

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

November 10, 2023

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 231024 contains the following recommendations:

Nonrenewal of the Class D Operator's license for Brandon, Thayer.

Renewal with a 43 (forty three) day suspension of the Food Dealer license for Alfred C. Savaglio, based upon the preponderance of the neighborhood, aldermanic and applicant testimony which represents excessive littering and failure to comply with the plan of operations and requests made at the previous hearing (September 26, 2023); for the premises located at 1300 E Locust St. ("Dollar General Store # 14272") in the 3rd aldermanic district.

Renewal with a 30 (thirty) day suspension of the Extended Hours Establishments license and renewal with a 10 (ten) day suspension of the Food Dealer license for Thomas Cook, based upon the preponderance of the evidence in police report that demonstrates the operation results in a threat to the health, safety and welfare of the community; for the premises located at 6268 S 27th St. ("Taco Bell #31507"), in the 13th aldermanic district.

Renewal with a 60 (sixty) day suspension of the Class B Tavern, Public Entertainment Premises and Food Dealer licenses for David Nunez-Cruz, based upon the preponderance of the evidence in the police report and the applicant's testimony that demonstrates the operation results in a threat to the health, safety or welfare of the public, disturbance of peace and lewd conduct; for the premises located at 3219 S 13th St ("Buckshots Bar"), in the 14th aldermanic district.

Respectfully,

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
File 231024



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- Steering and Rules Committee
- Wisconsin Center District Board

Date: November 10, 2023

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 Brandon Thayer

FINDINGS OF FACT

1. Brandon Thayer (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, 2022.
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 October 25, 2023 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 November 7, 2023 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 Brandon Thayer, 1727 South Layton Blvd., Milwaukee, WI 53215 on October 25, 2023 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 1727 South Layton Blvd., Milwaukee, WI 53215 is the address given by the Licensee on the 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 November 7, 2023 at 1:00 p.m.



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WEBSITE www.milwaukee.gov/district6



Individuals also present

- B. Alderman Chambers moved denial based upon second nonappearance. There were no objections. (Prevailed 5-0)

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, Brandon Thayer 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 Licensee's 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 Brandon Thayer based upon Licensee's second nonappearance.

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)** recommends that the Class "D" Operator's License of Brandon Thayer not be renewed based upon Licensee's second nonappearance.

Said nonrenewal is effective on November 21, 2023.

Dated and signed at Milwaukee, Wisconsin this 10 day of November, 2023.

Milele A. Coggs

MILELE A. COGGS
Chairman Licenses Committee

/288405



COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

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- 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

Date: November 10, 2023

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Alfred C. Savaglio, Agent for Dolgencorp, LLC, for a Food Dealer license for a premises located at 1300 East Locust Street in the City and County of Milwaukee, Wisconsin ("Dollar General Store #14272").

FINDINGS OF FACT

1. Alfred C. Savaglio (hereinafter the "Licensee") is the holder of a Food Dealer license for premises located at 1300 East Locust Street in the City and County of Milwaukee, Wisconsin ("Dollar General Store #14272"). Said license expired at midnight, October 3, 2023.
2. An application to renew said license was filed with the Office of the City Clerk on August 24, 2023.
3. Pursuant to Chapters 68 and 85 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 October 25, 2023, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68 and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included copies of the report and objections. The matter was scheduled for a hearing on the police report and neighborhood objections on November 7, 2023 at 2:05 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, Attorney Brian Randall appeared on behalf of the Licensee and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Attorney Brian Randall appeared on behalf of the applicant along with Angelita Handy, District Manager.

Individuals in opposition:



- B. Teresa Buck – 1220 E Locust 111 – said that she lives next door to the store and that her windows look upon the store. She added that before the previous hearing, the store kind of started to clean up and that just yesterday, the dumpster was placed behind the corral. She said that Attorney Randall said that the dumpster, the racks, and other things were going to be placed in the corral after the September 26th hearing. She said that it took 42 days to fulfill the promises made and that in the meantime, they dealt with dumpster divers, noise and trash during the day and night.

