



CITY OF MILWAUKEE
OFFICE OF THE CITY CLERK

Tuesday, May 24, 2022

COMMITTEE MEETING NOTICE

AD 02

VELARDE, Adam J, Agent
Cave Enterprises Operations, LLC
1624 W 18th St
Chicago, IL 60608

You are requested to attend a virtual hearing to be held on:

Monday, June 06, 2022 at 09:35 AM

Regarding: Your Food Dealer License Renewal Application as agent for "Cave Enterprises Operations, LLC" for "Burger King #3456" at 5120 W Capitol DR. 

This meeting will be held via GoToMeeting. Please see the enclosed best practices document for further instructions. The access code is <https://meet.goto.com/547766877>. If you wish to call in, please call [+1 \(408\) 650-3123](tel:+14086503123) and use Access Code: **547-766-877**.

There is a possibility that your application may be denied for one or more of the following reasons: The recommendation of the committee regarding the application shall be based on evidence presented at the hearing. Per MCO 85-4-4, unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of the following: failure of the applicant to meet municipal qualifications, 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 particular licensed or permitted activity, by the applicant or by any employee or other agent of the applicant. If the activities of the applicant involve a licensed premises, whether the premises tends to facilitate a public or private nuisance or has been the source of congregations of persons which have resulted in any of the following: disturbance of the peace; illegal drug activity; public drunkenness; drinking in public; harassment of passers-by; gambling; prostitution; sale of stolen goods; public urination; theft; assaults; battery; acts of vandalism including graffiti, excessive littering, loitering, illegal parking, loud noise at times when the licensed premise is open for business; traffic violations; curfew violations; lewd conduct; display of materials harmful to minors, pursuant to s. 106-9.6; or any other factor which reasonably relates to the public health, safety and welfare, or failure to comply with the approved plan of operation. See attached police report or correspondence.

Notice for applicants with warrants or unpaid fines:

Proof of warrant satisfaction or payment of fines must be submitted at the hearing on the above date and time. Failure to comply with this requirement may result in a delay of the granting/denial of your application.

Failure to attend this meeting may result in the denial of your license. Individual applicants and partnership applicants must attend or attend by an attorney. The agent or attorney for corporate or limited liability applicants must attend. If you wish to do so and at your own expense, you may be accompanied by an attorney of your choosing to represent you at this hearing.

You will be given an opportunity to speak on behalf of the application and to respond and challenge any charges or reasons given for the denial. No petitions can be accepted by the committee, unless the people who signed the petition attend the virtual hearing and are willing to testify. You may present witnesses under oath and you may also confront and cross-examine opposing witnesses under oath. If you have difficulty with the English language, you should request an interpreter attend the meeting with you, at your expense, so that you can answer questions and participate in your hearing.

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at (414) 286-2998, Fax - (414) 286-3456, TDD - (414) 286-2025.

JIM OWCZARSKI, CITY CLERK



BY: _____

Jim Cooney
License Division Manager

If you have questions regarding this meeting, please contact the staff assistant, Yadira Melendez at (414) 286-2775 or stas5@milwaukee.gov

Melendez-Hagedorn, Yadira

From: Cooney, Jim
Sent: Monday, May 10, 2021 3:41 PM
To: Melendez-Hagedorn, Yadira
Cc: Martin, Faviola; Byrd, Yashica
Subject: FW: Genes Supper Club

Follow Up Flag: Follow up
Flag Status: Flagged

REDACTED RECORD

Please add

From: Miller, Todd <Todd.Miller@milwaukee.gov>
Sent: Monday, May 10, 2021 2:48 PM
To: Cooney, Jim <Jim.Cooney@milwaukee.gov>; License <LICENSE@milwaukee.gov>
Subject: Fw: Genes Supper Club

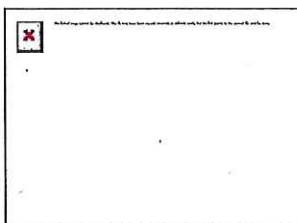
Good afternoon,

Could a member of the licenses division please an answer the inquiry below? It appears that the Burger King at 5120 W. Capitol Dr is operating past midnight - are they allowed to do so? Drive through only or is it open 24/7?

Thanks,

Todd Miller

Legislative Assistant | **Common Council President Cavalier Johnson**
City Hall 200 E. Wells Street, Room 205
Milwaukee, Wisconsin 53202
414-286-3787
todd.miller@milwaukee.gov



From: . >
Sent: Monday, May 10, 2021 2:12 PM
To: Miller, Todd <Todd.Miller@milwaukee.gov>
Subject: Re: Genes Supper Club

Todd The burger king is on the corner of W Fond Du Lac and W Capital. It looks like they have a renewal application put in but the extended hours is not checked. Are you able to give them a temporary for the extended or is someone suppose to make sure at midnight they close. .

