

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

January 9, 2018

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 171121 contains the following recommendations:

Nonrenewal, based upon the second nonappearance of the Class D Operator's license for Jessica Skenandore.

Nonrenewal, based upon the second nonappearance of the Class D Operator's license for Karen Williams.

Nonrenewal, based on the police report and applicant, police, and aldermanic testimony of the Class B Tavern, Food Dealer, and Sidewalk Dining licenses for Man Zhang for the premises located at 200 W Wisconsin Ave ("Kiku") in the 4th aldermanic district.

Renewal, with a ten (10) day suspension, based upon applicant and aldermanic testimony of the Filling Station and Weights & Measures licenses for Rita Trimmel for the premises located at 9200 W Burleigh St ("Speedway #4220") in the 5th aldermanic district.

Respectfully,

A handwritten signature in black ink that reads "Tony Zielinski".

Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
File 171121

COMMITTEE ASSIGNMENTS

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MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: January 5, 2018

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 Jessica M. Skenandore

FINDINGS OF FACT

1. Jessica M. Skenandore (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, 2017.
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. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On December 21, 2017 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 3, 2018 at 1:00 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear.
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 Jessica M. Skenandore, 3102 East Vogel Avenue, Cudahy, WI 53110 on December 21, 2017 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 3102 East Vogel Avenue, Cudahy, WI 53110 is the address given by the Licensee on her application. The envelope was

not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on January 3, 2018 at 1:00 p.m.

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, Jessica M. Skenandore 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 based upon nonappearance.
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 Jessica M. Skenandore based upon nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **five (5) ayes** and **zero (0) noes** that the Class "D" Operator's License of Jessica M. Skenandore not be renewed based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 5th day of January, 2018.



TONY ZIELINSKI
Chairman Licenses Committee

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: January 5, 2018

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 Karen R. Williams

FINDINGS OF FACT

1. Karen R. Williams (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, 2017.
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. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On December 21, 2017 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 3, 2018 at 1:00 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear.
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 Karen R. Williams, 2963 North 39th Street, Milwaukee, WI 53210 on December 21, 2017 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 2963 North 39th Street, Milwaukee, WI 53210 is the address given by the Licensee on her application. The envelope was not

returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on January 3, 2018 at 1:00 p.m.

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, Karen R. Williams 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 based upon nonappearance.
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 Karen R. Williams based upon nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **five (5) ayes** and **zero (0) noes** that the Class "D" Operator's License of Karen R. Williams not be renewed based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 5th day of January, 2018.



TONY ZIELINSKI
Chairman Licenses Committee

COMMITTEE ASSIGNMENTS

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TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: January 5, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern, Food Dealer and Sidewalk Dining Licenses of Man F. Zhang, Agent for KIKU LLC, for the premises located at 200 West Wisconsin Avenue in the City and County of Milwaukee, Wisconsin ("KIKU LLC").

FINDINGS OF FACT

1. Man F. Zhang, Agent for KIKU LLC (hereinafter "the Licensee") is the holder of a Class "B" Tavern License, Food Dealer and Sidewalk Dining Licenses for the premises located at 200 West Wisconsin Avenue in the City and County of Milwaukee, Wisconsin ("KIKU LLC"). Said licenses expire at midnight on January 27, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on November 16, 2017.
3. Pursuant to Chapters 68, 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 December 13, 2017, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On December 20, 2017, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, and, 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes 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 3, 2018, commencing at approximately 2:45 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 Andrew Arena.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On February 17, 2017, officers investigated a reported sexual assault that occurred at Kiku, 200 West Wisconsin Avenue. The victim stated the applicant fondled her over her clothing while kissing her. The victim stated she did not consent and the applicant was arrested. A check on the location revealed the security cameras were not working. MPD IR# 17-048-0026 was filed. The case was not prosecuted by the Milwaukee County District Attorney's Office due to non-cooperation from victim.
 - B. On April 8, 2017, Milwaukee Police Department officers conducted underage tavern enforcement in District 1. An underage Police Aid attempted to gain entry to Kiku, 200 West Wisconsin Avenue. The Police Aid was able to enter, order and was served a Miller Lite beer for \$4.00.
 - C. On December 5, 2017, officers responded to an accident involving on-duty Milwaukee Police Detectives at the intersection of N. 7th Street and West Wisconsin Avenue. The striking auto went through a red light, struck the officers, and then crashed into a building at 715 West Wisconsin Avenue. The driver then got into the auto he was racing prior to the accident. A passenger in the second car then fired shots at the officers, striking their auto. The owner of the car was Kristopher Weah. He was located at home and arrested. He stated prior to he accident he was drinking at Kiku, 202 West Wisconsin Avenue. He stated he bought a bottle of Hennessy to share with his friends. He stated he left at around 2:30 a.m. with two friends who were in the other car he was racing prior to the accident. Officers viewed the video surveillance from Kiku, which showed the establishment was open after 2:00 a.m. with patrons inside being sold alcoholic beverages. Crista Martinez, the manager, stated the applicant sold Weah the bottle of Hennessy for \$125.00 and they were drinking straight form the bottle. The applicant was interviewed and stated the three suspects are regulars at the restaurant and he knows them by their first names only. He stated he allowed them to stay in the restaurant while he counted the money and cleaned up. He stated they did not drink any alcohol after closing hours. He stated he closed at 3:10 a.m. because he had to check into the House of Correction at 3:30 a.m. The video surveillance also showed patrons playing music on a music player sitting on the corner of the bar and dancing inside. The tavern does not have a PEP license.