Individuals also present:

- C. Attorney Randall said that they have a written supplemental plan that he wants to make it part of the record.
- D. Alderwoman Pratt moved to accept the supplemental plan as part of the record. There were no objections.
- E. Attorney Randall mentioned that the regular fonts are part of the plan that was presented at the previous hearing and that the italicized font editions are the new updates to the plan. He went through the plan top to bottom with the committee members:
1. He said that the corporation has committed to additional employee shift hours as Alderman Brostoff requested.
 2. Attorney Randall asked to include the power point presentation submitted at the September 26th hearing about the condition of the store because it still applies to this file.
 3. As for the rolltainers, he said that they use them for taking merchandise inside the store and to take the empty boxes/garbage out. He added that there are 5 rolltainers, that a store of this type needs 3 to 5 to operate and; that they should be behind the corral as they are today.
 4. He said that he has been to the store dozens of times the last 43 days and that he has not seen an excess of litter outside and that they will continue to do the site sweeps.
 5. He said that the dumpster and corral enclosure have been the main issue, that the lids were put on, that the dumpster has wheels now and that it has been wheeled into the corral area.
 6. He added that they will check around the premises and do pickups 3 times/day as it has been suggested for other businesses.
 7. There will be signs of no trespassing and that violators will be recorded and prosecuted posted on the back of the property where the corral is.
 8. He said that he will continue to be a local resource for the district's alderperson. He added that they know that the alarm went off but that it

happened at the time when the manager was not fully on board and that those local contacts were not in place. As for the property issues, he said that they are working on getting the notices themselves and not the property owner. He also said that Alderman Brostoff has given them the contact information for any illegal dumping like what occurred in the past.

- F. Alderman Borkowski acknowledged Michael Tonelli (DNS) who said that he is here to answer any questions.
- G. Alderman Brostoff said that after the last hearing, he still was hearing from neighbors and he saw it too, that the basic requests made at the hearing were not met. He also said that the store was given the opportunity (due to staff challenges and new management) to work on the issues that they needed to correct. He mentioned that he tried to reach out to the new manager several times and never received a phone call. Alderman Brostoff said that when the police arrived to the attempted break in, he immediately sent an e mail to Attorney Randall (9/27) and that he never received a response from him. He said that not receiving a call back from the store manager and from the attorney are huge red flags for him. He added that the dumpster was not in the corral yesterday, that he saw it himself, heard it from the neighbors, and asked what took so long to fix a significant part of the problem.
- H. Alderman Brostoff moved approval with a 43 days suspension based upon the preponderance of the evidence that the issues were not corrected as had been promised and not on the day before committee.
- I. Attorney Randall asked for the photos that were shared by the neighbors and he said that he wanted to lay some foundation because Alderman Brostoff said very clearly that he was speaking for people who could not stay here or were here and asked him if he took those photos and what is the relevance to the store after it was recognized that they were not at the store's property.
- J. Alderman Brostoff said that the relevance is that the store has been a magnet for behaviors that continue even after the store "cleaned up".
- K. Attorney Randall said that the photos taken as evidence are not from his client's property. He added that they have presented a plan that can be achieved, maintain and commit to it and that it is before the committee. He also said that it may have not been implemented on September 26 but today is November 7 and that they are here to stand behind to serve the community and asked that the license be renewed.
- L. Alderman Brostoff moved for a 43-day suspension based upon the preponderance of the neighborhood, aldermanic and applicant testimony which represents excessive littering and failure to comply with the plan of operations and requests made at the previous hearing on September 26, 2023. There were no objections. (Prevailed 4-0)

CONCLUSIONS OF LAW

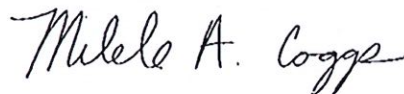
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Alfred C. Savaglio who holds a Food Dealer licenses for premises located at 1300 East Locust Street in the City and County of Milwaukee, Wisconsin ("Dollar General Store #14272") has not met the criteria of Chapters 68 and 85, of the Milwaukee Code of Ordinances to renew the Food Dealer and Food Peddler licenses without undergoing a forty-three (43) day suspension. The Committee finds the neighborhood objections and aldermanic objections as stated above to be true. The recommendation is based on preponderance of the neighborhood, aldermanic and applicant testimony which demonstrates excessive littering and failure to comply with the plan of operation and requests made at the previous hearing on September 26, 2023.
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 licenses for the premises located at 1300 East Locust Street in the City and County of Milwaukee, Wisconsin ("Dollar General Store #14272") with a forty-three (43) day suspension. The Committee based its recommendation on the preponderance of the neighborhood, aldermanic and applicant testimony which demonstrates excessive littering and failure to comply with the plan of operations and requests made at the previous hearing on September 26, 2023.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, including the Findings previously generated by the Committee in this matter, by a vote of **four (4) ayes, zero (0) noes and one (1) excused** recommends that the Food Dealer licenses held by Alfred C. Savaglio for the premises located at 1300 East Locust Street in the City and County of Milwaukee, Wisconsin ("Dollar General Store #14272") be renewed with a forty-three (43) day suspension. The recommendation is based on the preponderance of the neighborhood, aldermanic and applicant testimony which demonstrates excessive littering and failure to comply with the plan of operations and requests made at the previous hearing on September 26, 2023.

