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- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

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- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

Date: December 3, 2021

To: All Members of the Milwaukee Common Council

From: Licenses Committee

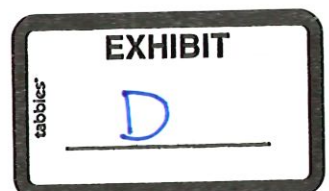
Re: Report of the Renewal Application of the Class "B" Tavern, Public Entertainment Premises (PEP), Food Dealer, and Sidewalk Dining Licenses of Habib Manjee, Agent for MKE Water Street LLC, for the premises located at 618 North Water Street in the City and County of Milwaukee, Wisconsin ("ELMNT Lounge").

FINDINGS OF FACT

1. Habib Manjee (hereinafter "the Licensee") is the holder of Class "B" Tavern, PEP, Food Dealer, and Sidewalk Dining Licenses for the premises located at 618 North Water Street in the City and County of Milwaukee, Wisconsin ("ELMNT Lounge"). Said licenses expire at midnight on December 18, 2021.
2. An application to renew said licenses was filed with the Office of the City Clerk on October 22, 2021.
3. Pursuant to Chapters 68, 82, 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 October 26, 2021, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On November 16, 2021, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police reports and neighborhood objections. The matter was scheduled for a hearing on the objections on November 30, 2021, commencing at approximately 11:20 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Emil Ovbiagele at the hearing, and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:



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- A. On February 13, 2021 at 12:38 a.m. officers, along with the Wisconsin Department of Health Services, conducted a license premise check at 618 North Water Street. The DHS officers spoke with the Licensee about 6-foot spacing, face covering requirements and patrons standing when seating is available. The Licensee was cooperative.
- B. On April 3, 2021 at 1:29 a.m. officers were dispatched to shots fired at ELMNT Lounge, 618 North Water Street. The officers spoke with the Licensee, who stated he had kicked out two males that were not following the rules. The subjects walked away and one pulled a gun and fired shots into the air. The Licensee showed officers video of the incident and stated he has an ID scanner that could provide the subjects information. The officer was able to identify a suspect based on the video and ID scanner information.
- C. On June 18, 2021 at 2:20 a.m. officers assigned to Code Red observed an altercation in front of 628 North Water Street between security officers from ELMNT Lounge and patrons. The officers observed the patrons walking away and security following them, with both parties threatening to fight each other. The patrons walked across East Wisconsin Avenue and some of the security officers stopped at the corner, while some continued to follow. At one point one of the security guards who followed the patrons waved for additional security guards to cross the street. The security officers then began hitting a patron, knocking him to the ground. Security guards then held him down, while other guards hit him. Police officers then stopped the fight and separated the security officers from the patrons. The officers then spoke to the Licensee about his security officers and he began swearing at the officers. The officer advised the Licensee his security should not follow the patrons across the street and the Licensee became upset and again yelled obscenities at the officers. The officer had to tell the Licensee to return to the club.
- D. On July 17, 2021 officers assigned to Code Red observed subjects fighting as they were exiting ELMNT Lounge, 618 North Water Street. The officers observed a security guard strike a patron with a chair and another security guard strike a patron with a glass bottle. The officer observed the security guards run back into ELMNT Lounge. The officers then heard several shots fired and located a female shooting victim on the corner of East Michigan Avenue and North Water Street. The victim was a patron of ELMNT Lounge and had been kicked out when a fight broke out inside the tavern. The victim did not survive her injuries.
- E. On August 10, 2021 a meeting was held at District 1 regarding ELMNT Lounge, 618 North Water Street. The Licensee was advised that there were concerns with how his security was responding to incidents because there were several instances where security followed patrons after they left the property and fights occurred. The Licensee stated he has been told in the past he was responsible for actions of his patrons inside and outside his business. He stated a female security guard was fired as a result of an incident she was involved in and, during another incident, one of the security guards took something personal. The Licensee stated they pat everyone down and do bag searches as patrons enter and use an ID scanner to identify patrons. The Licensee stated he has hired one armed security officer since the homicide occurred.



