

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

MEMBER

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

October 29, 2021

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 211001

Attached are written objections to file number 211001, Motion relating to the recommendations of the Licenses Committee relative to the following:

Nonrenewal of the Extended Hours Establishment license, based on the police report and neighborhood testimony for Singh, Pakhar for the premises located at 3114 N Sherman Bl. ("P S Gas Corporation") in the 7th aldermanic district.

Renewal with a twenty (20) day suspension, based on the police report and neighborhood testimony of the Class B Tavern, Food Dealer and Public Entertainment Premises licenses for Jewell, Sherlise A for the premises located at 4200 W Burleigh St. ("Srjewell Entertainment LLC") in the 7th aldermanic district.

Renewal with a twenty (20) day suspension, based on police report and neighbors, owner and employees' testimony of the Class B Tavern, Public Entertainment Premises and Sidewalk Dining licenses for Baade, James A. for the premises located at 150-58 E Juneau Av. ("J Ken Elliots, Inc") in the 3rd aldermanic district.

These matters will be heard by the full Council at its Tuesday, November 2, 2021, meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statements and materials.

Respectfully,

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 211001





BOBOT LAW OFFICE

VINCENT J BOBOT

October 25, 2021

Jim Owczarski, City Clerk
City Hall
200 E. Wells Street, Room 205
Milwaukee WI 53202

RE: PS Gas Corporation
Pakhar Singh
3114 N. Sherman Boulevard
Milwaukee, WI 53216

Objection to License Committee's Recommendation

Dear City Clerk Owczarski:

On behalf of my client, PS Gas Corporation and Pakhar Singh, we are objecting to the License Committee's recommendation to the full Common Council to non-renew the Extended Hours Establishment and Food Dealer License.

Our objection to the recommendation is based on the fact that there was no evidence presented to the Committee justifying that action. The police report as well as neighborhood testimony did not contain any instances or actions by my client in the operation of the gas station or convenience store during the past year that would warrant that recommendation.

The recommendation for non-renewal represents a violation of my client's property rights and will result in a significant loss of revenue to the business. Furthermore, the surrounding neighborhood will be deprived of the goods and services my client provides to them from 12:00 a.m. to 5:00 a.m.

Therefore, we respectfully request that the Common Council renew my client's Extended Hours Establishment and Food Dealer License.

Respectfully submitted by,

Vincent J. Bobot
Attorney at Law
State Bar No. 1020732

Gimbel • Reilly • Guerin • Brown

LLP

Writer's E-mail
chayden@grgblaw.com

October 27, 2021

VIA EMAIL ONLY (jowcza@milwaukee.gov)

Jim Owczarski, City Clerk
200 East Wells Street, Room 205
Milwaukee, Wisconsin 53202
Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

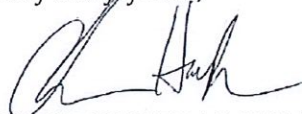
Re: *Class B Tavern, Food Dealer, and Public Entertainment Premises Licenses of
SRJewell Entertainment LLC d/b/a 42nd Street Bar & Grill*

Dear Mr. Owczarski:

Enclosed please find SRJewell Entertainment LLC d/b/a 42nd Street Bar & Grill's objections to the Licenses Committee's Report in the above-referenced matter. This document is being filed in accordance with City of Milwaukee Ordinance 85-5-2. Please file stamp and return a scanned copy to us via email (chayden@grgblaw.com).

I also request the opportunity to be heard at the Common Council hearing on this matter pursuant to City of Milwaukee Ordinance 85-5-4(c).

Very truly yours,



CHRISTOPHER M. HAYDEN

CC: stasst5@milwaukee.gov

In the matter of the Class B Tavern, Food Dealer, and Public Entertainment Licenses of SRJewell Entertainment LLC d/b/a 42nd Street Bar & Grill for the Premises located at 4200 W. Burleigh Street in the City and County of Milwaukee

OBJECTIONS TO LICENSES COMMITTEE REPORT

On October 19, 2021, Sherlise Jewell as agent for SRJewell Entertainment LLC d/b/a 42nd Street Bar & Grill ("Applicant") along with attorney, Christopher M. Hayden, Rickey Jewell, Thomas Olderson, and Martell Booker appeared virtually before the Licenses Committee to seek renewal of the Applicant's Class B Tavern, Food Dealer, and Public Entertainment Premises licenses. At the conclusion of the hearing, by a vote of four ayes and zero noes, the committee voted to recommend renewal with a twenty (20) day suspension. The Committee issued its Findings of Fact and Conclusions of Law, which was received at our offices on October 27, 2021 at 12:04 p.m. The Applicant objects to the Findings of Fact and Conclusions of Law, including the renewal with a twenty (20) day suspension, for the following reasons:

1. The business seeking renewal of its Class B Tavern, Food Dealer, and Public Entertainment Premises licenses is located at 4200 W. Burleigh Street, Milwaukee, Wisconsin 53210.
2. The Applicant timely filed its renewal applicant on July 6, 2021.
3. The Applicant through counsel provided testimony that the Applicant has fully cooperated with the Milwaukee Police Department for any investigations related to the business and addressed the three items contained in the MPD police report. The Applicant explained that the April 2, 2021 incident occurred several blocks away from

the premises. Additionally, the Applicant provided testimony explaining that the security guard involved in the April 25, 2021 incident had been terminated. Said security guard had also been acquitted of all charges against him as his involvement in the incident was deemed to have occurred in self-defense.

