

COMMITTEE ASSIGNMENTS

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- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



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

MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

June 26, 2020

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 191979 contains the following recommendations:

Nonrenewal, based upon the police report and police and aldermanic testimony of the Class A Malt and Food Dealer licenses for Sharif Asad for the premises located at 2101 W Brown St (“Pride Food”) in the 15th aldermanic district.

Nonrenewal, based upon the police report and police and aldermanic testimony of the Class A Malt and Food Dealer licenses for Sukhdev Singh for the premises located at 2401 N 21st St (“Lucky Sam Food Mart”) in the 15th aldermanic district.

Respectfully,

A handwritten signature in black ink that reads "Milele A. Coggs". The signature is written in a cursive style with a large, prominent "M" and "C".

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
File 191979



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Date: June 26, 2020

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Asad Sharif, Agent for Pride Groceries of Milwaukee, LLC, for Class "A" Malt and Food Dealer licenses for the premises located at 2101 West Brown Street in the City and County of Milwaukee, Wisconsin ("Pride Food").

FINDINGS OF FACT

1. Asad Sharif (hereinafter the "Licensee") is the holder of a Class "A" Malt license for the premises located at 2101 West Brown Street in the City and County of Milwaukee, Wisconsin ("Pride Food"). Said licenses expired at midnight, May 29, 2020.
2. An application to renew said license was filed with the Office of the City Clerk on April 3, 2020.
3. Pursuant to Chapters 68, 85, 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.
4. On June 11, 2020, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on June 23, 2020, at 1:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee, appeared with Attorney Michael Maistelman, 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 October 15, 2019 officers, along with Department of Revenue agents and DNS building inspectors, conducted a licensed premise check at Pride Food, 2101 West Brown Street. The building inspector located a problem with the electrical box which required WE Energies to shut off the power to the building to correct. Located in the cash register were several WIC cards with passwords. In the



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business the officers located medical supplies; including needles, diabetes test strips, and two different prescription medications in the name of subjects not associated with the business. The Department of Revenue agents confiscated two boxes of un-invoiced tobacco products. The applicant was advised of the violations, stating he was willing to work with Police but did not want retaliation from the neighbors.

- B. The applicant stated he does not accept WIC and sometimes people forget their stuff and he just keeps it for a little while and then if they do not come back he disposes of it. He added that he keeps the information for a neighbor because the 7 year old does not always remember the pass code for the Quest card. He stated that he cooperates with the police and provides access to his camera. He added that people loiter across the street from his store and he asks them to move. He stated that he helps neighbors out and he does a lot of good things which is why they support him. He added that he understands Alderman Stamper's concerns, but he's trying his best to do things right. He stated that whatever Alderman Stamper wants him to do, he is willing to do it.

Appearing with the applicant:

- C. Attorney Michael Maistelman stated the Licensee does not accept WIC. He stated that they will reach out to Georgeann King from DOR and have a meeting with the Licensee. He added that the police report is short. He stated that the Licensee only had the store for 2 1/2 years and has not had any suspensions or any progressive discipline. He added that he does not have the opportunity to question neighbors who are not present to testify. He stated that he would like to submit a mitigation plan for review prior to Council. He added that nonrenewal is too harsh a penalty for only 1 incident in the police report, and no citations being issues. He stated that he knows things need to change but they do not rise to the level of nonrenewal. He added that he would like to sit down with Captain Norman to create a plan to address the concerns of MPD.

Individuals also present:

- D. Dameon Ellzey, 15th District Legislative Assistant stated this store has been an issue in the district for years and it was sold to a new owner a few years ago. He added that the new owner promises the issues would stop, yet they have continued to take place and have gotten worse. He added that there is constant loitering and shootings in the area and residents are afraid to testify. He stated that he lives around the corner and he always sees people loitering outside and people going to and from cars. He added that there have been shootings in the area and the store is the epicenter of a lot of this activity. He stated that residents are afraid to testify against the store. He added that in his experience, stores generally hold someone's WIC card as collateral when the store is owed money, which is illegal under state law and city ordinance. He indicated that having pill bottles with someone else's name are illegal. He added that there were illegal cigarettes at the store and that the WE Energies hookup found at the premises was also illegal. He stated that the owner stated they would hire a security guard but that has not happened yet. He

stated Alderman Stamper does not support this license and requests nonrenewal because enough is enough and the Licensee has had several chances.

