



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

April 7, 2008

To the Honorable, the Common Council

Dear Members:

Re: Common Council Files 071384

Attached are written objections to:

Non-renewal, based on non-appearance, of the Extended Hours Establishment license of **Murad Hamdan**, Agent for "Chubby's Cheesesteaks, LLC" for the premises at 2232 N. Oakland Ave. ("Chubby's Cheesesteaks") in the 3rd aldermanic district.

Renewal, with a 20-day suspension based on the police report, of the Class "B" Tavern and Tavern Dance license of **Mary Harrell** for the premises at 4106 W. Lisbon Ave. ("Sisters and Brothers Place") in the 15th aldermanic district. (Committee vote: Ayes: 3, Noes: 1, Excused: 1)(Ayes – Ald. Bohl, Ald. Witkowiak and Ald. Witkowski; No – Ald. Puente; Excused – Ald. Wade)

Renewal, with a 10-day suspension based on the police report, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) license of **Harry Marr**, Agent for "Harlim, Inc." for the premises at 135 E. National Ave. ("Triangle") in the 12th aldermanic district.

Renewal, with a 90-day suspension based on the police report, of the Extended Hours Establishment license of **Younas Mohammad**, Agent for "Chicago Sub, Inc." for the premises at 4231 W. Capitol Dr. ("Chicago Sub") in the 7th aldermanic district.

Renewal, with a 25-day suspension of the Class "B" Tavern license and with a 90-day suspension of the Tavern Dance license, based on the police report and neighborhood objections, of **Frank Winston** for the premises at 2691 S. 6th St. ("Cleveland's Lounge") in the 14th aldermanic district (Committee vote: Ayes: 3, Noes: 1)(Ayes – Ald. Bohl, Ald. Witkowski and Ald. Witkowiak; No – Ald. Wade; Excused: Ald. Puente)

This matter will be heard by the full Council at its April 9, 2008 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,



James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 071384

**CHUBBY'S CHEESESTEAKS, LLC
2232 N OAKLAND AVE.
MILWAUKEE, WI 53202
414-287-9999**

CITY OF MILWAUKEE
2008 APR -2 AM 10: 02
RONALD D. LEONHART
CITY CLERK

Licenses Committee
City Hall Room 205
200 E. Wells Street
Milwaukee , WI 53202

April 1, 2008

To Whom It May Concern:

My name is Murad Hamdan, Agent, for Chubby's Cheesesteaks, LLC. I am writing in objection to our denial of the extended hours establishment license.

We were denied our permit because we did not appear at the public hearing before the Committee which was held on March 25, 2008 . The reason for our nonappearance was because we were never informed to be at this meeting. We are currently informed a letter was mailed to us on March 14, 2008 instructing us to be at this public hearing; however, we never received this letter: it must have been misplaced within the city's office or else lost in the mail.

We currently hold an extended hours permit which we wish to renew, and also extend for holidays because the late night hours have proven essential for our business. We have had no problems since receiving our extended hours permit and we have good cleanup and security at our location.

I am requesting an opportunity to address the Common Council to present an oral argument on our behalf, to rectify the mix up over our missed public hearing of March 25, 2008.



Murad Hamdan

Agent

Mary Harrell
8871 G. N. Swan Rd.
Milwaukee, Wis. 53224
 April 2, 2008
 414-243-7946

CITY OF MILWAUKEE

2008 APR -3 AM 10: 32

RONALD D. LEONHARDT
 CITY CLERK

Written Objection to the Report of the License Committee
Request to make oral argument supporting written objections

Pursuant to Chapter 90 of the Milwaukee City Ordinance and Chapter 125 of the Wisconsin Statutes I have not violated any of these rules, regulation or ordinances of this chapter nor state law.

There were no neighborhood objections given to the Alderman's office. I met with him prior to the hearing before the committee, and was informed that there were no objections from the neighbors, and no one was at the hearing to speak in opposition to my license. Our area around the bar is always cleaned and even the city property adjacent to the property on the east and west. No neighbors appeared before the committee.

In reference to loud music, noise and parking problems fights shootings drugs and criminal activity prostitution trespassing, public urination and conduct detrimental to health safety health welfare is completely untrue and unsubstantiated and appears to be a form letter sent to all (a caught all phase). But does not apply to my business. We monitor the patrons as they come and as they leave. We are outside at close and monitor the complete parameter of the bar. We have never had any prostitution problems and in this and all other license years the police have come to do tavern checks to catch us in violation and we have never been in violation of any of the above mention listed items. We are law abiding citizens trying to conduct business in harmony with the neighbors. For 6 years, we have been successful.

We have a good relationship with the neighbors and they patronize the bar. I dispute the neighborhood objection theory, since the Alderman informed us that he had sent out inquires and not one person living in or within the footage questioned, responded in the negative.

The two items listed A:

Feb 13, 2005 and Aug. 6, 2006 should not have even appeared because the committee is only suppose to consider items within a one year period, but the very introduction, causes the committee to develop an opinion that could be negative in their deliberation.

In addition, these items were from a different venue, and another Aldermanic District, and had been settled by the City Attorney, and addressed by the committee in that license year. The business closed as a result of mortgage meltdown, and closed in good standing with the city. We tried to secure another location before loosing our business, with negative result.

The Issues Dealing with the Area of the Bar Located on 41st & Lisbon

We close at 2:00 A.M. Every Night of the Week:

Oct. 27, 2007 2:18 A.M.

To make you aware: We close at 2:00 A.M. that night, the young man shot (Demarco) was in the bar earlier that evening. He did not engage in an argument in the bar, and left 1 ½ hour before we actually close. I spoke with Demarco when he came, and when he left.

1. He claimed he was in an argument, this was not true. I was present the entire Evening and no argument occurred. Our policy is, if you get into an argument, you are immediately put out. Neither one of the patrons were put out, but left on their own at different times.
2. He claimed he didn't know his shooter, this is not true. These men have frequented S & B for a number of years. They were friends that came to the bar together, and left together, on many occasions.
3. He was not arguing, fighting or any of that in the bar.
4. He was shot at a resident in the neighborhood where he and "Tooth" (the shooter) frequented on a regular basis, (family members house).
5. The shooting occurred because Demarco had stolen money from "Tooth", and when Tooth questioned him, an argument occurred and another man gave Tooth a gun and he shot Demarco.
6. Demarco ran to the bar for help and that's where the police found him.
7. The casings were found where he got shot and it wasn't even remotely close to us.
8. The fact that he was at the bar early in the evening does not justify my place of business being punished with a 20 day suspension. This incident occurred after we were officially closed, as well as, off of our premise or even in the area of the bar.
9. The police assumed that Demarco was a victim, but he was a participant in his own situation because of his illegal activities, and it had absolutely nothing to do with Sisters & Brothers Place.
10. The police report does not indicate that I the business owner did anything to break the law or violate any City Ordinance, or State Status.