4. Rickey Jewell, the agent's husband and co-owner of 42nd Street Bar & Grill provided testimony related to the security measures the Applicant has implemented to avoid future incidents at the location. Mr. Jewell provided testimony explaining the Applicant has over 13 cameras on the premises, utilizes metal detectors, checks customer's ID's, and has hired a private security company. Mr. Jewell also testified there have been no incidents at the business since April 25, 2021.

5. Thomas Olderson provided testimony that he has been a customer of the business for 30 years and that he feels safe at the business. Mr. Olderson testified that the issues identified by MPD and the neighborhood testimony are occurring outside the business and have nothing to do with the Applicant's operations.

6. Martell Booker, provided testimony that he has been an employee of the Applicant for over ten years. Mr. Booker testified that the Applicant supports local nonprofits and is very involved in community outreach. Mr. Booker indicated that he is willing to work with community to address any concerns and that many of the issues identified stem from the neighborhood and not the Applicant.

7. Felicia Moore provided testimony in opposition to the Applicant. Ms. Moore stated that there have been fights in front of her home. Ms. Moore further testified that she has never been inside the business.

8. Mabel Lamb, the executive director of the Sherman Park Community Association, testified that she was not opposing the Applicant's licenses, but asked that the business change its hours of operation to close earlier in the evening.

9. Redona Williams agreed with Ms. Lamb's testimony and pointed out ongoing problems occurring in the Sherman Park area.

10. Alderman Rainey asked if the Applicant would be willing to adjust its operating hours. After some discussion, the Applicant agreed to reduce its hours of operation during the week to close at 1:30 a.m. Monday through Wednesday and 2:00 a.m. Thursday through Sunday. At the time the Applicant agreed to reduced hours, it was not clear that suspension or nonrenewal was still an option.

11. Despite the Applicant agreeing to reducing its hours, Alderman Rainey still recommended a twenty (20) day suspension.

12. The Applicant argued that a twenty (20) day suspension was not warranted based on the testimony presented in opposition, which solely consisted of testimony from one member of the neighborhood who had never been inside the Applicant's business. By agreeing to reduce its hours of operation, the Applicant attempted to address the issues identified through the neighborhood testimony. The Applicant argued that the reduction in operating hours sufficiently addressed said issues and advocated for renewal or renewal with a warning letter.

13. Alderman Kovac asked Alderman Rainey for clarity on his recommendation. Alderman Rainey stated that based on the neighborhood testimony, the neighborhood is asking for some type of peace. He indicated that the Applicant needs

to come up with a new plan of operation despite the fact that the Applicant provided testimony related to its new security measures and stated that there have been no new incidents at the location.

14. Alderman Kovac ignored the Applicant's request for renewal or renewal with a warning letter and moved for renewal of an amended application with reduced operating hours and a twenty (20) day suspension.

15. Alderman Kovac's motion passed 4 to 0.

16. The recommendation of a twenty (20) day suspension was not supported by the neighborhood testimony presented, which only sought a reduction in operating hours. The Applicant would not have agreed to reducing its operating hours had it known that a suspension was still a possibility.

17. The Applicant was denied its right to due process because it agreed to amend to its application without knowledge of the possibility of suspension.

18. A twenty (20) day suspension was not warranted based on the testimony presented. Based on the testimony presented, an appropriate outcome would have renewal based on the applicant agreeing to reduce its hours of operation.

19. Following the October 19, 2021, hearing Alderman Rainey contacted the Applicant and offered to reduce his recommended suspension to five (5) days. On October 20, 2021, the Applicant through counsel contacted Alderman Rainey asking for clarification on the offer. Specifically, the Applicant was concerned that the Common Council may not be able to approve a five (5) day suspension because MCO 85-4-6 only allows for a suspension of not less than 10 days and no more than 90 days. The Applicant

explained that the reduction in operating hours would result in more than 500 hours of lost business and offered to implement the reduced hours immediately in exchange for renewal without a suspension based on the reduced hours. As of the date of this objection, the Applicant has not received any response from Alderman Rainey.

SRJewell Entertainment LLC d/b/a 42nd Street Bar & Grill requests an opportunity to be heard at the Common Council meeting on November 2, 2021.

Dated this 27th day of October, 2021.

