

**CHAIR**

- Licenses Committee
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- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

March 16, 2020

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 191591 contains the following recommendations:

Nonrenewal, based upon Department of Public Works, aldermanic, and applicant testimony of the Recycling, Salvaging, or Towing Premises license for Muhammad Abdus-Salaam for the premises located at 4453 N Green Bay Ave (“Action Towing”) in the 1st aldermanic district.

Renewal, with a 15 day suspension, based upon the police report, and aldermanic and applicant testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises licenses for Patsy Smith-James for the premises located at 628 N Water St (“District IV”) in the 4th aldermanic district.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nik Kovac', written over a light blue horizontal line.

Nik Kovac, Chair  
Licenses Committee

cc: All Council Members  
File 191591

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: March 13, 2020

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Renewal Application of Muhammad Abdus-Salaam, Agent for Action Towing LLC for a Recycling, Salvaging, or Towing Premises License located at 4453 North Green Bay Avenue in the City and County of Milwaukee, Wisconsin.

**FINDINGS OF FACT**

1. Muhammad Abdus-Salaam (hereinafter the "Licensee") is the holder of a Recycling, Salvaging, or Towing Premises license for the premises located at 4453 North Green Bay Avenue in the City and County of Milwaukee, Wisconsin ("Action Towing LLC"). Said license expires on March 26, 2020.
2. An application to renew said license was filed with the Office of the City Clerk on January 15, 2020.
3. Pursuant to Chapter 85, and 93 of the Milwaukee Code of Ordinances, the matter was referred to Milwaukee Police Department, for investigation. On January 16, 2020, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On March 2, 2020 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85 and 93 of the Milwaukee Code of Ordinances and included therewith a copy of the Milwaukee Police Department report, and the neighborhood objections. The matter was scheduled for a hearing on the police department report on March 10, 2020, commencing at approximately 1:45 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Janine Collette, at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based on the sworn testimony heard and evidence received at the hearing, the Committee renders the following findings of fact:

- A. On June 21, 2019 at 12:05 p.m., a Milwaukee Police Officer from the Tow Lot Property Division received a telephone call from a representative of Enterprise Rental Car regarding a stolen vehicle that they reported to the Rockford Police Department in July of 2018. The representative said that they received a certified letter from the Licensee on June 12, 2019 stating that they (the tow company) had their vehicle for 365 days and would sell the vehicle on June 24, 2019 if they did not receive a payment of \$9,445.00. The Licensee towed the vehicle on June 12, 2018 and Enterprise Rental Car reported the vehicle stolen in July of 2018. Under Action Towing certified letter, the Licensee stated that this is the first attempt to contact Enterprise Rental Car.
- B. One June 21, 2019 at 12:54 p.m., Milwaukee Police were dispatched to 4453 North Green Bay Avenue to recover an out of jurisdiction stolen auto. Upon arrival, officers interviewed, by phone, the Licensee who verified that the stolen auto was on the lot since May of 2018 and was reluctant to given the vehicle to police. Ultimately the stolen auto was recovered from the property.
- C. On August 13, 2019 at 9:58 a.m., Milwaukee Police conducted a license premise check at 4453 North Green Bay Avenue. Violations found during the inspection included: not keeping paperwork on site, some of the addresses he does consent tows for he does not have contracts, no RST sticker on his wrecker and his newest wrecker is not on file with the Licensing Division. The Licensee was cooperative.
- D. The Licensee stated he was unaware the vehicle was stolen and did not want to give it back because he was not going to get paid for it. He added that because it was an out of state vehicle he did not know how to find the owner so it took him almost a year to find the owner, and then wanted payment for storing the vehicle for the year. He stated that he brought a check for \$4,600 to pay toward what he owes, but the person was unavailable to take his payment. He added that he is not very good at being organized and no one is working in the office to help him to stay on top of things. He stated that he has piles of debt that he's trying to take care of. He added that he is going to hire someone to help with paperwork. He added that he owes more now than he did 2 years ago. He stated that he did have contracts tow from the properties in the complaints. He stated that he just needs one more chance and he does intend on getting things situated to help him stay on top of things. He added that he didn't know how serious it was until he received a call from President Hamilton.

***Appearing with the applicant:***

- E. Attorney Janine Collette stated she is assisting the Licensee in going through his assets and working out a payment plan with Kohn Law Office. She added that she is confident that the Licensee will cure his arrearages through the payment plan. She noted that she has seen people with substantially worse debt manage to dig themselves out. Her assessment was based on the type of business that the licensee runs and his potential cash flow.

