



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

August 22, 2007

To the Honorable, the Common Council

Dear Members:

Common Council File 070278 contains the following recommendation:

Nonrenewal, based upon the danger that the licensee's conduct and this premises pose to the health, safety and welfare of the citizens of the City of Milwaukee as testified to during the committee meetings, of the Class "A" Malt license with a change of agent for Jatinder Singh, Agent for "Pick N Choose, Inc." for the premises at 1904 W. State St. ("Pick N Choose") in the 4th aldermanic district. (Committee vote: Ayes: 4, Noes: 1)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on July 26th 2007.

Attached is a Report of the Committee, as well as written exceptions filed by the licensee.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Wednesday, September 5, 2007** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "James N. Witkowiak". The signature is written in a cursive style and is enclosed within a circular stamp.

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
File 070278



www.milwaukee.gov

Office of the City Clerk

July 27, 2007

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

Jatinder Singh, Agent
Pick N Choose, Inc.
6129 South 13th Street, No. 8
Milwaukee, WI 53221


Attorney Roberto Ledesma
2855 South 13th Street
Milwaukee, WI 53215

Dear Mr. Singh and Attorney Ledesma:

You are hereby notified that the Milwaukee Common Council will hold a hearing on September 5, 2007, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of the Class "A" Malt license application for the premises located at 1904 West State Street ("Pick N Choose").

Attached you will find a copy of the Report of the Licenses Committee which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending denial of the Class "A" Malt license based upon the danger that the licensee's conduct and this premises poses to the health, safety and welfare of the citizens of the City of Milwaukee. The recommendation is the result of a public hearing before the Committee held on July 26, 2007.

You may file a written objection to the report of the Licenses Committee. If you file a written objection to the report you may also appear before the Milwaukee Common Council to make oral arguments supporting your written objections and present oral arguments supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk by 4:45 p.m. on August 30, 2007. You or a legal representative may then also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,

RONALD D. LEONHARDT
City Clerk



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: July 27, 2007

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of the Class "A" Malt license of Jatinder Singh, Agent for Pick N Choose, Inc. for the premises at 1904 West State Street in the City and County of Milwaukee, Wisconsin ("Pick N Choose").

FINDINGS OF FACT

1. Jatinder Singh (hereinafter the "Licensee") is the holder of a Class "A" Malt license for the premises at 1904 West State Street in the City and County of Milwaukee, Wisconsin ("Pick N Choose"). Said license expires at midnight, September 16, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on June 8, 2007.
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. On June 22, 2007, the Milwaukee Police Department responded with a police report which did not form the basis for non-renewal or suspension of said license. There were neighborhood objections to loitering, littering, unruly behavior, drug and criminal activity, and conduct which is detrimental to the health, safety, and welfare of the neighborhood. Furthermore, objections to the renewal of the license due to the blighted condition of the premises and the applicant's failure to remodel the premises as promised at the last renewal hearing in 2006.
4. On July 20, 2007 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 neighborhood objections and 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 and neighborhood objections on July 26, 2007, commencing at 10:00 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. He was represented by Attorney Roberto Ledesma, 2855 South 13th Street, Milwaukee, Wisconsin 53215.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. At the renewal hearing for this premises for the license year 2006 – 2007, the Licensee, by his attorney, represented to the Committee that exterior windows would be enlarged and fixed, and other improvements, including the installation of glass windows as opposed to plastic windows, would be made to the premises totaling \$17,000. This was done in response to complaints from an adjoining neighbor as well as the local alderman regarding the condition of the premises. These promises were also made with the assurance that if the improvements to the building were not made by the 2007 – 2008 license year, the licensee would surrender his license for the premises. The Committee for the 2006 – 2007 license year recommended renewal of the license with the issuance of a warning letter, notwithstanding the objections of the adjoining neighbor and local alderman, with the understanding that the needed improvement would be made.
 - B. The neighbor testified during the 2006 license renewal hearing that there has been considerable investment in the adjoining area to attempt to improve the neighborhood, and that similar investment on the part of the store operators would help improve the neighborhood.
 - C. That same neighbor testified to loitering that takes place at the store that has resulted in groups of people “hanging out” at the store during all hours of the day and night. That neighbor was not, however, harassed by any of those persons loitering.
 - D. During the 2006 renewal hearing the local alderman testified to at least one individual who attempted renovation of a home in the area, but gave up and moved away because of the loitering in and around the store. In response to that concern, the store owner during the 2006 hearing promised that security cameras would be installed to help curb the loitering.
 - E. Evidence supplied by the Licensee and his attorney demonstrates that exterior windows were not at all enlarged, and they were replaced with other plastic windows. That is true despite the evidence supplied by the licensee and his attorney that demonstrates the windows were supposed to be repaired and replaced with glass, and for which a charge in the amount of \$5,000.00 was made. No cancelled checks or other evidence of payment was provided

to the Committee by the licensee or his attorney. In light of the findings of the Milwaukee Health Department on July 25, 2007 that the cash register is located such that customers and store employees cannot be seen from the outside of the premises, and in light of the fact that the bottom of the windows are very high preventing exterior viewing of the activities inside the store, (Finding of Fact D 19, below), it is clear that the repair to the windows was not in accordance with Health Department regulations.

