

CHAIR

- Licenses Committee
- City Information Management Committee

VICE CHAIR

- Milwaukee Arts Board

MEMBER

- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



NIK KOVAC

ALDERMAN, 3RD DISTRICT

September 19 2019

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 190436

Attached is the written objection to file number 190436, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to the recommendation of:

Nonrenewal, based upon the police report, and applicant, aldermanic, and neighborhood testimony of the Extended Hours Establishments, Food Dealer, Filling Station, and Weights & Measures licenses for Kulwant Dhillon for the premises located at 3381 N 35th St (“35th Hometown”) in the 7th aldermanic district.

This matter will be heard by the full Council at its Tuesday, September 24, 2019 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statements and materials.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nik Kovac'.

Nik Kovac, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 190436



LAW & CONSULTING, S.C.

September 18, 2019

Emil Ovbiagele
emil@ovblaw.com

[via Email]
City of Milwaukee City Hall
Attn: Jim Owczanski, City Clerk
200 E. Wells Street, Room 205
Milwaukee, WI 53202
iowcza@milwaukee.gov

Re: *Kool Petroleum, Inc. - 3381 N. 35th St*

Good Afternoon:

This Firm represents Kool Petroleum Inc. (Agent- Kulwant Dhilion) as it relates to the above-referenced matter.

We are in receipt of the Report of the Licensing Committee relating to the committee's hearing/findings. This email is being sent to preserve my Client's objections to the committee's findings and to reserve my client's rights to present oral arguments to the general common council relating to my client's objections at the September 24, 2019 meeting as it relates to the licensing committee's recommendation.

My client objects to the committee's deliberations on this matter on due process grounds as it is our position that the proceedings were not in accordance with fundamental rights afforded by pertinent ordinance and state law.

After a lengthy first committee hearing in August that resulted in a 20-day suspension recommendation, this matter was sent back to committee on the basis that there was more testimony to be heard despite all parties receiving due notice according to law the first time. Between the first and second hearing, there were no new credible facts provided or change in circumstances warranting a new hearing or changed recommendation.

Additionally, the committee allowed and based its decision on impermissible hearsay in contravention of pertinent law. Also, the statement of the Alderman Rainey regarding the length of the video at issue was categorically inaccurate. The video discussed in the police report was an 6-minute (approximately) video and not a 20-minute video as represented by Alderman Rainey at the

839 N. Jefferson St.
414. 585. 0588 (office)

Suite 502
ovblaw.com

Milwaukee, WI 53202
414. 255. 3031 (fax)

September 10 hearing. This inaccuracy is particularly troubling since it was enumerated by Alderwoman Dodd (who made the motion for nonrenewal) as the reason for the Committee's change in recommendation from the first hearing (which recommended a 20-day suspension).

Further, the record clearly indicates that the few neighbors who testified in opposition based their testimony on impermissible hearsay, speculation and factually unsupported opinion testimony. In addition, the conclusion of law in the committee makes mention of health department reports. However, no health department reports were presented at the hearings.

The Committee's recommendation of non-renewal and the process, itself, failed to comport with recognized and applicable standards of law and was not supported by credible evidence. Feel free to reach out to me with any questions or concerns as it relates to this matter.

Very Truly Yours,

OVB Law & Consulting, S.C.

/s/

Emil Ovbiagele, JD, MBA
Attorney

OEO/lb

cc: molly.kuether-steele@milwaukee.gov
Client (via Email)
Attorney Paul Oberer (via Email)