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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of the Renewal Application for:

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GAIL WESS

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"COTTON CLUB"

400 E. Locust Street

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COMMITTEE MEMBERS

10

ALD. JAMES WITKOWIAK - Chair

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ALD. JAMES BOHL, JR., - Vice-Chairman

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ALD. JOSEPH A. DUDZIK

ALD. ROBERT PUENTE

ALD. WILLIE WADE

13

LICENSING DIVISION by REBECCA BARRON

14

NEIGHBORHOOD SERVICES by PANDORA BENDER

HEALTH DEPARTMENT by KEVIN HULBERT

15

POLICE DEPARTMENT by SERGAENT CHESTER ULICKEY

16

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in

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the above-entitled matter, before the LICENSES

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COMMITTEE OF THE CITY OF MILWAUKEE, on the 3rd day of

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January, 2006.

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P R O C E E D I N G S

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CHAIRMAN WITKOWIAK: In the 6th District, Gail Wess, Class "B" Tavern renewal application for the "Cottage Club", 400 East Locust.

THE APPLICANT: Good morning.

CHAIRMAN WITKOWIAK: Both raise your right hands. We'll swear you in, please.

(Whereupon those present were sworn.)

MS. WESS: Gail Wess, 313 West Vienna, Milwaukee, Wisconsin.

CHAIRMAN WITKOWIAK: Okay. And you're - -

MR. WESS: Steven Wess, 313 West Vienna, Milwaukee, Wisconsin.

CHAIRMAN WITKOWIAK: Thank you. Gail, do you admit to receiving notice in the mail there's a possibility your application could be denied because of items contained on the police report?

THE APPLICANT: Yes.

CHAIRMAN WITKOWIAK: Sergeant Ulickey.

SERGEANT ULICKEY: On 2/4 of '05 at 11 - - Excuse me - - at 11:50 p.m. officers conducted a premise check at the Cottage Club,

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1 400 East Locust Street, along with a City of  
2 Milwaukee Inspector. Officers were unable to  
3 gain immediate access to the premises, due to the  
4 door being dead-bolted shut. Officers observed  
5 several patrons drinking at the bar. When the  
6 bartender opened the door, he told - - he told  
7 officers he kept the doors locked so that  
8 underage persons could not walk in. The City  
9 Inspector observed two exit signs with the light  
10 bulbs not working. The rear exit door was dead-  
11 bolted inside with a key, and the occupancy sign  
12 was not posted. The bartender, LaFranche M.  
13 Scales, date of birth, 8/13 of '70, did not have  
14 his Class "D" bartender's license on the  
15 premises. The licensee was issued the following  
16 citation: Immediate entry for police. The  
17 licensee was found guilty and fined 343 dollars.  
18 There is no warrant open. It's indicated that  
19 subsequent investigation revealed it was a guilty  
20 verdict.

21 She was also issued the fire prevention  
22 code citation by the City Inspector, and was  
23 found guilty and fined 150 dollars for that.

24 On 7/23 of '05 at 12:40 a.m. officers  
25 observed the patron - - or officers observed the

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1 subject later identified as Steven Wess, date of  
2 birth, 9/67 - - I'm sorry - - 9/7/67, drinking on  
3 a city sidewalk in front of 400 East Locust  
4 Street, which is the Cottage Club bar. As the  
5 officers approached the subject he dropped the  
6 liquor bottle which was in his right hand. He  
7 then observed - - He was observed throwing a  
8 clear plastic baggy, which contained a green  
9 plant-like substance from his left hand. He told  
10 the officers, "This is my bar. I am the manager  
11 here." Steven Wess was arrested and searched and  
12 a green plant-like substance was found in a white  
13 paper napkin. Other officers were called to the  
14 scene. When they attempted to enter the  
15 premises, the door was locked. They knocked  
16 repeatedly and were not given immediate entrance  
17 for more than 30 seconds.

