

## Melendez-Hagedorn, Yadira

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**From:** Michael Maistelman <msm@maistelmanlaw.com>  
**Sent:** Tuesday, July 26, 2022 9:43 AM  
**To:** Melendez-Hagedorn, Yadira  
**Cc:** Cooney, Jim; Owczarski, Jim; McNally, John; Upesh Shah; Rima Upesh Shah; Vir Shah  
**Subject:** Port Motel 9717 W. Appleton Ave - Additional Objections to Findings of Fact/Conclusions of Law  
**Attachments:** RE IMMEDIATE ATTENTION REQUESTED SHAH Upesh C Agent for Rima Corporation USA HotelMotel License Renewal Application for Port Motel at 9717 W Appleton Av Expires 7272022.pdf; Affidavit of Port Motel.pdf

Yadira,

Below are additional Objections to the Findings of Fact/Conclusions of Law.

Based on my conversations with Jim Cooney, ACA, Jack McNally, and Alderwoman Dodd, this matter will not be taken up by the Common Council on 7/28/22 but will be scheduled before the Licensing Committee on 7/28/22 and will be sent back to the License Committee.

Additionally, because the License will expire on or about 7/28/22, the City has agreed to issue my client a provisional license.

Please respond immediately if any of the above is not accurate.

Dear Common Council Members,

I am addressing the License Committee's July 14, 2022, recommendation for you not to renew the hotel/motel license of Port Motel located at 9717 W. Appleton Ave.

You should not accept the License Committee's recommendation for the following reasons.

(1) The Committee did not provide the Licensee with any police reports, yet the majority of the discussions at the Committee revolved around what took place on or about April 26, 2021. Because the April 26, 2021 overdose ("OD") took place 15 months ago, my client's recollection was not as accurate, and he did not have the benefit of refreshing his recollection by using the police reports. We are not sure why the Committee deprived the Licensee of those police reports as the Licensee was able to obtain those police reports on his own within 36 hours after the Committee hearing by simply doing a public records check with the Milwaukee Police Department ("MPD"). This failure of the Committee deprived the Licensee of his due process rights.

(2) The Committee has always taken the position of progressive discipline. Yet, only two hearings before Licensee's hearing was the hearing of the SJP Motel, LLC, located at 7012 W. Appleton Ave, only a few blocks from the Licensee's location. The police report in the SJP Motel, LLC meeting had one overdose resulting in one death, one overdose resulting in hospitalization, and one incident of a robbery with a gun. Despite these significant incidents, the Committee unanimously voted to recommend renewing SJP Motel, LLC's License with only a warning letter.

As far back as the License Department has records, the Licensee's License has had his License renewed on the consent agenda, except at the July 14, 2020 hearing, in which after the Committee hearing, the Committee voted to recommend renewing Licensee's License. See the attached email from Jim Cooney, the License Division Manager.

Based upon these facts, the Committee's recommendation to non-renew Licensee's License was arbitrary, capricious, and inconsistent with its policy of progressive discipline nor with its earlier recommendation for SJP Motel, LLC, whose record was much more significant.

(3) Licensee does not speak English well. His daughter was present during the April 26, 2021, OD bit, not at the July 14, 2022, License hearing. Licensee's daughter was not aware that her presence would be needed at the Committee to respond to the Committee's questions because, among other things, there were no place reports provided to Licensee regarding the April 26, 2021, OD. As the Committee could not base their recommendation not to renew Licensee's License, the Committee only relied upon the testimony of three witnesses. They did not have first-hand knowledge of many of the statements they made. Based upon the failure of the Licensee to respond to specific questions from the License Committee, the License Committee, based upon the three witness testimony, voted to non-renew the License. Attached hereto and incorporated herein is Licensee's daughter's affidavit. The affidavit answers the questions of the Committee.

(4) Licensee cannot be responsible for the fentanyl epidemic that is occurring throughout Milwaukee and the country. In Milwaukee alone. See <https://www.wpr.org/milwaukee-county-sees-record-number-drug-overdose-deaths-2021> <https://www.jsonline.com/story/communities/west/news/wauwatosa/2022/03/22/milwaukee-county-drug-overdose-dashboard-track-time-location-demographic-information/7073430001/>

If the City non-renews the licenses of all establishments where drug overdoses have taken place, many, many establishments would not be open.

For the foregoing reasons Licensee requests that you not follow the recommendation of the License Committee and provide discipline commensurate with the above facts.

Thank you,

Michael

Attorney Michael S. Maistelman  
He/Him  
Maistelman & Associates, LLC  
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Milwaukee, WI 53217  
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(ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).

## Melendez-Hagedorn, Yadira

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**From:** Michael Maistelman <msm@maistelmanlaw.com>  
**Sent:** Tuesday, July 26, 2022 12:19 PM  
**To:** Melendez-Hagedorn, Yadira; Owczarski, Jim  
**Cc:** McNally, John; Cooney, Jim; Rima Upesh Shah; Upesh Shah; Vir Shah  
**Subject:** Fwd: Port Motel - Port Motel - 9717 W. Appleton Ave Re: Information from today's meeting

Good afternoon Yadira,

Could you also add this to our objections to the Findings of Fact and Conclusions of Law, which I supplemented earlier today?