Nov. 10, 2007

The **police were not** called to 4106 w. Lisbon, but they were called to Washington Park on the Lisbon side. The incident occurred in the Park which is located across the street from Sisters & Brothers and was down the street from the bar. These people were in the bar and there were 6 of them at the first table. I was at the door which is 3-5 feet from them. The man, they engaged in a fight, was at the first seat at the bar which is 3-5 feet from the door also. I was right there; there was no argument between these two groups. They didn't even exchange words. Bobbie was at the bar with his wife. The group of 6 left and I stood at the door and watched them walk west to their car, the only other person that left was Bobbie. I didn't watch him because he lived across the street and was going home to check on the kids, he lived on 41st street, on the east side of the bar.

The group of six left at approximately 1:50 P.M.

We closed at 2 A.M. without incident inside or outside. I got into my car, drove off and looked south to the park and noticed the mother standing in the park. I asked her why she was standing in the park. She stated her boyfriend had been beat up. I parked my car south to light up the area. Her boyfriend was lying on the ground. I walked over and asked him what was wrong? She was yelling and screaming telling him to get up and he stated he couldn't. I asked had anyone call 911? They said no, I called 911 Sheriff's Department, and informed them a man was in the park hurt. At that time the police drove up. The daughter was loud, boisterous and screaming that the person that had beat her father was in the bar. I informed her no one was in the bar. The group of 6 had left earlier and the only person after that was Bobbie.

The incident occurred due to the Daughter (Donna) engaging in an argument and her step-dad going over into the park and engaging in a fight with a neighbor which happens to be in the same age group as the alleged victim. Their car was parked on the north side of the street and he was found on the south side of the street in the park.

We don't go beyond the parameters of the bar, and we would never go into the park to prevent an incident, but had I seen them, I would have called the Sheriff's Department. As a business owner and observing the laws, it's not my responsibility to go beyond my jurisdiction. These adults were beyond my boundaries, and I do not feel the license committee should expect me to go ½ block from my business, or go over to the park, because someone came in and patronized me.

Chapter 90 and State Status 125 doesn't require me to over-step my jurisdiction or time frame of the hours that are granted in my license. There was no argument inside or outside, but the incident occurred way pass my jurisdiction and pass my bar time of responsibility. The committee is suppose to look at the incident and make appropriate judgment and this was not done.

Had an argument occurred in the bar while I was standing there, I would have kept Bobbie in the bar with his wife, and given Donna and her group time to leave. Because these people have frequented the bar for a number of years, they would have listened. But because they were outside of the jurisdiction of the bar, and I was within the bar getting ready to close, and they did not control themselves. I can only be expected to control inside the bar, and outside within a limited range, and within the time frame of my license, which is 2 A.M.

When the first incident occurred, I did several pro-active things, I felt

1. I consulted with the Alderman
2. I registered a complaint with the Journal due to their incorrect reporting of the incident.
3. When the second incident occurred, I met with Captain Harpoole and gave him my policies related to improvement
4. I filed another complaint with the Journal in reference to their incorrect reporting to yet another incident.
5. I also talked with Captain Davidoski in reference to her account to the paper, she responded that she had not told the paper that an argument had occurred in the bar, because she knew that it hadn't, but she had no control of what the reporter had written

The incident on Jan.12, 2008 at 2:18 A.M. After close:

I'm standing on the City of Milwaukee street, which I have a right to do, and am standing at my car, getting ready to get in, not even in front of the bar. We had no arguments, problems or issues that evening. I basically feel safe on the streets. Sometimes when patrons are refused entrance, they may retaliate, but we had no incident that would cause me too worry, so as I stand and hear shots, because some criminal was demonstrating careless, reckless and randomly shooting in the street, as he drove by with no care for life.

An unknown person started shooting east of the bar, and I heard the shots, I dived on the ground in front of my car and unfortunately caught a bullet in my right leg.

I called 911 and gave them my address to get help, but the shooting had nothing to do with my business, and was not generated by anyone that had left the bar to my knowledge.

We have no control over people that break the law. We live with this problem on a regular basis, and on a regular basis there are shootings in our communities and in our neighborhood, and they are not just at the bars, but encompass other areas, such as schools, homes, streets, malls and many other places in neighborhoods, and this business should not be penalized because there are negative elements in the community, that are chasing honest businesses out with the help of legislators that think by punishing me with a 20 day suspension, they are somehow helping the neighborhood, both the culprits are still walking the neighborhood.

The driver that shot me and another man are not yet apprehended and most likely reaping havoc somewhere else.

Conclusion of Law

In reviewing Chapter 90 of the Milwaukee City Ordinance I find not one violation that I personally have broken.

Patrons that frequent the bar but have no association with me or my business have broken the law by engaging in illegal activity, and they should be held responsible for their actions and not me as a owner. I haven't done anything against the laws.

The people involved in these incidents are adults, and were not in the bar, outside of the bar or even on the premise of the bar when they engaged in criminal activities. Chapter 90 and S.S. 125 does not require bar owners to go outside their jurisdiction or time frame of their hours of operation. It requires control of patrons and we have always done that.

Chapter 90 does not give a blanket cover for people committing crimes, and holding the owner of the business responsible for deeds outside of the license premise:

In the first case, the incident occurred at someone's home after closing hours

In the second case at a public park, after we had closed and all patrons vacated the area.

The third incident, a shooting from a car without provocation

1. We control the crowd inside the bar
2. I'm outside at close to monitor the crowd to maintain a smooth departure
3. We monitor the alcohol intake to prevent drunkenness
4. We cut alcohol intake off when we notice a difference in behavior based on our perception of behavior change due to alcohol
5. We inquire as to whether a person is driving/we offer and have given rides to patrons.
6. We do a responsible business to assure safety
7. Our patrons appreciate what we do to assure their safety
8. We eliminate trouble makers by banning them
9. We have a contingency plan: we deal with problems should we have them

A 20 day suspension commutes into over \$5000.00 in loss of revenue, for a small business as me; this is a "Business Killer". It should not be the intention whether covert or overtly to put any business in the City in danger of losing their business and that's what suspension of this magnitudes does.

