

**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

September 18, 2018

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 180546 contains the following recommendations:

Nonrenewal, based upon the second nonappearance of the Class D Operator's license for Michelle Dahl.

Renewal, with a ten (10) day suspension, based upon the police report and aldermanic testimony of the Class B Tavern, Food Dealer, Sidewalk Dining, and Public Entertainment Premises licenses for Susanne Mayer for the premises located at 1023-27 N Old World Third St ("Evolution MKE") in the 4<sup>th</sup> aldermanic district.

Renewal, with a sixty (60) day suspension, based on the Health Department reports, and aldermanic and applicant testimony of the Food Dealer and Weights & Measures licenses for Michael Super for the premises located at 966 N 27<sup>th</sup> St ("Brothers Foods") in the 4<sup>th</sup> aldermanic district.

Respectfully,

Nik Kovac, Chair  
Licenses Committee

cc: All Council Members  
File 180546

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: September 14, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Michelle A. Dahl

**FINDINGS OF FACT**

1. Michelle A. Dahl (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2017.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On August 30, 2018 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on September 11, 2018 at 1:00 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. A notice of the hearing as well as a copy of the police report was sent to Michelle A. Dahl, 3553 South 5th Place, Milwaukee, WI 53207 on August 30, 2018 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 3553 South 5<sup>th</sup> Place, Milwaukee, WI 53207 is the address given by the Licensee on her application. The envelope was not



returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on September 11, 2018 at 1:00 p.m.

### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Michelle A. Dahl has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license based upon nonappearance.
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 should exercise its discretion to not renew the Class "D" Operator's license held by Michelle A. Dahl based upon nonappearance.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **three (3) ayes, zero (0) noes and two (2) excused** that the Class "D" Operator's License of Michelle A. Dahl not be renewed based upon nonappearance.

Dated and signed at Milwaukee, Wisconsin this 14<sup>th</sup> day of September, 2018.



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NIK KOVAC  
Chairman Licenses Committee

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: September 14, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Food Dealer, Public Entertainment Premises (PEP), and Sidewalk Dining Licenses of Susanne M. Mayer, for the premises located at 1023-27 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Evolution MKE").

**FINDINGS OF FACT**

1. Susanne M. Mayer (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, PEP and Sidewalk Dining Licenses for the premises located at 1023-27 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Evolution MKE"). Said licenses expire at midnight on September 24, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on June 22, 2018.
3. Pursuant to Chapters 68, 85, and 90 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 September 6, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On September 6, 2018, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on September 11, 2018, commencing at approximately 2:00 p.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared 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 January 1, 2018, an officer was investigating a sexual assault complaint. The victim was 20 years of age and was working at Red White & Blue on the night of January 1, 2018. The investigation revealed the victim went out with



friends after work to The Brass Alley, which was confirmed on video surveillance. The investigation revealed the complaint was baseless. The applicant was cited for Allow Underage on Premise.

Charge: Allow Underage on Premise  
Finding: Guilty  
Sentence: Fined \$321.00  
Date: 4/13/2018  
Case: 8034343

- B. On January 2, 2018 an officer was conducting follow up on the incident from January 1, 2018. The officer spoke with Daniel Ewing, who stated he was the manager. The officer asked for video surveillance, but Ewing did not have access to the system. The officer checked licenses and found the bartender, Jonathan Dollar, who was working the lower bar, was not licensed. The upper bar had a licensed bartender, so the upper bar was closed and that bartender went downstairs to work the lower bar. Dollar was cited for not having a license.
- C. On July 24, 2018 officers were dispatched to a noise nuisance complaint at 1023 N. Old World Third Street. The complaint was for the patio being open past 11:00 p.m. The officers arrived at 11:23 p.m. and found the patio still open. The manager stated she lost track of time and asked the patron inside and closed the patio. The agent was issued a citation for a public entertainment violation.

