

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

July 19, 2019

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 190305 contains the following recommendations:

Renewal, with a ten (10) day suspension, based upon the police report of the Class A Malt and Food Dealer licenses for Baljinder Singh for the premises located at 3500 W Fond Du Lac Ave (“All For Us”) in the 7th aldermanic district.

Renewal, with a twenty (20) day suspension, based upon the police report and applicant, aldermanic, and neighborhood testimony 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.

Renewal, with a ten (10) day suspension, based upon #6-17 in the police report and aldermanic testimony of the Class B Tavern and Public Entertainment Premises licenses for Marcos Ramos-Garcia for the premises located at 1619 S 1st St (“Points View Boite”) in the 12th aldermanic district.

Nonrenewal, based on the second nonappearance of the Class D Operator’s License of Christopher Harris.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nik Kovac', with a stylized flourish at the end.

Nik Kovac, Chair
Licenses Committee

cc: All Council Members
File 190305



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 Baljinder Singh for Class "A" Malt and Food Dealer licenses for the premises located at 3500 West Fond Du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Lucky & Bill, Inc.").

FINDINGS OF FACT

1. Baljinder Singh (hereinafter the "Licensee") is the holder of a Class "A" Malt and Class "A" Liquor licenses for the premises located at 3500 West Fond Du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Lucky & Bill, Inc."). Said licenses expire at midnight, September 24, 2019.
2. An application to renew said license was filed with the Office of the City Clerk on May 16, 2019.
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.
4. On July 5, 2019, the City Clerk's Office provided 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 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 3:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee, appeared with Attorney Vincent Bobot, 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 16, 2019, Milwaukee Police Officers and agents from the Wisconsin Department of Revenue conducted a licensed premise check at the above named licensed premise, doing business as "All for Us" at 3500 West Fond du Lac Avenue. The agents found Quest cards with PIN numbers written on them behind the counter. The agents also found an open pack of cigarettes behind the counter with individual cigarettes missing from the pack. The applicant was advised that lost Quest cards must be turned in, single sales of cigarettes were illegal, and all cigarette invoices must be kept on premise.
- B. On February 4, 2019, officers conducted follow up at 3500 West Fond du Lac Avenue, Lucky & Bill convenience store regarding sale of single beer cans in violation of the Licensee's plan of operation. The officers observed a sign advertising single beer can sales and the cooler stocked with beer. The clerk, Sukhvir SINGH, stated his brother was the agent. He was informed of the fact the issued license stated "no single can sales" and that the agent had agreed to this provision. The clerk stated he would advise his brother.

Appearing with the Licensee:

- C. Attorney Vincent Bobot stated there were no single cigarette sales, and the Quest cards were from the prior owner. He stated that he advised the Licensee to turn the Quest cards and IDs in to MPD if any are ever left in the store. The Licensee was adamant that no type of fraud occurred in the store regarding the benefit cards. He stated that he spoke to the Licensee about not selling single cans of beer and it is no longer occurring. He provided photos of the premises. He added that there were an additional 6 people in support. He added that the Licensee makes sure everyone takes their IDs and benefit cards.
- D. Alderwoman Dodd moved to enter in to the record as exhibit #1 the photos from Attorney Bobot. (Prevailed 4-0)

Individuals also present:

- E. Sherman Morton, 7th District Legislative Assistant, stated Alderman Rainey believes discipline is necessary based on the police report, especially the Quest cards and pin numbers. He stated that the single can sales, panhandling, and loitering were major issues last year. He stated there was advertising up in the store for single can sales. He added that the

Licensee only stops doing things after he gets caught.

Individuals present in support:

- F. Jacqueline Robinson, 3239 North 33rd Street, stated if the premises was not in the neighborhood she have no store to patronize.
- G. Ray Willis, 4649 North 30th Street, stated this is a good store.
- H. Craig Sanders, 2869 North 39th Street, stated he has developed a working relationship with the applicant and he is in support.
- I. David Bowmen, 2537 North 56th Street, stated he has been an employee for six years and was unaware of which single beers he could not sell. He added that he is in support.
- J. David Romero, 9126 West Montana Street, stated he is the handyman and he complies with all building issues.
- K. Alderman Kovac stated if it was not for the neighborhood testimony he would be inclined to make a motion for a lengthy suspension because the violations are serious to promises made not that long ago. The Licensee agree last year to cease the sale of single beer cans.
- L. Alderman Borkowski moved approval with a 10 day suspension based on the police report. (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 Chapter 125 of the Wisconsin Statutes and Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Baljinder Singh who holds a Class "A" Malt and Food Dealer license for the premise located at 3500 West Fond Du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Lucky & Bill, Inc.") has not met the criteria of Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to renew the Class "A" Malt and Food Dealer licenses without undergoing a ten (10) day suspension. The Committee finds the neighborhood and

aldermanic objections as stated above to be true. The Committee based its recommendation on the police report.

