



City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, WI 53202

Meeting Minutes - Final LICENSES COMMITTEE

ALD. JAMES A. BOHL, JR., CHAIR

Ald. Milele A. Coggs, Vice-Chair

Ald. Ashanti Hamilton, Ald. T. Anthony Zielinski, and Ald. Nik Kovac

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Friday, May 29, 2009

9:00 AM

Room 301-B, City Hall

SPECIAL - AMENDED 5/27/09

Meeting commenced at 9:10 a.m.

Present 4 - Bohl, Hamilton, Zielinski, Kovac

Excused 1 - Coggs

1. [090067](#)

Substitute motion denying the new application for a food dealer license of Johnnie Lee Little, Jr. for the premises at 2027 W. Juneau Avenue doing business as Johnnie's Candy Box in the 4th aldermanic district.

Sponsors: THE CHAIR

Lucy Krajna, Legislative Aide for District 4, at the table. She says that the alderman is opposed to the license.

Applicant not appearing.

Ald. Hamilton moves to deny based on non-appearance and aldermanic testimony. Prevailed 4-0. (Ald. Coggs excused)

A motion was made by ALD. HAMILTON that this Motion be SUBSTITUTED.

The motion PREVAILED by the following vote:

Aye 4 - Bohl, Hamilton, Zielinski and Kovac

No 0

Excused 1 - Coggs

A motion was made by ALD. HAMILTON that this Motion be RECOMMENDED FOR APPROVAL. The motion PREVAILED by the following vote:

Aye 4 - Bohl, Hamilton, Zielinski and Kovac

No 0

Excused 1 - Coggs

2. [090084](#)

Motion relating to the new application for a food dealer license of Ismail Harun for the premises at 1840 N. 19th Street doing business as "Safari Store" in the 15th Aldermanic District.

Sponsors: THE CHAIR

Alex Runner, Staff Assistant for Ald. Hines, at the table.

Applicant at the table.

The applicant says that he wants to sell food that comes from Africa to an african population in the area.

Mr. Runner says that the alderman is in opposition to the license.

The applicant says that he would not apply for any liquor or beer license because of his religious beliefs. He says that he just wants a chance to open the business to provide services to his neighbors.

Neighborhood objector present:

Tony Gibson, 1739 N. 19th St., Chairman of the Johnsons Park Neighborhood Association. He says that the association does not oppose licenses without gathering a lot of information about the potential business or without trying to work with applicants.

The applicant says that he wants to work with the neighbors and address their concerns.

Mr. Runner says that the applicant has met with the neighbors but agree with the neighbors' suggestions. Mr. Gibson says that the licensee should prove himself to the neighborhood.

Ald. Zielinski moves to hold to the call of the chair. Prevailed 4-0. (Ald. Coggs excused)

A motion was made by ALD. ZIELINSKI that this Motion be HELD TO CALL OF THE CHAIR. The motion PREVAILED by the following vote:

Aye 4 - Bohl, Hamilton, Zielinski and Kovac

No 0

Excused 1 - Coggs

Ald. Coggs at the table at 9:43 a.m.

Present 5 - Bohl, Coggs, Hamilton, Zielinski, Kovac

- 3. [090086](#) Substitute motion denying the new application for a food dealer license of Lachell Evans for the premises at 2222 W. North Avenue doing business as "Topnotch" in the 15th Aldermanic District.

Sponsors: THE CHAIR

Alex Runner, Staff Assistant for District 15, at the table.

Applicant not appearing.

Mr. Runner says that the local alderman is opposed to the license due to the lack of a business plan and the type of business being unfit for the area.

Ald. Zielinski moves to deny based on non-appearance. Prevailed 5-0.

A motion was made by ALD. ZIELINSKI that this Motion be SUBSTITUTED. The motion PREVAILED by the following vote:

Aye 5 - Bohl, Coggs, Hamilton, Zielinski and Kovac

No 0

A motion was made by ALD. ZIELINSKI that this Motion be RECOMMENDED FOR APPROVAL. The motion PREVAILED by the following vote:

Aye 5 - Bohl, Coggs, Hamilton, Zielinski and Kovac

No 0

Meeting recessed at 9:52 a.m.

Meeting reconvened at 10:03 a.m.

9:45 A.M.

- 4. [081329](#) Motion relating to the revocation of the Class "B" Tavern license of Jennie Nuell, Agent for Maximum Capacity, LLC, for "All Star Sports Bar" at 4001 W. Fond du Lac Avenue.

Sponsors: THE CHAIR

Applicants at the table. Asst. City Atty. Robin Pederson at the table representing the Chief of Police.

Atty. Michael Whitcomb at the table as counsel for both Jennie Nuell and Eddie Nuell.

Both revocation files will be heard simultaneously.

Atty. Whitcomb went through the complaint and addressed the charges against Ms. Nuell. He says that Ms. Nuell and Mr. Nuell acknowledged that there was obstruction of justice in the incident.

Luke O'Day, Detective with the Milwaukee Police Department, at the table. Det. O'Day was a detective that investigated the shooting that occurred at the establishment.

Meeting recessed at 10:15 a.m.

Meeting reconvened at 10:21 a.m.

Atty. Whitcomb says that the police did not have a warrant to take the video from the establishment. Atty. Pederson says that there were exigent circumstances and that the police did not need a warrant. He also said that since this is not a criminal proceeding, the video cannot be suppressed according to the Fourth Amendment.

