

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

September 9, 2016

To the Honorable, the Common Council

Honorable Members:

Common Council File Numbers 160408 and 160503 contain the following recommendations:

Nonrenewal, based upon the second nonappearance of the Class D Operator's license of Lorena Garcia Mondragon.

Renewal, with a fifteen (15) day suspension, based upon the police report Food Dealer license for Faraj Jaber for the premises located at 4790 N Hopkins St ("Foodtown Mini Mart") in the 7th aldermanic district.

Renewal, with a sixty (60) day suspension, based upon neighborhood testimony of the Class B Tavern and Public Entertainment Premises license(s) for Byron Gudiel for the premises located at 1629 S 10th St ("La Casa Vieja") in the 12th aldermanic district.

Revocation, based upon the revocation complaint, Health Department reports, police and neighborhood testimony, and fitness of location of the Class A Fermented Malt Beverage Retailer, Food Dealer Retail, and Cigarette and Tobacco license(s) for Varinder Singh for the premises located at 3100 N 27th St ("All Star Food") in the 7th aldermanic district.

Respectfully,

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

Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
Files 160408 & 160503

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TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: September 9, 2016

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 Lorena Garcia Mondragon.

FINDINGS OF FACT

1. Lorena Garcia Mondragon (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, 2015.
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 August 30, 2016 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 September 6, 2016 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 Lorena Garcia Mondragon, 522 South 6th Street, No. 12, Milwaukee, WI 53204 on August 30, 2016 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 522 South 6th Street, No. 12, Milwaukee, WI 53204 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 September 6, 2016 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, Lorena Garcia Mondragon 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 her second 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 Lorena Garcia Mondragon based upon her second nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of four (4) ayes and one (1) excused that the Class "D" Operator's License of Lorena Garcia Mondragon not be renewed based upon her second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 9th day of September, 2016.



TONY ZIELINSKI
Chairman, Licenses Committee

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TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: September 9, 2016

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Food Dealer license of Faraj A. Jaber for the premises located at 4790 North Hopkins Street in the City and County of Milwaukee, Wisconsin ("Foodtown Mini Mart").

FINDINGS OF FACT

1. Faraj A. Jaber (hereinafter "the Licensee"), is the holder of a Food Dealer license for the premises located at 4790 North Hopkins Street in the City and County of Milwaukee, Wisconsin ("Foodtown Mini Mart"). Said license expires at midnight on October 6, 2016.
2. An application to renew said license was filed with the Office of the City Clerk on July 27, 2016.
3. On September 1, 2016 the City Clerk's Office provided timely notice to the Licensee of a License's Committee hearing pursuant to Chapters 68 and 85 of the Milwaukee Code of Ordinances regarding police report and neighborhood objections to the renewal of the license. The matter was scheduled for a hearing on the Milwaukee Police Department report and neighborhood objections on September 6, 2016, commencing at 1:45 p.m. in Room 301B of the third floor of City Hall. At said date and place, the Licensee did appear and was represented by Attorney David C. Bangert.
4. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact:
 - A. On May 17, 2016 officers had a confidential informant go to Food town Mini Mart at 4790 West Hopkins Street to purchase "Spice", synthetic marijuana. The informant was equipped with a covert recording device. The informant went in and was able to buy two packages of "Spice" which the clerk obtained from a black plastic shopping bag next to the register. The informant described the clerk as a Middle Eastern male. The informant turned over the "spice" and the recording device to the offices. Upon review the officers found the recording device did not function due to operator error. The "spice" was tested by the crime lab was found to contain synthetic cannabinoid not in the Wisconsin Uniform Controlled Substance Act.

- B. On May 18, 2016 officers had a confidential informant go to Food Town Mini Mart at 4790 West Hopkins Street for a second controlled buy of synthetic marijuana. The informant was equipped with a covert recording device. The informant went in and was able to buy three packages of “Spice” which the clerk obtained from a black plastic shopping bag next to the register. The informant described the clerk as the same Middle Eastern male from the prior day. The informant turned over the “spice” and the recording device to the officers. The video confirmed the events described by the informant. The “spice” was tested by the crime lab and was found to contain synthetic cannabinoid not in the Wisconsin Uniform Controlled Substance Act.
- C. On June 15, 2016 officers conducted a licensed premise check at Foodtown Mini Mart, 4790 North Hopkins Street, based on a complaint of the business selling K2 (synthetic marijuana). The officers found an open box of Black & Mild cigars next to the register being sold individually. Under the register in a black bag they located colorful packets, which based on their training they identified as synthetic marijuana. Tareq Hamad, the manager, stated it was potpourri and it sold for \$10.00. A total of 109 packages were recovered and inventoried.
- D. Attorney Bangert stated the applicant was unaware that synthetic marijuana was being sold. He added the employee involved in the incidents was a rogue employee and has basically been terminated. He stated the applicant thaws been in business for 23 years and has not had serious issues and is proactive when dealing with problems and neighborhood complaints. He added that the applicant takes this very seriously and has spoken with his employees regarding the report.
- The applicant stated the employee in question was his brother and he had no idea that these sales were going on. He added that he has not had any issues at his six locations in 20 years. He stated that he does not care if the employee is a family member, they need to be terminated.
- E. Alderman Rainey stated he has concerns about businesses selling illegal drugs to children in the neighborhood. He added that the applicant’s brother has put the applicant’s reputation at stake by knowingly selling illegal substances to residents and going through great lengths to conceal it. He stated the applicant’s employees do not value the customers because of the selling of the drugs.

