

Good Neighbors Report

To: PS&L Committee

From: Attorney Nhu H. Arn

RE: **Racine Burger, LLC., Marwan Otallah, Agent**

PS&L meeting date: Monday, June 27, 2022

CC agenda date: Tuesday, July 11, 2022

Departments attended: Attorney, Building, Health Department

License requested: Class "B" and "Class C" (beer and wine only)

Topics Discussed:

- Amendment of license application, according to the applicant.
 - Hours of operation will be 11:00 a.m. to midnight, every day.
 - Premises description should state, "first floor building."
- Agent's experience. In addition to Chubbies, Mr. Otallah also owns Gordo Burger in Milwaukee, which has an alcohol beverage license. Prior to that, he worked at a family owned liquor store in Racine, so he does have some relevant experience with selling and serving alcohol. Mr. Otallah plans to spend most of his working hours at Chubbies, and will be assisted by his son, Malik Otallah.
- Arrest and conviction record. A background check reveals that Mr. Otallah does have an arrest and conviction record (see attached cover sheet). Although none of these convictions would disqualify him under the City's policy guidelines, he is presumably disqualified based on the false statement indicating that he has never been convicted of any offenses. The committee will have to determine whether there is good cause to grant an exception based on the policy guidelines.
- Police department issues. Sgt. Ortiz will highlight police issues, if any, associated with the premises at the committee meeting.

Overall summary:

With the ability to sell alcohol, Mr. Otallah will expand the restaurant's closing hours to midnight. Mr. Otallah states he may close earlier than midnight depending on the number of customers each night. He states he will not apply for a full liquor license, even when one becomes available. To ensure that the premises does not convert to a bar/tavern after 9:00 p.m., staff recommends that some conditions be placed on the license, including the requirement that food be served anytime the restaurant is opened.

Cover Sheet for Alcohol Beverage Application Background Checks

Marwan Otallah:

- Retail theft criminal conviction -1992
- Theft criminal conviction- 1993
- Retail theft ordinance conviction- 2001

Type of license:

_____ Class "A"	_____ "Class A"
<u> X </u> Class "B"	_____ "Class B"
_____ Operator's license	<u> X </u> "Class C"

Background check: _____
(Name of person at RPD) Date results received

Results:

- _____ No Record
- _____ Record exists, but the person still qualifies under policy guidelines
- _____ Charges pending which, if convicted would disqualify the applicant under guideline number(s):
- X Record exist and the person is disqualified under policy guidelines number(s):
- _____ 1- Felony conviction, which substantially relates
- _____ 2- One or more offenses within the past 5 years involving crimes of violence, lack of cooperation with law enforcement or distribution of drugs; or 2 or more of the same offenses within past 10 years, which substantially relate
- _____ 3- Two or more offenses within the past 5 years involving disorderly behavior, criminal damage to property, prostitution, alcohol beverage offenses, possession of a controlled substance, possession of paraphernalia, operating while under the influence of drugs or intoxicants, operating with a prohibited alcohol concentration, open intoxicants, perjury or other crimes of dishonesty, etc., which substantially relate
- _____ 4- Habitual law offender (2 or more offenses within the past year, 3 or more offenses within the past 5 years, 5 or more offenses within the past 10 years), which substantially relate
- X 5- False statement on license application