

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

July 15, 2016

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 151876 contains the following recommendation:

Renewal, with a forty-five (45) day suspension, based upon the police report of the Class B Tavern, Food Dealer, and Public Entertainment Premises license(s) for Jerrel Jones for the premises located at 3120 W Villard Ave (“Onyx Social Club & Restaurant”) in the 1st aldermanic district.

Renewal, with a twenty (20) day suspension, based upon the police report and aldermanic and neighborhood testimony of the Class B Tavern, Food Dealer, Sidewalk Dining, and Public Entertainment Premises license(s) for Dean Zarkos for the premises located at 777 N Jefferson St (“Dino’s Taverna”) in the 4th aldermanic district.

Renewal, with a thirty-nine (39) day suspension, based upon the police report and applicant testimony of the Class A Malt and Food Dealer license(s) for Abrar Musaitif for the premises located at 103 E Keefe Ave (“Sunshine Food Market”) in the 6th aldermanic district.

Renewal, with a ten (10) day suspension, based upon the aldermanic and neighborhood testimony of the Food Dealer Restaurant and Food Peddler license(s) for Salvador Franco Jr for the premises located at 1117 W National Ave (“Chava’s Tacos”) in the 12th aldermanic district.

Respectfully,

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

Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
File 151876

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: July 15, 2016

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern, Public Entertainment Premises (PEP), and Food Dealer Licenses of Jerrel W. Jones, Agent for BOC Group, LLC, for the premises located at 3120 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Onyx Social Club & Restaurant").

FINDINGS OF FACT

1. Jerrel W. Jones (hereinafter "the Licensee") is the holder of a Class "B" Tavern, PEP and Food Dealer Licenses for the premises located at 3120 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Onyx Social Club & Restaurant"). Said license expires at midnight on August 12, 2016.
2. An application to renew said license was filed with the Office of the City Clerk on June 1, 2016.
3. Pursuant to Chapters 68, 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. On June 1, 2016, the Milwaukee Police Department responded with a report that could form the basis for suspension or renewal of said license.
4. On June 30, 2016, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 90 and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee Police Department report and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on July 12, 2016, commencing at 10:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice. The applicant was represented by Attorney Jason Luczak.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On April 25, 2015 Milwaukee police were dispatched to a theft complaint that occurred at 3120 West Villard Avenue (Onyx Night Club). The investigation revealed two patrons of the business placed their wallets on a table while they had their pictures taken in a booth. When they went to retrieve their wallets, they



discovered both were gone. Obiora Obi and bar security were very cooperative with police during this investigation which led to the suspect being identified and cited.

- B. On May 29, 2015 Milwaukee police conducted follow up at Onyx Night Club (3120 West Villard Avenue) regarding an arson investigation. Obiora Obi told officers he received a phone call from a Milwaukee police officer around 5:00 a.m. May 28, 2015 advising him of an attempted arson at his business. Obi viewed video footage of the incident and discovered an unknown person pouring gasoline around the exterior of the building, then lighting it with a match or lighter. A police incident report was filed.
- C. On June 2, 2015 the applicant and Obiora Obi met with Milwaukee police at Milwaukee Police District # 4 regarding an event planned for Onyx Night Club on June 22, 2015. The business will be hosting an event on that date featuring "Lil Wayne". A discussion was held regarding a plan for the staging of this event. Mr. Obi stated he would provide the police with a written copy of the plan.
- D. On June 27, 2015 Milwaukee police, along with agents from the Wisconsin Department of Revenue, conducted a licensed premise check at 3120 West Villard Avenue (Onyx Night Club). During this inspection, officers observed no violations of municipal ordinance. However, agents discovered 37 contaminated bottles that were disposed of at the location.
- E. On September 1, 2015 Obi Obiora and Richard Lucas attended a scheduled meeting at Milwaukee Police District # 4 regarding upcoming events at Onyx. During this meeting, Mr. Obiora stated he had 3 upcoming events and requested additional police presence on September 19, 2015 for an event where he anticipated approximately 500 attendees.
- F. On December 27, 2015 Milwaukee police responded to a fight complaint at Onyx Night Club. Security told officers there had been a fight inside the club, but there were no injuries. All involved parties were gone when officers arrived.
- G. On January 1, 2016 at 4:28 a.m., Milwaukee police were dispatched to a shooting at Onyx Night Club, while other officers were dispatched to St. Joseph's Hospital to meet with the victim. Officers spoke to Obi Obiora who was identified as the manager and told officers he was not aware of a shooting at his location. Mr. Obiora allowed officers to view video captured by his security camera system. This video depicted at 3:29 a.m., two individuals engaged in a verbal altercation outside of the main entrance with several other individuals attempting to intervene. At no time did the officers observe a gun or any one being physically assaulted. A security guard was interviewed and stated he heard shots fired but believed they were from distance. The victim of this offense told officers he heard gunshots as he was crossing West Villard Avenue southbound from the Onyx Night Club,