GIMBEL, REILLY, GUERIN & BROWN LLP

By: _____


CHRISTOPHER M. HAYDEN

State Bar No. 1099608

chayden@grgblaw.com

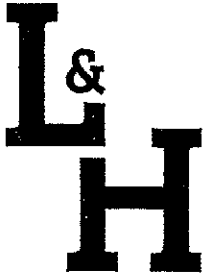
Attorneys for SRJewell Entertainment LLC

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LICHTSINN & HAENSEL, S.C.
ATTORNEYS AT LAW

October 29, 2021

SENT VIA E-MAIL

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RE: Objections to Report of the Renewal Application of the Class "B" Tavern, Public Entertainment Premises (PEP), and Sidewalk Dining License of James A. Baade, Agent for Ken Elliot's, Inc., for the premises located at 150-158 East Juneau Avenue in the City and County of Milwaukee, Wisconsin ("Scooters Pub/Dukes on Water").

Dear Members of the Milwaukee Common Council:

We represent James A. Baade and Andrea M. Shafton, co-owners of Ken Elliot's Inc., with respect to the premises located at 150-158 East Juneau Avenue in the City of Milwaukee (hereinafter referred to as "Scooters" or "Dukes"). I am writing to the Milwaukee Common Council in objection to the City of Milwaukee Licenses Committee's (the "Committee") October 21, 2021 Report of the Renewal Application of the Class "B" Tavern, Public Entertainment Premises (PEP), and Sidewalk Dining License (the "Licenses Committee Report").

Mr. Baade and Ms. Shafton have been in the bar business on Water Street for over 50 years. Undoubtedly, Milwaukee's downtown area experienced one of its most challenging summers in responding to COVID-19, civil rights marches, and the Milwaukee Bucks championship run. At times, Milwaukee's downtown streets, particularly in the public parking lot to the east of Dukes and on the corner of North Water Street and East Juneau Avenue, saw nearly uncontrollable activity. Between June and August of this year, Scooters and Dukes employees witnessed, among other things, fighting, drinking in the streets, disrespect to our police, use of illegal fireworks, and illegal carrying and use of weapons. While the Milwaukee Police Department admirably took to task controlling our streets over this period, Scooters and Dukes worked tirelessly to attract, train, and keep dependable security. In the few instances where protocol was not followed, the responsible employees were immediately terminated.



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ATTORNEYS AT LAW

The Committee's first evidentiary finding of fact involved a physical confrontation between a patron and former Scooters security employee. (Licenses Committee Report ¶ 5A). This incident led to sweeping security changes for both bars including the termination of nearly the entire security staff, the hiring of a new security staff, and the installation of new surveillance system.

At the October 19, 2021 public hearing before the Committee ("Public Hearing"), Alderman Kovac expressed concern over people in Dukes after hours. In the Incident Report provided by the Milwaukee Police Department, there have been two instances in the past five years in which people have been in Dukes after hours. (Licenses Committee Report ¶¶ 5H-I). In both cases, the security staff responsible were immediately terminated.

Another concern expressed at the Public Haring related to the music inside Dukes. Daniel Steinpas (Grinder), a tenant living above Dukes, raised complaints that the music is too loud and not turned off until 1:35 AM. (Licenses Committee Report ¶ 5L). Ms. Shafton apologized to Mr. Steinpas (Grinder) and offered her word that his concerns would be addressed moving forward. In the Incident Report provided by the Milwaukee Police Department, there was one instance of police responding to a noise complaint from Mr. Steinpas (Grinder). The officer responding to the complaint noted that she observed the music in Dukes to be no louder than it normally was and that the bar's outside speakers were off.

A number of incidents cited by the Committee involved employees of Scooters and/or Dukes being battered, threatened, and spit on absent of any bar employee wrongdoing. In these instances, and others, Milwaukee Police noted that the bar staff was helpful and cooperative in their investigation of the respective incidents. (Licenses Committee Report ¶¶ 5 B-D; G).

Mr. Baade and Ms. Shafton have met and worked with District 1 of the Milwaukee Police Department throughout the past year. In addition to hiring a new security staff and installing a new surveillance system, Scooters and Dukes have: (i) doubled security staff salaries in efforts to attract more qualified personnel; (ii) started wandering patrons for weapons; (iii) began checking patrons' bags upon entry; and (iv) enforcing a dress code. Scooters and Dukes are the first two Water Street bars to implement a bag check policy.

Scooters and Dukes have employed many students who are putting themselves through college. While Mr. Baade and Ms. Shafton acknowledge they have made some hiring mistakes, any employee who has disregarded laws or bar policies has been swiftly terminated. The majority of the Scooters and Dukes staff



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have been outstanding and loyal. We are objecting to the Committee's proposed 20-day license suspension as it unfairly imposes an undue hardship on those who have made their best efforts in the wake of both serious and unsafe conditions.

Thank you for your attention to this matter.

Sincerely,

LICHTSINN & HAENSEL, S.C.

By:

Joseph A. Abruzzo