

September 23, 2022

SENT VIA ELECTRONIC MAIL (license@milwaukee.gov)

City Clerk - License Division
City Hall, Room 105
200 East Wells Street
Milwaukee, WI 53202

**RE: 107 LLC, PATEL, Alpesh B., Agent
Bar 107 at 8775 North 107th Street
Class B Tavern, Food dealer, and public Entertainment
Premises License Renewal Applications
Tuesday September 27th, at 8:45 A.M.
Objection to Renewal**

Dear Licenses Division Clerk:

I represent Pure Blue Waters, LLC ("Pure Blue Waters"), a long-standing business resident in the Brown Deer Place area. Pure Blue Waters operates a wastewater disposal business at 10721 W. Brown Deer Place, Milwaukee, WI 53224. This location is adjacent to Bar 107, a tavern which is located at 8775 North 107th Street. Please accept this letter, with its attachments as the objection of Pure Blue Waters, LLC to the 2022 renewal of the Class B Tavern License for 107 LLC d/b/a Bar 107 and Alpesh B. Patel, Agent, on behalf of my client Pure Blue Waters. Both parcels are zoned industrial. Bar 107 has nowhere near the number of parking spaces it needs and the legal street parking is not available in close proximity.

Worse, the crime has continued to grow. On July 9, 2022, one of Pure Blue Waters drivers named Steve Behling (incidentally a City of Milwaukee resident) was, as typical, blocked by illegally parked cars in his Semi. The patrons in two vehicles began becoming violent and the incident culminated in a murder...that Pure Blue Waters driver was essentially forced to watch firsthand. Mr. Behling's pictures (and a video) from that night are included and have been provided to police. We are not aware of the identity of the man, nor do we know whether he was apprehended.

We have also included the Affidavit of Gene Fleisner, which details how the Pure Blue Waters business is losing money due to the crime and how that is, in turn, directly causing the City (through MMSD) to lose money. Pure Blue Waters is a lawfully conducted business necessary to the dairy production industry. It pays healthy six figures every year to the MMSD. Currently, Pure Blue Waters' trucking partner is turning down loads because it is not safe to have his drivers

Ground 3: Violation of any state law or city ordinance prohibiting the sale of alcohol to underage persons, or to any person intoxicated or bordering on the state of intoxication; and

Ground 4: Operation of the tavern in such a manner that it constitutes a nuisance or permitting conduct that has a substantial adverse effect on the health, safety or convenience and prosperity of the immediate neighborhood.

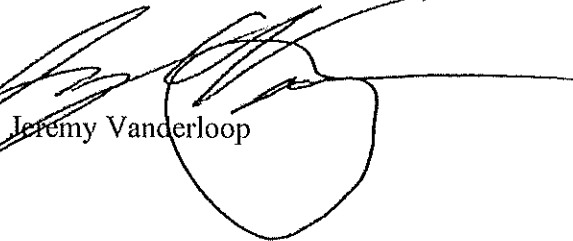
We believe that once you review and consider the evidence, you will agree that the 2nd, 3rd and 4th ground apply and the license should not be renewed. On top of that, we believe that the Bar 107 Facility is a nuisance (from a legal perspective) to both the City and Pure Blue Waters.

I'm sending this letter, along with the affidavits I can fit in an e-mail to accommodate size filters, to each committee member. We believe one problem has been that the committee did not get our information in time to thoughtfully consider it. The entire production of supporting material backing the objection is nearly 6gb (videos tend to have large file size). We use a secure file transfer named wetransfer regularly in our court cases. We are sending that file transfer to license@milwaukee.gov as well as to the individual alderpersons to the extent anyone wants to download it as well (I don't know how anyone could get the video otherwise).

I, Mr. Fleisner, and Mr. Schaefer intend to present to the committee on Tuesday. Mr. Behling would have liked to come but is in the hospital recovering from an unrelated procedure. If you have any questions or concerns regarding this matter, please do not hesitate to contact my office.

Yours very truly,

LAKESIDE LEGAL SERVICES, LLC



Jeremy Vanderloop

JRV/lab
Enclosures

cc: Ald. Coggs (via e-mail to mcoggs@milwaukee.gov)
Ald. Borkowski (via e-mail to mark.borkowski@milwaukee.gov)
Ald. Dodd (via e-mail to Ald05@milwaukee.gov)
Ald. Perez (via e-mail to jperez@milwaukee.gov)
Ald. Spiker (via e-mail to scott.spiker@milwaukee.gov)
Client (via email)

