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CITY OF MILWAUKEE
UTILITIES & LICENSING HEARING

In the Matter of:
902 South 3rd Street

Proceedings had and testimony given in the above-entitled matter before DAVID L. BOROWSKI, 731 North Jackson Street, Suite 824, Milwaukee, Wisconsin on the June 3rd, 2002, at 11:00 a.m., 200 East Wells Street, Milwaukee, Wisconsin, before Terese M. Schiebenes of Milwaukee Reporters Associated, Inc.

APPEARANCES

DAIN MADDOX, 806 South 3rd Street, Milwaukee, Wisconsin, Complainant.

PETRIE & SOSTARICH, by MARK E. SOSTARICH, 111 East Wisconsin Avenue, Milwaukee, Wisconsin, appeared on behalf of the Respondent.

DEPARTMENT OF NEIGHBORHOOD SERVICES, by KAREN JACOBS, 200 East Wells Street, Milwaukee, Wisconsin.

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PROCEEDINGS

HEARING EXAMINER BOROWSKI: I'm going to call to order the meeting regarding the renewal of an application for the licensed dwelling facility located at 902 South 3rd Street. My name is David Borowski. It's currently 11:00 a.m. And the hearing today is being conducted -- I have been retained by the Utilities & Licenses Committee of the Common Council as a hearing examiner in this matter.

Most of the people here were present for the last hearing, but just so it's clear on the record, after testimony and exhibits are presented and submitted this morning, in the next week-and-a-half, I will submit findings of fact and conclusions of law and have a recommendation to the Utilities & Licenses Committee by June 12th. They will then hear a presentation from me on the 14th, and they will act on the recommendations. The options, as the parties know, are denial of the application, renewal of the application, or a suspension.

Having said all that, again, Mr. Maddox is aware from the last hearing and counsel is aware, this is being recorded, so therefore, try to not talk over each other, give everybody the opportunity to talk, and everyone will have a chance to testify this

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1 morning. Similar to the last hearing, I'm going to
2 have the complainant and the complainant's witnesses
3 led by Mr. Maddox go first, counsel for the applicant
4 will have an opportunity to cross-examine, and then
5 after all the complainant's witnesses have testified,
6 the applicant and counsel will have an opportunity to
7 make their case. I'll allow either or both of you to
8 make an opening statement if you want and then Mr.
9 Maddox can call his first witness.

10 MR. SOSTARICH: Before we proceed, I would
11 like to move in limine to limit the testimony today to
12 the allegations solely concerning 902 South 3rd
13 Street. There are a number of letters submitted --
14 and I don't know if you had an opportunity to review
15 all of them prior to the hearing or not.

16 HEARING EXAMINER BOROWSKI: I have, yes.

17 MR. SOSTARICH: Most, if not almost all of
18 the statements contained in there deal with other
19 rooming houses in the neighborhood, particularly a
20 former rooming house located at 834 South 3rd Street.
21 There are very limited allegations made with regard to
22 902 South 3rd Street. And I also note that at least
23 one of the letters mentions this as a special use
24 application situation, which it is not, and another
25 one mentions it as a new application, which it is not,

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1 it is a renewal. But I'd like to limit the scope of
2 this to not get into extraneous issues and issues
3 affecting other properties in the neighborhood. I
4 think it's only fair and it's correct to tie into the
5 property at issue.

6 HEARING EXAMINER BOROWSKI: Mr. Maddox.

7 MR. MADDOX: Yes, sir. That's fine. But
8 clearly, as the rules of the ordinances state, that
9 includes guests, employees, owner, tenants, or anyone
10 associated with any of the four above. And as you
11 will clearly see from the testimony that I'm going to
12 provide as well as the other witnesses that there is
13 little, if any, distinction between the tenants of 902
14 and 834 and the second or rather third rooming house
15 at 900 South 4th. It's a business. The tenants are
16 all interchangeable. We can't talk about one without
17 the other. So I'll gladly limit the testimony to what
18 we know about 902, including their guests, which
19 includes people who occupy and the problems associated
20 with the property at 834 and a property at 900 South
21 4th.

22 MR. SOSTARICH: That's our concern, because
23 they try to bring in two other rooming houses not
24 owned by Mrs. Crumble. I want a proper foundation
25 laid before allegations regarding other rooming houses

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1 are brought so that there is a specific tie-in to this
2 house.

3 MR. MADDOX: And it will occur, because
4 we'll testify as to the guests of tenants and
5 associated individuals of the rooming house at 902
6 South 3rd.

7 HEARING EXAMINER BOROWSKI: You both made
8 your positions clear, and I will just say that I will
9 listen to the evidence and rule on the evidence as
10 it's presented. Obviously, I don't know exactly
11 what's going to be testified to. I have reviewed the
12 documents that are submitted up to this point. And
13 Mr. Maddox, do you have an opening statement?

14 MR. MADDOX: Yes.

15 MR. SOSTARICH: Before we proceed with
16 opening statements then, I want to make it clear, and
17 I want to make sure we're all on the same page here
18 that opening statements are merely opening statements
19 and are not testimony, because if Mr. Maddox is going
20 to attempt to provide testimony in his opening
21 statement, I want to cross-examine him on it.

22 HEARING EXAMINER BOROWSKI: You will have an
23 opportunity -- Counsel is right, Mr. Maddox. An
24 opening statement is just that, and if your opening
25 statement becomes more testimony on your own behalf,

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1 then I'll allow counsel to cross-examine on that
2 testimony.

3 MR. MADDUX: Certainly.

4 HEARING EXAMINER BOROWSKI: All right. Why
5 don't we do this at this time, everybody who's here to
6 testify on this license raise your right hand. Right
7 hand.

8 (Whereupon, SUZANA CRUMBLE, DAIN MADDUX,
9 SHARI FLAHERTY, SUSANNAH PIERCE, DAVE MARTIN, DON
10 EDWARDS, CHRISTINE BELTON, DON RISTIC and STEVE ARCHEY
11 were duly sworn.)

12 HEARING EXAMINER BOROWSKI: Mr. Maddox, go
13 ahead and try to make it just an opening statement,
14 then we'll give you a chance to testify as part of the
15 other witnesses and give counsel a chance to
16 cross-examine.

17 MR. MADDUX: Yes, sir. Thank you. Again, I
18 am Dain Maddox, D-A-I-N, M-A-D-D-O-X. I live at 806
19 South 3rd Street, approximately one block north of the
20 licensed rooming house of 902 South 3rd. I've lived
21 in the neighborhood and in that residence for nearly
22 20 years. What I would like to do is offer some
23 background material and then call the first witness.

24 There are 12 rooming houses within a three
25 block area of this property. There are 18 rooming

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1 houses within a six block area. Here is a licensed
2 rooming house map prepared for Alderman Sanchez by
3 Legislative Reference Bureau. I'd like to submit that
4 as part of the record. This rooming house is
5 immediately across the street from the only park in
6 the neighborhood. It's a small city-owned lot, I
7 guess the city doesn't technically have parks, but
8 it's a small little common area with some benches. It
9 sits immediately across the street from the rooming
10 house. Vieau Elementary School is one block west of
11 the rooming house. The children at Vieau School will
12 oftentimes meet in the park in the morning, their
13 parents will walk them through the park, et cetera.
14 It's a commonly used small neighborhood park.

15 And the house at 902 is a single-family
16 dwelling. It has been used as a rooming house for
17 several years, but it is and easily could be a single-
18 family house. Mrs. Suzana Ristic-Crumble, the lessee,
19 licensee, pardon me -- she is -- I don't know whether
20 she has -- I may have to ask this question later --
21 but her parents -- her father who is in the room and
22 her mother who is not -- own the rooming house at 900
23 South 4th, they own the duplex -- I believe it's a
24 duplex, recently a rooming house that had lost their
25 license at 834 -- through a zoning variance at 834

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1 South 3rd.

