

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

September 14, 2020

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 200375 contains the following recommendations:

Nonrenewal, based upon the police report, and aldermanic and neighborhood testimony across all hearings, of the Extended Hours Establishments, Food Dealer, Filling Station, and Weights & Measures licenses for Kulwant Dhillon for the premises located at 3381 N 35th St (“35th Hometown”) in the 7th aldermanic district.

Respectfully,

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

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
File 200375



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- 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: September 11, 2020

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Kulwant Dhillon, Agent for KOOL PETROLEUM, INC., for Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35th Hometown").

FINDINGS OF FACT

1. Kulwant Dhillon (hereinafter the "Licensee") is the holder of Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35th Hometown"). Said licenses expires at midnight, September 24, 2020.
2. An application to renew said licenses was filed with the Office of the City Clerk on May 21, 2020.
3. Pursuant to Chapters 68, 82, 84, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On May 22, 2020, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On September 1, 2020, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82, 84, and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on September 8, 2020 at 3:10 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Emil Obviagele at the hearing, 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. The Committee readopts the Findings of Fact and Conclusions of Law dated July 19, 2019. Said Findings are attached and incorporated herein by reference.



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WEBSITE www.milwaukee.gov/district6



B. The Committee readopts the Findings of Fact and Conclusions of Law dated September 13, 2019. Said Findings are attached and incorporated herein by reference.

C. On July 11, 2019 the Licensee was cited in the City of Milwaukee at 103 E. Keefe Avenue for Responsible Person on Premise Required

Charge: Responsible Person on Premise Required
Finding: Court date 11/03/20
Sentence:
Date:
Case: 19029870

D. Attorney Emil Obviagele stated the Licensee has filed a civil suit against the Mr. Allen the perpetrator of the pornographic video. He added that he is a friend, helping hand, shoulder to lean on, and hosts a back to school drive every September. He added that there have been no incident reports in the last year. He stated that he is trying to get Mr. Allen's video down from the internet. He added that the Licensee is trying to rebuild trust with the community. He stated that the premises serves a vital need for the community.

Individual also present:

E. Alderman Rainey stated he is not in support.

Individuals present in opposition:

F. Pastor Martin Childs 3456 North 38th St stated the Licensee is not concerned about the safety or wellbeing of the community.

G. Clinton Day 3352 North 35th St stated there is a lot of traffic at the premises. He added that there are gunshots and noise all hours of the day. He stated that there have been nothing but problems at the premises.

H. Charles Davis 3328 North 36th St stated he feels bad that the video happened in his neighborhood.

I. John Reid 3356 North 36th St stated he is opposed to the 24 hours and the construction. He added that there is trash and loitering at the premises.

Individuals present in support:

J. Cory Kirkwood 3808 North 38th St stated he runs an organization in the neighborhood and he feels safe going to the premises. He added that he uses the premises at all hours of the day because of his job. He stated that he has seen the Licensee help people with free gas and give homeless people food.

- K. Joseph Bogan 2537 North 56th St stated that the Licensee is a good man and gave him a job. He added that the Licensee helps the neighborhood, but gets blamed for trash and shootings.
- L. Latina Campbell 3222 North 34th St stated the Licensee is a good guy and helps out the community. She added that she goes there every day and she always sees someone picking up trash. She stated that the Licensee isn't responsible for the reckless driving.
- M. Pastor Terry Tapper 3401 North 35th St stated that he has seen the Licensee give people groceries on credit.
- N. Ellacar Singh 3343 North 36th St stated everyone does not have transportation when they need food late at night. She added that the Licensee cannot be held responsible for the community.
- O. Alderwoman Lewis moved to enter the video into the record. (Prevailed 5-0)
- P. Alderman Kovac moved nonrenewal based on the police report, neighborhood, and aldermanic testimony across all hearings. (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, 84, and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Kulwant Dhillon who holds Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premise located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35th Hometown") has not met the criteria of Chapters 68, 82, 84, and 85, of the Milwaukee Code of Ordinances to not renew the Extended Hours Establishment license. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, and aldermanic and neighborhood testimony across all hearings.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Extended Hours Establishments license for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35th Hometown"). The Committee based its recommendation on the police report, and aldermanic and neighborhood testimony across all hearings.