Cooney, Jim

From: Jeremy Vanderloop <jvanderloop@lakesidelegal.net>
Sent: Friday, September 23, 2022 2:25 PM
To: License
Cc: Coggs, Milele; Borkowski, Mark; Dodd, Nikiya; Dodd, Nikiya; Spiker, Scott; Super Nova; gene fleisner
Subject: Objection - 2022 Renewal of License - Bar 107 - Tuesday September 27th, 8:45 a.m.
Attachments: 9-23-22 2022 Objection Letter to License Committee.pdf; Exhibit A - Photos of Shooting.pdf; Steve Behling Affidavit.pdf; Rick Schaefer Affidavit.pdf; Exhibit 1 - Map - Gene Fleisner Affidavit.pdf; Exhibit 3 - Letters from Drivers - Affidavit of Gene Fleisner.pdf; Exhibit 6 Ambulance Bill sent for 2022 Bar 107 Murder.pdf; Signed Gene Fleisner Affidavit.pdf

Some people who received this message don't often get email from jvanderloop@lakesidelegal.net. [Learn why this is important](#)
License Committee Clerk.

Attached please find Pure Blue Water's objection to the 2022 renewal of the liquor license of Bar 107. I'm also including some of the most recent documents detailing the 2022 situation and the recent July 2022 murder that our driver witnessed firsthand.

The supporting documents to the objection (which includes video files), prior meeting records and detail police reports total around 6.0gb of files. We are initiating as well an wetransfer secure file storage that will come via a separate e-mail. You should be able to just click and download. The objection letter from today explains this.

We will attend the Tuesday meeting and answer any questions you may have. If in the meantime you would like anything else answered or submitted don't hesitate to ask.

Thank you in advance for your consideration of the above objection.

Jeremy Vanderloop

Lakeside Legal Services, LLC
79 N. Pioneer Road
Fond du Lac, WI 54935
PH: (920) 921-2300
E: jvanderloop@lakesidelegal.net

