

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



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

MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

December 10, 2020

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 200835

Attached are written objections to file number 200835, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to a recommendation of:

Renewal, with a ten (10) day suspension, based upon the police report and police, neighborhood, applicant, and aldermanic testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises licenses for Elizabeth Torres for the premises located at 201 W Mitchell St. ("Love's") in the 12th aldermanic district.

Renewal, with a thirty (30) day suspension, based upon the police report and neighborhood, aldermanic, and applicant testimony of the Class B Tavern and Public Entertainment Premises licenses for Dale Zbieranek Sr for the premises located at 3538 S Howell Ave. ("Dale Z's") in the 14th aldermanic district.

Renewal, with a thirty (30) day suspension, based upon the police report and neighborhood, aldermanic, and applicant testimony of the Food Dealer license for Dale Zbieranek Jr for the premises located at 3538 S Howell Ave. ("Dale Z's") in the 14th aldermanic district.

This matter will be heard by the full Council at its Tuesday, December 15, 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 200835





WEBB LAW SERVICES, LLC

Robert E. Webb Jr., Principal Attorney
rwebb@webblawservices.com
P: 414.431.1195
M: 414.234.6351
F: 866.410.8832

December 9, 2020

City of Milwaukee
C/O Office of the City Clerk
City Hall Room 205
200 E. Wells Street
Milwaukee, WI 53202

Re: Objection – Ten (10) Day Suspension
Love's Tavern 201 W. Mitchell Street

On behalf of the Love's, a tavern located at 201 W. Mitchell Street, we object to the ten (10) day suspension in conjunction with the recommended renewal of the Class B Tavern, Food Dealer, and Public Entertainment Premises License. Love's is a sole proprietorship located in the City of Milwaukee in 12th aldermanic district. The business began its' operation on January 13, 2020 with a maximum capacity of eighty-eight (88) patrons. Our business location does not have a parking lot but utilizes off-street parking within the immediate vicinity. Our operating license is due to expire on December 26, 2020. However, the propose recommendation of the Licenses Committee would halt operations from December 27, 2020 until January 5, 2021. The impact of the proposed suspension will substantial and negatively effect our business operations and ability to remain profitable.

In response to the December 4, 2020, License Committee's Findings of Fact and Conclusion of Law; several responses are necessary for the Common Council to consider before imposing the suspension. The License Committee lists Mr. Vahid Bakhtiari who resides at 207 W. Mitchell Street as an individual in opposition, which is inaccurate from his individual statement to the committee. Mr. Bakhtiari, stated while under oath, "I am not going to oppose her license, I just have concerns." *See Video Recording of License Committee Hearing December 1, 2020.* Mr. Bakhtiari did voice the following concerns:

improper parking, playing of loud music and patrons going onto his property. In response, Ms. Elizabeth L. Torres, Agent for Love's indicated that she has attempted to mediate the matter with Mr. Bakhtiari and the local police district. In addition, Ms. Torres stated that she has contacted Safe and Sound to serve as a mediator. However, Ms. Torres indicated that Safe and Sound hadn't contacted her prior to the licensing review hearing date on December 1, 2020. Recently, Ms. Torres did receive a response from Safe and Sound as of this week. It is our position that Safe and Sound will serve as mediator in the event her remediation plans are not successful. It is important to note that communication breakdown between Mr. Bakhtiari and Love's is insufficient to warrant a 10-day suspension of operation. Therefore, what remains is the opposition by Milwaukee Police Department.

Milwaukee Police Captain Salazar indicated that he opposed the renewal of business license because of two incidents and complaints by a neighbor. It was acknowledged during the hearing that two patrons of Love's were victims of "automobile break-ins." On one occasion, the patron lawfully secured her weapon in her vehicle because Love's does not permit concealed or open carried weapons in their establishment. An unknown individual vandalized the patron's vehicle and stole her weapon, presumably then firing the weapon a block or two from Love's. In his remarks, CPT Salazar asserts that "certain taverns that have a reputation of attracting people that carry firearms are basically being targeted by thieves because they know firearms are being left in their vehicles." *See Video Recording of License Committee Hearing December 1, 2020.* We find this statement to be problematic in that it insinuates that Ms. Torres' establishment is attracting people who carry firearms, without providing an explanation or additional "police reports" to support that assertion. In addition, CPT Salazar fail to identify who "these people are that [are] carrying firearms". Ms. Love repeatedly stated that she understood her responsibility to the community was willing to resolve the limited instances noted by CPT Salazar.

