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MILELE A. COGGS ALDERWOMAN, 6TH DISTRICT

Date: July 26, 2023

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Nael Jabbar, Agent for HOT SPOT SUPERMARKET, LLC, for Class A Malt and Class A Liquor and Food Dealer Licenses for the premises located at 2643 West Atkinson Avenue in the City and County of Milwaukee, Wisconsin ("I SHOP SUPERMARKET").

FINDINGS OF FACT

1. Nael Jabbar (hereinafter the "Licensee") is the holder of a Class A Malt & Class A Liquor and Food Dealer licenses for the premises located at 2643 West Atkinson Avenue in the City and County of Milwaukee, Wisconsin ("I SHOP SUPERMARKET"). Said licenses expire at midnight, July 30, 2023.
2. An application to renew said license was filed with the Office of the City Clerk on May 24, 2023.
3. Pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On May 25, 2023, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said license.
4. On June 30, 2023, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on July 13, 2023, at 10:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee, appeared with counsel, Attorney Samantha Baker, at the hearing, and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On December 20, 2022 at 7:11 p.m., Milwaukee Police were dispatched to a Reckless Use of a Weapon at 2643 W. Atkinson Ave. Investigation revealed a known subject was in the store loitering and refusing to leave. When asked to leave, the subject pulled out a firearm and stated, "We gonna fight" to the security officer, before passing the firearm to another subject. The subject is known to the agent and security and they previously had a restraining order on the subject. However, it had expired. The employees were cooperative and showed officers video surveillance of the incident, which led to a probation hold on one of the subjects.
 - B. On January 14, 2023 at 10:19 a.m., Milwaukee Police were dispatched to a Drug Dealing at 2643 W. Atkinson Ave. The owner of the store called the police to state they witnessed a hand-to-hand drug transaction take place inside the store. On arrival, officers were provided a description of the subject as well as where the subject had hidden a firearm the subject had on the subject's person. Officers located the firearm hidden by jars of salsa. A search incident to arrest of the subject revealed the subject to be in possession of marijuana and individually packaged bags of crack cocaine. The agent and employees were cooperative with the investigation.



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- C. On March 6, 2023 at 3:26 p.m., Milwaukee Police were dispatched to a Hold Up Alarm at 2643 W. Atkinson Ave. Investigation revealed a customer in store was acting belligerent, when asked to leave by the security officer. The suspect then displayed a firearm in his waistband as the security officer closed the door. The customer continued to yell and cause a disturbance outside, when he reentered the store with the firearm out, eventually firing two rounds at a customer. However, he missed. The customer then retrieved his firearm and fired two rounds, shooting the suspect. The suspect continued to fire off rounds, at which time the security guard, the clerk, and a customer fired their weapons at the suspect until the suspect stopped shooting. The security guard held the suspect at gunpoint until police arrived on scene. The employees were cooperative with police and the investigation, providing video surveillance of the incident. No charges were issued against any employees.
- D. On April 18, 2023 at 7:40 p.m., Milwaukee Police were dispatched to a Drug Dealing complaint at 2643 W. Atkinson. Prior to arrival, officers were provided a description of the subject, who was wearing a yellow backpack. On arrival, officers observed an individual matching the description inside the store. The subject was taken into custody and was found to be in possession of methamphetamine, THC, and fentanyl. The owner was very cooperative with the investigation, and assisted officers in retrieving video surveillance of the transactions. The owner stated the area is known for narcotic sales – however, he does not want them conducted in or around the business.
- E. On April 24, 2023 at 7:14 p.m., Milwaukee Police were dispatched to a Drug Dealing complaint at 2643 W. Atkinson Ave. Dispatch provided officers with a description of the suspect. However, he was gone on police arrival. The agent was on scene and cooperative, providing video surveillance of the individual, which was determined to be the same suspect in item C, above. The agent stated he does not allow drug transactions inside his premise, and requested police assistance.
- F. On May 10, 2023 at 8:47 p.m., Milwaukee Police were dispatched to an Overdose at 2643 W. Atkinson Ave. Prior to arrival, officers were advised a subject was going “in and out,” vomiting, and was on drugs. On police arrival. The subject or caller could not be located. However, it was later determined police responded to a Battery call and met the victim at the hospital. It is believed this was the same subject.