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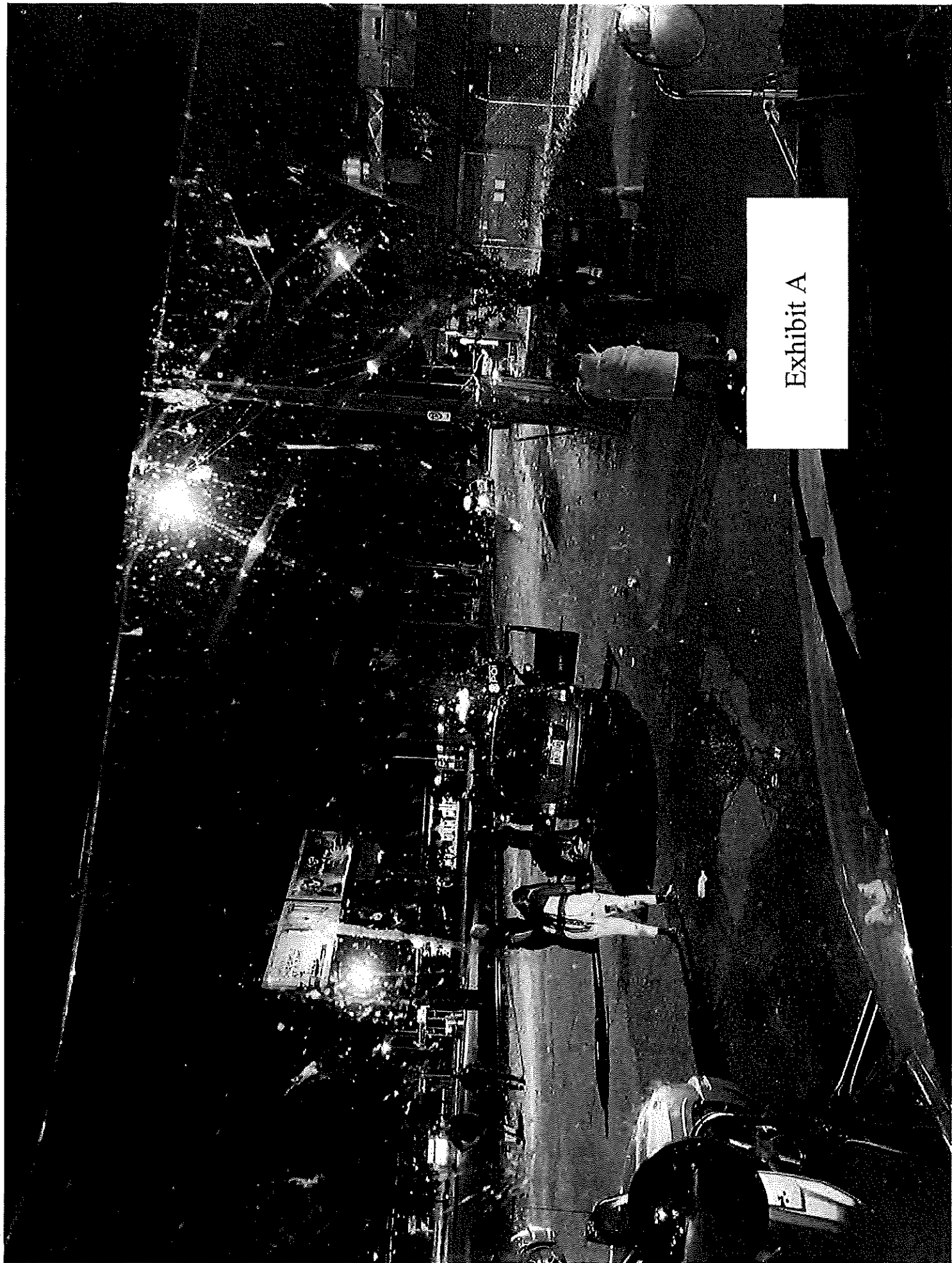
