

**Attorneys at Law**

Michael S. Maistelman  
Court Commissioner  
Also licensed in Massachusetts

Matthew D. Lerner

David R. Halbrooks  
Of Counsel

5027 W. North Avenue  
Milwaukee, WI 53208-1132

[www.maistelmanlaw.com](http://www.maistelmanlaw.com)

(phone) 414-908-4254  
(fax) 414-447-0232

April 8, 2010

Via Email Only (rleonh@milwaukee.gov)

City Clerk Ronald D. Leonhardt  
City Hall  
200 East Wells Street, Room 205  
Milwaukee, WI 53202

Re: Youvraj Group – 714 N. 27<sup>th</sup> Street  
-Objections to Findings of Fact and Conclusions of Law of Licenses Committee

Dear City Clerk Leonhardt,

Our office is Counsel to Youvraj Group and its agent, Mandeep Dhawan (“Dhawan”). On March 29, 2010 (the Findings incorrectly state that the meeting was on March 30<sup>th</sup>), the Licenses Committee met to consider the renewal of the Extended Hours Establishment license (“License”) for Dhawan. The Committee voted to recommend that Dhawan’s license be renewed, but with a 20-day suspension based upon incidents recounted in the police synopsis and neighborhood objections.

This letter serves as my client’s written objection to the Findings of Fact and Conclusions of Law (“Findings”) and recommendation of the Licenses Committee (“Committee”). The specific objections are as follows:

1. When the City Attorney drafted the Findings, Chairman Bohl’s digital signature was then added, and the document was distributed to the Common Council without any review from the Licenses Committee. The Findings fail to include testimony from any of the mostly African-American witnesses who testified in support of Dhawan in violation of the 5<sup>th</sup> & 14<sup>th</sup> Amendments of the United States Constitution. In fact, the only paragraph in the document (Paragraph E, page 3) which references testimony, fails to mention that *thirteen* people testified in support of the License (two of which work as security at the premises). The fact that *thirteen* people testified in support of renewal (with only *one* opposed) of Dhawan’s License is vitally important to the decision to be made by the Common Council at its meeting on April 13<sup>th</sup>.
2. The Licenses Committee has failed to forward *its own* report, including Findings of Fact, Conclusions of Law, and a recommendation to the Common Council as required by § 84-7-10-f, Milwaukee Code of Ordinances.

Paragraph 5 of the Findings (contained on page 2), states that “Based upon the sworn testimony heard and the evidence received at the hearing, the **Committee finds the following**” [emphasis added]. Dhawan objects to this statement, as the Committee has never adopted these Findings. Because the Findings were never adopted by the Committee, it would be more properly characterized as the City Attorney’s proposed Findings of Fact and Conclusions of Law. Further, based upon testimony provided under oath in *Lady Bug Club v. City of Milwaukee et al*, it is our understanding that Chairman Bohl’s signature is digitally applied to the City Attorney’s document, and that Chairman Bohl is typically not provided an opportunity by the City Attorney’s office to review the Findings of Fact and Conclusions of Law for accuracy prior to his signature being applied and the document being disseminated to all Members of the Common Council and the applicant.

3. The Findings of Fact and Conclusions of Law incorporate the entire police synopsis. The police synopsis, as read to the Committee on the day of the hearing, is quadruple hearsay and not a single incident recounted in the synopsis was proved at the March 29, 2010 hearing.

In violation of Dhawan’s right to Due Process, the allegations of the MPD were taken as fact without *any* evidence being put forth by the MPD to prove the content of its synopsis as it relates to Dhawan.

4. There were no neighborhood objections. There were no written neighborhood objections contained in the City Clerk License Division’s files as pointed out by Dhawan’s counsel at the Committee hearing. There was only one neighborhood objector at the hearing in comparison to the *thirteen* individuals who appeared and testified in favor of renewal of Dhawan’s License.

The City Attorney’s Findings of Fact demonstrates that the Committee erroneously gave undue weight to the testimony of Alderman Bauman and the *one* neighborhood objector, as compared to the positive testimony provided by *thirteen* people who appeared in support of the renewal of the License.

5. The City of Milwaukee’s treatment of Pizza Shuttle at its license renewal hearing held on January 27, 2009, demonstrates that Dhawan’s Equal Protection rights as guaranteed under the United States Constitution were violated.

