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NIK KOVAC

ALDERMAN, 3RD DISTRICT

Date: July 20, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "A" Malt and Class A Liquor License of Harpreet Singh, for the premises located at 3200 North 27th Street in the City and County of Milwaukee, Wisconsin ("S & S Liquor").

FINDINGS OF FACT

1. Harpreet Singh (hereinafter "the Licensee") is the holder of a Class "A" Malt and Class A Liquor License for the premises located at 828 South 1st Street in the City and County of Milwaukee, Wisconsin ("S & S Liquor"). Said license expires at midnight on September 19, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on May 23, 2018.
3. Pursuant to Chapters 85 and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On July 11, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On July 11, 2018, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85 and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on July 17, 2018, commencing at approximately 11:15 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing, was represented by Attorney Michael Maistelman, 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 May 24, 2018, Milwaukee Police Department officers, along with an agent from the Wisconsin Department of Revenue, conducted a licensed premises check on S & S Liquor at 3200 North 27th Street. Upon entering, the officer observed the clerk, Antowon Roby, reaching under the counter by the register. When the officer checked the area he found packaged marijuana. The clerk was arrested. Additional marijuana was found in a case of alcohol next to the stairwell leading to the basement. The Department of Revenue agent found cigarettes with improper tax stamps and liquor that was being sold in violation of state statutes. The Licensee arrived and stated he did not know his employee was selling narcotics.
- B. On May 31, 2018, a meeting was held at District 5 regarding S & S Liquor, 3200 N. 27th Street. The officers made recommendations to the Licensee regarding cameras, lighting, “No Loitering” signs, replacing windows with glass block, and moving the garbage cans. The Licensee was asked about loitering outside the business and he stated he did not think it was a problem. The Licensee stated he would begin working on the recommendations.
- C. On July 8, 2018, officers attempted a controlled buy of narcotics at S & S Liquor, 3200 N. 27th St, with the help of a Confidential Informant (CI). The CI went in the store and asked the clerk, Antowon Roby, if there was marijuana available in the store. ROBY informed the CI there was not but directed him to a subject outside. The CI was able to buy marijuana from the subject outside and turned it over to the officers.
- D. On July 10, 2018, officers attempted a controlled buy of narcotics at S & S Liquor, 3200 N. 27th St, with the help of a Confidential Informant (CI). The CI went in the store and asked the clerk, Antowon Roby, if there was marijuana available in the store. ROBY informed the CI there was not but directed him to a subject outside. The CI was flagged down by a subjects standing at 2618 West Auer Avenue and was able to buy marijuana from one of the subjects. The CI turned the marijuana over to the officers. The officers then arrested the subjects and recovered additional marijuana.
- E. The local alderperson, Khalif Rainey, appeared and acknowledged members of the Amani Neighborhood group in attendance.
- F. The Licensee indicated that he has given Amani members access to his camera system, and they are able to observe what goes on outside. He added that he has installed automatic lighting and his camera system

extends up 27th Street and the alley. He stated that he was met with the police and the District Attorney's office and suggested loading zones across the street so no one can park. He offered to pay for the loading zones himself.

- G. The Licensee took full responsibility for the marijuana related incidents. He stated that he made a mistake by being too loyal to the employee, Mr. Roby, who had been working at the store for over a decade. The Licensee suspended the employee for 45 days after the first incident he became aware of. He was unaware of the referrals to other people to purchase marijuana until the police report was issued. Once he became aware, he terminated the employee. The Licensee is now performing background checks on his current employees and will be doing so going forward.
- H. Cpt. Boris Turcinovich (MPD District 5) appeared to testify. He indicated that police have suspected the marijuana sales from the location for a long time. He indicated that there was a recent meeting at the Dominican Center regarding issues of drug dealing, loitering, and traffic control outside of the store. He indicated that the intersection of drug dealing and foot traffic outside the store is a tragedy waiting to happen. He requested that the committee recommend non-renewal of the license.
- I. Officer Robert Gregory testified regarding his involvement with the CI and the controlled buys. Officer Gregory indicated that he was directed by the police department to investigate this location. He indicated that he was not present for the July 8, 2018 controlled buy – but was present for the July 10 buy. He explained that the buy was conducted by a CI who the police department had used since 2011. He observed the CI go into the store, and as soon as she exited the store, another subject approached her to sell her narcotics. She did not have to hail anyone or wait for anyone.
- J. Officer Edward Ciano testified that he has been the community liaison officer at District 5 for about four years. He stated that this store has been a problem for a number of years, specifically with regard to loitering and drug activity. He has been working with the Amani Community group for a number of years and praised their efforts to engage the business owner to address some of the problems. He indicated that despite the group's efforts, the problems have continued to worsen. The officer referenced a “good neighbor” pact between Amani and the Licensee, wherein the Licensee agreed to certain things, but the problems have nonetheless continued.

