



JAMES A. BOHL JR.
Alderman, 5th District

July 21, 2008

To the Honorable, the Common Council

Dear Members:

Common Council File 080136 contains the following recommendations:

Non-renewal, based on nonappearance, of the Class "B" Manager License of Jesse J. Urban.

Renewal with a 60-day suspension, based on items contained in the police report, of the Class "B" Tavern license of Socorro Cerda for the premises at 2101 S. 6th St. ("Club 6th Street") in the 12th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Non-renewal, based on neighborhood objections; the fact that the applicant's lease was terminated and his ability to operate anything on the premises was terminated; and due to the entire police report, of the Class "A" Liquor & Malt license of Nihar J. Shah for the premises at 6329 S. 20th St. ("VIP Food & Liquor Mart") in the 13th aldermanic district. (Committee vote: Ayes: 4, Noes: 1)

With regard to the file listed above, the Licenses Committee held an evidentiary hearing on July 15th.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

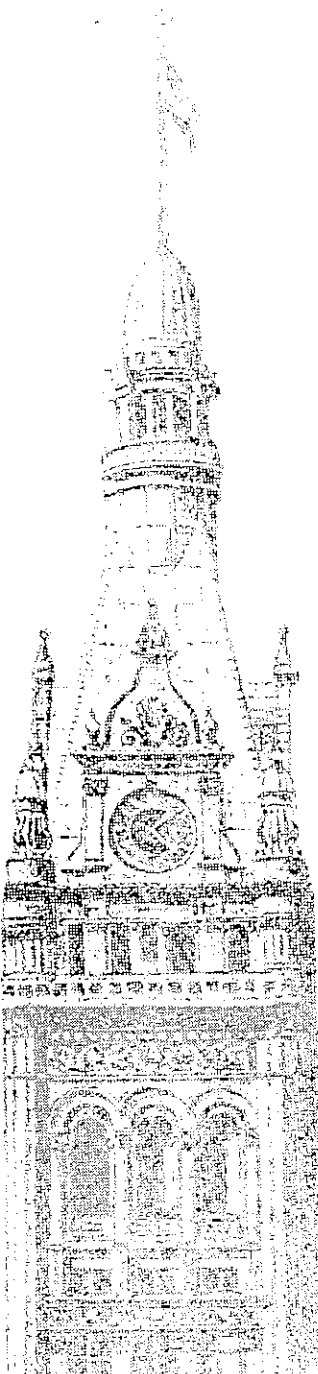
Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, a **roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Wednesday, July 30, 2008 at 9:00 A.M.** in the Common Council Chambers.

Respectfully,


James A. Bohl, Jr., Chair
Licenses Committee

cc: All Council Members
File 080136





JAMES A. BOHL JR.
Alderman, 5th District

Date: July 17, 2008

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of Jesse J. Urban for a Class "B" Manager license.

FINDINGS OF FACT

1. Jesse J. Urban (hereinafter "the Licensee") was the holder of a Class "B" Manager License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight on June 30, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on April 21, 2008.
3. Pursuant to Chapter 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 April 22, 2008, the Milwaukee Police Department responded with a report regarding the renewal of said license, which could form a basis of non-renewal or suspension.
4. On July 2, 2008 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on July 15, 2008, commencing at 1:30 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee did not appear at the hearing. The Licensee was not represented by counsel.
5. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact.
 - A Notice of the hearing, including a copy of the police report, was sent to Jesse J. Urban at 4935 Gunderson Road, Waterford, Wisconsin 53185 on July 2, 2008 by U.S. prepaid first-class mail in an envelope bearing the

return address of the License Division. The address of 4935 Gunderson Road, Waterford, Wisconsin 53185 is the address given by the Licensee on his application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on July 15, 2008.

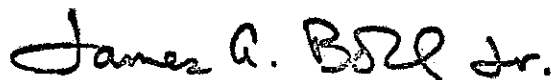
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Jesse J. Urban, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class "B" Manager license because of nonappearance.
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 not be renewed because of nonappearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes recommends that the Class "B" Manager License of Jesse J. Urban not be renewed because of non appearance.