Charge 1: Allow Patrons after hours
2: Consumption of Alcohol Class B Premise Violation
3: PEP violation
Finding 1: court date 01/26/2018
2: court date 01/26/2018
3: court date 01/26/2018
Sentence 1:
2:
3:
Date:
Citation 1: 6158911-3
2: 6158912-4
3: 6158913-5

- D. The applicant has the following past due fines owed to Milwaukee municipal Court: 15063189 Building Code Violations \$280.00 due June 15, 2016.
- E. The Licensee explained that the building code violations are related to a fire suppression system, and he is in the process of making the necessary changes to remedy the violation.
- F. The Licensee stated that he fully denies the reported sexual assault, and indicated that the case was not prosecuted because the complaining witness was not credible. He stated that while the security cameras were not working during this incident, but the cameras are currently operational.
- G. The Licensee stated that he fired the bartender who served the underage police aide on April 8, 2017.
- H. Relative to the December 5, 2017, incident, the Licensee apologized for his role in the incident and poor judgment. Attorney Arena indicated that he counseled the Licensee that the restaurant cannot engage in "bottle service," and cannot sell full bottles of alcohol to patrons.
- I. Alderman Nicholas Kovac noted that the Licensee had been suspended for 60 days approximately two years ago for an alcohol related incident, and there is some merit to progressive discipline.
- J. Captain Rowe from the Milwaukee Police Department was present to testify. She stated that the incident was extremely serious. A police

squad car was struck; these patrons fired weapons at the officers, and struck a building. She noted that the Milwaukee County District Attorney's Office filed multiple felony charges against the individuals involved in this incident. She noted that she saw the surveillance video and the persons involved could be seen in the bar and drinking well after 2:00 a.m.

- K. The Licensee stated that he did not know these individuals well, but they were regular customers at the establishment. He later stated that he sold them the alcohol prior to closing time, but was unaware that he had to take the alcohol away once the business was closed.
- L. Ald. Baumann asked the Captain if the department received other complaints about the establishments. She stated that the department had received other complaints about the business. Ald. Baumann further stated that the building had been purchased by another entity and that Kiku was likely to be evicted. He recommended to the committee that the licenses be non-renewed.
- M. Attorney Arena indicated that the Licensee recognized that some discipline was warranted. He recommended a 90-day suspension as opposed to complete non-renewal of the licenses. He acknowledged that the Licensee wished to continue running the business at a new location, and therefore preferred a suspension to a complete nonrenewal. He stated that the Licensee acknowledged his need to improve.
- N. Ald. Zielinski stated the December 5, 2017, incident was egregious. He stated that the fact that the Licensee's thought that the patrons should have been allowed to continue drinking after hours because they bought the alcohol before close was unacceptable. The pattern of behavior by the Licensee showed poor judgment and his continued operation of the business posed a threat to the safety and welfare of the Citizens of Milwaukee. Ald. Zielinski moved nonrenewal based on the police report, aldermanic, applicant, and police testimony.
- O. Ald. Kovac noted that while progressive discipline is an important principle, nonrenewal is warranted here based on the severity of the incident and the Licensee's pattern.
- P. The motion passed 5-0 in favor of nonrenewal.

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 68, 85, and, 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Man F. Zhang, Agent for KIKU LLC, has not met the criteria to renew of his Class "B" Tavern, Food Dealer and Sidewalk Dining licenses.
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 not to renew the Class "B" Tavern, Food Dealer and Sidewalk Dining licenses of Man F. Zhang, Agent for KIKU LLC for the premises located at 200 West Wisconsin Avenue in the City and County of Milwaukee, Wisconsin ("KIKU LLC") based upon the police report, police testimony, applicant testimony, and aldermanic testimony.

