

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

April 14, 2022

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 211760

Attached are written objections to file number 211760, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to a recommendation of:

Renewal with a 30 (thirty) day suspension based on the police report and applicant testimony of the Class B Tavern, Food Dealer and Public Entertainment Premises licenses for Humphrey F. Nangah for the premises located at 7607 W Hampton Av ("Diamonds Pub & Grill") in the 5th aldermanic district.

These matters will be heard by the full Council at its Tuesday, April 19, 2022 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,

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 211760



Law Office of Attorney Scott D. Connors
10125 W. North Ave.
Wauwatosa, Wisconsin 53226
(414) 302-0042

Attorney Scott D. Connors
scottconnorslaw@gmail.com

April 14, 2022

Filing via email to: jowcza@milwaukee.gov & stasst5@milwaukee.gov

City of Milwaukee City Hall
Office of the City Clerk
Jim Owczarski
200E Wells St Room 205
Milwaukee, WI 53202

Re: Humphrey F. Nangah
Diamonds Pub & Grill

Dear Mr. Owczarski:

In response to the report of the City of Milwaukee Licenses Committee we are objecting to the recommendation and conclusions; and requesting that the decision be reconsidered and reversed. In the alternative we would argue that the recommendation is excessive and will cause irreversible harm to the business.

We specifically argue as to finding number 5 which was used as a basis for the decision made by the committee in the April 7th, 2022 Findings of Facts. There were 4 incidents discussed within the body of that finding.

Paragraph A refers to an incident on October 9th, 2021 where the licensee called the police and reported while monitoring his surveillance cameras while at his home he noticed people breaking into his business and stealing his cash registers. Our argument which might have also been made at the hearing is that he acted appropriately and responsibly in regard to this. I cannot see how he could be deemed to have done anything else under the circumstances, and if this could be considered as a negative in his license renewal request it is tantamount to blaming the victim. This event could have happened to any homeowner or business that is located in this area. I would wager that he had more safeguards and surveillance in place than most in the neighborhood. In fact the police have relied on the licensee's surveillance and camera's to assist in other criminal investigations in the past which he has readily provided access to.

Paragraph B mentions an incident on October 15th, 2022 in which 2 individuals were removed for being unruly and overly intoxicated. In response they attempted to run down with their vehicle the security that removed them. One security staff member fired a weapon which struck the aggressor in the hand. Admittedly this situation was dangerous for all parties. The security

staff member feared for his life and thought he acted in self-defense. The staff member has a valid CCW permit and was not arrested. Still this was not the policy of the establishment and the staff member was dismissed from further employment.

Paragraph C talks about a problem with a person who walked in from the street; requested to use the restroom; and urinated inside a trash can in the bathroom. After he was removed and before the security staff member even got back in the bar, another patron informed the staff member that the person had fallen. The staff member responded and police as well as EMT fire department personnel were called to assist. It is hard to see what the licensee could have done differently. Moreover there is nothing to indicate that the acted at all inappropriately in handling the situation once the person fell.

Paragraph D states that on January 6th 2022 Licensee's former girlfriend entered his establishment and became disorderly, and threw water at him. She was removed without further incident, but police were called. This appears to be a relatively mild incident and there were no other complaints charges or any arrests. Again the licensee acted calmly and appropriately and there was no escalation of the incident. I would be hard pressed to find a different course of handling the incident than how it was handled.

The licensee made statements at the hearing indicating that he was aware of the seriousness of the shooting incident. He totally cooperated with the police and the assailant was apprehended. This is a public establishment and despite the security there are no guarantees of his personal safety. Despite that he cooperated with the police in making sure that the patron was apprehended.

Many businesses have struggled during the Covid era. Employees and employers had to sacrifice greatly to just get by and maintain their livelihood and their businesses. Employees were laid off for a long time and only recently became able to achieve full time employment again. In particular in the tavern business especially with taverns that serve food like the licensee's establishment does, it is especially hard to hire and maintain cooks. The serving of food is an important draw and a huge contributor to the business bottom line. Patrons will come to and prefer establishments that have a reputation of serving good food. The Licensee's business is one of those establishments. His current head cook has informed him that it would be difficult for him to wait out another lengthy period of unemployment. He doubts this he would be able to refuse other employment opportunities if this suspension goes into effect for the time asked for. The licensee believes he will not be able to replace this individual and that his business will be irreparably harmed,

It is also important to note that at the April 6th hearing while there were police reports there was also no police presence as is often the case when the police department joins in requesting the license suspension of a business. It is also significant to note that there were also no community complaints made in person at the hearing or filed in writing before the hearing

In our opinion this is significant and should not be ignored. The licensee has been in business at this location for 22 years and has become a fixture in the community. He has done what he can to

do to support the community he is part of. He supports community projects and sponsors various recreational activities. For the last 6 years he has run an annual "Kid's Fest" where under privileged kids can participate in activities and are given school supplies as well as clothing. It should be noted that Milwaukee Police department as participated also and in the past has handed out ice cream.

He has also worked to correct and improve his establishment to better conform to both the city and his own standards of operation. To that end he has installed 12 new fisheye cameras with veridocs identification. This system captures a patron's driver's license and stores that info until they leave the establishment. If there are problems the information can be stored and they will be refused admittance in the future or their identity can be used for possible criminal investigations. "Evolve" technology has been purchased. This system allows security to screen patrons as they come into the bar. It identifies weapons without the necessity of a pat-down. This is state of the art technology that is used at many venues including the Potawatomi casino to screen patrons rapidly as they enter the venue.

Accordingly we are hereby objecting to the findings as stated in the decision of April 7th, 2022 and asking that it be reconsidered and reversed. We think a reasonable resolution would be a formal warning. In the alternative we are asking that the time for suspension be reduced to the minimum suspension time for the reasons stated above

Sincerely,

Attorney Scott Douglas Connors

SDC/msw