Charge: Hours for Public Entertainment Regulations  
Finding: pending arraignment on 09/10/2018  
Sentence:  
Date:  
Case: 18065922

- D. On July 26, 2018 at 11:00 p.m. officers conducted a license premise check at 1023 N. Old World Third Street. The officer observed the large front windows and doors open and had knowledge that the business license required the doors closed at 10:00 p.m. The manager, Sonja Burton, stated she thought the windows needed to be closed at 11:00 p.m. The manager was cooperative and closed the windows.
- E. On July 27, 2018 at 11:19 p.m. officers conducted a license premises check at 1023 N. Old World Third Street. The officer observed the two front windows and doors open after 10:00 p.m., which is stated on the license. The manager, Daniel Ewing, stated he was not aware of the time the windows were required to be closed. The applicant was issued a citation for the violation.

Charge: Hours of Public Entertainment Regulations  
Finding:  
Sentence:  
Date:  
Citation: J98027W175

F. The applicant stated the general manager that worked for the last year and a half has not been present since March because he was working in 2 locations. She added that he was terminated on July 30th and Ross Stager is the new general manager and there have not been any issues since. She stated steps have been taken to let management know that this behavior is not acceptable to ownership and upper management. She added that they have changed the event rental contracts to include the 11 PM closing time for the rooftop so the clients and management know. She stated that they have a good corporate base and do a lot of work with Rockwell, Baird, Manpower, and the City. She added there were no complaints until July and Northwestern Mutual was having their convention, so there were a lot of people in town. She stated that she understands Alderman Bauman's concerns regarding noise and understands the noise ordinance and wants to adhere to it. She added she does respect the rules and is taking steps to address the issues. She stated that conversations were had with management and that manager has been terminated because he was unable to appreciate the rules. She added that there were no noise incidents until July 24th, and the manager was fired July 30th.

Appearing with the applicant:

G. Ross Stager 1990 N Hart Drive Unit D, Brookfield, WI stated he began on August 1st and has been a corporate restaurant manager for 25 years with Outback Steakhouse and Bartolotta Restaurant Group. He added that noise is a very serious issue and he talks with his managers about it every meeting. He added that this will not be an issue ever again.

Individual also present:

H. Alderman Bauman stated the premise has ongoing problems with noise complaints. He added that the applicant does not seem to understand that noise is a problem. He stated this has been a problem year after year and managers are repeatedly willing to take the risk for revenue and make promises year after year. He added that there are continued problems with management and he recommends a 10 day suspension based on the police report.

I. Alderwoman Lewis stated she remembers the robust conversation from last year regarding the rooftop patio and Alderman Bauman was very clear that it was an issue. She added that last year the applicant stated she understood the concerns regarding the rooftop and would make changes. She added that she was at an event in December on the rooftop well beyond 11 PM that was staffed and people

were hanging out and taking pictures, and that no one told them they could not be out there. She added that she believes the applicant is not grasping the severity of the issues. She asked what steps were being taken to enforce the rules.

- J. Alderman Johnson moved approval with a 10 day suspension based on the police report and aldermanic testimony. (Prevailed 5-0)

### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Susanne M. Mayer who holds Class B Tavern, Food Dealer, Public Entertainment Premise (PEP) and Sidewalk Dining licenses for the premise located at 1023-27 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Evolution MKE") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Class B Tavern, Food Dealer, Public Entertainment Premises and Sidewalk Dining licenses without undergoing a ten (10) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police reports 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, Public Entertainment Premise (PEP) and Sidewalk Dining licenses without undergoing a ten (10) day suspension for the premises located at 1023-27 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("Evolution MKE"). The Committee based its recommendation on the police report and Aldermanic testimony.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, and zero (0) noes**, recommends that the Class "B" Tavern, Food Dealer, PEP and Sidewalk Dining Licenses of Susanne M. Mayer for the premises located at 1023-27 North Old World Third Street ("Evolution MKE") in the City and County of Milwaukee, Wisconsin be renewed, with a ten (10) day suspension based upon the police report and aldermanic testimony.

The suspension is in effect between 12:01 a.m. on September 25, 2018 until 11:59 p.m. on October 4, 2018.

Dated and signed at Milwaukee, Wisconsin this 14th day of September, 2018.