The suspension is in effect between 12:01 a.m. on November 21, 2023 until 11:59 p.m on January 3, 2023.

Dated and signed at Milwaukee, Wisconsin this 10 day of November, 2023.



MILELE A. COGGS
Chairman, Licenses Committee

/288452



COMMITTEE ASSIGNMENTS

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VICE CHAIR

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MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

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- Steering and Rules Committee
- Wisconsin Center District Board

Date: November 10, 2023

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Renewal Application of Thomas M. Cook, Agent for Pacific Bells LLC, for Extended Hours Establishments and Food Dealer licenses for the premises located at 6268 South 27th Street in the City and County of Milwaukee, Wisconsin ("Taco Bell #31507").

FINDINGS OF FACT

1. Thomas M. Cook (hereinafter the "Licensee") is the holder of Extended Hours Establishments and Food Dealer licenses with for the premises located at 6268 South 27th Street in the City and County of Milwaukee, Wisconsin ("Taco Bell #31507"). Said licenses expired at midnight, November 1, 2023.
2. An application to renew said licenses was filed with the Office of the City Clerk on August 8, 2023.
3. Pursuant to Chapters 68, 82, 84, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On August 9, 2023, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On October 24, 2023, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82, 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 November 7, 2023 at 9:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, Attorney Richard Donner appeared on behalf of the Licensee, 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. Attorney Richard Donner appeared on behalf of the Licensee who said that this is a continuation of the hearing held on October 17th where there were questions that the committee had and that he has submitted the answers in writing. He added that they did not receive the photos of the text messages mentioned in the police report.



Individuals also present:

- B. Mr. Cooney said that we needed consent from the minor to release those text messages but that Officer Thompson from MPD is here to testify.
- C. Officer Thompson was sworn in.
- D. Alderman Brostoff said that at the last hearing, the committee did not know the nature of those texts messages mentioned on the police report.
- E. Officer Thompson said that he saw different conversation threads between the parties that had nothing to do with the investigation. He added that the parties exchanged messages about work (like one manager showing up high and that he might get in trouble), things that could have happened at work or out of work, and threats to call police to tell on each other and to bring guns to the work place to shot each other.
- F. Alderman Brostoff asked if there were sex nature texts messages between the juvenile and the manager.
- G. Officer Thompson said that he does not recall it.
- H. Alderman Brostoff asked specifically about the text message of paying the minor \$60 for performing oral sex on the manager.
- I. Officer Thompson said that from what he saw on the text messages, the manager offered to pay the juvenile the \$60 amount for something and that he cannot confirm that that was an offer for performing oral sex.
- J. Alderwoman Coggs said that on the narrative, the victim said that he was offered \$60 to perform oral sex and that Officer Thompson could not confirm it in the text messages.
- K. Officer Thompson said that the juvenile said that he deleted those sex text messages and that during the manager's interview (when he was taken into custody days later), they were able to review his text messages, that some were deleted and that there was nothing to confirm the oral sex offer, just the \$60 amount.
- L. Alderwoman Coggs asked what was the manager's reasoning behind the \$60 amount.
- M. Officer Thompson said that he does not recall it and that he cannot speculate.
- N. Alderwoman Coggs asked if the text messages confirmed that they smoked weed together at work.
- O. Officer Thompson said that it is correct.
- P. Alderwoman Coggs asked if the text messages confirmed that they drank alcohol together at work.

