

## **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

July 1, 2020

To the Honorable, the Common Council

Dear Members:

Re: Common Council File Number 191979

Attached are written objections to file number 191979, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to a recommendation of:

Nonrenewal, based upon the police report and police and aldermanic testimony of the Class A Malt and Food Dealer licenses for Sharif Asad for the premises located at 2101 W Brown St ("Pride Food") in the 15th aldermanic district.

Nonrenewal, based upon the police report and police and aldermanic testimony of the Class A Malt and Food Dealer licenses for Sukhdev Singh for the premises located at 2401 N 21st St ("Lucky Sam Food Mart") in the 15th aldermanic district.

This matter will be heard by the full Council at its Tuesday, July 7, 2020 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 191979





**LAW & CONSULTING, S.C.**

June 30, 2020

**Emil Ovbiagele**  
emil@ovblaw.com

[via Email]  
City of Milwaukee City Hall  
Attn: Jim Owczanski, City Clerk  
200 E. Wells Street, Room 205  
Milwaukee, WI 53202  
jowcza@milwaukee.gov

**Re:** *Pride Groceries of Milwaukee, LLC – 2101 W. Brown St.*

Good Afternoon:

This Firm represents Pride Groceries of Milwaukee, LLC (Agent- Sharif Asad) as it relates to the above-referenced matter.

We are in receipt of the Report of the Licensing Committee relating to the committee's hearing/findings. This email is being sent to preserve my Client's objections to the committee's findings and to reserve my client's rights to present his arguments in person at the July 7, 2020 common council meeting.

My client objects to the committee's deliberations on this matter on due process grounds as it is his position that the proceedings were not in accordance with fundamental rights afforded by pertinent ordinance and state law. Several individuals wished to appear on behalf of the Licensee but were unable to call in to the virtual meeting due to technical difficulties. These technical difficulties, among other issues, amounted to a denial of Licensee's due process right to adequate notice and a fair hearing. The notice provided to my client failed to comport with pertinent provisions of the Milwaukee City's Ordinance which require that the specific basis for any potential non-renewal decision be outlined. The notice also failed to specifically alert my client on the legal standard upon which pertinent testimony will be based on (i.e. the evidentiary standard as laid out by the the MCO requires that pertinent testimony be "found to be true").

Additionally, the committee allowed and based its decision on impermissible hearsay in contravention of pertinent law. Specifically, the testimony of Mr. Dameon Ellzey and the police representative was based on statements made by and conversations between third-parties, speculations and substantially prejudicial innuendos. Further, Mr. Ellzey spoke in generalities and

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provided no specific incidents of misconduct for which Licensee was cited as a basis for his opinion that the license should be non-renewed. The testimony of Mr. Ellzey amounted to several levels of impermissible hearsay, speculation and factually unsupported opinion testimony. It was the exact type of testimony the law decries. Such testimony cannot, by law, form the credible basis for non-renewal.

Enclosed please find additional affidavits from Mr. Sherif and Mr. Hobbs. Our client would like to appear in person to object to the committee's recommendations and findings of facts made at the hearing on Tuesday, June 23, 2020 at 1:00 pm. The committee's recommendation of non-renewal and the process, itself, failed to comport with recognized and applicable standards of law and was not supported by credible evidence. In order to rectify these fundamental due process violations, we recommend that the matter be sent back to committee for further deliberations. Feel free to reach out to me with any questions or concerns as it relates to this matter.

Very Truly Yours,

**OVB Law & Consulting, S.C.**

/s/

Emil Ovbiagele, JD, MBA  
*Attorney*

OEO/aem

Enclosure

cc: molly.kuether-steele@milwaukee.gov  
Client (via Email)  
Assistant City Attorney (Tyrone St. Junior, Esq.)

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**AFFIDAVIT OF ASAD SHERIF**

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STATE OF WISCONSIN            )  
  )  
  )  
COUNTY OF MILWAUKEE        )

I, Asad Sherif, under oath, depose and state the following:

1. I am an adult resident of Milwaukee, Wisconsin.
2. I am the owner and agent of Pride Groceries of Milwaukee, LLC located at 2101 W Brown Street, Milwaukee, Wisconsin (the “Convenience Store”).
3. For about the last 3-4 years, I have operated the Convenience Store and maintained a Class A Malt and Food Dealers license without ever having to endure any suspensions.
4. On June 23<sup>rd</sup>, 2020 I had about three neighbors who were going to testify in favor of renewal of my business licenses, but they were unable to appear due to the technical difficulties presented by the City of Milwaukee’s new virtual hearing system.
5. Brandon Hobbs is my stepson. He frequents the Convenience Store, and on or around October 15, 2019, he left his prescription at the Convenience Store.
6. On or around late 2019, customers, from time to time, forgot personal items at the Convenience Store.
7. The Convenience Store had a policy of keeping such items for “lost and found” purposes in the event that customers returned to ask about their items.
8. On or around October 2019, some of those items included some diabetes medication belonging to Jeffery Harris and a couple of WIC cards.
9. At no time in October 2019 did the Convenience Store accept WIC payments, nor was it a WIC vendor.