Thank you,

Michael

Begin forwarded message:

**From:** Michael Maistelman <msm@maistelmanlaw.com>  
**Subject:** Port Motel - Port Motel - 9717 W. Appleton Ave Re: Information from today's meeting  
**Date:** July 26, 2022 at 12:15:53 PM CDT  
**To:** "Geniesse, Tracey" <tgenie@milwaukee.gov>, cresni@milwaukee.gov  
**Cc:** Rima Upesh Shah <shahrma518@gmail.com>, Vir Shah <Virshah1993@gmail.com>, Upesh Shah <Nimisha822@yahoo.com>, Dodd Nikiya <ald05@milwaukee.gov>, James Cooney <jim.cooney@milwaukee.gov>, Jack McNally <jomcna@milwaukee.gov>

Good afternoon PO Geniesse and PO Resnick,

Thank you very much for meeting with my clients and me this morning.

Thank you for the attached and for providing advice on what my clients can do to improve the health, safety, and welfare of everyone at the motel.

As we discussed, my client would do the following:

- (1) They will not charge hourly rates, although, as we mentioned, we charge everyone a full night rate.
- (2) They will periodically do open records requests to obtain calls for service at the motel.
- (3) They will attend, as practical, the monthly MPD Crime and Safety Meetings, including tonight's meeting.
- (4) They will post "No Trespassing" signs. I believe you were going to get us the forms for this.
- (5) Whenever any issues arise that are not of an urgent matter, they will call the non-emergency number (414-933-4444) to report the same.

(6) They will increase the lighting in the areas you suggested.

Did I leaving anything out?

Thank you again for taking the time to meet with us.

Michael

On Jul 26, 2022, at 12:05 PM, Geniesse, Tracey <[tgenie@milwaukee.gov](mailto:tgenie@milwaukee.gov)> wrote:

Hello,

It was a pleasure to meet you all this morning.  
Attached is the information I spoke of.  
Hope you all have a great rest of your day!

P.O. Tracey Geniesse  
Community Liaison Officer  
District Four  
6929 W. Silver Spring DR.  
414-935-7373

The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of Milwaukee e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of Milwaukee full e-mail disclaimer at [www.milwaukee.gov/email\\_disclaimer](http://www.milwaukee.gov/email_disclaimer) <c and s flier.doc><standing%20complaint[1](2).doc><ContactGuide32.pdf>

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CITY OF MILWAUKEE  
OFFICE OF THE CITY CLERK

Tuesday, July 05, 2022

AD 10

COMMITTEE MEETING NOTICE

PATEL, Gary S, Agent  
SJP Motel, LLC  
7012 W Appleton Av  
Milwaukee, WI 53216

You are requested to attend a virtual hearing to be held on:

Tuesday, July 19, 2022 at 09:05 AM

Regarding: Your Hotel/Motel License Renewal Application as agent for "SJP Motel, LLC" for "Capitol Manor Motel" at 7012 W Appleton Av.

This meeting will be held via GoToMeeting. Please see the enclosed best practices document for further instructions. The access code is <https://meet.goto.com/935616013>. If you wish to call in, please call +1 (872) 240-3311 and use Access Code: 935-616-013.

There is a possibility that your application may be denied for one or more of the following reasons: The recommendation of the committee regarding the application shall be based on evidence presented at the hearing. Per MCO 85-4-4, unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of the following: failure of the applicant to meet municipal qualifications, pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed or permitted activity, by the applicant or by any employee or other agent of the applicant. If the activities of the applicant involve a licensed premises, whether the premises tends to facilitate a public or private nuisance or has been the source of congregations of persons which have resulted in any of the following: disturbance of the peace; illegal drug activity; public drunkenness; drinking in public; harassment of passers-by; gambling; prostitution; sale of stolen goods; public urination; theft; assaults; battery; acts of vandalism including graffiti, excessive littering, loitering, illegal parking, loud noise at times when the licensed premise is open for business; traffic violations; curfew violations; lewd conduct; display of materials harmful to minors, pursuant to s. 106-9.6; or any other factor which reasonably relates to the public health, safety and welfare, or failure to comply with the approved plan of operation. See attached police report or correspondence.

**Notice for applicants with warrants or unpaid fines:**

Proof of warrant satisfaction or payment of fines must be submitted at the hearing on the above date and time. Failure to comply with this requirement may result in a delay of the granting/denial of your application.

Failure to attend this meeting may result in the denial of your license. Individual applicants and partnership applicants must attend or attend by an attorney. The agent or attorney for corporate or limited liability applicants must attend. If you wish to do so and at your own expense, you may be accompanied by an attorney of your choosing to represent you at this hearing.