Dated and signed at Milwaukee, Wisconsin, this 18th day of July 2008.



JAMES A. BOHL, Jr., Chairman
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: July 18, 2008

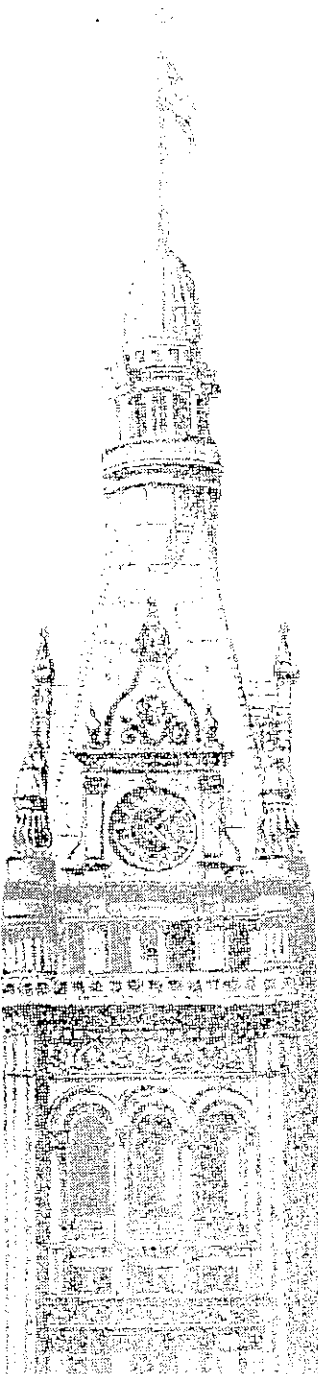
To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern License of Socorro Cerda, for the premises located at 2101 South 6th Street in the City and County of Milwaukee, Wisconsin ("Club 6th Street")

FINDINGS OF FACT

1. Socorro Cerda (hereinafter "the Licensee") is the holder of a Class "B" Tavern License for the premises located at 2101 South 6th Street in the City and County of Milwaukee, Wisconsin ("Club 6th Street "). Said license expires at midnight on August 1, 2008.
2. An application to renew said license was filed with the Office of the City Clerk on May 29, 2008.
3. Pursuant to Chapter 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 30, 2008, the Milwaukee Police Department responded with a report regarding the renewal of said license, which could form a basis of non-renewal or suspension. There were also claimed neighborhood objections to loitering, littering, shootings, fights loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, sales to underage, operation of the premises in violation of the Milwaukee Code of Ordinances including a collusive agreement (MCO 90-9) and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On July 2, 2008 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and the neighborhood objections, and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on July 15, at 9:15 a.m. in Room 301B of City Hall, 200 East Wells Street. The Licensee appeared at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report. The



Licensee was not represented by counsel. No neighbors testified in objection at the hearing.

5. Based upon the testimony heard and evidence received, the Committee makes the following findings of fact:
 - A. On January 30, 2007 at 10:00 a.m., officers of the Milwaukee Police Department were dispatched to the licensed premises for an entry complaint. The investigation revealed unknown actor(s) forcibly entered the tavern and removed two large screen TV's and a cell phone. Officers did speak with an employee and with the owner, Blas Cerda, regarding the entry complaint. Prints were found on scene and were processed by the Identification Unit. An incident report was filed. (This incident was not reported or considered by the Committee in the last licensing year.)
 - B. On October 29, 2007, officers of the Milwaukee Police Department received a call from 2101 South 6th Street regarding a trouble with subject complaint. The caller, Blas Cerda, stated he was having trouble with a patron refusing to leave. Cerda shortly thereafter cancelled the request for police service because the subject was no longer on scene.
 - C. On November 1, 2007, officers of the Milwaukee Police Department received information from a confidential informant that the bartender at the licensed premises, along with another employee named "Gustavo," were selling powder cocaine and Ecstasy pills to patrons. Officers had the confidential informant enter the licensed premises at approximately 9:30 p.m. in an attempt to confirm the sale of narcotics. The informant purchased powder cocaine, which tested positive. The informant stated he purchased the powder cocaine from a guy he only knew as "Romuldo".
 - D. On November 7, 2007 at 10:00 p.m., officers of the Milwaukee Police Department had the confidential informant enter the licensed premises in an attempt to purchase narcotics. The informant was able to purchase powder cocaine from an unknown patron seated at the bar and three Ecstasy pills from the bartender, whom the informant did not know. All drugs tested positive and were placed on inventory.
 - E. On November 8, 2007 at 11:00 p.m., undercover officers from the Milwaukee Police Department Vice Control Unit entered the licensed premises and were able to purchase cocaine from a patron inside the tavern. This information was relayed to uniformed officers who were outside the tavern. The uniformed officers entered the tavern and, with the descriptions given by the undercover officers, located the suspect and found plastic baggies containing a white powdery substance on his person. Officers also found additional large clear plastic baggies containing a white powder substance that was located

