



**IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.**

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

**IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK**

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

**IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED.**

**TO:** Administrative Review Board of Appeals  
City Hall, Rm. 205  
200 E. Wells St.  
Milwaukee, WI 53202  
(414) 286-2231

**DATE:** May 18, 2022

**RE:** 1319 W. North Ave, Milwaukee, WI  
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by Milwaukee Police Department  
(Name of City Department)

Amount of the charges \$ Amounts per MCO Sec. 80-10-2-c, have not been assessed yet.

Charge relative to: MPD's Designation of Chronic Nuisance Premises, per MCO Sec. 80-10.

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

See Attached Addendum.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Michael Maistelman*

Signature

Attorney Michael S. Maistelman on behalf of Harbhajan Gill and Gill's Gas & Food, Inc.

Name (please print)

7524 N Navajo Rd, Fox Point, WI 53217

Mailing address and zip code

414-908-4254

Daytime phone number

msm@maistelmanlaw.com

E-Mail Address(es)

**ADDENDUM**

**Administrative Review Board of Appeals**

**Property Address: 1319 W. North Ave., Milwaukee, WI**

**May 18, 2022**

The Appellant received the attached Notice of Nuisance Premises on or about May 12, 2022. In the notice, the Milwaukee Police Department ("MPD") provides examples of specific conduct that has taken place on or near 1319 W. North Ave, Milwaukee, WI. (the "Premises"). MPD requires the Appellant to devise an abatement plan acceptable to MPD, to address the conduct on or near the premises by anonymous third parties that the Appellant has no control over.

The conduct that MPD wants Appellant to abate was not caused by or contributed by the Appellant or Appellant's agents. At all times, relevant Appellant and Appellant's agents fully cooperated with MPD and assisted MPD in investigating the issues as listed in the attached Notice to Abate. Appellant cannot devise an abatement plan that governs the conduct of third-party actors that Appellant has no control over.

Appellant requests that ARBA find that MPD's Notice to Abate is unreasonable, that the alleged nuisances in MPD's notice do not qualify as sufficient grounds to deem the Appellant in violation of MCO Sec. 80-10, and that Appellant shall not have to devise an abatement plan based on the current Notice to Abate.

Milwaukee Police Department Police  
Administration Building 749 West State  
Street Milwaukee, Wisconsin 53233  
<http://www.milwaukee.gov/police>

**JEFFREY NORMAN**  
Acting Chief of Police

(414) 933-4444

May 9<sup>th</sup>, 2022

Harbhajan S Gill  
24/7 Gas and Food Mart  
19315 Compton Ln  
Brookfield, WI, 53045

Re: Notice of Nuisance Premises

Dear Harbhajan S Gill:

This letter is notice to you that the Milwaukee Chief of Police, by the chief's designee, the district commander, has determined that the premises located at 1319 W North Avenue ("the premises") is a nuisance pursuant to Milwaukee Code of Ordinances ("MCO") § 80-10, Chronic Nuisance Premises. As an individual or entity that is licensed or subject to a license in the operation of a business upon the premises, you are a responsible party for abating the nuisance activities occurring at the premises.

The Milwaukee Police Department has responded to the following described nuisance activities at the premises on the corresponding dates, which qualify the premises as a nuisance:

1. On Friday August 27th, 2021 at 2:53 am officers responded to 1319 W. North Avenue for a ShotSpotter complaint. Officers located and retrieved several spent casings throughout the gas station parking lot. Officers investigated and filed a report regarding this incident. This is a violation of 80-10-2-c-1-L and 80-10-2-c-1-q.
2. On Thursday September 16th, 2021 at 2:33 am officers responded to 1319 W. North Avenue. Officers were investigating loitering complaints in the gas station parking lot. Officers encountered a convicted felon in possession of a firearm in the gas station parking lot. Officers investigated and filed a report regarding this incident. This is a violation of 80-10-2-c-1-L.
3. On Saturday December 18th, 2021 at 4:31 am officers responded to 1319 W. North Avenue for a property damage complaint. The subject was loitering in the gas station parking lot. The subject became enraged, damaged property and continued to loiter until police arrived. The suspect then assaulted a police officer on the gas station premise. Officers investigated and filed a report regarding this incident. This is a violation of 80-10-2-c-1-k and 80-10-2-c-1-s.

4. On Friday December 31st, 2021 at 3:07 am officers responded to 1319 W. North Avenue for a ShotSpotter complaint. Officers located and retrieved several spent casings on the West side of the gas station parking lot near the alley way. Business and employees failed to call police regarding a firearm being discharged on their premises. Officers investigated and filed a report regarding this incident. This is a violation of 80-10-2-c-1-q and 80-10-2-c-1-L.

