

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

October 8, 2020

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 200458

Attached are written objections to file number 200458, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to a recommendation of:

Renewal, with a thirty (30) day suspension, based upon the police report of the Class B Tavern and Public Entertainment Premises licenses for Jacob Dehne for the premises located at 1044 N Old World Third St ("Red White and Blue") in the 4th aldermanic district.

Nonrenewal, based upon the police report and aldermanic testimony of the Extended Hours Establishments license for Sukhwinder Randhawa for the premises located at 2008 W Center St ("RS LLC") in the 15th aldermanic district.

Nonrenewal, based upon the police report, and aldermanic and neighborhood testimony of the Extended Hours Establishment license for Harbhajan Singh for the premises located at 1361 N 36th St ("Vliet Shell") in the 15th aldermanic district.

This matter will be heard by the full Council at its Tuesday, October 13, 2020 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 200458





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October 7, 2020

VIA PERSONAL DELIVERY AND E-MAIL

Deputy City Clerk Jessica Celella City Hall, Room 205 200 E. Wells Street Milwaukee, WI 53202 jessica.celella@milwaukee.gov	Alderman Robert Bauman City Hall, Room 205 200 E. Wells Street Milwaukee, WI 53202 rjbauma@milwaukee.gov	Alderwoman Milele Coggs City Hall, Room 205 200 E. Wells Street Milwaukee, WI 53202 mcoggs@milwaukee.gov
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RE: MKE Events, LLC d/b/a Red White and Blue Bar; 1044 N Old World 3rd Street

Dear Ms. Celella, Alderman Bauman and Alderwoman Coggs:

This firm represents Mr. Jake Dehne (the “Agent”) and MKE Events, LLC d/b/a Red White and Blue Bar, 1044 N Old World 3rd Street (the “Establishment”). We are writing to formally object to the 30-day license suspension issued to the Establishment by Common Council License Committee on October 2, 2020. The suspension will take effect on November 2, 2020 through December 6, 2020. It is our position that the 30-day suspension is excessive based on the facts, not supported by reason or the law and should be reversed by the Common Council at its next meeting on October 13, 2020.

The Establishment is the largest bar in downtown Milwaukee and one of the largest in the state. It has an 825-person capacity and approximately 9,000 square feet of floor space. Pre-Covid, the Establishment would average over 2,500 customers through the door each weekend and over 100,000 per year. Due to its large size and capacity, the Establishment is not like any other bar on Old World Third Street or anywhere else in the city.

Initially, a 20-day suspension was recommended by Alderman Bauman’s office due to a perceived overuse of police resources by the Establishment. This was based on ten incidents listed on the Establishment’s police report (and included in the suspension order), which occurred during the 14-month period from July 20, 2019 through the License Committee hearing date on September 29, 2020. However, two of these entries (items H. and I. on the suspension order) relate to the same incident on the same date, involving the same patron who refused to pay his tab. One (item G.) related to an alleged stolen cell phone reported by a patron. Another (item F.) involved an alleged sexual assault of one patron by another. The remaining six incidents (items A.-E. and J.) involved unruly patrons, almost all were patrons who were refused entry into or removed from the Establishment by security staff, who were acting proactively to prevent bigger problems. In all cases, the Establishment’s staff was cooperative with police.



Code Red officers often are stationed directly across the street from the Establishment's front door near Mader's. The Agent and other management from the Establishment have been in several meetings with Code Red officers and are in constant communication with officers on the street to work together to protect all customers and provide a safe street. The latest incidents were all reported as a direct result of the Establishment's proactive procedures and their willingness to follow police direction. In previous License Committee hearings and Code Red meetings, the Agent was encouraged to have positive tavern reports showing that the Establishment was proactive in handling situations and providing safety. The Agent, the management at the Establishment and their ten security guards on a nightly basis have all been encouraged by District 1 and the License Committee to fully embrace Code Red and utilize the service provided by these officers as often as needed. Had the Agent and his staff known that such cooperation and use of assigned police resources would risk the loss of its liquor license, they may have handled some situations differently. But that defeats the entire purpose of the Code Red program.