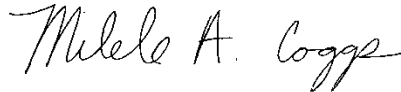


RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, including the Findings previously generated by the Committee in this matter, by a vote of **five (5) ayes, and zero (0) noes** recommends that the Extended Hours Establishment licenses held by Kulwant Dhillon for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin (“35th Hometown”) not be renewed based on the police report, and aldermanic and neighborhood testimony across all hearings.

Said nonrenewal is effective September 22, 2020.

Dated and signed at Milwaukee, Wisconsin this 11th day of September, 2020.



MILELE A. COGGS
Chair, Licenses Committee

/270664

CHAIR

- Licenses Committee
- City Information Management Committee

VICE CHAIR

- Milwaukee Arts Board

MEMBER

- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board

**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: July 19, 2019

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Kulwant Dhillon, Agent for KOOL PETROLEUM, INC., for Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown").

FINDINGS OF FACT

1. Kulwant Dhillon (hereinafter the "Licensee") is the holder of for Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown"). Said licenses expire at midnight, September 24, 2019.
2. An application to renew said licenses was filed with the Office of the City Clerk on May 31, 2019.
3. Pursuant to Chapters 68, 82, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation.
4. On July 5, 2019, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on July 16, 2019 at 3:15 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared and was represented by Attorney Emil Obviagele, at the hearing and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On August 20, 2018, at 1:00 p.m., a meeting was held with the Licensee regarding an incident where two people had intercourse inside the establishment and the act was posted on the website "Pornhub.com." Present at the meeting were a police officer, 2 Sergeants, an Assistant District Attorney, the Alderman from the 7th

District, the Licensee, and his attorney. In the video production, employees could be seen watching the act from behind the counter and made no effort to stop the incident. The Licensee confirmed that the video was taken at his establishment and that he would cooperate with police to find out who the employees were that watched the incident in real time. No further communication came from the Licensee after the meeting.

- B. On October 9, 2018, at 12:00 p.m., a meeting was held with the Licensee regarding an incident where 2 people had intercourse inside the establishment and the act was posted on the website “Pornhub”. Present at the meeting were a police officer, 2 Sergeants, an Assistant District Attorney, the Licensee, and his attorney. In the video production, employees could be seen watching the act from behind the counter and made no effort to stop the incident. The Licensee confirmed that the video was taken at his establishment and that he would cooperate with police to find out who the employees were that watched the incident in real time. No further communication came from the Licensee after the meeting.
- C. On January 16, 2019 at 12:04 p.m., Milwaukee Police, along with agents from the Wisconsin Department of Revenue, conducted a license premise check at 3381 North 35th Street. During the inspection, Liquor, an open pack of cigarettes, and Quest cards were all found behind the front counter. The employee told officers/agents that the liquor belonged to another employee whose wife will not allow him to drink at home, so he drank after work. The open pack of cigarettes belonged to an employee that was not working and the Quest cards had been left by various customers. The employee was told that he cannot keep other people’s Quest cards, cannot sell single cigarettes, and cannot have liquor on the premise. The liquor was seized and the license premise check was concluded.
- D. The Licensee stated he terminated the employee who sold the tobacco to minors and implemented an electronic system to check birthdates. He stated that the liquor found by DOR was a gift from a wholesaler and the open bottle of liquor was an employee’s. He added that the Quest cards had been left by patrons. He stated that he told the people involved in the video to stop and they threatened to shoot up the place. He added that he cooperated with the police. He stated the employee who recorded the sex act was terminated.