Twenty days commutes into 2 ½ week of loss of revenue and is unreasonable by any standards.

I should not be victimized a fourth time by this body though a suspension. I haven't done anything to violate the Laws, and administratively operate a decent business.

I ask you not to accept the licensing committee recommendation of 20 days not be upheld based on

1. Excessive penalty/no rule infraction by owner or agent
2. No previous occurrence within 6 years
3. Extreme loss of revenue of over \$5,000.00

Based on Milwaukee City Ordinance Chapter 90-40/S.S. 125

“Any person who violates any of the provisions of this chapter shall, when no other provisions, are expressly made for the enforcement of any forfeitures or penalties are expressly made for the enforcement of any forfeiture or penalties under this chapter, upon conviction be subject to a forfeiture of not more than \$1,000.00 and in default there of shall be imprisoned in the County jail or House of Correction for a period of not to exceed 40 days.”

The 20 day suspension commutes into over \$5,000.00 in forfeitures of income loss

The penalty is too excessive

The penalty doesn't justify the infractions that have not been clearly or precisely outlined as a specific violation of Chapter 90 or S.S. 125 in reference to the owner of this business.

The penalty is too severe for the items listed, and weren't violations committed by the owner or licensee. The penalty is punitive and the ordinance is not intended to be punitive towards business owners.

The S.S. under the penalty associated with taverns is outline in a progressive scale, and based on reviewing, I request some type of progressive scale, and the income loss be considered.

My desire is to be made whole.



Mary Harrell
Sisters & Brothers Place
4106 W. Lisbon Ave
Milwaukee, Wis. 53208

Mary Harrell
8871 G. N. Swan Rd.
Milwaukee, Wis. 53224

CITY OF MILWAUKEE

2008 APR -3 AM 10:00

RONALD D. LEONHARDT
CITY CLERK

Sisters & Brother Place
4106 W. Lisbon Ave.
Milwaukee, Wis. 53208
445-1959 bar
243-7946 cell

Nov. 13, 2007

Date of Incidents: 10/27/2007

11/02/2007

Subject: News release from Police Command Staff

- This complaint is against the Sensitive Crime Unit that releases information to the news media about incidences that occur in the City of Milwaukee.
- **The first incident:** I don't know who did the release, but Ellen Delaney of the Journal/Sentinel, said it was from MPD
- **The second incident:** was in the paper and an attachment is enclosed.
- Two incidences have occurred in the "neighborhood" that I happen to have a business in that has been reported as occurring in/at my bar by the police command staff. The incidences have been spread all over the news as being factual because the police said so, and when I contacted each venue; they said that whatever they reported came from the Police Department.
- On Oct. 27 of this year, a young man was shot by his friend, in the 2000 block on 41st Street, after we had been closed for anywhere from 15 to 30 minutes. He ran to the bar and sat on the steps of the bar, 911 was called and he was taken from there to the hospital. The police told the Journal/Sentinel that he was shot on 41st and Lisbon at the bar, which is not true, and it spread throughout the community that a shooting had occurred at the bar. The news had my business plastered all over the news and the word spread throughout the community that a shooting had occurred at the bar, my business has suffered, and they blame the police by saying, they got it from you.
- On Nov. 2, of this year Capt. Debra Davidoski reported to the newspaper, that an argument occurred in the bar and spread outside the bar, and a fight broke out. **This account is completely untrue and did not occur.**
- For the Captain to give this account to the paper when there was no evidence to substantiate this allegation is completely a violation of my rights to do business in a peaceful manner. There was never any argument in the bar, and I know because the people were in full view of me the entire evening. They left prior to closing and only one other patron left with them. The police did not talk to me or any other patron, because they were all gone by the time the police arrived, because we were closed.
- The Captain made this statement to the paper and I don't know how she could have, when no reports have been developed, because on Nov. 12 when I went to pick up a police report, I was informed that they were not in the system. So how does the police captain make statements that haven't been investigated by the police?
- No one talked to me that night except very briefly, and the Sergeant was informed that there was no incident in the bar. The man wasn't at the bar when the fight occurred, nor was he in front of the bar, but was across the street and down the street in Washington Park.
- Upon leaving, I noticed the woman standing in the park and she informed me her friend had been hurt, I turned my car and park facing south with lights on him as he lay on the ground. I asked had they called 911 and they said "no", so I called 911, I informed the Sheriff dispatcher that there was a man lying in Washington Park, on the Lisbon side, and he appeared to be hurt. The police Sergeant responded first, and took over.

- The Stepdaughter of the man injured, filed a false report to the police:
 1. She told the 911 operator that her step dad was shot
 2. when she knew he hadn't been shot because there was no shots fired
 3. She had not only witnessed the men fighting, but took part in the crime that occurred.
 4. She's trying to protect her brother recently released from prison, so she has lied about the incident and involved the bar, by saying an argument occurred in the bar.
 5. The other man informed me on Monday that she and her group had jumped him.
- **Please be clear as to my complaint:**
 1. Captain Debra Davidoski has given false, unsubstantiated information to the news media and it has affected my business in this short period of time
 2. It has certainly endangered me and my family at my place of business, because if someone wanted to retaliate, they could come by and reek havoc on my business because of information provided by the police command staff.
 3. In addition, the licenses committee gets this false report and there I am trying to explain an incident that was not generated by the bar, at the bar or in front of the bar. Where does jurisdiction stop for a bar owner, do the police expect me to go ½ block from my establishment to stop people from acting a fool. Do they expect me to see across the street at the park where the incident occurred? Did anyone ask before releasing this detrimental information to the news that is known to exploit every incident in the Community? Command staff should use better judgment and this Captain has not used reasonable judgment in reference to this incident.
 4. Why would the captain attach this to my business when the patrons had left and occurred more than 300 feet from the bar, and on the city of Milwaukee Street and in a County Park?
- All too many times the news media scandalizes our businesses, and it is because Command staff gives information without the benefit of a true report of an incident, and I say that because the report isn't filed and no statement was given by me, who was at the door, and outside the building.
- I hope that someone will look into this matter, if the incident had occurred in the bar as stated by the Captain, then it should have been determined to be a sensitive area, and no information should have been given to the paper, and we should expect a certain level of protection from the police department and we have not received that with them plastering the name, address of the business on TV and in the paper.
- I am very conscious of the fact that people have free access to my business, and retaliation is real. The first incident where the man got shot and ran to the bar, "his guy" has since been to the bar, but because he told them we had helped him, we didn't have any problems. But what if he had told them something else, I could be shot or dead, because the police released information about my business establishment and the news in an effort to get viewers are careless and negligent by giving my name and address over the news. They blame you, and I want to know who you will blame?
- As a resident and business owner, I would like a speedy reply. I really feel at risk, as a result of the police's action.