on the floor of the tavern where the suspect was seated. All drugs tested positive for cocaine salt with a total weight of 5.37 grams. The subject was arrested and charged with manufacturing/ delivering cocaine and possession of a controlled substance with intent to sell - cocaine.

- F. On January 28, 2008 at 9:00 p.m., officers of the Milwaukee Police Department conducted a tavern check at the licensed premises. Officers spoke with Blas Cerda and requested to see the last two years of alcohol invoices. Mr. Cerda was able to provide only three invoices, which were all dated on November 3, 2007. A further investigation revealed Cerda admitted to purchasing his cigarettes from a gas station located at 6th and Becher. A warning was given to Cerda and he was informed that he could be charged with a misdemeanor for reselling the cigarettes. Fifty-five (55) bottles of liquor were found to be contaminated and were destroyed on scene by another bartender.
- G. On March 14, 2008 at 11:45 p.m., undercover officers from the Milwaukee Police Department Vice Control Unit entered the licensed premises in an attempt to purchase narcotics. While the officers were inside the tavern, they observed several males approach a patron who led each of them into the bathroom; each exiting a short time later. Officers later approached the same subject and were able to purchase \$20 of suspected cocaine. The suspect was then arrested and charged with manufacturing/delivery cocaine.
- H. The Licensee testified that prior to receiving the police report included with the notice of hearing, she was aware of two drug-related arrests in the tavern. She testified that she was not aware that the licensed premises was the subject of a long-term drug investigation until she received the police report.

CONCLUSIONS OF LAW

- 1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
- 2. Based upon the above facts found, the Committee concludes that the Licensee, Socorro Cerda, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of her Class "B" Tavern license without

undergoing a sixty (60) day suspension. The Committee finds the incidents in the police department report, as stated above, to be true.

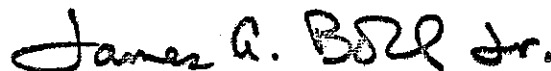
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern license of Socorro Cerda, for the premises located at 2101 South 6th Street in the City and County of Milwaukee, Wisconsin ("Club 6th Street"), with a sixty (60) day suspension based upon items contained in the police report and the danger the operation of this premises poses to the health, safety and welfare of the citizens of the community.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes, recommends that the Class "B" Tavern License of Socorro Cerda, for the premises located at 2101 South 6th Street in the City and County of Milwaukee, Wisconsin, be renewed with a sixty (60) day suspension.

Said suspension is in effect from 12:01 a.m., August 2, 2008 through midnight, September 30, 2008.

Dated and signed at Milwaukee, Wisconsin this 18th day of July, 2008.



