



JOCASTA ZAMARRIPA
ALDERWOMAN, 8TH DISTRICT

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE-CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee
- Zoning, Neighborhoods, and Development Committee

May 10, 2024

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 231930 contains the following recommendation:

Renewal with a 15 day suspension of the Extended Hours Establishment license for Mukesh S. Dharod, based upon the preponderance of the evidence on the police report, aldermanic and applicant testimony that demonstrates the operation results in a threat to health, safety or welfare of the public for the disturbing after hours incidents involving weapons, fights, lack of a reliable security company and poor management and; to give time to the new security to present results; for the premises located at 3801 S 27th St (“Denny's #8092”) in the 13th aldermanic district.

Sincerely,

JoCasta Zamarripa
Alderman, 8th District

cc: All Council Members
File 231930





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JOCASTA ZAMARRIPA ALDERWOMAN, 8TH DISTRICT

Date: May 10, 2024

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Renewal Application of Mukesha S. Dharod, Agent for The Road, Inc., for Extended Hours Establishments and Food Dealer licenses for the premises located at 3801 South 27th Street in the City and County of Milwaukee, Wisconsin ("Denny's #8092").

FINDINGS OF FACT

1. Mukesha S. Dharod (hereinafter the "Licensee") is the holder of an Extended Hours Establishments and Food Dealer licenses for the premises located at 3801 South 27th Street in the City and County of Milwaukee, Wisconsin ("Denny's #8092"). Said licenses expired at midnight, April 30, 2024.
2. An application to renew said licenses was filed with the Office of the City Clerk on March 5, 2024.
3. Pursuant to Chapters 68, 84, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On March 7, 2024, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On April 25, 2024, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 84, and 85 of the Milwaukee Code of Ordinances of the police report and included a copy of the police report. The matter was scheduled for a hearing on the police report on May 7, 2024 at 10:45 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, Attorney Zak Wroblewski appeared on behalf of the applicant along with Melissa Nelson-Bohan (Multi-Unit Manager), and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On March 26, 2023 at 11:10 p.m., Milwaukee Police were dispatched to 3801 South 27th Street, for a trouble with subject complaint. Officers spoke with the manager who stated that she had to terminate an employee. The employee then engaged in a verbal argument with the manager. The employee left prior to police arrival. The manager was advised to call the police if the subject returns, and a citation could be issued.



- B. On April 1, 2023 at 9:52 p.m., Milwaukee Police were dispatched to 3801 South 27th Street, for a subject with gun complaint. Officers spoke with the manager who stated that a group of customers got into a verbal altercation with another customer at a different table. A subject at one point stated that he was going to get his gun from his vehicle. The subject returned and acted like he had a gun in his waist band. Both parties eventually paid their food bills and left with no further incident. No handgun was observed by staff.
- C. On April 3, 2023 at 9:40 p.m., Milwaukee Police were dispatched to 3801 South 27th Street, for a damage to property complaint. The manager stated that an employee damaged the door to the business. The incident was captured on video but the manager could not provide it for officers, at that particular time.
- D. On April 13, 2023 at 2:34 a.m., Milwaukee Police were dispatched to 3801 South 27th Street, for an armed robbery complaint. The caller stated that he was robbed at knife point. Police arrived at the location and the business was not cooperative with officers regarding the incident. Staff did not answer questions asked by the officer regarding the incident. Eventually officers discovered the business had nothing to do with the complaint, and the caller just used the business phone to call for the police.
- E. On April 27, 2023 at 3:00 a.m., Milwaukee Police were dispatched to 3801 South 27th Street, for an injured/sick complaint. The caller stated that a person is in the parking lot laying on the ground. Officers located the subject who was not responsive and it was determined he had over-dosed. Officers administered Narcan and Milwaukee Fire arrived at the location, and transported the subject to the hospital for further medical evaluation.
- F. On May 1, 2023 at 12:38 a.m., Milwaukee Police were dispatched to 3801 South 27th Street, for suspicious/other complaint. Officers arrived at the business and it appeared to be open but no employees were on scene. Officers got a hold of the key holder and the manager stated that she thought she closed the business properly but had the wrong keys. The business is not opened after 12:00 a.m. on Sunday or Mondays.
- G. On May 19, 2023 Milwaukee Police were dispatched to 3801 South 27th Street, for an injured/sick complaint. Officers spoke to the caller who stated that he fell outside the location and wanted to go to the doctor. The caller was conveyed to the hospital by ambulance.
- H. On May 21, 2023 Milwaukee Police were dispatched to 3801 South 27th Street, for a loud music complaint. Officers did not locate the vehicle playing the loud music and there was no answer on call back to the complainant.
- I. On May 22, 2023 at 3:30 p.m., Milwaukee Police were dispatched to 3801 South 27th Street, for a fight complaint. Officers spoke with the caller who was a grub hub driver, and stated that an intoxicated subject struck him in the face several times. Both subjects fought in the lobby area of the business. The victim stated that he would seek medical attention on his own. The business was cooperative with the investigation providing video and witness statements. The suspect was transported to the hospital and issued citations regarding the incident.



