

## 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

July 25, 2022

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 220343

Attached are written objections to file number 220343, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to a recommendation of:

Nonrenewal based on the police report of the Food Dealer License for Myron D Smith for the premises located at 5501 W Fond Du Lac Av. ("CULVER'S MIDTOWN") in the 2<sup>nd</sup> aldermanic district.

Nonrenewal based on the applicant and public testimony of the Hotel/Motel License for Upesh C. Shah for the premises located at 9717 W Appleton Av. ("Port Motel ") in the 5<sup>th</sup> aldermanic district

Nonrenewal of the Public Entertainment Premises License and Renewal with a 10 day suspension of the Class B and Food Dealer Licenses, based on the police report, aldermanic, applicant and attorney testimony for Susana L. Barba-Martin for the premises located at 3710 W Lincoln Av. ("Tu Casa Mexican Restaurant & Bar") in the 8<sup>th</sup> aldermanic district.

Renewal with a 30 day suspension of the Class A Malt & Class A Liquor, Food Dealer and Weights & Measures Licenses based on the police report and aldermanic testimony for Nael N. Jabbar for the premises located at 2643 W Atkinson Av. ("I SHOP SUPERMARKET") on the 1<sup>st</sup> aldermanic district.

These matters will be heard by the full Council at its Thursday, July 28, 2022 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Respectfully,

Milele Coggs, Chair  
Licenses Committee

cc: All Council Members  
City Attorney's Office  
Common Council/City Clerk – License Division  
CCF 220343



City Hall Room 205 • 200 East Wells Street • Milwaukee, WI 53202

PHONE (414) 286-2994 FAX (414) 286-3456 E-MAIL [mcoggs@milwaukee.gov](mailto:mcoggs@milwaukee.gov)

WEBSITE [www.milwaukee.gov/district6](http://www.milwaukee.gov/district6)



## Melendez-Hagedorn, Yadira

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**From:** Myron Smith <mrmdots@gmail.com>  
**Sent:** Friday, July 22, 2022 3:03 AM  
**To:** Owczarski, Jim; Melendez-Hagedorn, Yadira  
**Cc:** Greg Howe  
**Subject:** Culvers Midtown Application Denied due to 2cd district 0 Representation

Dear Licences Committee

This is in objection to our licences denial which appeared to happen because as it was stated in the hearing, there was know Alderperson for the 2cd district to okay and thus take responsibility for and approval. It seemed after a long silence that the denial was suggested as a way to carry on and proceed to the next case of the day.

Our establishment has been a pillar of the community since the first day our doors opened. We've been informed by the Milwaukee Police Department to be in a high crime rated area. In addition, we are extremely cooperative with the MPD on all matters of providing resources of our security cameras and testimonial information to assist in any capacity. Fortunately, this has resulted in a partnership and appreciation of their services. We understand these trying times and the crime of the community can be overwhelming and there may be a incident needing more attention from MPD. Therefore, we maintain a private armed security guard within the restaurant during our operational hours of 10:00AM - 12:00AM to ensure the safety of our team members and guests that choose Culver's of Midtown. We have policies and procedures in place to protect our team members. Specifically, we have a Harassment Policy in place with a Open Door Policy for every team member to feel comfortable. In addition, we have a private investigator to handle any claims filed by an employee which goes in compliance with the standards from the Equal Employment Opportunity Commission. We take all proper steps to ensure our restaurant operates at the highest level of moral integrity and ethics.

Sincerely  
Myron Smith

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Myron Smith  
[MrMdotS@gmail.com](mailto:MrMdotS@gmail.com)  
414-807-6398

## Melendez-Hagedorn, Yadira

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**From:** Michael S Maistelman <msm@maistelmanlaw.com>  
**Sent:** Thursday, July 21, 2022 9:38 AM  
**To:** McNally, John  
**Cc:** Owczarski, Jim; Melendez-Hagedorn, Yadira; Cooney, Jim; Shah Upesh; Shah Vir  
**Subject:** Re: Port Motel 9717 W Appleton Ave

Thanks Jack. Will do.

Attorney Michael S Maistelman  
Sent from my iPhone

On Jul 21, 2022, at 9:36 AM, McNally, John <jomcna@milwaukee.gov> wrote:

Good Morning,

I have no issue with that but would just advise that the sooner the written exceptions are received, the more thoroughly the Council can review them. I appreciate that, given the calendar, this is a quick turnaround to submit those exceptions and completely understand the time constraints. I will be working with Yadira and staff in our office to get the reports out today and I know that we have noted that Atty. Maistelman would like to receive a copy by email, so hopefully that will help somewhat. In turn, I will be on the lookout for the exceptions when they are submitted. I believe this is a similar approach to what we had done in relation to another establishment a few months ago and we were able to make it work.

Thanks,  
Jack McNally

John D. "Jack" McNally  
Assistant City Attorney  
Office of the City Attorney  
841 N. Broadway, 10<sup>th</sup> Floor  
Milwaukee, WI 53202  
Phone: (414) 286-2666  
Fax: (414) 286-3967  
[jomcna@milwaukee.gov](mailto:jomcna@milwaukee.gov)

**From:** Owczarski, Jim <jowcza@milwaukee.gov>  
**Sent:** Wednesday, July 20, 2022 4:51 PM  
**To:** Michael S Maistelman <msm@maistelmanlaw.com>  
**Cc:** McNally, John <jomcna@milwaukee.gov>; Melendez-Hagedorn, Yadira <Y.Melendez-Hagedorn@milwaukee.gov>; Cooney, Jim <Jim.Cooney@milwaukee.gov>; Shah Upesh <Nimisha822@yahoo.com>; Shah Vir <Virshah1993@gmail.com>  
**Subject:** RE: Port Motel 9717 W Appleton Ave

Ah, sorry, missed the inquiry.