On May 10, 2021 11:27 AM, "Miller, Todd" <Todd.Miller@milwaukee.gov> wrote:

Whats the address or intersection associated with the one you are referring to?

Thanks,

Todd Miller

Legislative Assistant | **Common Council President Cavalier Johnson**

City Hall [200 E. Wells Street, Room 205](#)

[Milwaukee, Wisconsin 53202](#)

414-286-3787

todd.miller@milwaukee.gov

REDACTED RECORD

From: >

Sent: Monday, May 10, 2021 11:13 AM

To: Miller, Todd <Todd.Miller@milwaukee.gov>

Subject: Re: Genes Supper Club

Todd. A court order supersedes a city order. This one I agree with the city's position its a nuisance and needs to be closed. Are you looking into the burger king extended hours. Thank .

On May 10, 2021 9:01 AM, "Miller, Todd" <Todd.Miller@milwaukee.gov> wrote:

Good morning,

The owner of Gene' Supper Club filed an injunction with Milwaukee County, which was granted by a circuit court judge. The business can remain open until the injunction hearing occurs. The city of Milwaukee remains opposed to the business operation and will continue to advocate that it be permanently closed.

Thanks,

Todd Miller

Legislative Assistant | **Common Council President Cavalier Johnson**

City Hall [200 E. Wells Street, Room 205](#)

[Milwaukee, Wisconsin 53202](#)

414-286-3787

todd.miller@milwaukee.gov

From:

Sent: Monday, May 10, 2021 4:02 AM

To: Miller, Todd <Todd.Miller@milwaukee.gov>

Subject: Genes Supper Club

Todd

I had remembered that recently Chevy got the business shut down. I noticed they had back in business written on the sign board. I wonder if that was previous to the shutdown or there open illegally. The burger king over there recently went 24 hours and I noticed they were not licensed for extended hours.

Thanks

The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of Milwaukee e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of Milwaukee full e-mail disclaimer at www.milwaukee.gov/email_disclaimer

REDACTED RECORD

MILWAUKEE POLICE DEPARTMENT

LICENSING

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS SYNOPSIS

DATE: 04/04/2022
LICENSE TYPE: FOOD
NEW:
RENEWAL:

No. 336001
Application Date: 04/04/2022

License Location: 5120 W Capitol Dr.
Business Name: Burger King

Licensee/Applicant: VELARDE, Adam J
(Last Name, First Name, MI)
Date of Birth: 09/27/1973

Home Address: 1801 N Winchester
City: Chicago **State:** IL **Zip Code:** 60622
Home Phone:

This report is written by Police Officer David Novak, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 01/02/2022 at 10:13pm officers were dispatched to a Shooting at Burger King, 5120 W. Capitol Dr. The officer's investigation revealed a subject was attempting to rob the restaurant by leaning in the drive-thru window. There was an argument and then several shots were fired. The investigation further revealed a Burger King employee was armed with a handgun and shot at the suspect. During this exchange in gun fire another Burger King employee was struck twice in the chest, causing her death. The manager on duty hid the employee's firearm in the safe and mislead officers during the investigation.
2. On 01/11/2022 officers conducted follow up regarding Burger King, 5120 W. Capitol Dr. An officer called the District Manager by phone in regards to corporate policy concerning employees being armed at work. The District Manager stated he could not talk with the officer because he could not verify on the phone if he was in fact an officer. The officer attempted to set up a meeting at the station but the manager stated he would have to speak with company lawyers before having a meeting. The officer called the applicant but there was no answer.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:220160071

OtherEvent #: 22-LP-0086

Incident

5120 W CAPITOL DR MILWAUKEE, WISCONSIN 53216

Incident Date/Time:: 01/02/2022 22:12:00
CAD Number:: 220021499
District:: 7
Beat:: 730
Reporting Area:: 1773

Business Agent (1)

VELARDE, ADAM J

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 09/27/1973
Sex:: MALE
Race:: WHITE
Address:: 1945 N DAYTON
City:: CHICAGO
State:: ILLINOIS
Zip Code:: 60614

Licensed Premise Data (1)

Burger King

Phone 1 Number:: (414)-763-8992
Phone 1 Type:: Work
Address:: 5120 W CAPITOL DR
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53216
License Type:: Food Dealer
Licensee Notification Was Made:: No
Licensee Notified Date/Time:: 01/16/2022 11:57:00
Business Was Cited For Violation:: No
Licensee was cooperative: (If not explain in narrative): No
Licensee or Manager was on premises at time of violation/incident:: No

Narrative (1)

LICENSE PREMISE REPORT

Buchner, Bowie W 018929

01/16/2022

This report was written by P.O. Bowie BUCHNER, assigned to district seven, early power shift.

