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- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



NIK KOVAC

ALDERMAN, 3RD DISTRICT

April 5, 2019

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 181618 contains the following recommendation:

Nonrenewal, based on nonappearance, of the Food Dealer and Weights & Measures Licenses of Linda Cimbron for the premises located at 1316 W. Forest Home Ave. ("CVS Pharmacy #8762") in the 12th aldermanic district. (Committee vote: 4 ayes and one no)

Renewal, with a ten (10) day suspension, based upon the police report, of the Food Dealer license of Michael Witynski for the premises located at 930 N. 27th St. ("Family Dollar #26182") in the 4th aldermanic district. (Committee vote: 2 ayes, one no, one abstain and one excused)

Nonrenewal, based on the police report and neighborhood and aldermanic testimony, of the Class A Malt and Class A Liquor licenses of Parul Patel for the premises located at 3447 W. Wells St. ("Sundee Liquor & Food") in the 4th aldermanic district. (Committee vote: 4 ayes and one no)

Respectfully,

A handwritten signature in black ink, appearing to read 'Nik Kovac', written in a cursive style.



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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: April 5, 2019

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Linda M. Cimbron, Agent for Wisconsin CVS Pharmacy, LLC, for Food Dealer and Weights & Measures licenses for the premises located at 1316 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("CVS Pharmacy #8762").

FINDINGS OF FACT

1. Linda M. Cimbron (hereinafter the "Licensee") is the holder of Food Dealer and Weights & Measures licenses for the premises located at 1316 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("CVS Pharmacy #8762"). Said licenses expired at midnight, February 23, 2019.
2. An application to renew said licenses was filed with the Office of the City Clerk on March 11, 2019.
3. Pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation.
4. On March 22, 2019, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on April 3, 2019 at 9:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Alderwoman Lewis moved non-approval based on licensee nonappearance.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Linda M. Cimbron who holds Food Dealer and Weights & Measures licenses for the premise located at 1316 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("CVS Pharmacy #8762") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Food Dealer and Weights & Measures licenses. The Committee finds the health department reports and aldermanic objections as stated above to be true. The Committee based its recommendation on the Licensee's nonappearance.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Food Dealer and Weights & Measures licenses for the premises located at 1316 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("CVS Pharmacy #8762"). The Committee based its recommendation on the Licensee's nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes, and one (1) noes** recommends that the Food Dealer and Weights & Measures licenses held by Linda M. Cimbron for the premises located at 1316 West Forest Home Avenue in the City and County of Milwaukee, Wisconsin ("CVS Pharmacy #8762") not be renewed based on the Licensee's nonappearance.

Dated and signed at Milwaukee, Wisconsin this 5th day of April, 2019.



NIK KOVAC
Chairman Licenses Committee



CHAIR

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- Public Works Committee
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NIK KOVAC

ALDERMAN, 3RD DISTRICT

Date: April 5, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of Michael A. Witynski, Agent for Family Dollar Stores of Wisconsin LLC, the Food Dealer License of the premises located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar #26182").

FINDINGS OF FACT

1. Michael A. Witynski (hereinafter "the Licensee") is the holder of a Food Dealer License for the premises located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar #26182"). Said licenses expire at midnight on May 1, 2019.
2. An application to renew said licenses was filed with the Office of the City Clerk on February 6, 2019.
3. Pursuant to Chapters 68, 85, and 108 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation. On February 6, 2019, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On March 22, 2019, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, and 108 of the Milwaukee Code of Ordinances of the neighborhood objections. The matter was scheduled for a hearing on the objections on April 3, 2019, commencing at approximately 9:00 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee was represented by Attorney Josh Gimbel and was accompanied by Ms. Kelly O'Day (regional manager/director - 157 stores across 4 states). The attorney acknowledged receipt of notice of the hearing.



5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. On 01/07/17, applicant was cited for Excessive False Alarms at 6000 W Silver Spring Drive.

Charge: Excessive False Alarms
Finding: Guilty
Sentence: Fined \$224.00
Date: 06/14/17
Case: 17017625

B. On 02/26/2018 officers were dispatched to a property damage call at Family Dollar, 930 N. 27th St. The officers were advised that a female known as "Ti Ti" kicked the glass entrance door causing \$500 in damage. MPD report filed.