- J. On June 15, 2023 at 3:09 a.m., Milwaukee Police were dispatched to 3801 South 27th Street, for a trouble with subject complaint. Officers spoke with the caller who stated that a subject was in the restaurant refusing to leave. The subject was at the location for the last four hours. Officers located the subject and advised her that the management wanted her to leave the premise. The subject gathered her belongings and left without any further incident.
- K. On July 9, 2023 at 5:12 a.m., Milwaukee Police were dispatched to 3801 South 27th Street, for a fraud complaint. Officers spoke to the manager who stated that five subjects left without paying for their food. The subjects left in three different vehicles. The manager stated that he captured the incident on video. The security was off duty at the time of the theft.
- L. On August 4, 2023 at 4:09 a.m., Milwaukee Police were dispatched to 3801 South 27th Street, for an armed robbery complaint. Officers spoke with the manager who stated that a suspect armed with a handgun demanded the money from the cash register. The suspect obtained money and exited the business south from the location. Video that captured the incident was recovered as evidence.
- M. On November 5, 2023 Milwaukee Police were dispatched to 3801 South 27th Street, for a battery complaint. Officers arrived and located a subject unable to get up from the floor. Investigation revealed that the subject was intoxicated and a fight did not occur.
- N. On 11/28/23 at 12:48am, Milwaukee Police were dispatched to 3801 South 27th Street, for a welfare check. Officers spoke with a subject inside the restaurant who seemed to be in distress. The subject stated he was faint and dizzy, then became irate hitting a chair inside the location. Officers conveyed the subject to the hospital for medical and mental evaluations. The business was cooperative with the investigation.
- O. On December 9, 2023 at 4:22 a.m., Milwaukee Police were dispatched to 3801 South 27th Street, for a subject with gun complaint. Officers spoke to the suspect who stated that she fired her gun in the air to stop a fight, then during the altercation her gun was stolen. The suspect's action resulted in recklessly endangering safety and the suspect was detained for the incident. Investigation revealed that a fight occurred between her party and another party. The suspect fired one shot in an attempt to stop the fight. During the commotion the suspect was wrestled to the ground and her gun was taken by people from the other party. The business was cooperative with the investigation providing video of the incident and witness statements from staff.
- P. On January 27, 2024 at 7:08 a.m., Milwaukee Police were dispatched to 3801 South 27th Street, for a threat complaint. Officers spoke with the manager who stated that an employee on video stole money from the safe. The supervisor was going to allow the employee to return the money but the employee had not returned phone calls. The business was cooperative with the investigation and provided video of the theft.
- Q. On January 30, 2024 at 1:35 a.m., Milwaukee Police were dispatched to 3801 South 27th Street, for a theft complaint. Officers spoke with the employee who stated that a group of six ate at the business but only two subjects of the six paid for their meals. The other subjects left the location without paying. The theft was not captured on security cameras.



- R. On March 5, 2024 at 3:35 a.m., Milwaukee Police were dispatched to 3801 South 27th Street, for a trouble with subject complaint. Officers arrived and were informed by the manager that the subject just left prior to officer's arrival. The subject initially refused to leave after smoking in the restaurant area.
- S. Attorney Wroblewski said that half of the items on the police report are indirectly related to the business or welfare checks but that no business wants to see a lengthy report like this one. He also said that his client is taking it seriously, that they have been in communication with Alderman Spiker, that they have addressed the security concerns. He added that they have a new manager since July of 2024, that they have seen more stable result since then, that they have hired a new security company (Wisconsin Public Safety Agency) because the previous one was unreliable. He also said that they have an armed security guard Thursday to Saturday, from 10 p.m. to 6 a.m. along with a squawker vehicle with flashing lights on. He also mentioned that they have 12 surveillance cameras inside and 2 outside and that they are currently upgrading the system to be shared with managers and police.

