

## 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

May 18, 2023

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 230077 contains the following recommendations:

Renewal with a thirty (30) day suspension held in abeyance of the Extended Hours Establishments and Food Dealer licenses based upon the preponderance of the evidence in the police report and aldermanic testimony for the premises located at 4601 W North Av. ("Wendy's Restaurant #6") in the 15<sup>th</sup> aldermanic district.

Respectfully,

A handwritten signature in black ink that reads 'Milele A. Coggs'.

Milele Coggs, Chair  
Licenses Committee

cc: All Council Members  
File 230077



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**MILELE A. COGGS**  
ALDERWOMAN, 6TH DISTRICT

Date: May 19, 2023

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Paul S. Thompson, Agent for Bridgeman Foods II, Inc., for Extended Hours Establishments and Food Dealer licenses for the premises located at 4601 West North Avenue in the City and County of Milwaukee, Wisconsin ("WENDY'S RESTAURANT").

### **FINDINGS OF FACT**

1. Paul S. Thompson (hereinafter the "Licensee") is the holder of Extended Hours and Food Dealer licenses for the premises located at 4601 West North Avenue in the City and County of Milwaukee, Wisconsin ("WENDY'S RESTAURANT"). Said licenses expired at midnight, April 30, 2023.
2. An application to renew said licenses was filed with the Office of the City Clerk on April 14, 2023.
3. Pursuant to Chapters 68, 84, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On May 1, 2023, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On May 4, 2023, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 84, and 85 of the Milwaukee Code of Ordinances of the police report. The matter was scheduled for a hearing and neighborhood objections on May 16, 2023 at 2:25 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing, 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 September 2, 2022 at 2:04 p.m., Milwaukee Police were dispatched to 4601 West North Avenue for a property damage complaint. Investigation revealed that two terminated employees damaged property at the establishment. The manager had surveillance footage of the incident and she was cooperative with the investigation.
  - B. On November 6, 2022 at 6:22 p.m., Milwaukee Police were dispatched to 4601 West North Avenue for a shots fired complaint. Surveillance footage showed a vehicle



parking in the middle of North 46<sup>th</sup> Street, just south of West North Avenue. The driver exits the vehicle and walks toward the establishment and at the same time an employee of Wendy's exits the building and walks toward the drive through. The two exchange gunfire, and both leave the scene before police arrival.

- C. The Licensee was present and said that the employee had a gun and that what happened on that day by watching the video, is that they had a customer by the window that got into with an employee and that they were in the queue for 25 minutes. He continued saying that the customer got out of the car and went to his trunk to get something trying to hit the window. He said that at the same time, somebody must have called somebody, because there is one white car coming up on the side by the drive thru and pulled up half way cross, got out of the car and shot five or six bullets in the building.
- D. He added that no one was hurt but that the employee at some point exited the building, went to the side of the building and fired one gunshot. He said that the employee was terminated. He added that he has been running these stores for over 35 years and that they take all the police report items very seriously by putting a plan together addressing security and how the employees must react because 90% of the incidences could be deescalated. He also said that they do the same thing with every store nationwide. He also mentioned that they have had 15 incidents at 11 stores since last May, with three incidences involving a gun and that this the only incident involving an employee. Mr. Thompson mentioned that they closed down their offices in Milwaukee, that somehow the paperwork got lost and that they found themselves applying for provisional licenses. He said that he understands that the alderman denied the provisional license because of the shooting. (The Licensee provided a copy of the employee handbook and the rundown of the steps that are being taken right now).

*Individuals also present:*

- E. Alderwoman Coggs asked the Licensee if he has shared this framework with the alderman's office (referring to the documents that were shared at the table).
- F. The Licensee said that he had a conversation with him and that he apologized for that mistake that should not have happened.
- G. Alderman Borkowski asked if the employee returned fire.
- H. Mr. Thompson said that they do not know if he started or returned fire but that the employee fired a shot.
- I. Scott Thompson – oversees the operations – said that it seemed that the employee had the firearm on his person according to the video. He added that they always make sure to hire the right people for the restaurant with the procedures in place for hiring and that they will continue brushing them up for hiring and retaining purposes.
- J. Alderwoman Coggs asked what is the policy for firearms.
- K. Mr. Thompson said that the policy is that no firearms are allowed in the workplace/store.
- L. Alderwoman Coggs asked if the employee had the firearm on.