when he heard gunshots and realized he had been shot in the leg. An incident report was filed.

- H. On January 31, 2016 Milwaukee police were dispatched to a fight/battery at 3120 West Villard Avenue (Onyx Night Club). The victim stated he was physically assaulted in a bathroom stall at the business and robbed of \$2,000. A police incident report was filed. During this investigation, officers heard two gunshots and observed patrons fleeing the business. Officers entered the business and located a victim who sustained a gunshot wound to his leg. A security guard stated prior to the shooting an individual involved in an argument was escorted out of the building. Approximately 10 to 15 minutes later the bar lights were turned on and he observed the same subject inside the bar fighting with others. He did not see a firearm, but heard two gunshots. A police incident report was filed.
- I. On February 6, 2016 a meeting was held at Milwaukee police district #4 regarding a shooting that had occurred on January 31, 2016. It was pointed out that no major incidents had occurred at Onyx since it reopened until the shooting. Obiora Obi stated the victim of the robbery (see the January 31, 2016 matter) had been flashing money all night prior to being robbed in the men's room. He further stated the promoter of this event promoted to known gang members, which was unknown to him or his security staff until the group showed up. He admitted they had become lax in searching people and he was considering changing the business's age limit. Obi stated he would send a new security plan and continue to work with district #4.
- J. On February 13, 2016 Milwaukee police were dispatched to a subject with a gun complaint at 3120 West Villard Avenue (Onyx Night Club). While en-route, officers were advised that the firearm was in a black Honda bearing Wisconsin registration. Officers observed the described vehicle and discovered a handgun in plain view partially under the passenger side front seat. Investigation revealed the owner of the auto, Devin Cooper, had become belligerent while inside the business and was removed by security. Once outside the business, Cooper retrieved a handgun, which he placed in the waistband of his pants, from the auto. Security for the club began dialogue with Cooper and eventually he threw the firearm back into the car. Cooper was detained by security until police arrived. Cooper was arrested. A police incident report was filed.
- K. On February 27, 2016 Milwaukee police were dispatched to a shots fired complaint at 3120 West Villard Avenue (Onyx Night Club). Security stated there had been a fight inside the business. Security separated the individuals involved and forced them to leave the club. One of the involved parties fired three shots outside of the establishment shortly after being forced to leave. This subject was apprehended by security after a chase and detained for police. Security also discovered a handgun on the ground after checking the area. Video shows security breaking up a fight inside the club and removing the subjects. It then shows the suspect attempting to re-enter the club and being refused entry. The video then shows one

of the subjects initially involved in the fight leaving the club. The suspect is then observed chasing this individual and firing three shots at the individual. A police incident report was filed.

