

In re the Cigarette and Tobacco license, Food Dealer – Retail license and Weights & Measures license of:

Hampton Avenue Group, LLC
Faraj A. Jaber, Agent
as the Licensee for the licensed premises
known as Foodtown Mini Mart, located at
4790 North Hopkins Street, Milwaukee, WI 53209

SWORN CHARGES BY CHIEF OF POLICE FOR REVOCATION OF LICENSES

Pursuant to Sections 68-21, 84-43, 82-14 and 85-4 of the Milwaukee Code of Ordinances (“MCO”), Chief of Police Edward Flynn, a City of Milwaukee resident and interested party, by Captain Boris Turcinovic, Commander of Police District 7, City of Milwaukee resident and interested party, being first duly sworn and upon his oath, respectfully charges the following based upon review of official Milwaukee Police Department (“MPD”) reports drafted in the ordinary course of business, including those attached as part of this Sworn Charges, review of documents received by MPD District 7 and communication with police, law enforcement, community members and municipal officials:

LICENSE AND BUILDING OWNERSHIP

1. Hampton Avenue Group, LLC, by its agent Faraj A. Jaber, (hereinafter, the “Licensee”) is the holder of a Cigarette and Tobacco license, Food Dealer – Retail license and Weights & Measures license for the licensed premises known as Foodtown Mini Mart (a/k/a Food Town) located at 4790 North Hopkins Street, Milwaukee, WI 53209. At all times during the events described below, the Licensee held the aforementioned three licenses with the City of Milwaukee for Food Town.

2. Upon information and belief, the building or structure located at 4790 N Hopkins

Street, Milwaukee, Wisconsin 53209 has been owned by Accent Investments LLC C/O Foodtown Super Market, registered agent Faraj A. Jaber, since at least 2005.

SALE OF SYNTHETIC CANNABINOIDS

3. Food Town is a retail store that sells food, beverages and tobacco products, in addition to other general retail practices.

4. Beginning no later than January 2013, the Defendants, acting through their employees and agents, have offered to sell, and have sold, synthetic cannabinoids in packages labeled as “potpourri” and “incense.” Synthetic cannabinoids are commonly known as K2, spice and synthetic marijuana (collectively called “synthetic cannabinoids”). It is prohibited to possess, purchase, display for sale, attempt to sell, sell, give, barter or use synthetic cannabinoids pursuant to MCO 105-50 (“Synthetic Marijuana”).

5. Synthetic cannabinoids originally were developed to facilitate the study of cannabinoid receptor pharmacology, but in recent years they have emerged as recreational drugs. The products are ingested, usually by smoking, in order to obtain an effect similar to that produced by tetrahydrocannabinol (THC), the primary active psychotropic ingredient in marijuana.

6. Pursuant to Wis. Stat. § 961.14(4)(tb), the synthetic cannabinoids referred to below are controlled substances listed in schedule I or, pursuant to § 961.01(4m), controlled substance analogs. They are also “drugs” within the meaning of Wis. Stat. § 450.01(10)(c), because they are “substance[s]... intended to affect the structure or any function of the body of persons or other animals.”

7. Synthetic cannabinoids can be dangerous. Synthetic cannabinoid “use has repeatedly been reported to produce serious adverse health effects, including but not limited to

excited delirium, acute kidney injury, seizures, psychosis, hallucinations, cardiotoxic effects, coma, and death – with some users dying before they could reach an emergency department.” See Jordan Trecki, Roy Gerona, and Michael Schwartz, “Synthetic Cannabinoid-Related Illness and Deaths,” *New England Journal of Medicine*, July 9, 2015, at 106.

8. Synthetic cannabinoids are consumed by people of all ages, including children, and are easily accessible in the City of Milwaukee. See **Exhibit A** (Dwyer, Meghan and Davis, Stephen, “FOX6 investigators go undercover to show how easy it is to buy synthetic pot in Milwaukee,” Fox6 News, available at <http://fox6now.com/2016/04/28/fox6-investigators-go-undercover-to-show-how-easy-it-is-to-buy-synthetic-pot-in-milwaukee/>).

9. Food Town keeps large quantities of drugs, including synthetic cannabinoids, in the Property to be sold in and around the business.

10. Synthetic cannabinoids are stored, delivered and distributed within Food Town during normal business hours.

11. Through the use of machinery, packaging sealers, digital scales and other devices synthetic cannabinoids are manufactured in the Property.

12. Upon information and belief, Food Town acts as a “safe haven” to traffic narcotics.

13. On January 2, 2013, the Milwaukee Police Department (“MPD”) (operating in an undercover capacity) asked a Food Town employee while inside the Property for a cigar and “Mike and Ikes.” Based on a tip, MPD was made aware that if it asked for “Mike and Ikes” it would receive a sealed package of “Scooby Snax”, a known type of synthetic cannabinoid, for \$15. Upon the undercover officer asking the store clerk for “Mike and Ikes”, the store clerk then reached under the counter to the employee’s left side and retrieved a sealed package of “Scooby

Snax” and told the undercover the officer the “Mike and Ikes” were \$15. In exchange for \$50, the undercover officer obtained for packages of “Mike and Ikes” and a cigar. *See Exhibit B* (includes the relevant MPD licensed premises reports).

14. Based on the aforementioned undercover buy on January 2, 2013, MPD obtained a search warrant for the Property.

15. Upon executing the search warrant on January 9, 2013, MPD approached the store manager, Tareq Hamed. MPD informed Tareq Hamed of the search warrant and asked if he had anything on his person that he should not. Tareq Hamed stated he did not. Upon searching Tareq Hamed, MPD obtained one sealed bag of “Scooby Snax” Kush (4 grams) in his front left pants pocket and seven sealed bags of “Scooby Snax” green apple (4 grams) in his right rear pocket. MPD also located a sealed bag of “Scooby Snax” strawberry smash (4 grams) in a cabinet under the sales counter. *See Exhibit B.*

16. On May 17, 2016, the Milwaukee Police Department (MPD) had a confidential informant (“CI”) go to Food Town to purchase synthetic cannabinoids. That CI went into Food Town and successfully bought two packages of “spice”, which the clerk obtained from a black plastic shopping bag next to the register. The spice tested positive as a synthetic cannabinoid. *See Exhibit B.*

17. On May 18, 2016, MPD had a CI go to Food Town to purchase synthetic cannabinoids. That CI was able to buy three packages of spice, which the clerk obtained from a black plastic shopping bag next to the register. The spice tested positive as a synthetic cannabinoid. *See Exhibit B.*

18. On June 3, 2016, the U.S. Department of Justice, Drug Enforcement Administration (DEA) conducted an undercover investigation of Food Town for the sale of

synthetic cannabinoids. Upon asking for two packages of “Scooby” (a known brand of synthetic cannabinoid), a Food Town employee reached in a black plastic bag behind the counter and showed the undercover agent four packages of synthetic cannabinoids. That employee advised the undercover agent to pick the two he wanted. One of the undercover agents selected one package of “Joker” (5 grams) and one package of “OMG” (4 grams) and bought them for \$30. A second undercover agent told the employee that he, too, wanted to buy. Again, the employee reached in a black plastic bag behind the counter and showed the second undercover agent four packages of synthetic cannabinoids, again advising the undercover agent to pick the two he wanted. The second undercover agent selected one package of “Dank” (4 grams) and one package of “7H”, as well as a bottle of apple juice. The second undercover agent paid \$30 for all three items. No taxes appeared to be charged for either of the purchases. The packages tested positive for the presence of MMB-FUBINACA, a synthetic cannabinoid that is not listed in the Wisconsin Uniform Controlled Substances Act.

19. On June 15, 2016, MPD conducted a licensed premises check at Food Town based on a complaint the business was selling synthetic cannabinoids. MPD found an open box of Black & Mild cigars next to the register being sold individually. Under the register in a black bag they located colorful packets, which based on their training they identified as synthetic cannabinoids. The cashier, Medhat Hamed, admitted to selling the packets for \$10 each. The manager, Tareq Hamed, stated it was potpourri and it sold for \$10. A total of 109 packages were recovered and inventoried. The packets tested positive as a synthetic cannabinoid. Tareq Hamed was cited for possession of synthetic marijuana in violation of MCO 105-50 (case # 16058879). On March 23, 2017, Tareq Hamed pled no contest and was convicted of the underlying offense. *See Exhibit B.*

20. On June 22, 2016, the DEA conducted an undercover investigation of Food Town for the sale of synthetic cannabinoids. Undercover agents engaged in a conversation with an employee going by the name “Danny”, asking him what “kind” did Danny have. Danny related to the undercover officers that he had a few types and asked if undercover officers wanted the “large bags” or the “small bags.” An undercover officer said he wanted the “large bags.” Danny then went in to the back area, behind the counter, and provided the undercover officer with a bag that contained “Caution Super Strong Incense” (10 grams) and “Green Giant” (10 grams). Danny related that it would cost \$50. A second undercover officer related to Danny that he needed two as well. Danny then obtained a large bag of “Green Giant” (10 grams) from the west side of the counter. Danny stated he would do smaller bags and obtained a bag of “WTF” (4 grams) and “Geeked Up” (4 grams) from a pull out drawer along the southeast side of the counter. That undercover officer paid \$40 and Danny placed the items in a bag. The packages tested positive for the presence of MMB-FUBINACA, a synthetic cannabinoid that is not listed in the Wisconsin Uniform Controlled Substances Act.

21. On September 6, 2016, Faraj Jaber appeared in front of the Milwaukee Licenses Committee for his Food Dealer – Retail license renewal application for Food Town. During the meeting, the Committee discussed with Mr. Jaber known purchases of synthetic cannabinoids at Food Town in May 2016 and the recovery of 109 packages of synthetic cannabinoids during an inspection of the premises in June 2016 by MPD’s License Investigation Unit. At the meeting, Mr. Jaber, through his counsel, stated that the notice for the licensing meeting was the first time he became aware of the issue of synthetic cannabinoids being sold at Food Town. He claimed that the person selling the synthetic cannabinoids was a “rogue employee” who would be fired. Mr. Jaber further stated that the “rogue employee” was his brother, later determined to be Anas

Zidan. Mr. Jaber also stated that he had met with all of his employees and informed them that the sales of synthetic cannabinoids would not be tolerated.

22. Mr. Jaber told the Licenses Committee, under oath, if he had been notified of the drug activity reported by MPD (undercover buys in January 2013 and May 2016 and confiscation in June 2016) and he had done nothing about it, the Common Council “*should just shut me down.*” The Licenses Committee recommended a 15 day suspension based on the aforementioned incidents on May 17, 2016, May 18, 2016 and June 15, 2016. (video available online at 5:21:17:

http://milwaukee.granicus.com/MediaPlayer.php?view_id=2&clip_id=1167). See **Exhibit C** (video of Licenses Hearing from September 6, 2016); **Exhibit D** (Licenses Committee’s Findings of Fact dated September 9, 2016).

23. On September 20, 2016, the City of Milwaukee Common Council adopted the recommendation of the Licenses Committee. Accordingly, Food Town’s Food Dealer – Retail license was suspended from October, 7, 2016 until October 21, 2016. See **Exhibit E** (Common Council notice dated September 20, 2016).