Appearing with the Licensee:

- E. Attorney Emil Obviagele stated the police report is grossly inadequate because the October meeting was a follow up to the August meeting. He provided a copy of the written statement the Licensee provided to the police and a copy of the temporary restraining order. He added that when he saw the video of the sex act he was shocked and the Licensee was ashamed that he did not do the right thing by calling the police, but he did not because he was afraid. He added that he helped in the prosecution of the perpetrator, who was convicted of battery. Atty.

Obviagele explained that the Licensee obtained a restraining order against the individual who took and posted the video. He added that the individual was known in the area as a dangerous subject, and that the person threatened to shoot up the store.

- F. He stated the premises has been in business 23 years and there are only 5 incidents on the police report. He added that the Licensee is a part of the community and he is sorry that he did not do the right thing initially, but he did the right thing eventually. He stated that the Licensee works at the premises every day and is a member of the Sherman Park Community Association. He added that the Licensee is reinvesting in the community. He explained that he made multiple attempts to reach out to the alderperson's office in the wake of the video to discuss the matter, but was unsuccessful.
- G. Alderwoman Coggs moved to enter in to the record as exhibit #1 the written statement. (Prevailed 4-0)
- H. Alderwoman Dodd moved to enter in to the record as exhibit #2 the temporary restraining order. (Prevailed 4-0)
- I. Attorney Paul Oberer stated the Licensee was always cooperative with the District Attorney's Office with the prosecution of the violent offender who beat a young man in front of the premises. He described the Licensee as the state's star witness, and because of the Licensee's cooperation, this individual was convicted of a felony. He added that the Licensee has been a good operator. He stated that he helps people in need and sells products such as canned goods, diapers, and formula, not just gas.
- J. Alderwoman Coggs asked why no one at the store called the police when the people were having intercourse in the store. The Licensee explained that he was afraid to do anything because the individual threatened him. He further testified that he is ashamed of his inaction, and took a number of steps to make the situation right afterwards.

Individual also present:

- K. Sherman Morton, 7th District Legislative Assistant, stated he saw the video of the sexual act. He stated Alderman Rainey is seeking nonrenewal because he's sick of places doing the right thing after they get caught. He stated Alderman Rainey found out about all the items in the police report and the sex act because they got caught. He added that he was unaware the Licensee was at the premises during the sex act.

Individuals present in support:

- L. Shawn Norwood, 3720 North 22nd Street, stated he frequents the premises and the Licensee does good things in the neighborhood.
- M. Tamara Carson, 2638 North 38th Street, stated she has lived in the neighborhood and frequented the premises her entire life.
- N. Joseph Miller 2537 North 56th Street, stated he is an employee and he used to be in a gang in the 90's and there will be repercussions if the License called the police.
- O. David Romero, 9126 West Montana Street, stated he is an employee and when he was shot the Licensee helped him financially.
- P. Cortina Wright, 2648 North 40th Street, stated she witnessed the Licensee being threatened this morning by someone panhandling.
- Q. Bill Hutchins, 3366 North 38th Street, stated he never had a problem at with the premises and the neighborhood is not like it used to be.
- R. Latina Campbell, 3222 North 34th Street, stated the Licensee helps the community with book bags and hotdogs.
- S. Ronnie Willis, 4649 North 30th Street, stated there was nothing the Licensee could have done about the sex act, but he should have called the police.
- T. Alderman Kovac stated there was good and bad regarding the incident of the sex act. He stated if the egregious incident of the sex act was the only one in the police report he would be more lenient and that he cooperated with the District Attorney's Office was good. He added that the neighborhood testimony raises issues of security at the premises, which raises the question of competence. He stated being a nice guy is not enough; you need to be a nice guy who knows how to run a business effectively in a way that does not hurt the neighbors. However, he indicated that the amount of neighborhood testimony in favor of the location was an influence.
- U. Alderman Kovac moved renewal with a 20 day suspension based on the police report and aldermanic, neighborhood, and Licensee testimony. (Prevailed 4-0)

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 and 85 of the Milwaukee Code of Ordinances.