Individuals present in opposition to the license:

- K. Richard Diaz, 3959 North 26th Street, stated the Amani neighborhood is saturated in liquor, tobacco, and unhealthy lifestyles, and liquor is not needed in the neighborhood. He stated that he does not want to see residents go to jail, but wants to engage them in community activities. He added there is loitering and traffic in front of the store and it is a hub for crime. He noted that there is another liquor store two buildings over on the other side of the street. He indicated that he has personally observed the loitering. He also stated, in response to a question from the Licensee, that there are statistics showing that crime in the area decreased from 2016 to 2017, but increased again from 2017 into 2018. The Licensee proffered alternative data showing the crime has continued to steadily decreased from 2016 to the present. Ald. Cogg moved to make the Licensee's data part of the record.
- L. Brittany Roberson, 4259 North Sherman Boulevard, stated crime is an issue in the area. She stated that after some initial problems with the "good neighbor" pact, the Licensee presented the neighborhood with a list of changes he was willing to make; however, those changes have proved largely ineffective. She added that loitering has been a problem and residents constantly complain about the premises. She stated residents feel intimidated to not testify at licensing hearings. She admitted that there are problems in the neighborhood that do not occur near the business, but in her opinion many of the problems are interconnected. Mr. Roberson explained that the neighborhood received a crime prevention grant, and as part of the grant, they receive routine heat maps showing crime in the area. These maps generally show the store as an area where crimes occur.
- M. Ald. Cogg asked Cpt. Turcinovich what that department was doing in response to the crime in the area near the store. He indicated that he has had to deploy additional resources to the area to keep things under control, someone which he was not in a position to publicly disclose. However, he indicated that the store uses resources that effect policing in the entire district.
- N. Brenda Hart Richardson, 3362 North 26th Street, stated she's lived in the area for over 45 years and parking and traffic are issues in the area. She added that people park in the street and go into the store or hang out causing gridlock. She stated the Licensee is a nice person, but he is not helping the neighborhood. She added there are drug dealers and drug houses in the area. She stated that the store should be shut down to change the area because residents do not have to live like this. She stated the problems are being perpetuated by the store. She stated since the drug arrest there has not been a

- gridlock of cars. She added that there are too many liquor stores in the area. She stated that there are several stores in the area that do not have these problems because the owners are making sure there's no loitering or problems.
- O. Octavia Parker, 2528 North 20th Street, stated she can view the security cameras on her phone and you can see the wall, basement, ground, and not past the door. She stated you cannot see people coming in and out of the store. She stated these problems have been going on for years and there are too many liquor stores and congestion in the area. She added that the Licensee has only come to two Amani Neighborhood meetings. She added there is too much activity in the streets and she wants it to stop. Ald. Coggs asked the Licensee if he had considered expanding the view of his cameras in order to capture more of the activity going on in the area.
- P. Patricia Rogers, 2470 W Locust Street, stated for the last 3 years every neighborhood meeting has been about traffic, loitering, and drug sales in the area. She added that residents have dropped out of programs at the Dominican Center because they have to pass the premises and are being harassed and offered drugs. She added that the Licensee is not doing anything for the neighborhood. She stated residents have been threatened to not testify at license hearings.
- Q. Ald. Kovac noted that he was inclined to believe the reports of intimidation because of the behavior of the store's supporters in the crowd at the hearing. He observed the citizens who testified in opposition to the license being heckled and video recorded by those in support during attempts to testify at the hearing.
- R. Michelle Allison, 2319 West Auer Avenue, stated she is concerned about the safety of students at Auer Avenue School, where she works, walking to and from school. She stated there is a parking gridlock on the street and people are being intimidated not to testify. She added that there are issues with the school buses getting through with cars blocking the street. She stated that the Licensee has tried to donate money to certain events in the neighborhood, but she has begun refusing his donations because that is not solving the problem in the neighborhood.
- S. Barbra Moore, 4620 North 28th Street, stated there is gridlock on 27th street when she is going to work. She stated she tries not to go down the street because it's often blocked with people loitering in cars.

- T. Terry Armstrong, 2837 North 24th Street, stated that he is not against business, but that people want communication and compromise from the Licensee. He stated the store is not as good as it could be and the community needs to come together.
- U. Patricia Rogers, 2470 West Locust Street, stated for the last 3 years every neighborhood meeting has been about traffic, loitering, and drug sales in the area. She added that residents have dropped out of programs at the Dominican Center because they have to pass the premises and are being harassed and offered drugs. She added that the premise is not doing anything for the neighborhood. She stated residents have been threatened to not testify at license hearings.