C. On 03/04/2018 officers responded to a shotspotter call in the parking lot of Family Dollar, 930 N. 27th St. The call was updated to a shooting when a victim arrived at Mt Sinai with a gunshot wound to the head. The investigation revealed the victim was in the store and his uncle got into an argument in the parking lot. As the victim and his uncle drove away the suspect shot into the car striking the victim in the head.

D. On May 19, 2018 the applicant was cited in the City of Milwaukee at 5428 West North Avenue for Sale of Cigarettes to Minor/Underage.

Charge: Sale of Cigarettes to Minor/Underage
Finding: Pending Further Proceedings on 02/27/2019
Sentence:
Date:
Case: 18069234

E. On July 21, 2018 the applicant was cited in the City of Milwaukee at 930 North 27th Street for Sale of Cigarettes to Minor/Underage.

Charge: Sale of Cigarettes to Minor/Underage
Finding: Pending Further Proceedings on 02/27/2019
Sentence:
Date:
Case: 19000760



- F. On July 21, 2018 the applicant was cited in the City of Milwaukee at 2214 North 35th Street for Sale of Cigarettes to Minor/Underage.

Charge: Sale of Cigarettes to Minor/Underage
Finding: Pending Further Proceedings on 02/27/2019
Sentence:
Date:
Case: 19000761

- G. On August 25, 2018 at 9:38 a.m., a 17 year old working in conjunction with the Milwaukee Police Department and WI WINS Tobacco Initiative was able to purchase a 2 pack of Grape Swisher Sweet Cigars at 1023 South Cesar E. Chavez Drive. The sales clerk admitted to selling the item and the station was mailed a MARTS enrollment package.

Charge: Sale of Cigarettes to Minor/Underage
Finding: Pending Further Proceedings on 02/27/2019
Sentence:
Date:
Case: 19000758

- H. On September 8, 2018 at 5:10 p.m., Milwaukee Police were dispatched to 1023 South Cesar E. Chavez Drive (Family Dollar) for a Disorderly Subject complaint. Upon arrival, officers interviewed the store manager who stated that a female became disorderly inside the establishment and broke a window. Security detained the subject for police and a citation was issued.

- I. On September 29, 2018 the applicant was cited in the City of Milwaukee at 6015 West Forest Home Avenue for Sale of Cigarettes to Minor/Underage.

Charge: Sale of Cigarettes to Minor/Underage
Finding: Pending Further Proceedings on 02/27/2019
Sentence:
Date:
Case: 190007598

- J. Alderman Witkowski moved to make the packet of Family Dollar Tobacco Product Training part of the record. There were no objections (Exhibit 1.)



- K. Alderman Robert Bauman was present as the local alderperson for this store. He noted that the store suffers from a lot of shoplifting, but does provide a service to the community.
- L. Ms. Kelly O'Day explained that she had received permission from upper management to enroll the stores in the MARTS programs, so they would all be enrolled. She did note that this particular location was the highest shrinkage store in the area, and as a result the security has been increased and is now armed. She explained that the store put up a barrier around the sign to reduce loitering, and made other changes to the security plan.
- M. With regard to the shooting incident, she indicated that the argument was between patrons, and the shots were fired in the parking lot. She indicated that they have added an armed guard to the location the wake of the fatal shooting.
- N. Mr. Keith Stanley, Executive Director of Near West Side Partners, was present and indicated that he met with the Licensee before the meeting. The organization initially planned to object, but based on the conversations with the Licensee, they have no objections to the renewal.
- O. Timothy Felix 845 N. 26th St., Apt. 312 the location is very convenient.
- P. Grant, with a 10 day suspension based on the police report, by Ald. Witkowski. Prevailed. 2 1 1 1 (2 ayes Ald. Witkowski and Dodd; one no Ald. Kovac, one abstain Ald. Lewis and one excused Ald. Coggs)

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 85, 108 of the of the Wisconsin State Statutes.
2. Based upon the above facts found, the Committee concludes that the Licensee, Michael A. Witynski who holds a Food Dealer license for the premise located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar #26182") has not met the criteria of Chapters 68, 85, 108 of the Milwaukee Code of Ordinances and Chapter, to not renew the Food Dealer license without undergoing a ten (10) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, and aldermanic testimony.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Food Dealer license without undergoing a ten (10) day suspension for the premises located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar #26182"). The Committee based its recommendation on the police report and aldermanic testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **two (2) ayes, one (1) noes, one (1) abstain and one (1) excused**, recommends that the Food Dealer Licenses of Michael A. Witynski for the premises located at 930 North 27th Street ("Family Dollar #26182") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a ten (10) day suspension based upon on the police report, Licensee, and aldermanic testimony.