24. On November 18, 2016, the DEA conducted an undercover investigation of Food Town for the sale of synthetic cannabinoids. An undercover agent engaged in a conversation with a store clerk. The undercover agent indicated he wanted four bags of synthetic cannabinoids and handed the clerk \$60.00. The clerk then reached down behind the counter and obtained two packages of “Scooby Snax” (four grams), one package of “WTF” (four grams) and one package of “Caution” (four grams). There was a glass display case on the counter that contained glass pipes, commonly used to smoke controlled substances. The undercover agent also requested a glass pipe and the clerk obtained the glass pipe from the display case. The clerk placed the

synthetic cannabinoids and the glass pipe in a bag and handed the bag to the undercover agent. The clerk also provided the undercover agent \$5.00 in change. The packages tested positive for 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole, commonly known as XLR-11, a synthetic cannabinoid which is controlled by Wis. Stat. § 961.14(4)(tb)8c.

25. On January 24, 2017, the DEA conducted an undercover investigation of Food Town for the sale of synthetic cannabinoids. The undercover agent attempted to negotiate a discounted price for the synthetic cannabinoids but was told by the clerk the price stayed the same even if the undercover agent conducted a \$3,000.00 deal. After giving the clerk \$200.00, the clerk exited from behind the counter and walked into the side room of the store for a short period of time. The clerk reemerged from the room and walked directly to the area behind the counter and handed the undercover agent a dark colored plastic bag with multiple bags of synthetic cannabinoids. The undercover agent had successfully purchased seven packages of suspected synthetic cannabinoids (each weighing 7-8 grams), including one package labeled “Angry Birds,” one package labeled “DANK” and five packages labeled “Fairly Legal.” Examinations of the plant material from the four packages tested (three of the five packages label “Fairly Legal” were examined visually only) identified the presence of N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, commonly known as AB-FUBINACA, a synthetic cannabinoid which is controlled by Wis. Stat. § 961.14(4)(tb)32.

26. Upon information and belief, Anas Zidan, is the same employee who sold the synthetic cannabinoids to the undercover officers in June 2016 (and was allegedly fired by Faraj Jaber), and is the same employee who sold the undercover officer the synthetic cannabinoids in November 2016 and January 2017.

27. On May 23, 2017, the DEA, MPD and Department of Revenue executed a search warrant on the Property. During the execution of the warrant, a significant amount of synthetic cannabinoids (estimated 1,820 packets), synthetic cannabinoids paraphernalia and instruments used to manufacture synthetic cannabinoids were located in the Property, including but not limited to:

- a) Three black bags and a metal safe of synthetic cannabinoids hanging below the cash register area and out of public sight;
- b) Drug paraphernalia located within the cash register area and out of public sight, including Chore Boy copper scrubbers, tire gauges, gas lighters and portable digital scales;
- c) A hard plastic bin containing a trash bag full of synthetic cannabinoids hidden underneath the microwave in the back kitchen area;
- d) A hard plastic bin containing a trash bag full of unpackaged loose synthetic cannabinoids (estimated 7 kilos) hidden underneath the microwave in the back kitchen area;
- e) A sealed shop vacuum containing a trash bag full of packaged synthetic cannabinoids in the back kitchen area;
- f) Unused foil packets for synthetic cannabinoids with the label, "WTF", in a bedroom upstairs;
- g) A digital control particle filling machine used for manufacturing synthetic cannabinoid packages with loose synthetic cannabinoids in the mixer portion of the instrument in the same bedroom upstairs with the synthetic cannabinoid foil packets;

- h) A digital scale next to the digital control particle filling machine in the same bedroom upstairs;
- i) A sealer device to seal packages on the radiator in the hallway by the bedroom upstairs;
- j) Synthetic cannabinoid packets (approximately 304) in a bin in the basement;
- k) A pair of binoculars on an inflatable bed in a different bedroom upstairs;

See **Exhibit F** (Photographs from search warrant).

28. Upon information and belief, on May 25, 2017, Kenneth Taylor died after smoking a synthetic cannabinoid labeled, “Dead Man.” “Dead Man” is sold at Food Town. According to the medical examiner, this is the third death in recent months that is believed to be linked to synthetic cannabinoids. See **Exhibit G** (Stephenson, Crocker, “Milwaukee County medical examiner investigating death possibly related to synthetic marijuana,” Journal Sentinel, *available at* <http://www.jsonline.com/story/news/local/milwaukee/2017/05/26/milwaukee-county-medical-examiner-investigating-death-possibly-related-synthetic-marijuana/348838001/>).

29. On May 26, 2017, the City of Milwaukee filed a drug house litigation complaint against the Hampton Avenue Group LLC, Faraj Jaber and Accent Investments LLC (Milwaukee County Circuit Court, case no. 2017CV004388). Based on the affidavits of two DEA agents and the laboratory analyst who determined the November 18, 2016 and January 24, 2017 buys contained controlled substances, as well as Mr. Jaber’s statements from the September 6, 2016 Licenses Committee hearing, the circuit court granted the City’s request for a temporary injunction to temporarily close the building or structure located at 4790 N Hopkins Street, including Food Town. As of June 1, 2017, Food Town has been closed pursuant to the court order. See **Exhibit H** (Temporary Injunction Requiring Temporary Closure dated May 30, 2017,

including affidavits from Laboratory Analyst, Kenneth Olson, DEA Special Agent Matthew McCarthy and DEA Special Agent Steven Wehr).

30. None of the synthetic cannabinoids sold at Food Town have been approved for marketing for human consumption by the federal Food and Drug Administration (“FDA”) under 21 U.S.C. §§ 301-392.

31. Food Town has been continuously used as a source of congregation for drug activity, necessitating an excessive amount of police resources.

32. Food Town is a building or structure used to facilitate the delivery, distribution or manufacture of a controlled substance, via the Licensee and his agents, and is a location where those acts take place; therefore, it is a public nuisance.

33. Food Town has had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood.

34. The ongoing nuisance activity has causally and substantially impacted the premises and immediate neighborhood surrounding Food Town, and the premises; therefore, is an unfit location for a future Cigarette and Tobacco license, Food Dealer – Retail license and Weights & Measures license to be issued at the premise.

BASED UPON the repeated drug activity associated with Food Town, which has cumulatively had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood, the Chief of Police, by his designee, respectfully requests the immediate revocation of the Cigarette and Tobacco license, Food Dealer – Retail license and Weights & Measures license relative to the above-referenced Licensee and licensed premise, Food Town, because:

1. Pursuant to MCO 68-21-9-g, MCO 68-21-9-k, MCO 82-14-15 and MCO 85-4-4-c, MPD is an interested party that alleges the operation of Food Town has contributed to and been the source of congregation of persons which has resulted in illegal drug activity;

2. Pursuant to MCO 68-21-11-b, this written complaint seeks revocation based on reasons unrelated to unsanitary conditions;

3. Pursuant to MCO 84-43-11 and Wis. Stat. Secs. 134.65(6)-(8), Food Town is disorderly, riotous, indecent, or improper and the Licensee has knowingly allowed another person who is on the licensed premises to possess with intent to manufacture, distribute or deliver a controlled substance or controlled substance analog.

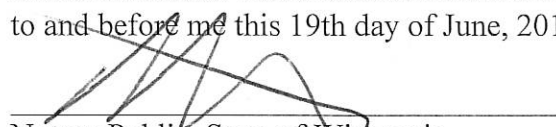
Dated at Milwaukee, Wisconsin this 19th day of June, 2017.

CHIEF OF POLICE EDWARD FLYNN, by



CAPTAIN BORIS TURCINOVIC
Commander, Milwaukee Police District 7

The foregoing complaint seeking revocation of the Cigarette and Tobacco license, Food Dealer – Retail license and Weights & Measures license was subscribed and sworn to and before me this 19th day of June, 2017.



Notary Public, State of Wisconsin
My commission is permanent



Drafted by:
NICHOLAS P. DESIATO
Assistant City Attorney
SBN: 1068916

1032-2017-1178:240117

FOX6 investigators go undercover to show how easy it is to buy synthetic pot in Milwaukee

POSTED 9:05 PM, APRIL 28, 2016, BY MEGHAN DWYER AND STEPHEN DAVIS, UPDATED AT 09:31PM, APRIL 28, 2016



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FOX6 investigators go undercover to show how easy it is to buy synthetic pot in Milwaukee



MILWAUKEE — Scooby Snax. Angry Birds. K2. Spice. Green Giant. The Joker. Whatever you call it -- it is a designer drug, most commonly marketed as synthetic marijuana. Even though it's supposed to be illegal, it's still pretty easy to buy in Milwaukee.



"John" says after using synthetic marijuana for a few years he now warns others of the consequences.

"It turned into something very scary," said a local man, who says he was addicted to the drug for nearly four years and took it to avoid failing a drug test at work.



"It's something that I never want to experience again," he said. "I don't know what, possibly, it could have done to me, but the seizures alone could have killed me."

Another man told FOX6 News he, too, was addicted. He said he'd spend all of his money on the drug, often getting high in his car.

"I was driving around town running stop lights, running stop signs," he said. "There were numerous times where I would almost hit a car."



In Wisconsin, stories like these are not uncommon. Earlier this year, two teenage boys were hospitalized after smoking the drug on their way to school.



Coreyonne Teague's sons

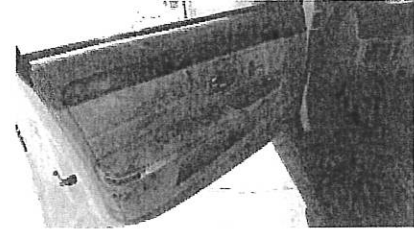
Their grandmother, Shirley Teague, said they were eating snow salt right off the sidewalk and hallucinating.

"They thought they were going to die," Teague said.

Teague said she wants stores that sell the drug to kids to be held accountable.

"It isn't getting any better. It's getting worse. People are actually dying," Teague said.

While Teague's grandsons survived, in Wisconsin, in March alone, eight people were poisoned by the drug according to the American Association of Poison Control Centers. That number is low, experts say, because it only represents the cases that get reported.



Monona police subdue a man found in his car in the middle of a highway. The man was hallucinating after using synthetic marijuana.

Just last week in Monona, Wisconsin, a man was found in his car in the middle of a highway, covered in blood. He had freaked out and destroyed his vehicle. He was so out of control police had to use a Taser on him before they could take him to the hospital. He was high on synthetic marijuana.

Dr. Jillian Theobald, a toxicologist at the Wisconsin Poison Center at Children's Hospital said she is all too familiar with the drug.

"I have seen like horrible cases where a young kid wanted to have fun with their friends and then they end up dead. These things are very scary because you never know exactly what you are getting," Dr. Theobald said.

Five years after synthetic marijuana was outlawed in Wisconsin, it's still easy to get.



Synthetic marijuana

"As long as you have the money, they will sell it to you," said one of the men FOX6 News interviewed. "It was just easy to get, to walk into a store and say, 'hey, you know, this is what I want,' and as long as you have the money you can have it and walk out of the store like nothing."

The FOX6 investigators tested that theory -- visiting eight stores in Milwaukee. We were able to buy synthetic marijuana at three of them.

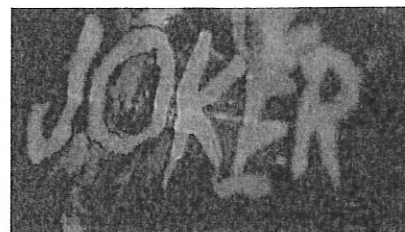
When we questioned one store clerk about whether it was legal to sell, he told us: "We don't sell it for human consumption. We sell it for potpourri and that is what it is intended for."

When we pressed him about the law, he went on to explain that if we wanted to smoke it, he couldn't sell it to us.

"We just sell it strictly for potpourri for your house. If you say you are ingesting the product, legally, we cannot sell it to you. Like, if you were about to snort those energy drinks, you know? Can't sell it to you, man. You are misusing the product," he said.

It's that kind of loophole, parents say, that should be closed.

The packages FOX6 News obtained actually read: "Legal in 50 States" and "Not for human consumption." They look like candy wrappers.