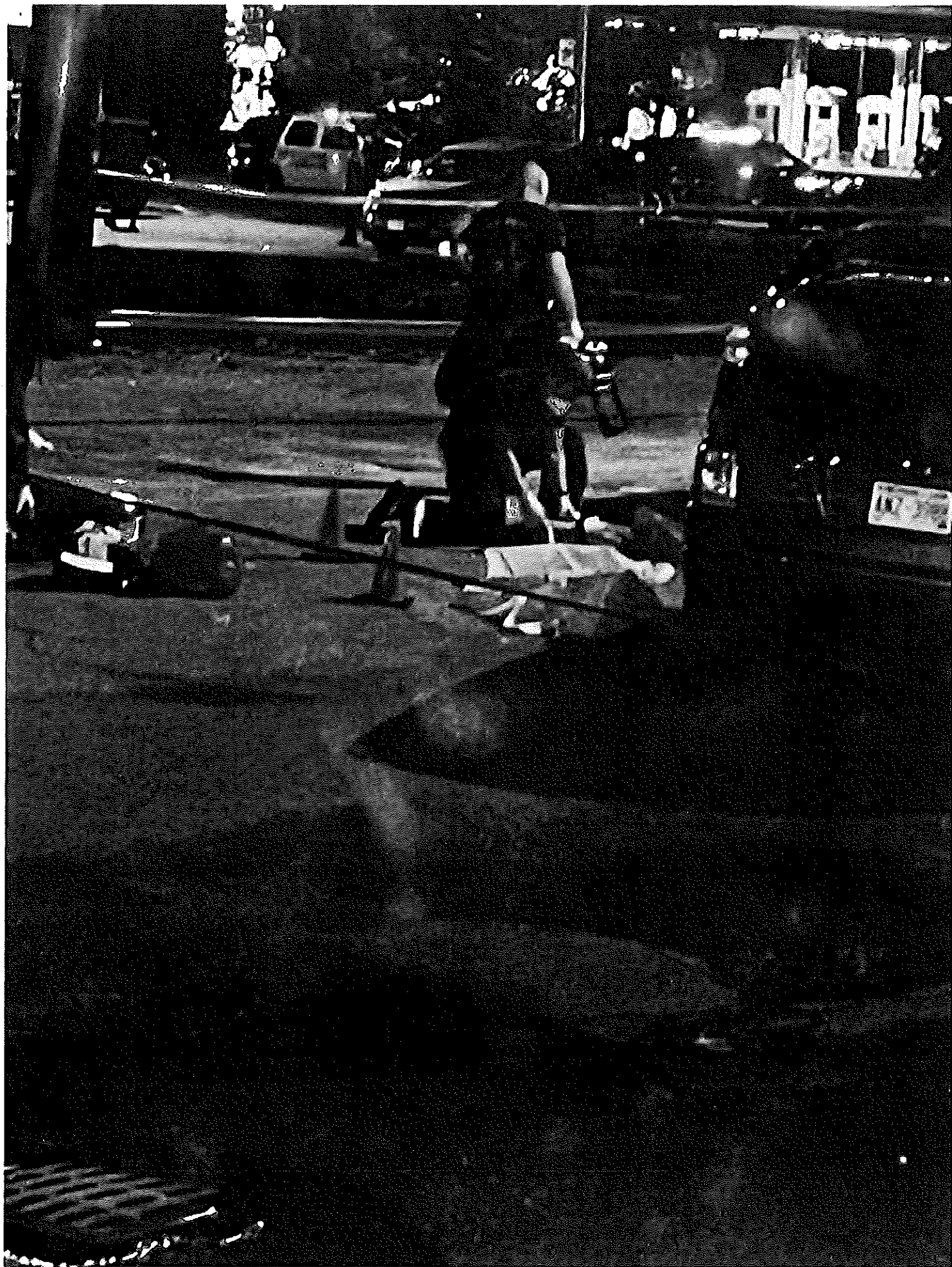
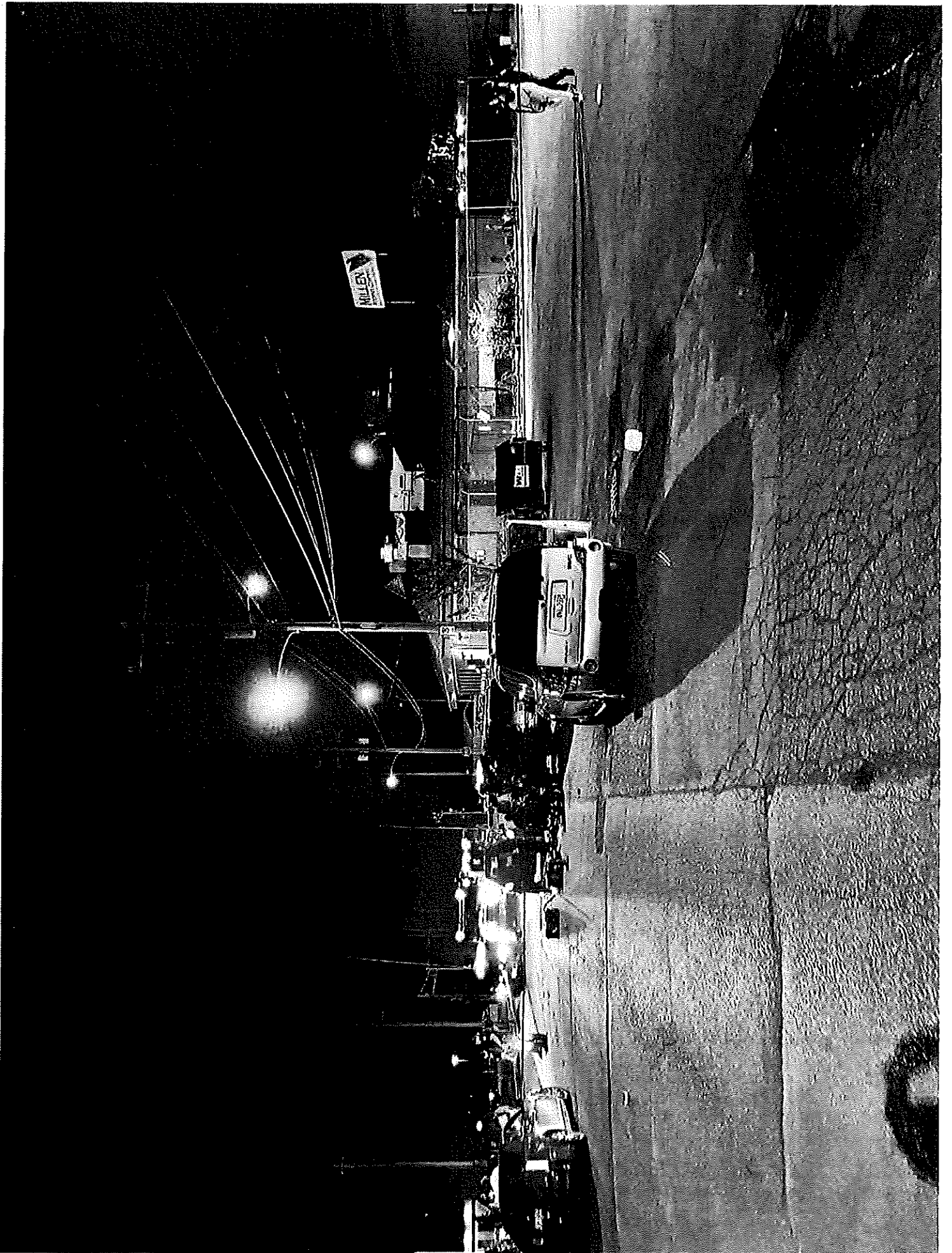