- E. Milwaukee Police Department Captain Jeffrey Norman stated that there are several issues occurring on the block associated with the store relating to chronic loitering, traffic, noise, and other nuisance activities. He added that MPD responds to drug dealing activities around the store. He stated that the store is not being operated in a legitimate manor and there are further concerns of illegal activities arising at the store. He added that the State is conducting an ongoing investigation into the WIC cards. He did note that it the idea that the store was offering credit to the customers and using WIC cards as collateral was troubling, but he did not want to offer further specifics so as not to compromise the DOR investigation. He stated that people from outside the neighborhood are drawn to the block and he never receives calls from the Licensee regarding the nuisance activities.
- F. Alderman Kovac moved nonrenewal based on aldermanic and police testimony and the police report. (Prevailed 4-1)

CONCLUSIONS OF LAW

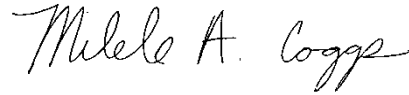
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Asad Sharif who holds a Class "A" Malt and Food Dealer license for the premise located at 2101 West Brown Street in the City and County of Milwaukee, Wisconsin ("Pride Food") has not met the criteria of Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to renew the Class "A" Malt and Food Dealer licenses. The Committee finds the aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, aldermanic and police 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 not to renew the Class "A" Malt and Food Dealer licenses for the premises located at 2101 West Brown Street in the City and County of Milwaukee, Wisconsin ("Pride Food"). The Committee based its recommendation on the police report, aldermanic and police 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) noes** recommends that the Class "A" Malt and Food Dealer licenses held by Asad Sharif for the premises located at 2101 West Brown Street in the City and County of Milwaukee, Wisconsin ("Pride Food") not to be renewed.

Said nonrenewal is effective Tuesday, July 7, 2020.

Dated and signed at Milwaukee, Wisconsin this 26th day of June, 2020.



MILELE A. COGGS
Chairman, Licenses Committee

/268976

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MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

Date: June 26, 2020

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Sukhdev Singh, Agent for Lucky Sam Food Mart Inc., for Class "A" Malt and Food Dealer licenses for the premises located at 2401 North 21st Street in the City and County of Milwaukee, Wisconsin ("Lucky Sam Food Mart").

FINDINGS OF FACT

1. Sukhdev Singh (hereinafter the "Licensee") is the holder of a Class "A" Malt license for the premises located at 2401 North 21st Street in the City and County of Milwaukee, Wisconsin ("Lucky Sam Food Mart"). Said licenses expire at midnight, July 13, 2020.
2. An application to renew said license was filed with the Office of the City Clerk on May 28, 2020.
3. Pursuant to Chapters 68, 85, 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.
4. On June 11, 2020, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on June 23, 2020, at 1:35 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee, appeared with Attorney Michael Woodburn, 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 October 17, 2019 officers were dispatched to Mark Food Mart, 2401 North 21st Street, for a Property Damage. The investigation revealed a female patron was upset with a recent transaction. The female began knocking over displays causing a disturbance. The female was not on scene and could not be located.
 - B. On March 20, 2020 officers, along with agents from the Wisconsin Department of



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Revenue, conducted a licensed premise check at Lucky Sam Food Mart, 2401 North 21st Street. There were two employees on scene when officers arrived. Neither employee had a Class D Operator's license and the business is licensed to sell alcohol. The officers found an open package of cigarettes behind the counter. The clerk initially denied selling single cigarettes but did admit selling singles for \$0.50. The officers also located items for sale that are used as drug paraphernalia. The Licensee arrived at the location and was asked about the drug paraphernalia. He apologized for selling the items. The Licensee did not have any invoices for the tobacco at the location. He admitted to buying it from someone in Illinois for under wholesale cost. The officers located beer stored in the basement, which is not listed on the liquor license. The Licensee was advised to move the beer to the licensed area of the business or add the basement as a storage location. The Licensee was advised of complaints of people loitering in front of his store selling drugs. The Licensee stated he does not call the police, he just asks the subjects to leave on his own.

Charge: Responsible Person on Premise Required
Finding: pending Arraignment on 08/12/2020
Sentence:
Date:
Case: 20020285