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 Class "A" Malt and Food Dealer licenses without undergoing a ten (10) day suspension for the premises located at 3500 West Fond Du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Lucky & Bill, Inc."). The Committee based its recommendation on the police report.

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 Class "A" Malt and Food Dealer licenses held by Baljinder Singh for the premises located at 3500 West Fond Du Lac Avenue in the City and County of Milwaukee, Wisconsin ("Lucky & Bill, Inc.") not to be renewed without undergoing a ten (10) day suspension based upon the police report.

The suspension is in effect between 12:01 a.m. on September 25, 2019 until 11:59 p.m. on October 4, 2019.

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



NIC 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: July 19, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Marcos A. Ramos-Garcia, Agent for Werk Investments LLC for the premises located at 1619 South 1st Street in the City and County of Milwaukee, Wisconsin ("Points View Boite").

FINDINGS OF FACT

1. Marcos A. Ramos-Garcia (hereinafter "the Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises (PEP) Licenses for the premises located at 1619 South 1st Street in the City and County of Milwaukee, Wisconsin ("Points View Boite"). Said licenses expire at midnight on August 7, 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, 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 June 11, 2019, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On July 3, 2019, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on July 16, 2019, commencing at approximately 9:30 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared and was represented by Attorney Kendrick Yandell, 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 March 30, 2018, Milwaukee Police Department officers were dispatched to an indecent exposure at Points View Boite, 1619 South 1st Street. The caller stated she observed 12 strippers inside the tavern. The officer went to the business and observed several women dressed in lingerie but no one unclothed. The Licensee stated they were throwing a lingerie party and there were no strippers. No violations were observed.

B. On March 31, 2018, at 2:41 am officers conducted a licensed premise check at Points View Boite, 1619 South 1st Street. When the officer attempted entry they found the door locked. Security opened the door and the officers observed a group of patrons inside consuming alcohol. The bar was cleared and the officers counted 16 patrons inside after hours. The Licensee stated he was having issues closing out customer tabs which resulted in them being inside after hours.

Charge: Class B Premises Allow Patron After Hours

Finding: Guilty

Sentence: Fined \$1,770.00

Date: 10/22/2018

Case: 18040644

C. On April 6, 2018, a meeting was held at District 2 with the Licensee regarding the after-hours incident from March 31, 2018 at Points View Boite, 1619 South 1st Street. Captain RAMIREZ stated he was concerned because this was the second after-hours violation under new ownership. The Licensee was advised the premise is not licensed for "dancing by performers" and he needed to obtain special event permits from the alderman. He was also advised occupancy includes employees and performers. The Licensee stated he would start closing earlier in order to have patrons out by 2:30 am. He also stated he would obtain the necessary licenses to have performers dance. Item B was updated with disposition on June 6, 2019.

D. On July 3, 2018, at 2:22am officers were dispatched to Points View Bar, 1619 South 1st Street for an Assist the Officer complaint. The officers spoke with the Licensee who stated there was a female patron that was trying to pick fights and attempted the jump over the bar. Other patrons,

who were off duty police officers, restrained the female and escorted her outside. The Licensee did not wish to prosecute.

- E. On October 4, 2018, officers investigated a Robbery complaint that occurred at Points View, 1619 South 1st Street on September 29, 2018. The victim stated he was inside Points View Bar and was jumped by a group of 13-15 males. The victim stated he did not start the fight and does not know why the subjects jumped him. The victim stated he was on the ground and the subjects were kicking him. He stated that security got involved and was assisting the subjects hitting him. He stated security dragged him into the bathroom and pulled off his three gold necklaces from around his neck. The victim was then escorted out of the tavern and he went home to Chicago without calling the Police until October 4, 2018. The victim did sustain injuries that required medical attention. The officers contacted the owner and were unable to view the surveillance video.
- F. On November 11, 2018, officers were advised of an incident at Points View Boite; 1619 South 1st Street, which occurred on November 9, 2018. The complainant stated she was at Point View on Friday November 9, 2018, and was involved in a fight. She stated she was taken out and was outside on the patio when another patron approached her and displayed a gun. She stated that she was not threatened but wanted the Police to know that there are patrons with guns at the bar. The Licensee stated he has three unarmed security guards inside the business as well as three armed Midwest Security Guards. His security pats down patrons as they enter and does not allow guns in the bar. The officers watched the video from that night. The officers observed the complainant on the patio with security. They observed a subject approach her, and talk with her. The officers did not see a gun in the subject's hands.
- G. On December 23, 2018, at 1:58 am officers were dispatched to a Subject with Gun call at South 2nd Street and West Lapham Boulevard, which the officers found to have occurred at Points View Boite. The caller was security who stated they kicked out two subjects. A car came to pick up the subjects and the front passenger displayed a firearm and threatened to shoot up the bar. The security guard told the subject to put the gun away and the two subjects that were kicked out got in the car and left. The Licensee and security were cooperative with the investigation.
- H. On February 3, 2019, at 2: 10 am, officers were dispatched to shots fired at Points View Boite, 1619 South 1st Street. The officer arrested a subject