- L. On March 6, 2016 Milwaukee police were dispatched to a fight at 3120 West Villard Avenue (Onyx Night Club). Security personnel told officers there had been a fight inside the club. The involved parties were escorted out and one of the subjects yelled for someone to get the gun from inside the vehicle. Fearing the situations would escalate, security called 911. The parties involved were gone when officers arrived.
- M. On April 24, 2016 Milwaukee police were in the area of North 32nd Street and West Villard Avenue when they hear a gunshot. The sound appeared to come from the parking lot southwest of Onyx. Upon arrival officers observed 30-40 individuals in the parking lot with security from Onyx trying to disburse the crowd. Officers observed a subject, Tashauna Brewster, with blood on her mouth and her dress standing in front of a car in the parking lot. Brewster told officers she had left the club and had beeped her horn at a group of females standing in front of her car preventing her from leaving the parking lot. The females began punching her through the window. Brewster was dragged from her car by the females who continued to punch her. An unknown female fired one shot in the air and then entered a vehicle and fled the scene. Brewster was transported to St. Mary's hospital where she received stitches to her lower lip. A police incident report was filed.
- N. On May 8, 2016 Milwaukee police were dispatched to a shooting at 3120 West Villard Avenue (Onyx Night Club). The investigation revealed no one had been shot, but several shots had been fired in the parking lot utilized by customers of the business. There had been a fight inside the business that continued outside. During this fight the victim was knocked unconscious and received several stitches. While the fight was happening, two individuals fired 14 shots in the parking lot. Three firearms, including a stolen handgun and an AK47 style assault rifle, along with 17 grams of cocaine based powder and 3 grams of marijuana were recovered. Five arrests were made. Police incident reports file were filed.
- O. On May 13, 2016 Milwaukee police, along with representatives from the City Attorney's office and the District Attorney's office met with representatives from Onyx Social Club. Assistant City Attorney Nick DeSiato recommended the age limit be raised to 23 and changes needed to be made to the interior security personnel. The applicant was given a nuisance letter and asked what they were willing to do to change. The applicant stated they will come up with a plan continue to work with police.
- P. On May 15, 2016 Milwaukee police were dispatched to a trouble with a subject complaint at 3120 West Villard Avenue (Onyx Night Club). Security for the club

told officers that there had been a fight inside the business. When the involved parties were being escorted out, one of them stated he was going to get a gun and come back. No weapons were observed and the involved parties were gone when police arrived.

- Q. On May 21, 2016 Milwaukee police were instructed to monitor 3120 West Villard Avenue (Onyx Night Club). At approximately 1:50 a.m., security from the business forced multiple subjects out of the tavern that had been involved in a fight. While clearing the fight, officers heard two shots. It was later determined that an officer had fired at an auto that had struck an officer. The establishment provided security video footage on the incident. A police incident report was filed.
- R. The applicant stated that in all the cases, the premise security guards did the arresting before the police arrived. He added that we live in a gun culture and he hears gunshots all day long from his office. He believed the promoters have been responsible for a lot of the problems and stated that some security personnel have been terminated and the equipment updated. He is responsive to community complaints and talks to neighbors to resolve complaints.
- S. Attorney Jason Luczak stated the issues in the police report are a symptom of the crime in the area, and they are not a haven from criminal activity. The premises scans all IDs and does a search of all patrons upon entry. He added that the premises cooperates with the police when there is an incident. He stated a nuisance abatement plan has been created and there have been no problems since the plan was enacted, and that if the plan is violated it will be the end of the business because of the fines that will be imposed. He added the applicant takes responsibility for what has occurred at the premises. He stated the premises has engaged in community outreach efforts and held a Stop the Violence event. He added that the premises is an anchor business and they are committed to the neighborhood.
- T. Obiora Obi, 4830 N 47th Street, manager of the premises, stated he spoke with the captain at District 7 regarding selecting promoters. He added that promoters were fighting and sabotaging each other.
- U. Bria Grant, 5135 W Keefe Avenue, stated the premises has done some things to curb the negative behavior, by increasing the age limit to 23+ and better hiring and security practices. They have attended community meetings, are working with the police department, and are active participants in the business community.
- V. Alderman Hamilton stated the police department and the City Attorney's Office are not present because the premise has been helpful in solving some of the issues. He added the premise has made tremendous efforts in community engagement, including participating with the BID. He added the premises is in

a high crime area and the intention is to operate a good business that has a positive impact on the community. He stated the premises must be responsible for the patrons they bring in the area and where neighborhood complaints have decreased in the past 18 months, there are still complaints of traffic and shootings. He added that he believes they can be successful and contribute positively to the neighborhood.