CPT Salazar further states, "Love's has been open less than a year and already is having gun and firearms incidents," yet he only identified one incident that occurred outside of Love's, that was not in Ms. Torres control. Ms. Torres' patron secured the weapon in her automobile. There is no indication or reported incident occurring inside of



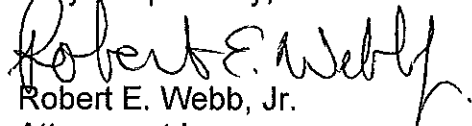
WEBB LAW SERVICES, LLC

Robert E. Webb Jr., Principal Attorney
rwebb@webblawservices.com
P: 414.431.1195
M: 414.234.6351
F: 866.410.8832

the Love's that would be direct cause or link to why the gunman discharged the stolen weapon. Again, Ms. Torres is working to remediate the incidents and occurrences. CPT Salazar testimony creates the impression that numerous "police runs" have incurred at Love's which is not supported by evidence. Love's has not had a number of police related incidents or calls for assistance, but Ms. Torres, acknowledges that "one is too many" for a relatively new business. CPT Salazar's classification that Love's is attracting an "element" is an assumption. When, in fact, Ms. Torres stated that she is reaching out to all community stakeholders to find solutions.

In an effort to remediate the concerns of CPT Salazar and the neighbors Love's purchased additional cameras to provide a 360 degree of the premise, which also monitors, Mr. Bakhtiari's driveway. Also, Ms. Torres is interviewing security firms to work at the establishment Friday – Sunday to control parking and monitor the premises inside and outside to reduce incidents of possible criminal activity. Ms. Torres is devising a plan of action with Safe and Sound to mediate complaints from any neighbor in the event the additional cameras and security personnel does not resolve the issue or concerns raised by this Committee, MPD and neighbors.

Very Respectfully,


Robert E. Webb, Jr.
Attorney at Law

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



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

MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

Date: December 4, 2020

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses of Elizabeth L. Torres, Agent for Love's, for the premises located at 201 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("Love's").

FINDINGS OF FACT

1. Elizabeth L. Torres (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, and PEP Licenses for the premises located at 201 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("Love's"). Said licenses expire at midnight on December 26, 2020.
2. An application to renew said licenses was filed with the Office of the City Clerk on November 5, 2020.
3. Pursuant to Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On November 9, 2020, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On November 18, 2020, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on December 1, 2020, commencing at approximately 9:05 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On November 4, 2020 officers were dispatched to a Shots Fired at 200 West Mitchell Street, driving recklessly. They also found numerous entry to autos in the area. The officers poke with the manager of Love's, Marcus Love, who was



City Hall Room 205 • 200 East Wells Street • Milwaukee, WI 53202

PHONE (414) 286-2994 FAX (414) 286-3456 E-MAIL mcoggs@milwaukee.gov

WEBSITE www.milwaukee.gov/district6



cooperative. He stated the business has cameras but none are pointed in the direction of the shots fired. The officers could not determine if the shots were related to the business.

- B. The applicant stated her cameras did not see the shot fired because it was too far away from her business. She added that cars get broken in to all the time. She stated that she purchased more security cameras. She added that she wants to address the issues with Mr. Bakhtiari. She stated that she is there every day and wants to be an asset to the community.

Individual also present:

- C. Alderman Perez stated there was a video of a man crossing the street at 2nd Street & Mitchell Street with a firearm in his hand. He added that he is concerned because it's been a year and issues with neighbors have not been resolved and there have been shots fired. He added that he feels the premises is going in the wrong direction.