Individuals also present:

- G. The licensee was present along with Attorney Samantha Baker, who started to ask questions of the licensee after the police report was read. Mr. Jabbar said that this is his family’s business since 1982, that he has managed it since the early 2000s, that it is the family’s means of income, and that he has two security guards from 8:00 a.m. to 9:00 p.m. seven days a week. He also said that one of the guards (Mr. Carter) is here, that the security guards are armed, and that the guards are trained to ask people to leave if they are standing outside, and that, if they refuse, the guards must call the police. Mr. Jabbar answered Attorney Baker’s questions as follows:
- H. Item B, above. He said that they called and that they were cooperative with the MPD.
- I. Item C, above. He does not recall who called but that it is a protocol to call MPD.
- J. Item D, above. He explained that this guy came in the store yelling and screaming and started shooting. He also said that the guard was there and that they have emergency buttons around the store and that the police came and they were cooperative.
- K. Item E, above. He said that for the employees’ safety, he has indicated them not to identify themselves when calling to the police.
- L. Item F, above. He said that they called the police and paramedics, that the person was outside, and that they saw him lying on the floor through the surveillance cameras.
- M. Attorney Baker asked if she could call the police officers involved in the calls for service listed on the police report.

- N. Alderman Borkowski said that none of these incidents are defensible, that he is not willing to hear the police officers (whom he respects) for this kind of stuff. He added that there are eight significant incidents, and that it is insulting to this committee and the community to defend each of the incidents because none of these behaviors should be tolerated.
- O. Alderwoman Pratt said that she wanted to hear from the police officers.
- P. Attorney Baker called Officer Nicholas Kropp.
- Q. Officer Kropp said that he recalls the Item C, above, incident involving a drug deal complaint, that they received the description of one person (from one of the employees), that they conducted the stop, that they were able to arrest the suspect, and that they recovered the firearm and the drugs brought in by the suspect. He added that the staff is always cooperative, and that the store is clean on the many times he has been there. He added that he has 11 years assigned to the district, and that he does not have a problem with the store. Officer Kropp said that the store is located in one of the most crime-plagued areas in the district, and that this store is an asset to the community.
- R. Alderwoman Coggs asked Officer Kropp whether he or other officers reviewed the surveillance video prior to their arrival.
- S. Officer Kropp said that he did and that they obtained a significant amount of the video while the call was occurring, and that it was submitted as evidence against the person arrested.
- T. Alderman Borkowski asked Officer Kropp if he is fine with this store.
- U. Officer Kropp said that he is fine with it.
- V. Alderman Borkowski asked Officer Kropp how does he feel if we ask this business to move to his neighborhood.
- W. Officer Kropp said that he would be happy with them in his neighborhood.
- X. Alderman Borkowski asked Officer Kropp where he lives.
- Y. Officer Kropp said that he lives in Caledonia.
- Z. Alderman Borkowski said that he did not have any further questions.
- AA. Officer Stephen Colwell was called.
- BB. Attorney Baker asked him if he recalls Item D, above.
- CC. Officer Colwell said that he recalls the incident, that he was at the scene from the beginning to the end, that the store was cooperative with the investigation, that he has been four years in the district, that he had other contacts with the store/agent, that he does license/premises checks, advises businesses with recommendations and does follow-ups with the Community Partnership Unit. He added that the business complies with the recommendations that have been made.
- DD. Alderwoman Pratt asked Officer Colwell how often he has been able to go out to this business as part of the License Investigation Unit.
- EE. Officer Colwell said very minimally.
- FF. Alderman Borkowski said that there are eight significant incidents in one year and a half, and that he does not know what in the world is going to be acceptable, and asked him if he would like to have this business in his neighborhood.
- GG. Officer Colwell said that he does like this business itself, but not the area.