You will be given an opportunity to speak on behalf of the application and to respond and challenge any charges or reasons given for the denial. No petitions can be accepted by the committee, unless the people who signed the petition attend the virtual hearing and are willing to testify. You may present witnesses under oath and you may also confront and cross-examine opposing witnesses under oath. If you have difficulty with the English language, you should request an interpreter attend the meeting with you, at your expense, so that you can answer questions and participate in your hearing.

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at (414) 286-2998, Fax - (414) 286-3456, TDD - (414) 286-2025

JIM OWCZARSKI, CITY CLERK

BY:

Jim Cooney  
License Division Manager

4) 333-9700

If you have questions regarding this meeting, please contact the staff assistant, Yadira Melendez at (414) 286-2775 or [stasst5@milwaukee.gov](mailto:stasst5@milwaukee.gov)

200 E. Wells Street, Room 105, City Hall, Milwaukee, WI 53202. [www.milwaukee.gov/license](http://www.milwaukee.gov/license)  
Phone: (414) 286-2238 Fax: (414) 286-3057 Email Address: [License@milwaukee.gov](mailto:License@milwaukee.gov)

# Virtual Meeting Best Practices

## Joining the Meeting

There are three ways to participate virtually:

- Download the GoToMeeting app prior to the meeting. Enter the access code to participate.
- Go to <https://www.gotomeeting.com/meeting/join-meeting> and enter the access code to participate.
- Call In on your phone using the provided phone number and access code.

Tip: Sign in 10 minutes prior to the time your hearing is scheduled. Keep your phone or microphone muted until your hearing time.

## Participating in the Meeting

When your item is called:

- Turn on your camera and microphone (if applicable).
- Confirm with the meeting organizer that you can be seen and/or heard.
- After confirmation is made you should mute your microphone or telephone.
- Leave your camera on or off if you desire, depending on if you want to be seen.
- If you wish to be heard during the meeting, unmute your device. When you are finished talking, mute your device again. Treat it like raising or lowering your hand.
- Make sure all background devices are off. Do not attempt to listen to the broadcast or livestream on another device. This will cause feedback, distortion and reverberation for all participants.
- Make sure to speak clearly into the mic on your device.
- If you are going to appear on camera, try to frame and light yourself properly. Avoid lighted or flat backgrounds. Find a quiet and undisturbed place to present yourself during your hearing.

# MILWAUKEE POLICE DEPARTMENT LICENSING

## CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS SYNOPSIS

DATE: 06/21/2022  
LICENSE TYPE: HOTEL  
NEW:   
RENEWAL:

No. 339513  
Application Date: 06/21/2022

License Location: 7012 W. Appleton Avenue  
Business Name: Capitol Manor Hotel

Licensee/Applicant: Patel, Gary S  
(Last Name, First Name, MI)  
Date of Birth: 06/01/76

Home Address: 7012 W. Appleton Av  
City: Milwaukee  
Home Phone: 414-232-9751

State: WI Zip Code: 53216

This report is written by Police Officer David NOVAK, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. The applicant was convicted of OWI Causing Injury on 04/13/11. He was sentenced to 70 days local jail and his license was revoked for 18 months.
2. On 07/17/17 the applicant was charged with OWI (2<sup>nd</sup>) and Operate Firearm While Intoxicated in Waukesha County Circuit Court. He was sentenced to 45 days local jail, and his license was revoked for 16 months.

Charge 1: OWI (2<sup>nd</sup>)  
 2: Carrying Concealed Weapon  
 Finding 1: Guilty  
 2: Dismissed but Read In  
 Sentence: 45 days jail; Driver's License revoked 16 months  
 Date: 07/17/07  
 Case: 2017CM000484

- =====
3. On 02/14/20 the applicant was arrested in Milwaukee County for Operating While Intoxicated (3<sup>rd</sup>).
- =====



4. On 02/15/21 at 3:22pm Milwaukee Police were dispatched to 7012 W. Appleton Ave for a Dead On Entry Investigation. Officers spoke with Milwaukee Fire medical who stated that the victim was Pulseless Non Breathing (PNB) MFD stated that the victim was located with half his body laying in the shower. A detective from the Criminal Investigation Bureau arrived at the location and took over the investigation. The manger was cooperative with the investigation. The manger assisted with information such as the victim's name, time frame, vehicle information, as well as video of the incident.
- 

5. On 11/28/2021 at 9:30pm officers were dispatched to Capitol Manor Motel, 7012 W. Appleton Av. for an Armed Robbery. The officers interviewed the tenant, who was robbed at gun point in her room. The applicant was on scene and cooperative with officers.
6. On 01/27/2022 at 1:09pm officers were dispatched to Capitol Manor Motel, 7012 W. Appleton Av. for a Dead on Entry. The officer spoke with the applicant, who stated a housekeeper found a subject deceased in one of the rooms. The applicant was cooperative and allowed officers to view video of the subject checking in and entering his room.
7. On 04/27/2022at 9:25am officers were dispatched to an Overdose at Capitol Manor, 7012 W. Appleton Av. The officers located MFD treating a patient for a drug overdose. The subject was revived and transported to the hospital for treatment. The officers spoke with the applicant, who provided information about the victim's check in date and vehicles. The officers did not locate an evidence of drug use.