On Tuesday January 11, 2022 I was instructed to contact David ATKINES, who is the District Manager

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:220160071

OtherEvent #: 22-LP-0086

for the Burger King located at 5120 W Capitol Dr, to ask what the company policy is regarding employees carrying firearms on the premises and any other security systems they have in place. This was in response to the shooting that occurred at this location on Sunday, January 2, 2022 (IR 22-002-0127). I reached out to ATKINES at the phone number 215-667-4552. While speaking to ATKINES he advised me that he would not discuss company policy over the phone because he didn't know who he was talking to. I identified myself again, but ATKINES stated that he could not verify that I was a police officer and would not discuss company policy. When I asked ATKINES if he would be willing to meet with me at the District Seven Police Station he originally stated that he would. However, after I gave him the address ATKINES stated that he would have to reach out to the lawyers and seek their counsel. ATKINES stated that he was not sure if he was allowed to talk to me about company policy or not. ATKINES asked for my contact information and stated that he would contact me after he spoke to the lawyers. I gave ATKINES my phone number and concluded the phone call. As of Sunday January 16, 2022 at 12:00PM I have not heard back from ATKINES.

I reached out to the licensee, Adam J Velarde, on Sunday January 16th, 2022. I did not receive an answer, so I left a message asking VELARDE to contact me regarding.

END OF REPORT

Officer (3)

Reporting Officer:	Buchner, Bowie W (018929)	01/16/2022 11:50:00
Section: (Work Location):	72	
Approving Officer:	Mengel, Matthew P (018650)	01/16/2022 17:08:22
Section: (Work Location):	58	
Approving Officer:	Velasquez, Guadalupe (018673)	01/17/2022 16:36:01
Section: (Work Location):	04	

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #: 220020127

OtherEvent #: 22-LP-0022

Incident

5120 W CAPITOL DR MILWAUKEE, WISCONSIN 53216

Incident Date/Time:: 01/02/2022 22:11:00
CAD Number:: 220021499
District:: 7
Beat:: 730
Reporting Area:: 1773

Business Agent (1)

VELARDE, ADAM J

Person Involvement: (Must choose Agent
AGENT from drop down):
DOB:: 09/27/1973
Sex:: MALE
Race:: WHITE
Address:: 1945 N DAYTON
City:: CHICAGO
State:: ILLINOIS
Zip Code:: 60614

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:220020127

OtherEvent #: 22-LP-0022

Licensed Persons Involved (3)

CASTLEBERRY, TIA LATASHA

Person Involvement:: Manager
DOB:: 08/11/1983
Sex:: FEMALE
Race:: BLACK/AFRICAN AMERICAN
Phone 1 Number:: 4144184697
Phone 1 Type:: CELL
Address:: 533 N 34TH ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53208

HARRIS-BRAZELL, NIESHA N

Person Involvement:: Employee
DOB:: 05/27/2005
Sex:: FEMALE
Race:: BLACK/AFRICAN AMERICAN
Address:: 2826 W ATKINSON AV
Apartment or Suite:: 206
City:: Milwaukee
State:: WISCONSIN
Zip Code:: 53209

ELLIS, DERRICK DEWIGHT

Person Involvement:: Employee
DOB:: 03/27/1987
Sex:: MALE
Race:: BLACK/AFRICAN AMERICAN
Address:: 533 N 34TH ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53208

Licensed Premise Data (1)

Burger King Resturant

Phone 1 Number:: (414)-763-8992
Phone 1 Type:: Work
Address:: 5120 W CAPITOL DR
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53216
License Type:: Food Dealer
Licensee Notification Was Made:: Yes
Licensee Notified Date/Time:: 02/02/2022 23:00:00
Business Was Cited For Violation:: No

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:220020127

OtherEvent #: 22-LP-0022

Licensee was cooperative: (if not No
explain in narrative):

Licensee or Manager was on Yes
premises at time of
violation/incident::

Narrative (1)

INITIAL INVESTIGATION

Sheets Walker, Tiara S 024300

01/03/2022

This report is submitted by PO Tiara SHEETS-WALKER, District Seven, Late Power Shift.

On Sunday, January 02, 2022, my partner P.O. Daryal GOSS and I were assigned to squad 7440.