***Individuals also present:***

- F. Andrea Pratt - 1st District Legislative Assistant stated President Hamilton is not supportive based on the amount of money owed to the City, not adhering to the payment plan, and the complaints from residents for overcharging and towing where he does not have consent to tow from.
- G. Peter Knox - DPW Tow Lot stated there is a \$30 that is remitted to the City for each tow. He added that there were 844 tows since March 18th. He stated that of the balance due, \$36,401 and \$30,562.42 was sent to collections for a total amount of \$66,963.22 in collections. He added that in 2019, \$4,100 was paid. He added that the Licensee failed to comply with the first payment plan.
- H. Alderwoman Lewis asked at what point does the City have an obligation to an operator from being allowed to tow based on the amount of fees that are being amassed. She added it has been 2 years of going down this road and nothing has been taken care of.
- I. Alderman Kovac stated the \$30 should come out of the payment of tow, and the Licensee has not paid for quite some time based on the amount of debt the licensee has accrued. He added that the last time the renewal was granted contingent upon a payment plan.
- J. Alderwoman Dodd moved nonrenewal based on aldermanic, Department of Public Works, and applicant 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 85 and 93 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Muhammad Abdus-Salaam has not met the criteria to allow renewal of his Recycling, Salvaging, or Towing Premises License based on Department of Public Works, Aldermanic 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 not to renew the Recycling, Salvaging, or Towing Premises license held by Muhammad Abdus-Salaam for the premises located 4453 North Green Bay Avenue, in the City and County of Milwaukee, Wisconsin (“Action Towing LLC”) based upon aldermanic, licensee, and Department of Public Works 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 Recycling, Salvaging, or Towing Premises license of Muhammad Abdus-Salaam for the premises located 4453 North Green Bay Avenue in the City and County of Milwaukee, Wisconsin not to be renewed based on Department of Public Works, Aldermanic and Licensee testimony.

Said nonrenewal is effective 12:01 a.m. March 27, 2020.

Dated and signed at Milwaukee, Wisconsin this 13th day of March, 2020.



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NIC KOVAC  
Chairman of the Licenses Committee

/267532

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: March 13, 2020

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses of Patsy Smith-James, Agent for Higbee's MKE LLC, for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("District IV IV").

**FINDINGS OF FACT**

1. Patsy Smith-James (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, and PEP Licenses for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("District IV"). Said licenses expire at midnight on April 12, 2020.
2. An application to renew said licenses was filed with the Office of the City Clerk on January 28, 2020.
3. Pursuant to Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On January 30, 2020, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On February 28, 2020, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the objections on March 10, 2020, commencing at approximately 1:15 p.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Jason Luczak 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. On January 9, 2018 a meeting was held at District IV 1 regarding incidents at The District IV, 628 N. Water St. Captain Rowe suggested an ID scanner and a staggered or early release to avoid problems with 618Live closing at the same time. Security cameras were discussed. The Licensee stated she has 6 cameras inside and 2-3 outside. She stated the footage is saved for 7 days. The Licensee was reminded to call the police when incidents occur. She stated she has hired a new General Manager but he does not have his manager's license yet.
  - B. On February 28, 2018 an officer met with the Licensee regarding safety updates. The Licensee advised the officer of the new ID scanner which is connected to a data base that track people kicked out of taverns nationwide. She also showed him new security cameras installed inside and outside. She stated that she has added two security officers outside in a car that are capable of going mobile if needed.
  - C. On October 6, 2018 officers responded to St. Mary's Hospital to investigate a battery that occurred at District IV on Water, 628 N. Water St. The victim stated she was inside when a subject pushed her. When she confronted the person about the push she was punched in the face by a third subject. The Police responded to District IV on Water and spoke with the Licensee. The officers were shown the ID scanner which had a picture of the subjects ID but could not view the video surveillance because nobody, including the Licensee, knew how to operate the system. The suspect was located and arrested.
  - D. On November 4, 2018 officers were monitoring District IV on Water, 628 N. Water St. The Officers reported there were shots fired inside the tavern and located a victim, who is 18 years old. The victim was inside the tavern with her 17 year old friend. The investigation revealed the victim and her friend used an ID that belonged to someone else to get in the tavern. The employees were cooperative with the investigation and provided a copy of the video to the officers. The officer estimated there were 300 patrons inside and saw the posted capacity was 225. The officer used the video surveillance on the front door to count the patrons as they left and had a count of 383 when the video stopped at 1:20 am, prior to all patrons exiting. This count was 158 over capacity. While watching the cameras the officer observed patrons walking around with full bottles of liquor. The business manager was not able to provide names of security personnel on scene, he

could only give nicknames. The officer also observed a smell of marijuana by the hookah pots and packaging for marijuana that tested positive for THC. The Licensee was issued a citation for over capacity.