2 The parents of Suzana Crumble, for all
3 practical purposes, are the individuals who are almost
4 always -- they are the people who you see at 902 South
5 3rd. I don't know whether they are officially the
6 managers or not, but they have a set of keys, they run
7 the day-to-day operations. I have not seen Mrs.
8 Crumble in the neighborhood for over six months. When
9 we found out that Mrs. Crumble had purchased the
10 property at 902 -- and I believe it was purchased in
11 March or April of last year, so 12, 13, 14 months --
12 and please correct me at the appropriate time if
13 that's incorrect -- we, at the behest with the
14 assistance of the alderman, we, the neighbors, called
15 a meeting with Suzana Crumble because we had had
16 problems with rooming houses in the past, and we had
17 heard from the seller of the property that she was
18 going to be moving her family into the house at 902,
19 and we were excited about that.

20 MR. SOSTARICH: Object at this point to
21 hearsay testimony attempted to be offered. The former
22 owner of that house is not here to testify, and I
23 believe it's only appropriate to have the people that
24 actually saw her and heard her testify here today.

25 HEARING EXAMINER BOROWSKI: At this point,

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1 it's an opening statement, so an opening statement is
2 not evidence, but try to limit your comments, Mr.
3 Maddox.

4 MR. MADDUX: Certainly. The point of that
5 is that we did meet, and several of the people who met
6 with Mrs. Crumble -- their attorney was present at the
7 meeting, he tape recorded the meeting, the alderman
8 was there. We met at the library in the basement of
9 Vieau School. And the purpose of the meeting -- and I
10 emphasize the fact that we, the residents, called the
11 meeting -- the purpose of the meeting was to welcome
12 Mrs. Crumble into the neighborhood. We were excited
13 to hear that a single-family home was being converted
14 back to a single-family home and she was moving into
15 the neighborhood.

16 We then found out at that meeting that she
17 had no intentions of moving there and never made any
18 such statement. So then we offered to work with her
19 to help that be converted into a duplex. I've been
20 involved in various neighborhood organizations and
21 various community block grant things, and it would be
22 possible to help secure funds to restore the exterior
23 of the building and convert it to a duplex. We met
24 with Mrs. Crumble to encourage that to occur. The
25 meeting then proceeded into them accusing us of being

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1 non-reasonable, of making false statements, and the
2 meeting ended up falling apart. The point being that
3 in May of last year, just a little over a year ago, we
4 met with the current licensee to work with, encourage
5 working with her to make it a good -- to help add to
6 the improvement of the neighborhood. With that, I'd
7 like to call the first witness.

8 HEARING EXAMINER BOROWSKI: Go ahead.

9 MR. SOSTARICH: I take it I don't get an
10 opening statement at this time.

11 HEARING EXAMINER BOROWSKI: If you want one
12 now, you can have one now, Counsel. I thought you'd
13 rather wait until you present your case. It's up to
14 you.

15 MR. SOSTARICH: No. I think we're going to
16 run into a time constraint. Let's see how we do when
17 we get there.

18 MS. FLAHERTY: My name Shari Flaherty,
19 S-H-A-R-I, last name Flaherty, F-L-A-H-E-R-T-Y. I
20 live at 229 West Walker Street.

21 For over 8-1/2 years that I've lived in
22 Walker's Point, I have been accosted by Suzana
23 Crumble, her parents, Mrs. and Mrs. Ristic, some of
24 their tenants and/or employees. This has resulted in
25 concern for my health and safety and several calls to

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1 the police. The reasons for my objection to this
2 license include and are not limited to the following:
3 Intimidating attitudes and badgering questions from
4 the Ristic-Crumble family, their tenants, and/or
5 employees, lewd and derogatory comments and questions
6 from Mr. Ristic and rooming house tenants, public
7 conduct of hollering out false accusations by both
8 Suzana Crumble and rooming house tenants and/or
9 employees. I have witnessed excessive traffic in and
10 out of rooming houses. Specifically being accosted by
11 Suzana Crumble and her tenant/employee has led to
12 concern for my health and safety as well as calls to
13 the police.

14 August 9th, 2000, Suzana Crumble came to my
15 front door with an intimidating attitude and false
16 accusations regarding a very brief exchange I had
17 earlier with her mother, Mrs. Ristic. On April 6th,
18 2001, the morning after the Board of Zoning Appeals
19 denied 834 South 3rd Street a rooming house permit,
20 Suzana Crumble along with Don Edwards, an employee or
21 tenant, and another man I didn't know nor recognize
22 came from the 834 3rd Street rooming house to the 902
23 house and approached my car as I was getting ready to
24 pull out. Suzana walked in front of my car, waving a
25 crowbar, bent over, looked straight at me in the eyes,

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1 and began to holler.

2 The same day but later that morning Suzana
3 Crumble and Don Edwards, an employee or tenant, were
4 standing on the corner outside the 902 house, which is
5 one house away from mine. Don Edwards was jumping up
6 and down and hollering at me, "You F'ing bitch. This
7 is my neighborhood and I can do anything I want."

8 Shortly after, Suzana Crumble yelled out
9 mocking my testimony from the hearing, "She says she
10 wants to live in a nice neighborhood," as well as
11 several false accusations including, "Her name is
12 Shari Flaherty, and she says she buys her drugs from
13 the blue house." Concern for my health and safety, I
14 called the police and reported this incident. Two
15 officers came to talk to Suzana Crumble and myself.
16 The officer who told her what happened went to talk to
17 -- wanted to talk to Don Edwards, and Don Edwards, who
18 was still standing at the corner at the time, ran away
19 from the officer. And I do have a document with
20 witnesses that -- two people that have witnessed this
21 event, and it is notarized. I have copies. I don't
22 know how many you need or what.

23 MR. SOSTARICH: We would like to see it.

24 HEARING EXAMINER BOROWSKI: Ms. Flaherty, do
25 you have anything else to add?

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1 MS. FLAHERTY: No.
2 HEARING EXAMINER BOROWSKI: Any questions of
3 her, Mr. Maddox?
4 MR. MADDOX: No, sir.
5 HEARING EXAMINER BOROWSKI: All right.
6 Counsel?

7 EXAMINATION

8 BY MR. SOSTARICH:
9 Q Ms. Flaherty, or is it Mrs. Flaherty?
10 A Ms.
11 Q Ms. Flaherty, you're a drug user, aren't you?
12 A Pardon me?
13 Q You're a drug user, aren't you?
14 MR. MADDOX: Sir, this is absolutely absurd.
15 This is their tactics, sir.
16 HEARING EXAMINER BOROWSKI: Hang on, hang
17 on, hang on. Counsel, I hope there's some foundation
18 for that, because I don't see the relevance for that
19 either.
20 MR. MADDOX: This is absolutely -- This is
21 their tactics, sir. The moment you try to raise an
22 issue, they attack you.
23 HEARING EXAMINER BOROWSKI: Counsel, there
24 has to be some foundation. We're not following the
25 rules of evidence, as you know, based on the

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1 ordinance, Chapter 275. I have some leeway, and I've
2 granted people leeway in the other hearings, and I'm
3 going to grant leeway in this hearing because I think
4 the parties should have a right to testify.

5 MR. SOSTARICH: We are aware of --

6 HEARING EXAMINER BOROWSKI: Counsel, that's
7 not an appropriate question unless it somehow
8 undercuts her testimony, and you know that.

9 MR. SOSTARICH: It will undercut her
10 testimony because it's considered a wrongful act, and
11 this is proper impeachment.

12 MR. MADDOX: Sir, Officer, Hearing
13 Officer, please. The questions that he can only --
14 He can only ask questions directly related to the
15 incident that she described that is witnessed and
16 notarized by other individuals who, because of their
17 work schedules, were not able to be at this hearing.
18 His -- This is a tactic. This goes back to our main
19 meeting. We made all good faith efforts to work with
20 them. They turned around and accused us of being
21 liars. This is a repeated behavior on the part of the
22 lessee, the licensee, their parents, who are the
23 managers of the property, and apparently their
24 counsel.

25 MR. SOSTARICH: First of all, I'm not

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1 limited to what he says, I'm limited to what you say.

2 HEARING EXAMINER BOROWSKI: That's right.

3 MR. SOSTARICH: Secondly, I am not limited
4 to just what she has just said. I have a broad scope
5 of cross-examination both under the rules of evidence
6 and also the more lax rules that you follow here. A
7 wrongful act is allowed in cross-examination for
8 impeachment purposes, as I'm sure you are aware, and a
9 former tenant that Mrs. Crumble knows, we want to know
10 if this is affecting her testimony today or her
11 attitude towards Mrs. Crumble and her family.

