



JOCASTA ZAMARRIPA
ALDERWOMAN, 8TH DISTRICT

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE-CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee
- Zoning, Neighborhoods, and Development Committee

February 6, 2025

To the Honorable, the Common Council

Honorable Members:

Attached are written objections to file number 240903 of the Licenses Committee relative to licenses:

Revocation of the Extended Hours, Filling Station, Food Dealer and Weights and Measures licenses held by Gurinder Nagra, based upon the preponderance of the evidence in the police report and neighborhood, MPD, aldermanic, applicant, and counsel testimony that demonstrates the operation would result in a threat to the health, safety and welfare of the public especially relating to the guns being fired on the premises, loitering, the illegal drug activity, problematic area, parcel and failure to comply with the approved plan of operations for the premises located at 4295 North Teutonia Av ("Teutonia Gas & Food") in the 1st aldermanic district.

This matter will be heard by the full Council on February 11, 2025. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Sincerely,

JoCasta Zamarripa
Chairperson, Licenses Committee

cc: All Council Members
City Attorney's Office
License Division
File 240903





LAW & CONSULTING, S.C.

February 5, 2025

Emil Ovbiagele
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[via Email]
City of Milwaukee
Office of the City Clerk, Licensing Division
Attn: Jim Owczarski
City Hall, Rm. 205
200 E Wells St.
Milwaukee, WI 53202
jowcza@milwaukee.gov

**RE: OBJECTION TO FINDINGS OF FACT &
CONCLUSIONS OF LAW**
4295 N Teutonia, Inc. – 4295 N Teutonia Ave., Milwaukee, WI

To Whom it may concern,

My Firm represents Mr. Gurinder Nagra, the agent for 4295 N. Teutonia, Inc. (“Business”), located at 4295 N. Teutonia Ave., Milwaukee, WI (“Premises”). We formally submit this objection to the City’s Findings of Fact and Conclusions of Law adopted by the City of Milwaukee Licenses Committee on January 31, 2025, recommending the revocation of our client’s Extended Hours, Filing Station, Food Dealer, and Weight& Measures licenses. The recommendation is legally and procedurally flawed due to the denial of due process, reliance on improper evidence, unconstitutional vagueness in enforcement, and clear indications of bias during the hearing. For these reasons, the revocation recommendation must be rejected and the licenses reinstated.

The Committee’s decision was tainted by significant due process violations. The Business was denied a fair hearing as the Committee relied heavily on hearsay, speculation, and opinion testimony, while failing to give proper weight to the only law enforcement testimony presented. The responding Milwaukee Police Department officer familiar with the district, directly contradicted the city’s case, stating that he could not attribute crime in the area specifically to the Business. He confirmed that the Business had cooperated with law enforcement in previous investigations and testified that there was nothing the Business could have done to prevent the August 16, 2023, shooting. Despite this exculpatory testimony, the Committee disregarded it in favor of unverified allegations from community members who had no direct knowledge of the incidents at issue.

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Additionally, the Committee's reliance on hearsay and speculative testimony rendered the proceedings fundamentally unfair. Many of the community witnesses provided general opinions about crime in the area but offered no direct evidence connecting the Business to illegal activity. Wisconsin law prohibits findings based solely on hearsay and speculation, and businesses cannot be held liable for independent criminal acts of third parties absent clear evidence of direct facilitation.

This issue is further compounded by the fact that nearly all of the individuals who testified were directly related to the deceased individual from the August 16, 2023, incident. While their grief is understandable, their testimony was inherently biased and emotionally charged, making it an insufficient basis for revocation without supporting objective evidence. The Committee failed to distinguish between emotional appeals and legally relevant, fact-based testimony, leading to a fundamentally flawed decision-making process that disregarded due process and the Business's right to a fair and impartial hearing.

The Committee also erred by relying on an invalid amendment to the Business's Plan of Operation as a justification for revocation. The alleged amendment, made during an April 25, 2023, hearing, supposedly required the Business to maintain 24/7 security. However, this amendment was never formalized in writing, was not submitted to the City Clerk, and was never approved through the process as explicitly required under Milwaukee Code of Ordinances (MCO) 85-37. The ordinance mandates that permanent changes to a Plan of Operation must be filed in writing and approved before taking effect. The Business never consented to the alleged amendment in any formal capacity, nor was it legally incorporated into its licensing conditions. The Committee's attempt to retroactively enforce this unwritten, unapproved requirement as a basis for revocation is a clear procedural violation.

Additionally, the Business was never given proper notice that compliance with the alleged amendment would be a central issue in the revocation proceedings. The April 25, 2023, hearing and the purported modification were not included in the summons or cited as a basis for the hearing. Due process requires that a licensee be given clear notice of the grounds for potential adverse action and an opportunity to respond. Here, the Business was deprived of both. The Committee's failure to properly notice this issue further underscores the unfairness of these proceedings and demonstrates that the revocation was based on shifting, unclear standards rather than lawful and transparent regulatory enforcement.

Furthermore, the Committee's reliance on the vague and overbroad standard of a "threat to public health, safety, and welfare" raises serious constitutional concerns. Laws and administrative decisions must be based on clear and objective criteria, yet the Committee failed to define what



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specific actions or inactions rendered the Business a public safety threat. Courts have held that vague standards violate due process because they fail to provide adequate notice of what conduct is prohibited and encourage arbitrary enforcement. Here, the lack of defined standards allowed the Committee to apply inconsistent and selective criteria for revocation. No written policy establishes what level of crime justifies revocation, and other businesses in high-crime areas have not faced similar penalties. This selective enforcement further renders the Committee's decision arbitrary and legally unsound.

Contrary to the Committee's findings, the Business has taken substantial steps to enhance security and comply with city requests. The Business successfully passed a nuisance mitigation plan in May 2023, demonstrating good-faith efforts to address public concerns. The Committee's refusal to consider these efforts is particularly egregious given that its prior errors already resulted in the Business being closed for over 500 days due to due process violations in the initial hearing—a fact that a court acknowledged when it found the proceedings improper and remanded the case back to the Committee instead of upholding the revocation. The Committee's continued disregard for fundamental fairness, despite a judicial determination that its prior actions violated due process, further underscores the arbitrary and unjust nature of its decision.

Given these substantial legal defects, we urge the Common Council to reject the Licenses Committee's recommendation. The revocation proceedings were procedurally flawed, relied on speculative and unverified evidence, and failed to establish a legitimate public safety justification. Punishing a longstanding business for crime trends beyond its control not only sets a dangerous precedent but also undermines the city's stated commitment to fairness and economic opportunity. Rather than imposing an unjust and unlawful penalty, the City should work with the Business to implement reasonable security measures that address community concerns while preserving the Business's right to operate lawfully.

We respectfully request that the Common Council reject the recommendation for revocation and consider alternative remedies that allow the Business to continue operations while ensuring compliance with reasonable security requirements.

For further discussion or clarification, please contact my office at your earliest convenience.

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Very Truly Yours,

OVB Law & Consulting, S.C.

/s/

Emil Ovbiagele, JD, MBA

Attorney

OEO/*ab*

cc. stasst5@milwaukee.gov (via email)
Alderwoman Andrea Pratt (via email)
City Attorney Kevin Gresham (via email)
Client (via email)