18 Inside the premises they found one  
19 underage person. She told officers she was never  
20 asked for an I.D. when she entered, nor when  
21 purchasing. She was issued a citation and  
22 released. An officer walked behind the bar in an  
23 attempt to see the license, which was not posted.  
24 Behind the cash register the officer observed a  
25 glass which contained a clear baggy, containing a

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1 green plant-like substance, suspected marijuana.  
2 Officers observed a doorway to an upstairs  
3 residence which was over the bar. Wess gave the  
4 officers permission to search the upstairs  
5 residence. When they went upstairs, they  
6 detected a strong odor of a fresh marijuana  
7 plant. The officer entering the din - - or  
8 entered the dining room, and observed a green  
9 plant-like substance in a large yellow envelope.  
10 He then walked into the living room and observed  
11 two boxes of sandwich baggies, which are commonly  
12 used for bagging marijuana. He then found a box  
13 for a digital scale under a table in the living  
14 room. The officer recovered several plastic  
15 baggies which had marijuana residue inside of  
16 them from the bedroom. One officer recovered a  
17 blue Nike gym bag, which contained five one  
18 gallon clear plastic baggies, which contained a  
19 green plant-like substance, suspected marijuana.  
20 The total weight of the marijuana that was seized  
21 was 2,245.2 grams. Wess stated to the officers  
22 that he was keeping the bag of marijuana for a  
23 friend who sells marijuana.  
24 Steve Wess was issued the following.  
25 Immediate entry for two police, and public

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1 drinking. The immediate entry he was - - he was  
2 found guilty, and the public drinking was  
3 dismissed. He was also charged with maintaining  
4 a drug trafficking place, possession of with  
5 intent to deliver THC, which is marijuana.  
6 That's scheduled for trial 1/25 of '06.

7 And on 9/30 of '05 at 1:30 officers  
8 were dispatched to a battery at the Cottage Club.  
9 North Buffum and East Locust Street. Upon  
10 arrival the officer spoke to Steven Wess, who  
11 identified himself as the acting bar manager. He  
12 was asked if there were any incidents that  
13 evening, and he stated no. You got - - You got  
14 it wrong. There's nothing going on. While in  
15 the bar the officers were flagged down by a  
16 patron, who told them her ex-boyfriend had  
17 physically assaulted her in the bar, and he was  
18 still on the premises. The officers observed  
19 physical wounds on the victim, and they arrested  
20 the ex-boyfriend for battery. After the  
21 boyfriend was arrested Wess stated that he was  
22 sorry that he was paying - - he wasn't paying  
23 attention to his patrons, because it was busy.

24 Wess was issued the following citation,  
25 disorderly premises prohibited. And that court

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1 case has no disposition.

2 CHAIRMAN WITKOWIAK: Thank you. Do you  
3 have any questions of the police report?

4 THE APPLICANT: As far as the marijuana  
5 case, there was no marijuana in the bar. There's  
6 - - The upstairs is a - - is separate from - -  
7 from the bar, and I have no jurisdiction over  
8 that. So that shouldn't even be against me  
9 because of something that was upstairs. And this  
10 is pending in court, anyway. It's - - It's not  
11 - - He has not been found guilty, so it has to go  
12 to court first, so.

13 CHAIRMAN WITKOWIAK: Okay.

14 THE APPLICANT: And these other  
15 incidents, this disorderly premises, I don't  
16 understand why he was given a citation for  
17 someone else beating - - or bod - - doing bodily  
18 harm to someone else. And the - - The young lady  
19 was outside when she flagged the officer down,  
20 and then the officer came in and questioned  
21 Steve. And Steve was not aware that - - that  
22 this had happened.

23 CHAIRMAN WITKOWIAK: According to the  
24 police report it happened inside the tavern, so  
25 that's the reason they issued that.

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1 MR. WESS: Can I say something?

2 CHAIRMAN WITKOWIAK: Yes.

3 MR. WESS: I had no - - The - - The  
4 officers came in and they asked me - - they asked  
5 me what happened. I told them I didn't - - I  
6 didn't see anything, because I was bartending.  
7 So when they came in, they left outside, and then  
8 that's when the people had flagged them down and  
9 told them what happened. So I immediately went  
10 outside. I apologized to the police officer and  
11 told them I had no way possible of knowing what  
12 happened, and I - - and I apologized. And then I  
13 also told the lady, I said, "If you would have  
14 told me that this happened inside of the  
15 premises, I'd have made the person leave."