On January 27, 2009, the Licenses Committee held a hearing to consider the renewal of Pizza Shuttle, 1827 N. Farwell Avenue. Pizza Shuttle had an extensive police report. Attached to this letter is a copy of Pizza Shuttle’s police report. Pizza Shuttle’s report contained a total of 26 items, including 25 from 2008 (of note, Dhawan’s report had *four* items on it). In addition, Pizza Shuttle’s CADS reports, obtained through the MPD, show that there were approximately 100 police calls related to the establishment between November 2007 and January 2009. There are numerous incidents in the Pizza Shuttle report that presented

valid cause for concern. For example, the report recounts numerous fight complaints, numerous issues with guns, complaints of loud music from cars, cars being used to block traffic, disorderly patrons, and drugs. In fact, incident No. 24 on Pizza Shuttle's police report required the MPD to be on scene for almost two hours, involved multiple fights and also involved hundreds of patrons who were spectators and encouraged the fighting. Incident No. 24 states at its conclusion, "Police did speak with management regarding the volume of calls received by the restaurant and that no other businesses in the area have needed this type of police response."

In stark contrast to the Committee's handling of Dhawan's renewal, Pizza Shuttle was renewed with only a warning letter. This disparate treatment of the two licensees finds no support in the hearing record, and is clearly a violation of Dhawan's rights of Equal Protection under the law.

6. During the March 29, 2010 Committee hearing, the lone neighborhood objector, despite objections by Dhawan's counsel, was permitted to show a compilation video of short 30 second to one minute recordings of Dhawan's premises from several different evenings. This compilation video was highly inappropriate to show during the hearing as the very nature of a compilation video allows the editor (who in this case was the lone neighborhood objector) to make a situation seem infinitely worse than it actually is. This compilation video showed no inappropriate behavior. In fact, after the compilation video was shown to the Committee, Dhawan's legal counsel asked Sergeant MacGillis if he witnessed any crimes or criminal behavior in the video, to which MacGillis responded that he did not see any such behavior.
7. One of the issues that came up repeatedly during the Committee hearing was that of alleged loitering at Dhawan's business. Dhawan has two explanations for this perceived loitering. The first is that the store at the premises is quite small. According to Dhawan, due to the size limits of the store, it is often times necessary for people to wait outside of the store due to the number of people waiting in line. The second reason for this perception is that the store has numerous security cameras and ample lighting. The cameras and lights make the property safe for members of the public. As a result of this safety, many people will wait at the property for the bus or for their ride instead of waiting at the bus stop down the street.
8. Paragraph E of the Findings states that Dhawan has made some improvements to the security cameras and lighting. This is not accurate as it is not inclusive of all the improvements he has made at the property. Dhawan has upgraded the camera system, lights, paint, fencing, and gas pumps. Dhawan believes that these upgrades made to date constitute the bulk of the major improvements necessary at the property, but Dhawan will continue to make improvements in the future as he deems necessary for the business.

In summary, Dhawan objects to the Findings of Fact and Conclusions of Law. In violation of § 84-7-10-f, Milwaukee Code of Ordinances, the Licenses Committee has never adopted the Findings of Fact and Conclusions of Law. The reasons relied upon for the recommended 20-day suspension are unjust and not substantiated by any reliable evidence. Even the highly inappropriate compilation video did not show any crimes or criminal behavior as testified to by Sergeant MacGillis. In violation of Dhawan's right to Due Process, the Licenses Committee accepted the police synopsis as fact without any credible substantiation by the MPD or City of Milwaukee. The Findings of Fact and Conclusions of Law drafted by the City Attorney's office erroneously fail to recount *any* of the supporting testimony provided by the *thirteen* individuals who testified at the March 29, 2010 hearing in support of Dhawan's License. Additionally, Dhawan's right to Equal Protection was violated as evidenced by the undue weight given to the negative testimony of Alderman Bauman and *one* neighborhood objector, without any proof, with the exception of the compilation video which showed no crimes or criminal behavior, compared to the thirteen people who testified in support of Dhawan's License renewal, and by the contrasting disposition of Pizza Shuttle in its renewal hearing in January 2009.

Finally, Dhawan does not believe that the premises is deserving of the recommended 20-day suspension. Moreover, he requests that if the Council deems it necessary for Dhawan to serve a suspension, that the Council impose not more than the recommended 20-day suspension. The Licenses Committee spent a considerable amount of time considering the testimony and evidence in this matter and, in fact, denied a motion from a Committee member for a longer suspension. Dhawan requests that should the Council impose a suspension that it use the Committee's recommended 20-day suspension as the *maximum* amount, as it is the Committee that is most familiar with the proceedings and evidence relating to this application.

Thank you for your attention to this matter.

Sincerely,



Michael S. Maistelman  
Attorney at Law

Enc.