- W. Alderwoman Coggs moved to enter into the record as exhibit #1 the corrective action plan.
- X. Alderman Zielinski stated he does not believe there is a gun culture and that the neighborhood is to blame for the incidents. He added that it is the responsibility of the operator to control what happens in and around the business and to the use the "but, for test" but for your premises would the incidents have occurred. He stated when the age restriction was 25+ there were no problems. He added that the council took a chance in giving the premises their license back after they took it away and he is very disappointed.
- Y. Alderman Zielinski moved to amend the plan of operation to permanently include the corrective action plan, no outside promoters, and a 25+ age restriction.

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, 90 and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Jerrel W. Jones, Agent for BOC Group, LLC, has not met the criteria to allow renewal of his Class "B" Tavern, PEP and Food Dealer licenses for the premises located at 3120 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Onyx") without undergoing a forty-five (45) day suspension of said licenses. The Licenses Committee of the Milwaukee Common Council 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 with a forty-five (45) day suspension of the Class "B" Tavern, PEP and Food Dealer licenses of Jerrel W. Jones for the premises located at 3120 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Onyx ") based upon the police report and the danger the operation of the 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 three (3) ayes and two (2) noes recommends that the Class "B" Tavern, PEP and Food Dealer licenses held by the licensee for the premises located at 3120 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Onyx") be renewed with a forty-five (45) day suspension.

Said suspension is to be in effect from 12:01 a.m. August 13, 2016 to 11:59 p.m. September 26, 2016.

Dated and signed at Milwaukee, Wisconsin this 15th day of July, 2016.



TONY ZIELINSKI
Chairman, Licenses Committee

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: July 15, 2016

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern, Public Entertainment Premises (PEP), Food Dealer and Sidewalk Dining licenses of Dean Zarkos, Agent for Dino Z, LLC for the premises located at 777 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Dino's Taverna").

FINDINGS OF FACT

1. Dean Zarkos (hereinafter "the Licensee"), is the holder of Class "B" Tavern, Public Entertainment Premises (PEP), Food Dealer and Sidewalk Dining licenses for the premises located at 777 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Dino's Taverna"). Said license expires at midnight on September 3, 2016.
2. An application to renew said license was filed with the Office of the City Clerk on May 18, 2016.
3. On June 29, 2016 the City Clerk's Office provided timely notice to the Licensee of a License's Committee hearing pursuant to Chapters 68, 85, 90 and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes 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 July 12, 2016, commencing at 1:30 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 Joshua Brady.
4. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact:
 - A. On August 7, 2015 a 20-year old Milwaukee police aide, working in conjunction with Milwaukee police, was able to purchase a Coors Light beer from the bartender at 777 North Jefferson Street (Dino's Tavern).
 - B. On August 10, 2015, the Wisconsin Department of Transportation revoked the applicant's driver's license for six months for operating while intoxicated.