Synthetic marijuana

"It's becoming kind of mainstream too. There's a lot of just everyday kids buying this stuff," said City of Madison Police Detective Thomas Helgren.

Helgren said parents prompted police in Madison to start cracking down on stores that are still selling synthetic marijuana.

"They called us and said, 'what are you doing about it?' And we basically stared at them and went 'nothing,'" he said. "We had to figure out what to do about this stuff."

Milwaukee police say they don't actively go after stores that sell the drug unless they find it during routine searches of gas stations or corner stores. In Madison -- there's a different, more aggressive approach.

"They're always a step ahead of us," Helgren said. "Because once we change a law, to match what their chemical compound is, they've switched it so it no longer fits that statute."

That's why, in Milwaukee, stores rarely get caught selling the drug.

"If they get caught, all you have to do is change a chemical. Just one chemical is all it takes and they can resell it again," one smoker said.

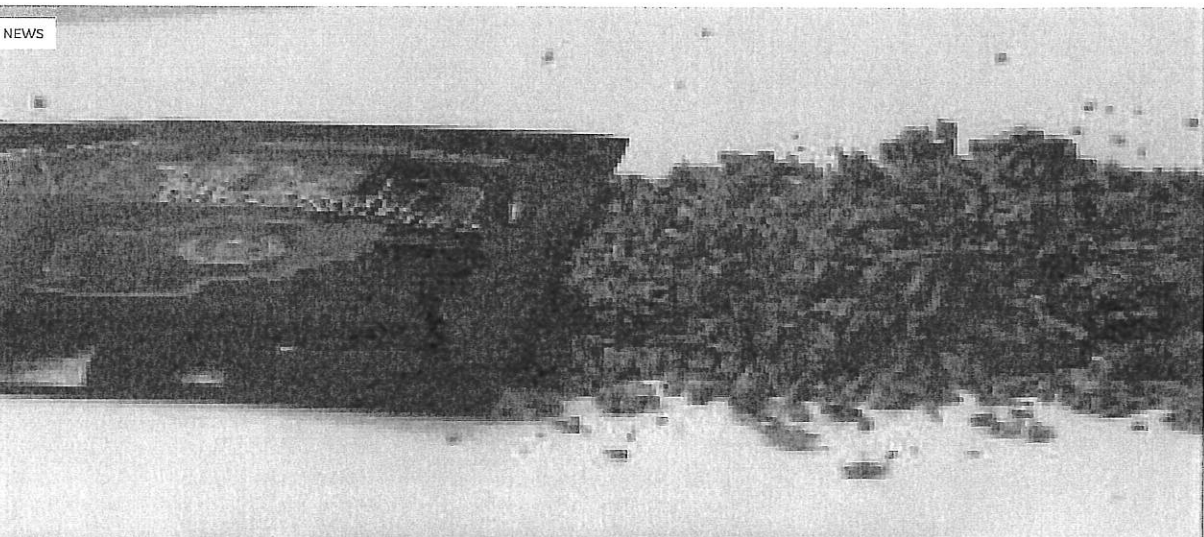
That's because synthetic marijuana is not illegal, per se. Only specific chemicals are banned. And unlike real marijuana, cocaine, heroin or other drugs, kids can buy it off the shelves at local stores.

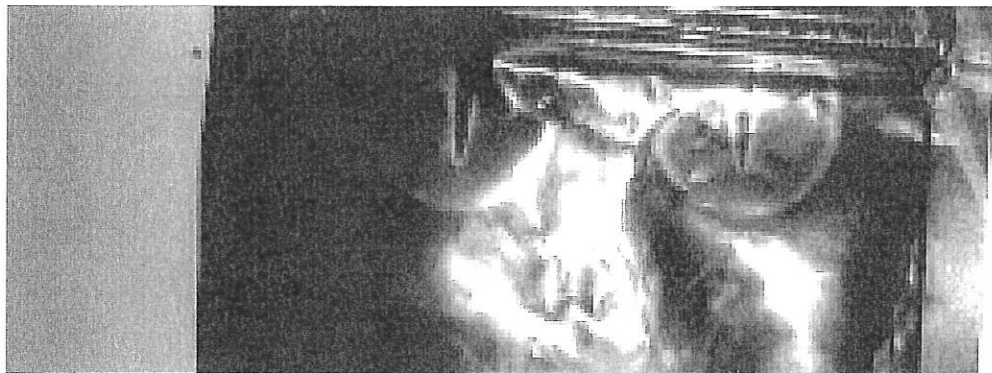
"I know they are selling to kids," one of the people we interviewed said.

"Just to make a dollar? Just to make a buck, you will kill some kids?" Teague said.

The people we interviewed for this story said they don't want kids to think smoking synthetic marijuana is anything like smoking real marijuana.

"I want people to know that it is a dirty drug. It's just dangerous," one man said.

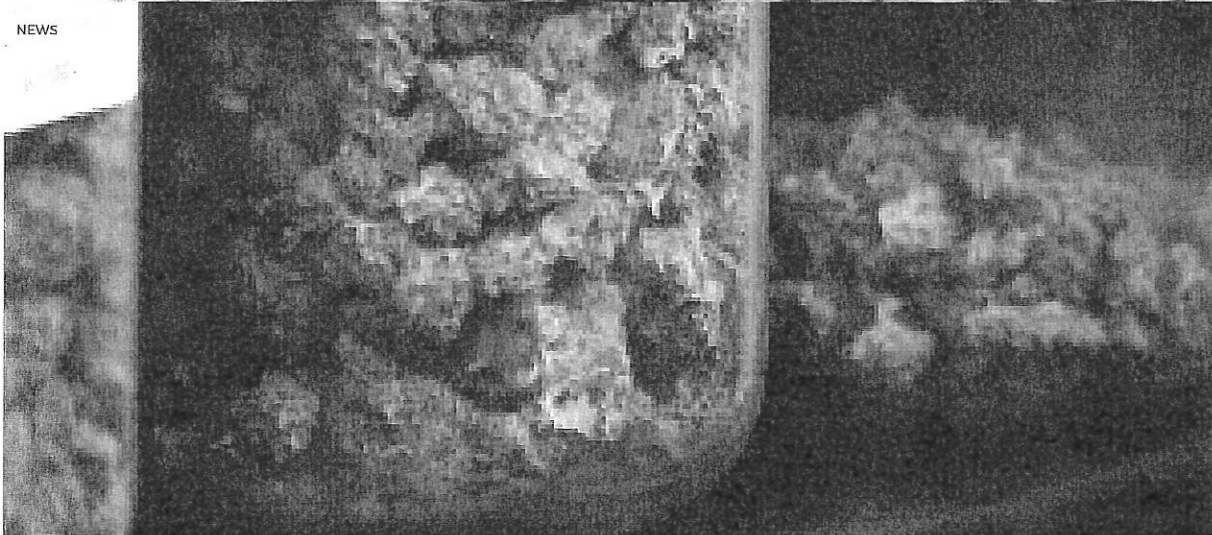




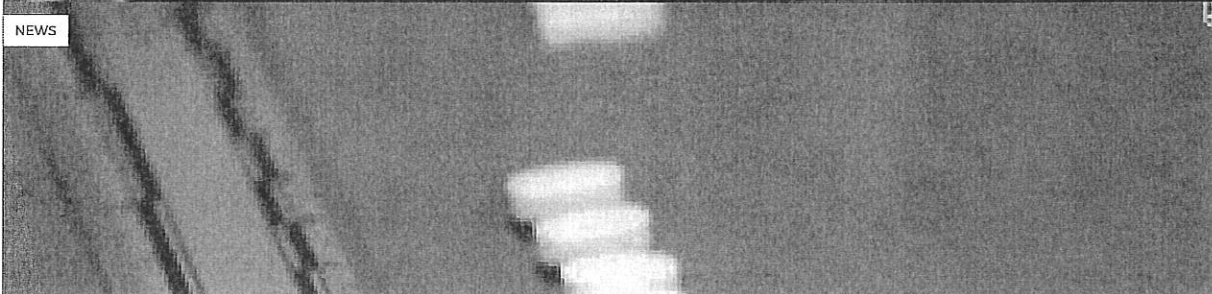
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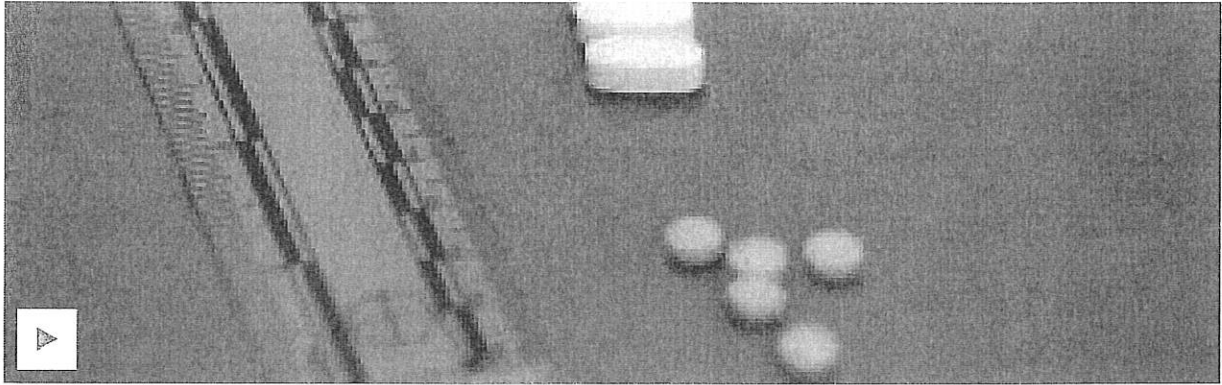


