

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

July 6, 2017

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 170080

Attached are the written objections to file number 170080, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to the recommendation of:

Renewal, with a thirty (30) day suspension, based upon the police report and videos of the Class B Tavern and Public Entertainment Premises license(s) for Claiborne Green for the premises located at 906 S Barclay St. ("The Point") in the 12th aldermanic district.

Nonrenewal based upon the police report, aldermanic, and police testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises license(s) for Jerud Sagorac for the premises located at 2204 W Forest Home Ave. ("Coach Sagorac's BIG TIME Pub of Greatness") in the 8th aldermanic district.

Renewal, with a twenty (20) day suspension, based upon aldermanic and neighborhood testimony of the Class A Malt & Class A Liquor license(s) for Mohammad Siddique for the premises located at 616 W Wisconsin Ave. ("Avenue Liquor") in the 4th aldermanic district.

Renewal, with a thirty (30) day suspension, based upon the police report and aldermanic testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises license(s) for Quiana Milton for the premises located at 7420 W Villard Ave. ("Dee's Elegance") in the 2nd aldermanic district.

Nonrenewal based upon the second nonappearance of the Class B Tavern and Public Entertainment Premises license(s) for Corine Wilson for the premises located at 1008 W Center St. ("Wilson's Club") in the 15th aldermanic district.

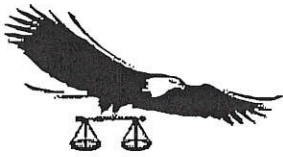
This matter will be heard by the full Council at its Tuesday, July 11, 2017 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statements and materials.

Respectfully,



Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 170080



BOBOT LAW OFFICE

VINCENT J BOBOT

July 3rd, 2017

James Owczarski
City Hall
200 E. Wells Street
Room 205
Milwaukee, WI 53202

RE: Licenses Committee
Claiborne Green, The Point MKE LLC

Dear Mr. Owczarski,

My client, Claiborne Green of The Point MKE LLC, requests to appear before the Common Council to argue for a lesser penalty before the Licensing Committee.

CITY OF MILWAUKEE
2017 JUN 35 A 6:45
CITY CLERK'S OFFICE

Very truly yours,

Vincent J. Bobot
Attorney at Law
State Bar No. 1020732



FRIEBERT, FINERTY & ST. JOHN, S.C.
ATTORNEYS AT LAW

330 East Kilbourn Ave. • Suite 1250 • Milwaukee, Wisconsin 53202
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S. TODD FARRIS
TED A. WARPINSKI
LAWRENCE J. GLUSMAN
BRIAN C. RANDALL
CHRISTOPHER M. MEULER
M. ANDREW SKWIERAWSKI

July 5, 2017

VIA E-MAIL

jowcza@milwaukee.gov
Mr. James R. Owczarski
City Clerk
200 East Wells Street
Milwaukee WI 53202

CITY CLERK'S OFFICE
2017 JUL -5 P 4: 21
CITY OF MILWAUKEE
ROBERT H. FRIEBERT
(1938-2013)
EMERITUS
JOHN J. FINERTY
COUNSEL
THOMAS J. ST. JOHN
WILLIAM B. GUIB

RE: *Jerud Sagorac d/b/a Coach Sagorac's BIG TIME Pub of Greatness/City of Milwaukee – Class B Tavern, Food Dealer and Public Entertainment Premises License Renewals at 2204 W. Forest Home Avenue in the 8th Aldermanic District*

Objection to June 30, 2017 Report of the Licenses Committee and Findings of Fact, Conclusions of Law, and Recommendation

Dear Mr. Owczarski:

This office represents the above licensee with respect to his application for renewal of his Class B Tavern, Food Dealer and Public Entertainment Premises License. We have received your June 30, 2017 letter forwarding the Report of the Licenses Committee and Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of the subject licenses. Pursuant to § 90-12-5-c-2, *Milwaukee Code of Ordinances* (“MCO”), the licensee respectfully objects to the June 30, 2017 Report of the Licenses Committee recommending non-renewal of Mr. Sagorac’s licenses.

The licensee requests that these written objections be considered by the Common Council at its July 11, 2017 meeting. The undersigned will be present at the meeting to present these objections at oral argument and answer questions.

Coach Sagorac’s Big Time Pub of Greatness is a small neighborhood pub run by Jerud “Coach” Sagorac, a school teacher for a charter school in Milwaukee. The pub opened less than a year ago. Mr. Sagorac lives above the pub, is its licensed agent, and is present every night the pub is open. Although he has some limited previous experience as a bartender and security for bars, this is Mr. Sagorac’s first time as a tavern owner.

Mr. Sagorac admits that he initially struggled to implement consistent policies and procedures at his pub and with his employees. Combined with the changing demographics and increasing

Mr. James R. Owczarski
July 5, 2017
Page 2

difficulties in the neighborhood, these early failures resulted in the incidences documented in the police report presented to the committee. Then in early May, the MPD issued a nuisance letter and a Notice of Mandatory Retail Establishment Security Measures to the pub.

Mr. Sagorac prepared a thorough response, including signage, employee procedures, increased security presence, increased cameras, increased lighting, a standing loitering complaint, earlier closing hours, and increased communication with MPD. This Plan of Action was approved, and Captain Wurth praised the plan during her testimony at Committee.