Atty. Whitcomb objects to the video being used because it was unlawfully obtained. He also says that they city attorney's office refused to give him the video to review.

Detective O'Day says that because the licensees attempted to hide the video, it was taken, but the video was not viewed by the police until they did obtain a warrant to do

so.

Atty. Pederson says that the law allows the police to seize the evidence and the police did not go through the rest of the establishment to search.

The applicants acknowledge that the video surveillance was concealed from the police, which resulted in the obstruction of justice charges.

Detective O'Day says that he came upon the video while he was searching for other people involved in the incident.

Ald. Bohl says that he believes that the video is not admissible. Ald. Zielinski says that the video should be shown due to the police obtaining a warrant before they viewed it.

Motion by Ald. Zielinski to accept the video evidence as admissible at the hearing. Prevailed 3-2. (Ald. Bohl and Ald. Coggs voting "no")

Atty. Pederson says that the video is not working with the projector, so the pertinent parts of the video cannot be viewed.

Ald. Zielinski moves to reconsider the previous motion to allow the video evidence as admissible. Prevailed 5-0.

Ald. Hamilton moves to accept the video evidence taken on December 14th, 2008 as part of a rejected exhibits file. Prevailed 5-0.

Christina Mitchell, citizen witness, 3511 W. Lisbon Ave., appearing. She was at the establishment in January of 2009. She says that she was physically assaulted by management of the establishment, including Eddie Nuell, after she was involved in an argument with another patron.

Atty. Pederson says that Ms. Mitchell's testimony is pertaining to item paragraph 29 of the police complaint.

Capt. Jessup of the 7th District of the Milwaukee Police Department appearing. He says that the police do not believe that the licensees provide a safe environment for citizens and they also have not cooperated with police after a serious incident at the establishment. He says that the police object to the licensing of the establishment based on these issues.

Marcus Nuell, 8135 W. Muriel Place, son of Ms. Nuell and brother of Mr. Nuell, appearing. He says that Ms. Mitchell was getting loud and disrespectful during the incident in January and that she was asked to leave. Mr. Nuell says that Ms. Mitchell refused to leave and there was a physical altercation during which the bouncers were escorting her out. He says that she was not grabbed, punched or hit by management of the establishment.

Ald. Coggs asked Marcus Nuell who ripped out the surveillance equipment after the shooting. He says that he does not know.

Marcus Nuell says he was at the establishment on the night of the shooting and flagged down the police after the fight that preceded the shooting.

Ms. Mitchell says that she went to the hospital the night of the altercation and took pictures the next day. She also says that the District Attorney did not say that she

had a strong enough case against the licensees because she did not have any broken bones.

Ald. Zielinski moves to make the pictures of bruises submitted by Ms. Mitchell part of the record. Prevailed 5-0. (Exhibit 1)

Eddie Nuell says that she tried to physically escort Ms. Mitchell out and there was an altercation because she refused to leave.

Mr. Nuell also says that he removed the security equipment after the shooting and he says he had no reason for removing it. He also says that he was not aware, when he removed the surveillance equipment, that anyone connected to the establishment was involved in the shooting. Mr. Nuell also admits that he accepted a gun from an employee of the bar, but that he took it without knowing what had occurred.

Tonja Richardson, 215 W. Hadley St., appearing. She was working at the establishment during the incident with Ms. Mitchell and says that Ms. Mitchell was disruptive before the altercation with security. Ms. Richardson says that she didn't see anyone punch or kick Ms. Mitchell.

Atty. Pederson says that the police department believes that the charges against the licensees are valid and that the establishment is a detriment to the health, safety and welfare of the neighborhood.

Atty. Whitcomb says that none of the actions of the licensee was detrimental to the health, safety and welfare of the neighborhood. He also denies the allegations of Ms. Mitchell on behalf of his clients.

Ald. Hamilton says that there needs to be major changes in how the establishment is run.

Ald. Hamilton moves for a 60-day suspension. Prevailed 4-1. (Ald. Bohl voting "no")

A motion was made by ALD. HAMILTON that this Motion be SUBSTITUTED.

The motion PREVAILED by the following vote:

Aye 4 - Coggs, Hamilton, Zielinski and Kovac

No 1 - Bohl

Ald. Zielinski moves to waive the requirement for placing a request for license reinstatement in writing.

Ald. Hamilton moves to reconsider the recommendation for a sixty-day suspension. Prevailed 5-0.

Ald. Hamilton moves to recommend a sixty-day suspension that would take effect upon ratification of the recommendation by the Common Council with no credit for time served and the return of the license to the licensee in the interim. Prevailed 4-1. (Ald Bohl voting "no")

A motion was made by ALD. HAMILTON that this Motion be RECOMMENDED FOR APPROVAL. The motion PREVAILED by the following vote:

Aye 4 - Coggs, Hamilton, Zielinski and Kovac

No 1 - Bohl

for "All Star Sports Bar" at 4001 W. Fond du Lac Avenue.

Sponsors: THE CHAIR

This file is heard in conjunction with the file for the revocation of the Class "B" Tavern license.

Ald. Zielinski moves to revoke the license. Prevailed 5-0.

A motion was made by ALD. ZIELINSKI that this Motion be RECOMMENDED FOR APPROVAL. The motion PREVAILED by the following vote:

Aye 5 - Bohl, Coggs, Hamilton, Zielinski and Kovac

No 0

**Meeting adjourned at 1:16 p.m.
Staff Assistant Tobie Black**