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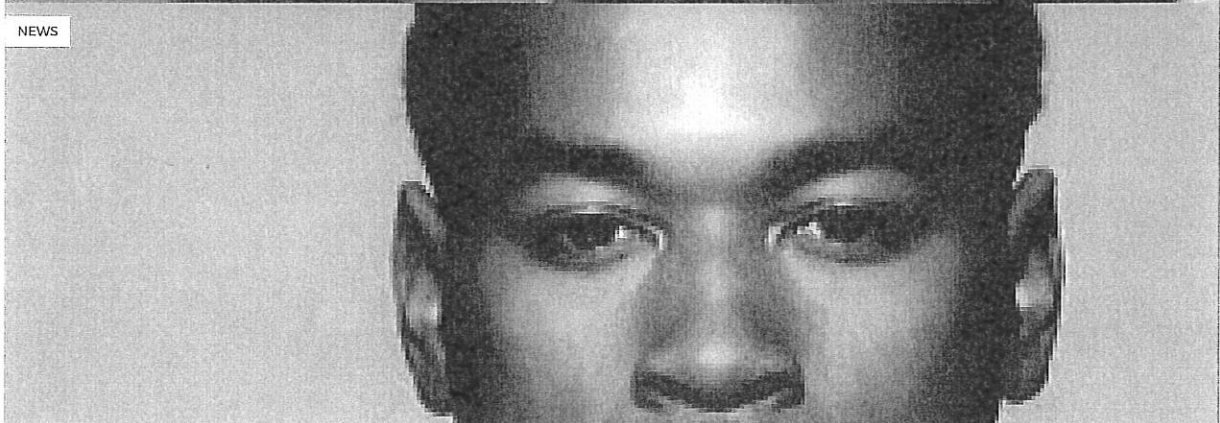
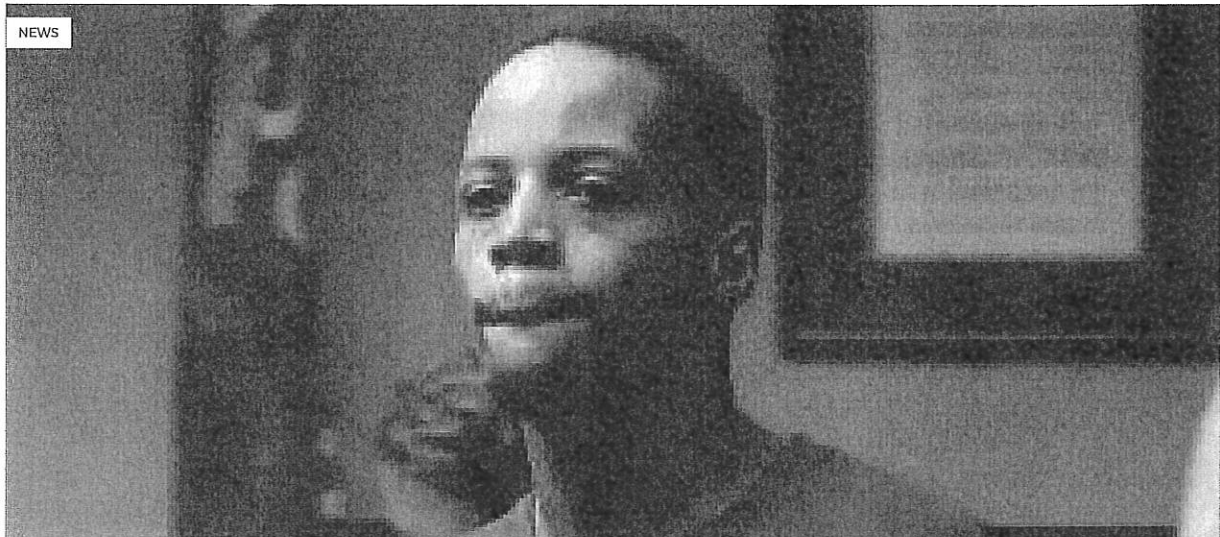


NEWS





Pill presses for counterfeit drugs seized in record numbers



MILWAUKEE POLICE DEPARTMENT

REPORT OF INCIDENTS INVOLVING LICENSED PERSONS OR PREMISES

TO: ASSISTANT CHIEF: John M. HAGEN

Business Name: Food Town Mini Mart
Address of Licensed Premises: 4790 N Hopkins St
Business Phone:

District: 72

Type of License: Convenience Store *SHD, Food*

Violation / Incident # 13-004-0105 Date of Incident: 1-4-13

Licensee or Manager on premises at time of violation / incident? Yes No

Licensee cooperative? Yes No (If no, explain in narrative section)

Licensee Notified by Officer: Kaltenbrun

Date: 1-4-13 Time: 6:30p.m.

Licensee or Agent's Name: HAMED, Tareq A. *JABER, Faraj*
Home Address: 3979 W Victory Ln
City, State and Zip code: Franklin, WI 53132

Date of Birth: 6-2-62
Home Phone:

Co-Licensee Name:
Home Address:
City, State and Zip code:

Date of Birth:
Home Phone:

Bartender Name:
Home Address:
City, State and Zip code:

Date of Birth:
Home Phone:

Licensed Person (Public Pass, Veh. Oper., etc):
Home Address:
City, State and Zip code:

Date of Birth:
Home Phone:

VIOLATION/INCIDENT - DESCRIBE FACTS AND CIRCUMSTANCES IN NARRATIVE SECTION

Name of Person Cited: Hamed, Tareq A.
Violation & Ord. / Statue No.: 961041(1m)(h)

Date of Birth: 6-2-62

Citation Number:
Court Date: 1-10-13

Name of Person Cited:
Violation & Ord. / Statue No.:

Date of Birth:

Citation Number:
Court Date:

Name of Person Cited:
Violation & Ord. / Statue No.:

Date of Birth:

Citation Number:
Court Date:

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Violation & Ord. / Statue No.:

Date of Birth:

Citation Number:
Court Date:

Name of Person Cited:
Violation & Ord. / Statue No.:

Date of Birth:

Citation Number:
Court Date:

Investigating Officer: *PO Matthew Kaltenbrun*

District / Bureau: 72

Date: 1-4-13

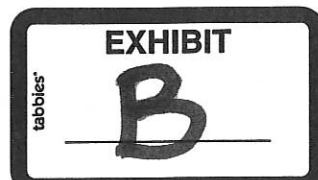
[Signature]
Commanding Officer

4/13/13
Date

DISPOSITION - FOR LIU ONLY

Citation No.	Case Number	Disposition	Judge	Date
LICENSE INVESTIGATION UNIT				
Received	<i>43013</i>			
Referred	<i>LIV</i>			

By *[Signature]*



NARRATIVE SECTION: This report is written by P.O. Matthew Kaltenbrun assigned to District 7, Early Shift, Squad 7282. On Wednesday January 2nd, 2013 at about 1:50p.m. P.O. Zebdee Wilson was working in an undercover capacity and entered the Food Town Mini Mart located at 4790 N Hopkins St.

P.O. Wilson continued east in the store and to the counter located along the north wall and to the east where he spoke with a I/M about 30 years of age, 5'6", 260 lbs and was wearing a black shirt with a red shirt underneath with blue jeans whom appeared to be an employee who was standing behind the counter.

P.O. Wilson asked for a cigar and the proceeded to ask the store clerk for "Mike and Ikes". It should be noted that officers had received information from a concerned citizen that the Food Town Mini Mart had been selling synthetic marijuana and that customers would have to ask for "Mike and Ikes" from the store clerks and they would receive a sealed package of "Scooby Snax" potpourri 4g for \$15.

P.O. Wilson stated that the store clerk then reached under the counter to the employees left side and retrieved a sealed package of "Scooby Snax" potpourri and was advised that the "Mike and Ikes" were \$15. P.O. Wilson exchanged a \$50 bill with the last four of the serial number being 113A for the cigar and "Scooby Snax".

P.O. Wilson then retrieved the "Scooby Snax" and cigar and exited the store. P.O. Wilson later conveyed the "Scooby Snax" to District 7 where I later placed it on drug inventory # 1300189. It should be noted that "Scooby Snax" is sold as synthetic marijuana and is advertised online as creating a "high" similar to marijuana.

A search warrant was later reviewed by ADA Antonella Aleman and signed by Court Commissioner Barry Phillips.

On Friday January 9th, 2013 at about 6:30p.m. my partner, P.O. Omarlo Phillips, and I along with P.O.'s Kent Tuschi, Daniel Vidmar, Daniel Roufus, Matthew Dresen, and Sgt Malcolm Blakely performed a search warrant at the location of 4790 N Hopkins St.

Upon entering the store, patrons were escorted from the business, I proceeded to the north east corner of the store. Along the north east corner of the store is a small office area with safety glass separating the office from the store and a door way which was located behind the counter. Inside of the office was the store manager, Tareq A. HAMED, W/M, 6-2-62, who was sitting on a leather swivel chair. I informed HAMED that I had a search warrant for the premises and read him a copy of the search warrant.

I then asked HAMED if he had anything on his person that he should not have and he responded that he did not. I then performed a search of HAMED which revealed a sealed 4gr bag of "Scooby Snax" Kush potpourri in his front left pants pocket and 7 4gr sealed bags of "Scooby Snax" green apple potpourri in HAMED'S right rear pocket.

I then asked HAMED if there were any weapons on the premises and he responded that a firearm was located in the safe. HAMED then unlocked the safe and I recovered a loaded chrome and black semi automatic Ruger SR99c firearm with a black case, two magazines, 15 rounds of 9mm Hornady ammo, and a sales receipt. Located under the eastern most sales counter was a white and clear plastic drawer cabinet. Inside of the top drawer of that cabinet was one sealed 4 gr package of " Scooby Snax" strawberry smash potpourri.

With Sgt Blakely as a witness, along with HAMED, I searched the premises and safe for a \$50 bill with the last four of serial number being 113A but was unable to locate the bill.

The "Scooby Snax" were recovered and later conveyed to District 7 for processing and the firearm for safekeeping. Other employees that were onscene were identified as Anas I ZIDAN, W/M, 12-17-71, Hussam T. HAMED, W/M, 6-15-87, and Ayman K. MUSAITEF, W/M, 12-20-91.

The "Scooby Snax" were placed on inventory # 1300453 and the firearm was placed on inventory # 13000448. HAMED was ordered into the DA's office on Thursday January 10th, 2013 at 1:30pm.

This report is submitted by PO Trinidad RODRIGUEZ assigned to District Seven Captain's Car. Also involved in the investigation is PO Paul MARTINEZ assigned to North Investigations attached to the MPD / FBI Southeast Wisconsin Regional Gang Task Force.

On Tuesday, May 17, 2016, PO Daniel KELLER and PO MARTINEZ met with an MPD Confidential Informant (CI) regarding a controlled buy of synthetic marijuana also known as "K2" or "Spice" from the convenience store at 4790 W Hopkins St, Food Town Mini-Mart, which is located in the City and County of Milwaukee.

The CI was searched prior to the buy and no money or contraband was found. The CI was then given \$40 of US currency from MPD draw# 16-038, which was photographed and equipped with a covert audio/video recording device. The CI was then dropped off near the store from our undercover (UC) vehicle.

At approximately 12:41pm, PO KELLER and PO MARTINEZ observed the CI enter the store at 4790 W Hopkins St. The CI then returned to us at approximately 12:43pm and handed us (2) sealed pouches of "Dank" and "7H" potpourri (suspected synthetic marijuana) and the recording device. The CI was re-searched and no money or contraband was located.

The CI stated that they purchased the (2) pouches of "Spice" from the clerk behind the counter, for \$20 each. The CI described the clerk as a Middle Eastern male, approximately 25 to 35 years old, 5'8, 250lbs, short dark hair and having a large build. The CI stated that he/she simply waited in line and asked the clerk for "2 spice". The CI stated that the clerk then took the recorded money from him / her and entered the transaction into the cash register and placed the money in the register as well. The CI stated that the clerk then retrieved the two packages, which were in a black plastic shopping bag, from the top of the counter to the right of the register.

The CI was later dropped off and we then conveyed the evidence to District 5. At District 5, PO KELLER and PO MARTINEZ photographed the pouches. PO MARTINEZ then opened each pouch and poured the green, leafy substance into (2) paper folds. The pouch labeled "Dank" had a total weight of 5.27 grams without packaging and the pouch labeled "7H" had a total weight of 4.44 grams. A small sample from each pouch was submitted to a NarkII 05 field test with negative results. The substances were then placed on inventory # 16017197.

The covert video was later reviewed. It was then learned that no images or video were captured of this event due to operator error.

The photos were then sent to PO Trinidad RODRIGUEZ of District 7 who is the primary investigator of this investigation.

I did have all packages sent out to the Wisconsin State Crime Lab. Findings showed presences of synthetic cannabinoid not in the Wisconsin Uniform Controlled Substance Act.

End of report.

This report is submitted by PO Trinidad RODRIGUEZ assigned to District Seven Captain's Car. Also involved in this investigation is PO Paul MARTINEZ assigned to North Investigations attached to the MPD / FBI Southeast Wisconsin Regional Gang Task Force.

On Wednesday, May 18, 2016, PO Daniel KELLER and PO MARTINEZ met with an MPD Confidential Informant (CI) regarding a second controlled buy of synthetic marijuana also known as "K2" or "Spice" from the convenience store at 4790 W Hopkins St, Food Town Mini-Mart, which is located in the City and County of Milwaukee.

