

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

October 03, 2022

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 220810 contains the following recommendations:

Nonrenewal based upon second nonappearance Class B Tavern and Public Entertainment Premises licenses for Janice E. Sanfilippo for the premises located at 1119 N Marshall St. ("Villa Filomena") in the 4th aldermanic district.

Renewal with a 30 day suspension of the Class B Tavern, Food Dealer and Public Entertainment Premises licenses based on the police report, applicant and neighbor testimony for Alpesh B. Patel for the premises located at 8775 N 107th St. ("Bar107") in the 9th aldermanic district.

Respectfully,

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
File 220810



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MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

Date: September 30, 2022

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Janice E. Sanfilippo, Agent for Banquet Services, LLC, for the premises located at 1119 North Marshall Street in the City and County of Milwaukee, Wisconsin ("Villa Filomena").

FINDINGS OF FACT

1. Janice E. Sanfilippo (hereinafter "the Licensee") is the holder of Class "B" Tavern and PEP Licenses for the premises located at 1119 North Marshall Street in the City and County of Milwaukee, Wisconsin ("Villa Filomena"). Said licenses expired at midnight on July 29, 2022.
2. An application to renew said licenses was filed with the Office of the City Clerk on June 1, 2022.
3. Pursuant to Chapters 85, 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.
4. On September 15, 2022, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report. The matter was scheduled for a hearing on the police report on September 27, 2022, commencing at approximately 4:00 p.m. in Room 301-B of the third floor 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. The Licensee did not appear.
 - B. Alderwoman Dodd moved denial based upon second nonappearance. There were no objections. (Prevailed 3-0).



CONCLUSIONS OF LAW

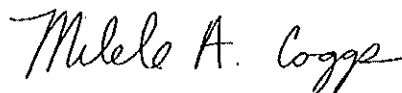
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Janice E. Sanfilippo who holds Class B Tavern and Public Entertainment Premise (PEP) licenses for the premise located at 1119 North Marshall Street in the City and County of Milwaukee, Wisconsin ("Villa Filomena") has not met the criteria of Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to renew the Class B Tavern and Public Entertainment Premises. The Committee finds the aldermanic objections as stated above to be true. The Committee based its recommendation on Licensee 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 of the City of Milwaukee should exercise its judgment to not renew the Class B Tavern and Public Entertainment Premise (PEP) licenses for the premises located at 1119 North Marshall Street in the City and County of Milwaukee, Wisconsin ("Villa Filomena"), based on Licensee second nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **three (3) ayes, zero (0) noes and two (2) excused**, recommends that the Class "B" Tavern and Public Entertainment Premises (PEP) of Janice E. Sanfilippo for the premises located at 1119 North Marshall Street ("Villa Filomena") in the City and County of Milwaukee, Wisconsin not be renewed based on second nonappearance.

Dated and signed at Milwaukee, Wisconsin this 30 day of September, 2022.

Said nonrenewal is effective October 11, 2022.



MILELE A. COGGS
Chairman, Licenses Committee

/281980

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VICE CHAIR

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MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

Date: October 3, 2022

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer Licenses of Alpesh B. Patel, Agent for 107 LLC, for the premises located at 8775 North 107th Street in the City and County of Milwaukee, Wisconsin ("Bar 107").

FINDINGS OF FACT

1. Alpesh B. Patel (hereinafter "the Licensee") is the holder of Class "B" Tavern, PEP and Food Dealer Licenses for the premises located at 8775 North 107th Street in the City and County of Milwaukee, Wisconsin ("Bar 107"). Said licenses expired at midnight on September 21, 2022.
2. An application to renew said licenses was filed with the Office of the City Clerk on July 20, 2022.
3. Pursuant to Chapters 85, 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 July 20, 2022, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On September 14, 2022, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report. The matter was scheduled for a hearing on the police report on September 27, 2022, commencing at approximately 10:30 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Michael Maistelman at the hearing, 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 October 15, 2021 at 7:54 pm, Milwaukee Police conducted a license premise check at 8775 North 107th Street. The only infraction found was the current liquor license was not posted.



