Du Lac Av
Milwaukee, WI 53210

4/25/22

8821081910 0004



FORM PE

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Exhibit B

AFFIDAVIT OF DALJIT S. KLER

DALJIT S. KLER states as follows:

1. I am the president and sole shareholder of Pearl's One, LLC.
2. On April 25, 2022, I met with the commercial lessee/tenant at the 3115 West Fond du Lac Avenue commercial property;
3. The commercial property's lessee/tenant provided me during the meeting with several letters that had been mailed recently to Pearl's One, LLC at that address.
4. One of the letters was the letter from the Milwaukee Police Department postmarked April 15, 2022.
5. I took these unopened letters home with me on that date. I opened immediately the Milwaukee Police Department letter postmarked April 15, 2022.
6. The envelope contained only the two pages that have been filed as Exhibit A.
7. If I am called upon to testify, I will testify as to my personal knowledge as to the matters stated herein.



Pearl's One LLC
By: Daljit S. Kler/President

4/27/22
Date

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Receipt of A.R.B.A.

Date:	4/27/2022
Received Of:	Atty. Paul A Oberer For Pearls One LLC Daljit S Kler
Property at:	3115 W Fond du lac Ave
Received By:	JP
Check # (If Applicable):	Ck# 4009
Amount Received	\$25.00

CITY OF MILWAUKEE
2022 APR 27 P 4:18
CITY CLERK'S OFFICE