The CI was searched prior to the buy and no money or contraband was found. The CI was then given \$40 of US currency from MPD draw# 16-038, which was photographed and equipped with a covert audio/video recording device. The CI was then dropped off near the store from our undercover (UC) vehicle.

At approximately 3:15pm, PO KELLER and PO MARTINEZ observed the CI enter the store at 4790 W Hopkins St. The CI then returned to us at approximately 3:17pm and handed us (3) sealed pouches of "Caution", "Green Giant" and "Mr Nice Guy" potpourri (suspected synthetic marijuana) and the recording device. The CI was re-searched and no money or contraband was located.

The CI stated that they purchased the (3) pouches of "Spice" from the clerk behind the counter, for a total of \$40 including a snack item. The CI described the clerk as the same Middle Eastern male who sold to him/her on the previous day. CI stated that he/she simply waited in line and asked the clerk for "3 spice". The CI stated that the clerk then took the recorded money from him / her and entered the transaction into the cash register and placed the money in the register as well. The CI stated that the clerk then retrieved the packages, which were in a black plastic shopping bag, from behind the counter to the right of the register.

The CI was later dropped off and we then conveyed the evidence to District 5. At District 5, PO KELLER and PO MARTINEZ photographed the pouches. PO KELLER then opened each pouch and poured the green, leafy substance into (3) paper folds. The pouch labeled "Caution" had a total weight of 4.78 grams without packaging, the pouch labeled "Green Giant" had a total weight of 5.57 grams and the pouch labeled "Mr Nice Guy" had a total amount of 3.33 grams. A small sample from each pouch was submitted to a NarkII 05 field test with negative results. The substances were then placed on inventory # 16017381.

PO MARTIENZ later reviewed the covert video, which corroborated the CI's description of events. The video file was later transferred to CD and placed on to MPD inventory #16017910.

The photos were then sent to PO Trinidad RODRIGUEZ of District 7 who is the primary investigator of this investigation.

I did have all packages sent out to the Wisconsin State Crime Lab. Findings showed presences of synthetic cannabinoid not in the Wisconsin Uniform Controlled Substance Act.

End of report.

This report is written by PO Penny BROWN assigned to the License Investigation Unit.

On Wednesday, June 15, 2016, at approximately 10:30a.m., PO Denise RUEDA and I conducted a license premise check at Foodtown Mini Mart, which is located at 4790 N. Hopkins St., in the City and County of Milwaukee. This was based on an anonymous complaint the establishment was selling single cigarettes and Synthetic Marijuana also known as K2 or spice.

Officers entered the business and could smell a strong odor of cigarette smoke, which became stronger as we approached the office and sales counter. Officers identified ourselves to the manager on duty, Tareq A. HAMED A/M 06/02/62, and advised him it is illegal to smoke inside a licensed premise. We then advised HAMED that we would be conducting a license premise check, which would include checking the licenses and looking at how the business is run. HAMED provided officers with the business licenses, which were valid. As I was walking behind the counter to check tobacco and any tobacco violations, I observed an open box of 5 Black & Mild cigars, with 3 cigars missing from the pack, right next to the cash register. The pack was originally a sealed pack, and therefore, not for individual sale. HAMED was advised it was illegal to open a box and sell cigars individually. I then observed two black plastic bags under the cash register area. The bags were open and I observed colorful packets inside, which based on my training and experience, I knew synthetic marijuana to be packaged in the manner. I asked the cashier (Medhat T. HAMED I/M 03/13/89) how much they sell the packets for, to which he stated \$10.00 each.

At that time HAMED became irate stating that officers had no legal right to enter the store and begin searching. I advised HAMED that due to the fact the store held a license issued by the City, officers can legally enter the store and conduct a license premise check. HAMED stated that possessing herbal potpourri was not illegal. I advised HAMED that although it is packaged as herbal potpourri, we know it to be synthetic marijuana. I also questioned him as to why a customer would pay \$10.00 for a bag of potpourri. HAMED stated we could not prove it was being used as synthetic marijuana, therefore, he objected to officers taking the product. I advised HAMED that we would in fact be confiscating the product, and sending samples to the crime lab for testing of the prohibited chemical compounds. HAMED was provided with a PP-33 Property Receipt for the product.

In total there were 109 packages of various brands and weight of suspected Synthetic Marijuana. These items were placed on MPD Inventory #16021145.

It should be noted that PO Trinidad RODRIGUEZ, District 7 Days, was the lead investigating officer on complaints of synthetic marijuana being sold from this establishment. PO RODRIGUEZ conducted undercover buys using a confidential informant. On Tuesday, May 17 and Wednesday, May 18, the confidential informant was able to purchase synthetic marijuana, on both dates. See MPD IR # 16-138-0066.

On 09/26/16, I received the results from the Crime Lab stating the packages did indicate the presence of a synthetic cannabinoid. Therefore, this citation was mailed to Tareq HAMED.

MILWAUKEE POLICE DEPARTMENT
REPORT OF INCIDENTS INVOLVING LICENSED PERSONS OR PREMISES

TO: Lieutenant Paris DOFFEK

Business Name: Foodtown Mini Mart

Address of Licensed Premises: 4790 N. Hopkins St.

District: 7

Business Phone: 414-535-1666

Type of License: Tobacco

[X] Violation / [] Incident #

Date of Incident: 05/23/17

Licensee or Manager on premises at time of violation / incident? [] Yes [] No

Licensee cooperative? [] Yes [] No (if no, explain in narrative section)

Licensee Notified by Officer: PO Penny Brown

Date: 05/23/17

Time: 7:00A

Licensee or Agent's Name: JABER, Faraj A.

Date of Birth: 03/06/65

Home Address: 8644 S. River Terrace Dr. Franklin, WI 53132

Home Phone: 414-617-1647

Co-Licensee Name:

Date of Birth:

Home Address:

Home Phone:

Class S License Number:

Bartender Name:

Date of Birth:

Home Address:

Home Phone:

Class D License Number:

Licensed Person / Public Pass. Vehicle, etc.:

Date of Birth:

Home Address:

Home Phone:

Class D License Number:

VIOLATION/INCIDENT - DESCRIBE FACTS AND CIRCUMSTANCES IN NARRATIVE SECTION

Name of Person Cited:

Date of Birth:

Citation Number:

Violation & Ord. / Statue No.:

Court Date:

Name of Person Cited:

Date of Birth:

Citation Number:

Violation & Ord. / Statue No.:

Court Date:

Name of Person Cited:

Date of Birth:

Citation Number:

Violation & Ord. / Statue No.:

Court Date:

Name of Person Cited:

Date of Birth:

Citation Number:

Violation & Ord. / Statue No.:

Court Date:

Name of Person Cited:

Date of Birth:

Citation Number:

Violation & Ord. / Statue No.:

Court Date:

Investigating Officer: PO Penny Brown

District / Bureau: LIU

Date: 06/08/17

Commanding Officer

Date

DISPOSITION - FOR LICENSING ONLY

Table with 5 columns: Citation No., Case Number, Disposition, Judge, Date. Multiple rows for data entry.

This report is written by PO Penny Brown assigned to License Investigation Unit. On Tuesday, May 23, 2017, officers from the License Investigation Unit (Sgt. Chad RADEN, PO David NOVAK, PO Denise RUEDA and myself, PO Penny BROWN) assisted in executing a search warrant at Foodtown Minimart, located at 4790 N. Hopkins St.

In February 2017, I was contacted by Matthew J. MCCARTHY, Special Agent DEA-Milwaukee Office. MCCARTHY informed me of an ongoing investigation regarding Foodtown Minimart and the sale of smoke-able synthetic cannabinoids (SSC's). MCCARTHY advised me of several undercover purchases of SSC's at Foodtown Minimart that were conducted by the DEA.

Participating in the search warrant were agents from DEA and DOJ, Wisconsin Department of Revenue Agents, City of Milwaukee Attorney's Office, Milwaukee HIDTA, and MPD License Investigation Unit. The search warrants was executed at Foodtown Minimart on May 23, 2017 at 5:00a.m.

At Foodtown Minimart officers observed foiled packets of SSC's in black plastic bags behind the counter, in the basement, and a safe in the office. Miscellaneous packets were found around the store on floor. There was a shop vac observed in the deli area, accessible only to employees, which contained loose, unpackaged SSC. Also observed in the upper vacant living space was a filling machine, used for packaging the SSC and scales, which are all evidence of production and packaging of SSC.

Listed below are items of evidentiary value that were siezed from the search warrants:

Foodtown Minimart-4790 N. Hopkins St.

- * One Handgun
- * 1820 Foil Packets (various grams) containing smoke-able synthetic cannabinoids (SSC's)
- * 7 kilograms loose, unbagged SSC's
- * Cash (Undetermined amount)
- * 342 boxes of various tobacco products (no invoice, potentially untaxed)

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: September 9, 2016

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Food Dealer license of Faraj A. Jaber for the premises located at 4790 North Hopkins Street in the City and County of Milwaukee, Wisconsin ("Foodtown Mini Mart").

FINDINGS OF FACT

1. Faraj A. Jaber (hereinafter "the Licensee"), is the holder of a Food Dealer license for the premises located at 4790 North Hopkins Street in the City and County of Milwaukee, Wisconsin ("Foodtown Mini Mart"). Said license expires at midnight on October 6, 2016.
2. An application to renew said license was filed with the Office of the City Clerk on July 27, 2016.
3. On September 1, 2016 the City Clerk's Office provided timely notice to the Licensee of a License's Committee hearing pursuant to Chapters 68 and 85 of the Milwaukee Code of Ordinances regarding police report and neighborhood objections to the renewal of the license. The matter was scheduled for a hearing on the Milwaukee Police Department report and neighborhood objections on September 6, 2016, commencing at 1:45 p.m. in Room 301B of the third floor of City Hall. At said date and place, the Licensee did appear and was represented by Attorney David C. Bangert.
4. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact:
 - A. On May 17, 2016 officers had a confidential informant go to Food town Mini Mart at 4790 West Hopkins Street to purchase "Spice", synthetic marijuana. The informant was equipped with a covert recording device. The informant went in and was able to buy two packages of "Spice" which the clerk obtained from a black plastic shopping bag next to the register. The informant described the clerk as a Middle Eastern male. The informant turned over the "spice" and the recording device to the offices. Upon review the officers found the recording device did not function due to operator error. The "spice" was tested by the crime lab was found to contain synthetic cannabinoid not in the Wisconsin Uniform Controlled Substance Act.



- B. On May 18, 2016 officers had a confidential informant go to Food Town Mini Mart at 4790 West Hopkins Street for a second controlled buy of synthetic marijuana. The informant was equipped with a covert recording device. The informant went in and was able to buy three packages of "Spice" which the clerk obtained from a black plastic shopping bag next to the register. The informant described the clerk as the same Middle Eastern male from the prior day. The informant turned over the "spice" and the recording device to the officers. The video confirmed the events described by the informant. The "spice" was tested by the crime lab and was found to contain synthetic cannabinoid not in the Wisconsin Uniform Controlled Substance Act.
- C. On June 15, 2016 officers conducted a licensed premise check at Foodtown Mini Mart, 4790 North Hopkins Street, based on a complaint of the business selling K2 (synthetic marijuana). The officers found an open box of Black & Mild cigars next to the register being sold individually. Under the register in a black bag they located colorful packets, which based on their training they identified as synthetic marijuana. Tareq Hamad, the manager, stated it was potpourri and it sold for \$10.00. A total of 109 packages were recovered and inventoried.
- D. Attorney Bangert stated the applicant was unaware that synthetic marijuana was being sold. He added the employee involved in the incidents was a rogue employee and has basically been terminated. He stated the applicant thaws been in business for 23 years and has not had serious issues and is proactive when dealing with problems and neighborhood complaints. He added that the applicant takes this very seriously and has spoken with his employees regarding the report.
- The applicant stated the employee in question was his brother and he had no idea that these sales were going on. He added that he has not had any issues at his six locations in 20 years. He stated that he does not care if the employee is a family member, they need to be terminated.
- E. Alderman Rainey stated he has concerns about businesses selling illegal drugs to children in the neighborhood. He added that the applicant's brother has put the applicant's reputation at stake by knowingly selling illegal substances to residents and going through great lengths to conceal it. He stated the applicant's employees do not value the customers because of the selling of the drugs.