- HH. Alderman Borkowski asked Officer Colwell where he lives.
- II. Officer Colwell said that he lives in Butler.
- JJ. Alderman Borkowski said that he had no further questions, and that he sees a pattern here.
- KK. Alderwoman Coggs said for the record that the police officers were subpoenaed to be here, which is different from having neighbors in support or against the business.
- LL. Attorney Baker called Captain Sheronda Grant. Attorney Baker asked Captain Grant if she recalls Item D, above.
- MM. Captain Grant said that she recalls the shooting that happened inside the establishment, that this incident and other incidents happening in the area made her call for a meeting where the licensee was present and cooperative. She added that she recommended the licensee call MPD regarding any illegal activity like drug deals, individuals who have firearms, and when the licensee and/or staff may know people who are in possession of firearms illegally. She said that she has not reviewed their CAT system yet, but that she pulled out a report with about 10 contacts with the police made by the employees of the store reporting drug deals and loitering.
- NN. Alderwoman Pratt asked Captain Grant if she believes that the things that happen around the store would have happened if the store had not been there.
- OO. Captain Grant said that she believes that some of the crimes would not happen if the store were not there, but that there is a gas station down the block where individuals gather as well. She added that they are aware of the gambling and illegal activities on the street, that there are good people living in the neighborhood, but also, there are people taking advantage of the neighborhood.
- PP. Alderman Borkowski said the whole residency rule has changed, and that he thinks that nonresidents do not have much of a stake in the community, and asked Captain Grant where she lives.
- QQ. Captain Grant said that she lives in the City of Milwaukee.
- RR. Attorney Baker called Officer Nora Burlo. Attorney Baker asked questions regarding item E, above.
- SS. Officer Burlo said that she recalls the incident, that they were informed about the individual conducting hand-to-hand drug sales inside the store prior to their arrival, and that they saw that individual and detained him. She added that the staff was cooperative, and that they were provided with the surveillance video, which was used for further investigation against that suspect. She said that she has been five years in the district, and that she currently lives in Greenfield. She added that she has talked to neighbors, and that they think that this store is an asset to their community.
- TT. Attorney Baker called Officer James Terrel.
- UU. Officer Terrel said that he is Officer Burlo's partner, that he was also responding to item E, above, and that he believes that it was an employee who called. He said that he recently moved to Franklin, that he has been in the district for five years, and that the owner and employees are very cooperative each time. He also said that neighbors said that this store is a necessity for the neighborhood.
- VV. Attorney Baker indicated that would be all in regards of the subpoenaed police officers.
- WW. Deputy City Attorney Todd Farris asked Attorney Baker if the police officers were no longer needed.
- XX. Attorney Baker said that they could be dismissed.

Individuals in objection:

- YY. Vince Tony – 2721 W. Roosevelt Dr. – said that the City is notifying empty properties and properties that have a lot to turnaround due to evictions.
- ZZ. Jim Cooney said that, by ordinance, the City must notify neighbors within 250 feet radius regardless if the house is vacant or not. He added that people interested in a specific business, even if they do not live in the area, can file an objection with the License Division, sign in with e-notify, and that people who do not have access to the internet, they can call the License Division at 414-286-2238.
- AAA. Mr. Tony said that he is the block captain, and he went out on Sunday to knock doors involving neighbors for a meeting that was held on Monday, and for this meeting as well, because he does not think that their voices are being heard. He added that at the 2017 license committee hearing, the previous alderman said that the license should be revoked, and to give the community at least a year to breathe.
- BBB. Attorney Baker said that she would object to the line in reference to 2017.
- CCC. Attorney Farris said that it is a valid objection because the witness cannot rely on what was said by other people not here.
- DDD. Alderwoman Coggs said that she agreed with what Attorney Farris just said, but that she wants to point out that Attorney Baker made direct questions to the police officers in which the responses rely on what others said, that that they were not here today, either, and that it is interesting that the objection was raised for the objector's testimony.
- EEE. Alderwoman Coggs asked Mr. Tony to talk about the current year only.
- FFF. Mr. Tony said that, responding to Alderman Borkowski's question to police officers, he does not want a business like this in his community, that he lives in the area, that single mothers and elderly people live in his neighborhood, and that they are afraid to go outside. He said that he moved the annual cookout block party from the park to an indoor location because he does not want to be responsible if something happens to his neighbors. He added that he has nothing against the licensee, that he has worked with the licensee in the past, and that he wants to work with everybody in order to enhance the quality of lives in their neighborhoods.
- GGG. Alderwoman Pratt asked the witness how he determines that the threat comes from this business.
- HHH. Mr. Tony said just with the traffic, and that, she could have a ride to see it by herself and that he has military training to perceive a threat.
- III. Attorney Baker asked Mr. Tony if he prepared a flyer with the meetings on it.
- JJJ. Mr. Tony said that he did, that the licensee and his attorney attended the meeting, that some of his neighbors were able to express their concerns, and that the neighbors who attended the meeting on Tuesday knew about today's meeting as well.
- KKK. Ruben Anderson said that he is a resident and that he lives close to this business. He said Wand Harris asked him to look at this business, that there is one man who wants to speak to the committee, but that he is fearful to provide his testimony. He added that the information coming from this person is very damaging. He said that the licensee comes out as a very respectful business owner, and that there is a very dark world after doing the investigation. He added that he can bring these people in to talk, and that they do not mind having the licensee's attorney present, but that the licensee cannot be there, because he knows who they are.
- LLL. Alderwoman Coggs asked Attorney Farris if it is possible to have a way or a closed session without the licensee being present, and with his attorney present.

- MMM. Attorney Farris said that we are a public body, that the licensee and his attorney must be present, and that they would have to verify that the safety issue is genuine in order to do something in private.
- NNN. Mr. Anderson said that he heard what they attorney said, and that he is concerned about these individuals' safety. He added that we have a problem with this business that must be fixed, and that if it is not fixed, we would have to blame ourselves for not doing it. He also said that his aunt lives around the corner, and that she does not come outside anymore. He added that the problem is the business, that he has watched the videos that were submitted, and that the person who took the video was gunned down on the street, and that he is afraid of coming forward.
- OOO. Alderman Borkowski said that stakes have gone higher for this committee after Mr. Anderson's testimony, which is public record now because of a threat of some harm has been publicly stated, and that he does not know how further the committee can proceed without some guidance. He added that they were responsible people, that this changes the dynamics, that this is about a person, not a business, and what if something happens to somebody.
- PPP. Alderwoman Coggs asked Attorney Farris and Alderwoman Pratt whether they wanted to proceed.
- QQQ. Attorney Farris asked Mr. Cooney when the License Division started to receive complaints about the safety issues.
- RRR. Mr. Cooney said that it was this morning.
- SSS. Attorney Farris said that Mr. Anderson said that there were other people willing to testify if we ensure their safety and anonymity. He added that they could look for a way to do it as long as their identity is kept confidential in the City's record.
- TTT. Mr. Cooney said that there is no requirement for providing an address in chapters 85, 90, and 125 of the statutes.
- UUU. Attorney Baker said that those two individuals could have talked to Alderwoman Pratt in confidence rather than coming in here in public, that those objections could have been taken under advice, and that the alderwoman would have made a recommendation to the committee.
- VVV. Alderwoman Coggs said that this suggestion would not be taken into consideration because the witnesses still need to be cross-examined.
- WWW. Alderman Brostoff said that we need to dig a little more due to the nature of this situation, and not to jeopardize people's safety.
- XXX. Alderwoman Coggs said that we have held this application once, and that we should hear from the rest of the people here to testify.
- YYY. Alderwoman Pratt agreed.
- ZZZ. Debra A. Jenkins Simmons – 4326 N. 42nd St. – said that this business is an infected sore. That the houses around are decaying with no economic development, and people looking for drugs. She said that this store is known as the “supplier,” that the QUEST card is used to buy cigarettes, beer, and marijuana, that she personally knows someone who was shot in the back of the store, and that the store did not turn the surveillance video in.
- AAAA. Attorney Baker asked Ms. Jenkins if she has been in the store.
- BBBB. Ms. Jenkins said not recently, and that there is no economic development because of this business and the corruption area. She added that she was driving around for her own benefit and that two people came out from the milk crates on the side of the store asking her what she needed, because she stood there for so long. She said that she does not have a QUEST card, and that she has heard people saying that they can buy cigarettes, beer, and marijuana, and that she does not have direct proof of the

