

00001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

CITY OF MILWAUKEE
UTILITIES & LICENSING HEARING

In the Matter of:
BROTHERS FOODS, INC.
966 North 27th Street

COMMITTEE MEMBERS

ALD. JAMES BOHL, JR. - CHAIRMAN
ALD. FREDRICK G. GORDON
ALD. MARLENE JOHNSON-ODOM
ALD. JOSEPH A. DUDZIK

ALDERMAN PAUL HENNINGSSEN - 4th District
DEPARTMENT of NEIGHBORHOOD SERVICES by PANDORA BENDER
HEALTH DEPARTMENT by OSCAR BOND
POLICE DEPARTMENT by SERGEANT JOHN HOGAN
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

Proceedings had and testimony given in the
above-entitled matter before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on March
11th, 2003, before Terese M. Schiebenes of Milwaukee
Reporters Associated, Inc.

00002

1

PROCEEDINGS

2

(Whereupon, all City Personnel were
previously duly sworn.)

3

4

CHAIRMAN BOHL: Next item also in the 4th
District is Nael M. Mohammad, agent for Brothers
Foods, Incorporated, Class A Malt application for
Brothers Foods at 966 North 27th Street. Welcome
back, Mr. Mohammad.

5

6

7

8

9

MR. MOHAMMAD: Yes, sir.

10

(Whereupon, NAEL M. MOHAMMAD was duly
affirmed.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN BOHL: Mr. Mohammad, do you
acknowledge receiving notice of today's meeting with
the possibility that your license application could be
denied due to neighborhood objections, and the
following items are listed to littering, loitering,
concentration of alcohol beverage outlets, past health
violations at the former store, numerous code
violations for littering, unclear interior premises,
electrical cords, interior violations, and no
occupancy permit posted and conduct which was
detrimental to the health, safety, and welfare of the
neighborhood? Do you so acknowledge?

MR. MOHAMMAD: Yes, I understand that. I
received the letter.

00003

1 CHAIRMAN BOHL: We'll go around the horn,
2 and sir, we'll get to you in one moment. Health
3 Department?

4 MR. BOND: No objection.

5 CHAIRMAN BOHL: Neighborhood Services?

6 MS. BENDER: Hold for occupancy and orders.

7 CHAIRMAN BOHL: There are no police reports.
8 Before we get to you, sir, we're going to go to
9 Alderman Henningsen. Alderman Henningsen.

10 ALDERMAN HENNINGSEN: Mr. Chair and members.
11 We handed out the concentration map, and I hope you
12 will take cognizance of it for the record. We have
13 many more licenses in the neighborhood, we certainly
14 don't need another one, but my main objection to this
15 applicant is that he operated for years 2626 West
16 Vliet Street, and he had almost monthly health code
17 violations, severe ones, and then the building was
18 taken for the non-payment of taxes, so we now have the
19 burden of trying to find a reuse for it.

20 But just let me briefly read some of the
21 orders. Containers of sour cream are dated a year
22 before, remove outdated dairy products for sale, many
23 items are moldy and spoiled in the produce cooler,
24 hand washing is not being done by employees, cases of
25 chicken are on the floor in the cooler, knives are not

00004

1 clean, floors unclean with food debris in the walk-in
2 cooler, there is an apron over raw uncooked meat in
3 the cooler, the toilets in both restrooms are unclean,
4 there are dead mice and mice droppings in the
5 candy/cigarette room, the candy is not protected from
6 the rodents.

7 We worked with the Health Department. Every
8 time there was more, more, more. Meat grinder stored
9 dirty in cooler, raw chicken stacked on top of raw
10 pork, three compartments are not set up properly, raw
11 chicken stored on top of bags of ice in the freezer.
12 Aprons mean aprons for working. You know, just hung
13 them out on the food. Bags of raw meat on the floor,
14 boxes of meat on the floor. Store all beverages and
15 food at least six inches off the floor. Frozen foods
16 on top of shelf of freezer frozen. Maintain all
17 frozen foods at zero or below.

18 Insects found underneath cake mix. They
19 love cake mix, by the way. Insects found inside cake
20 mix. Remove all evidence of insects from the premises
21 and provide effective da, da, da. Oh, eggs at 54
22 degrees, it should be 41 degrees. Guacamole, butter,
23 packaged mozzarella, unlabeled Lunchables container to
24 be removed for sale, guacamole spoiled, cheese gas
25 build-up inside packaging, butter stick open, and

00005

1 Lunchable meat had no packaging.

2 Observed a German cockroach infestation by
3 the meat despite cooler. Observed roaches and their
4 egg casings on the inside panels of the glass door for
5 the meat cooler. Noted spoiled ground beef that was
6 going to be mixed with fresh ground beef to make it
7 look redder so they can sell it more expensively.
8 They mixed spoiled ground beef with fresh ground beef.
9 They were ordered to discard this practice. When you
10 mix the old dark spoiled stuff in with the normal
11 ground beef, it makes it look leaner actually, because
12 it's redder, but it's spoiled.