Cc: Mandeep Dhawan  
Members of the City of Milwaukee Common Council (via email w/enclosures)

MILWAUKEE POLICE DEPARTMENT  
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS  
SYNOPSIS

DATE: 12/03/08  
LICENSE TYPE: BTAVN  
NEW:  
RENEWAL: X

No. 15252  
Application Date: 12/02/08  
Expiration Date:

License Location: 1827 N Farwell Avenue  
Business Name: Pizza Shuttle

Aldermanic District: 03

Licensee/Applicant: Gold, Mark H  
(Last Name, First Name, MI)  
Date of Birth: 01/08/63

Male:                      Female:

Home Address: 915 W El Patio Lane  
City: Mequon                      State: Wi      Zip Code: 53092  
Home Phone:

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

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

1. On 10/21/07 at 3:00 am, Milwaukee Police were dispatched to Farwell and Royall Streets for a Fight complaint. Investigation revealed a fight had occurred inside the Pizza Shuttle that continued onto the streets. As police arrived, the fight dispersed with the victim not wanting to prosecute the unknown subject who had struck him. While investigating the fight on the street, officers received another call from Pizza Shuttle regarding another fight. Officers responded and issued two citations to the patrons for Disorderly Conduct.

=====

2. On 02/10/08 at 3:13 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Squads responded and advised the incident.
3. On 02/20/08 at 3:00 am, Milwaukee police were dispatched to 1827 N Farwell for Trouble With A Subject. Police spoke to the manager Don who stated he was having trouble with a customer causing a disturbance. Squads responded and advised the incident.
4. On 02/24/08 at 2:12 am, Milwaukee police were dispatched to 1827 N Farwell for a Subject With Gun complaint. An employee Chad advised the telecommunicator that security for the restaurant had broken up a fight and that a subject was seen with a silver firearm by security personnel. An ambulance was also requested for a female patron who was trampled by the suspect as he fled the scene. Reports were filed regarding this incident.

5. On 03/02/08 at 2:27 am, Milwaukee police were dispatched to 1827 N Farwell for an Indecent Exposure complaint. Police spoke to security for Pizza Shuttle who stated they were detaining a male that had urinating on the building. The subject was cited for Disorderly Conduct and released.
6. On 03/15/08 at 1:13 am, Milwaukee police were dispatched to 1827 N Farwell for a loud music complaint. The caller stated subjects were playing loud music in the parking lot of Pizza Shuttle. Officers arrived and were unable to locate any subjects on the lot playing loud music.
7. 03/16/08 at 2:53 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Officers spoke to an employee "Bill" who stated he had three armed security guards at the door of his restaurant and that several subjects outside this business were making gestures as if they were armed with guns. "Bill" stated these subjects also were saying that " There is going to trouble if they are not allowed into the restaurant." No gun was found on scene by any patron however one subject was cited for Trespassing.
8. On 03/20/08 at 2:36 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Officers spoke to the manager "Bill" who stated three subjects were yelling and swearing at him refusing to leave. "Bill" also indicted that the subjects were intoxicated. The incident was advised.
9. On 03/27/08 at 12:46 am, Milwaukee police were dispatched to 1827 N Farwell regarding several calls about males in front of the restaurant that appeared as if they were about to drag race their autos. Calls were also received about several subjects in front of the Pizza Shuttle possibly arguing. The manager "Bill" also called police and stated that there were thirty autos blocking traffic and that subjects were running in the streets and playing music. Squads responded and the area was eventually cleared.
10. On 03/29/08 at 3:52 am, Milwaukee police were dispatched to 1827 N Farwell for Trouble With Subjects complaint. Investigation revealed a group of subjects were at the restaurant arguing and refusing to leave. Once police arrived all parties involved were gone.
11. On 03/30/08 at 2:06 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Police spoke to an employee, Sharin, as well as security who stated a large group had gathered and were fighting in the parking lot of the restaurant. The subjects involved were gone once police arrived.
12. On 04/05/08 at 1:28 am, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. The call was advised but police ended up writing parking citations for several parking violations found. Police were dispatched again at 4:23 am for subjects that refusing to leave the restaurant. Once police arrived, subjects were gone.
13. On 04/19/08 at 1:06 am, Milwaukee police were dispatched to 1827 N Farwell for Crowd Control at the restaurant. Security personnel requested MPD for a large crowd that gathered outside of the location. Police arrived and cleared the area.