A handwritten signature in black ink, appearing to read "Nick", written in a cursive style.

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NIC KOVAC  
Chairman, Licenses Committee

/252509



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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: September 14, 2018

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Michael G. Super, Agent for Brothers Foods, Inc., for Food Dealer and Weights & Measures licenses for the premises located at 966 North 27th Street in the City and County of Milwaukee, Wisconsin ("Brothers Foods").

**FINDINGS OF FACT**

1. Michael G. Super (hereinafter the "Licensee") is the holder of Food Dealer and Weights & Measures licenses for the premises located at 966 North 27th Street in the City and County of Milwaukee, Wisconsin ("Brothers Foods"). Said licenses expire at midnight, October 3, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on August 7, 2018.
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 September 4, 2018, 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 11, 2018 at 1:45 p.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee did appear and was represented by Attorney Emil Obviagele.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On January 27, 2017, Milwaukee Police Department Officers conducted a licensed premises check at Brother's Foods.
  - B. The applicant stated he went to court for the citation and received a yearlong hold open and has stopped smoking in the store since the citation was received.



- C. Alderman Bauman stated there is a huge stack of Health Department reports in the file that are disturbing. He requested that the Health Department representative at the meeting come forward to testify about the nature of the nature of the reports and violations contained therein.
- D. Claire Evers - Health Department explained the reports and Department the process. She stated a complaint was received from a neighbor about selling expired, moldy, and spoiled food and the complaint was verified. An investigation was conducted in October the day the complaint was received, and a re-inspection in November. She added there was a routine inspection on March and six violations were observed, and a reinspection was conducted on April 9th. She explained the process of determining health grades for each premises, per the Milwaukee Code of Ordinances. She stated that if there was evidence of pests in food the premises would have been shut down immediately. She stated that the premises did not pose an eminent health risk because there was hot water to sanitize, no leaks in the roof, and no evidence of pests in food. She added that repeat violations do not allow you to earn your points back and people who are repeat offenders will be penalized. She stated there was spoiled food present in both the October and March inspections.
- E. Malik Mohammed 5836 South 41<sup>st</sup> Street stated customers come in all the time and light their cigarettes in the winter and it is addressed on a daily basis. Mr. Mohammed explained that he is the owner of the store now, since the prior owner (his father) passed away. He stated that the person listed in the police report is his deceased father. He has taken steps to correct the issues since taking over the store. He stated that his father and the applicant were in charge of the store during the violations. He added that he was not sure why his father allowed these things to occur, but he is making changes such as doing more checks throughout the store with the bread and produce, and ordering less meat so it doesn't spoil. He stated the owner is in charge of the meat counter. He stated when he started in February he was unaware of the October complaints and he fully took over in June. He stated that he uses his senses to look for mold and to smell spoiled meat. He stated that there has been a pest control company contracted for years. He added that the pest control company was at the premises 2 days ago.
- F. Attorney Emil Obviagele stated 3 inspections reports were generated on March 20th, and no fees were assessed or citations issued. He added that after the reinspection in April the premises earned 88 points which is a letter grade of an "A". He asked Ms. Evers if the premises posed an eminent health risk. He stated that a lot of these things took place with the previous owner and changes have been made since Malik took over in June. He added that the business has been in operation since the early 1990's and there have been no safety concerns, no sale of cigarettes to minors, the Near Westside Partners are not objecting, and he has a letter from a neighbor in support. He added that food checks are conducted daily with a checklist. He stated that even the best establishments can have a bad day. He stated that Malik is planning on becoming the agent next year and taking the

certified food manager course. He stated that when you eradicate pests from an area they go to the surrounding properties. He provided a contract with the pest control company. He stated a lot of the concerns come from the Health Department but the Department has determined that the premises is not an eminent health risk and have improved from a "B" to an "A". He stated the premises have been in operation for almost 3 decades and the problems can be fixed. He added that he will make sure a plan is put in to place and followed.