sitting in a car next to Points View in the Scrub a Dub lot. The subject had two firearms and marijuana in his auto and casings inside and outside his auto. The investigation revealed the subject to be 20 years old and he stated he had been inside Point View. He stated he knew the security and had paid the bouncers \$100 several months prior to be let in. This subject would not identify the security guards he claimed to have paid. A security guard stated he was outside keeping two groups from fighting when he heard several shots fired. The officers interviewed the Licensee who stated he was inside when he heard shots fired outside. The Licensee stated he does not have cameras outside covering the area where the shots were fired. The Licensee was cooperative during the investigation.

- I. On February 17, 2019, at 12:45 am officers were flagged down to investigate a fight at Points View, 1619 South 1st Street. The Licensee flagged down the officers for two females fighting in the Scrub a Dub lot nearby. The officers could not locate the subjects. Officers walked through the establishment with the Licensee to make sure there were no other problems.
- J. On March 3, 2019, officers were monitoring bar close at Points View, 1619 South 1st Street. The officers observed two subjects leaving the tavern arguing. The Licensee and his security were attempting to get the subjects to leave. They did finally leave but a fight was called in on S. 2nd Street that involved the same subjects. Both subjects appeared to be highly intoxicated. The subjects were cited for Disorderly Conduct. The Licensee was advised to refuse service to highly intoxicated patrons to prevent future problems.
- K. On April 7, 2019, at 4:16 am officers were dispatched to St Luke's Hospital to investigate a battery complaint. The victim stated she was at Points View, 1619 South 1st Street, when she saw a subject that she has had a feud with for several years. They immediately began fighting. The parties were separated by friends. The victim stated when she left the bar the suspect was waiting outside and hit her with a bottle. The victim received a laceration to her right cheek. She stated security observed the incident and escorted her to her car. She then went to the District Station to report the incident and then to the hospital for treatment.
- L. On April 28, 2019, at 1:59 am officers were flagged down for a Trouble with Subject at Point View, 1619 South 1st Street. The Licensee stated he was having problems with a patron inside the tavern. The subject left when approached by officers. While on scene two female patrons began to

argue and the officer broke it up without further incident. The officers also documented an ongoing problem with patron's cars blocking the alley and residents' garages. The Licensee was cooperative and no tavern violations were observed.

- M. On May 10, 2019, a meeting was held at District 2 regarding Points View, 1619 South 1st Street. The Licensee stated that since the February 3, 2019, incident any patrons parking in the Scrub a Dub lot needs to supply a photo ID which is scanned in the event of a problem on the lot. The Licensee stated he has several fund raisers planned and it was suggested he have a plan in place to prevent any potential problems.
- N. On May 19, 2019, at 1:45 a.m. officers were dispatched to St Luke's Hospital to investigate a battery that occurred at Point View, 1619 South 1st Street. The victim stated he was in the bar and bumped into a female, who then threw her drink in his face. He responded by dumping his beer on her head. He stated an unknown male struck him in the head with an object which caused a one inch laceration to his head. The officer contacted the Licensee about obtaining the video but had not received it by the time the report was written.
- O. On May 19, 2019, at 4:56 a.m. officers were dispatched to an entry complaint at Points View, 1619 South 1st Street. The officers cleared the building and observed damaged beer bottles and a damaged TV. They also observed two bullet holes in the exterior wall, one of which went through the wall striking the opposite wall in the bathroom. Officers located bullet casings on Lapham Street. The Licensee showed the officers video on his phone which showed two subjects enter through the front door, damage the liquor bottles and damage the TV by throwing a bottle at it. The key holder, Eric SUTTON, lives above the bar and he stated he heard two gun shots at about 4:30 a.m. The officers contacted the Licensee to obtain a copy of the surveillance video but had not received a copy by the time the report was written.
- P. At the hearing, the Licensee testified that the overly loud music was from an outside event and future events will have the speakers projecting East, instead of North. The Licensee believed that this would alleviate the sound issues reported by neighbors.
- Q. The Licensee stated when there is an altercation at the premises they make the parties leave, but not at the same time. He added that on Fridays and Saturdays the do last call early and the patio closes at 1:45 AM. He added

that he has hired additional security, and now there are two security guards designated for the patio area. The Licensee also plans to build a higher fence to prevent subjects to being able to jump the fence in the event of a problem.