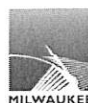
The suspension is in effect between 12:01 a.m. on May 2, 2019 until 11:59 p.m. on May 11, 2019.

Dated and signed at Milwaukee, Wisconsin this 5th day of April, 2019.



NIC KOVAC
Chairman, Licenses Committee

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NIK KOVAC

ALDERMAN, 3RD DISTRICT

Date: April 5, 2019

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Parul D. Patel for Class "A" Malt and Class "A" Liquor licenses for the premises located at 3447 West Wells Street in the City and County of Milwaukee, Wisconsin ("Sundeeep Liquor & Food").

FINDINGS OF FACT

1. Parul D. Patel (hereinafter the "Licensee") is the holder of a Class "A" Malt and Class "A" Liquor licenses for the premises located at 3447 West Wells Street in the City and County of Milwaukee, Wisconsin ("Sundeeep Liquor & Food"). Said licenses expire at midnight, May 2, 2019.
2. An application to renew said license was filed with the Office of the City Clerk on February 7, 2019.
3. Pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation.
4. On March 21, 2019, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 85 and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report and neighborhood objections. The matter was scheduled for a hearing on the police report and neighborhood objections on April 3, 2019 at 10:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, Deven Patel, husband of Licensee, appeared with counsel Attorney Vincent Bobot, at the hearing and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On March 5, 2018, officers conducted a license premise check at Sundeeep Liquor, 3447 West Wells Street. The sole employee was identified as Obika OKWUDIRI, and he was able to produce the business licensee but did not have a Class D Operators license. The manager, Devin Patel, stated he was running



errands and another employee with a Class D license should be here. Patel advised the store would close until a license person arrived on scene. The applicant was cited for Responsible Person on Premise.

Charge: Responsible Person on Premise
Finding: Guilty
Sentence: Fine \$378.00
Date: 04/20/2018
Case: 18032660

- B. On May 19, 2018, a 17 year old working in conduction with the Milwaukee Police Department and "Wisconsin WINS" Tobacco Initiative, was able to purchase a Spiked Lemonade Cigar from the clerk at Sundeep Liquor, 3447 West Wells Street. The clerk did check his ID but made the sale anyways. The clerk was identified as Harish MEHTA and he stated he thought the ID showed the juvenile was over 18. The applicant was mailed a MARTS enrollment package.
- C. On July 19, 2018, officers conducted a licensed premise inspection on 3447 West Wells Street. The officers questioned Devin Patel about transferring liquor between two of his businesses. After repeatedly stating he did not do that, then he was shown photos of himself taking liquor from his trunk and he did admit to transferring between stores. He was cited for Obstructing an Officer.
- D. On July 28, 2018, officers observed several people sitting along the wall of the store at 3447 West Wells Street, public drinking. Most of the subjects left when they saw the officers. One subject stayed and was so intoxicated he needed to be conveyed to Detox. The officers attempted to speak with the employees of the store, who stayed behind the glass partition, but were informed the agent was not on scene at this time.
- E. Attorney Bobot said his client passed all 4 MARTS inspections and made proof of that part of the record. His clients have removed items conducive to loitering and they are now picking up litter daily, although they may need to increase that. His client does photograph individuals who loiter and he denies service to them. This business has operated for eight years at this location.
- F. Alderman Witkowski made the information on passing MARTS part of the record. Exhibit 1.

Individuals in Opposition:

- G. Douglas Burna, 731 N. 34th St., he is tired of the loitering, panhandling, litter and the trash, which has only gotten worse over time. He would like this store gone; 90% of the time when he goes past there is something going on litter on the premises, public drinking, and litter from the store on in the area. He indicated that he lives near the location and drives past the premise on a near daily basis.