- M. Scott Thompson said that it looks that he had it on and concealed somewhere in his body.
- N. Alderwoman Coggs asked if the staff or management knew that he had it on.
- O. Scott Thompson said that not that he is aware of.
- P. Alderwoman Coggs said that sometimes we need to look not only at the bad actors but at the work environment as well.
- Q. Scott Thompson said that they agreed and that they have changed staff and managers for the store.
- R. Alderman Borkowski said that he had enough and that he will not be supporting this renewal because of the firearm involved with the employee.
- S. Mr. Ellzey said that this situation was disturbing to him and that when he spoke to the agent, he was told that they could not tell from the video if the employee went to his car to get the firearm or if he had it on. He continued saying that what the applicant is saying today, is that it seemed that the employee had the gun on. He also said that he has not seen the video because he would need to make a special request to MPD and that he does not know why if the matter is related to the license. He added that the different versions are the key point to him speaking on terms of ownership and that the employee was not arrested, he did not answer questions and that he has not been charged. He added that he agrees with Alderman Borkowski about that we all have to do a little better and accept our responsibilities. He also said that by the time that the license is issued (if approved) it is going to be exactly a month (May 31st) which is enough for a disciplinary action into his opinion.
- T. Alderwoman Coggs asked if there is anything on the police report about the employee going to the car.
- U. Sgt. Velasquez said that it does not say that the employee went to his car.
- V. Alderwoman Coggs asked how could the record reflect the de facto suspension caused by the lapse.
- W. Mr. Cooney stated the committee could move for the suspension but hold it in abeyance.
- X. Attorney Farris agreed.
- Y. The Licensee said that he understands everything and that they closed the establishment because it was the right thing to do due the lack of a valid license. He added that it is difficult to stop the gun violence and thanked the committee for the conversation.
- Z. Alderwoman Coggs moved approval with a 30-day suspension in abeyance (because the license lapsed) based upon the preponderance of the evidence in the police report that demonstrates the operation results in a threat to the health, safety or welfare of the public. (Prevailed 3 1 1)



## CONCLUSIONS OF LAW

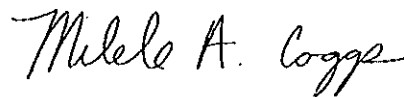
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 84, and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Paul S. Thompson who holds Extended Hours Establishments and Food Dealer licenses for the premise located at 4601 West North Avenue in the City and County of Milwaukee, Wisconsin ("WENDY'S RESTAURANT") has not met the criteria of Chapters 68, 84, and 85, of the Milwaukee Code of Ordinances to renew the Extended Hours Establishment and Food Dealer licenses without undergoing a thirty (30) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report and aldermanic 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 to not renew the Extended Hours Establishments and Food Dealer license, without undergoing a thirty (30) day suspension for the premises located at 4601 West North Avenue in the City and County of Milwaukee, Wisconsin ("WENDY'S RESTAURANT"). The Committee based its recommendation on the police report and aldermanic testimony.

## RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, including the Findings previously generated by the Committee in this matter, by a vote of **three (3) ayes, one (1) noes and one (1) excused**, recommends that the Extended Hours Establishment and Food Dealer licenses held by Paul S. Thompson for the premises located at 4601 West North Avenue in the City and County of Milwaukee, Wisconsin ("WENDY'S RESTAURANT") be renewed, with a thirty (30) day suspension held in abeyance; based on the police report and aldermanic testimony.

Said suspension is effective between 12:01 am on May 1, 2023 until 11:59 pm on May 31, 2023.

Dated and signed at Milwaukee, Wisconsin this 19 day of May, 2023.



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MILELE A. COGGS  
Chairman, Licenses Committee

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