



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

March 8, 2007

To the Honorable, the Common Council

Dear Members:

Common Council File 061190 contains the following recommendations:

Renewal, with a 10-day suspension based on the police report, of the Class "A" Liquor & Malt license of Paramjeet Kharag, Agent for "Capitol Liquor & Beer, Inc." for the premises at 7308 W. Capitol Dr. ("Capitol Liquor & Beer") in the 2nd aldermanic district.

Renewal, with a 10-day suspension based on the police report, of the Class "B" Tavern license of Jose Terrones for the premises at 2492 S. 13th St. ("El Azteca Bar") in the 12th aldermanic district. (Committee vote: Ayes: 4, Noes: 1)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on March 6th 2007.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, a **roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Thursday, March 22, 2007** at 9:00 A.M. in the Common Council Chambers.

Respectfully,


James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
Files 061190



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: March 8, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Paramjeet S. Kharag, Agent for "Capitol Liquor & Beer, Inc." for a Class "A" Liquor and Malt license for the premises located at 7308 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("Capitol Liquor & Beer").

FINDINGS OF FACT

1. Paramjeet S. Kharag, Agent for "Capitol Liquor & Beer, Inc." (hereinafter the "Licensee") is the holder of a Class "A" Liquor and Malt license for the premises located at 7308 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("Capitol Liquor & Beer"). Said license expires at midnight, April 10, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on January 17, 2007.
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 report that could form the basis of non-renewal or suspension of this license on January 18, 2007. There were also neighborhood objections to loitering, littering, parking and traffic problems, drug and criminal activity, sales to underage, failure to comply with 90-15-1, MCO which states: "No premises for which a Class "A" retailer's intoxicating liquor license has been issued shall be permitted to remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.," and 90-15-2, MCO, which states: "CLASS A FERMENTED MALT BEVERAGE RETAILER'S LICENSE. No holder of such a license shall sell fermented malt beverages between the hours of 9:00 p.m. and 8:00 a.m." and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On February 22, 2007, the City Clerk's Office provided notice to the Licensee

pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for nonrenewal or suspension and of the neighborhood objections, and included a copy of the police report. The matter was scheduled for a hearing on the police report on March 6, 2007 at 10:45 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the Licensee appeared at the hearing and was not represented by counsel. The Licensee did admit receipt of the notice of the hearing.

6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On November 1, 2006, the Licensee received a citation for taxi permit required at 1218 West Kilbourn. This charge was dismissed after a pretrial hearing on January 22, 2007.
 - B. On November 22, 2006, at 8:45 p.m., officers of the Milwaukee Police Department were dispatched to 7324 West Capitol Drive for a Trouble with Subject complaint. The police were advised that the licensed Capitol Liquor & Beer was selling alcohol to minors without asking for any identification. Officers observed two subjects who appeared to be under 21, walk into the store and purchase two six-packs of Miller Genuine Draft and leave the store. Officers conducted field interviews of these subjects and learned that they were under the age of 21 and that the clerk who sold them the alcohol never asked for identification. Officers asked these subjects to point out the clerk and he was later identified as Surjan S. Kamal. While conducting wanted checks, officers noticed that it was after 9:00 p.m. and that Kamal was still selling alcohol beverages to customers. Officers issued two citations to Kamal for Hours of Sale and Numbers Posted. Citations were also issued to the subjects who purchased alcohol and were not of legal age. Mr. Kamal was pending a pretrial on Hours of Operation-Class "A" Liquor and House Numbers to be Posted on February 14, 2007. Applicant testified that the Hours of Operation charge was dismissed.
 - C. On December 31, 2006 at 9:03 p.m., officers of the Milwaukee Police Department observed multiple subjects inside of the licensed premises at 7308 West Capitol Drive ("Capitol Liquor & Beer") who appeared to be waiting in line to purchase alcohol beverages. The investigation revealed that the Licensee, Paramjeet Kharag, was selling alcohol beverages after 9:00 p.m. to numerous customers that were in his store. One subject entered the store at approximately 9:10 p.m. and when told by Kharag that the store was closed, the subject stated that he would go to the back like usual. This subject then observed officers and left the store. The licensee was issued a citation for Hours of Sale. No further information was available as to the disposition of this citation.

- D. No neighbors appeared to testify as to neighborhood objections. Andra Lee, 7307 West Beckett Avenue, testified in support of the Licensee.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and 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 upon the above facts found, the Committee concludes that the Licensee, Paramjeet S. Kharag, Agent for "Capitol Liquor & Beer, Inc.," who holds a Class "A" Liquor and Malt license for the premises located at 7308 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("Capitol Liquor & Beer") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "A" Liquor and Malt license without undergoing a ten (10) day suspension of said license. The Committee finds the police report as stated above to be true.
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" Liquor and Malt license of Paramjeet S. Kharag, for the premises located at 7308 West Capitol Drive in the City and County of Milwaukee, Wisconsin ("Capitol Liquor and Beer ") with a ten (10) day suspension because of the danger this premises poses to the health, safety and welfare of the citizens of Milwaukee.