12 HEARING EXAMINER BOROWSKI: Well, Counsel --

13 MR. SOSTARICH: If you don't allow the
14 question, you don't have to. I mean, you can make the
15 decision.

16 HEARING EXAMINER BOROWSKI: I'm not going to
17 allow that question. If you have a specific question
18 regarding her state of mind or her drug use regarding
19 the times she observed what she testified to, I think
20 that's appropriate. A broad scope question of you're
21 a drug user, I don't think that's appropriate.

22 MR. SOSTARICH:

23 Q All right. With regard to your allegations regarding
24 an intimidating attitude, you said that there were a
25 number of instances of that; is that correct?

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1 A Yes.
2 Q How many?
3 A I have written letters in the past. I haven't counted
4 them up total. I'd say at least a half a dozen.
5 Q Who did you write letters to?
6 A I believe I addressed one to Pandora Bender, this one
7 is to Jeffrey Pawlinski.
8 Q So the two letters you're referring to are the one you
9 just submitted today and the one that you submitted
10 March 17th, 2002, which is part of the record; is that
11 correct?
12 A Those are two that I remember.
13 Q Were there any others?
14 A Yes.
15 Q Where are they?
16 A At home on my computer.
17 Q So there's nothing else before the committee other
18 than these two letters; is that right?
19 MR. MADDUX: And there is her direct
20 testimony to those events.
21 MR. SOSTARICH: Is that an objection or an
22 argument?
23 HEARING EXAMINER BOROWSKI: If you want to
24 object, that's one thing, but don't just jump in like
25 this. All right?

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1 MR. MADDUX: Thank you, sir.
2 MR. SOSTARICH:
3 Q So I want to make sure I have all the paper that you
4 submitted are these two, correct?
5 A Correct.
6 Q And the incidents that you are identifying are
7 identified in these pieces of paper; is that correct?
8 A Which two pieces of paper?
9 Q The one you submitted today and one -- here, I'll give
10 you a copy -- and this one dated March 17th, 2002.
11 A There's testimony.
12 Q Okay. Let me get to your testimony in a second. Are
13 there any incidents that are not outlined in this that
14 you're referring to in your testimony?
15 A Yes.
16 Q How many?
17 A Exactly, I don't know.
18 Q With regard to the incidents identified in your letter
19 dated March 17th, 2002, you said that there was an
20 incident that occurred on March -- on August 8th,
21 1999; is that correct?
22 A August 8th?
23 Q It's Paragraph No. 1.
24 A Yes.
25 Q Mrs. Crumble didn't own the rooming house at 902 South

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1 3rd Street on August 8th, 1999, did she?
2 A No, she didn't, not that I'm aware of anyway.
3 Q On August 8th, 1999, you say that she came to your
4 door with an intimidating attitude, made false
5 accusations, and distorted the truth. Did I read that
6 correctly?
7 A Yes, you did.
8 Q Did she strike you?
9 A No, she didn't strike me.
10 Q Did she threaten you physically in any way?
11 A With her intimidating attitude and her stance,
12 absolutely.
13 Q So the way she stood there threatened you?
14 A Absolutely.
15 Q She did not say at any time that she was going to hurt
16 you or your family in any way; is that correct?
17 A No, she didn't say that verbally, but body language is
18 also another form of communication.
19 Q What did she do with her body?
20 A Her body language the morning of August 8th?
21 Q I'm talking about August 8th. What did she do with
22 her body that you took to be an intimidating attitude?
23 A She stood there with her hand on her hip, she was
24 moving back and forth, she had a high-pitched voice,
25 her eyes were like sneering at me, and she was asking

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1 me questions in a very aggressive tone.
2 Q Have you ever had conversations with her before?
3 A Yes, I have.
4 Q And you took her tone of voice and the way she stood
5 there as intimidating?
6 A Absolutely.
7 Q Were you intimidated?
8 A Yes, I was.
9 Q And you said she made false accusations against you.
10 Was it anything to do with 902 South 3rd Street?
11 A No.
12 Q Did it have anything to do with 902 South 3rd Street?
13 A No.
14 Q What false accusations are you contending that she
15 made?
16 A Isn't that stated in the letter?
17 Q No.
18 A She had said that -- I had a brief conversation --
19 This is the morning after a shooting in which I was
20 woken up at 3:00 in the morning, and the next morning
21 I saw her mother, and I asked her about the shooting.
22 We had a very brief conversation. Her mother totally
23 avoided the reality of the shooting, even its
24 existence. Mrs. Crumble asked me if I had a
25 conversation with her and proceeded to tell me that

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1 her mother says that I said that she was responsible
2 for the shooting. I would consider that a false
3 accusation and a distorted truth.
4 Q Is that the only false accusation and distorted truth
5 that you're referring to in this?
6 A Well, it was not a -- a really brief conversation, but
7 it's the one that I remember most clearly.
8 Q Had you made any statements to Mrs. Crumble's mother
9 regarding the shooting that had taken place?
10 A What are you referring to now? I'm not following you.
11 Q Had you made any statements --
12 A Other than what I just described to you?
13 Q Right. Had you made at any time prior to your
14 conversation with Ms. Crumble a statement to Mrs.
15 Crumble's mother anything about a shooting?
16 A A statement, no.
17 Q Did you talk to her about it?
18 A I asked her a question, yes.
19 Q What did you ask?
20 A I think I asked what had happened, because I wasn't
21 clear at the time, and I figured because it was at her
22 property, she might know.
23 Q How do you know -- Was the shooting at 902 South 3rd
24 Street?
25 A No, there wasn't a shooting there.

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1 Q Was there anything to do with a shooting at 902 South
2 3rd Street?
3 A No.
4 Q And you contend that the shooting had something to do
5 with 834 South 3rd Street; is that correct?
6 A Correct.
7 Q Did you see the shooting?
8 A No.
9 Q Do you know anything about where the shooting took
10 place, in other words, where the gun was fired?
11 A Do I know anything? I only know what I've been told
12 by local police.
13 Q The shooting took place outside the building; isn't
14 that correct?
15 A That is correct.
16 Q And a bullet was lodged into 834 South 3rd Street from
17 someone running down the street; isn't that correct?
18 A I don't know. That's not what I was told by the
19 police.
20 Q Have you read the police report?
21 A No, I have not.
22 Q So all you know is hearsay statements were made by
23 other people; is that correct?
24 A I wouldn't say hearsay. It's from the police.
25 Q But you haven't read the police report?

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- 1 A No. I did talk to them at 3:00 in the morning after I
2 was woken up and was unable to go back to sleep.
- 3 Q So you had confrontation with Sue Ristic in which she
4 said that you had made false accusations about her
5 mother, correct?
- 6 A Can you ask me the question again, please?
- 7 Q So you had a confrontation on August 8th, 1999 before
8 Mrs. Crumble owned the property regarding the
9 statement you made to her mother?
- 10 A I did not have a confrontation. She approached my
11 door, rang my bell, falsely accused me, and
12 intimidated me.
- 13 Q And she intimidated you by standing there and talking
14 to you?
- 15 A No, it was not as simple as that. I feel like I'm
16 being badgered again.
- 17 HEARING EXAMINER BOROWSKI: He has some
18 leeway on cross-examination, but Counsel, you also
19 know that that's not what she testified to. She
20 testified to a number of things that intimidated her,
21 not just that your client was standing there.
- 22 MR. SOSTARICH: She said body language and
23 how she talked.
- 24 MR. SOSTARICH:
- 25 Q Correct?