prostitution, but that, if the committee allows these people to testify, the committee will get live proof of what has been said.

Individuals in support:

- CCCC. Devlin Smith – 4201 N. 27th St. – Uniting Garden Homes – said that the licensee is always willing to assist the community, that he always listens, and that he is very diligent when he is made aware of something.
- DDDD. Alderwoman Pratt asked if she goes to the store.
- EEEE. Ms. Smith said that she goes quite often, that she interacts with the neighbors around the store as well, and that she is very active in the area. She added that the most recent event was held on June 16, that they gave away hot dogs and hamburgers, and that they were working on rebuilding the area. She added that he wants to be part of the solution.
- FFFF. Melissa Sucharew – 9028 S. 26th St. – said that she lost her wallet with \$750 cash last month, and that the licensee returned the wallet to her with everything in it. She added that the licensee is from a good nature, and that there are people from different nationalities working there.
- GGGG. Alderwoman Pratt asked if she lives in the area.
- HHHH. Ms. Sucharew said that she used to live in the rea, and that the store was an asset to her (responding to Attorney baker’s questions, too).
- IIII. Latisha Cheirs – 4339 N. 27th St. – said that the problem is not the store, but the people around the store. She said that the store always helps / gives back to the community. She said that she relies on this store, and that she would need to travel all the way to Capitol Dr. to shop for her basic needs, and that she does not drive.
- JJJJ. Ms. K. – 3716 N. 17th St. - said that the licensee has helped her a lot, that she lost her job, that she is a single mom with an autistic son, and that it will hurt the community if the store is closed.
- KKKK. Martha Raymond – 4384 N. 27th St. – said that she has lived there since 1991, that the problem is not with the store, and that she knows it because she has lived there long enough to know who lives there. She said that she is out constantly, that the licensee has risked his life many times reporting issues to the police, and that she has rescued him a lot of times (taking guns away from people). She added that the drug deals are done outside. She also said that families must take care of their own children, and be responsible. She added that it is not the alcohol sold there but the drugs sold around the store.
- LLLL. Felicia Ferguson – 442 N. 35th St. – said that she works actively with District 5 and that the licensee always cooperates. She said that Garden Homes and Hot Spot get along together and get things done. She said that she was a person standing outside a store 13 years ago. She also said that she is college educated now, that she talks to people, that she works for the community, that this business has helped her a lot, and that the business reaches out to the community.
- MMMM. Royce Carter – employee/safety guard – 5478 N. 53rd St. – said he was employed since 2016, and that he came up with a plan to walk people away from the store. He added that many people carry guns because the state allows it, and that not everybody is good with guns. He said that he makes sure to go home as well. He added that there are many loopholes to getting people out right away, and that they cannot kick people out right away. He also said that Ms. Raymond is every day helping the owner get people away from the store and from the park. Mr. Carter suggested closing the one way down because people stay there even after the business closes. He also said that the surveillance cameras pick up after the one way

down.

- NNNN. Attorney Baker asked Mr. Carter about the security measures implemented at the store.
- OOOO. Mr. Carter said that he let people hang out around for 30 minutes or so and that, if they are not shopping, they are asked to leave, and after two strikes, they are out. He added that there are signs posted not allowing guns, and not to eat and smoke inside the store, that there are “no standing rule” signs and enforcement outside, that he monitors the 64 surveillance cameras, and that there is light outside.
- PPPP. Ms. Bridges – 4067 N. 15th St. – said that she has three years of working at the store, and that she cares about the children in the area.