Individuals present in support:

- V. Karen Simmons Sain, 3218 North 27th Street, stated she lived next to the liquor store for 49 years and she and her kids are not afraid to walk down the street, or to and from school. She added that she goes to the Licensee with her problems and concerns about litter and loitering. She testified that the Licensee has been receptive to those changes. She stated that she has called the police for a response to loitering, and the police have told her to go back outside to see if the loitering is still happening. She stated there has always been a gridlock on 27th street. She stated that she sees drug dealing outside of the store that has been going on for a while. However, she complained that she does not see the police or the alderpersons in her neighborhood.
- W. Jeremiah Walker, 3321 North 26th Street, stated the Licensee helps out in the community and the police should be doing their job. He stated that these activities are occurring everywhere in the neighborhood, not just at the store. He added that he has seen the Licensee ask people to stop loitering.
- X. Tanisha Brown, 3806 North 19th Place, stated she is a former employee and the Licensee would donate to neighborhood activities. She added the homicide had nothing to do with the store. She stated the store is not the only location where loitering is taking place and he has no control over the people outside. She added that the Licensee has helped her with her own business, by leasing her a building. She stated that she has called the police numerous times regarding the loitering.
- Y. Brandon Hughes, 3275 North 29th Street, stated the Licensee does positive things for the community and does not have control over people in the neighborhood.

- Z. Jermichael Wilkins, 3821 North 26th Street, stated the lack of police presence in the neighborhood is the issue, not the premises.
- AA. Rodney Greene, 3032 North 28th Street, stated he is a patron and the Licensee has been a great help to the community. He added that a lot of the issues are out of the control of the Licensee because the people are not from the neighborhood. He stated traffic is an issue and the city should fix it.
- BB. Antwon Williams, 3148 North 24th Place, stated he is a former employee of the store and he's never seen drugs sold at the premises. He added that he is at the store everyday hanging out outside.
- CC. Wesley Walker, 3265 North 28th Street, stated there is a lot of traffic in the area and it is not the Licensee's fault. He added that he goes to the store every day to buy beer.
- DD. Laquita Brown, 3226 West Auer Avenue, state she lives above the liquor store and has lived in the area since 1992 and the whole block has always been that way whether the store is open or closed. She added that her 6 year old son plays outside 24/7 and she is not afraid for his safety. She indicated that there are security measures even when the store is closed, including 24 hour lighting. She stated that the area has been full of people her whole life. The problems have been that way whether the store has been open or closed. She has observed the cameras both in the store and even in her apartment complex.
- EE. Antowon Roby, 2111 West Clarke Street, stated the neighborhood is the worst area ever and he has gone to jail for selling crack. He stated that he is the employee in the police report that sold drugs. He stated there was no marijuana in the store at any point. He stated that the Licensee was within his rights to terminate his employment, and that after the incident, he attempted to reach out to the people in the Amani neighborhood.
- FF. Kenneth McVicker, 3321 North 29th Street, stated there is enough abandoned properties in the area and more work needs to be done in the area, and shutting down the premises is not going to solve the problem.
- GG. Joseph Davis Jr 6435, West Stark Street, stated he has never seen the people in opposition out in the community. He added that the problem is the lack of policing.

- HH. Shonda Payne 2533, West Auer Avenue, stated she has seen the changes the Licensee has put in place and there are a lot of changes from 2 years ago. She stated that she testified in opposition to the license two years ago, but is here in support today. Ms. Payne indicated that there have been some highs and lows, but she believes some of these issues are not the result of the store, but of issues related to policing.
- II. Alderman Rainey testified that he does not attribute every problem in the area to the store. However, when things such as the CPTED or other crime prevention tactics, the Licensee has not been receptive.
- JJ. The Licensee conceded that there have been some issues, but the Licensee has been making an effort to improve the store. He also indicated that he provided evidence that there have been tangible improvements.
- KK. Alderman Witkowski made a motion for a renewal with a 60-day suspension based on the police report, aldermanic testimony, neighborhood testimony, and Licensee testimony. (Failed 4-1).
- LL. Alderman Kovac noted that there was compelling testimony from even the supporters of the license that the problems involving drug dealing and loitering were actually happening. The supporters blamed factors unrelated to the store, but he found the evidence was indicated that this Licensee should have been doing more to improve things at the store. He emphasized that the dealing was occurring directly out of the store.
- MM. Alderman Johnson made a motion for nonrenewal based on the police report, aldermanic testimony, neighborhood testimony, and police testimony. (Passed 5 – 0).

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law, and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapters 85 and 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Harpreet Singh, has not met the criteria to allow renewal of his Class “A” Malt and Class A Liquor 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 of the City of Milwaukee should exercise its judgment to renew the Class "A" Malt and Class A Liquor licenses of Harpreet Singh for the premises located at 3200 North 27th Street, in the City and County of Milwaukee, Wisconsin ("S & S Liquor") based upon the police report and aldermanic, police, and neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, zero (0) noes**, recommends that the Class "B" Tavern and PEP Licenses of Harpreet Singh for the premises located at 3200 North 27th Street ("S & S Liquor") in the City and County of Milwaukee, Wisconsin be non-renewed based upon neighborhood testimony, aldermanic testimony, police testimony, and the police report.

Said nonrenewal will be in effect September 20, 2018.

Dated and signed at Milwaukee, Wisconsin this 20th day of July, 2018.



NIK KOVAC
Chairman, Licenses Committee

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