During the hearing on the 29th, the suspension was actually increased to 30 days based on the Establishment's incident history over the entire eight-year period of the Agent's ownership and control. From 2012 through mid-2019, there were an additional 22 entries on the police report. Six of these (28% of all entries) were not even violations, but police notations that the Establishment had passed undercover underage tavern checks. These six positive police contacts all occurred after February 2015, when Code Red officers provided training and a packet of information to the Establishment to help staff recognize fake ID's. Prior to that time, five of the first eight entries on the police report were citations for underage drinking. No underage citations were issues after these early problems and after the proper training and procedures were implemented. So, all in all, half of the original incidents related to underage drinking—a problem that hasn't reoccurred in more than five years.

Nearly all of the remaining 11 older incidents were bar fights, which occurred on average only once every 18 months. While all of these incidents are unfortunate, the staff at the Establishment typically made the calls to police and were fully cooperative with police investigations. None of these incidents resulted in any charges against the Agent, the Establishment or any of its staff—but rather against the perpetrators themselves. These infrequent occurrences demonstrate the zero-tolerance policy practiced by the Establishment regarding unruly patrons.

Therefore, all 22 police report entries from 2012 to 2019 were either positive police contacts (in the case of the underage drinking compliance) or were promptly and appropriately addressed by the Agent and the Establishment. These incidents were discussed at previous License Committee hearings and there was never a suspension issued.

After four months of being closed due to the pandemic, the Establishment reopened in July 2020. They have been open for over three months now, with smaller crowds and without any new police report incidents.

The four-month closure and more recent operation of the Establishment at 50% (and now 25% capacity), has already imposed a tremendous financial burden on the Agent and his business.

A 30-day suspension beginning November 7th would result in additional hardship that most likely will lead to the closing of the Establishment. Suspending a month of sales will be the final nail in this Establishment's coffin after everything else that has happened since March 16, 2020.

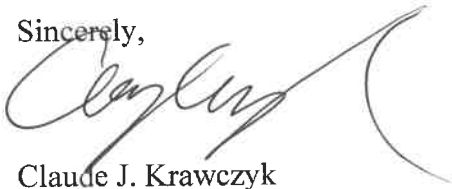
We also ask that you take into consideration that the Establishment does not have any neighborhood complaints. In fact, the Agent and the Establishment have the support of the Old World Third Street Organization, the Westown Association and non-tavern stake-holders, such as Tom & Patty Erd, who own the Spice House and have their apartment above the store, just down the street. The Agent has never been told that the Establishment is misusing Code Red resources. Yet, this suspension appears to be a punishment for doing just that. Suspension of a license should result from a pattern of violent or other criminal activity and excessive use of police resources in relation to the number of customers the licensee hosts each year. This is simply not a nuisance tavern and should not be punished at this time.

Please also remember that there are some things which do not show up in license reviews or police reports. This Establishment is an intricate part of Old World 3rd Street and it's the renaissance—including the Deer District, in which the city is heavily invested. Pre-Covid (and hopefully someday again in the future), this Establishment brings 3,000 people each week to downtown Milwaukee street to enjoy restaurants and events. The Establishment currently employs close to 50 people, despite capacity limitations. Most of these staff members are residents and students in downtown Milwaukee. They spend their money in our neighborhoods.

The Establishment confiscates and turns in over 200 fake IDs to District 1 each year. They have helped to raise thousands of dollars for several groups throughout the year, such as Hunger Task Force and Breast Cancer Awareness. The Agent has been on the street for 20 years operating previous places like Buckhead Saloon, Have a Nice Day Café, Suite Nightclub, and Upper 90 Sports Pub. He has been on Old World 3rd Street Association Board member for over 10 years and actively works with Westown and Downtown BID to help make Old World 3rd street and Milwaukee a better place to visit, live, and grow.