Appearing with the Applicant:

- F. The Licensee's attorney asked that a witness be allowed to speak about the shooting incident on the police report from July 17, 2021. Lakeria Thomas, the witness, spoke on behalf of ELMNT and asserted that her daughter, the shooting victim, was not kicked out of the club on the night she was killed. She stated that her daughter was an innocent bystander.
- G. Nick Murado, Director of Operations, explained that they did everything to deescalate the fight that happened inside the premises. He further stated that they have done everything to provide a safe environment and that this incident happened on the street.
- H. The Licensee said that he thinks that police who often interact with the establishment have something against him.

Individuals in Opposition:

- I. Ricardo Trinidad, 624 N Water St Suite 2, said he is the next door neighbor and the he moved in during the COVID pandemic with no issues at all until the bar reopened. He said the establishment is busy now and he avoids coming home on the weekends. He added that he is concerned about the police presence on the corner of Water St and Michigan St and the cost of it. He added that he has called 911 because of shots fired, cars speeding, and feeling unsafe. He stated he has heard shots fired on several occasions and has even called police twice on a single night. Mr. Trinidad said that it gets crowded in the street below his residence and he sees fights even after the club closes.
- J. Captain James Campbell said that he would object to the renewal of these licenses. Captain Campbell said that he estimated over a hundred people were present at the moment of one of the fights. Captain Campbell said that the shooting is an open investigation, the reports are restricted at the moment, and that no one has been charged. Captain Campbell added that he received a briefing on the fatal shooting incident the morning of the committee meeting and the suspect seems to be a patron of the bar. He further stated that videos appear to show chairs being thrown by the staff outside of the premises. Captain Campbell agreed that the Licensee has been cooperative with the investigation of this matter.



Individuals in support:

- K. Homer Blow, 2803 W Capitol Dr., said that he works for ELMNT and that he saw many videos of the night when the fatal shooting occurred, that he thinks MPD could have done more, and that the establishment should not bear the entire responsibility. Mr. Blow said that he works at the establishment more than once a month and that he has seen security guards deescalate disturbances.
- L. Mr. Murado said that they must have a conversation with the police about being proactive and engaged instead of sitting in their vehicle. He stated they want to work together to provide a safe environment and pointed to recommended changes to the police presence that seem to have had positive effects.

Individuals also Present:

- M. Alderman Kovac noted that the record indicates that patrons have been involved in the incidents on the police report, even if charges have not been filed.
- N. Alderwoman Coggs questioned why no citations were issued if officers witnessed employees fighting and throwing chairs.
- O. Alderman Bauman said that is not the safest club in Milwaukee and that the large fight on the police report proves that. He added that he has heard accusations against MPD but that there is commotion at this club, that the security guards have been involved in fights, and that a witness has testified to those issues who is not part of the MPD but a neighbor. He also stated that problems have been a continuing issue at this location and that the Licensee has been the agent for multiple entities located there. He also said that the Licensee has been in front of the committee several times, that he knows the licensing procedure that one person is dead, and that patrons appear to have been involved. He recommended a 60-day suspension.
- P. Alderwoman Dodd said that we have to realize that there are mistakes on both sides and that we have to do better. She stated that has seen MPD applying the red code on Brady St. on different occasions which has not happened with Ladybug or ELMNT and that she would move for a 30-day suspension instead. (Failed 2-3)
- Q. Alderman Borkowski moved renewal with a 60-day suspension based on police, aldermanic, and neighborhood testimony. (Prevailed 3-2)