Mary Harrell



Police Department

Dale T. Schunk

Acting Chief of Police

December 4, 2007

Ms. Mary Harrell
8871G N. Swan Road
Milwaukee, WI 53224

Dear Ms. Harrell:

Edward Flynn has not yet assumed the duties of Chief of Police for the Milwaukee Police Department. Acting Chief Dale Schunk reviewed your letters regarding Sisters and Brothers Place, 4106 W. Lisbon Avenue. He shared copies of your correspondence with Captain James Harpole, commander of District Three and Sergeant Chester Ulickey of the License Investigation Unit so that all are aware of your concerns regarding the recent events there.

Thank you for sharing your concerns with us.

Sincerely,

DALE T. SCHUNK
ACTING CHIEF OF POLICE

Heidi M. Hendricks
Staff Assistant Senior
Office of the Chief

c: Captain James Harpole
Sergeant Chester Ulickey



Fire and Police Commission

Michael G. Tobin
Executive Director

Leonard J. Sobczak
Chairman
Ernesto A. Baca
Vice-Chairman
Woody Welch
Earl A. Buford
Richard C. Cox
Commissioners

December 5, 2007

Ms. Mary Harrell
8871-G N. Swan Rd.
Milwaukee, WI 53224

Dear Ms. Harrell:

We have received your correspondence concerning the licensed premise located at 4106 West Lisbon Avenue. I have requested the Milwaukee Police Department to review their procedures in this matter and expect that you will be contacted shortly regarding your correspondence. If any questions should arise, please contact Paralegal Cynthia Janusz at our office (286-5055).

Sincerely,



Michael G. Tobin
Executive Director

MGT:rk

Enc.

Mary Harrell
8871 G. N. Swan Rd.
Milwaukee, Wis. 53224

Sisters & Brother Place
4106 W. Lisbon Ave.
Milwaukee, Wis. 53208
445-1959 bar
243-7946 cell

SECOND COMPLAINT OF FALSE INFORMATION REPORTED THROUGH YOUR VENUE

Here is a copy of the letter sent to the police department registering a complaint against Captain Debra Davidoski, who your reporter quotes in the paper. I contacted her and she recently returned my call, her statement is " she did not tell your reporter the account that you reported against my business in the paper, she stated via message that your reporter had not properly reported what she said, because she knew that no incident and or argument occurred in Sisters & Brothers Place. This is the second complaint that I have filed with your paper concerning false information given out via your paper. I would hope that you would do something about this. Your credibility is not great and I tell every one of my customers that you can't believe what the Journal/sentinel says in print. My opinion has not changed, but has increased in terms of your credibility and interest in reporting an accurate account of any situation, especially one at a bar, who it appears the media has targeted for anything that goes on in the neighborhoods that we "happen to have our business in".

Nov. 13, 2007

Date of Incidents: 10/27/2007
11/02/2007

Subject: News release from Police Command Staff

- This complaint is against the Sensitive Crime Unit that releases information to the news media about incidences that occur in the City of Milwaukee.
- **The first incident:** I don't know who did the release, but Ellen Delaney of the Journal/Sentinel, said it was from MPD
- **The second incident:** was in the paper and an attachment is enclosed.
- Two incidences have occurred in the "neighborhood" that I happen to have a business in that has been reported as occurring in/at my bar by the police command staff. The incidences have been spread all over the news as being factual because the police said so, and when I contacted each venue; they said that whatever they reported came from the Police Department.
- On Oct. 27 of this year, a young man was shot by his friend, in the 2000 block on 41st Street, after we had been closed for anywhere from 15 to 30 minutes. He ran to the bar and sat on the steps of the bar, 911 was called and he was taken from there to the hospital. The police told the Journal/Sentinel that he was shot on 41st and Lisbon at the bar, which is not true, and it spread throughout the community that a shooting had occurred at the bar. The news had my business plastered all over the news and the word spread throughout the community that a shooting had occurred at the bar, my business has suffered, and they blame the police by saying, they got it from you.
- On Nov. 2, of this year Capt. Debra Davidoski reported to the newspaper, that an argument occurred in the bar and spread outside the bar, and a fight broke out.
- **This account is completely untrue and did not occur.**

- For the Captain to give this account to the paper when there was no evidence to substantiate this allegation is completely a violation of my rights to do business in a peaceful manner. There was never any argument in the bar, and I know because the people were in full view of me the entire evening. They left prior to closing and only one other patron left with them. The police did not talk to me or any other patron, because they were all gone by the time the police arrived, because we were closed.
- The Captain made this statement to the paper and I don't know how she could have, when no reports have been developed, because on Nov. 12 when I went to pick up a police report, I was informed that they were not in the system. So how does the police captain make statements that haven't been investigated by the police?
- No one talked to me that night except very briefly, and the Sergeant was informed that there was no incident in the bar. The man wasn't at the bar when the fight occurred, nor was he in front of the bar, but was across the street and down the street in Washington Park.
- Upon leaving, I noticed the woman standing in the park and she informed me her friend had been hurt, I turned my car and park facing south with lights on him as he lay on the ground. I asked had they called 911 and they said "no", so I called 911, I informed the Sheriff dispatcher that there was a man lying in Washington Park, on the Lisbon side, and he appeared to be hurt. The police Sergeant responded first, and took over.
- **The Stepdaughter of the man injured, filed a false report to the police:**
 1. She told the 911 operator that her step dad was shot
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 3. She had not only witnessed the men fighting, but took part in the crime that occurred.
 4. She's trying to protect her brother recently released from prison, so she has lied about the incident and involved the bar, by saying an argument occurred in the bar.
 5. The other man informed me on Monday that she and her group had jumped him.
- **Please be clear as to my complaint:**
 1. Captain Debra Davidoski has given false, unsubstantiated information to the news media and it has affected my business in this short period of time
 2. It has certainly endangered me and my family at my place of business, because if someone wanted to retaliate, they could come by and reek havoc on my business because of information provided by the police command staff.
 3. In addition, the licenses committee gets this false report and there I am trying to explain an incident that was not generated by the bar, at the bar or in front of the bar. Where does jurisdiction stop for a bar owner, do the police expect me to go ½ block from my establishment to stop people from acting a fool. Do they expect me to see across the street at the park where the incident occurred? Did anyone ask before releasing this detrimental information to the news that is known to exploit every incident in the Community? Command staff should use better judgment and this Captain has not used reasonable judgment in reference to this incident.
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- All too many times the news media scandalizes our businesses, and it is because Command staff gives information without the benefit of a true report of an incident, and I say that because the report isn't filed and no statement was given by me, who was at the door, and outside the building.