In conclusion, a 30-day suspension based solely on the proper use the designated Code Red officers assigned to the street, the large volume of customers at the business, and the positive history of the Agent and this Establishment. The suspension is not justified in this situation and should be reversed.

Sincerely,



Claude J. Krawczyk

cc: Jake Dehne (jakedehne1@gmail.com)
James Owczarski (jowcza@milwaukee.gov)
Molly Kuether-Steele (molly.kuether-steele@milwaukee.gov)



BOBOT LAW OFFICE

VINCENT J BOBOT

September 30, 2020

City Clerk of Milwaukee
Jim Oweczarski
200 E. Wells St., Room 105
Milwaukee, WI 53202

Common Council
City of Milwaukee
200 E. Wells St., Room 105
Milwaukee, WI 53202

RE: Randhawa, Sukhwinder – Agent
RS LLC
2008 W. Center St.
Milwaukee, WI 53206

Dear City Clerk Oweczarski:

I represent, Sukhwinder S. Randhawa, agent for RS LLC, owner and operator of a filling station located at 2008 W. Center Street.

A hearing into the renewal of his extended hours, food dealer, filling station and weights and measures licenses was conducted on Tuesday, September 29, 2020 before the Licenses Committee.

The Committee voted to recommend renewal of its food dealer, filling station, and weights and measures licenses but voted to recommend non-renewal of the extended hours establishment license. I am filing a written objection to the Committee's recommendation to not renew the extended hours establishment license for RS LLC.

The basis for the objection centers on the police report that was entered into as evidence. There were three (3) items read to the Committee members by Sergeant Raden of the Milwaukee Police Department.

Item #1 was a subject with a weapon complaint on December 11, 2019 at 10:39pm. Security from the premises notified Milwaukee Police that a subject had to be physically removed from the business then drove his vehicle into cars belonging to the gas station clerk and the security officer. The suspect was arrested by the police.



BOBOT LAW OFFICE

VINCENT J BOBOT

Item #2 was a shooting complaint on June 2, 2020 at 4:29am. A shooting occurred in the parking lot of the premises with three (3) victims. One of the victims was a security guard for the gas station who was pronounced dead on the scene by the Milwaukee Fire Department. The gas station was closed at the time of the incident. I informed members of the Committee that Milwaukee Police advised the agent to close at 11:00pm. Due to an emergency order. That fact was also in the police report.

Item #3 – Milwaukee Police were dispatched to the premises on June 2, 2020 at 9:13pm for a shot spotter complaint. Officers arrived on the scene and arrested four (4) subjects who were all armed with firearms. Officers had observed the subjects still firing their guns. The gas station was closed at the time.

The recommendation for non-renewal of the extended hours license is not fair, just, or equitable. The gas station was closed on June 2, 2020 per police orders. There was no evidence presented to the Committee that the premises/agent committed any wrongdoing. Additionally, there was no evidence presented to the Committee that the premises/agent committed any wrongdoing on the incident reported December 11, 2019. The agent/owner, Sukhwinder S. Randhawa, relies on the income from operating during the extended hours to survive. He will suffer extreme economic hardship as a result of the proposed recommendation to the full council. With the Covid-19 Pandemic and this proposal, Mr. Randhawa may lose his business.

Again, I want to emphasize that the business is located in an area that needs a gas station and convenience store. That fact became crystal clear when a neighbor/community activist, namely, Tunisha Crosby-King 1710 W. Clarke Street, testified favorably about the owner's operation of the business. It should also be noted that there was not one single neighbor objecting to the renewal of the licenses. I request that the full Common Council reconsider the recommendation and not approve it.