CONCLUSIONS OF LAW

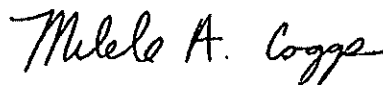
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Habib Manjee who holds Class B Tavern, Public Entertainment Premise (PEP), Food Dealer and Sidewalk Dining licenses for the premise located at 618 North Water Street in the City and County of Milwaukee, Wisconsin ("ELMNT Lounge") has not met the criteria of Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to renew the Class B Tavern, Public Entertainment Premises, Food Dealer and Sidewalk Dining licenses without undergoing a sixty (60) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, aldermanic, and neighborhood testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class B Tavern, Public Entertainment Premise (PEP), Food Dealer and Sidewalk Dining licenses for the premises located at 618 North Water Street in the City and County of Milwaukee, Wisconsin ("ELMNT Lounge") without undergoing a sixty (60) day suspension. The Committee based its recommendation on the police report, aldermanic, and neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **three (3) ayes and two (2) noes**, recommends that the Class "B" Tavern, Public Entertainment Premises (PEP), Food Dealer and Sidewalk Dining Licenses of Habib Manjee for the premises located at 618 North Water Street ("ELMNT Lounge") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a sixty (60) day suspension.

The suspension is in effect between 12:01 a.m. on December 19, 2021 until 11:59 pm on February 16, 2021.

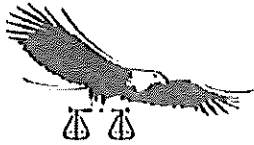
Dated and signed at Milwaukee, Wisconsin this 3 day of December, 2021.



MILELE A. COGGS
Chairman, Licenses Committee

/277933





BOBOT LAW OFFICE

VINCENT J BOBOT

December 8, 2021

Jim Owczarski, City Clerk
City Hall
200 E. Wells Street, Room 205
Milwaukee WI 53202

RE: MKE Water Street LLC
Habib Manjee
618 N. Water Street
Milwaukee, WI 53202-4909

Objection to License Committee's Recommendation

Dear City Clerk Owczarski:

On behalf of my client, MKE Water Street LLC and Habib Manjee, we are objecting to the License Committee's recommendation of a renewal with sixty (60) day suspension of the Class "B" Tavern, Public Entertainment Premises, Food Dealer, and Sidewalk Dining Licenses.

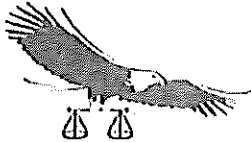
Our objection to the recommendation is based on the following:

1. Regarding Item A – The business fully cooperative with a license check conducted by the Wisconsin Department of Health and Services.
2. Regarding Item B – A patron who had been escorted out of the night club went to his car. The patron then retrieved a handgun and fired 2 or 3 shots into the air. No one was injured. The licensee fully cooperated with the police by calling, retrieving evidence and providing a video of the incident. The patron was identified.
3. Regarding Item C – The incident concerning June 18, 2021 occurred at the 628 Club and not the licensee's business. Security guards from the licensee went and assisted the other guards. The Licensee did speak with the officers at the scene. The officers wanted the Licensee to fire the security guards for their involvement in this incident. The Licensee explained to the officers that the security officers had completed their employment that morning and we off-duty at the time.

Subsequent to that incident, the Licensee terminated the security officers from his business that assisted the 628 Club security.

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BOBOT LAW OFFICE

VINCENT J BOBOT

4. Regarding Item D – The video of the incident showed a fight broke out between patrons that exited the ELMNT Lounge. Security officers from the Licensee worked on breaking up the altercation. There were police officers on the scene at the time of the incident. Licensee stated that a video of the altercation was provided to the police.

The video clearly shows that there were not 100 people involved in the incident. The video is attached as exhibit A.

5. Regarding Item E – The Licensee met with the Milwaukee Police Department and discussed future plans to avoid any problems. The Licensee continues to work with the police to run a responsible business.

Therefore, we respectfully request that the Common Council renew my client's Class "B" Tavern, Public Entertainment Premises, Food Dealer, and Sidewalk Dining Licenses without the sixty (60) day suspension.

Respectfully submitted by,

Vincent J. Bobot
Attorney at Law
State Bar No. 1020732