- I hope that someone will look into this matter, if the incident had occurred in the bar as stated by the Captain, then it should have been determined to be a sensitive area, and no information should have been given to the paper, and we should expect a certain level of protection from the police department and we have not received that with them plastering the name, address of the business on TV and in the paper.
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- As a resident and business owner, I would like a speedy reply. I really feel at risk, as a result of the police's action.

Mary Harrell

Your paper should find another avenue to secure information. Either your reporter was not honest or the Captain has not been honest. What ever the case is, I don't trust you to report accurate accounting of incidences, since you have not in the past. You need to along with the Captain determine which one of you has violated me, my business and my family.



Fire and Police Commission

Michael G. Tobin
Executive Director

Leonard J. Sobczak
Chairman

Ernesto A. Baca
Vice-Chairman

Woody Welch
Earl A. Buford
Richard C. Cox
Commissioners

December 5, 2007

TO: Acting Chief Dale Schunk
Milwaukee Police Department

FROM: Michael Tobin, Executive Director *MJT*

SUBJECT: Attached Correspondence

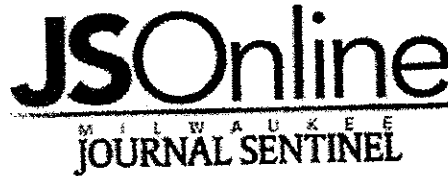
Attached to this memorandum is a correspondence received by the Fire and Police Commission from Mary Harrell regarding news release information. Please review the information with respect to the current department procedures for providing news releases, and conduct any follow-up deemed necessary.

MGT:rk

Att.

4106 W. Lisbon

13158e



www.jsonline.com | [Return to regular view](#)

Original Story URL:

<http://www.jsonline.com/story/index.aspx?id=684985>

Regional News Briefs

Posted: Nov. 11, 2007

Weekend shootings, beating hospitalize 3

Three men were in the hospital as the result of separate overnight shootings and a beating, police said Sunday.

A 19-year-old Milwaukee man was shot in the chest and leg about 7:30 p.m. Saturday in the 3400 block of W. Villard Ave. The man was taken to Froedtert Hospital in Wauwatosa, where he is expected to recover from his wounds, said Milwaukee police Capt. Debra Davidoski.

She said no information was available on the assailant or the motive for the shooting.

Another 19-year-old Milwaukee man was shot in the back about 2 a.m. Sunday inside the Club Two C tavern in the 3400 block of N. 2nd St.

He also was taken to Froedtert, where he is being treated for his injuries, Davidoski said.

A 53-year-old Milwaukee man suffered severe spinal injuries after being beaten about 1:50 a.m. Sunday outside the Brothers and Sisters Place tavern at 4106 W. Lisbon Ave. Davidoski said the man was in the tavern with family members when they got into an argument with another group in the bar. The two groups continued the argument outside, where a fight broke out.

The injured man, who appeared to have suffered some paralysis, was taken to Froedtert, Davidoski said.

Woman robbed after getting flat tire

A 66-year-old woman thought she'd found a good Samaritan on Saturday night when her car got a flat tire and a man stopped to help. Instead, she was robbed of several thousand dollars after he implied he had a weapon and demanded that she hand over all the money she had, police said.

Police are looking for a black man, 25 to 35 years old, about 5 feet 10 inches tall, medium build, wearing a black skull cap and parka with fur trim on the hood, according to Milwaukee police Capt. Debra Davidoski.

The woman was on her way to make a bank deposit for a medical service she works for, Davidoski said.

1:15 a.m. Saturday. Police said the men, who were shot during a disturbance outside the club, are expected to survive.

• A female bartender and a 23-year-old male patron were shot outside Sisters and Brothers Place tavern in the 4100 block of W. Lisbon Ave. about 2:20 a.m. Saturday. Both are expected to survive. The 60-year-old bartender was watching customers leave after the bar's closing when shots were fired from a passing maroon car.

340 Guard members being deployed

Madison - About 340 members of the Wisconsin Air National Guard's 115th Fighter Wing will leave today and Monday for a two-month rotation in Iraq.

About 300 in the Madison-based unit will leave tonight from Dane County Regional Airport, according to the National Guard. They represent operations, logistics and aircraft maintenance and include F-16 pilots and crew chiefs, intelligence, life support, supply, munitions, avionics, engine, hydraulics and other personnel.

Another 30 to 40 will leave Monday night, according to Lt. Col. Brian Gray.

They will join about 40 other members already deployed to the region.

From Journal Sentinel staff and Associated Press reports

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From the Jan. 13, 2008 editions of the Milwaukee Journal Sentinel
Have an opinion on this story? [Write a letter to the editor.](#)

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Mary Harrell
Owner
Sisters and Brothers Place
4106 W. Lisbon Ave.
Milwaukee, WI 53208

October 29, 2007

Dear Mary Harrell:

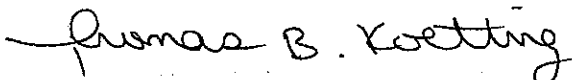
I received your letter of complaint this morning for coverage that you said "stated as a matter of fact that someone had been shot at Sisters and Brothers Place on 41st and Lisbon." You said the reporting was "careless and false." You said the reporting had caused "financial disaster" to your business. You said that the Journal Sentinel always slants the news in the African-American community to the negative, and finally, you threatened to seek (legal) counsel to see what could be done.

All of those harsh accusations leave me disappointed and frustrated, because all of them are false. We did **not** write that someone was shot at your business. To my knowledge, we have never even named your business in this newspaper or online.

The only thing I can find that's even close to what you are talking about is a two-sentence item at the tail end of a regional briefing column on page 6B Sunday that said a 28-year-old man was in satisfactory condition after being shot on the street in the 4100 block of W. Lisbon Ave. There is no mention of your business, and few details at all. And whether you want to believe it or not, what little information we reported did come from the police.

I have no idea what local television stations did with this story. They are different companies and different news operations. But since you appear to be concerned with accuracy and fairness, please do not accuse the Journal Sentinel of something that we did not do.