Respectfully submitted,

Vincent J. Bobot
Attorney at Law
State Bar No. 1020732

In the Matter of the Extended Hours Establishments, Food Dealer, Filling Station and Weights and Measures Licenses of Harbhajan Singh on behalf of ISHA Enterprises, Inc. for the Premises located at 1361 N. 36th Street City and County of Milwaukee

OBJECTIONS TO LICENSES COMMITTEE REPORT

On September 29, 2020, ISHA Enterprises, Inc., by its agent, Harbhajan Singh, and its attorney D. Michael Guerin, appeared before the Licenses Committee to seek renewal of its Extended Hours Establishment, Food Dealer, Filling Station, and Weights and Measures Licenses. At the conclusion of the hearing, by a vote of three (3) ayes and two (2) noes, the committee voted to recommend non-renewal of the Extended Hours Establishment license at this location, but did renew the applicant's Food Dealer, Filling Station, and Weights and Measures Licenses. The Committee issued its Findings of Fact and Conclusions of Law on October 2, 2020. The same was received by undersigned counsel on October 5, 2020. ISHA Enterprises, Inc. objects to the Findings of Fact and Conclusions of Law, including the non-renewal of the Extended Hours Establishment license, for the following reasons:

1. The applicant is seeking renewal of its Extended Hour Establishment license for the premises located at 1361 North 36th Street, Milwaukee, Wisconsin, 53208, which is located in the 15th Aldermanic District.

2. At the start of the September 29, 2020 hearing, Milwaukee Police Sergeant Raden provided information on three police reports involving the location.

3. First, on February 21, 2020, there was a shooting incident in the parking lot of the gas station.

4. Second, on March 3, 2020, the applicant met with members of the Milwaukee Police Department to discuss the February 21, 2020 shooting incident. Sergeant Raden relayed that the applicant was cooperative, and that the applicant informed the officers of changes to its business practices, including hiring a new security company, improved cameras, working closely with neighborhood partners, and placing additional “no loitering” and no “firearms” signs on the premises.

5. Third on June 1, 2020, police officers were alerted to a shooting at a property south of the premises. Applicant provided the Milwaukee Police Department with security camera footage that showed the suspects engaging in the illegal activity.

6. Attorney D. Michael Guerin, on behalf of the applicant, provided explanations regarding the reports provided by Sergeant Raden.

7. Specifically, Attorney Guerin explained that the applicant has operated a gas station at the premises for over 24 years without incident and that the two reported incidents were not connected with the business, but rather were random situations that could not have been prevented by the applicant.

8. Attorney Guerin further explained that the on the night of February 21, 2020, an individual that was not a customer of the applicant walked up to an individual pumping gas and fired shots at said individual. During applicant’s March 3, 2020, meeting with the Milwaukee Police Department, the Milwaukee Police Department agreed with the applicant that nothing could have been done by the applicant to prevent the February 21, 2020 incident. Despite the fact that the applicant could not have prevented the February 21, 2020 incident, the applicant instructed the Milwaukee Police

Department that it would be heightening security measures at the premises including making changes to its business practices, hiring a new security company, improving its security cameras, working closely with neighborhood partners, and placing additional “no loitering” and “no firearms” signs on the premises.

9. In regards to the June 1, 2020 incident, Attorney Guerin informed the Licenses Committee that the incident occurred at a different location, behind the premises, and had nothing to do with the business. Attorney Guerin further explained that no call was made from the applicant following the incident because the Milwaukee Police Department responded immediately.

10. Attorney Guerin also informed the Licenses Committee that he and the applicant had discussed the application for renewal with Bobby McQuay of the Near West Side Partners on Friday, September 25, 2020. Mr. McQuay indicated that the Near West Side Partners had no objections to the renewal of any of applicant’s licenses.

11. There was no neighborhood testimony presented in opposition to the renewal of the licenses.

12. The only testimony presented in opposition to the renewal of the Extended Hours Establishment license, was Alderman Stamper’s legislative assistant, Dameon Ellzey. Mr. Ellzey recommended nonrenewal of the Extended Hours license based on the two incidents. Mr. Ellzey admitted that neither he nor Alderman Stamper discussed these issues with Bobby McQuay or applicant’s counsel prior to making their recommendation for non-renewal.