Exhibit A





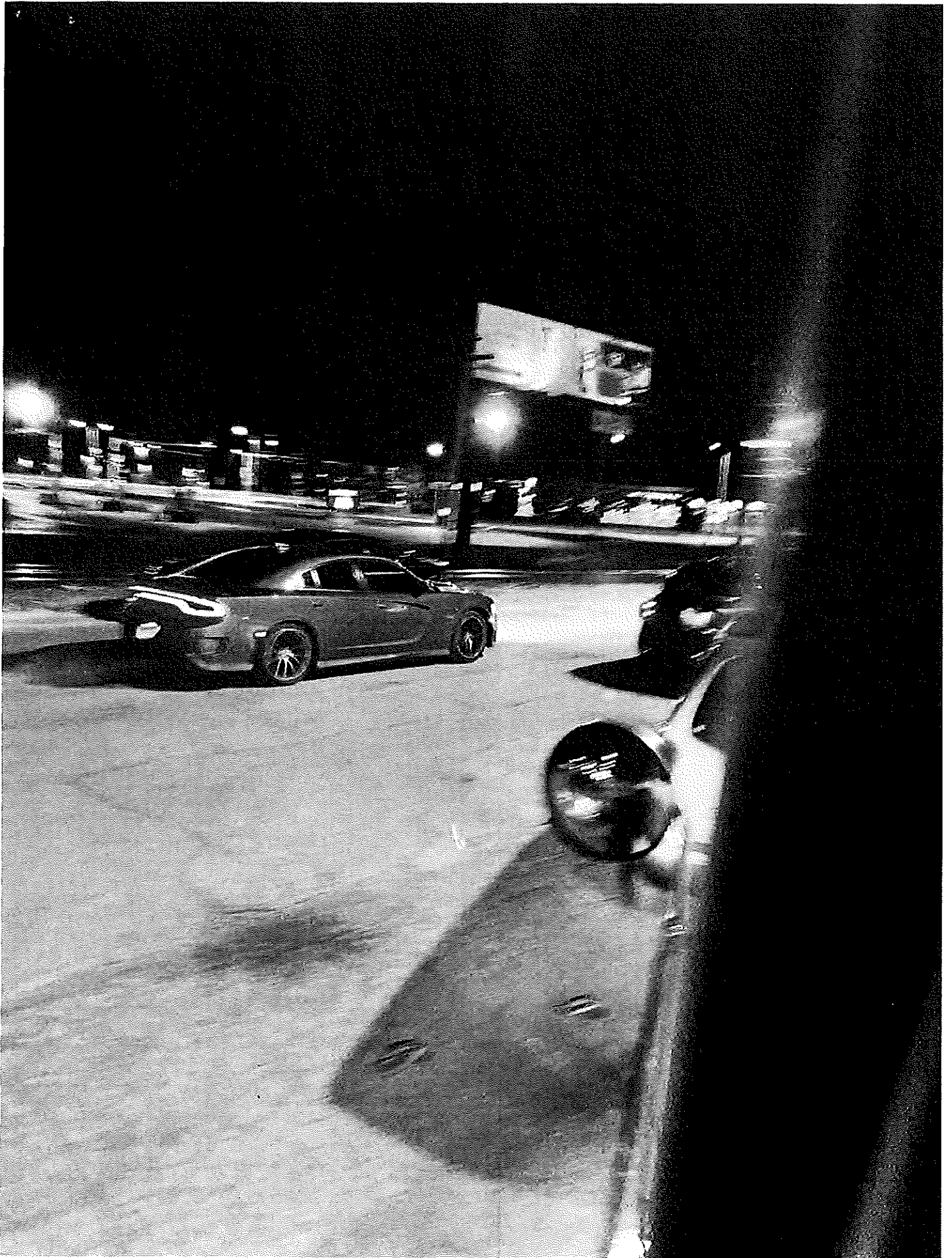
4:21 ↵

LTE 🔋

Done

2 of 10





9/14/17

To whom it may concern:

on several occasions after 5pm
the patrons of club 107 park there cars
on both sides of Brown Deer pl and 107th making
it impossible to turn right into our plant.
They also park in our lot making it impossible
to do our job, even with several no parking
signs, also on numerous occasions
I have had to clean up broken bottles
and hypo needles out of our parking
lot.

Sincerely,

[Handwritten signature]

Exhibit 3

I have had regular concerns with problems I have had to deal with regarding multiple situations ~~regarding~~ dealing with people parking at the end of Brown Deer Place making it very difficult to turn onto the street with a semi tractor trailer. At times I have had difficulty getting into and out of my company's place of business due to people parking in and in front of our lot.

Also it is a regular occurrence to have to stop and get out of my truck to pick up numerous glass beer and alcohol bottles and other garbage.

I also have even seen discarded needles laying on the edge of the road.