Charge: Licensed Premise-Exceeding Occupy Limit  
Finding: Guilty  
Sentence: Fined \$5,000.00  
Date: 04/30/2019  
Case: 18082829

- E. On November 9, 2018 a meeting was held at District 1 regarding District IV on Water. The issues discussed included: over capacity, marijuana recovered by the hookah, not knowing the names of security officers, using a promoter, and underage patrons. The Licensee stated they do not use a promoter, they have a subject on staff that promotes the business on Facebook and would install a metal detector.
- F. On December 6, 2018 at 2:05 am, an officer conducted a tavern check on District IV on Water, 628 N. Water Street. The officer observed a patron leaving after hours. The officer went in and spoke with the Licensee who stated the subject was having trouble closing his tab and another person was waiting to give an employee a ride home. The Licensee was advised a PA33 would be written.
- G. On December 28, 2018 officers, along with an inspector from the health department, conducted an inspection at District IV on Water, 628 N. Water Street. The Licensee was on scene.
- H. On January 26, 2019 officers were dispatched to a battery cutting at District IV on Water, 628 N. Water Street. The officer spoke with the Licensee who stated she did not know of any problem in the tavern. She then remembered a friend who had a cut on his head from a broken bottle. The officers returned later and spoke with the bar manager who provided video of the victim leaving the business with the cut on his head.

Item D updated with disposition on January 31, 2020

- I. On June 15, 2019 at 2:00 am officers were monitoring the bars in the 600 block of N. Water Street. The officers heard a loud argument in the area and located a subject on the ground unconscious at 600 N. Water Street. The witnesses stated the subject was leaving the bar at 628 N. Water Street and got into a fight with another patron of the same bar. The fight had



originated from inside the bar. The suspect hit the patron one time knocking him to the ground. The victim was taken to the hospital where he died from his injury. On June 26, 2019, the officers attempted to contact the Licensee at the business but it was closed. They called her by phone and she stated she would help in any way possible.

- J. On August 3, 2019 at 12:43 am while on foot patrol in the 600 block of N. Water Street, officers observed a fight in front of 628 N. Water Street, The District IV Nightclub. The officers interviewed one of the subjects who stated he was inside the tavern ordering drinks when an unknown actor began hitting him from behind for no reason. The subject stated he was defending himself when security pushed both parties outside, where the fight continued. The officer interviewed security who stated an unknown actor struck the victim from behind while outside the tavern, he did not mention that the fight had started inside.
- K. On August 10, 2019 at 12:00 am The District IV Nightclub, 628 N. Water Street, reached capacity and the Licensee advised security to not allow anyone else inside. At 1:57 am a fight between two patrons of the District IV started outside in front of The District IV. Security separated the subjects and assisted police. Security cleared the sidewalks after closing and there were no further incidents.
- L. The Licensee stated she had no knowledge of an incident inside and they cleared the sidewalk, then they heard there was an incident on the corner. She added that the fight with the women was broken up right away and the police were there. She stated that for letter #J the policy is never to put people out together who have been fighting inside the bar. She added that the least aggressive person is put out first and then they take the other person to the back door. She stated that there is someone watching cameras 80% of the night, and security guards all over within 30 ft. of each other, including both ends of the bar, at the DJ booth, and at the door. She added that she is at coat check and monitoring the premises.