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 Chapters 68 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Faraj A. Jaber, has not met the criteria of Chapters 68 and 85 of the Milwaukee Code of Ordinances to allow renewal of his Food Dealer license for the premises located at 4790

North Hopkins Street in the City and County of Milwaukee, Wisconsin (“Foodtown Mini Mart”), without undergoing a fifteen (15) day suspension of said licenses. The Committee finds the police report, as stated above, to be true.

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 renew the Food Dealer license of Faraj A. Jaber, for the premises located at 4790 North Hopkins Street in the City and County of Milwaukee, Wisconsin (“Foodtown Mini Mart”), with a fifteen (15) day suspension based 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 and zero (0) noes recommends that the Food Dealer’s license Faraj A. Jaber for the premises located at 4790 North Hopkins Street in the City and County of Milwaukee, Wisconsin (“Foodtown Mini Mart”) be renewed with fifteen (15) day suspension based upon the police report.

Said suspension will be in effect between 12:01 a.m. October 7, 2016 through 11:59 p.m. October 21, 2016.

Dated and signed at Milwaukee, Wisconsin this 9th day of September, 2016.



Tony Zielinski, Chair
Licenses Committee



Office of the City Clerk

Jim Owczarski
City Clerk
jowcza@milwaukee.gov

Richard G. Pfaff
Deputy City Clerk
rpfaff@milwaukee.gov

September 20, 2016

Faraj Jaber
Hampton Avenue Group, LLC
4790 N Hopkins St
Milwaukee, WI 53209

Atty. David Bangert
158 N Broadway # 600
Milwaukee, WI 53202

Dear Mr. Jaber:

This is to notify you that on Tuesday, September 6, 2016, the City's Licenses Committee voted to recommend to the City's Common Council Renewal, with a fifteen (15) day suspension of the Food Dealer license for the premises located at 4790 N Hopkins St ("Foodtown Mini Mart") based on the police report.

On September 9, 2016, you were mailed a true and correct copy of the findings of fact, conclusions of law, and recommendations of the Licenses Committee with respect to the renewal application for the Food Dealer license in which the Committee recommended that the license be suspended for fifteen (15) days. You were further notified that the Milwaukee Common Council would consider the matter at its meeting of Tuesday, September 20, 2016, commencing at 9:00 a.m. in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin. You were advised of the right to file written objections and to appear personally or by counsel to address the Common Council. At that date, time, and place, you did not appear, and you did not file written objections to the report of the Licenses Committee. You were not represented by counsel.

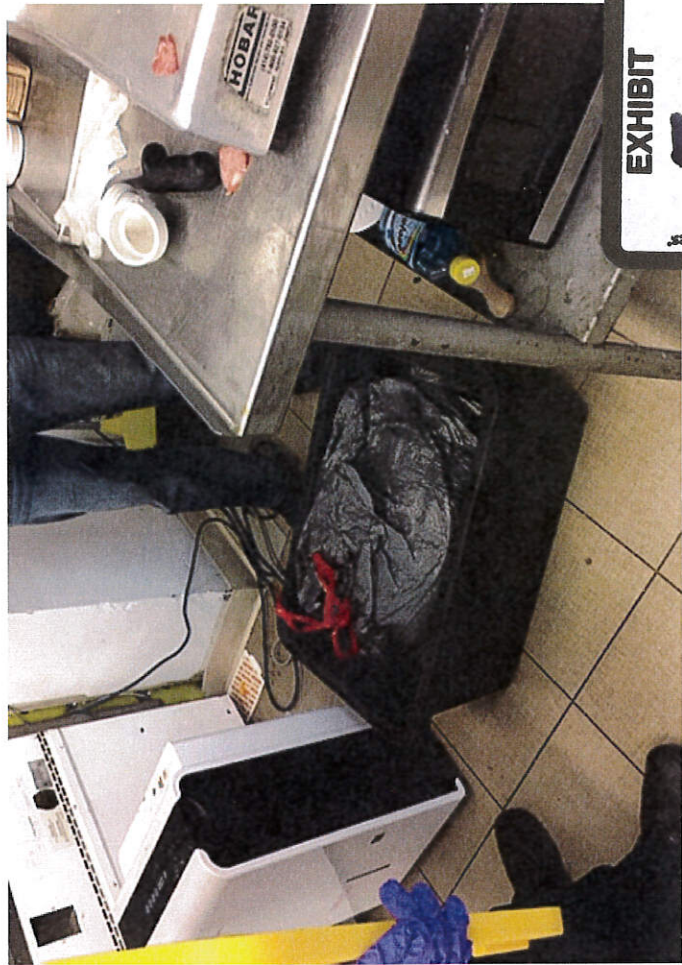
Following consideration of the report of the Licenses Committee, the Common Council voted to suspend for fifteen (15) days the Food Dealer license based on the police report. Said suspension will be in effect between 12:01 a.m. October 7, 2016 through 11:59 p.m. October 21, 2016.

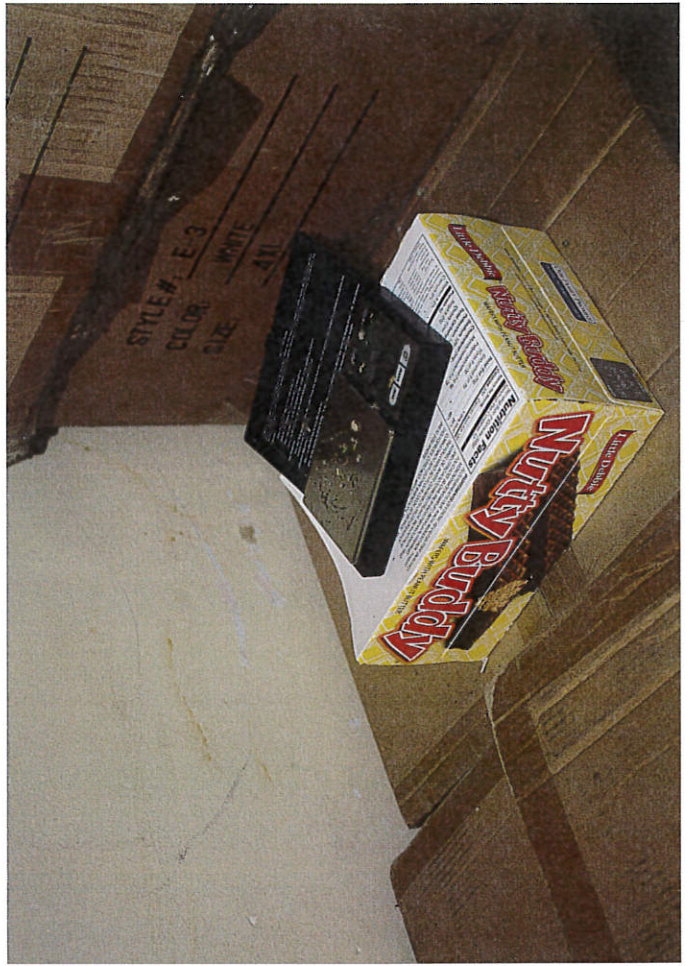
Respectfully,

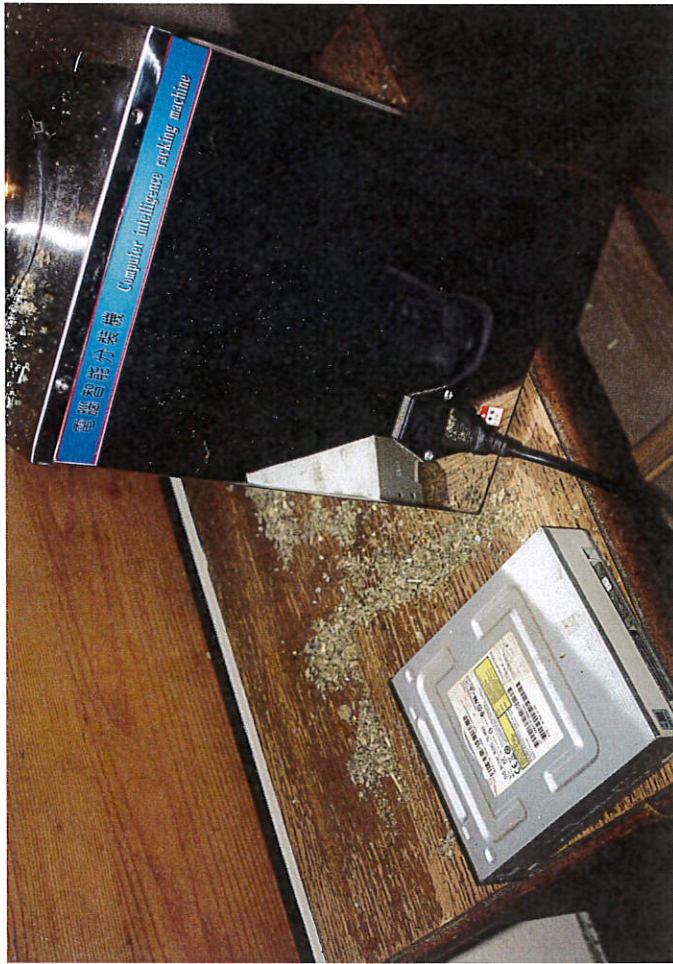


JAMES R. OWCZARSKI
City Clerk









Milwaukee County medical examiner investigating death possibly related to synthetic marijuana

Crocker Stephenson, Milwaukee Journal Sentinel Published 10:41 a.m. CT May 26, 2017 | Updated 9:27 p.m. CT May 26, 2017



(Photo: U.S. Drug Enforcement Administration)

A 43-year-old man died shortly after smoking a synthetic cannabinoid called "Dead Man," the Milwaukee County Medical Examiner's Office said Friday.

Investigators are still waiting for the results of toxicology tests, but the medical examiner's office said the man, Kenneth Taylor, 43, appears to be the third Milwaukee County death linked to synthetic cannabino less than a year.

On Tuesday, Attorney General Brad Schimel announced the Wisconsin departments of justice and consumer protection [were suing two Milwaukee retail stores](http://www.jsonline.com/story/news/local/wisconsin/2017/05/23/wisconsin-justice-and-consumer-protection-departments-sue-two-milwaukee-stores-selling-synthetic-thc/339801001/) for selling synthetic cannabinoids.



The suits ask the court to block the two stores — Atomic Glass, 1813 E. Locust St., and Food Town Mini Mart, 4790 N. Hopkins St. — from selling synthetic cannabinoids.

Synthetic cannabinoids (<https://www.drugabuse.gov/publications/drugfacts/synthetic-cannabinoids>), according to the National Institute on Drug Abuse refer to a growing number of man-made chemicals that are either sprayed on dried and shredded plant material and then smoked or sold as liquids that are inhaled through vaporizers.

They are called cannabinoids because they are related to the chemicals found in marijuana. They are sometimes called "synthetic marijuana" or "weed," which the institute says is misleading.

The drugs, it says, can affect the brain more powerfully than marijuana. While synthetic cannabinoids act on the same brain cell receptors as THC, the mind-altering ingredient in marijuana — some bind more strongly than THC. The results are unpredictable and can be life threatening, the institute says.