Individuals also present:

- QQQQ. Alderwoman Pratt requested to play the videos on the record.
- RRRR. Alderwoman Coggs asked the licensee if they received the videos.
- SSSS. Attorney Baker said that they did, but that they would object to them because they do not know who submitted them and who took the videos.
- TTTT. The meeting paused at 12:29 p.m. and reconvened at 12:50 p.m.
- UUUU. Mr. Cooney played the videos.
- VVVV. Attorney Baker said that there is lack of foundation.
- WWWW. Alderwoman Coggs asked Mr. Cooney how the video was received.
- XXXX. Mr. Cooney said that it was attached to an email dated January 20, 2023.
- YYYY. Alderwoman Pratt said that she sees a person smoking and doing a transaction at the same time.
- ZZZZ. The licensee said that the person a vaping, not smoking, and that for him is not the same, because he personally vapes, but that he will post signs for not vaping as well.
- AAAAA. The second video was played.
- BBBBB. Attorney Baker objected to the second video as well.
- CCCCC. Alderwoman Coggs asked Mr. Cooney how the video was received.
- DDDDD. Mr. Cooney said that it was attached to the same email.
- EEEEE. The licensee said that it is not his store, because he does not have chairs or stools at the store.
- FFFFF. Alderwoman Coggs said that she would accept the objection to the second video.
- GGGGG. Alderwoman Pratt said that she gets constant complaints about the loitering around the store, and that she does not know the activity in the area prior to getting the license. She said that she is concerned about how to move forward because she really does not know what the abatement plan is to stop the current behaviors.
- HHHHH. The licensee said that it is very difficult to get a restraining order for individuals just standing outside. He added that it is his problem, but it is also a community problem. He said that is not due to him selling alcohol. He said there are a lot of people that make the way out

selling drugs and that it has nothing to do with him. He also said that he is willing to do what it takes to improve, that it is time to put the hammer down, and that enough is enough.

IIII. Alderwoman Coggs said that she was waiting to see an abatement plan here or prior to the meeting.

JJJJ. Alderwoman Pratt moved renewal with a fifteen (15) day suspension of the Class A Malt & Class A Liquor license 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, and renewal of the Food Dealer license. (Prevailed 4-1). Clarified that the motion was for renewal of the Food Dealer's license with 15-day suspension of the Liquor license.

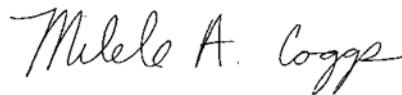
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Nael Jabbar who holds a Class A Malt & Class A Liquor and Food Dealer and licenses for the premise located at 2643 West Atkinson Avenue in the City and County of Milwaukee, Wisconsin ("I SHOP SUPERMARKET") has not met the criteria of Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to renew the Class A Malt & Class A Liquor license without undergoing a fifteen (15) day suspension and that he has met the criteria for renewal of his Food Dealer's license. The Committee finds the aldermanic objections as stated above to be true. The Committee based its recommendation on the police report and aldermanic testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment not to renew the Class A Malt & Class A Liquor license without undergoing a fifteen (15) day suspension and the Food Dealer's license should be renewed for the premises located at 2643 West Atkinson Avenue in the City and County of Milwaukee, Wisconsin ("I SHOP SUPERMARKET"). The Committee based its recommendation on the police report and aldermanic testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes and one (1) no**, recommends that the Food Dealer's license be renewed and that the Class A Malt & Class A Liquor license held by Nael Jabbar for the premises located at 2643 West Atkinson Avenue in the City and County of Milwaukee, Wisconsin ("I SHOP SUPERMARKET") not to be renewed without undergoing a fifteen (15) day suspension. The suspension is in effect between 12:01 a.m. on July 31, 2023 until midnight on August 14, 2023.

Dated and signed at Milwaukee, Wisconsin this 26 day of July, 2023.



MILELE A. COGGS
Chair, Licenses Committee

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