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:213320166

OtherEvent #: 22-LP-0011

## Incident

### 7012 W APPLETON AV MILWAUKEE, WISCONSIN 53216

Incident Date/Time:: 11/28/2021 21:30:00  
CAD Number:: 213321782  
District:: 7  
Beat:: 740  
Reporting Area:: 1969

## Business Agent (1)

### PATEL, GHANSHAYAM SHIVA

Person Involvement: (Must choose Agent  
AGENT from drop down):  
DOB:: 06/01/1976  
Sex:: MALE  
Race:: ASIAN  
Phone 1 Number:: (414)-232-9751  
Phone 1 Type:: Phone  
Address:: 7012 W APPLETON AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216

## Licensed Premise Data (1)

### CAPITAL MANOR

Phone 1 Number:: (414)-639-7040  
Address:: 7012 W APPLETON AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216  
License Type:: Hotel/Motel  
Licensee Notification Was Made:: Yes  
Licensee Notified Date/Time:: 11/28/2021 22:00:00  
Business Was Cited For Violation:: No  
Licensee was cooperative: (if not explain in narrative): Yes  
Licensee or Manager was on premises at time of violation/incident:: Yes

## Narrative (1)

### INITIAL INVESTIGATION

Young, Vashaun T 031979

01/02/2022

This report is being written by P.O. Vashaun YOUNG assigned to District 7, Early Shift.

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:213320166

OtherEvent #: 22-LP-0011

On Sunday, November 28, 2021 at approximately 9:30 PM, I along with my partner P.O. Juwon MADLOCK of squad (7252) were dispatched to Capital Manor Motel located at 7012 W. Appleton Ave in the City and County of Milwaukee for Armed Robbery Complaint.

On scene It was discovered a tenant of the motel was robbed at gunpoint while inside of her room.

I made contact with the owner of Motel while on scene who was very corporative and allowed officers to review video surveillance which captured the incident. License #0000508.

End of report.

## Officer (5)

Reporting Officer:	Young, Vashaun T (031979)	12/30/2021 17:56:00
Section: (Work Location):	72	
Approving Officer:	Pugely, Steven J (022632)	12/30/2021 19:48:56
Section: (Work Location):	72	
Approving Officer:	Velasquez, Guadalupe (018673)	12/31/2021 06:05:17
Section: (Work Location):	04	
Approving Officer:	Velasquez, Guadalupe (018673)	01/03/2022 12:46:55
Section: (Work Location):	04	
Approving Officer:	Velasquez, Guadalupe (018673)	01/03/2022 12:50:50
Section: (Work Location):	04	

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:220270084

OtherEvent #: 22-LP-0122

## Incident

### 7012 W APPLETON AV Apt #3 MILWAUKEE, WISCONSIN 53216

Incident Date/Time:: 01/27/2022 13:09:00  
CAD Number:: 220270988  
District:: 7  
Beat:: 740  
Reporting Area:: 1969

## Business Agent (1)

### PATEL, GARY S

Person Involvement: (Must choose Agent  
AGENT from drop down): Agent  
DOB:: 06/01/1976  
Sex:: MALE  
Race:: ASIAN  
Phone 1 Number:: (414)-481-8050  
Phone 1 Type:: Phone  
Address:: 7012 W APPLETON AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216

## Licensed Premise Data (1)

### CAPITOL MANOR MOTEL

Address:: 7012 W APPLETON AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216  
License Type:: Hotel/Motel  
Licensee Notification Was Made:: Yes  
Licensee Notified Date/Time:: 01/27/2022 13:09:00  
Business Was Cited For Violation:: No  
Licensee was cooperative: (If not explain in narrative): Yes  
Licensee or Manager was on premises at time of violation/incident:: No

## Narrative (1)

### INITIAL INVESTIGATION

Pavlik, Douglas J 024615

01/28/2022

This report is written by P.O. Douglas PAVLIK, assigned to District 7, Early Power Shift.

On 1/27/2022 at approximately 1:13PM, P.O. Chandler and I (Squad 7269) and P.O. Angel GALLEGOS

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #: 220270084

OtherEvent #: 22-LP-0122

(Squad 7248) were dispatched to a Dead On Entry Complaint at the address of 7012 W. Appleton Ave. #3 (Capitol Manor Motel) which is in the City and County of Milwaukee. The caller/cleaning staff at the motel had located the victim later identified as Frederick L. DAVIS (B/M 05/04/1969) naked on the bed inside the motel room deceased. DAVIS was also located in the room with alcohol on the table and a crack pipe laying on the floor. P.O. CHANDLER spoke to the owner GARY S PATEL (W/M 06/01/1976) regarding when and what time DAVIS checked in. PATEL stated DAVIS checked in the room on 1/26/2022 at 4:19PM.