According to a medical examiner's report, Taylor's girlfriend told investigators that on Thursday, she and Taylor had a few drinks in their near north side home then smoked "K2," which is both a brand and a generic street name for synthetic cannabinoids.

Taylor fell asleep seated on a kitchen chair and stopped breathing, the girlfriend said. Investigators found an empty foil package for the synthetic cannabinoid "Dead Man" on the kitchen table.

In January, 46-year-old Deborah Ann Boone died in her father's Wauwatosa home after mixing a synthetic cannabinoid with alcohol and a sedative according to a medical examiner's report.

In October 2016, 21-year-old Logan Timothy Konzal died of acute synthetic cannabinoid intoxication while passed out in the passenger's seat of a car parked in front of a friend's Milwaukee home.

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CITY OF MILWAUKEE
200 East Wells Street
Milwaukee, WI 53202

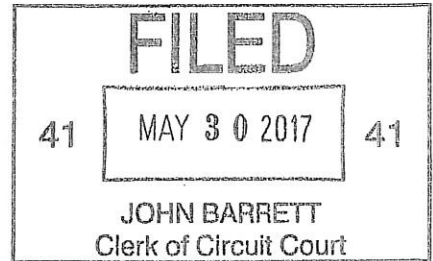
Plaintiff,

v.

Case No. 17CV004388
Case Code No. 30704
Other Injunction/Restraining

HAMPTON AVENUE GROUP LLC,
FARAJ JABER and
ACCENT INVESTMENTS LLC.

Defendants.

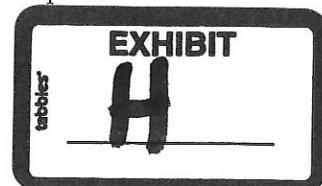


TEMPORARY INJUNCTION REQUIRING TEMPORARY CLOSURE

This matter was before the Court, the Honorable John DiMotto presiding on May 30, 2017, on a motion for determination of nuisance property and a temporary restraining order filed by Plaintiff, the City of Milwaukee (the "City"), for the property located 4790 North Hopkins Street, Milwaukee, WI 53209 (the "property"). Plaintiff appeared by Assistant City Attorney Nicholas P. DeSiato. Defendants, Hampton Avenue Group LLC, Faraj Jaber and Accent Investments LLC (the "Defendant"), appeared by Attorney Michael G. Zerk. Based upon all of the records, files and proceedings in this matter, and the Court being fully advised and otherwise informed of all matters relevant to the motion, for the reasons stated on the record the Court finds that the property is a public nuisance and the City is granted a temporary injunction and closure of the property.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Pursuant to Wis. Stat. § 823.113(1), the property at 4790 North Hopkins Street is a public



nuisance.

2. Pursuant to Wis. Stat. §§ 823.113(3)-(4), the Court grants the City's request for a temporary injunction requiring the immediate closure of the property until a hearing shall be heard before this Court.

3. Defendants shall surrender possession and control of the property to the City pending further Court action.

4. The property shall be secured by the City, including boarding up all forms of egress, at the cost of the Defendant.

5. Defendant shall have limited access to the property for the purpose of upkeep and maintenance. Any request to obtain access to the property shall be provided to the City at least forty-eight (48) hours before the access is granted.


6. Defendant shall continue to pay all expenses associated with the operation and conservation of the residential property, including all mortgage, utility, fuel, custodial, repair, or insurance expenses.

7. Violation of the terms of this Order may subject Defendant to contempt of court proceedings pursuant to Ch. 785, Wis. Stats.

8. On June 6th at 2:30 p.m., the Court will hold a hearing for the ^{defendants'} ~~City's~~ ~~claims~~ ~~pursuant to Ch. 823, Wis. Stats.~~
~~motion to reopen business.~~

Dated this 30th day of May, 2017.

BY THE COURT:


Honorable John DiMotto
Circuit Court Judge, Branch 41

CITY OF MILWAUKEE
200 East Wells Street
Milwaukee, WI 53202

Plaintiff,

v.

Case No. 17CV004388
Case Code No. 30704
Other Injunction/Restraining

HAMPTON AVENUE GROUP LLC,
FARAJ JABER and
ACCENT INVESTMENTS LLC.

Defendants.

AFFIDAVIT OF KENNETH B. OLSON

STATE OF WISCONSIN)
)
COUNTY OF MILWAUKEE)

KENNETH B. OLSON, being first duly sworn under oath, testifies as follows:

1. I am an adult resident of the State of Wisconsin. I have been employed by the Wisconsin State Crime Laboratory located in Madison, Wisconsin since April 21, 1980. I am currently employed as a Laboratory Analyst.
2. I received a Bachelor of Science Degree with a Major in Chemistry from the University of Wisconsin – Superior in 1980.
3. I prepared a Confidential Report of Laboratory Findings dated December 14, 2016, in Case Number M16-3595/Agency Number 16-05572, a true and correct copy of which is

attached and incorporated hereto as **Exhibit A**. This report contains the results of analysis I conducted on materials received from the Drug Enforcement Administration (“DEA”), Special Agent Matthew McCarthy, identified as Exhibit 19 with an offense date of 11-18-16.

4. As evidenced in Exhibit A, the materials tested for this report were contained in foil packages with the names and label designs “Scooby Snax,” “Caution,” and “WTF”. Duplicate foil pouches with the same name/label were present. For instance, evidence bag A contained two pouches of “Scooby Snax,” (items A1 and A2).

5. I selected one pouch per name/label type for chemical analysis; of the five items presented for analysis, a total of three different name/label types were analyzed for content. Because it was a duplicate, item A2 was examined visually only. Item A5, a multi-colored glass smoking device, was also examined visually only.

6. As stated in my report, my analysis of the materials in the selected packages identified the presence of 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole, commonly known as XLR-11, a synthetic cannabinoid which is controlled by Wis. Stat. § 961.14(4)(tb)8c.

7. I also prepared a Confidential Report of Laboratory Findings dated April 12, 2017, in Case Number M17-364/Agency Number 16-05572, a true and correct copy of which is attached and incorporated hereto as **Exhibit B**. This report contains the results of analysis I conducted on materials also received from the DEA, Special Agent Matthew McCarthy, identified as Exhibit 20 with an offense date of 1-24-17.

8. As evidenced in Exhibit B, the materials tested for this report were contained in foil packages with the names and label designs “Angry Birds,” “DANK,” and “Fairly Legal.”

Duplicate foil pouches with the same name/label were present. For instance, evidence bag A contained five pouches of "Fairly Legal" (items A3-A7).

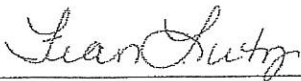
9. I selected one pouch per name/label type for chemical analysis, except for the "Fairly Legal" pouches, in which I selected two pouches. Of the seven items presented for analysis, a total of three different name/label types (and four total pouches) were analyzed for content. Items A5-A7 were examined visually only.

10. As stated in my report, my analysis of the materials in the selected packages identified the presence of N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, commonly known as AB-FUBINACA, a synthetic cannabinoid which is controlled by Wis. Stat. § 961.14(4)(tb)32.



KENNETH B. OLSON

Subscribed and sworn to before me
this 25th day of May, 2017.



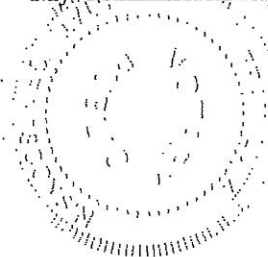
[Sign Name]

Frank Lutz

[Print Name]

Notary Public, State of Wisconsin

My Commission expires: 12/11/2020





Submitting Agency:

Director Frank Sullivan
DOJ Consumer Protection & Antitrust Unit
Attn: Inv. Camellia Howe
17 W. Main Street
Madison, WI 53703

Date: December 14, 2016

Case No: M16-3595

Report No: 1

Agency No: 16-05572

Laboratory Analyst:

Kenneth B. Olson
(Controlled Substances Unit)

Case Name: Food Town Mini Mart (S)

12/14/16

I do hereby certify this document, consisting of 2 page(s), to be a true and correct report of the findings of the State Crime Laboratory on the items examined as shown by this report. This report contains the conclusions of the above signed analyst.

Brad D. Schimel
ATTORNEY GENERAL

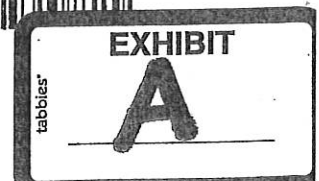
Meagan N. ...
DESIGNEE

<u>Item</u>	<u>Description / Source</u>
A	A sealed plastic bag (19) containing: A1 and A2 - two (2) ziplock packages labeled Scooby Snax Kush with plant material; A3 - a ziplock package labeled Caution Super Strong Incense with plant material weighing 3.844 gram(s) ± 0.004 gram(s); A4 - a ziplock package labeled WTF with plant material weighing 3.656 gram(s) ± 0.004 gram(s); A5 - a multi-colored glass smoking device. Items A1, A3 and A4 were selected for analysis. The plant material from item A1 weighed 4.091 gram(s) ± 0.004 gram(s). Items A1,

Examinations of the plant material from items A1, A3 and A4 identified the presence of 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole, commonly known as XLR-11, which is controlled by Section 961.14(4)(b)8.c. of the Wisconsin Uniform Controlled Substances Act.

Examinations of the plant material from items A1, A3 and A4 identified the presence of Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate, also known as MMB-FUBINACA, a synthetic cannabinoid that is not listed in the Wisconsin Uniform Controlled Substances Act. This substance is also known as FUB-AMB or AMB-FUBINACA.

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The laboratory reserves the right to choose the items which will be tested and the methods which will be used to test them.



Examinations of the plant material from items A1, A3 and A4 indicated* the presence of N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, a synthetic cannabinoid commonly known as AB-FUBINACA, which is not currently listed in the Wisconsin Uniform Controlled Substances Act.

Items A2 and A5 were examined visually only.

The uncertainty values for the reported weights were calculated using a coverage probability of 95.45%.

*Use of the term 'indicated' in this report means the examinations performed did not meet the reporting criteria for identification of that substance.



Submitting Agency:
Director Frank Sullivan
DOJ Consumer Protection & Antitrust Unit
Attn: Inv. Camellia Howe
17 W. Main Street
Madison, WI 53703

Date: April 12, 2017

Case No: M17-364

Report No: 1

Agency No: 16-05572

Laboratory Analyst:

Kenneth B. Olson
(Controlled Substances Unit)

Case Name: Food Town Mini Mart (S)

msb
4/12/17

I do hereby certify this document, consisting of 2 page(s), to be a true and correct report of the findings of the State Crime Laboratory on the items examined as shown by this report. This report contains the conclusions of the above signed analyst.

Brad D. Schimel
ATTORNEY GENERAL

DESIGNEE

<u>Item</u>	<u>Description / Source</u>
A	A sealed plastic bag (20) containing seven (7) factory sealed packages (items A1 - A7): A1. package labeled Angry Birds containing 7.829 gram(s) \pm 0.004 gram(s) of plant material; A2. package labeled DANK containing 7.938 gram(s) \pm 0.004 gram(s) of plant material; A3. package labeled Fairly Legal containing 7.702 gram(s) \pm 0.004 gram(s) of plant material; A4. package labeled Fairly Legal containing 7.332 gram(s) \pm 0.004 gram(s) of plant material; A5-A7. packages labeled Fairly Legal (examined visually only). Items A1-A4 were selected for analysis.

