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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of:

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ROBY, Patty L., Class "B" Tavern renewal application for "Life Bar" at 5334 West Hampton Avenue.

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COMMITTEE MEMBERS

9

ALD. JAMES WITKOWIAK - Chairman

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Ald. James Bohl, Jr. -

Vice Chair

11

Ald. Joseph A.

Dudzik

12

Ald.

Robert Puente

13

Ald.

Willie Wade

14

15

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DEPARTMENT OF NEIGHBORHOOD SERVICES by PANDORA

BENDER

17

HEALTH DEPARTMENT by OSCAR BOND

18

LICENSING DIVISION by JAMES COPELAND

19

POLICE DEPARTMENT by SERGEANT JOHN HOGAN

20

OFFICE OF THE CITY ATTORNEY by BRUCE SCHRIMPF

21

22

Proceedings had and testimony given in the above-entitled matter, before the UTILITIES

&

23

LICENSING COMMITTEE OF THE CITY OF MILWAUKEE, on the 13th day of July, 2004, reported by Donna Gulczynski of Milwaukee Reporters Associated,

Inc. 24

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P R O C E E D I N G S

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(NOTE: All City Personnel Were Sworn

Under

3

Oath Prior to These Proceedings.)

4

CHAIRMAN WITKOWIAK: Okay. In the 7th

5

District, Patty Roby, Class "B" Tavern renewal

6

application for Life Bar at 5334 West Hampton

Avenue.

7

Good morning. Could you raise your right hand,

8

please?

9

(Whereupon Patty Roby was sworn under

oath.)

10

CHAIRMAN WITKOWIAK: State your name

and

11

address for the record, please.

12

MS. ROBY: Patty Roby.

13

CHAIRMAN WITKOWIAK: Address?

14

MS. ROBY: Of the business or my

home?

15

CHAIRMAN WITKOWIAK: The home

address.

16

MS. ROBY: 5124 North 56th

Street.

17

CHAIRMAN WITKOWIAK: Okay. Thank

you. And

18

Miss Roby, do you admit to receiving a notice

that

19

there's a possibility that your application

could be

20

denied because of items contained on the

police

21

report, and also neighborhood objections to

tavern or

22

the tavern dance license, that it would lead

to

23

loitering, littering, loud music, traffic,

parking

24

problems, disorderly patrons, conduct which

is

25

detrimental to the health, safety and welfare

of the

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1 neighborhood?

2 MS. ROBY: Yes, I do.

3 CHAIRMAN WITKOWIAK: Sergeant

Hogan?

4 SERGEANT HOGAN: Two incidents

since the

5 last time this license was granted. First

occurred

6 on November the 2nd, 2003 at about 2:46 a.m.

Officers

7 were dispatched to the premises for a shooting.

8 Investigation revealed that there was

an

9 argument on the premises that turned into a

fight.

10 The combatants were ejected from the

premises, and

11 shortly thereafter, shots were heard from the

south

12 and west side parking lot. Gunshots entered

the

13 tavern causing grazing injuries to three

patrons.

14 The officer indicated in his report that the

bartender

15 closed the tavern without the police being

called.

16 The second was on February the 1st of

2004

17 at about 2:17 a.m. Officers were dispatched to

54th

18 and Hampton to investigate shots fired.

Witnesses

19 told the officer -- a witness told the officer

he

20 heard four to five shots coming from the parking

lot

21 of the bar. He looked around -- he looked at the

lot

22 and observed several males in the parking lot and

then

23 heard two more shots. These subjects then fled

the

24 scene. The officers found several shell casings

on

25 the ground in the area.

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1 A person identifying himself as a
patron
2 told the officers that he left the premises and
became
3 involved in an argument with an unknown person,
and
4 during the course of the argument, the other
person
5 produced a gun from concealment and began to
fire
6 shots at the patron, striking his car. The
officers
7 spoke to tavern security and the bartender,
both who
8 said they were unaware of the incident and didn't
hear
9 anything. That's all.

10 CHAIRMAN WITKOWIAK: Thank you. Is
that
11 pretty accurate, the police report?

12 MS. ROBY: Yeah, I'd say it's pretty
13 accurate. What's happening is, I usually work
early
14 shift, and I get home by 11 or 12, and one of my
15 family members is normally there 98 percent
of the
16 time to make sure it goes smoothly.