- Q. Officer Thompson said that he could not recall if the text messages confirm it but that the manager admitted it during the interview.
- R. Alderwoman Coggs asked what is Taco Bell's policy for the use of weed.
- S. Ms. Melissa Johnston (Vice President HR) said that weed is not allowed on the premises.
- T. Alderwoman Coggs asked if having the manager admitting the use of weed and alcohol was not enough for Taco Bell to terminate him immediately.
- U. Attorney Donner said that they were not given access to the police report nor the case number and that an internal investigation was done where text messages were provided by the manager and that the minor and his father did not cooperate and that the manager was fired for a different reason. He also said that the internal investigation supports that there were threats regarding rape allegations but that the minor refused to cooperate with the investigation, the police stopped the investigation and the DA did not press charges so Taco Bell did not immediately fire the manager because they did not have the statements and text messages provided in the police report.
- V. Officer Thompson said that during the timeline that Attorney Donner said, he spoke to a regional manager and explained to her what was happening, that he provided her all the information that he had at that time (from the victim's side), that the manager was hiding because he knew that the police was looking for him. He added that that the juvenile recanted to the regional manager and that is when the employee returned to work and the police were able to arrest him because he finally opened the door.
- W. Alderwoman Coggs asked if the manager was working during the internal investigation.
- X. Ms. Johnston said that he was suspended.
- Y. Officer Thompson said that according to the manager's statement, he returned to work after the juvenile recanted to the regional manager.
- Z. Ms. Johnston said that the manager was suspended the day that incident took place on the 13th and returned to work on the 24th.
- AA. Officer Thompson said that the suspect was arrested on the 15th and that he was working according to what the suspect said.
- BB. Alderwoman Coggs asked when the police investigation ended.
- CC. Officer Thompson said that was on the 15th and that he took it to the DA the same day.
- DD. Alderwoman Coggs asked when the DA decided not to press charges.

- EE. Officer Thompson said that was on the 16th.
- FF. Alderwoman Coggs asked when the police shared the file information with Taco Bell Officer Thompson said that Taco Bell needed to do an open records request.
- GG. Attorney Donner said that they filed the open records request but that case number was not filed yet and that they were not able to get anything even with the names involved in the case.
- HH. Alderwoman Pratt asked Ms. Johnston what an employee has to do to get fired from Taco Bell when even the employee admitted the use of alcohol, weed and the possible child enticement in the premises. She added that she is positive that if the employee would have taken money from the cash register, he would have been fired immediately.
- II. Ms. Johnston said that they were unable to sustain the child enticement allegations and that is why the manager was able to return to work 10 days later.
- JJ. Alderwoman Pratt asked if the minor had some other advocate besides the parent when he recanted.
- KK. Attorney Donner said that they refused to participate.
- LL. Alderwoman Coggs asked Ms. Thompson why Taco Bell started the investigation.
- MM. Ms. Thompson said that they started it because they were told that the employee was arrested.
- NN. Officer Thompson said that they did not arrest the suspect at the store, that they conducted the investigation talking to other employees at the store.
- OO. Alderwoman Coggs said that she feels that there is a gap in the timeline that she is trying to understand but asked if when Taco Bell knew about the alcohol, weed and child enticement allegations, someone reviewed the schedules of the two employees and the surveillance videos to check out what it may have happened in the restaurant or at the parking lot.
- PP. Ms. Johnston said that HR did not do it.
- QQ. Alderwoman Coggs asked if HR learned something about this situation or if it has affected the procedures for future investigations.
- RR. Ms. Johnston said that they should have kept the employee suspended until they have received the police report.
- SS. Alderwoman Coggs asked if that it will be changed.
- TT. Ms. Johnston said that it should change and that she will change it.



- UU. Alderman Brostoff went through the answers provided in the document attached to the file and asked Ms. Johnston if it is fair to say that they based their decision to bring the employee back to work after receiving text messages that could have been manipulated by the same employee.
- VV. Ms. Johnston said that it is fair to say so.
- WW. Alderman Brostoff said that according the report provided by Taco Bell, the employee was terminated for failing to follow the handling cash procedures and that the termination has nothing to do with the child enticement, alcohol and weed use allegations.
- XX. Ms. Johnston said that it is correct.
- YY. Alderman Brostoff asked if Taco Bell understands why it is so upsetting for the committee to hear that nothing further was done after knowing the serious level of the allegations against the manager and allowed him to return to work around minors.
- ZZ. Ms. Johnston said that she understands.
- AAA. Alderman Borkowski said that he is concerned because Taco Bell has many stores everywhere here and in the country and that he feels that there is a massive disconnection between the stores and the top management. He added that someone inside the company must have ended this serious situation somehow and that he does not get any kind of effect that management cares.
- BBB. Attorney Donner said that it is a serious matter, that he understands the frustration, that this is not a reoccurring situation, that the record reflects that this is a good corporate citizen over the years and that they are making changes to avoid that it happens again. He added that there are procedures in place and that there could have been a miscommunication or lack of communication between Taco Bell and the police department.
- CCC. Alderman Spiker asked if this store is a franchisee.
- DDD. Ms. Thompson said that all the stores in Milwaukee are a franchise and that the agent resides in Texas.
- EEE. Alderman Spiker said that whatever the committee decides to do would be tied to the other stores and that hopefully it does not happen again. He also asked Ms. Johnston what substantial changes will be made besides what was presented to the committee prior the meeting. He also said that there is a huge failing (besides the possible child enticement) in the structure with the use of alcohol and marijuana inside store and confirmed by the accused employee.
- FFF. Ms. Johnston said that she is happy to rewrite the entire investigation policy and to provide it to the committee.