- C. On January 1, 2016, Milwaukee police were flagged down by citizens running out of the rear entrance of Dino's Tavern (777 North Jefferson Street). The citizens told officers there was a huge fight inside and someone "got their head busted." Officers responded and dispersed the crowd after speaking to the applicant who told them "It blew up. We kicked them out" and "What were we supposed to do?" The applicant told officers he was not going to close the bar, which was subsequently closed by bartenders and security staff without the applicant's authorization. A police report was filed.
- D. On March 27, 2016, Milwaukee police conducted a tavern check at 777 North Jefferson Street (Dino's Tavern) based on information received from an informant that the business was operating over its capacity. Officers spoke to the applicant who stated the business's capacity was 120 persons, but the permit he had posted near the front door must have been ripped down by a patron. Officers conducted a count of patrons as they entered and exited the bar until bar close. At the end of the tavern check, officers discovered a total of 127 persons inside the business including staff and patrons. The applicant was issued a citation for occupancy limit to be posted and a citation for licensed establishment-exceeding occupancy limit.
- E. On April 2, 2016 there was a fight inside Dino's Tavern (777 North Jefferson Street) that led to shots being fired at East Mason Street and North Jefferson Street. Witnesses stated an argument occurred in the back of the bar. This led to the subjects being escorted out of the bar by security. The argument continued outside of the establishment. Shots were fired by both parties with three individuals being shot. A total of 16 casings were recovered at the scene. A gun was recovered and two suspects were arrested. The business did not call police regarding either the fight or the shots being fired. Two police incident reports were filed.
- F. Attorney Joshua Brady stated all of the opposition was from other business owners and they will get more customers if the premise closes. He added that the property owner has no concerns regarding the operations of the business and the applicant is the longest operating bar on the street. He stated the applicant has put in a new security system and hired a new security guards and the shooting on the police report took place a block away and was not related to the premises.
- G. Alderman Bauman stated there has been a change in the business operations in the past two years and an increase in fighting and incidents on Jefferson Street. He stated that the operations have become lax and are affecting the neighbors and other businesses on the block. He added that the Police Department was supposed to testify but got called away. He stated the police were recommending nonrenewal, but he is recommending a 90 day suspension.
- H. Ryan Bond, 789 North Jefferson Street, stated he is concerned about the crowds, fights, and shootings. He added his staff has had altercations with patrons from the premises.

- I. Penny Zinns, 360 North Robert Court, Oak Creek, WI stated she agrees with the previous speaker and her side view mirror was shot off during the shooting reported on the police report. She stated there are more cops on Jefferson than there used to be and they are usually in front of the premises.
- J. Donovan Tice, 780 North Jefferson, stated there is only one security guard at the premise who is frequently outnumbered, He added that the applicant struck a vehicle while he was intoxicated on July 3, 2015, and he has seen the applicant intoxicated on many occasions.
- K. Ryan Casey, 784 North Jefferson Street and 788 North Jackson Street, stated he is the manager of the Belmont Tavern. He stated that he was present the night of the shooting and he has witnessed fights at the premises and states the applicant has been using outside promoters who used to work for Rumor. He stated he witnessed the gunshot victim and the applicant hosing blood off his patio. He added that the applicant is a good guy but in the last year he has decreased control of the premises.
- L. Jim Taylor, 795 North Jefferson Street, stated he is the second longest bar operator on Jefferson Street and the type of crowd that has been coming to Jefferson Street in the last two years has deteriorated. He believes the promoter that the applicant is using is not good. He wants the applicant to clean up his act and does not want outside promoters.
- M. Mike Vitucci, 784 North Jefferson and 788 North Jackson Street, stated this business has been a nuisance to the street and the police department. He stated he believes the applicant has no respect for the neighborhood and is in opposition to the license because it does not add value. He stated he is on BID boards and neighborhood associations and he is an advocate for the community. He added he has seen posts on social media promoting events at the premises and has seen videos of fights outside of Dino's.
- N. Bob Ornt, 6222 West State Street is an employee of the property management company and the applicant has been a tenant for over 20 years. He stated the applicant runs a good business and his company has not received any complaints.
- O. Maurice Brant, Marketing Director for Dino's, stated this is his first time working in marketing for a bar. He added that the applicant runs a tight ship. He stated that he didn't hear any gunshots on the night of the shooting. He added that they have \$5 drink specials where it is easy to get intoxicated. He stated that they can increase security. He added that the doorman has a counter to count patrons and he has done patron counts himself.
- P. Kelly Beltran, 2461 South 68th Street, stated she is a bartender at the premises and has seen squad cars in front of Plum and Belmont Tavern and you cannot blame just one establishment for the problems on Jefferson Street.