17 What happened the first time, they
said
18 there was some type of argument, and they --
we
19 normally say if we have difficulty, we do close
it
20 down because that way we just keep it from
escalating
21 any farther in our establishment. I'd rather
close it
22 down than worry about any type of problem.

Everything
23 happened outside the bar.

24 And on the first time, the reason that
they
25 didn't call the police is because our phone
wasn't

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1 working in the bar, and my daughter was
bartending,
2 and her cell phone was in her car, and it was
just by
3 coincidence that everything happened like that.
My
4 son was watching on the second time, and he
wasn't
5 aware of it.

6 Since this incidence, actually
within the
7 last month, I have put security actually on
the lot
8 to watch the lots, because everything seems
to stem
9 outside, and it's evident that I need better
security
10 on the outside.

11 CHAIRMAN WITKOWIAK: Okay. Thank
you. Is
12 there -- And just so the committee understands,
13 there's two separate applications here. One is
for
14 the renewal of the Class "B" Tavern, and the next
item
15 we'll be hearing is for renewal of the Tavern
Dance
16 application for this applicant. So we're only
-- at
17 this point we're only --

18 MR. COPELAND: Mr. Chair, the Tavern
Dance
19 is new. It's not a renewal.

20 CHAIRMAN WITKOWIAK: Oh, I see. Yeah.
What
21 we're hearing right now is strictly the renewal
of the
22 Class "B" Tavern. The next item will be the
hearing
23 for an application for the Tavern Dance license,
which
24 will be a new application for this location.
25 Questions by committee? Is there
anyone in

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1 the audience here that wishes to testify in this
2 matter?

3 MS. ROBY: I have my son here who helps
run

4 it. He can probably explain exactly what
happened at
5 that time.

6 CHAIRMAN WITKOWIAK: Okay. Is there
anyone
7 else here who wishes to testify to this matter?
Okay.

8 Raise your right hand, please.
9 (Whereupon Johnny Roby was sworn under
10 oath.)

11 CHAIRMAN WITKOWIAK: State your name
and
12 address for the record, please.

13 MR. ROBY: Johnny Roby, 5124 North 56th
14 Street.

15 CHAIRMAN WITKOWIAK: And you're the --

16 MR. ROBY: I manage and I bartend,
and I
17 kind of watch over the place a lot of times
when my

18 mother's not around because she has a job.

19 CHAIRMAN WITKOWIAK: Okay.

20 MR. ROBY: I grew up in the area, two
blocks

21 away from where our bar is. A lot of people that
come

22 there are from the area. We try to keep the bar
as

23 clean as possible, and we have no complaints
from any

24 of the neighbors, try to keep the neighborhood
happy

25 as much as possible.

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1 On the first incident, -- I don't know
if
2 you guys know about other bars, but -- Well, you
guys
3 know about other bars, but there was a bar called
4 Junior's, and the incident -- the first time the
5 shooting happened, we were just -- had so much
like
6 traffic, the cruising, but because Junior's had
their
7 last big bang or whatever, that's when a lot of
people
8 were riding around.

9 One thing I think we can do to better
our
10 situation is contact the police, as far as maybe
give
11 us a direct person to contact as far as someone
that
12 we can call, and say, hey, there's a problem on
13 Hampton Avenue, because sometimes we get
cruising
14 from other places.

15 CHAIRMAN WITKOWIAK: How long have
you been
16 in this location?

17 MR. ROBY: Just a year.

18 CHAIRMAN WITKOWIAK: A year. Okay.
Any

19 questions by committee? Health Department?

20 MR. BOND: Health Department has no
21 objections.

22 CHAIRMAN WITKOWIAK: Neighborhood
Services?

23 MS. BENDER: No objection.

24 ALDERMAN WADE: Mr. Chair?

25 CHAIRMAN WITKOWIAK: Alderman Wade.

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1 ALDERMAN WADE: Thank you. This bar
is a
2 bar, like a lot of us, that I inherited with the
3 redistricting, and -- but unlike a lot of other
areas
4 in the new district, I have had the opportunity
to go
5 over to this bar and visit the bar and look at
the
6 cleanliness of it, the clientele, so on and so
forth.
7 They normally have a guy outside at the front door
of
8 the bar on a regular basis even during the cold
9 months.