2. Based upon the above facts found, the Committee concludes that the Licensee, Kulwant Dhillon who holds Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premise located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses without undergoing a twenty (20) day suspension. The Committee finds the police department reports and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, aldermanic, neighborhood and Licensee testimony.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown") without undergoing a twenty (20) day suspension. The Committee based its recommendation on the police report, aldermanic, neighborhood and Licensee testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes, zero (0) noes and one (1) excused** recommends that the Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses held by Kulwant Dhillon for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown") not be renewed without undergoing a twenty (20) day suspension based on the police report, aldermanic, neighborhood and Licensee testimony.

The suspension is in effect between 12:01 a.m. on September 25, 2019, until 11:59 p.m. on October 14, 2019.

Dated and signed at Milwaukee, Wisconsin this 19th day of July, 2019.



NIK KOVAC
Chairman Licenses Committee

CHAIR

- Licenses Committee
- City Information Management Committee

VICE CHAIR

- Milwaukee Arts Board

MEMBER

- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board

**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: September 13, 2019

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Kulwant Dhillon, Agent for KOOL PETROLEUM, INC., for Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown").

FINDINGS OF FACT

1. Kulwant Dhillon (hereinafter the "Licensee") is the holder of for Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown"). Said licenses expire at midnight, September 24, 2019.
2. An application to renew said licenses was filed with the Office of the City Clerk on May 31, 2019.
3. Pursuant to Chapters 68, 82, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation.
4. On August 29, 2019, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on September 10, 2019 at 3:15 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared and was represented by Attorney Emil Obviagele and Attorney Paul Oberer, at the hearing and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. The Committee readopts the police report as read at the prior hearing in this matter on July 16, 2019, and hereby incorporates the same by reference. The Committee also readopts the Findings of Fact and Conclusions of Law dated July 19, 2019. Said Findings are attached and incorporated herein by reference.**

Appearing with the Licensee:

- B. Attorney Paul Oberer, the Licensee's attorney in the criminal prosecution of the male party engaged in the sex act, stated the Licensee was willing to testify but the man ended up pleading guilty.
- C. Attorney Emil Obviagele stated that the man involved in the sex act has a history of doing this all over the city. He read into the record a letter from Milwaukee County Assistant District Attorney Patrick O'Keefe, thanking the Licensee for his assistance in prosecuting the men involved in the sex act and a physical assault. He stated the Licensee was scared for his life and that is why he did not call the police. He added that the Licensee purchased silent alarm necklaces for employees to call the police without using a phone. He stated that the Licensee has a 20 year record of operating the premises without incident. He added that the Licensee made a mistake that he deeply regrets, he's worked diligently to correct, and will never happen again. He added the Licensee's family has lived in the community, has lost family to the community, and gives out scholarships to the community. He stated that the Licensee takes this very seriously and he is sorry about his inaction.

Individual also present:

- D. Alderman Rainey stated beyond the alcohol container, open pack of cigarettes, and the Quest cards he is most troubled about the sex act taking place in the store lasting 20 minutes and watched by employees and the Licensee. He added that the video was brought to his attention by a resident. He stated that given that Milwaukee is first in the nation for human trafficking there was no regard given for the woman in the sex act. He added that he is also concerned about health issues because the sex act took place near food that was for sale. He stated that a 20 day suspension is unreasonable and he understands the Licensee has a 40 year positive track record, but sometimes you mess up and it's over with. He added that the premise is open 24 hours and the sex act took place at 3 AM, so they should not be open 24 hours anymore. He added residents feel they are victims of predatory practices and are not treated with respect and dignity they deserve. He stated that he cannot let his concerns go unchecked. He stated the Licensee only offered to testify after his office became aware of the video. He stated that the Licensee is responsible for his

inaction for not calling the police or his office. He recommends nonrenewal because the situation is egregious.