***Appearing with the applicant:***

- M. With regard to the incident in Item "I", Attorney Jason Luczak provided the criminal complaint, which stated that there was no verbal altercation inside the premises. He asked the Committee to enter the criminal complaint in its entirety into evidence at the hearing, the Committee did so. He read a portion of the criminal complaint into the record, which indicated that there had been no noticeable interaction between the parties involved in the

homicide while they were inside the club. Attorney Luczak indicated that he provided this information to update the information from the police report, since the report was drafted before the criminal complaint. He stated that the business

- N. He added that letter #K was two women waiting outside in line who got in to a fight. He added that the format of the operations had completely changed. He stated that the Licensee changed security and hired Mr. Johns. He added that the Licensee takes these issues seriously and she is a responsible business owner who is at the premises every day when it is open. He stated that she has another successful premise and he recommends a warning letter because there have been promises that have been made and kept.
- O. Alderwoman Coggs moved to enter in to the record as exhibit #1 the criminal complaint. (Prevailed 4-0)
- P. Charles Barbee Jr 3003 N 79th Street testified that he is the head of security for the establishment. He testified that letter #J on the police report was wrong and they were not pushed out of the bar by security, and that no fight occurred inside the bar. He indicated that the policy is never to put people who have been in an altercation outside at the same time – otherwise the incident would just spill out onto the street. He stated that he was standing there when the fight occurred and he broke it up. He added that they watch people while they are outside waiting for the Ubers or to see what they're going to do. He explained that there is security at the front of the establishment to make sure that no problems from inside get out onto the street.
- Q. With regard to the incident referenced in “I,” he indicated that he was working on the evening this occurred. He stated that no one from the establishment observed any problems between the people involved in the felony murder. He stated that he knows both the accused and the deceased personally and finds the entire matter very upsetting. He testified that he observed everyone involved when they left the establishment, and there was no indication that there was any bad blood or problems between the parties. He did not see the punch being thrown because the parties were already at the other end of the block, but noted that bar staff called the police and stayed on scene until the police and medical staff arrived. Once the authorities arrived, the staff was directed to clear the area, and they notified the licensed agent of what they knew to be the case at the time of the incident.

***Individual also present:***

- R. Jodi Lemmer - 4th District Legislative Assistant stated the police report shows over a dozen incidents in the past few years, including illicit drugs, weapons varying from guns to alcohol bottles, and numerous other violent altercations, including a felony murder. She added that there is a lack of regard for safety or concern for the patrons. She added Alderman Bauman recommends a 30 day suspension as progressive discipline.

***Individual present in support:***

- S. Les Johns, 230 East Oklahoma Avenue stated he works with security and stops in a couple times a month to see how security is going and make sure they are wandering and patting down people. He added that he provides a report to the Licensee. He stated that he was hired after August and the Licensee has applied all his recommendations. In response to a question from Alderwoman Dodd, he indicated that he was willing to provide a written report to the Licensee as well.
- T. Alderman Kovac stated there was a felony murder, a fight of people waiting to get inside the bar, and a fight with people inside the bar. He indicated that he remained concerned about what was going on at the establishment, and was interested in the abatement plan.
- U. Alderwoman Lewis indicated that she was skeptical of the management and security plan based on the severity of the incidents.
- V. Alderwoman Dodd stated the Licensee made adjustments to security since last year and she recommends that Mr. Johns write a security report to provide to Alderman Bauman. She indicated that she did not agree with Ms. Lemmer's assessment of the facts before the Committee, and found that, particularly with regard to the incident referenced in "I," the Licensee did act appropriately. She noted that, while there were still some incidents, the operation appears to have improved since the last hearing, and did not think an increased suspension was warranted.
- W. Alderwoman Dodd moved approval with a 15 day suspension based on the police report, aldermanic and applicant testimony. (Prevailed 3-1, Ald. Lewis voting "no.")

## CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Patsy Smith-James who holds Class B Tavern, Food Dealer, and Public Entertainment Premise (PEP) licenses for the premise located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("District IV") has not met the criteria of Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to not renew the Class B Tavern, Food Dealer and Public Entertainment Premises without undergoing a fifteen (15) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, Licensee, and aldermanic testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class B Tavern, Food Dealer and Public Entertainment Premise (PEP) licenses for the premises located at 628 North Water Street in the City and County of Milwaukee, Wisconsin ("District IV") without undergoing a fifteen (15) day suspension. The Committee based its recommendation on the police report, Licensee, and aldermanic testimony.

## RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **three (3) ayes, one (1) noes, and one (1) excused**, recommends that the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Patsy Smith-James for the premises located at 628 North Water Street ("District IV") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a fifteen (15) day suspension.

The suspension is in effect between 12:01 a.m. on April 13, 2020 until 11:59 p.m. on April 27, 2020.

Dated and signed at Milwaukee, Wisconsin this 13th day of March, 2020.



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NIC KOVAC  
Chairman, Licenses Committee

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