- F. The pictures of the premises demonstrate that no major improvements have been made to the physical exterior of the premises.
- G. The Milwaukee Health Department conducted an inspection of the premises on July 25, 2007, and discovered the following violations that need immediate correction (by July 25, 2007) unless otherwise noted:
 - 1. Elimination of fly infestations;
 - 2. A wall made of particle board with a hole in it must be replaced with smooth material that can be cleaned in the meat department;
 - 3. Expired containers of milk and eggs available for sale;
 - 4. Toxic chemicals were found next to food items;
 - 5. Raw animal products were stored close to ready to eat foods in display cases allowing for possible cross-contamination;
 - 6. No certified food manager who had take a safe food class and had the proper certification;
 - 7. MSG was stored on food shelves packaged in bulk with no indication of where it was packaged, and therefore the source of the MSG and if it came from an approved source, was not available;
 - 8. Cleanliness of food equipment;
 - 9. Cleanliness of deli cases and mold on walls of the walk in cooler;
 - 10. Potentially hazardous food, such as bacon, not held at temperatures of 41 degrees or below, bacon held at 52 degrees;
 - 11. Hand wash sink not properly attached to the wall;
 - 12. Knives damaged to the point where they are no longer properly cleanable;
 - 13. Cleanliness of meat department area, non essential items stored with meat;
 - 14. Personal food and cooking items of employees located in area of meat department;
 - 15. Used gloves being stored in area of deli department for re-use;
 - 16. Required security camera inoperable; (correction date August 27, 2007);
 - 17. Robbery prevention course not attended by store employees and owner; (required correction date October 10, 2007);

18. Required drop safe attached to the floor of the store weighing at least 500 pounds has not been installed;
19. Cash register must be relocated so that both customer and employees are visible from outside the store.

H. Photographic evidence provided to the Committee demonstrates that, indeed, there are dumpsters stored on the sidewalk outside of this premises, and loitering that takes place at this premises, as complained about by the objecting neighbor during the 2006 – 2007 license year. In addition, the promised security camera (and a requirement of the code) was inoperable at least as of the July 25, 2007 inspection of this premise.

CONCLUSIONS OF LAW

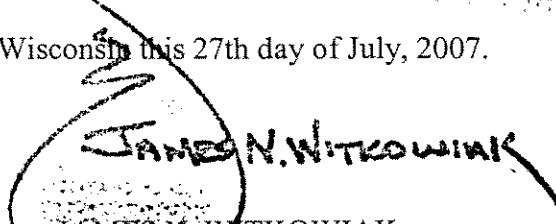
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee finds that the licensee, Jatinder Singh, Agent for “Pick N Choose, Inc.” has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class “A” Malt license held by the licensee for the premises located at 1904 West State Street in the City and County of Milwaukee, Wisconsin (“Pick N Choose”). The Committee finds the neighborhood objections as stated above to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to deny renewal of the Class “A” Malt license for the licensed premises at 1904 West State Street in the City and County of Milwaukee, Wisconsin (“Pick N Choose”) based upon the danger that the licensee’s conduct and this premises poses to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) noe recommends that the Class “A” Malt license held by Jatinder Singh, Agent for “Pick N Choose, Inc.” for the

premises at 1904 West State Street in the City and County of Milwaukee,
Wisconsin ("Pick N Choose") be denied renewal.

Dated and signed at Milwaukee, Wisconsin this 27th day of July, 2007.


JAMES N. WITKOWIAK
Chairman of the Licenses Committee

PICK 'N' CHOOSE, INC.

August 20, 2007

City of Milwaukee
Common Council
Linda Elmer
200 E. Wells Street
Milwaukee, WI 53202

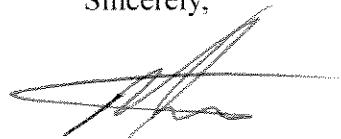
MILWAUKEE
2007 AUG 21 AM 11:19
RONALD C. LEONARDI
CITY CLERK

Dear Ms. Elmer:

Please be advised that I am writing this letter to request a review of the decision to deny the beer license renewal of Pick 'N' Choose. I have had the opportunity to personally meet with Alderman Bauman to discuss the issues surrounding that license, specifically, the condition of the premises and the renovations that need to be done. Alderman Bauman has indicated to me what renovations should be made and the manner in which the renovations should be made. I have assured Alderman Bauman that those renovations will be completed and done so in a professional, workmanlike manner. Based on that assurance, Alderman Bauman has agreed to hold open the renewal of the license until such time as the project is complete, upon completion he will not object to the granting of the renewal. Once I get (a) proposal(s) for the project I will forward them to Alderman Bauman for his review.

Therefore I am respectfully requesting that the beer license and change of agent for Pick 'N' Choose be granted or held open subject to the above referenced terms. Thank you for your consideration and if you have any questions or concerns please do not hesitate to contact me.

Sincerely,



Ahmad Ahmad
Agent/Owner for Pick N Choose

cc: Alderman Bauman