- B. On November 14, 2021 at 12:01 am, Milwaukee Police were dispatched to 8775 N. 107th Street for a subject with gun complaint. Investigation revealed that security had escorted a subject out for harassing females. No gun was mentioned during the investigation.
- C. On July 9, 2022, Milwaukee Police investigated an incident which occurred at 8775 N. 107th Street. Investigation revealed that a subject was kicked out of the establishment and her friends were trying to keep her from driving because of her intoxication level. The female entered her vehicle and drove off recklessly almost striking several people.
- D. On July 9, 2022 at 1:44 am, Milwaukee Police were dispatched to 8775 N. 107th Street for a shooting complaint. Investigation revealed that an argument happened inside the tavern over a cell phone that continued in the parking lot. While arguing in the parking lot, a vehicle pulled up and a subject exited the vehicle firing one shot into the crowd. The bullet struck a subject in the head killing him. All employees were very helpful with the investigation and did not hinder the investigation in any way.
- E. On July 20, 2022 at 12:06 am, Milwaukee Police conducted a license premise check at 8775 N. 107th Street. Violations found were that the bartender had no license, there was no posted capacity sign, and no age limit sign was visibly displayed.
- F. On July 23, 2022 at 1:09 am, Milwaukee Police conducted a license premise check at 8775 N. 107th Street. No violations were observed.
- G. On August 4, 2022 at 10:34 pm, Milwaukee Police conducted a license premise check at 8775 N. 107th Street. No violations were observed.
- H. On August 5, 2022 at 11:09 pm, Milwaukee Police were dispatched to 8775 N. 107th Street for a battery complaint. Investigation revealed that a mother and her adult daughter entered the tavern and started a physical altercation with a subject that was already inside. Security broke up the altercation and escorted the mother and daughter out of the establishment. Security told the females to leave the property and they complied before police arrival.
- I. The Licensee was present along with Attorney Michael Maistelman who said regarding the police report that there were a number of tavern checks and that his client was cooperative always. He added that the shooting incident is unfortunate and that they cannot control people bringing guns on the parking lot but that they do check patrons entering the premises.

Individuals also present:

- J. Alderman Spiker asked the Licensee regarding item 29 – when the patrons left intoxicated –if the driver was over-served at the bar.
 - a. The Licensee said this person was intoxicated and that he does not know how to control the level of alcohol.
 - b. Alderman Spiker said that a breath analyzer would help.

- K. Alderman Spiker asked regarding the item involving the shooting, what the procedures are when a fight breaks up.
- a. The Licensee said that all security guards were with both parties and that they took turns escorting out the parties but that the first party was waiting for the second party to come out and that is when the shooting happened.
 - b. Attorney Maistelman said that eight or nine guards were there that night.
- L. Alderman Perez asked the Licensee if he was there on the night of the shooting. The Licensee said that he was not there but that the manager was.
- M. Alderman Perez asked if he uses promoters and disc jockeys and if the manager is licensed.
- a. The Licensee said that he does not use promoters and that the disc jockey is there on Friday and Saturday nights and that the manager is not licensed.
 - b. Mr. Cooney said that the manager license is to appoint someone while the agent is not involved on the daily operations.
 - c. The Licensee said that he is there on a daily basis and that he might leave early sometimes.
 - d. Alderwoman Coggs recommended having a licensed manager as well.
 - e. Attorney Maistelman said that they would like to amend the plan of operations to have a licensed manager.

Individuals in opposition:

- N. Jeremy Vanderloop – 79 Pioneer Rd, Fond Du Lac, WI – said that he has submitted a detailed objection to the license division and that he was also present at the 2018 hearing.
- a. Attorney Maistelman – said that he objects to this testimony because it is from 2018.
 - b. Alderwoman Coggs asked Attorney Vanderloop to continue with his testimony based on the first-hand experience.
 - c. A discussion started about the use of the objection and evidence presented in previous years.
- O. Attorney Vanderloop said that this is not a this year or last year problem but a persisting problem with garbage, loitering, and drug use on his client's property and parking lot and asked the committee to take a look to the photos as he was doing a narrative of them.
- a. Attorney Maistelman said that he did not hear about any calls made by Attorney Vanderloop and his client reporting these issues. Attorney Vanderloop said that they have also provided videos and photos to the police and that they reported the parking situations to the police.
 - b. Attorney Maistelman asked Attorney Vanderloop if he and his client made any calls to the police report on the past licensing period. Attorney Vanderloop said that the police were contacted.