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, Food Dealer and Sidewalk Dining Licenses of Man F. Zhang, Agent for KIKU LLC for the premises located at 200 West Wisconsin Avenue ("KIKU LLC") in the City and County of Milwaukee, Wisconsin not be renewed.

Said nonrenewal begins at 12:01 a.m. on January 28, 2018.

Dated and signed at Milwaukee, Wisconsin this 5th day of January, 2018.



TONY ZIELINSKI
Chairman, Licenses Committee

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

MEMBER

- Steering and Rules Committee
- Community and Economic Development Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: January 5, 2018

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Rita A. Trimmel Agent for Speedway, LLC for Filling Station and Weights & Measures licenses for the premises located at 9200 West Burleigh Street in the City and County of Milwaukee, Wisconsin ("Speedway").

FINDINGS OF FACT

1. Rita A. Trimmel (hereinafter the "Licensee") is the holder of Filling Station, and Weights & Measures licenses for the premises located at 9200 West Burleigh Street in the City and County of Milwaukee, Wisconsin ("Speedway"). Said licenses expire at midnight, January 31, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on November 15, 2017.
3. Pursuant to Chapters 82 and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation.
4. On December 26, 2017, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 82 and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on January 3, 2018 at approximately 9:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place Rita A. Trimmel did appear and was represented by Attorney Mike Murray.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Alderman James Bohl indicated that this premise is in his district and he has had issues with this location. Ald. Bohl indicated that Speedway as a corporate entity had not been as mindful and responsive as it should have been, and he has concerns about the management of this location.

- B. Ald. Bohl stated that he spoke with the manager of the location and another regional manager at Speedway. He indicated that he was unclear on exactly who was running the store. This was troubling because he had concerns with another Speedway location last year. It seemed to him that the other location improved, but that this location has become more of a problem.
- C. The Licensee stated the property will be cleaned up and more staff has been hired to get all the stores consistent. She added that she has 5 locations in the Milwaukee area. She apologized for the actions of the employees at her locations. She stated moving forward she will do her best and takes pride in her locations.
- D. Attorney Mike Murray stated the Licensee has a higher position in Speedway corporate and is able to do more. He stated that there have been some improvements, but not consistent improvements and there was only one complaint from Alderman Bohl during 2017. He added Speedway would like to remain in the city and become a good neighbor.
- E. Alderman Bohl stated there are litter issues at the premises and is concerned about the long term litter plans. He stated Speedway has been neglectful in maintaining their stores. He stated that dumpsters are overflowing and there was no salt on the ground to get rid of the ice at the Burleigh St location. He added that the black ice caused his wife to slip and fall, and then he was told that there was no salt in the store to get rid of the ice. He asked the applicant if she will be in the Milwaukee regularly, because her address appeared to be out of the City. He added that he is frustrated and does not believe corporation is taking things seriously.
- F. The Licensee stated that she has authority over five stores in the area, and is in Milwaukee regularly during the week.
- G. The attorney for the Licensee stated that there has been some improvement at the store, but admittedly not enough. He also noted that there were not a significant number of complaints in the file.
- H. Ald. Bohl explained that he does not always make a formal complaint when there is an issue at the store. He communicates regularly with the store manager in an attempt to resolve issues at a lower level. He requested an action plan from the Licensee to address the issues at the store, because he did not believe Speedway was taking the matter seriously enough.
- I. Alderman Bohl moved approval with a 10 day suspension based on the inconsistent issues that have occurred at the store.

J. That motion prevailed 5-0.

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 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Rita A. Trimmel who holds Filling Station and Weights & Measures licenses for the premise located at 9200 West Burleigh Street in the City and County of Milwaukee, Wisconsin ("Speedway") has not met the criteria of Chapters 82 and 85, of the Milwaukee Code of Ordinances to not renew the Filling Station and Weights & Measures licenses without undergoing a ten (10) day suspension. The Committee finds the aldermanic objections as stated above to be true. The Committee based its recommendation on aldermanic and applicant 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 Filling Station and Weights & Measures licenses without undergoing a ten (10) day suspension for the premises located at 9200 West Burleigh Street in the City and County of Milwaukee, Wisconsin ("Speedway"). The Committee based its recommendation on aldermanic and applicant testimony.

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 Filling Station and Weights & Measures licenses held by Rita A. Trimmel for the premises located at 9200 West Burleigh Street in the City and County of Milwaukee, Wisconsin ("Speedway") be renewed with a ten (10) day suspension based its recommendation on Aldermanic and Applicant testimony.

The suspension is in effect from 12:01 a.m. on February 1, 2018 until 11:59 p.m. on February 10, 2018.

Dated and signed at Milwaukee, Wisconsin this 5th day of January, 2018.



TONY ZIELINSKI, Chair
Licenses Committee