Tim Heeringa
Tim Heeringa
driver for Super NORA

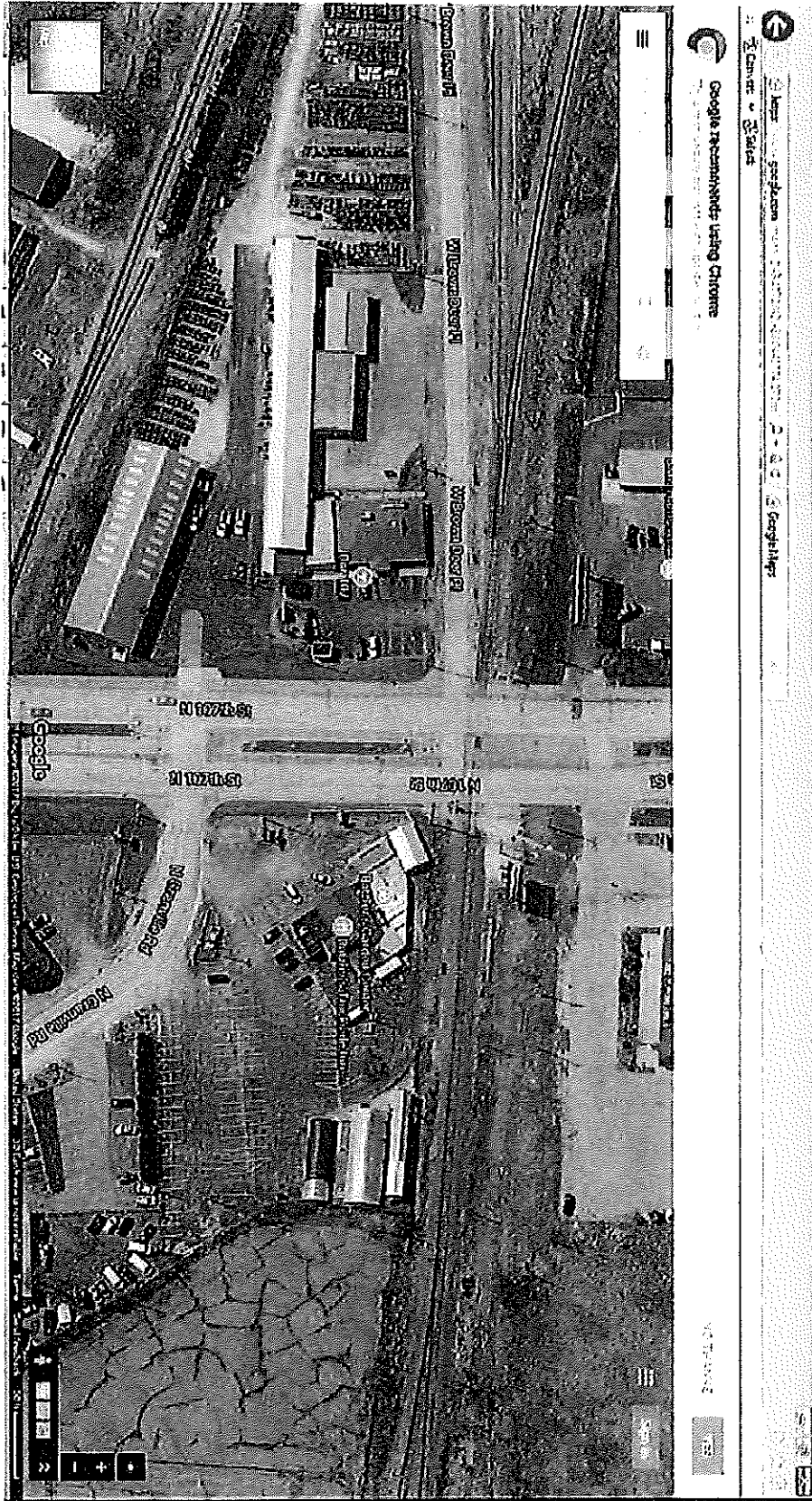


Exhibit 1



City of Milwaukee
Box 78611
Suite 201
Milwaukee WI 53278



IMPORTANT NOTICE

i For help with billing questions, please call: 888-987-2085. To pay online or update your insurance information, go to <https://ambulancebilling.com>.

Addressee

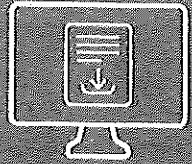
Page 1 of 1



C I
10721 W Brown Deer Pl
Milwaukee WI 53224-1524

eStatements

It's fast, easy, and no postage necessary. Enroll today!
emsbilling.mysecurebill.com



Pay Online: <https://ambulancebilling.com>

Account Number	Due Date	Amount Due	Amount Paid
64645839	Upon Receipt	\$1,439.21	\$

Please make checks payable and remit to:



Milwaukee Fire Department
Box 78611
Milwaukee WI 53278-8611

Check if address/insurance changes are on back

myEasyMatch Code: CY2-B9H-3GR

Please detach and return top portion with payment.

Account Number	Account Name	Statement Date	Due Date
64645839	C I	08/23/2022	Upon Receipt

Date	Service Description	Charges	Payments/ Adjustments	Patient Balance
07/09/2022	PATIENT: C I INCIDENT #: 222017803 Emergency Medical Services TOTAL BALANCE	\$1,439.21		\$1,439.21
<p>We have previously contacted you requesting payment as a result of ambulance service provided on 07/09/2022. Your account is past due and needs attention. If you have insurance, please complete and sign the back of this form, and return to us. Please make sure your name is exactly as it appears on your insurance card. We will file a claim on your behalf. If you do not have insurance, this payment is your responsibility. Please see options above to submit payment. For information or assistance on this account, please call 888-987-2085.</p>				

MESSAGES

In order to process your claim, please provide your insurance information on the back of this bill and mail the form to Milwaukee Fire Department, Box 78611, Milwaukee WI 53278-8611 or fax it to 1-614-431-5965. To pay online, go to <https://ambulancebilling.com>.