Sincerely,



Thomas B. Koetting
Deputy Managing Editor

Mary Harrell
Sisters and Brothers Place
4106 W. Lisbon Ave.
Milwaukee, WI 53208

December 4, 2007

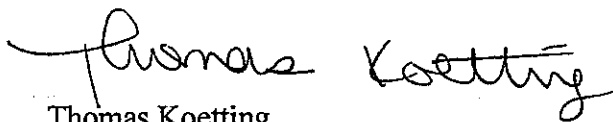
Mary Harrell:

I recently received your letter complaining about our coverage. I sent you a letter earlier responding to your first complaint, and all I can do is reiterate most of what I said then.

- In regard to the first incident, the item in the newspaper was small, and did not even name your business.
- In regard to the second incident, the item in the newspaper again was small, and the detail was limited.
- In both cases, information came from the police. Frankly, we would have no other way of getting it.

I'm sending this to you because the notion that your business was "plastered all over the news" or that somehow we are not interested in reporting accurate information is simply not true. We are reporting the news, without sensation, as we learn it.

Sincerely,



Thomas Koetting
Deputy Managing Editor



WITI - MILWAUKEE

October 31, 2007

Mary Harrell
Sisters and Brothers Place
4160 W. Lisbon Avenue
Milwaukee, WI 53208

Dear Ms. Harrell

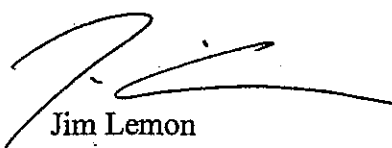
Thank you for taking the time to write Fox 6 regarding coverage of an incident on October 27th. I sincerely appreciate how this incident can affect your business. However, I respectfully disagree with your assessment of coverage as being "careless" or "false."

Our news staff relies on information from the local police department when providing coverage on an incident such as this. If we had been provided with information that the victim in this case had sought help inside your business, we most certainly would have included it. It is also important to note that our coverage did not say the victim was shot inside the business.

I respectfully disagree with your assessment of this stations' coverage of local neighborhoods. Yes, there are times we cover incidents that are not of a positive nature, but that coverage doesn't have any effect on our decision and commitment to cover events that reflect positive contributions in local communities. In addition, Fox 6 is the only local television station committed to an ongoing series of reports on race relations in Milwaukee, focusing on different points of view and how the community can come together to create positive change.

You and your business team are to be commended for providing aid to someone who needed help. I appreciate you taking the time to write and wish you ongoing success in your business endeavors.

Regards,



Jim Lemon
Fox 6 VP/News

jel



Police Department

Nannette H. Hegerty
Chief of Police

November 12, 2007

J.E.D. Investment Corporation
3506 W National Av
Milwaukee WI 53215

Mary M Harrel
8871G N Swan Rd
Milwaukee WI 53224

Dear Property Owner:

Pursuant to Milwaukee City Ordinance 80-10, I am informing you that Milwaukee Police Officers have responded to a property you own at **4106 W Lisbon Av.**, for repeated nuisances pursuant to 80-10-2-b-5, 9, to 12. The responses to your property (listed below) were for violations that are defined in Milwaukee City Ordinance 80-10 as a "Nuisance Activity."

- 1) On 10/27/2007 at 2:00am Milwaukee Police Officers responded to a report of a **SHOOTING**. Upon arrival officers did locate a victim of a shooting and the scene of the crime. Investigation revealed that an altercation did occur inside your location resulting in the shooting that later occurred outside.
- 2) On 11/10/2007 at 2:00am Milwaukee Police Officers responded to a report of a **BATTERY**. Upon arrival officers did locate a victim of an aggravated battery. Investigation revealed that an altercation did occur inside your location resulting in the aggravated battery that later occurred outside.

This letter is notice that, pursuant to section 80-10 of the Milwaukee City Ordinances, your property is in danger of becoming a chronic nuisance. As the owner of the property at **4106 W Lisbon Av** you are subject to a special charge for any future enforcement costs for any of the listed violations in the Milwaukee City Ordinances 80-10 that occur at your property. To avoid any special charges, you are directed to, within Ten days of receipt of this letter, respond to my office with a written course of action that will abate the nuisance activities occurring at the property you own. I shall evaluate your proposed course of action to determine if it is a reasonable attempt at abating the nuisance activity that is occurring at your property. If you wish to appeal this finding, please contact my office within ten days of receipt of this letter to schedule a meeting.

Please be aware that if you fail to respond to this written request and a subsequent violation, as listed in Milwaukee City Ordinance 80-10, occurs after thirteen days of the issuance of this notice that requires an enforcement effort, you will be subjected to placement of a special charge as a lien on your property by the Commissioner of Neighborhood Services for the cost of such enforcement.

This letter further informs the owner of the premises that any appeal must be filed with the Administrative Review Appeals Board to the attention of Ms Diana Morgan, Office of the City Clerk, (414) 286-2231.

Should you have any questions, please contact me at 935-7230.

Thank you,

NANNETTE H. HEGERTY
CHIEF OF POLICE

Cap. James C. Harpole (JCH)

James C. Harpole
Third District Captain

Attachment: Copy of Milwaukee City Ordinance 80-10

CC: Deputy Chief Schunk
Vice Control Dept.
Dept. of Neighborhood Services
City Hall Common Council

Sisters & Brothers Place
4106 W. Lisbon Ave
Milwaukee, Wis. 53208
Mary Harrell
8871 G N. Swan Rd
Milwaukee, Wis. 53224
Response to Communication of Nuisance
While waiting for date of meeting with Captain Harpoole, 3rd Dist.