10 When I look at the record, the
incidents
11 happened after closing time, and the incidents
12 happened off in the parking lot of the premises.
13 I've spoke with Miss Roby regarding this. I told
her
14 that I had a concern about her not being there
during
15 closing times, since this is when they were
having the
16 most difficulty. She has expressed to me that
she was
17 willing to change her schedule and make sure that
18 she's there during those closing times, and
correct me
19 if I'm wrong, --

20 MS. ROBY: That's correct.

21 ALDERMAN WADE: -- during those
closing
22 times, to help address these issues, and to also
have
23 an extra person for the parking lot area.
24 Now, I haven't gotten any concerns or
calls
25 into my office from the neighborhood saying that
they

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1 were in objection to this. And if you note by
the
2 address of the bar and address of the owner, she
lives
3 in this neighborhood, not too far away, so she
does
4 have a vested interest from that standpoint.

5 My recommendation is to give her the
6 opportunity to try to correct this and keep a good
7 business, a decent business, a decent business
on or
8 in the neighborhood. I definitely don't want to
take
9 a risk on getting someone else in here who may
be less
10 mature and less professional about their
approach.

11 CHAIRMAN WITKOWIAK: Thank you. Any
other
12 questions by committee?

13 ALDERMAN DUDZIK: Yes.

14 CHAIRMAN WITKOWIAK: Alderman Dudzik.

15 ALDERMAN DUDZIK: Just real quickly,
how

16 long have you been there?

17 MS. ROBY: I've been there -- I've
owned it

18 since April of 2003. This will be one year, my
first
19 year.

20 ALDERMAN DUDZIK: Thank you.

21 CHAIRMAN WITKOWIAK: Any other
questions by

22 committee? This matter is in committee.

23 ALDERMAN WADE: I recommend approval.

24 CHAIRMAN WITKOWIAK: The motion by

Alderman

25 Wade is to recommend approval of this license
despite

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1 matters contained in the police report. Are
there any

2 objections to that motion?

3 ALDERMAN DUDZIK: I'll object.

4 ALDERMAN PUENTE: I'll object.

5 ALDERMAN BOHL: I will object.

6 CHAIRMAN WITKOWIAK: Hearing three
7 objections, the motion fails on a vote of three

--

8 two to three. This matter is still in committee.

9 ALDERMAN DUDZIK: Mr. Chairman.

10 CHAIRMAN WITKOWIAK: Alderman Dudzik.

11 ALDERMAN DUDZIK: I would move to

suspend

12 this license for 15 days.

13 CHAIRMAN WITKOWIAK: The motion by

Alderman

14 Dudzik is to recommend approval of the renewal
of this

15 license with a 15-day suspension. Will the clerk
16 please call the roll.

17 MS. ELMER: Alderman Bohl?

18 ALDERMAN BOHL: No.

19 MS. ELMER: Alderman Puente?

20 ALDERMAN PUENTE: No.

21 MS. ELMER: Alderman Wade?

22 ALDERMAN WADE: No.

23 MS. ELMER: Alderman Dudzik?

24 ALDERMAN DUDZIK: Aye.

25 MS. ELMER: Mr. Chair.

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1 CHAIRMAN WITKOWIAK: No. Motions
fails one
2 to four. The matter is still in committee.
3 ALDERMAN BOHL: Mr. Chairman.
4 CHAIRMAN WITKOWIAK: Alderman Bohl.
5 ALDERMAN BOHL: I fear that I'll be
going in
6 the wrong direction here, sometimes we just
aren't in
7 sync here, but -- I think maybe we're going to
have to
8 go out to the bar and have a couple drinks to get
in
9 sync here.
10 I just want to say, very briefly, in
one
11 year's operation, a couple instances are
concerning.
12 I can appreciate what a tough business it is to
be in
13 the bar business. I hope that you are in the right
14 path in making some changes, but I do believe
that a
15 message needs to be sent here.
16 There are many times in which we of
the
17 council should provide, with what I would
term, and
18 what others have used as the term, for
progressive
19 discipline. I think this is an instance in which
that
20 is necessary. It's a tough call. Fifteen days
was
21 right on the border. I just think it was a
little
22 excessive.
23 I think that this matter needs to
be
24 considered, and I will tell you that I will not
25 support your Tavern Dance license, because
given

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1 the problems that you have in one year with a
tavern
2 operation, that's asking a little too much. But
I
3 believe at this point it would be appropriate
to
4 provide for renewal of the application with a
10-day
5 suspension. That would be my motion.