Individuals present in opposition:

- D. Captain Salazar stated that the firearm in question was a patron's and it was stolen from her vehicle. He added that he is concerned because the premises have been open for less than a year and there are gun related incidents. He stated that he has received complaints from neighbors regarding parking and drunken behavior.
- E. Vahid Bakhtiari 207 W Mitchell Street stated people park in his driveway, block his driveway, play loud music in their cars and go on his property. He added that he has heard loud music coming from the premises.

Individual present in support:

- F. Daniel Tennison 1668 S 3rd Street stated he goes past the premises 2-3 times a week. He added that it is quiet and has a nice patio.
- G. Alderman Kovac moved approval with a 10-day suspension based on the police report, and police, neighborhood, applicant, and aldermanic testimony. (Prevailed 5-0)

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, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Elizabeth L. Torres who holds Class B Tavern, Food Dealer, and Public Entertainment Premise (PEP) licenses for the premise located at 201 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("Love's") has not met the criteria of Chapters 68, 82, 85, 90, and



108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to not renew the Class B Tavern, Food Dealer and Public Entertainment Premises without undergoing a ten (10) 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 police, applicant, aldermanic, and neighborhood testimony.

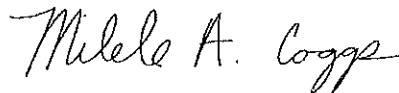
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class B Tavern, Food Dealer and Public Entertainment Premise (PEP) licenses for the premises located at 201 West Mitchell Street in the City and County of Milwaukee, Wisconsin ("Love's") without undergoing a ten (10) day suspension. The Committee based its recommendation on the police report, and police, applicant, aldermanic, and neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes and zero (0) noes**, recommends that the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Elizabeth L. Torres for the premises located at 201 West Mitchell Street ("Love's") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a ten (10) day suspension.

The suspension is in effect between 12:01 a.m. on December 27, 2020 until 11:59 p.m. on January 5, 2021.

Dated and signed at Milwaukee, Wisconsin this 4th day of December, 2020.



MILELE A. COGGS
Chair, Licenses Committee

/271311



Vincent J. Bobot
Attorney at Law
5414 South 13th Street
Milwaukee, WI 53221
(414) 430-1249
Facsimile: (414) 282-9522

December 7, 2020

To: Licenses Committee
Milwaukee Common Council
200 E. Wells Street, Room 205 (City Hall)
Milwaukee, WI 53202

Attn: Jim Owczarski

Re: Dale Zbieranek Sr.
Dale and Carrie LLC
4747 S. Howell Avenue
Milwaukee, WI 53202

Dale Zbieranek Jr.
Dale and Carrie LLC
4747 S. Howell Avenue
Milwaukee, WI 53202

License Premises
"Dale Z's"
3538 S. Howell Avenue
Milwaukee, WI 53202

CITY OF MILWAUKEE
2020 DEC -9 AM 9:20
CITY CLERK'S OFFICE

Dear Licenses Committee:

On behalf of my client(s), Dale Zbieranek Sr. and Dale Zbieranek Jr., Dale and Carrie LLC, holding licenses at Dale Z's 3538 S. Howell Avenue, I am filing written objections to the recommendation of a thirty (30) day suspension by the licenses committee.

My objections center around an incident that occurred on October 20, 2019. That incident was the primary reason for the thirty (30) day suspension recommendation.

The incident was reported as a disturbance. Investigation by police revealed a disturbance took place inside of the bar. Les Johns, a patron, testified that he was at the premises because there was an event earlier in the day. Mr. Johns testified that four women came into the bar looking for trouble. Several patrons then began quarrelling and a drink was thrown. Mr. Johns testified he used his shoulders to escort a female patron involved in the quarrel outside and then shut the door behind her. Mr. Johns denied grabbing the woman by the hair. Mr. Johns concluded his testimony by stating that Milwaukee police officers reviewed a videotape recording of the incident and told him that the female was removed

from the bar in a proper fashion.

Testimony was taken from Dean Brown. Mr. Brown stated he sat down at the bar and a few minutes later 4-5 people came in, a drink was thrown, and a fight broke out. Mr. Brown stated that Dale Zbieranek Jr. was inside the bar and stated those women "gotta" go. Mr. Brown testified that he and Mr. Johns urged the women to leave the premises. The women were then outside and Mr. Brown stated he sat back down inside the premises. Mr. Brown testified that neither he or Mr. Johns grabbed any women by the hair.