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1 A And actually, what she was asking me, knowing that it
2 wasn't true, a combination of all those things, yes.
3 Q Did you tell her that you hadn't said what she thought
4 you had said to her mother?
5 A Can you ask me that again?
6 Q Well, you said she made a false accusation, and the
7 false accusation was that you had said something to
8 her mother and you said that -- you told us that
9 that was not true, correct?
10 A No. You're missing the specifics of it, and I -- I'm
11 not understanding --
12 Q I want to know if you corrected her and said,
13 "No, that's not what I told your mother?"
14 MR. MADDOX: I don't understand.
15 HEARING EXAMINER BOROWSKI: Hang on, hang
16 on, hang, on. Madame court reporter, can you read
17 back the last couple questions?
18 COURT REPORTER: Well, I can try.
19 (Discussion off the record.)
20 MR. MADDOX: She's not having trouble, sir.
21 MR. SOSTARICH: He's talking about the court
22 reporter. If he has an objection, can you make it in
23 the form of an objection.
24 HEARING EXAMINER BOROWSKI: Right. If you
25 have an objection, Mr. Maddox, you can jump in with an

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1 objection, and then I'll address it at that point.
2 MR. SOSTARICH:
3 Q I'm not trying to badger you. What I'm trying to get
4 at is you had a conversation with Mrs. Crumble at your
5 doorway. She said that you had said something to her
6 mother --
7 A Correct.
8 Q -- that you said was false. You hadn't -- It wasn't
9 what you had said to her mother, correct?
10 A Correct.
11 Q And what I was asking, did you correct Mrs. Crumble
12 and say, "No, that's not what I told her?"
13 A No, because it was out of the blue, and there was
14 nothing to fill in. I mean, the accusation was so
15 absurd that coming back off of something like that,
16 where do I even start? I was too overwhelmed by the
17 false accusation to even be comfortable enough to be
18 logical at the time.
19 Q So you didn't deny it?
20 A I didn't deny what?
21 Q You didn't deny the allegation that you said that Mrs.
22 Crumble made?
23 A Did you just ask me -- ask me the question before,
24 because I thought I was understanding that --
25 Q Mrs. Crumble comes to your door, she said, "You told

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1 my mother something." You don't say, "No, I didn't
2 say that?"

3 MR. MADDOX: I object to this.

4 MS. FLAHERTY: I thought I said that's what
5 I said.

6 MR. MADDOX: He's asked the question five
7 times, the reporter has read it back. Can we please
8 move it on? He can't even repeat his own question.

9 MR. SOSTARICH: First of all, the reporter
10 didn't read it back.

11 HEARING EXAMINER BOROWSKI: Hang on, hang
12 on.

13 MS. FLAHERTY: What is he looking for? I
14 don't understand.

15 MR. SOSTARICH:

16 Q It's very simple.

17 HEARING EXAMINER BOROWSKI: Try to clarify
18 it, though, Counsel, because it has gotten confusing
19 to me, so I'm sure it's a little confusing to the
20 witness.

21 MR. SOSTARICH:

22 Q Mrs. Crumble came to your door, she said, "You had
23 said something to my mother," and you think she got
24 that wrong, "That's not what I said to your mother,"
25 correct?

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1 A Correct.
2 Q At the time when she's at the door, did you tell her,
3 "No, that's not what I said?"
4 A Correct.
5 Q You did say that at the door?
6 A I may have. I certainly let her know that it was
7 completely false.
8 Q What did you tell her?
9 MR. MADDUX: She just answered the question,
10 sir.
11 HEARING EXAMINER BOROWSKI: That's a
12 separate question. The follow-up question from
13 counsel is what did you tell her.
14 MS. FLAHERTY: What exactly did I tell her?
15 Honestly, I don't remember.
16 MR. SOSTARICH:
17 Q On April 6th is another incident that you've outlined
18 in the letter where you say that you were getting
19 ready to pull out in the car, and somebody named
20 Suzana -- so I think that's Sue Crumble, correct --
21 A Correct.
22 Q -- was waving a crowbar and hollering. Where was she
23 standing?
24 A In front of my car.
25 Q Who was with her?

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1 A I believe his name is Don Edwards and another man that
2 I don't know.

3 Q Who else was there?

4 A No one. My dog.

5 Q Were Mrs. Crumble's children there?

6 A Not at that time, no.

7 Q They weren't with her?

8 MS. FLAHERTY: Excuse me. She's just
9 sitting there like --

10 HEARING EXAMINER BOROWSKI: Counsel, I don't
11 appreciate that. I did see that, and my
12 interpretation of that, Counsel, is that your client
13 is --

14 MR. MADDOX: Thank you, sir.

15 HEARING EXAMINER BOROWSKI: Ms. Crumble,
16 face your counsel or face me. And the same thing
17 applies to you guys. This is getting contentious
18 already. I don't want to be here all day ruling on
19 objections. Let's get to testimony. And Ms. Crumble,
20 in light of the testimony, Counsel, that the witness
21 is testifying to that your client intimidated her,
22 whether that's true or not is something I'll determine
23 later on, but I don't want your client looking at her
24 in what I considered an intimidating fashion. So
25 please advise your client not to do that again, or

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1 else I'll have her sit back there while you're
2 cross-examining her.

3 MR. SOSTARICH: Sure. Don't look at her.

4 MS. CRUMBLE: Okay.

5 HEARING EXAMINER BOROWSKI: Go ahead.

6 MR. SOSTARICH:

7 Q Did she strike you with a crowbar?

8 A No, she did not.

9 Q Did she strike your car with a crowbar?

10 A No, she did not.

11 Q Did you say anything to her?

12 A No, I did not.

13 Q Did you make any hand gestures to her?

14 A No, I did not.

15 Q You didn't give her the finger?

16 A No, I did not.

17 Q Where does Mr. Edwards live?

18 A Now?

19 Q At the time, do you know where he lived?

20 A Well, during the hearing, I believe he testified that
21 he lived at 834 South 3rd Street.

22 Q Is this the hearing that you talking about the special
23 use permit for 834 South 3rd?

24 A Correct.

25 Q And you say that she threatened you with this crowbar?

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1 A I felt threatened.
2 Q Did she say she was going to hit you with the crowbar?
3 A No, she did not.
4 Q Did she say she was going to hit your car with the
5 crowbar?
6 A No, she did not.
7 Q Did you curse at her?
8 A No, I did not.
9 Q What did you say to her?
10 A I didn't say anything to her.
11 Q Were you aware that she called the police on you?
12 A No, I was not.
13 Q Did the police question you about the fact that your
14 front license plate wasn't the same as your back
15 license plate on your automobile?
16 MR. MADDOX: Object. What relevance does
17 that have?
18 MR. SOSTARICH: That's why she called the
19 police on her.
20 HEARING EXAMINER BOROWSKI: All right.
21 Answer the question.
22 MS. FLAHERT:
23 A Later in the afternoon -- this is earlier in the
24 morning -- later in the afternoon after the police had
25 came, the guy told me, "Don't worry about it, just

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1 change the plate," because my front plate had been
2 rusted on, and I was unable to get the nuts and bolts
3 out to put the plate on. My neighbor helped me do it,
4 and it was done. And that wasn't the issue, the issue
5 was what happened later in the afternoon.

6 MR. SOSTARICH:

7 Q Was there any charges issued with regard to this
8 incident?
9 A No, there was not.
10 Q At the time of this incident April 6th, 2002, was the
11 rooming house at 902 South 3rd Street in operation?
12 In other words, were there tenants?
13 A At the what house, the 902?
14 Q 902.
15 A Actually, I'm not sure.
16 Q Isn't it true that Mrs. Ristic and Mr. Edwards were
17 doing work at the house at the time?
18 A That could be possible, yes.
19 Q Isn't it true they were using crowbars as they were
20 working at the house?
21 A That could be possible, too.
22 Q You also identified in your March 17th, 2002 letter
23 something that you said occurred on March 14th, 2002.
24 It's the third bullet point you have.
25 A Yes.

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1 Q And you reference a man standing outside the house at
2 902 throwing stones and hollering up at a window; is
3 that correct?
4 A Yes, that is correct.
5 Q Did you report that to anyone?
6 A I documented it.
7 Q Did you report it to anyone? In other words, did you
8 call the police?
9 A No, I did not.
10 Q Did you call Mrs. Crumble?
11 A No, I did not.
12 Q Did you report it to the building manager?
13 A I don't know the building manager.
14 Q Did you take any pictures of this incident?
15 A No, I did not.
16 Q Did you take any videotape?
17 A No, I did not.
18 Q Did the person go away?
19 A I assume so.
20 Q Do you know who the tenants are at 902 South 3rd
21 Street?
22 A Well, they seem to change on a pretty regular basis.
23 Q How do you know who the tenants are that are changing?
24 A Just by face.
25 Q Do you see people going in and out of the building?