I'll let the ACA speak, but can confirm that what Atty. Maistelman describes is past practice.

Jim

**From:** Michael S Maistelman <[msm@maistelmanlaw.com](mailto:msm@maistelmanlaw.com)>  
**Sent:** Wednesday, July 20, 2022 4:50 PM  
**To:** Owczarski, Jim <[jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov)>  
**Cc:** McNally, John <[jomcna@milwaukee.gov](mailto:jomcna@milwaukee.gov)>; Melendez-Hagedorn, Yadira <[Y.Melendez-Hagedorn@milwaukee.gov](mailto:Y.Melendez-Hagedorn@milwaukee.gov)>; Cooney, Jim <[Jim.Cooney@milwaukee.gov](mailto:Jim.Cooney@milwaukee.gov)>; Shah Upesh <[Nimisha822@yahoo.com](mailto:Nimisha822@yahoo.com)>; Shah Vir <[Virshah1993@gmail.com](mailto:Virshah1993@gmail.com)>  
**Subject:** Re: Port Motel 9717 W Appleton Ave

Thank you.

I shall await your response to my request.

Attorney Michael S Maistelman  
Sent from my iPhone

On Jul 20, 2022, at 4:49 PM, Owczarski, Jim <[jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov)> wrote:

This is received.

Jim

**From:** Michael S Maistelman <[msm@maistelmanlaw.com](mailto:msm@maistelmanlaw.com)>  
**Sent:** Wednesday, July 20, 2022 4:47 PM  
**To:** Owczarski, Jim <[jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov)>; McNally, John <[jomcna@milwaukee.gov](mailto:jomcna@milwaukee.gov)>; Melendez-Hagedorn, Yadira <[Y.Melendez-Hagedorn@milwaukee.gov](mailto:Y.Melendez-Hagedorn@milwaukee.gov)>  
**Cc:** Cooney, Jim <[Jim.Cooney@milwaukee.gov](mailto:Jim.Cooney@milwaukee.gov)>; Shah Upesh <[Nimisha822@yahoo.com](mailto:Nimisha822@yahoo.com)>; Shah Vir <[Virshah1993@gmail.com](mailto:Virshah1993@gmail.com)>  
**Subject:** Port Motel 9717 W Appleton Ave

Good afternoon Jim O, Yadira and Jack,

Please consider this my client's formal objection to the License Committees 7/19/22 recommendation to not renew my clients motel license and my request to appear before the Common Council to speak on this objection.

I understand based on a conversation that I had with Jack yesterday that my client has until 4:45pm on 7/22/22 to file any written objections to appear before the CC.

I still have not received the findings of fact.

Typically the time frame to file objections is closer to the Common Council meeting which in this case I believe is 7/28/22.

As i have done in the past under similar circumstances I respectfully request permission to file our supplemental objections on or before 7/26/2022.

Please confirm your receipt of this email and if my proposal is acceptable.

Thank you,

Michael

Attorney Michael S Maistelman

Sent from my iPhone

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## Melendez-Hagedorn, Yadira

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**From:** Osman Mirza <osman@osmirzalaw.com>  
**Sent:** Friday, July 22, 2022 9:51 PM  
**To:** Owczarski, Jim  
**Cc:** Melendez-Hagedorn, Yadira; McNally, John  
**Subject:** Tu Casa LLC

Dear Licenses Division:

I am in receipt of the Committee's Findings of Fact and Conclusions for the above-referenced applicant at the hearing held on July 19, 2022. Please take notice that the applicant by and through my office respectfully requests the opportunity to appear before the Common Council on July 28 to submit exceptions and make a statement.

Regards,

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*Osman A. Mirza*

Attorney at Law

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osman@osmirzalaw.com

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AHMAD & GUERARD, LLP

Attorneys at Law

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Date: July 22, 2022

To: Members of the Milwaukee Common Council via City Clerk

([jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov); [stasst5@milwaukee.gov](mailto:stasst5@milwaukee.gov))


From: Hotspot Supermarket, LLC d/b/a "Shop Supermarket" by agent Nael N. Jabbar by and through his Attorney Jeffrey J. Guerard

Re: Suspension of Class "A" Liquor, Food Dealer and Weights & Measures licenses for Hotspot Supermarket, LLC by agent Nael N. Jabbar for the premise located at 2643 West Atkinson Avenue in the City and County of Milwaukee, Wisconsin

OBJECTIONS TO THE LICENSES JULY 21, 2022 REPORT

1. The Applicant objects to a 30-day suspension of the licenses for Hotspot Supermarket, LLC d/b/a "Shop Supermarket" by agent Nael N. Jabbar for the premise located at 2643 West Atkinson Avenue.
2. The Committee, in part, based its decision on community complaints regarding the store. There was no negative testimony from community members regarding the store. However, there were several community members and neighbors present to give positive testimony. Felicia Ferguson, Shay Sanders, Desilynn Smith, May McCullum, Nautiqua Whitelow, and Lakeesha Jeers all gave testimony that was in support of the license. The Committee's Findings of Fact do not adequately state the testimony in support that these individuals offered.
3. The 30-day suspension is not in the spirit of progressive discipline and does not reflect the circumstances as they existed at this place of business.
4. The Applicant respectfully requests the Common Council renew the licenses with no 30-day suspension.

Sincerely,  
AHMAD & GUERARD, LLP



Jeffrey J. Guerard  
Attorney at Law