- Q. Chris Nixon, 6431 West Silver Spring Drive, stated he was a victim of the shooting and does not believe it was related to Dino's. He added that he was walking friends to their car when the shooting happened behind the club, not in front of Dino's.
- R. Alderman Zielinski stated the applicant has an obligation to operate a premise that does not negatively impact the neighborhood. He added that the argument that all the people testifying in opposition are trying to increase their own businesses is absurd. He stated obviously something is going on if there were no issues until this past year. He added another cause for concern is the marketing director talking about people getting intoxicated on drink specials. He stated the applicant should reevaluate and operate a responsible business or sell it. He added the applicant needs to know what is going on in his business.
- S. Alderwoman Coggs stated there seems to be problems starting on the block and the videos were disheartening. She added there is disturbing behavior happening, a portion of which is coming from Dino's. She stated there are improvements that can be made and no abatement plan has been laid out.

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, 90 and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Dean Zarkos, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapters 68, 85, 90 and 108 of the Milwaukee Code of Ordinances to allow renewal of his Class "B" Tavern, Public Entertainment Premises (PEP), Food Dealer and Sidewalk Dining licenses for the premises located at 777 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Dino's Taverna"), without undergoing a twenty (20) day suspension of said licenses. The Committee finds the police report, neighborhood and aldermanic 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, Public Entertainment Premises (PEP), Food Dealer and Sidewalk Dining licenses of Dean Zarkos, for the premises located at 777 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Dino's Taverna") with a twenty (20) day suspension based on the police report, neighborhood 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, PEP, Food

Dealer and Sidewalk Dining licenses of Dean Zarkos for the premises located at 777 North Jefferson Street in the City and County of Milwaukee, Wisconsin ("Candelas") be renewed with twenty (20) day suspension based upon the police report, neighborhood and aldermanic testimony.

Said suspension will be in effect between 12:01 a.m. September 4, 2016 through 11:59 p.m. September 23, 2016.

Dated and signed at Milwaukee, Wisconsin this 15th day of July, 2016.

A handwritten signature in black ink that reads "Tony Zielinski". The signature is written in a cursive style with a large, stylized "T" and "Z".

TONY ZIELINSKI, Chairman
Licenses Committee

230242

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: July 15, 2016

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Abrar Musaitif, for a Class "A" Malt and Food Dealer license for the premises located at 103 East Keefe Avenue in the City and County of Milwaukee, Wisconsin ("Sunshine Food Market").

FINDINGS OF FACT

1. Abrar Musaitif (hereinafter the "Licensee") is the holder of a Class "A" Malt and Food Dealer license for the premises located at 103 East Keefe Avenue in the City and County of Milwaukee, Wisconsin ("Sunshine Food Market"). Said license expired at midnight, June 2, 2016.
2. An application to renew said license was untimely filed with the Office of the City Clerk on June 6, 2016.
3. Pursuant to Chapters 68 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. There was a Milwaukee Police Department report that could form the basis of non-renewal or suspension of this license dated June 6, 2016.
4. On June 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 police report that could form the basis for suspension or non-renewal of the licenses of the Licensee. The matter was scheduled on the police report for a hearing on July 12, 2016 at 10:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee did appear and but was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On November 24, 2015, Milwaukee police conducted a licensed premise check at 103 East Keefe Avenue (Sunshine Food Market) after receiving a complaint that "Steve" was leaving the store and allowing young males to work without supervision. The cashier, Rabeeh Musaitif, possessed a valid Class "D" operator's license and told the officer that the applicant is his daughter. He also stated that all of the employees are over 21.



- B. The applicant stated she moved and did not get the notice and didn't know she was supposed to close the business when the licenses expired. She stated she applied late for the renewal and then for provisional licenses. She added when she called the License Division no one told her she had to close her business when the licenses expired. She stated it was an honest mistake for missing the renewal deadline.
- C. Rabeeh Musaitif 2121 West Bridge Street, stated the store has remained open since the licenses expired. He stated that he did not know and it was an honest mistake that they operated while their licenses were expired.
- D. Jason Schunk, License Division Manager, stated a letter was mailed on June 7, 2016 regarding the late filing of the renewal application and that the expiration dates are printed on the licenses themselves.
- E. Alderwoman Coggs stated the licenses expired on June 2nd. She has received neighborhood complaints and spoke with the applicant after the licenses expired and denied the provisional because of the complaints. She added the applicant should have known after conversations with her office and the Licensing Division that they should not have been open under an expired license. She stated the business has been open for some years and they should know not to operate under an expired license because that is just bad business. It is unacceptable to her that the business was open for 39 days with an expired license.