10. As of April 2020, neither I, nor the Convenience Store, has been cited for any issues related to loitering, drug activity, nuisance activity or shootings.

Dated this 30<sup>th</sup> day of June, 2020.

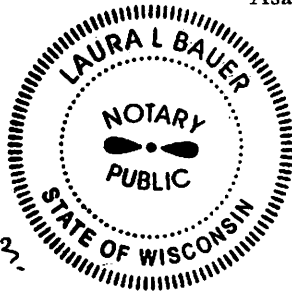
Asad Sherif  
Asad Sherif

Signed and sworn to before me  
on this 30<sup>th</sup> day of June 2020  
by Asad Sherif

[Signature]

Notary Public, State of Wisconsin

My commission expires 8/4/2023.





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**AFFIDAVIT OF BRANDON HOBBS**

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STATE OF WISCONSIN            )  
  )  
  )  
COUNTY OF MILWAUKEE        )

I, Brandon Hobbs, under oath, depose and state the following:

1. I am an adult resident of Milwaukee, WI and reside at 2724 N 18<sup>th</sup> Street.
2. I was born on April 4, 1982.
3. As of September 24, 2019, I was diagnosed with an illness that required the use of Alprazolam.
4. As of September 24, 2019 I was under the care of a physician for treatment and legally prescribed Alprazolam.
5. Asad Sharif is my step-father.
6. I am familiar with the convenience store located at 2101 W Brown Street, Milwaukee, Wisconsin (the "Convenience Store").
7. At all times relevant to the operation of the Convenience Store, I frequented the Convenience Store and sometimes worked at the Convenience Store.
8. On or around October 15, 2019, I was visited the Convenience Store and left my prescribed Alprazolam at the Convenience Store and, from time to time, kept my prescription at the Convenience Store.

Dated this 30<sup>th</sup> day of June, 2020.

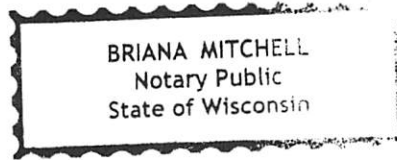


Brandon Hobbs

Signed and sworn to before me  
on this 30 day of June 2020  
by Brandon Hobbs



Notary Public, State of Wisconsin  
My commission 6/18/2024





**From:** Michael Maistelman [msm@maistelmanlaw.com](mailto:msm@maistelmanlaw.com)  
**Subject:** Fwd: Report of the Renewal Application of Sukhdev Singh, Agent for Lucky Sam Food Mart Inc., for Class "A" Malt and Food Dealer licenses for the premises located at 2401 North 21st Street in the City and County of Milwaukee, Wisconsin ("Lucky Sam Food Mart").  
**Date:** June 30, 2020 at 3:14 PM  
**To:** Molly Kuether-Steele [molly.kuether-steele@milwaukee.gov](mailto:molly.kuether-steele@milwaukee.gov), Jim Owczarski [jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov)

Hi Molly,

Please see below and confirm your receipt of the same and that it is timely.

Thanks,

Mike

Begin forwarded message:

**From:** Michael S Maistelman <[msm@maistelmanlaw.com](mailto:msm@maistelmanlaw.com)>  
**Subject:** Report of the Renewal Application of Sukhdev Singh, Agent for Lucky Sam Food Mart Inc., for Class "A" Malt and Food Dealer licenses for the premises located at 2401 North 21st Street in the City and County of Milwaukee, Wisconsin ("Lucky Sam Food Mart").  
**Date:** June 30, 2020 at 10:02:06 AM CDT  
**To:** Owczarski Jim <[jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov)>, Celella Jessica <[Jessica.Celella@milwaukee.gov](mailto:Jessica.Celella@milwaukee.gov)>  
**Cc:** Vincent Bobot <[vincentjbobot@gmail.com](mailto:vincentjbobot@gmail.com)>, Singh Sukhdev <[Sethisinghofking@gmail.com](mailto:Sethisinghofking@gmail.com)>, [8e9d1873a+matter1314317686@maildrop.cio.com](mailto:8e9d1873a+matter1314317686@maildrop.cio.com)

Dear City Clerk Owczarski and Deputy City Clerk Celella,

Good morning. I hope this email finds you both well.

Attorney Vince Bobot and I represent the above applicant. We object to the findings of the License Committee and request the opportunity to be heard at the Common Council meeting in which this matter will be heard. (See attached findings).

Please confirm that you received this request and that it is timely filed with your office.

Thank you very much,

Michael



Singh FOF.pdf

Stay Safe & Healthy

Attorney Michael S Maistelman  
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Suite 207  
Milwaukee, WI 53217  
414-908-4254  
Sent from my iPhone