



IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED.

TO: Administrative Review Board of Appeals
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202
(414) 286-2231

DATE: August 5, 2022

RE: 4302 W. Capitol Drive
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by Milwaukee Police Department
(Name of City Department)

Amount of the charges \$ No Charges Yet

Charge relative to: Notice of Nuisance Premises

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

See Attached Addendum

Michael Maistelman

Signature

Attorney Michael S Maistelman

Name (please print)

7524 N Navajo Rd, Fox Point, WI 53217

Mailing address and zip code

414-908-4254

Daytime phone number

msm@maistelmanlaw.com

E-Mail Address(es)

ADDENDUM

Administrative Review Board of Appeals

Property Address: 4302 W. Capitol Drive

August 5, 2022

The Appellant received the attached Notice of Nuisance Premises on or about July 30, 2022. In the notice, the Milwaukee Police Department ("MPD") provides two examples of specific conduct that has taken place on or near 4302 W. Capitol Drive Milwaukee, WI, (the "Premises"). MPD requires the Appellant to devise an abatement plan acceptable to MPD, to address the conduct on or near the premises by anonymous third parties that the Appellant has no control over.

The conduct that MPD wants Appellant to abate was not caused by or contributed by the Appellant or Appellant's agents. At all times, relevant Appellant and Appellant's agents fully cooperated with MPD and assisted MPD in investigating the issues as listed in the attached Notice to Abate. Appellant cannot devise an abatement plan that governs the conduct of third-party actors that Appellant has no control over.

Lastly, Appellant has reached out to the Milwaukee Police Officer listed on the Notice of Nuisance Premises but has not received any response thus far.

Appellant requests that ARBA find that MPD's Notice to Abate is unreasonable, that the alleged nuisances in MPD's notice do not qualify as sufficient grounds to deem the Appellant in violation of MCO Sec. 80-10, and that Appellant shall not have to devise an abatement plan based on the current Notice to Abate.



Milwaukee Police Department
Police Administration Building
749 West State Street
Milwaukee, Wisconsin 53233
<http://www.milwaukee.gov/police>

Jeffrey B. Norman
Acting Chief of Police

(414) 533-4444

07/27/2022

Lakhbir Singh
Capitol Citgo Mart
9347 Spindle Top Ct
Franklin, WI 53132

Re: Notice of Nuisance Premises

Dear Lakhbir Singh:

This letter is notice to you that the Milwaukee Chief of Police, by the chief's designee, the district commander, has determined that the premises located at 4302 W Capitol Dr ("the premises") is a nuisance pursuant to Milwaukee Code of Ordinances ("MCO") 80-10, Chronic Nuisance Premises. As an individual or entity that is licensed or subject to a license in the operation of a business upon the premises, you are a responsible party for abating the nuisance activities occurring at the premises.

The Milwaukee Police Department has responded to the following described nuisance activities at the premises on the corresponding dates, which qualify the premises as a nuisance:

1. On July 26, 2022 at 10:15A.M. a call was placed to the Milwaukee Police Department regarding a shooting at the premises. This call for service was given computer aided dispatch # 22-207-0566. Officers were dispatched to the location to check on the complaint and were able to obtain evidence of a shooting. This is a violation of MCO 80-10-2-C-1-K.
2. On May 25, 2022 at 4:55P.M. a call was placed to the Milwaukee Police Department regarding a shots fires at the premises. This call for service was given computer aided dispatch # 22-145-1234. Officers were dispatched to the location to check on the complaint and were able to obtain evidence of a recklessly endangering safety offense. This is a violation of MCO 80-10-2-C-1-L.

As a consequence, you may be subject to a collections action for the cost of future enforcement for any of the nuisance activities listed in MCO 80-10-2-c that occur at the premises.

You are directed to respond to my office within 10 days of receipt of this notice with an acceptable, written course of action that you will undertake to abate the nuisance activities occurring at the premises, or file an appeal. You may appeal this nuisance determination to the Administrative Review Appeals Board. Any appeal must be in writing and a processing fee will

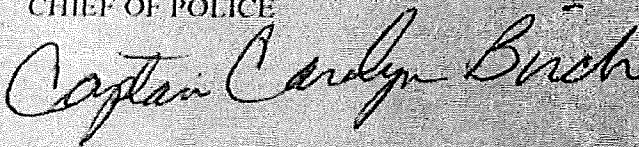
- Install and maintain a digital security surveillance system.
- Employ security personnel.
- Enroll in Respect 21 or MARTS program (contact CLO for more information)
- Make repairs to windows, doors and lights and improve landscaping.
- Participate in the City Clerk's Office Pivot Program workshop for businesses. Information on this training program may be obtained by emailing pivot@milwaukee.gov.

Once you have been billed for the costs of police services and enforcement for three or more separate nuisance activities within one year of the date of this notice of nuisance premises, the premises may be designated a chronic nuisance, pursuant to MCO 80-10-6, and each and every subsequent incident of nuisance activity at the premises may be deemed a separate violation and result in a citation being issued to you for failure to abate the nuisance activity. Each citation would subject you to a forfeiture of not less than \$1,000.00 or more than \$5,000.00. Upon default of payment of a chronic nuisance citation you would be subject to imprisonment in the county jail or house of correction for a period of not less than 40 days or more than 90 days for each violation.

Please contact P.O. Bowie Buchner at 414-935-7314 with any questions, and I look forward to hearing from you.

Best regards,

JEFFREY NORMAN
CHIEF OF POLICE



CAROLYN BIRCH
DISTRICT COMMANDER

Attachment: Copy of Milwaukee City Ordinance 80-10
CC: City Clerk - License Division
Common Council, City Hall - ~~Old Rhythm~~
Sidhu Property LLC

Receipt of A.R.B.A. Appeal Fee

Date:	8/8/22
Received Of:	Michael Maistelman
Property at:	4302 W. Capitol Dr.
Received By:	LME
Check # (If Applicable):	5010
Amount:	\$25.00

CITY OF MILWAUKEE
2022 AUG - 8 A 11: 11
CITY CLERK'S OFFICE