13. Following Mr. Ellzey's recommendation, five witnesses testified in support of renewal of the applicant's licenses.

14. Aiman Abu-Naaj provided testimony that he is an employee of the applicant and that he has cooperated with law enforcement following the reported incidents. Mr. Abu-Naaj also testified as to the facts and circumstances surrounding the June 1, 2020 incident, which included testimony that no one involved in the incident was a customer of the store.

15. David Krause provided testimony that he frequents the store two to three times a week and that the location is convenient for him to purchase various items. Mr. Krause testified that no one says anything negative about the applicant or the store.

16. Joe Campbell provided testimony that he passes other gas stations to go to the store four to five times a week and that he likes going there because the people there are friendly.

17. Deon Pearson provided testimony that he has been going to the store for seven years when he gets off work after midnight. Mr. Pearson testified that he has not observed any loitering or other issues at the premises.

18. Jason Williams provided testimony in favor of renewal because he works late, and the store is a convenient location for him to get gas and snacks. Mr. Williams also testified that he has not observed any loitering or other issues at the premises.

19. The applicant, Harbhajan Singh, provided testimony that he routinely cooperates with the Milwaukee Police Department for all neighborhood incidents, that

there is gang related violence in the area, and that the store has taken preventative measures to prevent incidents from occurring on the premises.

20. There were no questions from any member of the Licenses Committee or Alderman Stamper's office regarding any of the neighborhood or applicant testimony in favor of renewal of the licenses.

21. Despite the applicant's long history of compliance, Alderman Stamper's office ultimately requested non-renewal of applicant's Extended Hours Establishment license.

22. Alderman Kovac stated that the Licenses Committee always takes a close look at Extended Hours Establishment licenses and that, when there are multiple incidents, the issue is not whether there is a direct correlation between the business and the incidents, but rather, the questions is whether the business created an atmosphere of people congregating.

23. Despite the fact that there was no testimony presented that the store created an atmosphere of people loitering or congregating at the premises, Alderman Kovac moved for non-renewal of the Extended Hours Establishment license based on the police reports, the testimony of Alderman Stamper's legislative assistant, and the neighborhood testimony presented.

24. The motion passed by a vote of three (3) ayes and two (2) noes, with Chairwoman Coggs and Alderman Borkowski objecting.

25. The Licenses Committee's recommendation for non-renewal of the Extended Hours Establishment license was not warranted by the testimony, ignored the

long history of compliance by the applicant, and was inconsistent with previous recommendations of the Licenses Committee, which favor progressive discipline over non-renewal.

26. The testimony presented established that the two incidents included in the police reports were the first major incidents to have occurred at or near the premises in over twenty-four years of operation.

27. The testimony presented established that the Milwaukee Police Department acknowledged that the applicant could not have prevented either incident. Despite the fact that these incidents could not be prevented, the applicant has implemented new business practices to try and deter future incidents.

28. Alderman Kovac's motion for non-renewal was premised on his own allegation that the store created an atmosphere of congregating, which was not supported by the testimony presented and was directly contradicted by the neighborhood witnesses.

29. Not allowing the store to operate during extended hours will cause the applicant irreparable harm.

30. Not allowing the store to operate during extended hours will harm the residents in the neighborhood because they will have to travel further during nighttime hours to obtain gas and other items.

31. Based on the testimony presented, an appropriate outcome would have been for the Licenses Committee to recommend renewal with some form of progressive discipline, such as a warning letter. Imposing a progressive discipline is consistent with

past recommendations of the Licenses Committee when addressing applicants with similar circumstances.

ISHA Enterprises, Inc. respectfully requests an opportunity to be heard at the Common Council meeting on October 13, 2020.

Dated this 7th day of October, 2020.

GIMBEL, REILLY, GUERIN & BROWN LLP

By: /s/ Electronically Signed by D. Michael Guerin
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