Individuals present in opposition:

- E. Mabel Lamb, Sherman Park Community Association stated she supports the residents in the community.
- F. John Reid, 3356 N 36th St stated he sees littering, loitering, and drug use at the premises. He added that the Licensee does not do anything for the neighborhood. He stated that he wants the premises closed to improve the quality of life in the neighborhood.
- G. Claudia Reid, 3356 N 36th St stated everything in the premises is overpriced and the food is often expired.
- H. Paula Bangura, 4887 N 66th St stated that she has witnessed drug dealing at the premises. She added that residents have a right to a quality of life without fear.
- I. Clinton Day, 3352 N 36th St stated the neighborhood is deteriorating and he was appalled when he saw the video. He stated there's noise and shooting in the neighborhood.
- J. Martin Childs, 4796 N 90th St stated he is concerned about children or others walking in on the sex act taking place. He added that the Licensee has no plan to address the issues. He stated that the woman in the video may have been a victim of human trafficking and no attempt to call the police was made. He added that he's sick of people coming in to the community and allowing anything to happen.

Individuals present in support:

- K. David Romero, 2538 N 39th St stated he works at the premises picking up trash, stocking the coolers, and removing expired food and the Licensee does a lot for the community and helps people out. He added that the sex act should not be held against him because anything can happen.
- L. Mr. Howard, 3346 N 38th St stated the Licensee helps the community and the sex act happening was unfortunate. He added that everyone makes mistakes and the License should be forgiven. He stated that the premises should remain open because it's the only place he has to get stuff from.
- M. Jamal McCall, 2657 N 34th St stated the police are not doing their job and that is why there are problems in the neighborhood.

- N. Donell Poe, 3385 N 34th St stated he is in support.
- O. Sujit Kaur Dhillon, 3159 W Greenfield Ave, Greenfield, WI stated he used to live in the neighborhood and has lived in the neighborhood 40 years. He added that his brother was shot and killed at the premises in 1990. He stated that he ran the gas station for 15 years and he apologized on behalf of his brother for not calling the police, and asked for forgiveness.
- P. Terry Taper, 3401 N 35th St stated he is there every day and the integrity of the neighborhood has declined. He added that the Licensee supports the neighborhood. He stated that he would have called the police if he witnessed the sex act.
- Q. Warren May, 3615 North 36th St stated the premises is good for the community and it's not the Licensee's fault because he did not expect the sex act to take place.
- R. Ashley Torrence, 2220 W Vine St stated people do anything these days and she feels safe at the gas station. She added that the woman in the sex act looks like she was dating the man in the sex act. She stated that you cannot control what people do for attention.
- S. Mr. McCall, 5200 W Wilber Rd, Brown Deer, WI stated the Licensee is being destroyed for what someone else did and he is a good person.
- T. Tanicka Scott, 3171 N 33rd St stated the Licensee has helped her out in the past when she didn't have enough money for formula. She added the Licensee should not be held responsible for what occurred in the store. She stated that the Licensee should have called the police, but the man in the sex act is doing this everywhere and out of control.
- U. Joseph Bogan, 2537 N 56th St stated the man in the video does this to make money. He added that people from outside the neighborhood come in and litter and do whatever. He stated something needs to happen but the premises should not be shut down.
- V. Alderwoman Dodd stated she does not feel any differently than she did the first time this application was heard. She added that it speaks volumes that no phone call was made for 20 minutes or even after the fact. She stated that the inaction is concerning and a decision needs to be made that is best for the community.

- W. Alderwoman Dodd moved nonrenewal based on the police report and aldermanic and neighborhood testimony. (Prevailed 3-0)

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 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Kulwant Dhillon who holds Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premise located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses. The Committee finds the health department reports and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report and 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 Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown"). The Committee based its recommendation on the police report and aldermanic, and neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **three (3) ayes, zero (0) noes and two (2) excused** recommends that the Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses held by Kulwant Dhillon for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown") not be renewed based on the police report, aldermanic, neighborhood and Licensee testimony, incorporating the Findings of Fact and Conclusions of Law from the July 19, 2019 hearing.

Said nonrenewal will be effective September 25, 2019.