At approximately 10:13pm, (Squad 7431) P.O. Rafael VILLAGOMEZ and P.O. Julian NAILEN along with my partner PO GOSS and I were dispatched to 5120 W Capitol Drive, Milwaukee, Wisconsin for a Shooting "Call for Service".

Interview of Witness Vincent T ALLEN JR B/M (12/19/1992)

Upon arrival, I was flagged down by witness Vincent T ALLEN JR B/M (12/19/1992) who was located in the Burger King Drive Thru Line. ALLEN stated he observed an unknown suspect stopped in the drive thru window. ALLEN stated that the suspect had his body halfway inside of the Burger King Drive Thru Window and halfway inside of his vehicle. ALLEN stated as he began to video tape the suspect he heard arguing and three gun shots. He then observed the unknown suspect get back into the driver seat of his vehicle and flee southbound from the location.

Interview of victim Niesha N HARRIS-BRAZELL B/F (05/27/2005)

While on scene, my partner P.O. GOSS spoke with victim - Niesha N HARRIS-BRAZELL B/F (05/27/2005) who was a cashier at the Burger KING. HARRIS-BRAZELL stated that a unknown suspect was trying to rob the Burger King and she was shot. P.O. GOSS observed HARRIS-BRAZELL to be shot twice on the right side of her chest.

Interview of witness Tia L CASTLEBERRY B/F (08/11/1983)

P.O. VILLAGOMEZ spoke with Manager - Tia L CASTLEBERRY B/F (08/11/1983) CASTLEBERRY stated at approximately 10:10pm she was washing dishes when she observed an unknown male subject knocking on the drive thru window. CASTLEBERRY stated she had HARRIS-BRAZELL go speak with the customer at the drive thru window. CASTLEBERRY stated as she went back to washing dishes she heard some arguing and a male voice stating give me all the money. CASTLEBERRY stated that she then heard two gun shots near the drive thru window. CASTLEBERRY stated that she ran up to the drive thru window and observed her employee HARRIS-BRAZELL on the floor with a gun shot wound to her rib cage. CASTLEBERRY stated that she contacted the police regarding the incident.

I then spoke with CASTLEBERRY and asked if she was able to provide me with business license/permit.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:220020127

OtherEvent #: 22-LP-0022

CASTLEBERRY provided me with a

Food Dealer - Restaurant permit, which list the following...

FOOD DEALER - RESTAURANT

FREST-0015889

EFF DATE : 06/10/2021 EXP DATE : 06/09/2022

DHS - MODERATE, RESTAURANT, SALES > 2,000,000

VELARDE, ADAM J, AGENT

CAVE ENTERPRISES, OPERATIONS, LLC

5120 W CAPITOL DR

MILWAUKEE, WI 53216-2368

ALDERMANIC DISTRICT 02

After further investigation the detectives on scene learned that another employee - Derrick D ELLIS B/M (03/27/1987) was also armed with a firearm and fired off shots inside of the Burger King Restaurant during the shooting incident.

It was later found that CASTLEBERRY hid the firearm in which ELLIS used during this incident inside of the Burger King safe.

ELLIS and CASTLEBERRY were both arrested.

HARRIS-BRAZELL was transported to the hospital where she did succumb to her injuries.

The manager and employees attempted to mislead officers with their initial stories.

The District Manager DAVID was contacted at 215-667-4552 and notified of the incident.

End of Report

Officer (3)

Reporting Officer:	Sheets Walker, Tifara S (024300)	01/03/2022 19:37:00
Section: (Work Location):	74	
Approving Officer:	Velasquez, Guadalupe (018673)	01/04/2022 12:38:02
Section: (Work Location):	04	
Approving Officer:	Velasquez, Guadalupe (018673)	01/04/2022 12:38:16
Section: (Work Location):	04	



Tuesday, May 24, 2022



Notice of Public Hearing

Blank Notice

VELARDE, Adam J
Burger King #3456 at 5120 W Capitol DR.
Food Dealer License Renewal Application

Monday, June 06, 2022 at 09:35 AM

To whom it may concern:

The above application has been made by the above named applicant(s). This requires approval from the Licenses Committee and the Common Council of the City of Milwaukee. The hearing before the Licenses Committee will take place virtually on 06/06/2022 at 09:35 AM. This is a public hearing. Those wishing to view the proceeding are able to do so via the City Channel – Channel 25 on Spectrum Cable – or on the Internet at <http://city.milwaukee.gov/citychannel>. Those wishing to provide oral testimony will be asked to do so by phone or internet and are asked to contact the staff assistant, Yadira Melendez at (414) 286-2775 or stasst5@milwaukee.gov for necessary information. Please make such requests no later than one business day prior to the start of the meeting. You are not required to attend the hearing, but please see the information below if you would like to provide testimony. Once the Licenses Committee makes its recommendation, this recommendation is forwarded to the full Common Council for approval at its next regularly scheduled hearing.