Although he was not required to implement the Plan of Action until the second week of July, Mr. Sagorac immediately began taking steps to ensure his pub was operating with the best practices and procedures it could. Over the course of the last two months Mr. Sagorac is pleased to report that there have been no issues at the pub.

In recommending denial of the Licenses, the Committee failed to follow its customary and required principles of progressive discipline. Customarily, the Committee applies progressive discipline principles to applicants when considering imposing sanctions. In fact, Wisconsin courts have noted that such principles are appropriate in order to satisfy the equal protection requirements of the U.S. Constitution, 14th Amendment. See *Village of Menomonee Falls v. Michelson*, 104 Wis. 2d 137, 145-46, 311 N.W.2d 658 (Ct. App. 1981).

Rather than finding an appropriate sanction in accordance with a reasonable progressive discipline step, the Committee essentially gave up and just non-renewed the Licenses despite our office's suggestion that a 30-day suspension to be appropriate. The Committee could have – and should have – recommended suspension of the Class B Tavern, Food Dealer and Public Entertainment Premises License thereby giving the licensee a chance to continue to improve and impressing upon it the importance of maintaining a clean establishment. This is particularly true here where, as noted above, the licensee has developed a well thought out Plan of Action that has been approved and endorsed by MPD. **Notably, since it began implementing the Plan of Action, the licensed premise has had no reported issues.**

The Committee instead arbitrarily voted to deny renewal effectively giving the bar a death sentence even though a lesser sanction in the form of a suspension was more reasonable under the circumstances and applicable law. Non-renewal was an unreasonable penalty in light of the City's progressive discipline principles that should have applied in this situation.

CONCLUSION

Mr. Sagorac recognizes the seriousness of the situation and has already taken responsibility to correct it (by implementing the Plan of Action) and by authorizing us to suggest a 60 day

Mr. James R. Owczarski
July 5, 2017
Page 3

suspension is an appropriate sanction. This will have the added benefit of allowing the licensee time during which you can continue to implement his operational improvements.

For all of the foregoing reasons, the licensee respectfully requests that the Common Council renew its Class B Tavern, Food Dealer and Public Entertainment Premises License with a 60-day suspension.

Very truly yours,

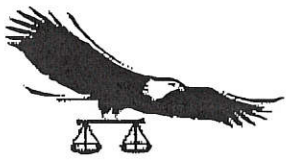
FRIEBERT, FINERTY & ST. JOHN, S.C.

A handwritten signature in black ink, appearing to read "M. Andrew Skwierawski". The signature is fluid and cursive, with a large, sweeping flourish at the end.

M. Andrew Skwierawski
mas@ffsj.com

MAS:las

cc: Ms. Yashica Hayes, Staff Assistant, Office of the City Clerk – Via E-Mail
Brian C. Randall, Esq. – Via E-Mail



BOBOT LAW OFFICE

VINCENT J BOBOT

July 3rd, 2017

James Owczarski
City Hall
200 E. Wells Street
Room 205
Milwaukee, WI 53202

RE: Licenses Committee
Mohammad S. Siddique, Avenue Liquor INC.

Dear Mr. Owczarski,

My client, Mohammad S. Siddique of Avenue Liquor INC, requests to appear before the Common Council to argue for a lesser penalty before the Licensing Committee.

CITY OF MILWAUKEE
2017 JUN 35 A 6:15
CITY CLERK'S OFFICE

Very truly yours,

Vincent J. Bobot
Attorney at Law
State Bar No. 1020732

5414 SOUTH 13th STREET
MILWAUKEE, WI 53221

PHONE 414.430.1249
FAX 414.282.9522
E-MAIL vbobot@aol.com

Hayes, Yashica

From: Quiana Milton <qmilton@sbcglobal.net>
Sent: Wednesday, July 05, 2017 4:36 PM
To: Owczarski, Jim; Hayes, Yashica
Cc: Johnson, Cavalier; Hamilton, Ashanti; Kovac, Nik; Bauman, Robert; Bohl, James; Coggs, Milele; Rainey, Khalif; Donovan, Robert; Lewis, Chantia; Murphy, Michael (Alderman); Borkowski, Mark; Perez, Jose; Witkowski, Terry; Stamper II, Russell; Zielinski, Tony; Celella, Jessica
Subject: Dee's Elegance

To whom this may concern,

This is a formal response to the findings of the license committee from my meeting on June 27th, 2017. I would like to amend the motion to have my age restriction to 30 and up after 8 pm. Due to the fact that we were recently awarded the 21 and up age restriction, and have not had any issues with that, though we still cater to, and do very well, with a 25 and up audience. Being that I was nervous when asked about the age change restriction during the committee meeting and my focus was mainly on the events of January 1, 2017, I said yes, in which really I do not want to enforce the age restriction of 30 and up. Also, due to me already having difficulties rebuilding my clientel, I believe that having the 30 and up age restriction after 8 pm, will do my business more harm than it would good. I have reached out to my Alderman, Cavalier Johnson, with this concern as well.

Thank you,

Quiana Milton

414-364-7112

7/5/2017

To Whom it Concerns:

I would like to appeal
the denial for my License at
1008 W. Center St.

Cornie S. Wilson
262-229-5302

CITY OF MILWAUKEE
2017 JUL -5 PM 4:03
CITY CLERK'S OFFICE