Dated and signed at Milwaukee, Wisconsin this 13th day of September, 2019.



NIK KOVAC
Chairman Licenses Committee

/262795



CHAIR

- Licenses Committee
- City Information Management Committee

VICE CHAIR

- Milwaukee Arts Board

MEMBER

- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board

**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: July 19, 2019

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Kulwant Dhillon, Agent for KOOL PETROLEUM, INC., for Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown").

FINDINGS OF FACT

1. Kulwant Dhillon (hereinafter the "Licensee") is the holder of for Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown"). Said licenses expire at midnight, September 24, 2019.
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4. On July 5, 2019, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on July 16, 2019 at 3:15 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared and was represented by Attorney Emil Obviagele, at the hearing and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On August 20, 2018, at 1:00 p.m., a meeting was held with the Licensee regarding an incident where two people had intercourse inside the establishment and the act was posted on the website "Pornhub.com." Present at the meeting were a police officer, 2 Sergeants, an Assistant District Attorney, the Alderman from the 7th

District, the Licensee, and his attorney. In the video production, employees could be seen watching the act from behind the counter and made no effort to stop the incident. The Licensee confirmed that the video was taken at his establishment and that he would cooperate with police to find out who the employees were that watched the incident in real time. No further communication came from the Licensee after the meeting.

- B. On October 9, 2018, at 12:00 p.m., a meeting was held with the Licensee regarding an incident where 2 people had intercourse inside the establishment and the act was posted on the website “Pornhub”. Present at the meeting were a police officer, 2 Sergeants, an Assistant District Attorney, the Licensee, and his attorney. In the video production, employees could be seen watching the act from behind the counter and made no effort to stop the incident. The Licensee confirmed that the video was taken at his establishment and that he would cooperate with police to find out who the employees were that watched the incident in real time. No further communication came from the Licensee after the meeting.
- C. On January 16, 2019 at 12:04 p.m., Milwaukee Police, along with agents from the Wisconsin Department of Revenue, conducted a license premise check at 3381 North 35th Street. During the inspection, Liquor, an open pack of cigarettes, and Quest cards were all found behind the front counter. The employee told officers/agents that the liquor belonged to another employee whose wife will not allow him to drink at home, so he drank after work. The open pack of cigarettes belonged to an employee that was not working and the Quest cards had been left by various customers. The employee was told that he cannot keep other people’s Quest cards, cannot sell single cigarettes, and cannot have liquor on the premise. The liquor was seized and the license premise check was concluded.
- D. The Licensee stated he terminated the employee who sold the tobacco to minors and implemented an electronic system to check birthdates. He stated that the liquor found by DOR was a gift from a wholesaler and the open bottle of liquor was an employee’s. He added that the Quest cards had been left by patrons. He stated that he told the people involved in the video to stop and they threatened to shoot up the place. He added that he cooperated with the police. He stated the employee who recorded the sex act was terminated.

Appearing with the Licensee:

- E. Attorney Emil Obviagele stated the police report is grossly inadequate because the October meeting was a follow up to the August meeting. He provided a copy of the written statement the Licensee provided to the police and a copy of the temporary restraining order. He added that when he saw the video of the sex act he was shocked and the Licensee was ashamed that he did not do the right thing by calling the police, but he did not because he was afraid. He added that he helped in the prosecution of the perpetrator, who was convicted of battery. Atty.

Obviagele explained that the Licensee obtained a restraining order against the individual who took and posted the video. He added that the individual was known in the area as a dangerous subject, and that the person threatened to shoot up the store.