Important details for those wishing to provide information for the Licenses Committee to consider when making its recommendation:

1. The license application is scheduled to be heard at the above time. Due to other hearings running longer than scheduled, you may have to wait some time to provide your testimony.
2. You must testify as to matters that you have personally experienced or seen. (You cannot provide testimony for your neighbor, parent or anyone else; this is considered hearsay and cannot be considered by the committee.)
3. No letters or petitions can be accepted by the committee (unless the person who wrote the letter or the persons who signed the petition are willing to testify).
4. Persons opposed to the license application are given the opportunity to testify first; supporters may testify after the opponents have finished.
5. When you are called to testify, you will be sworn in and asked to give your name, and address. (If your first and/or last names are uncommon please spell them.)
6. You may then provide testimony.
 - a. Include only information relating to the above license application.
 - b. Include only information you have personally witnessed or seen.
 - c. Provide concise and relevant information detailing how this business has affected or may affect the peaceful enjoyment of your neighborhood.
 - d. If by the time you have the opportunity to testify, the information you wish to share has already been provided to the committee, you may state that you agree with the previous testimony. Redundant or repetitive testimony will not assist the committee in making its recommendation.
7. After giving your testimony, the members of the Licenses Committee and the licensee may ask questions regarding the testimony you have given or other factors relating to the license application.
8. Business Competition is not a valid basis for denial or non-renewal of a license.

Please Note: If you have submitted an objection to the above application your objection cannot be considered by the committee unless you personally testify at the hearing.

OCCUPANT	MAIL ADDRESS	CITY STATE ZIP
CURRENT OCCUPANT	4027 N 50TH ST	MILWAUKEE, WI 53216-1376
CURRENT OCCUPANT	4029 N 50TH ST	MILWAUKEE, WI 53216-1376
CURRENT OCCUPANT	4029A N 50TH ST	MILWAUKEE, WI 53216-1376
CURRENT OCCUPANT	4037 N 50TH ST	MILWAUKEE, WI 53216-1376
CURRENT OCCUPANT	4037A N 50TH ST	MILWAUKEE, WI 53216-1376
CURRENT OCCUPANT	4050 N 51ST BLVD	MILWAUKEE, WI 53216-1375
CURRENT OCCUPANT	4052 N 51ST BLVD	MILWAUKEE, WI 53216-1375
CURRENT OCCUPANT	4067 N 51ST BLVD	MILWAUKEE, WI 53216-1374
CURRENT OCCUPANT	5022 W FOND DU LAC AVE	MILWAUKEE, WI 53216-1317

Blank Notice

Total Records: 9

Radius 250.0 feet and Center of Circle: 5120 W Capitol Dr



FOOD DEALER LICENSE SUPPLEMENTAL RENEWAL APPLICATION

Office of the City Clerk License Division
200 E. Wells St. Room 105, Milwaukee, WI 53202
(414) 286-2238 license@milwaukee.gov www.milwaukee.gov/license

VELARDE, Adam J, Agent
Cave Enterprises Operations, LLC
1624 W 18TH ST
Chicago IL 60608

License # FREST 15889 Fee: \$1,725.00

SECTION 1 – CHANGES TO THE PLAN OF OPERATION?

Are there any changes to the current hours of operation?

No Yes

If yes, describe: _____

Your current hours of operation are listed on your current license.

Please note: If you will be open earlier or later than the hours listed on your current license for even one event or holiday (for example, St. Patrick's Day, Brewers Opening Day, etc.) during the license period, this must be reported and printed on your license.

Are there any changes in your plans to address litter, noise, and/or security?

No Yes

If yes, describe: _____

Are there any changes to your current plan of operation or floor plan*?

No Yes

If yes, describe: _____

*If there are changes to the floor plan, a new floor plan must be submitted with this renewal application. A sample plan can be found online at www.milwaukee.gov/licenses under License Forms and Related Information. However, a "Permanent Extension of Premises Application" is required if you are adding any square footage to the licensed premises.

SECTION 2 - ACKNOWLEDGEMENT & SIGNATURE

Your current food license includes the following business operations: **DHS - MODERATE, Restaurant, Sales > \$2,000,000**

Except for any changes listed in Section 1 or 2 above, I confirm that no changes are being made to the business operations for the next renewal period.

Signature of Sole Proprietor; a Partner; or if a Corporation or LLC, the Agent must sign