Examinations of the plant material from items A1, A2, A3 and A4 identified the presence of N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, also known as AB-FUBINACA, synthetic cannabinoid which is controlled by Section 961.14(4)(b)32. of the Wisconsin Uniform Controlled Substances Act

COPYING AND DISTRIBUTION OF THIS REPORT IS THE RESPONSIBILITY OF THE SUBMITTING AGENCY
The laboratory reserves the right to choose the items which will be tested and the methods which will be used to test them.



Examinations of the plant material from items A1, A2, A3 and A4 also identified the presence of methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, also known as 5-Fluoro-ADB and/or MDMB(N)-2201, a synthetic cannabinoid which is not listed in the Wisconsin Controlled Substances Act.

Items A5, A6 and A7 were examined visually only.

The uncertainty values for the reported weights were calculated using a coverage probability of 95.45%.

CITY OF MILWAUKEE
200 East Wells Street
Milwaukee, WI 53202

Plaintiff,

v.

Case No. 17CV004388
Case Code No. 30704
Other Injunction/Restraining

HAMPTON AVENUE GROUP LLC,
FARAJ JABER and
ACCENT INVESTMENTS LLC.

Defendants.

AFFIDAVIT OF SPECIAL AGENT MATTHEW MCCARTHY

STATE OF WISCONSIN)
)
COUNTY OF MILWAUKEE)

MATTHEW MCCARTHY, being first duly sworn under oath, testifies as follows:

1. I have been employed by the United States Department of Justice as a Special Agent for the Drug Enforcement Administration (“DEA”) since September 2002.
2. In the course of my employment, I have received extensive training in and have participated in many investigations related to violations of laws related to controlled substances and other criminal activity, including the delivery, distribution and manufacturing of synthetic cannabinoids, otherwise known as K2, spice and synthetic marijuana.

3. I have worked with informants in the investigation of drug trafficking in the Milwaukee area, have participated in search warrants, investigations and arrests in which controlled substances and drug paraphernalia were seized, am familiar with the street names of various drugs in the Milwaukee area including synthetic cannabinoids and am familiar with methods that are commonly used by drug dealers to package and prepare controlled substances for sale in the Milwaukee area.

4. I am aware that the DEA has conducted a criminal investigation that involved the building or structure located at 4790 North Hopkins Street, Milwaukee, Wisconsin 53209 (the "Property"). I am familiar with those investigations by personal involvement, discussions with other law enforcement investigators and review of official law enforcement documents and records.

5. I am aware that the building or structure located at 4790 North Hopkins Street is the location of a convenience store known as Food Town Mini Mart ("Food Town").

6. The investigations involving the property were documented by the reports drafted by DEA members that described their activities, the matters observed and the factual findings resulting from the investigations. Furthermore, I am familiar with other law enforcement records regarding previous citizen complaints, confidential informant tips and law enforcement investigations involving the property, compilations that documented the investigations regarding that address and other statistical records. Based upon my training and experience, these reports, records and data compilations document the activities of DEA, and the matters observed pursuant to duty imposed by law are the factual findings resulting from an investigation made pursuant to authority granted by law.

7. Based upon my training and experience, the below-documented activities at the property demonstrate that the property facilitates a public nuisance that substantially interferes with the comfortable enjoyment of life, health and safety of others in the surrounding neighborhood and the City of Milwaukee (the "City").

8. On November 18, 2016, I participated in an undercover investigation of Food Town for the sale of synthetic cannabinoids. I observed DEA Special Agent Steven Wehr ("SA Wehr") arrive in Food Town around 1:39 pm and exit around 1:42 pm. SA Wehr provided me a total of four packages of suspected synthetic cannabinoid, including one package of "Scooby Snax" (four grams), one package of "WTF" (four grams) and one package of "Caution" (four grams), as well as one glass pipe. I processed the four packages and one glass pipe into an exhibit, marked "Exhibit 19," and sent it to the Wisconsin State Crime Laboratory in Madison, WI for analysis and safekeeping purposes.

9. On January 24, 2017, I participated in an undercover investigation of Food Town for the sale of synthetic cannabinoids. I observed SA Wehr arrive in Food Town around 2:17 pm and exit around 2:23 pm. SA Wehr provided me a total of seven packages of suspected synthetic cannabinoid (each weighing 7-8 grams), labeled "Angry Birds" (1 package), "DANK" (1 package) and "Fairly Legal" (5 packages). I processed the seven packages into an exhibit, marked "Exhibit 20," and sent it to the Wisconsin State Crime Laboratory in Madison, WI for analysis and safekeeping purposes.

10. On May 23, 2017, I participated in the execution of a search warrant on the Property with the Milwaukee Police Department and the Department of Revenue. During the execution of the warrant, I personally observed a significant amount of synthetic cannabinoids

(estimated 1,820 packets), synthetic cannabinoids paraphernalia and instruments used to manufacture synthetic cannabinoids located in the Property, including but not limited to:

- a. Three black bags and a metal safe of synthetic cannabinoids hanging below the cash register area and out of public sight;
- b. Drug paraphernalia located within the cash register area and out of public sight, including Chore Boy copper scrubbers, tire gauges, gas lighters and portable digital scales;
- c. A hard plastic bin containing a trash bag full of synthetic cannabinoids hidden underneath the microwave in the back kitchen area;
- d. A hard plastic bin containing a trash bag full of unpackaged loose synthetic cannabinoids (estimated 7 kilos) hidden underneath the microwave in the back kitchen area;
- e. A sealed shop vacuum containing a trash bag full of packaged synthetic cannabinoids in the back kitchen area;
- f. Unused foil packets for synthetic cannabinoids with the label, "WTF", in a bedroom upstairs;
- g. A digital control particle filling machine used for manufacturing synthetic cannabinoid packages with loose synthetic cannabinoids in the mixer portion of the instrument in the same bedroom upstairs with the unpackaged synthetic cannabinoid foil packets;
- h. A digital scale next to the digital control particle filling machine in the same bedroom upstairs;

- i. A sealer device to seal packages on the radiator in the hallway by the bedroom upstairs;
- j. Synthetic cannabinoid packets (approximately 304) in a bin in the basement;
- k. A pair of binoculars on an inflatable bed in a different bedroom upstairs;

11. Based upon my training and experience, the above-described drug activity is indicative of an active drug house that manufactures, distributes and delivers controlled substances. It represents a use of the Property and Food Town that contributes to crime, fear and disorder in the neighborhood and the City, as well as negatively impacts the neighboring property values and impedes lawful business operations in the area.

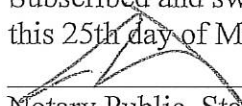
12. In addition to the above-described drug activity, I have participated in multiple synthetic cannabinoid investigations throughout the State of Wisconsin and have, on multiple occasions, been informed that other sellers of synthetic cannabinoids have received their supply through Food Town.

13. I make this affidavit in support of the City of Milwaukee's Complaint and Motion for Temporary Injunction.

Dated this 25th day of May, 2017 in West Allis, Wisconsin.


Special Agent Matthew McCarthy

Subscribed and sworn to before me
this 25th day of May, 2017.


Notary Public, State of Wisconsin
My Commission is permanent



CITY OF MILWAUKEE
200 East Wells Street
Milwaukee, WI 53202

Plaintiff,

v.

Case No. 17CV004388
Case Code No. 30704
Other Injunction/Restraining

HAMPTON AVENUE GROUP LLC,
FARAJ JABER and
ACCENT INVESTMENTS LLC.

Defendants.

AFFIDAVIT OF SPECIAL AGENT STEVEN WEHR

STATE OF WISCONSIN)
)
COUNTY OF MILWAUKEE)

STEVEN WEHR, being first duly sworn under oath, testifies as follows:

1. I have been employed by the United States Department of Justice as a Special Agent for the Drug Enforcement Administration (“DEA”) since August 2003. Prior to my employment with the DEA, I was a police officer with the West Allis Police Department since March 1997.

2. In the course of my employment, I have received extensive training in and have participated in many investigations related to violations of laws related to controlled substances

and other criminal activity, including the delivery, distribution and manufacturing of synthetic cannabinoids, otherwise known as K2, spice and synthetic marijuana.

3. I have worked with informants in the investigation of drug trafficking in the Milwaukee area, have participated in search warrants, investigations and arrests in which controlled substances and drug paraphernalia were seized, am familiar with the street names of various drugs in the Milwaukee area including synthetic cannabinoids and am familiar with methods that are commonly used by drug dealers to package and prepare controlled substances for sale in the Milwaukee area.

4. I am aware that the DEA has conducted a criminal investigation that involved the building or structure located at 4790 North Hopkins Street, Milwaukee, Wisconsin 53209 (the "Property"). I am familiar with those investigations by personal involvement, discussions with other law enforcement investigators and review of official law enforcement documents and records.

5. I am aware that the building or structure located at 4790 North Hopkins Street is the location of a convenience store known as Food Town Mini Mart ("Food Town").

6. The investigations involving the property were documented by the reports drafted by DEA members that described their activities, the matters observed and the factual findings resulting from the investigations. Furthermore, I am familiar with other law enforcement records regarding previous citizen complaints, confidential informant tips and law enforcement investigations involving the property, compilations that documented the investigations regarding that address and other statistical records. Based upon my training and experience, these reports, records and data compilations document the activities of DEA, and the matters observed

pursuant to duty imposed by law are the factual findings resulting from an investigation made pursuant to authority granted by law.

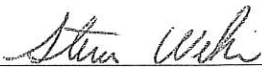
7. On November 18, 2016, I participated in an undercover investigation of Food Town for the sale of synthetic cannabinoids. I entered Food Town around 1:39 pm and exited around 1:42 pm. Upon entering Food Town, I engaged in a conversation with a store clerk. I indicated I wanted four bags of synthetic cannabinoids and handed the clerk \$60.00. The clerk then reached down behind the counter and obtained two packages of "Scooby Snax", one package of "WTF" and one package of "Caution". There was a glass display case on the counter that contained glass pipes, commonly used to smoke controlled substances. I also requested a glass pipe and the clerk obtained the glass pipe from the display case. The clerk placed the synthetic cannabinoids and the glass pipe in a bag and handed the bag to me. The clerk also provided me \$5.00 in change. After exiting Food Town, and while retaining sole possession of the synthetic cannabinoids, I provided the synthetic cannabinoids and glass pipe to DEA Special Agent Matthew McCarthy ("SA McCarthy") for processing and testing with the Wisconsin State Crime Laboratory in Madison, Wisconsin.

8. On January 24, 2017, I participated in an undercover investigation of Food Town for the sale of synthetic cannabinoids. I entered Food Town around 2:17 pm and exited around 2:23 pm. I attempted to negotiate a discounted price for the synthetic cannabinoids but was told by the clerk the price stayed the same even if I conducted a \$3,000 deal. After giving the clerk \$200.00, the clerk exited from behind the counter and walked into the side room of the store for a short period of time. The clerk reemerged from the room and walked directly to the area behind the counter and handed me a dark colored plastic bag with multiple bags of synthetic cannabinoids. I successfully purchased 7 packages of suspected synthetic cannabinoids,

including one package labeled "Angry Birds," one package labeled "DANK," and five packages labeled "Fairly Legal." After exiting Food Town, and while retaining sole possession of the synthetic cannabinoids, I provided the synthetic cannabinoids and glass pipe to SA McCarthy for processing and testing with the Wisconsin State Crime Laboratory in Madison, Wisconsin.

9. I make this affidavit in support of the City of Milwaukee's Complaint and Motion for Temporary Injunction.

Dated this 25th day of May, 2017 in West Allis, Wisconsin.


Special Agent Steven Wehr

Subscribed and sworn to before me
this 25th day of May, 2017.

Notary Public, State of Wisconsin
My Commission is permanent