P.O. GALLEGOS watched the surveillance video which showed DAVIS check in and a female inside a white Pontiac in the passenger seat. P.O. GALLEGOS stated DAVIS then went inside room #3 with the female. P.O. GALLEGOS stated the female is observed at 7:06PM leaving the room by herself and driving off in the white Pontiac.

There was blood coming from DAVIS's mouth but no sign of blunt force trauma.

There was no cell phone or car keys located inside the motel room.

CIB didn't respond out to the scene.

The ME's office arrived and picked up DAVIS's body.

ME Jenny made next of kin notice to DAVIS's wife.

Hotel/Motel- HM-0000432- Expires 7/18/2021.

Certificate of occupancy issued June 27, 2006 #718378.

P.O. GALLEGOS and CSO DALTON were able to recover footage of the victim going into his motel room.

PATEL was cooperative with squads while on scene.

## Officer (3)

Reporting Officer:	Pavlik, Douglas J (024615)	01/28/2022 16:54:00
Section: (Work Location):	72	
Approving Officer:	Lopez, Juan A (010979)	01/28/2022 23:25:54
Section: (Work Location):	72	
Approving Officer:	Velasquez, Guadalupe (018673)	01/31/2022 14:47:16
Section: (Work Location):	04	

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:221170061

OtherEvent #: 22-LP-0391

## Incident

### 7012 W APPLETON AV Apt ##5 MILWAUKEE, WISCONSIN 53216

Incident Date/Time:: 04/27/2022 09:25:00  
CAD Number:: 221170601  
District:: 7  
Beat:: 740  
Reporting Area:: 1969

## Business Agent (1)

### PATEL, GHANSHAYAM SHIVA

Person Involvement: (Must choose Agent  
AGENT from drop down):  
DOB:: 06/01/1976  
Sex:: MALE  
Race:: ASIAN  
Phone 1 Number:: (414)-232-9751  
Phone 1 Type:: Phone  
Address:: 7012 W APPLETON AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216

## Licensed Persons Involved (1)

### PATEL, GARY S

Person Involvement:: Agent (License Holder)  
DOB:: 06/01/1976  
Sex:: MALE  
Race:: ASIAN  
Address:: 7012 W APPLETON AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216

## Licensed Premise Data (1)

### Capitol Manor Motel

Address:: 7012 W APPLETON AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216  
License Type:: Hotel/Motel  
Licensee Notification Was Made:: No  
Licensee Notified Date/Time:: 04/27/2022 10:20:00  
Business Was Cited For Violation:: No  
Licensee was cooperative: (if not explain in narrative): Yes

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:221170061

OtherEvent #: 22-LP-0391

Licensee or Manager was on premises at time of violation/incident: No

## Narrative (1)

### INITIAL INVESTIGATION

Luna, Xavier O 017587

04/28/2022

This report is submitted by P.O. X.LUNA assigned to District Seven Day Shift. On Wed. 4/27/22 I (squad 7122) was dispatched to 7012 W. Appleton Ave. Room#5 (CAPITOL MANOR MOTEL), which is in the City and County of Milwaukee, for an overdose complaint.

Upon arrival I observed MFD with the victim, later identified as Timothy M. COPENING b/m 1/30/71. MFD Captain J. FRANZ informed me that he administered 5 doses of Narcan to COPENING. I observed that COPENING was awake but still very much under the influence of whatever illegal narcotics he put in his system.

I looked around the room but did not observe any illegal narcotics or drug paraphernalia of any kind in the room. MFD was able to move COPENING to the Med Unit. During this time I asked Captain J. FRANZ if he observed any illegal narcotics in the room upon their arrival. FRANZ informed me that they did not observe anything, but that there was a white female at the location upon their arrival.

FRANZ informed me that she stated she did not know COPENING, but yet was gathering clothing, that appeared to belong to COPENING, and placing it outside next to the door. I went into the parking lot and onto the sidewalk searching for the female but did not observe her anywhere on the premises or in the immediate area.

I spoke with the owner of the motel, identified as Gary S. PATEL w/m 6/1/76. I asked PATEL if he had any information on the person that checked into Room #5. PATEL informed me that COPENING checked into the room approximately 2 days ago as a single occupant. PATEL stated he did see a white female that was hanging around the room, but she did not check in with COPENING. PATEL stated he noticed this morning that MFD and the Police were at Room#5 and figured something happened. I informed PATEL that COPENING had used some illegal drugs and that it would probably be in his best interest not to rent a room to COPENING again in the future.

COPENING was conveyed to St. Joseph's Hospital by MFD MED UNIT#16 where COPENING was admitted at 10:09 am and treated by Doctor Jason STASZKO. I was informed that at this time it was unknown what illegal narcotics COPENING took but that COPENING was in no immediate danger of dying from the illegal narcotics. I was also informed it would be several hours before COPENING would be in any condition to make any statements as to what he took.