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1 A Quite a few, yes.
2 Q Have you ever introduced yourself?
3 A In the past, yes, absolutely.
4 Q To how many of them?
5 A I have known Pete, I've known John, who has
6 unfortunately passed away, I've known Janet, who was
7 managing the 834 house awhile back, I've known --
8 Q Are these tenants of 902 South 3rd Street, or are
9 these tenants at 834?
10 A Well, at the time, I believe they were at 834. I
11 wasn't firmly introduced to Don Edwards, but I did
12 have the unfortune of meeting him.
13 Q So did you know any tenants from 902 South 3rd Street?
14 I'm not asking about 834.
15 A Do I know any? Not personally, no.
16 Q Do you know any of them by name?
17 A I believe Maria and Angel had occupied that 902 house
18 at one point, but they have now moved across the
19 street from me into a duplex.
20 Q That's, in fact, a duplex owned by Delia Cerda?
21 A Delia.
22 Q Delia Cerea or Cerda?
23 A Cerda, yes.
24 Q And she's one of the signatories to this letter dated
25 June 2nd, 2002?

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1 A She's witnessed the event, too, yes.
2 Q And Angel's living with her now at her place?
3 A No, Angel's not living with her.
4 Q I mean in the building.
5 A Across the street, yes. And so I know who they are.
6 I don't know them personally. We speak, we say hello,
7 we have a respectful neighborhood coexistence.
8 MR. SOSTARICH: Okay. That's all I have.
9 HEARING EXAMINER BOROWSKI: All right. Mr.
10 Maddox, any follow-up questions?
11 MR. MADDUX: No, thank you, unless Shari
12 wishes to add anything.
13 HEARING EXAMINER BOROWSKI: Anything to add,
14 Ms. Flaherty?
15 MS. FLAHERTY: No.
16 HEARING EXAMINER BOROWSKI: All right.
17 Thanks for coming in.
18 MR. MADDUX: Thank you. Next is Susannah
19 Pierce.
20 MS. PIERCE: My name is Susannah Pierce. I
21 have lived at 910 South 3rd Street for nine years, a
22 property contiguous to 902 South 3rd Street, to the
23 south of that property.
24 As you've heard, there is a heavy
25 concentration of rooming houses within a very short

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1 distance of the Walker Street and 3rd Street corner
2 where 902 is located. My remarks are intended to
3 illuminate the types of activities that tend to occur
4 at rooming house sites. They do not necessarily
5 reflect involvement of the current occupants at 902,
6 although some of these remarks do apply to those
7 tenants.

8 MR. SOSTARICH: We would object to any
9 comments on rooming houses in general and specifics
10 here should be to 902 South 3rd. If there's an issue
11 with regard to allowance of rooming houses, that's a
12 policy decision for the Council.

13 HEARING EXAMINER BOROWSKI: Mr. Maddox?

14 MR. MADDOX: Yes. As I testified -- or not
15 testified, but as I put into my opening comments and
16 others will testify that there is little distinction
17 between the occupants of 902 or the other rooming
18 houses in the neighborhood, and particularly given the
19 three that we've talked about, 834, 902, and 900 South
20 4th, who are owned or managed by the Ristics or the
21 Crumbles. The tenants are interchangeable and the
22 guests are interchangeable. You can't speak of one
23 without the other.

24 MR. SOSTARICH: There's been no foundation
25 laid for that whatsoever. That's like saying all

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1 people of a particular ethnic group or a particular
2 age should be --

3 MR. MADDOX: Just -- Object.

4 COURT REPORTER: Wait, wait, wait.

5 HEARING EXAMINER BOROWSKI: Hang on. One at
6 a time so the court reporter can get it down.

7 MR. SOSTARICH: To simply identify a group
8 of people and say all tenants of rooming houses act
9 this way or all tenants in this particular area act
10 this way, you can't lump them together. It has to be
11 specific to identification of a particular rooming
12 house. That's what's before this body.

13 MR. MADDOX: That's correct. And if I may,
14 sir.

15 HEARING EXAMINER BOROWSKI: You can respond
16 to it.

17 MR. MADDOX: Yes. I did not make the
18 general statement like that, and I'm fascinated by
19 both counsel and the Crumbles who repeatedly refuse to
20 accept the obvious and try to take it to an illogical
21 extreme to avoid responsibility. I specifically
22 said --

23 MR. SOSTARICH: That's improper argument.

24 MR. MADDOX: -- 834, 900, and 902. And I
25 have witnessed -- and I'll gladly be cross-examined on

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1 this -- I have witnessed people moving from one
2 rooming house --

3 MR. SOSTARICH: No, he did not testify to
4 that.

5 HEARING EXAMINER BOROWSKI: I've heard
6 enough from both. All right. Ms. Pierce, here's what
7 I want you to do; testify about this rooming house and
8 what you've seen going on regarding this rooming
9 house. If it appears there's an issue regarding the
10 ownership and the transfer and a relationship between
11 the Ristics and the Crumbles and if there's a
12 relationship between one tenant moving across the
13 street or vice versa, that's all fine because that's
14 relevant to the rooming house in this case, but I do
15 not want to hear testimony about rooming houses in
16 general or tenants in general or any other vagaries
17 like that. I only want testimony -- and this applies
18 to everyone -- regarding 902 South 3rd Street, their
19 tenants, their ownership, their managers, people, and
20 if there's a tenant that goes across the street from
21 832 or 904 and then ends up back at 902, that's all
22 fine, but I don't want vagaries and general statements
23 about rooming houses or rooming house clients or
24 tenants or anything like that. Okay.

25 MS. PIERCE: Yes.

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HEARING EXAMINER BOROWSKI: That's my ruling.

MS. PIERCE: That's very clearly understood.

HEARING EXAMINER BOROWSKI: Go ahead.

MS. PIERCE: I will tell you, though, I started putting this together, because my objection is on density, and the argument for density included some generalities. All right. I will stick to things that occurred at 902 with the current owner.

HEARING EXAMINER BOROWSKI: Thank you.

MS. PIERCE: Tenants last summer were drinking beer on the front porch and throwing their empty cans on the sidewalk. Last summer, also, I watched a tenant come from a house to a van -- at 902 to a van parked in front of the property, take a plastic bag from an occupant of the van, and then when I walked down my driveway and let that tenant know that I was watching him, he suddenly darted -- ran across the street, across the park, and disappeared down an alley, and the van sped away. I'm not drawing conclusions from what I saw, I am simply reporting what I saw, but generally people don't run away if they're just passing a tube of toothpaste back and forth. There is very frequent yelling from the outside to tenants inside the house.

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1 Would you like to direct your glare at
2 somebody else, not at me? It is intimidating. You're
3 very intimidating, you're very intimidating.

4 HEARING EXAMINER BOROWSKI: Ms. Crumble.

5 MS. CRUMBLE: I'm sorry. I won't even look
6 at anybody. I was not --

7 HEARING EXAMINER BOROWSKI: Both the
8 witnesses here, there's clearly -- I've read what's
9 been submitted. There's clearly issues regarding
10 intimidation. And Counsel, this is two warnings. If
11 I have to warn her again, she will be removed at least
12 to a seat, period.

13 MR. SOSTARICH: Just look ahead.

14 HEARING EXAMINER BOROWSKI: I don't want her
15 looking in that direction. She can look at me --
16 Counsel, at this point, I don't want her looking at
17 you anymore, because also then she looks at all those
18 witnesses. Let's have her not do that anymore. I'm
19 getting the impression, too, as the hearing examiner
20 that she's trying to intimidate these people. She's
21 not --

22 MS. CRUMBLE: No, no.

23 HEARING EXAMINER BOROWSKI: Do not do it
24 again, Ms. Crumble. Do you understand me?

25 MS. CRUMBLE: I'm sorry.

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1 HEARING EXAMINER BOROWSKI: Do not look at
2 her or any other witness that Mr. Maddox calls. Go
3 ahead.

4 MS. PIERCE: I was saying that there is
5 frequent yelling from outside the house to tenants
6 inside, and there may be no response. Usually there
7 is no response, and the yelling just goes on and on
8 and on until finally the person on the outside gives
9 up and realizes perhaps that that person is not there.
10 That is a very frequent occurrence.