Individuals also present:

- T. Alderman Burgelis asked if the number of incidences not reported has declined just as the reported ones due the new management and why the footage for item 26 was not provided.
- U. Attorney Wroblewski said that the unreported incidences have slowed down and Ms. Nelson said that the manager did not have access to the surveillance video.
- V. Alderman Burgelis asked if there was an intention to share the video with MPD later.
- W. Ms. Nelson said that there had not been a request to do so.
- X. Alderman Spiker asked when the new security company was hired.
- Y. Ms. Nelson said that on April 5, 2024.
- Z. Alderman Spiker asked Mr. Cooney when did the police report cut off.
- AA. Mr. Cooney said that the cut-off date was March 7, 2024 so everything what happened after, is not considered on this police report.
- BB. Alderman Spiker said that the committee cannot see yet the results of having the new security plan in place because of the cut-off date. He also asked what happened on item 13 and why the staff did not cooperate with the police even if the incident did not happen at the establishment.
- CC. Attorney Wroblewski said that it was the previous manager.
- DD. Alderman Spiker asked Ms. Nelson if this incident came to her attention prior letting the manager go.
- EE. Ms. Nelson said that they were made aware of, that the manager was going thru a performance action plan and she just walked out one day without locking the restaurant on a Friday night.



- FF. Alderman Spiker asked what are they going to do to avoid fights over food with guns involved, in a non-alcohol environment and with an armed security guard on site.
- GG. Attorney Wroblewski said that it is not an alcohol establishment but that at 4 a.m. they do not know if patrons are coming from a bar or something like that. He also said that he believes that this incident happened when the security guard was not there and that having the armed security guard Thursday - Saturday, from 10 p.m. to 6 a.m. will prevent those situations.
- HH. Ms. Nelson said that there had been no security guard.
- II. Alderman Spiker asked for some more information about the new security company.
- JJ. Ms. Nelson said that the security company is larger, licensed and bonded with backups available.
- KK. No neighbors were present to testify.
- LL. Alderman Spiker moved to include the e-mailed plan of operations into the record. There were no objections.
- MM. Alderman Spiker moved renewal of the food license and renewal with a 15-day suspension of the Extended Hours Establishment license based upon the preponderance of the evidence in the police report, aldermanic and applicant testimony that demonstrates the operation results in a threat to health, safety and welfare of the public for the disturbing after hours incidents involving weapons, fights, lack of a reliable security company and poor management and; to give time to the new security to present results. He also said that if this plan does not work, there will be more drastic action next go round. There were no objections. (Prevailed 5-0)

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 Chapters 68, 84, and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Mukesha S. Dharod who holds Extended Hours Establishments and Food Dealer licenses for the premise located at 3801 South 27th Street in the City and County of Milwaukee, Wisconsin ("Denny's #8092") has not met the criteria of Chapters 68, 84, and 85, of the Milwaukee Code of Ordinances to renew the Extended Hours Establishments license without undergoing a Fifteen (15) day suspension. The Committee finds the police report and aldermanic objections 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's license for the premises located at 3801 South 27th Street in the City and County of Milwaukee, Wisconsin ("Denny's #8092") but that the Extended Hours Establishments license for the premises should not be renewed without first undergoing a Fifteen (15) suspension. The Committee based its recommendation on the upon the preponderance of the evidence in the police report, aldermanic



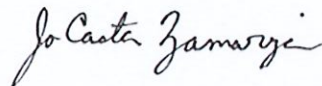
and applicant testimony that demonstrates the operation results in a threat to health, safety and welfare of the public for the disturbing after hours' incidents involving weapons, fights, lack of a reliable security company and poor management and; to give time to the new security to present results.

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 Food Dealer's license of Mukesha S. Dharod for the premises located 3801 South 27th Street in the City and County of Milwaukee, Wisconsin ("Denny's #8092") be renewed but that the Extended Hours Establishments license for the premises not be renewed without first undergoing a Fifteen (15) day suspension based upon the preponderance of the evidence in the police report, aldermanic and applicant testimony that demonstrates the operation results in a threat to health, safety and welfare of the public for the disturbing after hours incidents involving weapons, fights, lack of a reliable security company and poor management and; to give time to the new security to present results.

The suspension is in effect between 12:01 a.m. on May 21, 2024 until 11:59 p.m on June 04, 2024.

Dated and signed at Milwaukee, Wisconsin this 10th day of May, 2024.



JOCASTA ZAMARRIPA
Chairwoman, Licenses Committee

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