## Officer (2)

Reporting Officer:

Luna, Xavier O (017587)

04/28/2022 07:38:00

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:221170061

OtherEvent #: 22-LP-0391

Section: (Work Location): 71

Approving Officer: Morrisqn, Denmark O (015314)

04/28/2022 12:52:59

Section: (Work Location): 71



**From:** Cooney, Jim Jim.Cooney@milwaukee.gov   
**Subject:** RE: IMMEDIATE ATTENTION REQUESTED - SHAH, Upesh C, Agent for "Rima Corporation USA", Hotel/Motel License Renewal Application for "Port Motel" at 9717 W Appleton Av. (Expires 7/27/2022)  
**Date:** July 19, 2022 at 3:42 PM  
**To:** Michael Maistelman msm@maistelmanlaw.com  
**Cc:** Vince Bobot vincentjbobot@gmail.com, Upesh Shah Nimisha822@yahoo.com, Vir Shah Virshah1993@gmail.com, 8e9d1873a+matter1428784382@maildrop.clio.com, McNally, John jomcna@milwaukee.gov



Attorney Maistelman,

This was scheduled before the Licenses Committee 7/14/2020 based on the attached police report, it was recommended for approval. There is no other discipline since we took the license over from DNS in 2015.

Please let me know if you need anything else.

Jim

Jim Cooney  
License Division Manager  
City of Milwaukee License Division  
200 E Wells St #105  
Milwaukee, WI 53202  
414-286-2238

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**From:** Michael Maistelman <msm@maistelmanlaw.com>  
**Sent:** Tuesday, July 19, 2022 3:05 PM  
**To:** Cooney, Jim <Jim.Cooney@milwaukee.gov>  
**Cc:** Vince Bobot <vincentjbobot@gmail.com>; Upesh Shah <Nimisha822@yahoo.com>; Vir Shah <Virshah1993@gmail.com>; 8e9d1873a+matter1428784382@maildrop.clio.com; McNally, John <jomcna@milwaukee.gov>  
**Subject:** IMMEDIATE ATTENTION REQUESTED - SHAH, Upesh C, Agent for "Rima Corporation USA", Hotel/Motel License Renewal Application for "Port Motel" at 9717 W Appleton Av. (Expires 7/27/2022)

Jim,

As you know, the License Committee today voted to recommend a non-renewal for the above license.

I know you are still in the license hearing, but Jack told me we must file our objections for this matter by this Friday, and we are preparing our objections now.

Could you please send me the last five years of the licensing files for this matter as soon as

**IN RE:  
SHAH, UPESH C, AGENT FOR "RIMA CORPORATION USA", HOTEL/MOTEL  
LICENSE RENEWAL APPLICATION FOR "PORT MOTEL" AT 9717 W  
APPLETON AV. (EXPIRES 7/27/2022)**

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**AFFIDAVIT OF RIMA UPESH SHAH**

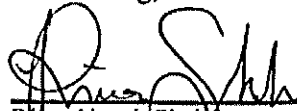
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STATE OF WISCONSIN    )  
  ) ss  
MILWAUKEE COUNTY    )

Rima Upesh Shah, being first duly sworn on oath, deposes and states the following:

1. I make this affidavit based upon my personal knowledge.
2. I am an adult resident of Wisconsin.
3. Other than when I was attending college in Chicago, I have continuously resided at the Port Motel, located at 9717 W. Appleton Avenue, Milwaukee, Wisconsin, since 2001.
4. My parents Upesh Shah, the licensee of the motel, and my mother, Nimisha Upesh Shah, have continuously resided at the motel since they purchased it in 2001.
5. On or about the evening of April 26, 2021, my parents and I were at our residence at the motel when we heard sirens coming from our parking lot.
6. My parents and I exited our apartment to see what was happening.
7. I identified myself to the police, that I was the owners' daughter and that my parents are from India and do not speak English well.
8. The police stated that there was an overdose in Room 4.
9. I offered to assist the police in any way that we could.
10. We have twelve (12) video cameras and information about the person who rented the room where Lymarita Cheeks overdosed.
11. Additionally, my parents and I have always cooperated with the police, providing them with video footage and other information they requested.
12. That within one week after Lymarita Cheeks overdosed, her mother, Lydia Hernandez, came to our motel and asked if she could put a memorial, with, among other things, candles at the door of the room where her daughter overdosed.
13. I first expressed my deepest condolences for her loss. I then told her that it was a fire hazard to have a memorial in front of the door with candles but that she could have a memorial a few yards away from the actual building.
14. Ms. Hernandez was appreciative and established a memorial where I suggested she could.
15. I was not at the July 19, 2022, license hearing because my father was there, and my brother was translating for him.

16. Should I have been at the July 19, 2022, license hearing, I would have testified to the above.

  
Rina Upesh Shah

Subscribed and sworn to before me  
this 21 day of July 2022.