5. On Saturday February 19th, 2022 at 2:34 am officers responded to 1319 W. North Avenue for a Shooting complaint. The shooting occurred inside of the gas station where officers located the shooting victim. Officers located a second subject that had been shot from the same incident. Officers investigated and filed a report regarding this incident. This is a violation of 80-10-2-c-1-q & 80-10-2-c-1-L.

As a consequence, you may be subject to a collections action for the cost of future enforcement for any of the nuisance activities listed in MCO § 80-10-2-c that occur at the premises.

You are directed to respond to my office within 10 days of receipt of this notice with an acceptable, written course of action that you will undertake to abate the nuisance activities occurring at the premises, or file an appeal. You may appeal this nuisance determination to the Administrative Review Appeals Board. Any appeal must be in writing and a processing fee will be charged. Please contact the Office of the City Clerk at (414) 286-2231 for additional information.

If you elect to provide a written course of action, I shall evaluate it to determine if it is a reasonable attempt at abating the nuisance activity.

Prior to responding with a written course of action, it is highly recommended that you obtain records relating to police responses regarding the premises. You may obtain these records from the Computer Aided Dispatch System (CADS) at the Open Records Section of the Milwaukee Police Department (District Three Station, 2333 North 49<sup>th</sup> Street, Second Floor) between 8:00 AM and 3:45 PM. There is a cost of 25 cents per page for these records.

Once you are able to determine the type of nuisance activity occurring at the premises, please review the following examples of nuisance abatement measures that you may include in your written course of action to abate the nuisance activity. These suggestions are not exclusive, may not apply to the particular premises, and you may propose other nuisance abatement measures that would be appropriate under your particular circumstances.

- Exchange names and telephone numbers with the owners and operators of neighboring premises.
- Participate in a local block watch, neighborhood association, and business association.
- Attend the monthly crime prevention meetings conducted by the local Milwaukee Police District Community Liaison Officer who can be contacted at 414-935-7733.
- Monitor the property for evidence of drug activity. This may include observation of clear corner cuts of baggies strewn about, excessive quantities of plastic sandwich baggies found in odd places, presence of numerous weight scales or communication devices and

drug paraphernalia such as unusual pipes, empty cigar wrappers, burned hollow tubes, etc.

- Install "No Loitering" signs in the front and rear of the exterior of the premises. This signage permits police to cite loitering individuals in the yard and sidewalk area.
- Install "No Trespassing" signs in the front and rear of the exterior of the premises. This signage permits police to cite trespassers in commercial properties.
- Participate in the E-Notify system for email updates regarding the premises.
- Regularly file open records requests for Milwaukee Police Department Computer Aided Dispatch System (CADS) reports regarding the property.
- Institute a standing complaint with the local Milwaukee Police district station that will allow the police department to remove any individuals loitering on the property.
- Draft and serve a no trespassing order against identified nuisance persons and provide the local police district station a copy of the served order.
- Install and maintain a digital security surveillance system.
- Employ security personnel.
- Enroll in Respect 21 or MARTS program (contact CLO for more information)

If you propose a course of action which is rejected by me or fail to timely respond to this request, and a subsequent nuisance activity occurs on or after 13 days after receipt of this notice, you will be subject a collections action for the cost of any police services and enforcement.

Once you have been billed for the costs of police services and enforcement for three or more separate nuisance activities within one year of the date of this notice of nuisance premises, the premises may be designated a chronic nuisance, pursuant to MCO § 80-10-6, and each and every subsequent incident of nuisance activity at the premises may be deemed a separate violation and result in a citation being issued to you for failure to abate the nuisance activity. Each citation would subject you to a forfeiture of not less than \$1,000.00 or more than \$5,000.00. Upon default of payment of a chronic nuisance citation you would be subject to imprisonment in the county jail or house of correction for a period of not less than 40 days or more than 90 days for each violation.

Please contact Police Officer Jonathan CRUZ at 414-935-7720 with any questions, and I look forward to hearing from you.

Best regards,

JEFFREY NORMAN  
CHIEF OF POLICE

  
HERB GLIDEWELL  
DISTRICT COMMANDER

Attachment: Notice of Nuisance Premises  
CC: Department of Neighborhood Service, Lake Tower 1st Floor – Pete Laritson  
City Hall Common Council  
Building owner

## Receipt of A.R.B.A. Appeal Fee

Date:	5/19/22
Received Of:	Michael Maistelman
Property at:	1319 W. North Ave.
Received By:	LME
Check # (If Applicable):	5006
Amount:	\$25.00