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June 28, 2011

**HAND DELIVERED**

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

Re: Renewal Application of Jagdish K. Patel,  
Agent for Clybourn Supermarket, LLC. for  
Class "A" Fermented Malt Beverage Retailers License  
for premises located at 2903 W. Clybourn Street in the  
City and County of Milwaukee, Wisconsin ("Milwaukee Foods")  
My File Number 9275JK

RONALD D. LEONHARDT  
CITY CLERK  
2011 JUN 28 PM 3:47  
CITY OF MILWAUKEE

Dear Mr. Leonhardt:

Our law office represents Milwaukee Foods in regard to the above matter. Our office is in receipt of your letter dated June 23, 2011 wherein you include the Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "A" Fermented Malt Beverage Retailers License for Milwaukee Foods with a 20-day suspension. This recommendation is as a result of a public hearing held before the Licenses Committee on June 20, 2011. The purpose of this letter is to file the following written objections to this report of the Licenses Committee.

Milwaukee Foods objects to the Report on the Renewal Application and the Findings of Fact related to the Renewal Application for a Class "A" Fermented Malt Beverage Retailers License for Milwaukee Foods for the following reasons:

1. The Findings of Fact failed to include the objection by Milwaukee Foods placed on the record at the commencement of the Renewal Application hearing wherein Milwaukee Foods noted that it appeared specially before the Licenses Committee, and reserving its right to challenge the jurisdiction of the Licenses Committee to hear this matter. This was based upon the fact that the City Clerk's Office had previously issued the Class "A" Fermented Malt Beverage Retailers License for Milwaukee Foods prior to the Renewal Application hearing.

2. There is no reference in the Findings of Fact concerning Milwaukee Foods' objection to the Notice that was sent by the City Clerk's Office setting the public hearing before the Committee held on Monday, June 20, 2011. This objection to the City Clerk's Office Notice was based upon the fact that the City Clerk included in the current Notice a copy of the transcript and Exhibits from the Committee hearing held one year prior thereto. This transcript and other enclosures were irrelevant, prejudicial and inappropriate to be included as part of the record for the current public hearing.

3. The Findings of Fact failed to note that at the time of the public hearing, documents were filed as part of the record showing that Milwaukee Foods survived at least two undercover sting operations regarding the attempted sale of beer to minor individuals. Milwaukee Foods was given a letter of commendation from the RR Forum Director for passing the sting operation by failing to sell beer to minors.

4. The Findings of Fact only included a summary of the three witnesses who testified against Milwaukee Foods regarding the issuance of the beer license. The Findings of Fact failed to include a summary of the fourteen individuals who testified in favor of the granting of the beer license for Milwaukee Foods. These fourteen witnesses challenged the testimony of the other three witnesses who spoke against the issuance of the license. In general, the fourteen supporters spoke of the good quality of service offered by Milwaukee Foods, the respect shown by the Milwaukee Foods employees to the customers, the efforts undertaken by Milwaukee Foods to address the litter and loitering problem, if any, as well as the safety of the area inside and outside of the Milwaukee Foods store.

5. The 20-day suspension recommended by the Licensing Committee is not warranted due to the fact that there were no police reports indicating that any citations were issued to Milwaukee Foods within the last year. Furthermore, there were no reports from the City of Milwaukee Department of Neighborhood Services indicating that there are any outstanding Code violations or other Ordinance violations committed by Milwaukee Foods. The basis upon which the 20-day suspension was recommended was due to the sparse testimony offered by the three witnesses related to loitering and littering, which does not form a proper basis for the non-renewal of a license without an imposition of a 20-day suspension.

A representative from Milwaukee Foods is desirous of appearing before the Common Council to make oral arguments supporting the above written objections. Please supply the exact time on July 6, 2011 that a representative may appear before the Common Council.

If you have any questions in regard to any of the above, please contact our office accordingly.

Sincerely Yours,

KERSHEK LAW OFFICES



E. Joseph Kershek

EJK:rjp

cc: Adam Stephens (via mail)  
Jagdish K. Patel (via email)