Appearing with the Licensee:

- R. Attorney Kendrick Yandell stated the premise has been open for a year and half and does not have a lot of problems. He added that the Licensee has been cooperative and responsive with the police. He provided photos to show the fence, cameras, and lighting that have been installed. He added that the Licensee has hired professional armed security. He stated that several of the items on the police report resulted from the premises calling the police for assistance.
- S. He explained that item #10 on the police report was shots fired from the Scrub-a-Dub parking lot. He added that there are regular patrols of the lot and anyone parking in the lot must provide ID to be scanned with an ID scanner to track people down if there are problems.
- T. He stated that #14 in the police report has been rectified by the Licensee giving the neighbors his cell phone number if there are cars blocking the alley.
- U. In response to item #7 in the police report, he explained that the person involved was a UFC fighter from Chicago who just wanted to start a fight in a bar, and he did not believe the victim was actually jumped and robbed.
- V. He stated that #16 in the police report where the Licensee was unaware that a fight had occurred because it was near bar time, and later that same evening 2 men broke in to the premises, which is #17 on the police report. He added that the Licensee showed MPD the surveillance video and MPD determined the person in the hospital was in the video causing damage to the property.
- W. He added that #13 on the police report involved women who had previous problems with each other, and the woman with the laceration declined medical attention. He stated that if the patio is closed earlier it will create a problem of patrons being out in front of the premises. He stated that while there are a lot of incidents on the police report, they were all addressed by the Licensee. He added that he did not believe a suspension

was not warranted because the Licensee is improving the business and has a good relationship with the neighbors.

- X. Alderwoman Lewis moved to enter the photos in to the record as exhibit #1. (Prevailed 3-0)

Individuals also present:

- Y. Gloria Tamalo, 1568 South 2nd Street stated she is concerned about the very loud music, but that situation does not occur often.
- Z. Alderman Perez stated he is concerned that there were two incidents where police were dispatched to St. Luke's rather than being notified by the premises. He stated that he does not think a higher fence will work and he recommends the patio be closed at 10 p.m. Sunday-Thursday and 11 p.m. Friday and Saturday. He recommends the capacity being lowered to 80 to control the patrons and a 25+ age restriction. He added that with a lower capacity the patio can close at 1 AM. He recommends at 10 day suspension in addition to the changes.
- AA. Alderwoman Coggs moved to amend the plan of operation to close the patio at 1 a.m. with the consent of the Licensee. (Prevailed 4-0)
- BB. Alderman Borkowski moved to amend the capacity from 99-80, pursuant to the PEP license. (Prevailed 4-0)
- CC. Alderman Borkowski moved approval as amended with a 10 day suspension based on #6-17 in the police report and aldermanic testimony. (Prevailed 3-0-1, Ald. Coggs abstaining)

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, 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin State Statutes.
2. Based upon the above facts found, the Committee concludes that the Licensee, Marcos A. Ramos-Garcia who holds Class "B" Tavern and Entertainment Premises (PEP) licenses for the premise located at 1619 South 1st Street in the City and County of Milwaukee, Wisconsin ("POINTS VIEW BOITE") has not met the criteria of Chapters 68, 82, 85, 90, 108 of the Milwaukee Code of Ordinances and

Chapter 125 of the Wisconsin State Statutes, to not renew the Class "B" Tavern and Public Entertainment Premises (PEP) 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 report 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 and Public Entertainment Premises (PEP) licenses without undergoing a ten (10) day suspension for the premises located at 1619 South 1st Street in the City and County of Milwaukee, Wisconsin ("POINTS VIEW BOITE"). 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 **three (3) ayes, zero (0) noes, one (1) excused and one (1) abstain**, recommends that the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Marcos A. Ramos-Garcia for the premises located at 1619 South 1st Street ("POINTS VIEW BOITE") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a ten (10) day suspension based upon the police report and aldermanic testimony.

The suspension is in effect between 12:01 a.m. on August 8, 2019, until 11:59 p.m. on August 17, 2019.

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



NIC 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: 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 Licensee 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: July 19, 2019

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 Christopher D. Harris

FINDINGS OF FACT

1. Christopher D. Harris (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 Chapters 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. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On July 8, 2019 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85 and 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 July 16, 2019 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 Christopher D. Harris, 1836 East Tesch Avenue, St. Francis, WI 53235 on July 8, 2019 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 1836 East Tesch Avenue, St. Francis, WI 53235 is the address given by the Licensee on his 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 July 16, 2019 at 1:00 p.m.

B. Alderwoman Coggs moved denial based on his second non-appearance.

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, Christopher D. Harris has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapters 85 and 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license based upon his second 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 Christopher D. Harris based upon his second nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **four (4) ayes, zero (0) noes, and one (1) excused** that the Class "D" Operator's License of Christopher D. Harris not be renewed based upon his second nonappearance.

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



NIK KOVAC
Chairman Licenses Committee