   
Notary Public



Maistelman and Associates LLC  
8989 North Port Washington Road  
Suite 207  
Milwaukee, WI 53217  
(414) 908-4254  
(414) 447-0232 (Fax)



[WPR \(HTTP://WPR.ORG\)](http://wpr.org)

This undated file photo provided by the U.S. Attorneys Office for Utah and introduced as evidence at a trial shows fentanyl-laced fake oxycodone pills collected during an investigation. U.S. Attorneys Office for Utah/AP Photo

## Milwaukee County sees record number of drug overdose deaths in 2021

County leader says fentanyl 'literally wreaking havoc' in communities nationwide

By Christine Hatfield

Published: Wednesday, March 9, 2022, 2:15pm

Updated:

Wednesday, March 9, 2022, 5:30pm

Drug overdose deaths in Milwaukee County broke records again last year, according to updated data from the county Medical Examiner's Office

As of Wednesday morning, Milwaukee County reported 643 drug overdose deaths in 2021, said Sara Schreiber, technical forensic director. That's up from 546 deaths in 2020.

"This stark increase is yet another reminder in a very vivid way of the number of lives that we've lost to this just in Milwaukee County alone," Schreiber said.

Schreiber said the current 2021 figure is more than the combined count of homicide, suicide and motor vehicle deaths in the county.

Around 80 percent of the drug deaths logged contained the opioid fentanyl, Schreiber said. She said cocaine has also played a significant role.

"This has been a growing combination of drugs, cocaine and fentanyl, that has led to an increasing number of deaths and a real need for awareness surrounding this combination," Schreiber said.

The state Department of Health Services [counted 1,227 opioid deaths \[https://www.dhs.wisconsin.gov/opioids/deaths-county.htm\]](https://www.dhs.wisconsin.gov/opioids/deaths-county.htm) throughout Wisconsin in 2020, the most recent year with statewide data available. Milwaukee County alone accounts for more than a third of that total.

Milwaukee County Executive David Crowley said fentanyl is "literally wreaking havoc" on communities.

"This is something that we've just got to get a handle over," Crowley said.

Schreiber said the issue transcends the Milwaukee area.

"This isn't a unique problem in any way, and something that should not carry the stigma that it does," she said. "Hopefully, if we can open the lines of communication and help and support each other within the community, we can reduce the numbers."

Data from the National Center of Health Statistics [counted more than 1,500 drug overdose deaths \[https://www.wpr.org/drug-overdose-deaths-reached-new-records-wisconsin-2020\]](https://www.wpr.org/drug-overdose-deaths-reached-new-records-wisconsin-2020) in Wisconsin in 2020, also the most recent year with data available, and more than 90,000 deaths nationwide.

Wisconsin has been dealing with an opioid epidemic for years, but the COVID-19 pandemic and resulting social isolation played a role in [exacerbating the opioid crisis \[https://www.wpr.org/why-didnt-he-ask-help-questions-haunt-parents-pandemic-fentanyl-drive-spike-opioid-deaths\]](https://www.wpr.org/why-didnt-he-ask-help-questions-haunt-parents-pandemic-fentanyl-drive-spike-opioid-deaths)

Crowley said he wants the community to be able to focus on trauma and healing.



"We have to get the overdose deaths under control, we have to eliminate them," Crowley said. "One death is too many, and it's just sad to see these types of things happening."

Schreiber said increased technology has helped the Milwaukee County Medical Examiner's Office expand its scope of analysis and identify new and emerging trends, which it can then share out to help analysis in other areas.

"The way out of this is still yet to be determined, but we're creating awareness and trying to share the information that we have surrounding these deaths, so that others may learn from these experiences," Schreiber said.

On Wednesday, Wisconsin Attorney General Josh Kaul told Wisconsin Public Radio's "Central Time" the state will be getting \$50 million in 2022 from an opioid settlement with drugmaker Johnson & Johnson. He said that will have a significant impact on the ongoing opioid epidemic response.

"To put this in perspective, the \$50 million coming to the state of Wisconsin this year far exceeds the amount that we spend annually on the [Treatment Alternatives and Diversion Program](https://www.doj.state.wi.us/dci/heroin-awareness/treatment-alternatives-and-diversion-program) [https://www.doj.state.wi.us/dci/heroin-awareness/treatment-alternatives-and-diversion-program] which helps people who end up in the criminal justice system get access to treatment," Kaul said. "So, this will really reinforce our efforts."

Wisconsin will receive more than \$400 million over an 18-year period. State law requires 70 percent of that go to county and local governments. The remaining 30 percent will go to DHS. Kaul said he hopes officials will use the money for drug treatment, recovery and prevention efforts.

"And it's also important to note that this isn't the only matter involving opioid distributors or manufacturers," Kaul said. "We are in bankruptcy proceedings involving Purdue Pharma, for example, and there could be other cases as well. And our goal is to get as many dollars to our communities in the state as we can to help people with the fight against the opioid epidemic."