16 CHAIRMAN WITKOWIAK: Well, apparently  
17 through the police investigation they determined  
18 it happened inside the place, and that's why they  
19 wrote the citation. And, you know, as far as  
20 the - -

21 MR. WESS: Then I was - - I was never  
22 issued a citation. They never issued me a  
23 citation or none of that. A citation was never  
24 sent to the - - to my house or none of that. I  
25 found out that I had a citation from paying



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1 another citation.  
2 CHAIRMAN WITKOWIAK: I don't know why  
3 you didn't receive that. That's - -  
4 ALDERMAN BOHL: Mr. Chairman  
5 CHAIRMAN WITKOWIAK: Alderman Bohl.  
6 ALDERMAN BOHL: Thank you. I'm just  
7 wondering in terms of the - - the pending court  
8 case, who it is or what it is that - - that is -  
9 - is going to be appearing. Is it the - - Is it  
10 the owner of the establishment - -  
11 THE APPLICANT: No.  
12 ALDERMAN BOHL: - - for - - for  
13 maintaining a drug trafficking place, or is it  
14 the owner of the - - and I mean the liquor  
15 establishment, the tavern, or is it the owner of  
16 the property, or is it the person who was renting  
17 upstairs, or is it Mr. Wess?  
18 MR. WESS: It's me.  
19 CHAIRMAN WITKOWIAK: Who rents up - -  
20 Does somebody rent upstairs?  
21 MR. WESS: Yeah, me and three other  
22 people stay upstairs.  
23 CHAIRMAN WITKOWIAK: Okay.  
24 MR. WESS: Rent the property upstairs.  
25 SERGEANT ULICKEY: Mr. Chair.

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1                   CHAIRMAN WITKOWIAK: Yes.

2                   SERGEANT ULICKEY: If I could maybe  
3 clarify something in regards to the marijuana  
4 behind - - The police report states behind the  
5 cash register the officer observed a glass which  
6 contained a clear baggy containing a green plant-  
7 like substance, suspected marijuana. So there  
8 was, in fact, marijuana in the tavern area, along  
9 with upstairs.

10                  CHAIRMAN WITKOWIAK: That makes the  
11 connection. Thank you.

12                  MR. SCHRIMPF: Mr. Chairman, I just  
13 want to tie something down here.

14                  CHAIRMAN WITKOWIAK: Mr. Schrimpf.

15                  MR. SCHRIMPF: The green plant-like  
16 substance that's referenced throughout this  
17 police report, was that ultimately tested and did  
18 it ultimately show up as marijuana?

19                  SERGEANT ULICKEY: It doesn't  
20 specifically state that here. And at this point  
21 my answer would be that it was tested and it was  
22 found to be marijuana. Otherwise, the possession  
23 would be - - with intent to deliver wouldn't have  
24 been written.

25                  MR. SCHRIMPF: Wouldn't. All right.

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1                   CHAIRMAN WITKOWIAK: Questions by  
2 members of the committee?  
3                   ALDERMAN BOHL: Mr. Chairman.  
4                   CHAIRMAN WITKOWIAK: Alderman Bohl.  
5                   THE APPLICANT: May I make a statement?  
6 There is no drug trafficking from my  
7 establishment. Now, there are bartenders that  
8 may indulge in smoking marijuana, but there is  
9 absolutely no drug trafficking from the Cottage  
10 Club.  
11                   CHAIRMAN WITKOWIAK: Okay. The - -  
12 The police report does not say that, that there  
13 was drug trafficking coming out of the bar.  
14 They're - - They're just explaining the set of  
15 circumstances - -  
16                   THE APPLICANT: Okay.  
17                   CHAIRMAN WITKOWIAK: - - where they  
18 found this marijuana. Alderman Bohl.  
19                   ALDERMAN BOHL: Thank you. I'm  
20 wondering if - - if Steven Wess could provide for  
21 the committee, his clarification as to his  
22 position with - - with this particular club.  
23                   MR. WESS: I - - I basically run the  
24 club for my mother when she's not there.  
25                   ALDERMAN BOHL: Okay.

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1 ALDERMAN WADE: Mr. Chair.

2 CHAIRMAN WITKOWIAK: Alderman Wade.

3 ALDERMAN WADE: A question for Attorney  
4 Schrimpf. We have two pending court cases here.  
5 So how do we address this during this hearing,  
6 since these things are pending.

7 MR. SCHRIMPF: The committee sometimes,  
8 not always, chooses to defer consideration of the  
9 pending matters until the next license year.  
10 That happened a few minutes ago with a pending  
11 matter. On the other hand, the State Statute on  
12 this, which is 111.335 of the Wisconsin Statutes,  
13 it's actually found in the Wisconsin Fair  
14 Employment Act, states that a licensing  
15 authority, and you are a licensing authority  
16 under State Law, may consider pending charges in  
17 those cases when the pending charges are  
18 substantially related to the activities of the  
19 licensee and the licensed premises. So if the  
20 committee feels that this police report speaks to  
21 a substantial relationship between the activities  
22 within the bar and on the licensed premises, then  
23 you may consider them at this time,  
24 notwithstanding the fact that they are only  
25 pending.