- H. Karen Burns 3130 W. Wells St., there is always a crowd outside up until the time of closure. She has been approached by panhandlers, and inconvenienced by double parking. She finds a lot of small liquor bottles on her corner property and can often see that they are coming from this store. She has observed people coming from the store and drinking, and loitering on her front steps and publicly consuming alcohol.
- I. Laura Sue Moser 3209 W. Wells St., the photos are already in the file. She operates a bed and breakfast near the store. She testified that her business has lost customers as they drive past 35th and Wells, due to the perception that the neighborhood is unsafe because of people loitering. Panhandlers approach their guests as they are getting out of their cars, she observes public urination, arguing, and unsafe actions due to drinking. She noted that she knows much of the litter is coming from the store because she observes small bottles of hard liquor, and the other store in the area only sells beer. This liquor store is destroying what she is working on and feeds into the negative rather than the positive.
- J. Rick Moser, 3209 W. Wells St, he agrees with his wife and he is surprised no one has ever been killed at 35th and Wells due to the parking and he sees the proliferation of liquor bottles in yards.
- K. Dwayne Stokes works with Near West Side Partners. He is a security ambassador in the community. They have seen mobile drug dealing from across the street to his building. He testified that people from Near West Side partners have gone into the store and asked the employees to try to help scatter the loiterers. They will wait and not observe any employees come outside to try to disperse patrons they tell him people are loitering outside, they wait 10 minutes and nothing is done. The store also fails to maintain the cleanliness of the surrounding area."
- L. Botney Macque community safety specialist for Near West Side Partners, he has spent a lot of time working with the police on the complaints about this establishment. In the hot months, there are always folks loitering by this establishment. They have reached out, but the owners have never responded.
- M. Keith Stanley, the Executive Director of the Near West Side Partners testified that the organization's concern is that this establishment is not proactive. People from the neighborhood and the organization has stopped at the business and left contact information for someone from the store to contact them, and have not gotten a response. He also noted that this reflects negatively on the district as this is the only area zoned for a bed and breakfast in Milwaukee. This is the front door to the Concordia neighborhood.
- N. Ted Cusick 7227 N. 32nd St., he is a recovering addict and in the past he used this facility to get money by panhandling. Mr. Cusick testified that he is now sober and works at the Moser's bed and breakfast. He explained that what the other

people have testified about is behavior he has observed while working. He stated that he now understands how destructive this behavior is. He conceded that the Licensee would come and ask him to move when he was panhandling, but he would not go very far and would remain in the neighborhood.

- O. The Licensee testified that when he sees loiterers he tells them to leave; sometimes they do and sometimes they refuse. He does not serve those who loiter in front of the premises. He has banned a number of patrons from the location. He is cooperative with the bike patrol officers and MPD generally. He allows the police access to a vacant area on his second floor to observe. He works there all the time and tries to control everybody. They sell liquor, chips, soda, tobacco and bus passes. He is willing to fully cooperate with the neighborhood, hire private security, re-double his anti-litter effects and cooperate with the police. He testified that he is at the location from 9:00 a.m. to 9:00 p.m. almost every day.
- P. Alderman Witkowski moves for nonrenewal based on police report and neighborhood and aldermanic testimony, (Prevailed 4-1)

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Parul D. Patel who holds a Class "A" Malt and Class "A" Liquor license for the premise located at 3447 West Wells Street in the City and County of Milwaukee, Wisconsin ("Sundee Liquor & Food") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances not to renew the Class "A" Malt and Class "A" Liquor licenses. The Committee finds the neighborhood and aldermanic objections as stated above to be true. The Committee based the nonrenewal on the police report, neighborhood testimony and aldermanic testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment not to renew the Class "A" Malt and Class "A" Liquor licenses for the premises located at 3447 West Wells Street in the City and County of Milwaukee, Wisconsin ("Sundee Liquor & Food"). The Committee based its recommendation on the police report, neighborhood and aldermanic testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes and one (1) noes** recommends that the Class "A" Malt and Class "A" Liquor



licenses held by Parul D. Patel for the premises located at 3447 West Wells Street in the City and County of Milwaukee, Wisconsin (“Sundee Liquor & Food”) not to be renewed.

Said nonrenewal will be in effect at 12:01 a.m. on May 3, 2019.

Dated and signed at Milwaukee, Wisconsin this 5th day of April, 2019.



NIC KOVAC
Chairman, Licenses Committee

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