Dale Zbieranek Jr. testified that he was inside the bar, not drinking, when he observed four people arguing and a drink was thrown. Mr. Zbieranek went over by the people and told them they had to leave the bar. At that time, one of the witnesses in opposition to the license, namely, Samantha Gamrothe, became violent and attacked him with a shoe. Mr. Zbieranek stated another witness in opposition to the license, namely, Crystal Jacak began instigating the situation. Mr. Zbieranek testified that he told all the women to leave 20-40 times.

Samantha Gamrothe testified that a family friend called her because there was an "issue" at the bar. Upon arrival, Ms. Gamrothe stated she saw two bouncers dragging her friend out of the premises by the hair and then throwing her to the ground. *That testimony is in direct contradiction to the statements of Les Johns and Dean Brown.* Ms. Gamrothe added she confronted Mr. Zbieranek Jr. and began arguing with him about why the two men threw her friend out of the bar. Ms. Gamrothe stated Mr. Zbieranek pushed, grabbed her by the hair and slammed her onto the concrete. Ms. Gamrothe stated she punched Mr. Zbieranek multiple times in the face because he assaulted her first.

Crystal Jacak testified that her cousin was arguing with her ex-husband, who allegedly is a friend of Mr. Zbieranek. Ms. Jacak added that it is common for her cousin and her ex-husband to bicker and argue because their divorce was bitter. Ms. Jacak testified that Mr. Zbieranek told two patrons to throw her cousin out by her hair. Ms. Jacak went outside and observed six women arguing with Mr. Zbieranek. He then snatched up Ms. Gamrothe and threw her to the ground. Ms. Jacak stated she recorded the incident on her phone but the police officers did not want to see it because it was too long.

In reviewing the "Initial Investigation" report by Police Officer Justin Marzello that was attached to the notice given to Mr. Zbieranek, two females were aggressively removed from the bar. There is no mention of hair being grabbed during the escort outside the premises. During the removal of the two females from the bar, Ms. Gamrothe and Jacak were present. Once outside, Ms. Gamrothe began very aggressive and verbally assaulted Mr. Zbieranek. At one point, Ms. Gamrothe removed her shoe and charged Mr. Zbieranek threatening to hit him. Ms. Gamrothe continued verbally insulting Mr. Zbieranek until he grabbed and threw her to the ground. Ms.

Gamrothe then got back up, continued insulting Mr. Zbieranek, charged at him, punching him in the face 2-3 times causing a minor cut to his face. Mr. Zbieranek and Ms. Gamrothe were both issued Milwaukee municipal citations.

The citation against Mr. Zbieranek was dismissed and Ms. Gamrothe has a warrant out for her arrest (Failure to appear for arraignment) on the municipal citation issued to her.

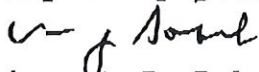
Alderwoman Marina Dimitrijevic recommended a suspension based on all of the activity at the premises. She stated that the Licensee(s) needed a "light" pause to figure out how to move forward.

There were no neighbors objecting to the renewal of the licenses.

In conclusion, in reviewing the police reports, witness and aldermanic testimony, it is clear that Ms. Gamrothe and Jacak went into the bar because there was an "issue" between their friend and her ex-husband. A drink was thrown and Mr. Zbieranek told the women multiple times to leave the bar. Les Johns and Dean Brown then escorted two of the women out the bar. Ms. Gamrothe stated because the two women were grabbed by the hair during the escort she confronted Mr. Zbieranek outside the premises. Ms. Gamrothe then became aggressive verbally insulting Mr. Zbieranek eventually striking him several times in the face.

This incident and the other two items in the police report do not rise to the level of a thirty (30) day suspension. I respectfully request that the full Common Council reduce the penalty against the Licensee(s) based on the evidence, lack of neighborhood objections, prior disciplinary record and aldermanic recommendation.

Very truly yours,



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