JAMES A. BOHL, Jr., Chairman
Licenses Committee



JAMES A. BOHL JR.
Alderman, 5th District

Date: July 18, 2008

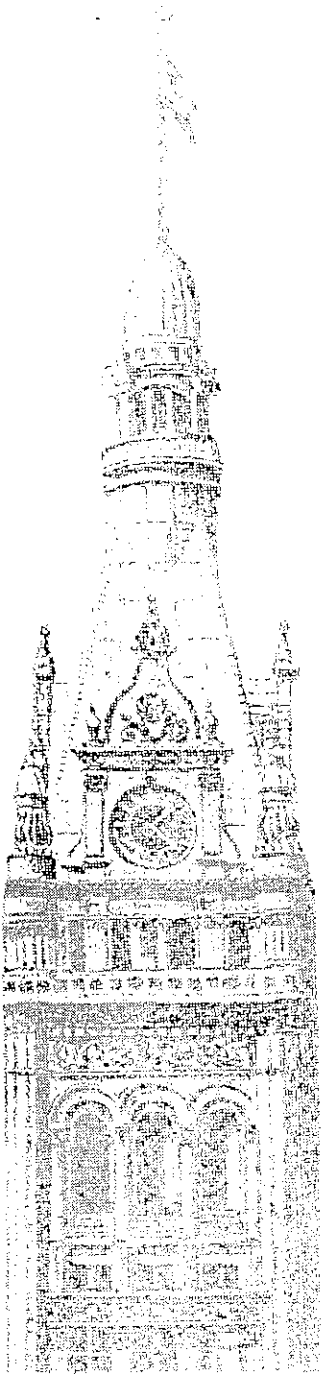
To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of Nihar J. Shah, holder of the Class "A" Liquor and Malt license for the premises located at 6329 South 20th Street in the City and County of Milwaukee, Wisconsin ("VIP Food & Liquor Mart").

FINDINGS OF FACT

1. Nihar J. Shah (hereinafter "the Licensee") is the holder of a Class "A" Liquor and Malt License for the premises located at 6329 South 20th Street in the City and County of Milwaukee, Wisconsin. Said license expires at midnight on August 6, 2008.
2. A timely application to renew said license was filed with the Office of the City Clerk on June 5, 2008.
3. Pursuant to Chapter 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 June 6, 2008, the Milwaukee Police Department responded with a report, which could form the basis for non-renewal or suspension of said license. There were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, sales to underage, drug and criminal activity, prostitution, trespassing, public urination, past history of the location, failure to operate premises for more than one year in violation of 90-11-1-f of the Milwaukee Code of Ordinances, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On July 2, 2008, the City Clerk's Office provided timely notice to the Licensee of the neighborhood objections and police report pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police report and neighborhood objections on July 15, 2008, commencing at 9:30 a.m. in Room 301B of the third floor of City Hall. At said time and place, the Licensee appeared and was represented by



Attorney David Bangert, Broadway Theater Center, 158 North Broadway, Suite 600, Milwaukee, Wisconsin 53202-6015.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. The recent history of the licensed premises is as follows: In 2007, the license was renewed with a warning letter but the Licensee never paid to have the license issued. In 2006, the license was automatically renewed. In 2005, the license was renewed with a warning letter. In 2004, the license was renewed with a 15-day suspension due to the police report. In 2003, the license was renewed with a 45-day suspension. In 2002, the license was renewed with a warning letter.
 - B. The Licensee testified that he ceased operations at the licensed premises at the end of July 2007 because he had financial problems. Attorney Bangert, on behalf of the Licensee, clarified that the Licensee's lease at the licensed premises had been terminated due to the Licensee's financial problems. The Licensee did not resume operations at the licensed premises after closing in the summer of 2007 and has no tenant rights at the licensed premises. The Licensee has been in negotiations with the property owner to enter into a new lease for the licensed premises. The licensed premises has been gutted since the termination of Licensee's tenancy and there are no counters, freezers, or coolers or any other personal property of Licensee inside the licensed premises. In the fall of 2007, the Common Council denied a Class "A" Liquor and Malt license application to an unrelated license applicant for the same licensed premises based on neighborhood objections.
 - C. Six neighbors, all of whom live within one block of the licensed premises described litter, loitering, loud music and noise, parking and traffic problems that occurred at the licensed premises while it was last in operation. The neighbors testified that the litter, loitering, loud music and noise, parking and traffic problems in their immediate neighborhood had ceased since the Licensee closed the licensed premises in the summer of 2007.
 - D. One neighbor, who lives a half-block away, testified that while the licensed premises was in operation she frequently observed large groups of youths "rocking" their cars, blasting their car stereos, and loitering in the parking lot of the licensed premises when she came home from work at approximately 9:15-9:30 p.m. The store closed nightly at 9:00 p.m., however, she testified that the licensed premises' lights were on when she observed this activity. She testified that she was afraid to walk her dog in the vicinity of the licensed premises while such activity occurred at the licensed premises but feels safer to walk her dog in the evening in the vicinity of the licensed premises now that the licensed premises is not in operation.