11 I have a very loose record of things, I mean
12 really loose. I started trying to write things down
13 as they happened. It's very, very difficult to do
14 that, but I did try doing it. If you want this,
15 you're welcome to it. They are pencil scribbled notes
16 that are things that I observed and I wrote down here.
17 I'm looking for -- I'm looking for one that involves
18 anything other than what I have already spoken to.

19 There is car honking. People do pull up,
20 and they're obviously taking somebody from the house
21 somewhere, but there's nothing that they do to get
22 that person other than honk the horn and honk it and
23 honk it and honk it. That is a very common
24 occurrence. I already testified to the person who
25 apparently received something from somebody who

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1 stopped and then ran away when he saw me. Oh, and
2 then I was told -- I'm sorry, this is hearsay. You
3 can't hear that?

4 HEARING EXAMINER BOROWSKI: I don't want
5 hearsay. I just want your testimony of what you've
6 observed.

7 MS. PIERCE: Okay. This is mostly yelling.
8 On May 10th of this year, I wrote down, "Lots of
9 moving around of tenants from one property to
10 another." And the reason we do know that is there's
11 always belongings, and they're always coming from one
12 property to another to another. That's how we know
13 the tenants move around from the three properties, why
14 there is a connection between the three.

15 HEARING EXAMINER BOROWSKI: Which
16 properties?

17 MS. PIERCE: 900 South 4th Street and 834
18 South 3rd, which are owned by Mrs. Crumble's parents,
19 the Ristics, and 902 South 3rd. We see tenants moving
20 between those three houses with their belongings all
21 the time, so we know there is a connection between
22 them.

23 HEARING EXAMINER BOROWSKI: You've witnessed
24 that yourself, Ms. Pierce?

25 MS. PIERCE: Absolutely, absolutely. I have

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1 nothing else.

2 HEARING EXAMINER BOROWSKI: All right.

3 Counsel.

4 EXAMINATION

5 BY MR. SOSTARICH:

6 Q You submitted a letter dated the 23rd, is that
7 correct, of March?

8 A Yes.

9 MR. SOSTARICH: Here, you can have a copy.

10 MR. MADDOX: Thank you.

11 MR. SOSTARICH:

12 Q You identify three problems in this particular letter,
13 correct?

14 A Yes.

15 Q You've got tenants in the neighborhood park intimidate
16 neighborhood children. Have you witnessed any tenants
17 of 902 South 3rd Street intimidating neighborhood
18 children in the park?

19 A No. I've heard it from the mother of those children.

20 Q Have you witnessed anybody intimidating children in
21 the park yourself that are from 902 South 3rd Street?

22 A I said no, I have not. I heard it from the mother of
23 those children.

24 MR. SOSTARICH: I move to strike the balance
25 of that statement with regard to the hearsay statement

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1 unless their mothers are here.

2 MS. PIERCE: I didn't testify to it here.

3 HEARING EXAMINER BOROWSKI: She testified

4 no, she had not seen it herself, but she heard it.

5 What she heard obviously is hearsay.

6 MR. SOSTARICH: My concern is those mothers,

7 unless they're here to testify, I cannot question them

8 as to whether the tenants were from that building.

9 MR. SOSTARICH:

10 Q With regard to the car honking, you testified there
11 was a number of instances there was car honking and
12 people yelling for the tenants?

13 A Yes.

14 Q How many times had that occurred?

15 A Oh, I would say that it's a minimum of once a week.

16 Q Have you reported this to the police?

17 A No, I haven't. Well, actually I have. In the past, I

18 have called about what is known as quality of life

19 issues. It's very, very difficult to have the police

20 respond to anything like that when they are chasing

21 after possible bank robbers, whatever.

22 Q So you recall doing that one time, is that correct,

23 call the police?

24 A Yes, I have. In the past, yes, I certainly have.

25 Q Was it with regard to 902 South 3rd Street or with

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1 regard to one of the other porperties?
2 A 902 South 3rd.
3 Q Do you recall when that was?
4 A No, I don't.
5 Q Was there a response to it?
6 A Well, when you call, you simply register the complaint
7 and then hope to see somebody -- Sometimes they come
8 three hours later, by which time I might well be gone.
9 Q With regard to the one that you called in --
10 A No, I did not see a response.
11 Q Have you complained to Mrs. Crumble about the honking
12 outside or the calling to tenants from outside?
13 A No, I have not. It was made very clear last year --
14 MR. SOSTARICH: I'll move to strike anything
15 after no.
16 HEARING EXAMINER BOROWSKI: She can finish
17 answering.
18 MR. MADDOX: Thank you, sir.
19 HEARING EXAMINER BOROWSKI: Finish, Ms.
20 Pierce.
21 MS. PIERCE:
22 A It was made very clear to us last year that any
23 complaint that was made to the Ristics or Suzana
24 Crumble was denied, "Oh, that wasn't our people, that
25 wasn't our people, that didn't happen." And one

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1 simply quits making the complaint to the person who
2 absolutely always denies that it had anything to do
3 with them. Why would I continue to call?

4 MR. SOSTARICH:

5 Q Did Mrs. Crumble at any time tell you or deny that any
6 of her tenants have done something?

7 A Yes. It was at that meeting that we held in May of
8 last year.

9 Q She didn't have any tenants in May of last year.

10 A There were people staying in that house, they may not
11 have been tenants, but there were people living there
12 then.

13 Q And this is the meeting that took place at the grade
14 school?

15 A Yes.

16 Q The other issue that you mentioned is no continuity in
17 tenants, and will allow me to treat them as friends or
18 neighbors. Do you talk to the tenants at 902 South
19 3rd Street?

20 A Absolutely. Every time I pass them on the street, I
21 say hello to them.

22 Q Do they say hello back?

23 A Some do, some don't.

24 Q With regard to the incident where you saw someone take
25 a plastic bag from a car in front of the place, who

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1 was the individual who took the plastic bag?
2 A I believe his name was Mark.
3 Q What's his last name?
4 A I don't have any idea what his last name was. I'm
5 sure he didn't know what my name was.
6 Q Where did he live?
7 A At the time, he was living at 902.
8 Q Is he still there?
9 A No. I have some hearsay reporting on what happened to
10 him, but I'm not allowed to say that.
11 Q So he's no longer a tenant at 902, to the best of your
12 knowledge?
13 A That's correct.
14 Q Did you report that to the police?
15 A No.
16 Q The incident where you say tenants last summer were on
17 the porch and were drinking and threw beer cans on the
18 lawn, whose lawn did they throw them on?
19 A Well, actually, they went on the sidewalk, because
20 they went off of the porch at 902.
21 Q How many cans were thrown?
22 A I don't know. I didn't count them.
23 Q Do you know who picked them up?
24 A I picked up two.
25 Q Do you know if anyone else picked up the others?

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1 A No, I don't know.
2 Q Did you report it to anyone that lived at 902 South
3 3rd Street that this had occurred?
4 A No, I did not.
5 Q Did you report it to Mrs. Crumble?
6 A No, I did not.
7 Q Did you report it to the police?
8 A No, I did not.
9 Q Do you remember the date of when this occurred?
10 A No, I don't.
11 Q Do you remember the month? You said you think it was
12 August?
13 A Well, it was warm.
14 Q Are there taverns located in the neighborhood?
15 A I think there are a few.
16 Q You oppose the issuing of a special use permit for 834
17 South 3rd Street; is that correct?
18 A And that has what to do with this?
19 MR. MADDUX: I object. He himself said
20 that's not relevant. Now he wants to bring it in as
21 an issue. He can't have it both ways.
22 MR. SOSTARICH:
23 Q You mentioned to the people at 834. I want to know if
24 you oppose that.
25 MR. MADDUX: Only in relationship to them

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1 being tenants or guests or friends of people at 902,
2 you made that very clear, and now he's trying to slide
3 in that issue. I strongly object to this.

4 MR. SOSTARICH: I think it was she was
5 opposed the special use permit at 834 South 3rd.

6 HEARING EXAMINER BOROWSKI: Let me put it
7 this way. I think it has limited relevance, but you
8 can answer the question.

