

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



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

MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

April 13, 2023

To the Honorable, the Common Council

Honorable Members:

Re: Common Council File Number 221856

Attached are written objections to file number 221856, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to a recommendation of:

Nonrenewal of the Class A Fermented Malt and Food Dealer licenses based upon the preponderance of the evidence in the police report that demonstrates the operation results in a threat to health, safety or welfare of the public for the violations to the license, the behaviors displayed in the video, the loitering inside the store, the illegal drug activity, drinking in public and the display of materials harmful to minors for Davinderjit Kaur, for the premises located at 200 E Chambers St. ("Chamber East Food") in the 6th aldermanic district.

This matter will be heard by the full Council at its Tuesday, April 18, 2023 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Respectfully,

A handwritten signature in black ink that reads 'Milele A. Coggs'.

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 221856





BOBOT LAW OFFICE LLC

VINCENT J BOBOT

April 12, 2023

Milwaukee Common Council
200 E. Wells Street
Milwaukee WI 53202

Jim Owczarski - City Clerk
City of Milwaukee
200 E. Wells Street
Milwaukee, WI 53202

RE: Chamber East Food Market LLC
Davinderjit Kaur, Agent
200 E. Chamber Street, Milwaukee, WI 53212
Application for Renewal of Class A Fermented, Malt
and Food Dealer Licenses

Subject: Written Objections to the Findings of Fact and Conclusions of Law

Dear City Clerk Owczarski:

We, Attorney Michael Maistelman, Maistelman and Associates and Attorney Vincent J. Bobot, Bobot Law Office LLC, represent Chamber East Food Market LLC in connection with the above-referenced matter, an application for renewal of the Class A Fermented Malt and Food Dealer licenses. The Licenses Committee recommended non-renewal of Chamber East Food Market LLC's licenses following the hearing conducted on March 29, 2023.

OBJECTION TO THE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Neighbors appeared at the Licenses Committee hearing in support for renewal of Chambers East Food Market LLC's licenses.
2. No neighbors testified against renewal of Chamber East Food Market LLC's licenses.
3. Davinderjit Kaur, the "Agent", was in the country of India when a video in November, 2022 depicted violations at Chamber East Food Market. The Agent's brother, who owns the building, was in charge during the Agent's absence.

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4. The Agent, under no circumstances, condoned the behavior of her brother.
5. There were no incidents before the November, 2022 video warranting action by the Licenses Committee against Chamber East Food Market LLC.
6. There were no incidents after the November, 2022 video warranting action by the Licenses Committee against Chamber East Food Market LLC.
7. The Licenses Committee speculated that there would be further illegal conduct at Chamber East Food Market LLC without an evidentiary basis.
8. Progressive discipline was not properly vetted by the Licenses Committee.

OBJECTIONS

We formally object to the Report of the Licenses Committee and recommendation of non-renewal of the licenses under the following grounds:

- A. The Committee considered hearsay without any evidentiary basis;
- B. The Report contains incorrect factual and conclusion statements and key facts without any evidentiary basis;
- C. Neighbors testified at the hearing in support to renewal of the licenses, and no neighbors testified against renewal of the licenses;
- D. The notice dated March 16, 2023 provided insufficient notice to Chamber East Food Market LLC citing reasons for imposition of the non-renewal of its licenses in violation of 85-3, MCO;
- E. The Committee speculated on possible future wrongdoing by the management of Chamber East Food Market employees without an evidentiary basis.
- F. The Committee failed to follow its customary and required principles of progressive discipline when considering imposing sanctions such that it should have recommended a warning letter or a lesser suspension time. (Wisconsin courts have noted that such principles are appropriate in order to satisfy equal protection requirements of the U.S. Constitution, 14th Amendment. See *Village of Menomonee Falls v Michelson*, 104 Wis 2d 137, 145-146, 311 N.W. 2d 658 (Ct. App. 1981)



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- G. The Committee recommendation of non-renewal of the licenses constitutes an unreasonable action and a violation of the vested rights of due process possessed by the Agent in its licenses.

Conclusion

The Committee could have-and should have-recommended a lesser sanction We respectfully request that, notwithstanding the recommendation of the Committee, the Common Council renew the licenses with a suspension in the sound judgment of the full membership of the Milwaukee Common Council.

Please do not hesitate to contact Attorney Michael Maistelman at 414-333-9700 or Attorney Vincent J. Bobot at 414-430-1249.

Very truly yours,

Electronically Signed by Vincent J. Bobot

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

Electronically Signed by Michael Maistelman

Michael Maistelman
Attorney at Law
State Bar No. 1024681