



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

June 20, 2006

To the Honorable, the Common Council

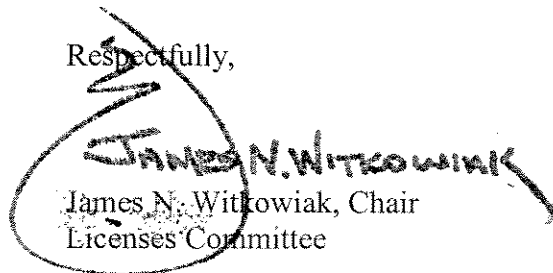
Dear Members:

Re: Common Council File 051003

Attached are written objections by Att. Benjamin Harris to the recommendation of renewal, with a 90-day suspension, of the Class "A" Malt license of Samih Musaitif, Agent for "J&S of Milwaukee, LLC" for the premises at 103 E. Keefe Ave. ("Sunshine Food Market") in the 6th aldermanic district. (Committee vote: Ayes: 3, Noes: 1, Abstain: 1)

This matter will be heard by the full Council at its June 20, 2006 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style and is enclosed within a hand-drawn oval.

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 051003

HARRIS
LAW OFFICES S.C.
ATTORNEYS AT LAW

Benjamin J. Harris
Paul A. Piaskoski, Of Counsel
Michael J. Garzer, Of Counsel
Certified Civil Trial Attorney

June 15, 2006

Ronald Leonhardt
City Clerk
City of Milwaukee
200 East Wells St., Rm 205
Milwaukee, WI 535202

VIA FACSIMILE AND U.S. MAIL

Re: J&S of Milwaukee, LLC d/b/a
Sunshine Food Market

CITY OF MILWAUKEE
2006 JUN 15 PM 3:06
RONALD D. LEONHARDT
CITY CLERK

Dear Mr. Leonhardt:

This office represents the above referenced LLC relative to the 90 day license suspension of their Class A Malt license. Please accept this letter as my client's written objection to any such suspension.

The 90 day suspension is unwarranted and not necessary to protect the health, safety and welfare of the citizens of Milwaukee.

First, there are no allegations that my client sold malt beverages to anyone who was underage, anyone who was intoxicated, or allowed any consumption of the malt beverages in violation of the license.

Second, there appears to be only one violation from August 1, 2004 through May of 2006 and that violation related to convenience store regulations, again unrelated to the license in question.

Third, there were no allegations of any physical confrontations that took place in front of the store. While some of the neighbors "fear" for their safety, there is nothing to support that any customer was ever attacked, thereby supporting the suspension.

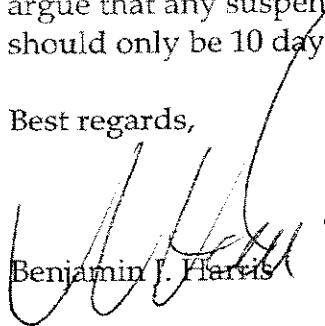
Fourth, the fact that youths might occasionally congregate on the street corner is wholly unrelated to the sale of alcohol, as there are no allegations of any underage sales.

PHONE: (414) 540-1000 • FAX: (414) 540-0999 • E-MAIL: harrislaw@businessattys.com
500 West Brown Deer Road, Suite 101 • Milwaukee, Wisconsin 53217-1618

Fifth, any issues related to the disposition of any trash would be handled by other ordinance violations and the suspension is not an appropriate manner of policing such conduct by the shop owner, if the conduct actually took place.

In totality of the circumstances, a 90 day suspension of the license is wholly inappropriate as there have been no violations of the license. While my client would argue that any suspension is unwarranted, if any suspension should be handed out, it should only be 10 days.

Best regards,



Benjamin J. Harris

Cc: Clients