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1 ALDERMAN WADE: Mr. Chair, if I may.

2 CHAIRMAN WITKOWIAK: Alderman Wade.

3 ALDERMAN WADE: I don't know what the  
4 - - what the - - what the feelings are of - - of  
5 my committee members, but I would like to know  
6 more about how everything turn out. So, you  
7 know, how do these case - - how do these pending  
8 charges turn out, because I would - - I would not  
9 want to be punitive at this point and find out  
10 later on that things weren't substantiated. So I  
11 don't know the wishes of the total body, but that  
12 would be one of my concerns at this point.

13 ALDERMAN BOHL: Mr. Chairman.

14 CHAIRMAN WITKOWIAK: Alderman Bohl.

15 ALDERMAN BOHL: Just a follow up  
16 question for Mrs. Wess. Mrs. Wess, you indicated  
17 that - - that some of your bartenders smoke  
18 marijuana.

19 THE APPLICANT: I said, "They may smoke  
20 marijuana." I have no way of knowing that they  
21 do. All I know is that there is no trafficking,  
22 no drug trafficking out of the establishment.

23 MR. WESS: Could I say something? The  
24 marijuana that - - that was found behind the bar  
25 was took off a patron and was just never

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1 discarded. It was a very small amount of  
2 marijuana sitting back there, and the police had  
3 no business - - because the license was posted.  
4 They had no business even back there.

5 ALDERMAN BOHL: I - - Mr. Chairman, if  
6 I may.

7 CHAIRMAN WITKOWIAK: Alderman Bohl.

8 ALDERMAN BOHL: With a follow up  
9 question. I'm - - I'm wondering in terms of at  
10 this point whether anyone is disputing police  
11 department - - or the - - the police report  
12 regarding 2200 plus grams of - - of marijuana  
13 that were found upstairs in the bedroom, along  
14 with all these baggies and whatnot.

15 MR. WESS: That has - - That has no  
16 jurisdiction with her. She - - She owns the bar  
17 downstairs. Upstairs, that - - that don't have  
18 anything to do with her. I don't even know why  
19 that's even on the report.

20 ALDERMAN DUDZIK: Mr. Chairman.

21 CHAIRMAN WITKOWIAK: Alderman Dudzik.

22 ALDERMAN DUDZIK: I'm - - Unless - -

23 ALDERMAN BOHL: I - - I - - It - - My  
24 response to that would be from my own personal  
25 opinion it would be, it depends. It depends. If

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1 - - If someone is an owner and they are dealing  
2 hard drugs on the side, but not doing it through  
3 their establishment - -

4 MR. WESS: I'm not the owner.

5 ALDERMAN BOHL: I - - And if someone  
6 wilfully knows that they have - -

7 MR. WESS: And we wilfully - -

8 ALDERMAN BOHL: Mr. Chairman, I - - Is  
9 - - I don't recall asking this gentleman  
10 questions at this point.

11 CHAIRMAN WITKOWIAK: Let - - Let - -  
12 Let the alderman speak.

13 ALDERMAN BOHL: If - - If I am  
14 employing my daughter, who has 2200 grams and is  
15 the manager of my establishment, I have some real  
16 deep concerns about employing my daughter when -  
17 - when I own a property license and it's my own  
18 vested public interest here, if that is indeed  
19 the case, particularly when my daughter lives  
20 upstairs from my establishment, and whether - -  
21 whether what you're saying is true or not, I have  
22 some real concerns regarding that particular  
23 situation. I just do. Because it's my vested  
24 interested in that license, it's my livelihood,  
25 and I don't take a cavalier attitude, per se, to

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1 say, well, you know, perhaps - - Although, ma'am,  
2 I - - with all due respect, I didn't - - I did  
3 not hear you say "perhaps" before. I - -I think  
4 you changed, because I believe you said earlier  
5 that you may - - that - -that you had some - -  
6 some bartenders that- - that - - that do smoke  
7 marijuana.