9 MS. PIERCE:

10 A Well, it's a matter of public record. Yes, I did.

11 MR. SOSTARICH:

12 Q When you say that you witnessed tenants moving back
13 and forth or to a different location, you identified
14 900 South 4th, 834 South 3rd, and 902 South 3rd,
15 correct?

16 A Um-hum.

17 Q Well, 834 South 3rd, that one was closed as a rooming
18 house, correct, because it didn't get a special use
19 permit?

20 A They still had tenants.

21 HEARING EXAMINER BOROWSKI: Ms. Pierce, the
22 question was if there was -- if it was closed as a
23 rooming house. Do you know?

24 MS. PIERCE: Yes, it was.

25 MR. SOSTARICH:

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1 Q And tenants left after it was closed?
2 A Rooming house tenants left after it was closed. They
3 are still legally allowed to have two families living
4 there. It is now zoned as a two flat -- a two-family
5 home, I should say.
6 Q What tenants did you see that left another rooming
7 house, either 900 or 834 South 3rd and moved into 902
8 South 3rd?
9 A I don't know their names, and I would see this from
10 some distance, but if they were carrying their
11 belongings and were accompanied by one of the Ristics
12 or Suzana Crumble, then I can pretty well assume --
13 and they're coming from the direction of one of the
14 other houses, that that's what's happening.
15 Q Did you see any of them actually leave one house, in
16 other words, walk out the door of one house and walk
17 into the door of the other?
18 A No, I didn't.
19 MR. SOSTARICH: That's all I have.
20 HEARING EXAMINER BOROWSKI: Anything else,
21 Ms. Pierce?
22 MS. PIERCE: No, not at all.
23 HEARING EXAMINER BOROWSKI: Mr. Maddox,
24 anything else for Ms. Pierce?
25 MR. MADDOX: No.

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HEARING EXAMINER BOROWSKI: Thank you. You can call your next witness, Mr. Maddox.

MR. MADDUX: Yes. Thank you. Dave Martin.

MR. MARTIN: My name is Dave Martin, and I live at 828 South 3rd Street in Walker's Point. I am here today to oppose the granting of a rooming house permit for Suzana Crumble, owner of 902 South 3rd. I was denied a hearing on whether to grant a new rooming house permit for 902 South 3rd Street. My objection letter was not notarized but was submitted before the 14-day deadline. In my opinion, the Ristic-Crumble family received their rooming house permit in 2001 only because of a technicality and not because there was a fair open public hearing.

As is indicated on the Legislative Reference Bureau map of the 12th District of Milwaukee dated 5/1/02, there are no fewer than 34 rooming houses in the one square mile area around 902 South 3rd. This kind of density destabilizes our neighborhood. We do not need another rooming house when there are eight in a two block area surrounding 902.

While walking home from the bus stop on March 6th of 2002 at 8:10 p.m., I witnessed a female visitor standing on the porch of 902 South 3rd Street yelling in a loud voice, "Hernandez." This disturbance

00050

1 continued for approximately five to seven minutes. I
2 regularly witness two or three tenants of 834, 902
3 South 3rd, and 900 South 4th street burdened with
4 bedding and/or belongings traveling between these
5 houses on Friday evening or Saturday morning. It has
6 always been a source of curiosity for me as to why
7 these rooming house tenants are moved from property to
8 property seemingly on a weekly basis.

9 I was told by the State Bureau of Consumer
10 Affairs that the legal definition of a tenant, someone
11 who would be protected by tenant/landlord law, is an
12 individual who remains in a property more than 60
13 days.

14 HEARING EXAMINER BOROWSKI: Anything else,
15 Mr. Martin?

16 MR. MARTIN: No.

17 HEARING EXAMINER BOROWSKI: Counsel?

18 EXAMINATION

19 BY MR. SOSTARICH:

20 Q You submitted a letter dated March 13th of 2002 to
21 Neighborhood Services in opposition to Mrs. Crumble's
22 application; is that correct?

23 A Yes, I may have. Can I see a copy of it?

24 Q Yes. The fifth paragraph it says, "It's come to my
25 attention that the Ristic-Crumble family has made

00051

1 application for a rooming house permit on March 12th,
2 2002, a full three months before the expiration of
3 their current permit." Did I read that correctly?
4 A That's what it looks like to me.
5 Q Did you consider that some form of a problem that they
6 applied for the rooming house permit three months
7 before the permit expired?
8 A No. I believe that's what I said. It's three months.
9 Q What did you consider the significance of the
10 three month time period?
11 A I don't know. I imagine they were notified. I have
12 no idea what they were thinking of.
13 Q Who owns the property at 902 South 3rd Street?
14 A The Website says that Suzana Crumble does.
15 Q Do you monitor the activities that go on at 902 South
16 3rd Street?
17 A I see things go on just like all the other neighbors.
18 What do you mean by monitor?
19 Q Do you watch it?
20 A When I am going with my car.
21 Q You submitted a calendar with handwritten and typed up
22 notations, a multipage-document to these proceedings,
23 correct?
24 A Correct.
25 Q Why?

00052

1 A Because I was told that that was pertinent in
2 documenting activity in a rooming house, and it was
3 admissible in these proceedings.
4 Q Who told you that it was pertinent?
5 A I don't recall.
6 Q Do you have a copy of that?
7 A Of what?
8 Q Of what you submitted.
9 A No, I don't.
10 Q I'll give you one.
11 MR. MADDUX: Mr. Borowski, may I ask a
12 clarifying question?
13 HEARING EXAMINER BOROWSKI: Yes.
14 MR. MADDUX: I just want to make certain, is
15 this -- the question is directed to Mr. Martin -- was
16 this submitted as part of your --
17 HEARING EXAMINER BOROWSKI: Yes, this was
18 made as an attachment.
19 MR. MADDUX: To the notarized letter?
20 HEARING EXAMINER BOROWSKI: Yes.
21 MR. MADDUX: Okay. Thank you.
22 MR. SOSTARICH: Actually, it was submitted
23 in conjunction with the letter March 14th, 2002. I
24 just handed it to Mr. Maddox.
25 MR. SOSTARICH:

00053

1 Q Is that the letter you submitted it with, Mr. Martin?

2 A Right. This was intended for the original hearing
3 that was denied.

4 Q So you submitted this --

5 HEARING EXAMINER BOROWSKI: Hang on, hang
6 on, hang on.

7 MR. SOSTARICH:

8 Q I'm confused now. This was submitted for the original
9 application for a rooming house license, the letter
10 dated March 14th, 2002?

11 HEARING EXAMINER BOROWSKI: Mr. Martin, what
12 counsel is getting at is there was a hearing last
13 year, and now this document that you submitted is
14 dated March 14th of this year, 2002. Is that what
15 you're trying to clarify?

16 MR. SOSTARICH: I'm trying to figure out
17 which ones he's talking about.

18 MR. MADDUX: Was the log submitted?

19 HEARING EXAMINER BOROWSKI: I guess what
20 Counsel is asking is when this log was submitted. It
21 appears from the letter it was attached to that it was
22 submitted to the Neighborhood Services Department and
23 then it was forwarded to me as part of the documents
24 for this hearing, but Mr. Martin's earlier answer led
25 counsel and me, frankly, to believe that it was

00054

1 submitted for a hearing last year in 2001. That's
2 what you were trying to get at right, Counsel?

3 MR. SOSTARICH: I'm trying to figure out if
4 it was for 2001 or if it was for 2002.

5 MR. MARTIN: It was originally intended for
6 2001 when I thought we were going to have a hearing
7 last year. I was told that we had to resubmit stuff
8 for this hearing.

9 MR. SOSTARICH: Okay.

10 HEARING EXAMINER BOROWSKI: All right.

11 MR. SOSTARICH:

12 Q And you've got calendar entries from calendar pages
13 going from March 22nd through August 26th; is that
14 correct?

15 A Yeah.

16 Q Are we talking about 2002 here?

17 A No. This is 2001.

18 Q March 25th is 2001?

19 A Right.

20 Q And based upon your review of the records, when did
21 Mrs. Crumble purchase her property, 902 South 3rd
22 Street, do you know?