13 A large pile of damaged foods stored in the
14 northeast corner of the warehouse waiting for credit.
15 Food is considered unwholesome for sale and will be
16 condemned and thrown out, if not removed immediately.
17 There are boxes of infant formula that are outdated
18 stored in the warehouse. On and on and on.

19 So I would say that the privilege is -- The
20 license is a privilege, not a right, and the past
21 history of this gentleman does not indicate that he
22 will run a good place and certainly, I believe, doesn't
23 deserve the privilege of a license.

24 This building at 27th and State, he's used
25 the word transfer the license. Well, we don't do

00006

1 that. You know, he comes in as a new applicant. But
2 the building is placarded upstairs, you know, there's
3 no useable residential, and there's outstanding orders
4 for building codes.

5 Now, let me just tell you the first time
6 they came in, inoperable smoke detector, second time,
7 use of illegal extension cords, replace defective
8 self-closing device on fire door, replace -- You
9 know, there's various electrical things. Restore
10 property to a clean and sanitary condition.

11 CHAIRMAN BOHL: Alderman Henningsen, I'm
12 just --

13 ALDERMAN HENNINGSEN: Just one more.

14 CHAIRMAN BOHL: I think you've established
15 very clearly the track record here at this
16 establishment. Go ahead.

17 ALDERMAN HENNINGSEN: Here's garbage between
18 the buildings. Remove mattresses, appliances, and
19 cardboard from between buildings. I mean, ha? This
20 is a grocery store. Also, I should stay on the north
21 side of the street at 2626 when he was operating, I go
22 by this premises, I go home on Vliet Street many, many
23 times, and there was litter in the parking lot, there
24 was loitering in the parking lot, and I just feel that
25 we don't need another liquor license and certainly not

00007

1 one that would obviously have a history that this
2 operator has. So I would support complete denial of
3 this new application.

4 CHAIRMAN BOHL: Thank you, Alderman
5 Henningsen. Before we proceed, I will have Alderwoman
6 Johnson-Odom make the concentration map part of our
7 record. Hearing no objection, so ordered.

8 This particular item is noticed for
9 neighborhood objections. Are there any neighbors here
10 present to testify?

11 ALDERMAN HENNINGSEN: Me, me.

12 CHAIRMAN BOHL: Outside of Alderman
13 Henningsen? Mr. Mohammad, there's quite a bit in the
14 record here.

15 MR. MOHAMMAD: That's not true.

16 CHAIRMAN BOHL: You're going to have the
17 opportunity to not only address these concerns that
18 Alderman Henningsen presents, including concentration,
19 but also explain to the committee why you deserve this
20 license here. Go ahead, sir.

21 MR. MOHAMMAD: I need to let the committee
22 know that all the stuff, all the things that
23 Mr. Henningsen said have not been true. I did not own
24 the building on 26th and Vliet. I never owned the
25 building. I started operating that store in 1995, and

00008

1 I think the alderman have a grudge against me because
2 I reported his drunken self to his wife.

3 ALDERMAN HENNINGSSEN: I didn't say you own
4 the building. Your brother owns the building, you own
5 the store.

6 CHAIRMAN BOHL: Mr. Mohammad, time and
7 again, you are here applying -- Sir, sir, you are
8 here applying for a license before this committee. We
9 are not going to get into personalities and he
10 says/she says. It is your -- You right now are to,
11 one, try to address some of the concerns that have
12 been presented as part of the record, and two, explain
13 to the committee why you deserve a license. I'm not
14 going to have you get into the point where we're going
15 to start getting into personalities. So please
16 proceed.

17 MR. MOHAMMAD: Ladies and gentlemen, number
18 one, all these health violations that the alderman
19 have spoke of -- I think we have a Health Department,
20 and they always came in, and that's a routine thing
21 everything that they put on there, expired sour cream,
22 expired this, expired that. This is all routine for
23 any grocery store. This is all routine. I have not
24 seen any of my customer died or got sick or got sued
25 for last 25 years I've been doing business. I have no

00009

1 problems, none of my customers have no problems with
2 my food. When you have damaged food or returned food,
3 you have somewhere to put it and that's where it goes,
4 and sometimes the Health Department comes and finds
5 that stuff, true enough, but nobody ever got sick,
6 nobody ever got complaint, I never had a complaint.
7 The Health Department is on this side, not on this
8 side, and that's all I can say.