8 You know, I just, absolutely the case.  
9 You know, it's just like all the time we hear  
10 tavern owners come here and say, well, once  
11 someone is in my - - my building and they, you  
12 know, when they started a fight, we pushed them  
13 out, and they decided to shoot up the  
14 neighborhood. Well, it wasn't in my tavern, so  
15 it's not my responsibility. Absolutely not the  
16 case. Absolutely not.

17 CHAIRMAN WITKOWIAK: Thank you,  
18 Alderman Bohl. And let me just tell you my  
19 thoughts on that. You're - - You're the son of  
20 the licensee. You rent the apartment or whatever  
21 it is, the space upstairs. You work in the  
22 establishment - -

23 MR. WESS: Excuse me. She don't - -

24 CHAIRMAN WITKOWIAK: You got to let me  
25 run this meeting for a little bit, okay. And



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1 then - - And then the - - the marijuana was  
2 discovered upstairs. In my opinion, from lis - -  
3 listening to that in this police report, it's  
4 substantially related to the activities of the  
5 tavern. That doesn't say, we're not accusing the  
6 applicant at this point, of drug trafficking.  
7 But I'm telling you in my opinion it is  
8 substantially related and - - and it is relevant  
9 evidence in this hearing.

10 CHAIRMAN WITKOWIAK: Alderman Dudzik.

11 ALDERMAN DUDZIK: Thank you. Ms. Wess,  
12 do you own - - Do you own the building that the -  
13 - the liquor establishment is in?

14 THE APPLICANT: No, I don't.

15 ALDERMAN DUDZIK: You - - You lease?

16 THE APPLICANT: Yes.

17 ALDERMAN DUDZIK: Who does your son pay  
18 - - Mr. Wess, who do you pay rent to?

19 MR. WESS: Arthur Triggs.

20 ALDERMAN DUDZIK: Thank you.

21 ALDERMAN WADE: Mr. Chair.

22 CHAIRMAN WITKOWIAK: Alderman Wade.

23 ALDERMAN WADE: If I may just reiterate  
24 what I said before. All of these things are  
25 cloudy at this point. We're not exactly sure who

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1 is going to be responsible for the - - the  
2 marijuana found, the separation between the owner  
3 of the bar, the renters upstairs, the - - the  
4 owner of the building. It's kind of cloudy right  
5 now, and I would like to see, you know, exactly  
6 how the courts separate this before we end up  
7 unfairly judging somebody. Because they could  
8 very well - - The courts could very well come  
9 back and say that the person that rents upstairs  
10 is solely responsible for it and there's no  
11 connection to the bar. So, I mean, but they may  
12 say opposite. But right now, we don't have a  
13 definitive clear type of opinion from the court.  
14 So, personally, I would rather we get some type  
15 of a opinion from the courts before we deal with  
16 these two items.

17 CHAIRMAN WITKOWIAK: And I do  
18 understand that there are, however, some items on  
19 this record that - - that have been adjudicated.

20 ALDERMAN PUENTE: Mr. Chair.

21 CHAIRMAN WITKOWIAK: Alderman Puente.

22 ALDERMAN PUENTE: Maybe we could get a  
23 little more clarification. Mr. Wess, the last  
24 incident regarding the disorderly premises, you  
25 are aware of that citation, you said.

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MR. WESS: Yes.

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ALDERMAN PUENTE: And what is the disposition of that, please?

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MR. WESS: I'm still going to court on that - - on that charge.

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ALDERMAN PUENTE: Okay. So you're going to trial.

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MR. WESS: Yes.

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ALDERMAN PUENTE: Okay. Thank you.

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CHAIRMAN WITKOWIAK: Did I check in with the Health Department and Neighborhood Services on this?

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HEALTH DEPARTMENT: No objection.

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DNS: No objection. The capacity is

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25.

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CHAIRMAN WITKOWIAK: Twenty-five, okay.

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All right. Any other questions by members of the committee? Comments from the alderman, please.

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MS. BANKS: Alderman McGee would like

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to recommend a ten day suspension for the Cottage.

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CHAIRMAN WITKOWIAK: Okay. All right.

23

Thank you. Any other questions by members of the committee. This matter is in committee.

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ALDERMAN PUENTE: Mr. Chair.

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1                   CHAIRMAN WITKOWIAK: Alderman Puente.

2                   ALDERMAN PUENTE: I would like to make  
3 the police report part of the record.

4                   CHAIRMAN WITKOWIAK: Motion by Alderman  
5 Puente is to make the entire police report part  
6 of the permanent record in this matter. Hearing  
7 no objections, so ordered. Alderman Puente.