- C. On March 23, 2020 at 12:19 p.m. officers responded to Lucky Sam's, 2401 North 21st Street for a Drug Dealing complaint. There were multiple subjects outside when police arrived, but they immediately walked off. The officers spoke with the Licensee, who stated he does not know why the officers are getting called and would contact police if he saw anything. He advised the officers they were welcome to view the cameras at any time.
- D. On March 24, 2020 at 1:20 p.m. officers, along with agents from the Wisconsin Department of Revenue, conducted a licensed premise check at Lucky Sam Food mart, 2401 North 21st Street. The Wisconsin Department of Revenue agent advised the Licensee that due to him not cooperating with the investigation regarding the subject from Illinois that he purchased the tobacco from, she was confiscating all the untaxed tobacco from the store. The subject was issued the Responsible Person on Premise citation from item #2.
- E. On March 29, 2020 at 5:36 p.m. officers were dispatched to a shooting at 2513 North 21st Street. During the investigation officers went to Lucky Sam Food Mart, 2401 North 21st Street to check for video surveillance. The officers were able to view the video which did capture the incident.
- F. On Monday, May 26, 2020, at approximately 11:36 p.m., officers were dispatched STOIBER, was dispatched to a shooting, located at 2409 North 21st Street. Upon arrival they observed a black male laying on his side against fence at 2409 North 21st Street. This scene was located approximately six feet north of Lucky Sam Food Mart located at 2401 North 21st Street, a premise licensed for the sale of tobacco, Class A fermented malt beverages, and food. This business was closed at the time

of the shooting.

- G. The applicant stated he told MPD they can check his cameras at any time and he cooperates with the police.

Appearing with the applicant:

- H. Attorney Michael Woodburn stated incidents on the police report are not related to the premises, but show the Licensee assisting the police with video footage. He added that the March 20th incident occurred because the Licensee was taking his child to the doctor and left his father in charge with the understanding that the store would be closed, but that did not happen and then the police came. He added that the person smoking was his father who does not speak English, and those were his cigarettes and it was a misunderstanding. He stated that the beer was being stored in the basement during cleaning and is no longer being stored there. He added that the drug paraphernalia was a tire gauge and steel wool which can be purchased at Walmart or any other store, and the Licensee is no longer selling those items at his store. He stated that #5 on the police report relates to #3. He added that the Licensee's father now has his Class D operator's license. He stated that he knows mistakes have been made but the Licensee is just trying to get along in life. He added that he disagrees that the store is a nexus because one of the shootings was a family dispute and happened while the store was closed. He stated that March 29th shooting occurred a block and a half away from the store and had no connection to the premises, and there is no evidence that it was related to the store. He added the Licensee assisted the police with surveillance footage.

Individual also present:

- I. Dameon Ellzey, 15th District Legislative Assistant stated there was a shooting in front of the store. He added that this premises has become a hub for nuisance activity in the area. He stated that the police made Alderman Stamper aware of the issues. He added that these incidents occurring it's only a matter of time before it gets worse and there have already been 3 people shot. He stated that this is across the street from the Fondy Market where people have events and this behavior at the store cannot continue to happen. He added when the police bring a store to your attention you have to address the issues and Alderman Stamper recommends nonrenewal.
- J. Captain Jeffrey Norman stated this neighborhood has increased in violence by 400% this year and the premises contributed to that increase. He added that the Licensee is not proactive about addressing issues and there are drug related issues occurring at the premises. He added that on March 20th two individuals were shot and it was drug related. He stated that this premises is a nexus of drug activity and it contributes to overall violence in the area.

Individual present in support:

- K. Yolanda Laster, 2409 N 21st Street stated her gate is connected to the store's gate,

and she witnessed a young man shooting at people nearby her yard. She added that her cousin shot her nephew and the store's surveillance cameras recorded the incident. She stated that a lot of the stuff that happens in the area cannot be controlled by the Licensee, and the store is needed in the neighborhood.

- L. Jay Carter, 2424 N 22nd St stated the neighborhood has always had gang related problems and the Licensee does not have control over what is going on. He added he is blind and the Licensee always asks the guys to move so he can get through. He stated that this is the best store around for him.
- M. Alderman Borkowski stated it is alarming that on the police report there were 4 events in 9 days. Alderman Borkowski moved nonrenewal based on the police report, and police and aldermanic testimony. (Prevailed 4-1)

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Sukhdev Singh who holds a Class "A" Malt and Food Dealer license for the premise located at 2401 North 21st Street in the City and County of Milwaukee, Wisconsin ("Lucky Sam Food Mart") has not met the criteria of Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to renew the Class "A" Malt and Food Dealer licenses. The Committee finds the aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, aldermanic and police 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 not to renew the Class "A" Malt and Food Dealer licenses for the premises located at 2401 North 21st Street in the City and County of Milwaukee, Wisconsin ("Lucky Sam Food Mart"). The Committee based its recommendation on the police report, aldermanic and police 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) noes** recommends that the Class "A" Malt and Food Dealer licenses held by Sukhdev Singh for the premises located at 2401 North 21st Street in the City and County of Milwaukee, Wisconsin ("Lucky Sam Food Mart") not to be renewed.

Said nonrenewal is effective Tuesday, July 7, 2020.

Dated and signed at Milwaukee, Wisconsin this 26th day of June, 2020.

Milele A. Coggs

MILELE A. COGGS
Chairman, Licenses Committee

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