- c. Alderman Perez mentioned that the objections say that they have submitted the calls for service.
 - d. Mr. Cooney said that those calls are from previous years and that is why are not included in this file and that this premises was licensed with the same type of license before.
- P. Mr. Fleisner – 10721 W Brown Deer Pl – said that he is the business owner that has been affected by the patrons from Bar107. He added that what he sees on the surveillance cameras on Fridays and Saturdays nights is patrons and party buses parked and blocking his business entrance and that are no security guards from Bar107 outside. He said that his company trucks come at any time to unload industrial material and that they cannot get in because of this persisting situation and that the drivers do not feel safe when dealing with these patrons. He also mentioned that he has posted no parking signs and that the signs are removed all the time.
- a. Alderman Borkowski said that if drivers feel unsafe, it is a matter of public safety and that the police must show up. He also recommended to hire armed security. Mr. Fleisner said that he pays millions in taxes to the city and he does not see why he needs to pay more in order to conduct business and that he hired one security guard who left because he did not feel safe.
 - b. Alderman Spiker asked Mr. Fleisner if he has thought about hiring a towing service company, but he supported Mr. Fleisner opinion about having to pay more revenue in order to control the patrons from other businesses.
 - c. Attorney Maistelman asked if the parking issue is the only issue with his client. Mr. Fleisner said that it is not the only issue, that there is garbage, needles thrown at his property, people urinating, etc.
- Q. Mr. Rick -10720 W Brown Deer Pl – manager of the affected business - said that he called parking enforcement and that they were told that they are too far from the parking enforcement area and that is why they do not come for the parking issues. He added that they are not seeing most of the issues until the next morning when they review the surveillance video. He said that they have called the police for issues that happened overnight and that the police have come to his parking lot to give citations to vehicles parked at 6 a.m., some still running with intoxicated people inside. He also said that the no parking signs are taken down frequently.
- a. Attorney Maistelman asked if they were advised to hire their own towing company by the parking enforcement. Mr. Rick said that they were not given any further advice on how to address the parking situation except for putting the signs up.
 - b. Alderman Borkowski asked why the county has been mentioned and that he wants to make sure that everyone understands the jurisdiction and that the county and sheriff's department have nothing to do with this.
 - c. Alderwoman Coggs asked Mr. Fleisner how long has he been in the business. Mr. Fleisner said about 8 years.
 - d. Alderman Spiker said that this year's incidents are supposed to be considered for this hearing but it seems that this business has had issues on the past years and that he wonders if this is a pattern and asked the

Licensee what has changed in the last year to prevent these issues (the shooting incidents particularly).

- i. Attorney Maistelman said that they have submitted a mitigation plan, which is attached to the file and that they have a new scanner ID, more cameras and that are using flash lights to search in bags/purses. He also said that they need to look up at the premises when they are lit up to see if additional lighting around the premises.
 - e. Alderman Spiker mentioned that the signs about the allowed age and capacity were not visible according to the police report. The Licensee said that they are visible now.
 - f. Alderman Perez asked what is different with the new ID scanners? Attorney Maistelman said it is a higher technology to ensure that they have all the information they need to be shared with MPD.
 - g. Alderman Perez said that this Licensee is here again for the same reasons that in the past and that it does not seem that the Licensee is handling the business properly. He added that the remedies are just repackaged and that they make no difference.
 - h. Alderman Coggs asked Attorney Maistelman if they can have a security guard directing people not to park on the neighbor's entrance and parking lot and to redirect traffic with cones on the street.
 - i. Alderman Spiker moved to amend the plan of operations to include a security guard directing traffic and ensuring that patrons do not park on private property and to post signs as well. There were no objections.
- R. Alderman Perez asked what kind of disciplinary actions has been granted to this business. Mr. Cooney said that a warning letter in the past 4 years.
- S. Alderman Perez said that he just wants to put it on the record that only warning letters have been granted to this business even with the shootings. He also said that considering what he heard today and that the mitigation for the problems are just a patch of the past remedies and that looking at the fact that someone was killed at the property and that he did not hear anything substantial to stop these issues he moved for a 30-day suspension that in his opinion, should have been recommended before. Alderman Perez moved renewal with a 30-day suspension based upon on the police report, Licensee and neighbor testimony. There were no objections. (Prevailed 5-0)

CONCLUSIONS OF LAW

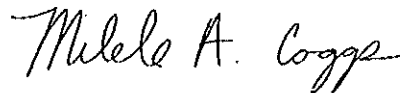
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Alpesh B. Patel who holds Class B Tavern, Public Entertainment Premise (PEP) and Food Dealer licenses for the premise located at 8775 North 107th Street in the City and County of Milwaukee, Wisconsin ("Bar 107") has not met the criteria of Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to not renew the Class B Tavern, Public Entertainment Premises, and Food licenses without undergoing a thirty (30) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the Licensee, police report and neighborhood 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 Class B Tavern, Public Entertainment Premise (PEP), and Food Dealer licenses for the premises located at 8775 North 107th Street in the City and County of Milwaukee, Wisconsin ("Bar 107") without undergoing a thirty (30) day suspension. The Committee based its recommendation on the Licensee, police report and neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **fives (5) ayes and zero (0) noes**, recommends that the Class "B" Tavern, Public Entertainment Premises (PEP), and Food Dealer Licenses of Alpesh B. Patel for the premises located at 8775 North 107th Street ("Bar 107") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a thirty (30) day suspension.

The suspension is in effect between 12:01 a.m. on October 11, 2022 until 11:59 p.m. on November 09, 2022.

Dated and signed at Milwaukee, Wisconsin this 3 day of October, 2022.



MILELE A. COGGS
Chairman, Licenses Committee

/281981