9 Number two, he's talking about mattresses
10 and all that. I do not own a furniture store. I own
11 a grocery store, I operate a grocery store. If
12 there's any mattresses that come from anywhere, it's
13 not my responsibility. I call him and complain so
14 many times. Never, never heard anything in response
15 from him. So many times.

16 My application been in process for a whole
17 year. Question for the city alderman: Does it take a
18 whole year for an application to get processed? I
19 apply for this application March of 2002, and I just
20 got response on it. And the building on 16th does not
21 belong to me, I do not own the building. I rent, I
22 have a lease. Alderman has a grudge against me for
23 whatever reason. I have no -- And all I can say is
24 it's not true, and the city attorney knows there is
25 such a thing called transfer. The city records and

00010

1 city ordinance does apply transfer one location to
2 another as long as it's within the same district. I
3 read that ordinance myself, and the alderman lied like
4 always and I hear him say --

5 CHAIRMAN BOHL: Mr. Mohammad, I just will
6 say one thing. The items that Alderman Henningsen
7 read are part of the record and they are
8 substantially --

9 MR. MOHAMMAD: But --

10 CHAIRMAN BOHL: Take that for what you will.
11 It is part of the record. It is not --

12 MR. MOHAMMAD: I understand, but let me just
13 -- There was a corporation, and I was just an officer
14 of that corporation. He's trying to stick all that on
15 me because someone on the other side is being his
16 puppet, let's put it that way. I call the corruption
17 charges. Has nothing against me for that. That's what
18 I think.

19 CHAIRMAN BOHL: Thank you, Mr. Mohammed.
20 Are there questions of Mr. Mohammad, Alderman
21 Henningsen by committee at this point?

22 MR. MOHAMMAD: And as far as the
23 neighborhood objection, I think I have plenty
24 neighbors in my neighborhood who sign a petition for
25 me.

00011

1 CHAIRMAN BOHL: Mr. Mohammad, the committee
2 cannot accept letters, it cannot accept --

3 MR. MOHAMMAD: It's not letters.
4 Signatures.

5 CHAIRMAN BOHL: It cannot accept signatures.
6 We don't do that for objectors, we don't do that for
7 people who are supporters. We have no ability to
8 cross-examine and determine who signed what, et
9 cetera, et cetera. So if you have people who want to
10 support, you had the opportunity to bring them out.

11 MR. MOHAMMAD: I understand. Another
12 question, Alderman.

13 CHAIRMAN BOHL: I'm going to give you one
14 more moment because you had your opportunity and you
15 were finished, and now you're dragging this out. Go
16 ahead, sir.

17 MR. MOHAMMAD: We're talking about
18 concentration. Someone just got a license granted in
19 August once they visited the alderman's office. Is
20 that what I have to do?

21 ALDERMAN HENNINGSSEN: Where?

22 MR. MOHAMMAD: On 27th and Wells.

23 ALDERMAN HENNINGSSEN: They had one.

24 CHAIRMAN BOHL: Mr. Mohammad, this item is
25 now in committee. Is there a motion?

00012

1
2
3
4
5
6
7
8
9
10
11
12
13
14

ALDERMAN GORDON: Mr. Chairman.

CHAIRMAN BOHL: Alderman Gordon.

ALDERMAN GORDON: Based on the testimony and the submission of objection due to concentration of licenses, I'm going to recommend denial of this license.

CHAIRMAN BOHL: The motion before us is for denial of the Class A Malt application. Are there any objections to that motion? Hearing none, so ordered. Mr. Mohammad, good luck to you.

MR. MOHAMMAD: I've been denied again. No problem. Thank you. I have no --

CHAIRMAN BOHL: Thank you and good luck.

* * *

00013

1 STATE OF WISCONSIN)
2)
3 MILWAUKEE COUNTY)

4

5 I, TERESE M. SCHIEBENES, of Milwaukee
6 Reporters Associated, Inc., 5120 West Blue Mound Road,
7 Milwaukee, Wisconsin 53208, certify that the
8 foregoing proceedings is a full and complete
9 transcript of my stenographic notes taken in the
10 foregoing proceedings.

11

12

13

14

15

16

17

TERESE M. SCHIEBENES
Certified Shorthand Reporter

18

19

20

21

Dated this day of , 2003.

22

23

24