Nov. 13, 2007

Date of Incidents: 10/27/2007

11/02/2007

- **Subject:** On Oct. 27 of this year, a young man was shot by his friend, and partner in crime, in the 2000 block on 41st. **The crime occurred after we had been closed for anywhere from 15 to 30 minutes.** He ran to the bar for help, and sat on the steps of the bar, 911 was called and he was taken from there to the hospital, and it spread throughout the community that a shooting had occurred at the bar. **There was no argument in Sisters & Brothers Place during the entire evening.**
- Both of the men were in the bar, but there was absolutely no argument, exchange of words or any confrontation between these two patrons, while on the premise.
- When your detectives questioned us, we informed them that there was no problem in the bar. Everyone had a pleasant time, and at the close of the evening, we, as we usually do, went out side and cleared the area in front of the bar, from the bar to the corner (east of the building) and west of the building to the end of the building.
- These two young men knew each other and have known each other for many years. They had an argument that developed as a result of their "business relationship" and had nothing to do with the bar, and did not occur at the bar. The night of the shooting an argument did occur on the block where they visit their relatives and do business, and we are not involved in that issue. They come from the block and Marco got shot where they hang out and not on our property, and certainly not as a result of an argument. Its unfortunate, but it had noting in to do with Sisters & Brothers Place. They are neighborhood "hang outers".
- On Nov. 2, of this year Capt. Debra Davidoski reported to the newspaper, that an argument occurred in the bar and spread outside the bar, and a fight broke out.
- **This account is completely untrue and did not occur.**
- **There was no argument in the bar, any altercation or confrontation.**
- There was never any argument in the bar, and I know because the people were in full view of me the entire evening. They left prior to closing and only one other patron left with them. As customary, I watched them leave the area of the bar. The police did not talk to me or any other patron, because they were all gone by the time the police arrived, because **we were closed.**
- No one talked to me that night except very briefly, and the Sergeant was informed that there was no incident inside of the bar. The man wasn't at the bar when the fight occurred, nor was he in front of the bar, but **was across the street and down the street in Washington Park.**
- Upon leaving, I noticed the woman standing in the park and she informed me her friend had been hurt, I turned my car and park facing south with lights on him as he lay on the ground. I asked had they called 911 and they said "no", so I called 911, I informed the Sheriff dispatcher that there was a man lying in Washington Park, on the Lisbon side, and he appeared to be hurt. The police Sergeant responded first, and took over.

- The Stepdaughter of the man injured, filed a false report to the police:
 1. She told the 911 operator that her step dad was shot
 2. when she knew he hadn't been shot because there was no shots fired
 3. She had not only witnessed the men fighting, but took part in the crime that occurred.
 4. She's trying to protect her brother recently released from prison, so she has lied about the incident and involved the bar, by saying an argument occurred in the bar, if she indeed gave this statement to the police.
 5. The other man informed me on Monday that she and her group had jumped him.
 1. Captain Debra Davidoski has given false, unsubstantiated information to the news media and it has affected my business in this short period of time
 3. In addition, the licenses committee gets this false report and there I am trying to explain an incident that was not generated by the bar, at the bar or in front of the bar. Where does jurisdiction stop for a bar owner, do the police expect me to go ½ block from my establishment to stop people from acting a fool. Do you expect me to see across the street at the park where the incident occurred?
 4. Why would this incident be attached to my business when the patrons had left and the incident occurred more than 300 feet from the bar, and on the city of Milwaukee Street and in a County Park? In addition, we were closed and no one came and knocked on the door and asked for help or assistance, because they were way up the street and had engaged in confrontation with someone not even at the bar.
1. We have always watched people to their cars
 2. We are out there at close of the night to assure speedy departure from the bar.
 3. We close at 2:00 AM to assure we are in compliance with the 2:30 AM time frame
 4. We have added camera's that record inside the building and have one presently on the outside

We are willing to following whatever instructions you or your district gives, but we would hope that you as Captain recognize that we are in a neighborhood and should not be held responsible for every crime that takes place in the neighborhood.

It is natural for people to run to the bar, since it is the only place open in the middle of the night, if this man had not run to us, he probably would be dead now.

We have done business for seven years, and the police calls for assistance have been few and we have had no major incidents that needed police, because we control our crowd, and these two incidents that have been attached to us are false and did not occur in the bar or on the grounds of the bar.

They did happen in the neighborhood, but we can't control people acting a fool across the street in the park or around the corner, and we should not be held to incidents that occur after we close and clear our area because we are a bar.

Thank you

Mary Harrell



Police Department

Dale T. Schunk

Acting Chief of Police

December 11, 2007

J.E.D. Investment Corporation
3506 W National Av
Milwaukee WI 53215

Dear Property Owner

I am writing to inform you of a change in status regarding your nuisance property. On November 12th 2007 your property at 4106 W Lisbon Av was issued an 80-10-nuisance ordinance letter.

This notice serves to inform you that your written course of action is *accepted*. You now have 45 days to implement your course of action. Your property will be monitored over this period of time and if you have followed through with your plan no further action will be taken. If the nuisance activity continues you will be asked to revise and re-submit your written plan. Failure to respond to a request for a new plan will leave you eligible for billing of police services.

Please be aware that the Commissioner of Neighborhood Services for all the applicable costs incurred by this department will submit qualifying calls for service as a special charge as a lien on your property.

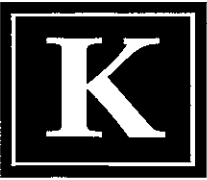
Should you have any questions, please contact me at 935-7230.

Thank you,

DALE T. SCHUNK
ACTING CHIEF OF POLICE

James C. Harpole
Third District Captain

DTS:JCH:tmk



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PHONE: (414) 321-6530
FAX: (414) 321-6535

April 3, 2008

Milwaukee Common Council
c/o Ronald D. Leonhardt
Milwaukee City Clerk
Milwaukee City Hall Room 205
200 East Wells Street
Milwaukee, WI 53202-3570

CITY OF MILWAUKEE
08 APR -3 PM 2:21
RONALD D. LEONHARDT
MILWAUKEE CITY CLERK

Re: Liquor License Renewal for
Harry J. Marr, as agent for "Harlim, Inc."
for "Triangle" at 135 East National Ave.

Dear Members of the Milwaukee Common Council:

Our law firm has been retained by Harry J. Marr, as agent for "Harlim, Inc." for "Triangle." In accordance with Ronald D. Leonhardt's letter dated March 27, 2008, we are hereby filing this written objection to the report of the Licenses Committee which recommends a ten (10) day suspension of Harlim, Inc.'s Class "B" Tavern and Tavern Amusement Cabaret/Nite Club) license as a result of the public hearing held on March 25, 2008.

The basis for the recommendation for a ten (10) day suspension is that the Committee found that the police report as presented to the Committee was true and that the public's health, safety and welfare needed to be protected as a result of the incidents contained in the report. Mr. Marr's objections to the Committee's actions are summarized below.