8                   ALDERMAN PUENTE: I would recommend a  
9 ten day suspension, not including the items,  
10 number three, I believe it is, maintaining the  
11 drug trafficking place, possession with intent to  
12 deliver, pending the - - the trial. And then  
13 item number four, also.

14                   CHAIRMAN WITKOWIAK: Motion by Alderman  
15 Puente is to recommend approval of the renewal of  
16 this license with a ten day suspension based on  
17 items contained on the police report, not  
18 including items listed as number three, which is  
19 the description of an event on 7/23/05, and not  
20 including item number four, which is an event  
21 described on 9/30 of '05.

22                   ALDERMAN PUENTE: Mr. Chair.

23                   CHAIRMAN WITKOWIAK: On the motion.

24                   ALDERMAN PUENTE: I do - - I am taking  
25 into consideration number three, the immediate

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1 entry to police and the public drinking, where  
2 the first one was found guilty and the second one  
3 dismissed. In item number three is the third  
4 charge, which is the maintaining the drug  
5 trafficking place. So that particular one I'm  
6 not taking into consideration.

7 CHAIRMAN WITKOWIAK: Okay.

8 MR. SCHRIMPF: Could I have that again?  
9 I didn't follow it.

10 ALDERMAN PUENTE: Okay. Item number  
11 three, you have charged immediate entry to police  
12 and public drinking.

13 MR. SCHRIMPF: Okay.

14 ALDERMAN PUENTE: I am taking that into  
15 consideration in my ten day suspension.

16 MR. SCHRIMPF: But not the maintaining  
17 drug trafficking place.

18 ALDERMAN PUENTE: That is correct,  
19 under item number three. They have three  
20 different charges there.

21 CHAIRMAN WITKOWIAK: Motion by Alderman  
22 Puente is to recommend approval of the renewal of  
23 this license with a ten day suspension, excluding  
24 the charge of maintaining a drug trafficking  
25 place in item number three, and excluding all of

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1 item number four in the police report. Is that  
2 correct?

3 ALDERMAN PUENTE: Yes, sir.

4 CHAIRMAN WITKOWIAK: Any discussion on  
5 the motion?

6 ALDERMAN BOHL: Mr. Chair.

7 CHAIRMAN WITKOWIAK: Alderman Bohl.

8 ALDERMAN BOHL: I will not be  
9 supporting the motion. I - - My concern is I  
10 just believe that - - that there are some - -  
11 some correlations between some of the activities  
12 in this report. I - - I don't take lightly the  
13 fact that we still have - - that we still have a  
14 trial that is pending. But we have a felony case  
15 before us, and we're not talking about ten grams.  
16 We're not talking about 50 grams. We're not  
17 talking about 100 grams. We're talking about  
18 2,200 grams with gallons of - - of clear plastic  
19 baggies. This is - - This is big time serious  
20 stuff, and I just - - You know, I can't - - I  
21 can't just turn the other cheek and say, because  
22 there's some very serious charges here, that we  
23 ought to wait a full year on that. I - - I just  
24 - - I don't believe that that would be  
25 appropriate here. I think - - I do believe,

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1 based on the testimony and the police report,  
2 there is a direct correlation. I would prefer to  
3 consider these items here currently, and that's  
4 why I will not support the motion.

5 CHAIRMAN WITKOWIAK: Okay. Motion by  
6 Alderman Puente is to recommend renewal with a  
7 ten day suspension, excluding of the items as - -  
8 as listed before. Are there any other  
9 objections, other than Alderman Bohl's?

10 ALDERMAN DUDZIK: I'll object.

11 CHAIRMAN WITKOWIAK: Are there any  
12 other objections? Hearing two objections, the  
13 motion carries on a vote of three to two.

14 MR. SCHRIMPF: Ms. Wess, the committee  
15 is going to be doing findings of fact and  
16 conclusions of law recommending renewal of your  
17 Class "B" Tavern license with a ten day  
18 suspension as outlined in Alderman Puente's  
19 motion. You will receive a copy of that  
20 recommendation. You'll have an opportunity to  
21 submit written objections to that recommendation,  
22 as well as to appear before the Milwaukee Common  
23 Council when it considers this matter on January  
24 18th, 2006 at approximately nine a.m. in the  
25 Common Council Chambers of this building. It's

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1 the same floor at the opposite end. Do you  
2 understand all that?