- E. A seventh neighborhood objector spoke as a representative of the Garden District Neighborhood Association to convey the association's concern about the quality of life in the neighborhood if the license would be renewed.
- F. The Committee adopted the police report in its entirety as indicative of past history at the licensed premises and which contained the following incidents:
1. On May 4, 2001, an underage Milwaukee police aide went into the VIP Food Mart and bought alcoholic beverages without being asked for identification from licensee Nihar Shah. The licensee was charged with sale to underage and found guilty on August 20, 2001 and fined \$146.00.
 2. On January 12, 2002 at 5:00 p.m. an underage police aide, under the direction of police officers attempted to purchase Mike's Hard Lemonade, an alcoholic beverage, from the licensed premises at 6329 South 20th Street. After first being refused by one clerk, a second clerk sold the item to the police aide. During the investigation, officers observed displays of "pornographic" materials and boxes containing "pornographic video tapes". These were in plain view. The licensee was charged with display of material harmful to a minor and found guilty on May 21, 2002, and fined \$149.00. The licensee was issued a citation for sale to underage, which was dismissed on May 21, 2002.
 3. On June 23, 2002, officers of the Milwaukee Police Department were dispatched to "trouble with a subject" at the VIP Liquor Mart, 6329 South 20th Street. Upon arrival they spoke to a customer who stated that the owner, Nihar Shah, refused to pay her for phone cards that he had sold in his store, or give her the unsold phone cards. Shah was insisting that the customer leave his premises, but she needed to talk to the police regarding her complaint. Shah became very uncooperative and yelled at the police because the police would not let the customer leave until they were finished with their investigation. The officers noticed that Shah's Class "A" Liquor and Malt license expired June 18, 2002, and that his cigarette license expired also on June 18, 2002. The customer told officers that when she arrived this morning the store was open for business and he was selling beer, alcohol and cigarettes. Shah was not cited because these violations were not observed by the officers. Shah's Food license expired on June 30, 2002. The malted beverage, beer and cigarettes were not enclosed and the store has been open for business. As the officers arrived, they observed Shah placing a sign on the door stating "closed from Tuesday, June 18, 2002, until

Tuesday, June 24, 2002. He was instructed he could not open his store until his licenses were renewed or until the alcohol, malt beverages and cigarettes were removed from the shelves or in a locked area. An incident report was filed.

4. On August 31, 2002 at 5:50 p.m., officers of the Milwaukee Police Department conducted an investigation of the sale of alcoholic beverages to underage person at the VIP Liquor Mart, 6329 South 20th Street, due to numerous complains from citizens in the area of sales of alcoholic beverages to underage persons. At approximately 7:20 p.m., from a position of concealment using binoculars, police observed a man standing in front of the premises. He entered the premises as two young occupants of a vehicle stopped at the store, and entered. A short while later they exited the store, one was carrying a large liquor box from the store. They opened the trunk and placed the box in the trunk. After leaving, the two in the vehicle were stopped by other officers after they left the scene. The officers' subsequent investigation revealed that neither boy was of legal drinking age. With a consent search of the trunk, officers found a box in the trunk which contained a 1.75 liter bottle of Fleischmann's Vodka, and a 750 milliliter bottle of Fleischmann's Vodka. One of the two persons in the auto told the officers that the man met them in the back of the store next to the coolers. Said man placed the two bottles in the box, and was given a \$20.00 bill, for which no change was given for the transaction. One of the boys told officers the man carried the box out of the store and placed it into the trunk of their car. Shah was on the premises, and was the cashier. He was told of the transaction. He was told that the boys exited the premises with a liquor box that they did not have when they entered. He denied that it occurred because he said he ID's everyone. Shah stated that the man is a paid part-time employee. The licensee was charged with two counts of sales to underage persons, which was not issued on October 24, 2002.
5. On August 31, 2002, the same officers as reported above in paragraph 4, at 8:45 p.m., from a position of concealment, using binoculars, observed a man (identified by licensee as one of his paid employees) standing in front of the store. He entered the store just before two young females in a vehicle pulled in front of the store, and both entered the premises. A short while later they were observed leaving the store carrying bags. Subsequently, the girls were stopped in the vehicle by another officer. He found both girls to be under 21 years old. The bags were in the back seat and contained a 6-pack of Miller Lite and a 4-pack of Jack Daniels Country cocktails. One of the girls told the officer she purchased the items from the clerk, identified as Nihar Shah. Shah asked to see