- F. He stated the premises has been in business 23 years and there are only 5 incidents on the police report. He added that the Licensee is a part of the community and he is sorry that he did not do the right thing initially, but he did the right thing eventually. He stated that the Licensee works at the premises every day and is a member of the Sherman Park Community Association. He added that the Licensee is reinvesting in the community. He explained that he made multiple attempts to reach out to the alderperson's office in the wake of the video to discuss the matter, but was unsuccessful.
- G. Alderwoman Coggs moved to enter in to the record as exhibit #1 the written statement. (Prevailed 4-0)
- H. Alderwoman Dodd moved to enter in to the record as exhibit #2 the temporary restraining order. (Prevailed 4-0)
- I. Attorney Paul Oberer stated the Licensee was always cooperative with the District Attorney's Office with the prosecution of the violent offender who beat a young man in front of the premises. He described the Licensee as the state's star witness, and because of the Licensee's cooperation, this individual was convicted of a felony. He added that the Licensee has been a good operator. He stated that he helps people in need and sells products such as canned goods, diapers, and formula, not just gas.
- J. Alderwoman Coggs asked why no one at the store called the police when the people were having intercourse in the store. The Licensee explained that he was afraid to do anything because the individual threatened him. He further testified that he is ashamed of his inaction, and took a number of steps to make the situation right afterwards.

Individual also present:

- K. Sherman Morton, 7th District Legislative Assistant, stated he saw the video of the sexual act. He stated Alderman Rainey is seeking nonrenewal because he's sick of places doing the right thing after they get caught. He stated Alderman Rainey found out about all the items in the police report and the sex act because they got caught. He added that he was unaware the Licensee was at the premises during the sex act.

Individuals present in support:

- L. Shawn Norwood, 3720 North 22nd Street, stated he frequents the premises and the Licensee does good things in the neighborhood.
- M. Tamara Carson, 2638 North 38th Street, stated she has lived in the neighborhood and frequented the premises her entire life.
- N. Joseph Miller 2537 North 56th Street, stated he is an employee and he used to be in a gang in the 90's and there will be repercussions if the License called the police.
- O. David Romero, 9126 West Montana Street, stated he is an employee and when he was shot the Licensee helped him financially.
- P. Cortina Wright, 2648 North 40th Street, stated she witnessed the Licensee being threatened this morning by someone panhandling.
- Q. Bill Hutchins, 3366 North 38th Street, stated he never had a problem at with the premises and the neighborhood is not like it used to be.
- R. Latina Campbell, 3222 North 34th Street, stated the Licensee helps the community with book bags and hotdogs.
- S. Ronnie Willis, 4649 North 30th Street, stated there was nothing the Licensee could have done about the sex act, but he should have called the police.
- T. Alderman Kovac stated there was good and bad regarding the incident of the sex act. He stated if the egregious incident of the sex act was the only one in the police report he would be more lenient and that he cooperated with the District Attorney's Office was good. He added that the neighborhood testimony raises issues of security at the premises, which raises the question of competence. He stated being a nice guy is not enough; you need to be a nice guy who knows how to run a business effectively in a way that does not hurt the neighbors. However, he indicated that the amount of neighborhood testimony in favor of the location was an influence.
- U. Alderman Kovac moved renewal with a 20 day suspension based on the police report and aldermanic, neighborhood, and Licensee testimony. (Prevailed 4-0)

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 and 85 of the Milwaukee Code of Ordinances.

2. Based upon the above facts found, the Committee concludes that the Licensee, Kulwant Dhillon who holds Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premise located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses without undergoing a twenty (20) day suspension. The Committee finds the police department reports and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, aldermanic, neighborhood and Licensee testimony.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown") without undergoing a twenty (20) day suspension. The Committee based its recommendation on the police report, aldermanic, neighborhood and Licensee testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes, zero (0) noes and one (1) excused** recommends that the Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses held by Kulwant Dhillon for the premises located at 3381 North 35th Street in the City and County of Milwaukee, Wisconsin ("35TH Hometown") not be renewed without undergoing a twenty (20) day suspension based on the police report, aldermanic, neighborhood and Licensee testimony.

The suspension is in effect between 12:01 a.m. on September 25, 2019, until 11:59 p.m. on October 14, 2019.

Dated and signed at Milwaukee, Wisconsin this 19th day of July, 2019.



NIK KOVAC
Chairman Licenses Committee