

September 20, 2023

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[via Email, Hand Delivery, & US Certified Mail]
The City of Milwaukee Licenses Committee
Attn: Milele A. Coggs, Chair of Licenses Committee
Attn: Jim Cooney, License Division Manager
200 E Wells St., Rm. 205
Milwaukee, WI 53202
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jim.cooney@milwaukee.gov

**RE: REPLY TO THE CITY'S DENIAL OF OUR ADJORNMENT
REQUEST FOR THE UPCOMING SEPTEMBER 21, 2023
REVOCATION HEARING.**

Licensee: 4295 Teutonia, Inc. dba Teutonia Food & Gas
Agent: Gurinder S. Nagra

Dear Alderwoman Coggs and Mr. Cooney,

I write to you on behalf of our client, Gurinder S. Nagra, agent of 4295 Teutonia, Inc., with renewed concern and objection following the denial of our adjournment request for the revocation hearing scheduled on September 21, 2023. There simply is no legal basis for the scheduled proceedings to go ahead tomorrow.

1. Absence of Jurisdiction under the Milwaukee Code of Ordinances (MCO)

As previously set out in detail in our initial letter, MCO's provisions, specifically MCO § 85.3, delineate the procedures and circumstances under which revocation proceedings can be initiated. The ordinance does not allow for revocation of the pertinent licenses solely based on a constituent affidavit. Therefore, by proceeding with this hearing, the committee will be acting *ultra vires*—beyond its legal authority.

2. Setting a Dangerous Precedent

Accepting citizen affidavits as a basis for revocation proceedings before my client's license is up for renewal, especially when not explicitly sanctioned by the ordinances, sets a worrisome precedent. It could lead to a surge of revocation hearings spurred by constituents and activists each

time an unfortunate incident, like a shooting, transpires, even when the licensee is not at fault. This approach does not only burden businesses but is also detrimental to the City's own administrative resources.

3. Inadequate Notice Period

The brief 7-day notice period provided is both inequitable and counterproductive. Our client is being asked to contest for his business livelihood with scant time for adequate preparation. Such a hurried timetable doesn't serve the principles of justice, fairness, or due process.

4. Lack of Access to Vital Information

The shooting incident at our client's premises is part of an open murder investigation. Despite our diligent efforts, we've been hindered from obtaining complete police records, facts, and other essential documentation because these materials have yet to be released by the police. Denying our client adequate time to access and review these critical documents severely compromises our ability to present a robust defense.

5. Ambiguity of the Notice

For an administrative hearing of this magnitude, the notice provided is alarmingly lacking in specifics. The principles of due process demand clarity in matters of legal consequence. Without explicit delineation of which incident reports will be scrutinized and the exact reasons forming the basis of potential revocation, our client is disadvantaged, essentially navigating through a maze without a clear map.

6. Witness Subpoenas

Should the City unwaveringly insist on advancing with the revocation hearing, consider this our formal request for subpoenas to be issued for several witnesses, including but not limited to police officers involved, the accused shooter, and others whose testimonies are germane to our client's defense:

- Captain Sheronda Grant
- PO Stephen Colwell
- PO Christopher Schlei
- PO James Terrell
- PO Minisha Howard
- PO Nicholas Kropp
- PO John Schaefer
- PO Delia Carrillo

- PO Angelo Lopez
- PO David Klein
- PO Kyle Labensky
- PO Travis Karweick
- Sgt. Andres Cabral
- PO Rafael Lopez
- PO Daniel Parks
- All Milwaukee Fire Department Firefighters and First Responders of Med 5 and Engine 3
- Lt. Hennessey of Milwaukee Fire Department Blue Shift
- Natalie Easter Allen
- Samarth Dhanju
- Krisham Singh
- Talwinder Singh-Gill
- William Pinkin

In conclusion, our client has operated his business in line with the laws of the City. It is only equitable that the City treats him with the fairness, clarity, and due process he rightly deserves. There is simply no basis to hold a revocation hearing not authorized by the City's own laws. And if the City insists on forging ahead, then we urge the Licenses Committee to re-evaluate the denial of our adjournment request and provide our client with a fair opportunity to defend his business interests. Your prompt attention and action in ensuring justice in this matter are crucial and most appreciated.

Very Truly Yours,

OVB Law & Consulting, S.C.

/s/

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Attorney

OEO/*ab*

cc. Alderwoman Andrea Pratt (via email, andrea.pratt@milwaukee.gov)
Akuwa Dantzler (via email, adantz@milwaukee.gov)
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