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 Chapters 68 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Faraj A. Jaber, has not met the criteria of Chapters 68 and 85 of the Milwaukee Code of Ordinances to allow renewal of his Food Dealer license for the premises located at 4790

North Hopkins Street in the City and County of Milwaukee, Wisconsin (“Foodtown Mini Mart”), without undergoing a fifteen (15) day suspension of said licenses. 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 Food Dealer license of Faraj A. Jaber, for the premises located at 4790 North Hopkins Street in the City and County of Milwaukee, Wisconsin (“Foodtown Mini Mart”), with a fifteen (15) day suspension based on the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes recommends that the Food Dealer’s license Faraj A. Jaber for the premises located at 4790 North Hopkins Street in the City and County of Milwaukee, Wisconsin (“Foodtown Mini Mart”) be renewed with fifteen (15) day suspension based upon the police report.

Said suspension will be in effect between 12:01 a.m. October 7, 2016 through 11:59 p.m. October 21, 2016.

Dated and signed at Milwaukee, Wisconsin this 9th day of September, 2016.



Tony Zielinski, Chair
Licenses Committee

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MEMBER

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TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: September 9, 2016

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the renewal application of Byron F. Gudiel, Agent for "Siervito Properties, LLC" for a Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 1629 South 10th Street in the City and County of Milwaukee, Wisconsin ("La Casa Vieja").

FINDINGS OF FACT

1. Byron F. Gudiel, Agent for "Siervito Properties, LLC" (hereinafter the "Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises licenses for the premises located at 1629 South 10th Street in the City and County of Milwaukee, Wisconsin ("La Casa Vieja"). Said licenses expire at midnight, on September 24, 2016.
2. An application to renew said licenses was filed with the office of the City Clerk on July 26, 2016.
3. Pursuant to Chapters 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. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of these licenses on July 27, 2016.
4. On August 31, 2016 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances, Chapter 125 of the Wisconsin Statutes and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on September 6, 2016, commencing at 2:45 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee appeared and was represented by Attorney Vincent Bobot.
5. Based upon the sworn testimony heard and the evidence from the synopsis Police report received at the hearing, the Committee finds the following:
 - A. On December 5, 2015 the applicant received two citations at 2366 South 9th Place. One citation was for sale of cigarettes to a minor which is pending further proceedings on October 26, 2016. The other citation was for responsible person on premises required. He was found guilty on this citation on July 18, 2016 and fined \$150.00.

- B. On June 27, 2016 Milwaukee police conducted a tavern check at 1629 South 10th Street (Casa Vieja). During this check officers discovered the subject serving patrons does not possess a bartender's license. Additionally, the Class "B" tavern license that was displayed was not current. The Licensee was issued a citation for display of license-posting required and a citation for Class "B" licensee's responsibility. These two citations are pending pretrial on September 26, 2016.
- C. The applicant stated he has new manager who has been working for 3 weeks. He stated has never received complaints from neighbors, but he is now going to monitor the parking lot by charging to park there and having security in the lot. He added that he has 22 security cameras and has talked with the police about the noise. He stated he does not have motorcyclists as patrons. He added Alderman Perez told him about complaints from 4 or 5 people.
- D. Attorney Bobot stated the applicant has health problems which have impacted his ability to run the daily operations and so he has hired more staff. He added the bartender listed in the police report does possess a valid bartender's license. He stated the applicant has 22 cameras, has contracted with a private security firm, and is taking control of his parking lot. He added the applicant is interested in working with the community.
- E. Terrance Byrd, 1412 West Lincoln Avenue acted as interpreter for Mr. Gudiel. Mr. Byrd stated he has been managing the bar for the applicant and was unaware he was supposed to have a manager's license. He stated 15-20 years ago he managed a bar in Tucson.
- F. Tom Lidman, 1007 West Historic Mitchell Street stated he and his wife are involved in the community and the BID. He stated in 30 years he has not seen this type of activity. He added there are dozens of cars and motorcycles revving their engines for 20 minutes at bar close. He stated he and his tenants have called the police multiple times because of the mayhem. He has seen people burning their tires, running red lights, and blocking traffic. He stated the applicant is irresponsible with his patrons. He showed the video taken from his home from the last 2 weeks. He added that the noise is twice as bad as last year.
- G. Alderman Perez stated the decisions when there is an issue seem reactionary and is not solving the problem. He stated he has not seen a change in management and recommends a 60 day suspension as progressive discipline.

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 Chapter 125 of the Wisconsin Statutes and Chapters 90 and 108 of the Milwaukee Code of Ordinances.

2. Based upon the above facts found, the Committee concludes that the Licensee, Byron F. Gudiel, has not met the criteria of Chapters 90 and 108 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Public Entertainment Premises licenses without undergoing a sixty (60) day suspension of said licenses based upon the police report and hearing testimony. The Committee finds the police report and testimony 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 and Public Entertainment Premises licenses for the premises located at 1629 South 10th Street in the City and County of Milwaukee, Wisconsin ("La Casa Vieja") with a sixty (60) day suspension based upon neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes recommends that the Class "B" Tavern and Public Entertainment Premises licenses be renewed with a sixty (60) day suspension based on neighborhood testimony.

Said suspension is to be in effect between 12:01 a.m. on September 25, 2016 through 11:59 p.m. November 23, 2016.

Dated and signed at Milwaukee, Wisconsin this 9th day of September, 2016.



Tony Zielinski, Chair
Licenses Committee