

*Christopher Law Office*

June 26, 2011

The Honorable Members of the City  
of Milwaukee Common Council  
Room 301B City Hall  
200 East Wells Street  
Milwaukee, WI 53202

CITY OF MILWAUKEE  
11 JUN 29 PM 4:25  
RONALD D. LEONHART  
CITY CLERK

Re: Renewal Application for Food Dealer's License for Fadi Alkhatib, agent for  
"Choice 1 Foods, LLC" for the premise located at 2478 North 38<sup>th</sup> Street.

Dear Council Members:

I write as legal representative of Choice 1 Foods LLC in response to the Licensing Committee's recommendation for a 10-day suspension on the renewal of the license.

Pursuant to § 68-4-10(e) of the Milwaukee Code of Ordinances, we respectfully and formally enter exception on the Committee's recommendations of 10-day suspension. Choice 1 Foods Asserts as follows:

I. Evidence in Record did not Support Factual Basis for Suspension.

For a license renewal situation, there is a due process right to the licensee a presentation of evidence to indicate that the licensee failed to comply with laws or standards. In this particular case, no evidence was presented which would link this applicant with any failure to comply with applicable laws or standards within the community from the last renewal period.

Since the period of last renewal there has been no instance of misconduct, no less formal adjudication of any law or ordinance. We would point out that:

- No tickets have been issued to the Licensee.
- No license premises reports have been issued.
- No police reports (PA 33).
- No warning letters have been given the Licensee.
- No holds were placed on the premises.
- No health or building code violations.

Furthermore, all eight of the people who testified, testified in favor of the renewal. The themes represented were:

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- Owner communicates with the neighborhood and provides handicapped accessible services close by.
- A good relationship with the owner and the people that work on premises. (Neighbor Latricia Brown).
- Neighbor is a proud supporter of the store, the owner is active in the neighborhood and non-renewal would be a “devastation.” (Jeffrey Kemp).
- The store is clean and the licensee communicates with the community and police. (Neighbor Mary McCarter).

In their findings the Committee held the Licensee contributes to conditions identified in § 68-4-11-g. This finding was predicated on vague references to “loitering and littering in the area” by a person testifying in favor of renewal. This testimony did not provide time, location or manner of the littering or loitering, or in any way connect this activity to the operation or premise of the licensee.

Therefore, without any direct evidence submitted that would articulate a link between the licensee and a violation of the § 68-4-11-g would be a violation of the licensee’s due process rights.

II. Significant Efforts and Expenditures Have Been Made to Improve the Premises and Work With the Community

As evidenced by testimony before the Licensing Committee, the Licensee has made significant efforts to improve the premises from last renewal period, both aesthetically and from a community involvement standpoint. The improvements to the premises include new paint and the installation of new windows. Litter is picked up twice daily by employees of the Licensee. Furthermore, the Licensee is a regular attendee of Milwaukee Police Department District 3 meetings. No graffiti is on the licensee premises. And, an extensive six-camera security system has been installed with a live feed to the Internet which can be used and viewed by law enforcement personnel at any time. In fact, videos were made of the area and available for inspection by any Committee or Common Council member.

III. Licensee Committed to Improving His Community and Livelihood for His Family by Working With the Community President Hines and Staff Members to Address Concerns.

The concerns expressed by President’s Hines and his representatives are understood by the Licensee. He recognizes the important relationship between a business owner and a community. The Licensee also understands the positive impact a business owner can have on an area. And, while the licensee has made significant aesthetic, security and community outreach improvements, and though

there have not been any tickets or code violations, *additional improvement efforts are being made.*

The licensee has negotiated a contract for renovation of the premises by a licensed contractor. In addition he has formulated an action plan to address the specific concerns that led to President Hines' initial objection. He is also dedicated to have an ongoing line of communication with President Hines' office to apprise him of the store's efforts to reach in this goal.

In conclusion, the Licensee is committed creating a positive business climate for his neighbors. The Licensee relies on this store for his livelihood. He has every motivation to ensure its successful operation in cooperation with the community. We thank the Common Council for the opportunity to state our objections to the 10-day suspension and respectfully request that the license be renewed without suspension.

Kind Regards,

A handwritten signature in black ink, appearing to read "Marc E. Christopher". The signature is fluid and cursive, with a large initial "M" and "C".

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Marc E. Christopher