First, Mr. Marr's objection is partly based on the broad statements of the types of actions contained in Paragraph 3 that would interfere with the public's interest but which the neighborhood did not specifically file objections against or was specifically addressed at the hearing. In fact Mr. Marr, at the time of hearing before the Committee, brought at least fifteen (15) individuals with business ties to the local community who would support a history of lawful and peaceful operation of Triangle but who were not permitted to address the Committee during the hearing. The purpose of the hearing is to provide a mechanism to assure that procedural due process is afforded the respondent before any action is taken. The committee was obligated to permit Mr. Marr the opportunity to present statements of witnesses and letters of support instead of just determining that

there were no objections to the renewal of the license. The Committee's reluctance to give Mr. Marr the opportunity to present supporting facts for his position effectively prevented an adequate procedural due process hearing.

Second, in conjunction with the objections to the procedural aspects of the Committee's actions and recommendation, Mr. Marr has a legitimate objection to the effect of the Committee's recommendation in that it is based on events that the Triangle bar has been diligently attempting to prevent. The Committee's recommendation is substantially based on the report of the City of Milwaukee Police Department. Some of the events noted in the report are distant in time and are not relevant to the current operation of the Triangle bar. The incidents contained in the Findings of Fact from the Licenses Committee as outlined from June 10, 2007, indicate thefts not involving employees of Triangle bar, altercations between individuals who were not necessarily in the bar, or individuals who were attempting to violate the law by using a fake identification to obtain service. In each of the events the Triangle bar employees intervened to either prevent a further disturbance between individuals outside the Triangle bar or tried to uphold the law by refusing to honor fake ID's and received injuries in trying to do "what is right". Mr. Marr did inform the Committee that regarding the two thefts, his employees were able to retrieve their patrons' property.

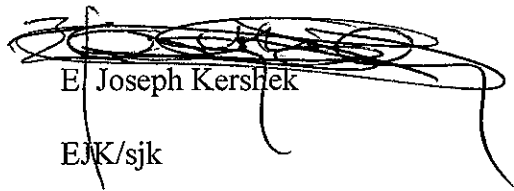
Third, it should also be noted that the Committee's Findings of Fact recognizes that between December 10, 2004 and June 10, 2007, and between September 21, 2007 and March 5, 2008, there were no police incidents reported at the Triangle bar. It does, however, seem that a major consideration leading up to the issuance of the suspension was the fact that on September 21, 2007, a non-patron who was standing outside of the Triangle bar was arrested for disorderly conduct and prostitution. There is no evidence, however, of any involvement by anyone connected with the Triangle bar which would constitute a violation of Wis. Stats. 125.12(2) outlining the standards of conduct for which a suspension can occur. In fact, Mr. Marr advised the Committee that he has Triangle security personnel patrol the sidewalk in front and adjacent to the Triangle and that he has cameras in front of the bar, to control loitering but that people on occasion will loiter despite his best efforts. A member of the Committee inquired if there was a "No Loitering" sign posted because it would give authorities the reasonable cause to question the loiterer. It is important to note the police already have authority to reasonably detain an individual for the purpose of determining identity and purpose and for the Committee to suggest that Triangle bar must take more responsibility for helping to prevent potential illegal conduct by the general public or suffer consequences such as a suspension, is beyond the purview of Wis. Stats. 125.12(2).

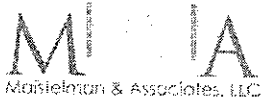
Fourth, the Findings of Fact of the License Committee recites that "There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, fights, gunshots, cruising, mismanagement of premises, and behavior which is detrimental to the health, safety, and welfare of the neighborhood." It is important to note that the City of Milwaukee Police Department report relied on by the Committee to suspend the Triangle bar's liquor license had no reference to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, trespassing, public urination, gunshots, cruising, or mismanagement of the premises. More importantly there was not one neighbor who appeared to object to the license renewal. To the contrary, there two (2) letters of recommendation and at least fifteen (15) people who, if given the opportunity to speak, would have specifically recommended to the Committee that the Triangle bar was a good neighbor and business. In fact, Mr. Marr was recognized by the Committee as being a cooperative and conscientious business owner but, despite the acknowledged efforts of Mr. Marr, the Committee held that the suspension would help him to reconnect to the community, which should be noted, was not present to object but to support Mr. Marr and the Triangle bar.

Accordingly, Mr. Marr, as agent for Harlim, Inc. for Triangle, at 135 East National Ave., is requesting that the Milwaukee Common Council renew its license without a ten (10) day suspension. Alternatively, if the Council feels that additional testimony before the Committee is needed, Mr. Marr would appreciate the opportunity to further address the Committee upon remand.

Sincerely,

KERSHEK LAW OFFICES


E. Joseph Kershek
EJK/sjk



Attorneys at Law

Michael S. Maistelman
Court Commissioner
also licensed in Massachusetts

Matthew D. Lerner

David R. Halbrooks
Of Counsel

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Milwaukee, WI 53208-1132
www.maistelmanlaw.com
(phone) 414-908-4254
(fax) 414-447-0232

2008 APR -2 PM 4:42
RONALD D. LEONHARDT
CITY CLERK
CITY OF MILWAUKEE

April 2, 2008

Via Email Only (rleonh@milwaukee.gov)
Office of the City Clerk
City Clerk Ronald D. Leonhardt
City Hall
200 East Wells Street Room 205
Milwaukee, WI 53202

Re: Chicago Subs, Inc. - 4231 W. Capitol Drive

Dear City Clerk Leonhardt,

Our office has been retained as counsel for Chicago Subs, Inc., in reference to its extended hours establishment license at the above-referenced premises. On March 25, 2008, the Licenses Committee met to consider the renewal of the extended hours establishment license for our client's property. The Committee voted to recommend that my client's license be renewed, but that my client be given a 90-day suspension based upon incidents in the police report.

This letter serves as my client's written objection to the report of the Licenses Committee and I request that I be given the opportunity to address the Common Council to present an oral argument on behalf of my client.

Thank you for your attention to this matter.

Sincerely,

Michael S. Maistelman
Attorney at Law

Cc: Alderman Witkowiak (via email: jwitko@milwaukee.gov)
Alderman Wade (via email: wwade@milwaukee.gov)



Attn: Linda Ekner April 4, 08

Re Cleveland Garage
2691 S. 6th St.

CITY OF MILWAUKEE
2008 APR -4 PM 4:42
RONALD D. LEONHARD
CITY CLERK

Members of the Common Council

Dear Sirs,

I request to speak to the Council on
Wednesday April 9th, 08.

My tavern license was suspended for 30 days
and my tavern dance was suspended for 90
days. I believe this was (is) overly harsh.

We have not had a police station since 2005.

There was only (1) one neighbor who spoke
against my license. Thank you

Frank Wick
owner operator