some identification, and was given a driver's license with a date of birth showing she was under 21, and the words written in red writing "Under 21 until 8/5/05". Officers viewed the videotape from the store and observed the customer show Shah an ID. Shah briefly looked at it and gave it back, after which she placed the ID back in her wallet. The videotape shows the second underage customer placed the Jack Daniels cooler on the counter. She was never asked to provide ID. The officers were able to hear the first girl tell the second, to take her drinks. The licensee was charged with two counts of sales to underage persons, which was not issued on October 24, 2002.

6. On September 12, 2002, officers of the Milwaukee Police Department were dispatched to District 6 regarding an underage alcohol complaint that possibly occurred in District 2, at South 13th and West Edgerton Avenue. The officers interviewed a citizen who told them that he returned home from work and found his son, age 17, would not answer the door. He entered the room and found his son on the bed, intoxicated. He was conveyed to St. Francis Hospital, treated and released. His BAC was approximately .177. The boy was later interviewed by officers. He said he did not go to school on September 11, 2002. He took the bus to the VIP store on about 16th and College and bought a bottle of Sky vodka and a 12-pack of Heineken beer. He went home and drank the items alone. The boy gave officers a description of the person he said sold him the liquor. Officers went to the VIP Liquor, 6329 South 20th Street, and interviewed the owner, Nihar Shah, who stated that on September 11, 2002, he was the only one working the register before 1:00 p.m., and did not recall selling anything to the underage person. Shah does not match the description that the boy gave to the officer and neither did the other employee working on September 11, 2002 as of 12:00 noon. An incident report was filed.
7. On September 14, 2002, at about 9:45 a.m., an officer did a premises check at VIP Liquor, 6329 South 20th Street. The only employee on the premises told the officer that he did not have a bartender license. He stated his boss, Nihar Shah, left him to run the store while Shah went to Sam's Club. He told officers Shah knew he did not have a Bartender license. Shah was called to the store, and he told officers he knew the clerk did not have a Class "D" license. He stated he needed to run to the bank to get change. The licensee was charged with responsible person on licensed premises- licensee responsibility and found guilty on February 14, 2003, and fined \$150.00.