INSURANCE INFORMATION

Primary:No insurance on file

AMOUNT DUE: \$1,439.21

deliver on Friday or Saturday Nights. As such, both the City and Pure Blue Waters are losing income. Notably, the pictures he includes from last weekend show that there are currently no parking controls either.

We have also included the affidavit of Rick Schneider, who is the on-site plant manager who works at Pure Blue Waters most every day. He rarely is physically present during the problems with Bar 107. However, he does clean up after the litter, alcohol bottles and evidence of drug use in the area most Mondays. He also has the security camera footage available, which shows parking problems. He provides the pictures of the September, 2021 shooting at Bar 107. That individual staggered out from the side of Bar 107 bleeding. He actually climbed the fence between Bar 107 and Pure Blue Waters and the pictures from the next day of the blood are also included.

We have also included the license committee records of previous years. Notably, this committee continues to issue warning letters each year including 2021. From our perspective, the time for warnings is over. Undersigned counsel and Mr. Fleisner appeared personally in 2018 to explain the problems. At that time, the committee (then Ald. Lewis was our alderperson) required implementation of a plan of operation with parking control. A warning letter was also issued. We trusted at the time that the committee would follow through with its threat. It is now four years later, the problems are worse, and the body count has risen.

We have also included the full 213 pages of police reports from the four-year period of Sept 2017-2021. We wonder how much the City has spent on police calls to the business. Mr. Fleisner, Pure Blue Waters owner, is a former sheriff's deputy before he joined his father's trucking business. We don't believe the police can do much more, given the industrial area and the great distance to the Police headquarters. We do hope that the police have time and the capacity to use the great deal of information and videos we've compiled to ensure the police report for Tuesday's meeting is complete and accurate. If someone could ensure the appropriate police personnel receive this information, we would appreciate that.

According to the Milwaukee License Division, Wisconsin Statute and City of Milwaukee Ordinances there are four (4) grounds which could cause a suspension, non-renewal, or revocation of an alcohol license:

Ground 1: Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the operation of an alcohol beverage establishment on behalf of the licensee, employees, or patrons;

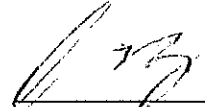
Ground 2: Failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted to the City as part of his or her license application;

7. Occasionally I see security personnel but they do nothing to help the parking situation. They did not follow through on the plan of operation requirement for that.
8. Attached as Exhibit A are pictures showing parking issues on various weekend days.
9. I personally clean up the area during daytime where the cars illegally park as well as the fence with Bar 107. There are regularly many alcohol bottles after the weekend. I have further found drug paraphenlia, evidence of prostitution and as described below blood. Attached as Exhibit B are pictures from a typical pick up.
10. On Saturday July 9 I learned that a murder happened in front of one of our drivers Steve Behling. That is far from the only violent incident.
11. Less than a year ago in September 2021 we were contacted by police regarding another shooting. That one had portions captured on camera of the person leaving. In addition I went outside the next day and found blood dripped down in the fence area in addition to the usual litter. Attached as Exhibit C is picture of that blood.
12. When checking the cameras from the September 2021 shooting I also found a video of a Bar 107 patron actually parked in our lot. It depicts an apparent prostitution event and then urinated on the ground. Attached as Exhibit D are pictures.
13. Bar 107 is very disruptive to our operations. I know there have been restrictions and requirements placed on them by the City which weren't followed and warning letters.
14. I hope that the City acts to protect myself, other drivers and other citizens. I don't understand how the place still has a liquor license.

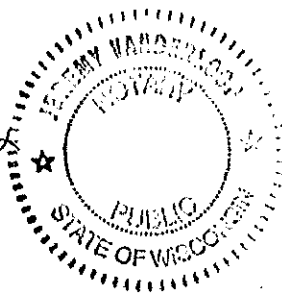


Rick Schaefer

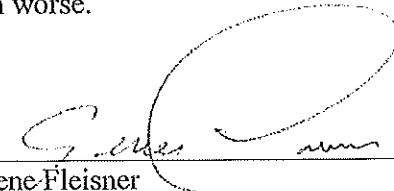
Subscribed and sworn to before me this
31 day of August, 2022.