- GGG. Attorney Donner said that this was taken very seriously, that there were failings in the investigation techniques, that there are procedures in place with some holes that are going to be fixed immediately. He added that this business is in the community and that they have shown good faith writing the report submitted and that Ms. Johnston is willing to rewrite the investigation policy this evening to be included in the file.
- HHH. Alderman Chambers asked what are the hours of operations.
- III. Mr. Cooney said that they are open from 7 am to 2 am Sun – Thu and closes at 3 am on Friday and Saturday.
- JJJ. Alderman Spiker suggested a suspension of the Extended Hours given the activity that happened there.
- KKK. Alderman Borkowski said that he heard Alderman Spiker's recommending suspension but that he is inclined for nonrenewal.
- LLL. Alderman Brostoff said that he would like to move for nonrenewal because the company is not taking any responsibility and allowed the manager to return to work around minors. He added that items on the police report were not considered in the termination's decision.
- MMM. Alderman Brostoff moved nonrenewal based upon the preponderance of the evidence in police report that demonstrates the operation results in a threat to the health, safety and welfare of the community.
- NNN. The motion failed 2 3 (Pratt, Chambers and Coggs).
- OOO. Alderman Chambers said that there was a lack of many things, that he takes the health and safety of the children in consideration and moved renewal with a 30-day suspension of the Extended Hours Establishments license and renewal with a 10-day suspension of the Food Dealer license based upon the preponderance of the evidence in police report that demonstrates the operation results in a threat to the health, safety and welfare of the community. The motion passed (3-2).

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, 82, 84, and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Thomas M. Cook who holds Extended Hours Establishments and Food Dealer licenses for the premise located at 6268 South 27th Street in the City and County of Milwaukee, Wisconsin ("Taco Bell #31507") has not met the criteria of Chapters 68, 82, 84, and 85, of the Milwaukee Code of Ordinances to renew the Extended Hours Establishment and Food Dealer license without undergoing a thirty (30) day suspension for the Extended Hours license, and a ten (10) day suspension for the Food Dealer license. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its

recommendation on the upon the preponderance of the evidence in police report that demonstrates the operation results in a threat to the health, safety and welfare of the community.

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 Extended Hours Establishments and Food Dealer licenses for the premises located at 6268 South 27th Street in the City and County of Milwaukee, Wisconsin ("Taco Bell #31507") without undergoing a thirty (30) day suspension for the Extended Hours license, and a ten (10) day suspension for the Food Dealer license. The Committee based its recommendation on the upon the preponderance of the evidence in the police report that demonstrates the operation results in a threat to the health, safety and welfare of the community.

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 Extended Hours and Food Dealer licenses of Thomas M. Cook for the premises located 6268 South 27th Street in the City and County of Milwaukee, Wisconsin ("Taco Bell #31507") not be renewed without first undergoing a thirty (30) day suspension for the Extended Hours license, and a ten (10) day suspension for the Food Dealer license based upon the preponderance of the evidence in police report that demonstrates the operation results in a threat to the health, safety and welfare of the community.

The suspension of the Extended Hours Establishments license is in effect between 12:01 a.m. on November 21, 2023 until 11:59 p.m. on December 20, 2023.

The suspension of the Food Dealer license is in effect between 12:01 a.m. on November 21, 2023 until 11:59 p.m. on November, 2023.

Dated and signed at Milwaukee, Wisconsin this 10 day of November, 2023.



MILELE A. COGGS
Chairman, Licenses Committee

/288450

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

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- Library Board
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- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

Date: November 10, 2023

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, for David Nunez-Cruz, Agent for Buckshots Bar LLC, for the premises located at 3219 South 13th Street in the City and County of Milwaukee, Wisconsin ("Buckshots Bar").