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 "A" Liquor and Malt license held by Paramjeet S. Kharag be renewed with a ten (10) day suspension.

Said suspension is to be in effect from 12:01 a.m., April 11, 2007 through 11:59 p.m. April 20, 2007.

Dated and signed at Milwaukee, Wisconsin this 8th day of March, 2007.


JAMES N. WITKOWIAK, Chair
Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: March 8, 2007

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Jose L. Terrones for a Class "B" Tavern license for the premises located at 2492 South 13th Street in the City and County of Milwaukee, Wisconsin ("El Azteca Bar").

FINDINGS OF FACT

1. Jose L. Terrones (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises located at 2492 South 13th Street in the City and County of Milwaukee, Wisconsin ("El Azteca Bar"). Said license expires at midnight, April 11, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on January 18, 2007.
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 report that could form the basis of non-renewal or suspension of this license on January 19, 2007. There were also neighborhood objections to the renewal of based loitering, littering, loud music and noise, fights and disorderly conduct, drug and criminal activity, parking and traffic problems, shootings and gun shots, drunkenness and public urination, trespassing, vandalism, disturbing the peace, prostitution, and conduct detrimental to the health, safety and welfare of the neighborhood and the general past history of this location. However, no neighbors appeared to testify as to those objections.
4. On February 22, 2007, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for nonrenewal or suspension and included a copy of the police report. The matter was scheduled for a hearing on the police report on March 6, 2007 at 2:30 p.m. in Room 301B of the third floor of City Hall. At said date, time and place the Licensee appeared at the hearing and was not represented by counsel. Dagoberto

Ibarra translated for the Licensee. The Licensee did admit receipt of the notice of the hearing.

6. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On November 7, 2004 at 11:20 p.m., officers of the Milwaukee Police Department conducted a premises check at Primo's Place, 1631 West Grant Street. Upon arrival, they observed the back and only exit door of the tavern locked during hours of operation. Also, no occupancy placard was posted as required. Officers spoke to the bartender who told officers he was in charge while his brother, the Licensee, was in Mexico for the holidays. The bartender, Jose L. Terrones-Valdivia, was issued a citation for posting of occupancy and charged with this citation on February 18, 2005 and fined \$343.00. The bartender was issued a citation for safe egress from all entrance doors and this citation was dismissed on February 18, 2005.
 - B. On July 23, 2006, officers of the Milwaukee Police Department were dispatched to the licensed premises at 2492 South 13th Street ("El Azteca Bar") for a Trouble with Subject call. The complaint stated that subjects in the tavern were using drugs. The investigation revealed two patrons in the bar with one subject possessing cocaine. This subject was arrested and charged with possession of a controlled substance-cocaine and the other patron was arrested on an outstanding warrant. Officers did speak with the Licensee, Jose Terrones, who stated that he was unaware that drugs were being used in his tavern. No other violations were found.
 - C. On August 7, 2006, officers of the Milwaukee Police Department conducted a tavern check of the licensed premises at 2492 South 13th Street ("El Azteca Bar"). Officers observed a patron in the rear of the bar with a dollar bill containing a white powdery substance that the patron was inhaling. Once he saw the officers, the subject dropped the dollar bill and tried to leave the area. The officers conducted a field interview and recovered the dollar bill with the white powder residue on it. This subject was arrested and charged with possession of a controlled substance-cocaine. Officers spoke to the Licensee, Jose Terrones, who was on the scene, regarding the drug use in the tavern. No other violations were found.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and 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 upon the above facts found, the Committee concludes that the Licensee, Jose Terrones, who holds a Class "B" Tavern license for the premises located at 2492 South 13th Street in the City and County of Milwaukee, Wisconsin ("El Azteca Bar "), has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license without undergoing a ten (10) day suspension of said license. The Committee finds the police report as stated above to be true.
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 "B" Tavern license of Jose Terrones for the premises located at 2492 South 13th Street in the City and County of Milwaukee, Wisconsin ("El Azteca Bar ") with a ten (10) day suspension because of the danger this premises poses to the health, safety and welfare of the citizens of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) no, recommends that the Class "B" Tavern license held by Jose Terrones be renewed with a ten (10) day suspension.

Said suspension is to be in effect from 12:01 a.m., April 12, 2007 through 11:59 p.m., April 21, 2007.

Dated and signed at Milwaukee, Wisconsin this 8th day of March, 2007.



JAMES N. WITKOWIAK, Chair
Licenses Committee

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