Notary Public, State of Wisconsin
My Commission expires: 15 February

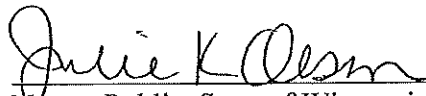


31. My drivers are understandably both frustrated with the detention time by the illegally parked cars (though we end up paying more because of that so some are bothered more than others). Since everyone heard about the July, 2022 murder Steve saw, they're also much more concerned about their safety (even though they're in a semi).
32. I cannot, in good conscience, continue to send my drivers into harms way. They're truck drivers and should not be at risk of their lives from a neighboring business.
33. I served as a Washington County Sheriff's Deputy from 1974-1978. I don't think this is the fault of MPD.
34. Bar 107 is miles from the police district headquarters in an industrial zoned district not near other taverns. Short of stationing a squad car or two there every weekend night, I don't think the police can prevent problems.
35. I ask at this point the license committee not renew the alcohol license. We want to continue to partner with the City of Milwaukee and the MMSD but they've had years to address the problems and its only gotten worse.

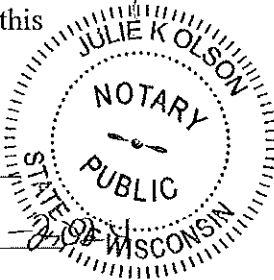


Gene Fleisner

Subscribed and sworn to before me this
22nd day of September, 2022.

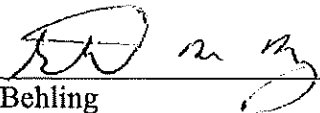


Notary Public, State of Wisconsin
My Commission expires: 5-16-2024



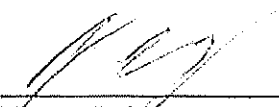
7. We work closely with the Milwaukee Metropolitan Sewerage District (“MMSD”) to prepare the liquid byproduct to their specifications. We then pay the City for treatment in a safe, environmentally friendly way.
8. We chose Milwaukee for the Pure Blue Waters operation because of the strong infrastructure and the ability to partner with MMSD.
9. Our payments to the City via the MMSD are substantial and paid quarterly on time. Since 2017 we have paid **\$950,982.73** in treatment charges to the MMSD. Attached as Exhibit 2 is a true and correct copy of list of payments.
10. If you notice the first two 2022 quarters are not as much as what we did in 2021 and 2020. One reason is that due to the lawlessness at Bar 107. The drivers we work with are, at this point, frustrated with the parking problem and also afraid for their personal safety. This results in less deliveries to Pure Blue Waters and thus less payments to MMSD.
11. Rick Schaefer is, and has been, the plant manager for Pure Blue Waters and physically present most days during the day. He is also submitting an affidavit and can testify and answer questions.
12. In 2018, after trying to work with Bar 107 itself, I met with our then Alderman Lewis regarding the problems.
13. There is nowhere near enough parking stalls at Bar 107 for their capacity.
14. One primary problem we have is the substantial illegal parking on Friday and Saturday Nights. It’s not an issue during the days. During most weekend nights patrons of Bar 107 park illegally on Brown Deer place, which is designated entirely as no parking.
15. On top of that, the dock for our facility has to be open to the street. The patrons, park directly in either the Pure Blue Waters yard or on the street in front of the entrance.
16. Our semis can’t maneuver like a car. Even if the driveway to Pure Blue Waters is not blocked entirely, the drivers spend at times hours (which we pay for) waiting for the patrons to move their vehicles. Attached as Exhibit 3 are handwritten statements from our drivers.
17. On July 8, 2018, I appeared with our attorney, Mr. Schaefer and a security guard we had hired named Juwan Williams to provide testimony of the problems. We also had hearing exhibits showing the problems. Attached hereto as Exhibit 4, are the exhibits from 2018 that show the parking, trash and other problems.
18. At the July 2018 hearing, then Alderwoman Lewis said she had met with Bar 107 and recommended an amended plan of operations including perimeter checks, resetting the ID card reader and parking checks.

7. Occasionally while waiting for the traffic to clear I can see security personnel but they do nothing to help the parking situation.
8. On July 8-9 I was on duty driving a semi to deliver to Pure Blue Waters. As is typically for a Friday Night/Saturday morning there were many vehicles parked illegally in Brown Deer place around.
9. I was able to get into the Pure Blue Waters facility with the truck. However, after I had delivered about 1:00 a.m. on Saturday July 9 the vehicles parked from Bar 107 were blocking my exit. I waited in the cab of the semi.
10. People who left the bar were arguing and in the street around a car. Eventually I started taking pictures, in part to document the dispute.
11. The argument worsened and I saw an individual in a car gun down another individual in another car. The police came followed by an ambulance. I provided them my pictures and video. I was told the man shot was dead.
12. Attached as Exhibit A are pictures from that night. I also have a video which I have provided to the counsel which is Exhibit B.
13. I hope that the City acts to protect myself, other drivers and other citizens. I don't understand how the place still has a liquor license.



Steve Behling

Subscribed and sworn to before me this
31 day of August, 2022.



Notary Public, State of Wisconsin
My Commission expires: 12/31/2024