3 THE APPLICANT: Not really.

4 MR. SCHRIMPF: Okay. The committee has  
5 to do - - by State law the committee has to do a  
6 report to the full Common Council, summarizing  
7 what happened this morning. And that's going to  
8 be renewing this with a ten day suspension for  
9 the reasons stated. You're going to receive a  
10 copy of that recommendation. You have an  
11 opportunity to submit in writing objections to  
12 that recommendation. And you can also appear  
13 before the Milwaukee Common Council when it meets  
14 on this matter, which will be at nine a.m. on  
15 January 18th, 2006 in the Common Council Chambers  
16 of this building, same floor, but the opposite  
17 end. All right?

18 THE APPLICANT: Is that until - - until  
19 the ten day suspension?

20 MR. SCHRIMPF: The ten day suspension,  
21 ma'am - - Yes. The ten day suspension, if  
22 approved by the Common Council, will begin at  
23 midnight on January 31st, 2006 and run until  
24 midnight February 10th, 2006.

25 THE APPLICANT: So but it's - - It all



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1 depends on the recommendation of the aldermen, as  
2 to whether I get it.  
3 MR. SCHRIMPF: No, no. The - -  
4 Whatever the alderman - - If you're talking about  
5 Alderman McGee?  
6 THE APPLICANT: No.  
7 MR. SCHRIMPF: No.  
8 THE APPLICANT: No. I'm not talking  
9 about him.  
10 MR. SCHRIMPF: This is the  
11 recommendation of this committee.  
12 THE APPLICANT: Okay.  
13 MR. SCHRIMPF: It will be formalized,  
14 and then it will proceed to the Common Council,  
15 and the Common Council will consider it.  
16 THE APPLICANT: Common Council, that's  
17 what I meant.  
18 MR. SCHRIMPF: Okay.  
19 THE APPLICANT: Okay. That's what I  
20 meant.  
21 MR. SCHRIMPF: If the Common Council  
22 approves this recommendation, okay, you will  
23 receive a suspension that will commence at  
24 midnight on January 31st and run until February  
25 10th.

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1 THE APPLICANT: But it hasn't been  
2 approved, though, so the - - the - - I have - - I  
3 won't receive the license until then?

4 MR. SCHRIMPF: If it's approved by the  
5 Common Council - -

6 THE APPLICANT: Okay.

7 ALDERMAN WADE: Mr. Chair.

8 CHAIRMAN WITKOWIAK: Alderman Wade.

9 ALDERMAN WADE: If I may. Are - - Are  
10 you asking that because you want to know if you  
11 can operate up until that day?

12 THE APPLICANT: Yes.

13 ALDERMAN WADE: You can operate up  
14 until that day. And then at - - Whatever the  
15 Common Council agrees upon on that day will go in  
16 effect on that day at midnight. So between now  
17 and that day, you are - - you are - - you can  
18 operate.

19 THE APPLICANT: Okay. That's what I  
20 wanted to know.

21 MR. WESS: As far as - - As far as the  
22 ten day suspension?

23 ALDERMAN WADE: The ten day suspension  
24 won't start until after the Common Council agrees  
25 to the committee recommendation. So between now

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1 and then, you can operate as business as usual.  
2 Right.

3 ALDERMAN PUENTE: But the suspension,  
4 if upheld by the Common Council, will not start  
5 until January 31st.

6 MR. SCHRIMPF: 31st at midnight.

7 ALDERMAN PUENTE: So from the 31st at  
8 midnight to Jan - - February 10th, those are the  
9 ten days.

10 THE APPLICANT: Okay.

11 ALDERMAN PUENTE: You cannot operate if  
12 the Common Council approves - - upholds this.

13 THE APPLICANT: I'm sorry.

14 MR. SCHRIMPF: No, that's fine

15 CHAIRMAN WITKOWIAK: It's okay.

16 ALDERMAN PUENTE: Better to understand  
17 it.

18 THE APPLICANT: Right. Not make a  
19 mistake.

20 ALDERMAN PUENTE: Exactly.

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STATE OF WISCONSIN)

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MILWAUKEE COUNTY )

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I, JEAN M. BARINA, of Milwaukee Reporters  
Associated, Inc., do certify that the foregoing  
transcript was reduced to writing under my direction  
and that it is a true and accurate transcription of  
the Licenses Committee Hearing held on January 3,  
2006.

JEAN M. BARINA - COURT REPORTER

Dated this            day of January, 2006