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 Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Abrar Musaitif, 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 the Class "A" Malt and Food Dealer licenses for the premises located at 103 East Keefe Avenue in the City and County of Milwaukee, Wisconsin ("Sunshine Food Market ") without undergoing a thirty-nine (39) day suspension of said licenses based upon police report 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 renew the Class "A" Malt and Food Dealer licenses of Abrar Musaitif for this premises located at 103 East Keefe Avenue ("Sunshine Food Market") with a thirty-nine (39) day suspension of said licenses based on the police report and applicant testimony.

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) abstention recommends that the Class "A" Malt and Food Dealer licenses held by Abrar Musaitif be renewed with a thirty-nine (39) day suspension based on the police report and applicant testimony.

Said suspension is to be in effect from July 26, 2016 to 11:59 p.m., September 2, 2016.

Dated and signed at Milwaukee, Wisconsin this 15th day of July, 2016.

A handwritten signature in black ink that reads "Tony Zielinski". The signature is written in a cursive style with a large, stylized "T" and "Z".

TONY ZIELINSKI, Chair
Licenses Committee

106320

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: July 15, 2016

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application for a Food Dealer Restaurant and Food Peddler licenses for Salvador Franco, Jr., for the premise located at 1117 West Lincoln Avenue ("Chava's Tacos").

FINDINGS OF FACT

1. Salvador Franco, Jr. (hereinafter the "Applicant") applied for renewal of the Food Dealer Restaurant and Food Peddler Licenses for the premises located at 1117 West Lincoln Avenue ("Chava's Tacos"). Said license expired on June 30, 2016.
2. An application to renew said licenses was filed with the Office of the City Clerk.
3. On June 29, 2016 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 68 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes. The matter was scheduled for a hearing on July 12, 2016, commencing at 9:30 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and was not represented by counsel.
4. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds:
 - A. The applicant stated he installed cameras in the alley. He called sanitation and they told him to report people dumping garbage. He stated they acknowledged that it is not garbage from his business, but he is responsible for cleaning it up.
 - B. Alderman Zielinski stated the applicant is responsible for the garbage at the premise even if it is not his.
 - C. Steven Aronson, 1111 West Lincoln, stated he has a business next door and the trash, animals, and smell is awful.
 - D. Alderman Perez stated there are problems with trash at the premise and recommended a 10-day suspension to try to find a permanent solution to this problem.



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 68 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes.
2. Based on the above facts found, the Committee concludes that the Licensee, Salvador Franco, Jr. has not met the criteria of Chapter 68 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow the renewal of a Food Peddler and Food Dealer Restaurant Licenses without undergoing a ten (10) day suspension based on the neighborhood objections and aldermanic 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 should exercise its discretion to renew the Food Peddler and Food Dealer Restaurant Licenses of Salvador Franco, Jr., for the premises at 1117 West Lincoln Avenue ("Chava's Tacos") with a ten (10) day suspension based on the neighborhood and aldermanic testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes, and one (1) abstention, recommends that the Food Peddler and Food Dealer Restaurant License applications of Salvador Franco, Jr. for the premises at 1117 West Lincoln Avenue ("Chava's Tacos") be renewed with a ten (10) day suspension based upon based on the neighborhood objections and aldermanic testimony.

Said suspension is to be in effect from July 26, 2016 to 11:59 p.m. August 4, 2016.

Dated and signed at Milwaukee, Wisconsin this 15th day of July, 2016.



TONY ZIELINSKI
Chairman Licenses Committee