DHS [held a series of listening sessions in January](https://www.wpr.org/increased-access-narcan-easier-testing-fentanyl-raised-ways-stop-opioid-deaths) [https://www.wpr.org/increased-access-narcan-easier-testing-fentanyl-raised-ways-stop-opioid-deaths] to discuss how funds the state expected from settlements with opioid distributors and manufacturers could be used to address the epidemic. Multiple speakers at the first forum said they wanted to see expanded access to Narcan, a drug used to reverse overdoses.

Crowley, with Milwaukee County, said those funds would help make the necessary investments to stop overdoses. He also noted efforts in the Legislature to [decriminalize fentanyl testing strips](https://www.wpr.org/assembly-moves-forward-bills-preventing-covid-19-vaccine-enforcement-strengthening-penalties-certain). [https://www.wpr.org/assembly-moves-forward-bills-preventing-covid-19-vaccine-enforcement-strengthening-penalties-certain] Gov. Tony Evers has not yet taken action on the bill.

"Everything is on the table when it comes down to creating a healthy community," Crowley said. "Coming from a neighborhood and growing up in a household that struggled with drug addiction, this is something that is near and dear to my heart, so tackling this issue, to make sure that families continue to stay intact and don't have to deal with the burden of heartbreak because of drugs, this is something that we've got to get ahead on."

*Editor's note: Rich Kremer contributed to this report.*

## WAUWATOSA NEWS

# Milwaukee County launches an online drug overdose dashboard to track where and when they are occurring



**Evan Casey**

Milwaukee Journal Sentinel

Published 12:35 p.m. CT March 22, 2022

Milwaukee County officials have launched an online dashboard to track overdoses in an effort to address the rapid increase in drug overdose deaths being seen across the county in recent years.

The dashboard will be used by county officials, community leaders, researchers and area health systems in an effort to tackle the increase.

In 2019, Milwaukee County drug overdose deaths were reported to be 418. In 2021, that number rose to 643 deaths, a nearly 54% increase in just two years.

"The trends are staggering, the trends are depressing and upsetting, but I think we have a tool we can use, and many different organizations throughout the county can use, to try and address this," said Dr. Ben Weston, Milwaukee County's chief health policy adviser.

The dashboard includes information about where and when overdoses are occurring, as well as demographic information about the individuals.

"By looking at this dashboard, it can tell us this is the part of our community that is most in need, these are the members of our community that are most in need, so it can inform those sort of interventions," Weston said.

Weston said the main goal of the dashboard is to prevent overdoses and overdose deaths from occurring, as the data will be used to inform stakeholders about where to focus community resources or prevention initiatives.

It also helps to have the data in one spot, Weston added.

“The overdose dashboard is intended to build a public understanding of the overdose trends in Milwaukee County, which is critical in determining where additional prevention efforts are needed and gauging the impact of prevention initiatives within the county,” said Dr. Constance Kostelac of the Medical College of Wisconsin.

Drug overdose deaths in Milwaukee County have been trending upward for years, from 384 in 2018, to 418 in 2019, to 545 in 2020 and 643 in 2021.

When the Milwaukee Medical Examiner's Office started to track the numbers in 2002, drug overdose deaths numbered 109.

“The first step in addressing any problem is acknowledging it exists,” Milwaukee County Executive David Crowley said in a news release. “We’re taking that step forward with the new Overdose Dashboard which will serve as a resource for experts, and the public, to understand trends and contrasts between demographic groups and geographic locations across overdose events.”

A 2020 state report pointed to the crippling stress and isolation suffered by many during the coronavirus pandemic as possible reasons behind the large increase in drug overdoses and deaths since the start of the pandemic in Wisconsin.

The Wisconsin Department of Health Services report found a 47% increase in suspected opioid overdoses during the first few months of the COVID-19 pandemic in 2020, according to ambulance run data.

The increase has led many area health departments to increase training for Narcan, which is often seen as the most-effective way to reverse an opioid overdose.

**Related:** Two UWM students died in their dorm rooms because of fentanyl. Now, their mothers are turning agony into action.

**Related:** Narcan can help save a life during an opioid overdose. Area health departments and community centers are teaching more people how to use it

Fentanyl, either alone or in combination with other drugs, was the biggest killer in Milwaukee County in 2021, as 508 deaths have been linked to that drug, according to the



Milwaukee County Medical Examiner's Office. That accounts for nearly 80% of all drug overdose deaths in 2021.

Last week, Milwaukee County Behavioral Health Services announced plans to distribute 1,600 newly legal fentanyl testing strips in the community.

Fentanyl test strips can identify the presence of fentanyl in unregulated drugs and can be used to test injectable drugs, powders and pills, according to the National Harm Reduction Coalition.

Being aware if fentanyl is present allows people to use drugs safer or not at all, to reduce the risk of an overdose.

*Evan Casey can be reached at 414-403-4391 or [evan.casey@jrn.com](mailto:evan.casey@jrn.com). Follow him on Twitter @ecaseymedia.*