6 CHAIRMAN WITKOWIAK: The motion by
Alderman
7 Bohl is to recommend approval of the renewal of
this
8 application with a 10-day suspension based on
items
9 contained in the police report. Would the
clerk
10 please call the roll.

11 MS. ELMER: Alderman Bohl?

12 ALDERMAN BOHL: Aye.

13 MS. ELMER: Alderman Puente?

14 ALDERMAN PUENTE: Aye.

15 MS. ELMER: Alderman Wade?

16 ALDERMAN WADE: Aye.

17 MS. ELMER: Alderman Dudzik?

18 ALDERMAN DUDZIK: Aye.

19 MS. ELMER: Mr. Chair?

20 CHAIRMAN WITKOWIAK: Aye. Motion

passes

21 five to zero.

22 MS. ROBY: Thank you.

23 CHAIRMAN WITKOWIAK: The next matter

is also

24 in the 7th District, Patty L. Roby, Tavern

Dance

25 application for Life Bar at 5334 West Hampton
Avenue,

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1 and the same two people are at the table.
2 ALDERMAN WADE: Mr. Chair.
3 CHAIRMAN WITKOWIAK: Alderman Wade.
4 ALDERMAN WADE: In lieu of a year
having
5 this establishment, and having the problems
that you
6 have had thus far, it is my feeling that we will
not
7 go forward with the dance license.
8 And you can work with my office when
you
9 need to have permission to have a party or a
dance.
10 I have, if I'm not mistaken, 20 per year, and
we can
11 progressively use those to see what type of a
12 situation we have.
13 So it would be my recommendation
that we
14 withdraw, or we not approve that, and you can
work
15 with my office on having parties, and we can
monitor
16 it from that point. And hopefully, after an
amount
17 of time, you can progressively move into a
situation
18 where you may be able to have a dance license.
19 MS. ROBY: That would be fine.
20 ALDERMAN WADE: This is my
recommendation to
21 you.
22 CHAIRMAN WITKOWIAK: Miss Roby, your
options
23 are you could wish for this hearing to continue
on the
24 Tavern Dance license, and the committee would
rule on
25 it, or the other possibility is you may wish to
just

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1 withdraw the application at this time. And the
reason
2 I'm saying that to you is the -- if you're denied
the
3 Tavern Dance application at this point, you have
to
4 wait one year to reapply for it.

5 If you simply withdraw it, you can work
6 with the alderman's office, have a few of the
special
7 parties, and if everything seems to go okay, then
8 there's a possibility you could reapply for it
in less
9 than a year. So those are your options at this
point.

10 I don't want to advise you either way.

11 ALDERMAN WADE: Mr. Chair, I just had
a
12 small question.

13 CHAIRMAN WITKOWIAK: Yes, Alderman
Wade.

14 ALDERMAN WADE: If she withdraws it,
she
15 gets her money back, correct? Does she get a
portion
16 of her --

17 CHAIRMAN WITKOWIAK: That's correct.

18 ALDERMAN WADE: -- a portion of her
money
19 back? Okay. Thank you.

20 MS. ROBY: Okay. Well, then I'll
choose to
21 withdraw it at this time.

22 CHAIRMAN WITKOWIAK: Okay. So then
just
23 let the record show that the applicant, Patty L.
Roby,
24 wishes to -- she withdraws her application for
the
25 Tavern Dance license at 5334 West Hampton
Avenue.

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2 STATE OF WISCONSIN)
3 MILWAUKEE COUNTY) ss:

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I, DONNA GULCZYNSKI, of Milwaukee
Reporters

7 Associated, Inc., 5120 West Bluemound Road,
Milwaukee,

8 Wisconsin, certify that the foregoing
transcript,

9 consisting of pages 2 through 14 inclusive, is
a

10 full and complete transcript of the proceedings
taken

11 in this cause.

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Donna Gulczynski - Court
Reporter

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22 Dated this day of , 2004
23 Milwaukee, Wisconsin