14. On 05/04/08 at 3:32 am, Milwaukee police were dispatched to 1827 N Farwell for a Large Fight complaint. A security guard for the restaurant was injured and had sustained lacerations to the knee and elbow while trying to break up a fight. A report was filed.
15. On 06/23/08 at 1:02 am, Milwaukee police were dispatched to 1800 N Farwell for a Fight complaint. Police arrived and observed numerous subjects standing in and around the Pizza Shuttle restaurant as well as multiple autos stopped in traffic. Due to heavy pedestrian and vehicle traffic, more squads were dispatched to help assist clearing the area. Four traffic citations were issued and the area was eventually cleared.
16. On 05/17/08 at 3:38 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for traffic control. When squads responded they did not locate any autos.
17. On 05/25/08 at 2:10 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for a Trouble With Subject complaint. Police were advised that a patron was refusing to leave but upon officers arrival, the subject left. Squads were again dispatched to the restaurant at 2:39 am regarding a Fight In Progress in which security was detaining subjects. Citations were issued to the parties involved.
18. On 05/31/08 at 1:28 am, Milwaukee police were dispatched to 1827 N Farwell Avenue for a Fight complaint. Security was reporting that 300 plus people were at the location and that there was a fight. The caller stated they had only four security guards and needed more help. Updated calls were given to responding squads that indicated that a male was armed with a revolver. As police approached, they observed security has an auto stopped in the street at gunpoint. Police issued several citations and a report was filed regarding the subject who was armed and fled the restaurant.
19. On 06/01/08 at 1:53 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Investigation revealed people were fighting outside the restaurant and in the parking lot. A victim was identified but he refused to prosecute.
20. On 06/07/08 at 1:00 am, Milwaukee police were dispatched to 1827 N Farwell for reports of Shots Fired and Cruising. Squads responded and were not able to locate any suspects. Police were dispatched again at 2:05 am for a complaint of Battery- DV related. Investigation found security personnel used pepper spray on a suspect that was unrelated to the Battery DV complaint. Reports were filed. Police again were dispatched at 3:26 am, for another Battery complaint between two patrons and citations were issued in the incident.
21. 06/16/08 at 1:08 am, Milwaukee police were dispatched to 1827 N Farwell for a Loud Music complaint. Squads were advised that there were 20-30 subjects outside of the restaurant crowding the streets playing loud music and getting in and out of their cars. Squads responded and cleared the area. At 1:35 am, police were flagged down by an employee of Pizza Shuttle about patrons causing problems inside the restaurant. Police again responded and at the request of management, ordered everyone that was inside the restaurant to leave if they were not ordering food. It should be noted an underage party was held downtown that ended up with numerous patrons from that club going to Pizza Shuttle. On that particular night, the restaurant did not have security personnel on scene.

22. On 06/20/08, Milwaukee police were dispatched to 1827 N Farwell for a Trouble With Subject complaint. Police spoke to Christopher Albert, security for Pizza Shuttle who stated patrons who were intoxicated were refusing to leave the property. Albert stated these patrons were screaming profanities and police were called. Citations were issued to two patrons for Trespassing and one citation was issued for Obstructing An Officer.
23. On 06/17/08 at 1:40 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Police spoke to security who stated there was a verbal altercation in the parking lot between two females. When security approached these two women, one subject's boyfriend jumped in and became loud and disorderly to the security guards. Security asked these subjects to leave but they refused. One citation was issued for Disorderly Conduct.
24. On 07/06/08 at 1:12 am, Milwaukee police were dispatched to 1827 N Farwell for a Fight complaint. Investigation revealed a fight took place in the parking lot of Pizza Shuttle with approximately 200-300 people scattered though the waiting area of the restaurant. These patrons appeared to be spectators to the fight and were egging the participants on. A report for property damage was also taken. While on scene, police were advised of another fight inside the mens room of the restaurant. Both subjects involved in that were cited for Disorderly Conduct. While police were issuing citations for the fight, security again advised police of a verbal confrontation between other patrons in which security tried to break up but that both parties directed their anger at security. Officers advised these two subjects to leave or they would both receive citations. They left without incident. Police were on scene for 1 hour and 41 minutes. Police did speak with management regarding the volume of calls received by the restaurant and that no other businesses in the area have needed this type of police response.
25. On 07/07/08 at 1:00 am, Milwaukee police were dispatched to a Fight at 1827 N Farwell. Investigation revealed security was detaining four subjects who were observed in an auto parked in the parking lot of Pizza Shuttle with one actor being in possession of marijuana. Police arrested and charged one actor with Possession of Marijuana.
26. On 10/18/08 at 1:01 am, Milwaukee police were dispatched to 1827 N Farwell for A Trouble With Subject complaint. Police spoke to the manager William Kopatichi who stated a group of club juveniles entered his business causing a disturbance in and around the restaurant. Kopatichi stated the juveniles were trashing the dining room area while yelling obscenities and arguing outside of the restaurant so he called police. The subjects were gone upon police arrival. Police observed that no security was on scene of the business. Kopatichi stated that the owner cancelled security services and was in the process of contracting with a new company. No citations were issued regarding the incident.