- G. Alderwoman Coggs moved to make the pest control contract part of the record, and the motion was passed. She then asked why the applicant had not made the structural repairs to the building that the pest control company recommended. The Committee noted that there seemed to be little will from the people in charge of the business to make any upgrades to the store to reduce the problems. Ald. Coggs stated that the applicant is the certified food manager and when he is gone someone else will have to be a certified food manager. She added that the pest control issue is the problem of the applicant and if the pest control company is not doing their job, it's still the responsibility of the premises.
- H. The Licensee stated that he was gone at a funeral during the initial inspection and the butcher that was there was not throwing away meat like he was supposed to. He added that he has since fired that butcher. He stated that he has been doing this for 30 years and he is normally on site every other day, and the new meat manager was hired in February, but has since been fired for not storing meat properly. He stated that he has been in Illinois to help take care of his mother, but he's in Milwaukee every other month. He stated that he was at the premises daily from January through April 2017. He stated that the new butcher will be taking the next certified food manager course. He stated that he will fix the holes identified by the pest control and will talk to the landlord about the issues.

Individuals also present:

- I. Alderman Kovac stated in October there was a list of pretty bad things that were corrected in November, and in March there was another list of bad things that were corrected in April, and they have not been inspected since April. He asked what it takes to get a "B". He asked what it would take for the Department to close someone down right away during inspection.
- J. Alderwoman Lewis asked who was in charge of the store during these violations. She asked Malik what qualifies him to be in compliance with the health code and run the premises. She stated she is concerned about the pest control and if the company is not doing a good job, a new company should be hired. She stated that she is concerned because there does not seem to be an action plan to address the issues at the premises. She stated that the agent not being present at the premises is part of the problem. She added that there have been ongoing issues at the premises and they need time to get it together.

- K. Alderwoman Coggs asked if any of the violations from October were also present in March. She stated the stuff in the reports is nasty and visible, and why were the violations from October repeated in March, and how can the committee trust that these things won't keep happening. She added that there were things going on while Malik was in the store that should be obvious like the sight and smell of spoiled meat. She stated the solutions put forward by the applicant and Mr. Mohammed does not seem to be enough to abate the problems and prevent the sale of spoiled meat.
- L. Alderman Johnson asked the applicant how frequently he was in the store from January 2017 through October 2017. He asked how often the pest control company comes out. He stated the report identifies areas that need to be fixed.
- M. Alderman Witkowski stated he is concerned about the repeated violations over the course of several months. He added that this seems to be the normal course of business. He stated that it is a rarity for the Health Department to come in and testify and he is not convinced that the problems will be fixed. Alderman Witkowski moved nonrenewal based on the health department reports, and aldermanic and applicant testimony. (Failed 1-4, Ald. Kovac, Lewis, Johnson, and Coggs voting no.)
- N. Alderwoman Lewis moved approval with a 60 day suspension based on the health department reports and aldermanic and applicant testimony.

#### 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, Michael G. Super who holds Food Dealer and Weights & Measures licenses for the premise located at 966 North 27th Street in the City and County of Milwaukee, Wisconsin ("Brothers Foods") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Food Dealer and Weights & Measures licenses without undergoing a sixty (60) day suspension. The Committee finds the health department reports and aldermanic objections as stated above to be true. The Committee based its recommendation on the Health Department reports and Aldermanic and applicant 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 Food Dealer and Weights & Measures licenses without undergoing a sixty (60) day suspension for the premises located at 966 North 27th Street in the City and County of Milwaukee,

Wisconsin ("Brothers Foods"). The Committee based its recommendation on the Health Department reports and Aldermanic and applicant testimony.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, and zero (0) noes** recommends that the Food Dealer and Weights & Measures licenses held by Michael G. Super for the premises located at 966 North 27th Street in the City and County of Milwaukee, Wisconsin ("Brothers Foods") be renewed with a sixty (60) day suspension based its recommendation on the health department reports and Aldermanic and applicant testimony.

The suspension is in effect between 12:01 a.m. on October 4, 2018 until 11:59 p.m. on December 2, 2018.

Dated and signed at Milwaukee, Wisconsin this 14th day of September, 2018.



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NIK KOVAC  
Chairman Licenses Committee