FINDINGS OF FACT

1. David Nunez-Cruz (hereinafter "the Licensee") is the holder of Class "B" Tavern, PEP and Food Dealer Licenses, for the premises located at 3219 South 13th Street in the City and County of Milwaukee, Wisconsin ("Buckshots Bar"). Said licenses expired at midnight on October 12, 2023.
2. An application to renew said licenses was filed with the Office of the City Clerk on September 25, 2023.
3. Pursuant to Chapters 68, 85, 90 and 108 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On September 26, 2023, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On October 25, 2023, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 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 and neighborhood objections on November 7, 2023, commencing at approximately 11:35 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing, with counsel, Attorney Vincent Bobot and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On June 8, 2023 at 2:55 a.m., Milwaukee Police were dispatched to a Trouble with Subject at 3219 South 13th Street. On arrival the bar was closed and the officer was unable to contact anyone.



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- B. On June 25, 2023 at 2:20 a.m., Milwaukee Police were dispatched to a Shooting at 3219 South 13th Street. On arrival, officers observed the victim, not breathing, with a single gunshot wound to his chest. Life saving measures by MPD and MFD were unsuccessful. The agent was cooperative with the investigation and allowed officers to view video surveillance of the incident. Investigation revealed the victim was inside the bar with the suspects. Once the patrons left the establishment a physical altercation transpired outside in which the victim was not involved in. As the actors involved in the fight began to walk away, the victim is seen backing up slowly and one of the actors fired several rounds at the victim, striking him.
- C. On June 25, 2023 at 4:19 p.m., Milwaukee Police were dispatched to a Subject with Gun at 3219 South 13th Street. Upon arrival, officers observed approximately 10 subjects outside of the bar. The officers were advised the subjects with guns had already left the location. The agent was on scene and stated they had been working all day monitoring a vigil that was being held outside for a homicide victim. Officers did not view video surveillance of the incident.
- D. Attorney Bobot said that regarding the fatal incident, the owner was present most of the night, that he left a little after 1 a.m. and that they do wand for weapons. He added that the individual who had the gun, he was not in the premises at any time as the video shows. He also said that his client was cooperative with MPD, that he provided the surveillance video to the investigation.
- E. Attorney Bobot said that regarding the vigil's event, the Licensee was outside monitoring the event to make sure that there was no further violence.

Individuals also present:

- F. Alderwoman Dimitrijevic said that including the fatal shooting, the additional problems at the vigil and that looking at the record of the past disciplinary actions (including a suspension and warning letters almost every year); she wants to see improved security and recommended a 60-day suspension.
- G. Attorney Bobot questioned his client after Alderwoman Dimitrijevic's recommendation. The Licensee said that he was there until 1 a.m., that he wanded all his customers, that the gun was not inside the premises, that the police have the recording, and that the shooting happened outside the bar (35 feet from the door).
- H. Attorney Bobot said that he has represented this business on the last 4 5 years, that he has been there, that his client is very active and hands on type, that he calls the police, that he always cooperates and that the shooting happened outside.
- I. Alderman Chambers moved approval with a sixty (60) day suspension based upon the preponderance of the evidence in the police report and the applicant's testimony that demonstrates the operation results in a threat to the health, safety or welfare of the public and disturbance of peace. There were no objections. (Prevailed 5-0)



CONCLUSIONS OF LAW

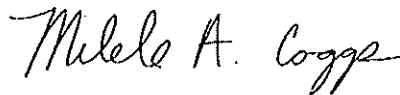
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, David Nunez-Cruz who holds Class B Tavern, Public Entertainment Premise (PEP) and Food Dealer licenses for the premise located at 3219 South 13th Street in the City and County of Milwaukee, Wisconsin ("Buckshots Bar") has not met the criteria of Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes for the renewal of his Class B Tavern, Public Entertainment Premises, and Food licenses without first undergoing a sixty (60) 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 Class B Tavern, Public Entertainment Premise (PEP), and Food Dealer licenses for the premises located at 3219 South 13th Street in the City and County of Milwaukee, Wisconsin ("Buckshots Bar") with a sixty (60) day suspension. The Committee based its recommendation upon the preponderance of the evidence in the police report, the applicant's testimony and Aldermanic objections that demonstrates the operation results in a threat to the health, safety or welfare of the public and disturbance of peace.

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, Public Entertainment Premises (PEP), and Food Dealer Licenses of David Nunez-Cruz for the premises located at 3219 South 13th Street ("Buckshots Bar") in the City and County of Milwaukee, Wisconsin be renewed with a sixty (60) day suspension.

The suspension is in effect between 12:01 a.m. on November 21, 2023 until 11:59 p.m. on January 19, 2024.

Dated and signed at Milwaukee, Wisconsin this 10 day of November, 2023.



MILELE A. COGGS
Chairman, Licenses Committee

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