8. On April 4, 2003, at 1:35 p.m., officers of the Milwaukee Police Department, along with two underage police aides conducted a premises check at VIP Food Mart, 6329 South 20th Street. The first police aide was sent into the store. He picked up a 6-pack of Smirnoff Ice, valued at \$8.54, and walked right up to the checkout counter and paid for the alcoholic beverage. He then walked out of the store. Then a second police aide was sent into the store and he picked up a 12-pack of 12 ounces bottles of Corona beer and walked up to the checkout counter and paid for the alcoholic beverage with his Wisconsin Drivers license, which listed him as being under 21. He then left the store. The store clerk was identified as Mohinder P Singh, D.O.B. January 1, 1946. He told officers that he thought both of the police aides where of age to buy liquor so he sold it to them. The owner Nihar Shah was contacted and told to come to the store. While waiting for the owner, the officers checking the milk cooler found a half-gallon of milk with an expiration of April 2, 2003, and a pint of milk that expired April 3, 2003. There was also a container of butter that had expired on January 20, 2003, and a can of Reddi-Whip that expired on August 12, 2002. The officer walked around the store and observed several items, including chips, medicine, soda, and various other items, that had expiration dates well over one to two years old. The health department was contacted and sent an agent to the store. He said it was not illegal to sell medicine and food past expiration dates, but it was illegal to sell expired milk and dairy products. He said further investigation was pending. The licensee was issued a citation for sale to underage prohibited- licensee responsibility (2 counts), which was dismissed on August 25, 2003. The licensee was charged with outdated dairy products and found guilty on August 25, 2003, and fined \$100.00.
9. On February 27, 2004, at 5:05 p.m., officers of the Milwaukee Police Department, along with an underage police aide, conducted a premises check at VIP Food & Liquor, 6329 South 20th Street. The police aide entered the premises and purchased a 6-pack of Leinenkugel Honey Weiss from the cashier. The clerk was convicted. The applicant was issued a citation for sale of alcohol to underage, which was dismissed on May 10, 2004.
10. On March 18, 2004 at 4:50 p.m., officers of the Milwaukee Police Department, along with an underage police aide, conducted a premises check at VIP Food and Liquor, 6329 South 20th Street. The police aide purchased a 6-pack of Miller Highlife Beer. The cashier asked for and checked the police aide driver's license, which stated that the police aide was under 21 years old, and then took the money for the 6-pack of beer. The licensee was issued a citation for

licensee or responsible person upon licensed premises, which was dismissed on May 12, 2004.

11. On July 15, 2004 at 10:39 a.m., officers of the Milwaukee Police Department observed a customer exiting the licensed premises at 6329 South 20th Street (VIP Food Mart) with an 18-pack of beer. The Class "A" license had expired. The applicant stated that he thought it did not expire until midnight. The licensee was issued a citation for basic license required, which was dismissed.
12. On May 13, 2007, an officer of the Milwaukee Police Department was instructed by a supervisor to issue a citation to Nihar J. Shah for failing to install, maintain, and operate a security camera that can produce a retrievable reproducible digital color image at VIP Food & Liquor Mart, 6329 South 20th Street. The officer issued the citation after receiving a referral letter from a City Health Department Inspector indicating Nihar Shah had failed to install a security camera after three inspections, and had not installed it by the correction date of January 26, 2007. The officer spoke to Nihar Shah, who told the officer he was on a waiting list at Sam's Club for the camera he wanted to purchase. The licensee was issued a citation for convenience food store regulations and charged with this citation on August 8, 2007 and fined \$150.00. A warrant was issued based on this incident but was satisfied.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Nihar J. Shah, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class "A" Liquor and Malt license. The Committee finds that due to the termination of the Licensee's lease at the licensed premises, the Licensee no longer leases the licensed premises from which to conduct business and is therefore unable to particularly describe the premises for which the renewal license is requested. The Committee finds the incidents in the police department report and neighborhood objections, as stated above, to be true. The Committee finds that the termination of the Licensee's lease because of financial problems demonstrates the Licensee's inability to address the security, noise, and litter problems found to exist before the termination of the Licensee's lease and

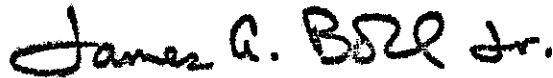
business operations, placing at risk the health, safety and welfare of the citizens of the City of Milwaukee.

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 exercise its judgment to not renew the Class "A" Liquor and Malt license of Nihar J. Shah for the premises at 6329 South 20th Street in the City and County of Milwaukee, Wisconsin.

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 Class "A" Liquor and Malt License held by Nihar J. Shah for the premises located at 6329 South 20th Street ("VIP Food & Liquor Mart") in the City and County of Milwaukee, Wisconsin not be renewed.

Dated and signed at Milwaukee, Wisconsin this 18th day of July, 2008.



JAMES A. BOHL, Jr., Chair
Licenses Committee