23 A She made application for the rooming house license on
24 April 9th or 10th, I believe.

25 Q What year?

00055

- 1 A 2001.
- 2 Q Looking at the first entry is Thursday, March 22nd.
3 It would have been of 2001; is that correct then?
- 4 A Right, right.
- 5 Q And it's referring to a Board of Zoning Appeals
6 hearing that dealt with 834 North 3rd Street -- or
7 South 3rd Street, I should say; is that correct?
- 8 A Yes.
- 9 Q The next entry is April 5th, 2001. That deals with
10 the Board of Zoning Appeals, again dealing with 834
11 South 3rd Street, a special use permit; is that
12 correct?
- 13 A Correct.
- 14 Q Then we have an April 6th entry where it says, "Suzana
15 Crumble and three other tenants verbally harassed
16 Shari Flaherty. Crumble threatened Shari with a
17 crowbar. Police called to the scene." Is that
18 entry, is that correct?
- 19 A Correct.
- 20 Q You weren't present for that; is that correct?
- 21 A No.
- 22 Q And you got that information from whom?
- 23 A Shari told me about it.
- 24 Q Who are the three other tenants?
- 25 A I don't know.

00056

1 Q Where are they tenants at, in other words, what
2 building?
3 A I don't know.
4 Q Did you talk to the police about it?
5 A No, I did not.
6 Q On April 7th, 2001, there's a reference to vandalism
7 at 813 South 3rd Street. Is that owned by this Mr.
8 Greg Rake?
9 A Greg has since moved out of the area, but he owned it
10 at that time.
11 Q Are you contending that that had something to do with
12 the tenants at 902 South 3rd Street?
13 A These are observations and loggings. I'm not
14 contending anything.
15 Q Why did you submit that one then for consideration?
16 A Because I was told that it's relevant.
17 Q And again, who told you that was relevant?
18 A I can't remember who specifically told me about that,
19 but I do remember that when the bars -- or when there
20 was a problem with the outside parties on the bars,
21 that people in the neighborhood would keep logs, and
22 those were admissible, and I was thinking that I would
23 do the same thing.
24 Q The April 9th entry is when Mrs. Crumble applied for
25 her rooming house permit, correct?

00057

1 A Correct.
2 Q And that's for 902 South 3rd Street?
3 A Correct.
4 Q And then on April 10th, the next day, you sent letters
5 of objections; is that correct?
6 A Um-hum.
7 HEARING EXAMINER BOROWSKI: Mr. Martin and
8 other witnesses, you have to answer with a yes or no,
9 because um-hum doesn't come through on the
10 transcription.
11 MR. SOSTARICH:
12 Q Do we have any of those letters?
13 A The three letters that I sent to Neighborhood
14 Services, I don't know.
15 Q I want to make sure that I've got all the paper that
16 was submitted in opposition to this license, and the
17 only ones we have from you are the March 13th and 14th
18 of 2002 letters and this attachment, correct?
19 A Correct.
20 Q Next entry is April 12th?
21 MR. MADDOX: May I ask counsel a question?
22 MR. SOSTARICH: No.
23 MR. MADDOX: Is he going to march through
24 the log day by day?
25 HEARING EXAMINER BOROWSKI: Well, Mr.

00058

- 1 Maddox, first of all, no, it's not appropriate right
2 now to ask counsel a question, B, it appears to me
3 that he is, and C, he has a right to do that since a
4 document like this is certainly subject to impeachment
5 on cross-examination. Go ahead, Counsel.
6 MR. SOSTARICH:
7 Q Next entry is April 12th, and that indicates a letter
8 from me; is that correct?
9 A Correct.
10 Q You are part owner of a property immediately adjacent
11 to 834 South 3rd Street?
12 A Correct.
13 Q The letter dealt with an encroachment over the
14 property line, correct?
15 A The letter dealt with an encroachment onto the
16 property immediately south of mine.
17 Q And that was an encroachment, correct?
18 A I had asked Mrs. Ristic verbally, I had sent her a
19 letter getting permission to put up that fence. She
20 verbally told me yes. At that time, I did not know
21 that it was necessary for me to get it in writing.
22 Q But that's been resolved, the plantings and everything
23 have been taken care of, right?
24 A Correct.
25 Q It has nothing to do with 902 South 3rd Street?

00059

1 A I didn't say that it did. This was a log of things
2 that happened in the neighborhood.
3 Q But it has nothing to do with 902 South 3rd Street?
4 A No, it doesn't.
5 Q It has nothing to do with Mrs. Crumble?
6 A I don't know that.
7 Q The encroachment onto the property owned by Mr. and
8 Mrs. Ristic, which is next door to yours, you're
9 contending you don't know if that has anything to do
10 with Ms. Crumble?
11 A I don't know if the comment Ms. Crumble made to me
12 when I was walking into this room for the hearing at
13 834, when she said, "Somebody better move their
14 fence," before you sent that letter means anything.
15 Q April 16th is the next entry?
16 A Correct.
17 Q That indicates the meeting that you had with lawyers,
18 and that's dealing with the property line situation,
19 correct?
20 A That's --
21 COURT REPORTER: Wait, wait, wait. Just let
22 him --
23 HEARING EXAMINER BOROWSKI: One at a time.
24 MR. SOSTARICH:
25 Q That's between your property and that next door at 834

00060

1 South 3rd, correct?
2 A I believe this is the resolution in the letter.
3 Q The April 21st entry deals with the manager of 902,
4 who you identified as Angel, talking to Susannah
5 Pierce; is that correct?
6 A Correct.
7 Q You didn't have anything to do with that conversation;
8 is that correct?
9 A This is all hearsay.
10 Q And then there was organizational meetings set up by
11 Alderman Sanchez, correct?
12 A Correct.
13 Q And that's just noticing of when it's going to take
14 place, correct?
15 A Correct.
16 Q On Monday, April 23rd, you have a reference that at
17 9:20 in the morning Jean Ristic went into 902 South
18 3rd Street; is that correct?
19 A Correct.
20 Q Why did you mark that down?
21 A I don't know, I don't remember.
22 Q Do you write down every time somebody goes in and out
23 of 902 South 3rd Street?
24 A I remember at the time that maybe I was thinking maybe
25 I should, but I abandoned that attempt. I have a

00061

1 life.
2 Q On April 24th, Mr. Ristic was working at 902 with
3 workmen; is that correct?
4 A Where are we? April 24th?
5 Q It's your handwriting.
6 A Correct.
7 Q Then there is a reference in your circled typewritten
8 entry, it says, "Jean Ristic talks to staff at" -- I
9 don't know how to pronoun the name of the school.
10 A Vo.
11 Q Vieau School. Did you take part in any of those
12 conversations?
13 A All hearsay.
14 Q Then you go down to, "Jean Ristic stared at Sharon
15 while getting out of a car." That must be something
16 -- or Shannon. That would be something you heard from
17 Shannon; is that correct?
18 A Correct.
19 Q And those references, I apologize, were actually for
20 April 25th, and you just typed them onto April 24th
21 because of the space, correct?
22 A Looks like it.
23 Q There's a reference on, looks like, May 5th with
24 regard to some vandalism that had happened on 3rd and
25 Walker; is that correct?

00062

1 A Where are we now? I'm lost.
2 Q May 5th.
3 A I go from April 25th to May 6th.
4 Q Maybe I'm reading the calendar wrong. I've got a
5 Friday, May 4th, and maybe I'm just reading it wrong.
6 Do you have this block up here? Yeah.
7 MR. MADDUX: Same page?
8 MR. SOSTARICH: Yeah, it's the same page.
9 MR. MARTIN: Looks like May 6th to me.
10 MR. MADDUX: But it's the same page.
11 MR. MARTIN: All right that's fine.
12 MR. SOSTARICH: It starts up here, like
13 12:00 noon on the 5th, and it goes all the way down
14 and crosses over into Sunday the 6th.
15 MR. MADDUX: Same page.
16 MR. SOSTARICH:
17 Q Does any of that have to do with 902 South 3rd Street?
18 A No.
19 Q May 7th references to 834 South 3rd Street; is that
20 correct?
21 A Um-hum.
22 Q And May 9th is, "Ristics appealing the decision of the
23 Board of Zoning Appeals?"
24 A Correct.
25 Q That's regarding 834 South 3rd Street?

00063

1 A Correct.
2 Q May 10th is a reference to the Ristics being in court
3 with regard to 834 South 3rd Street; is that correct?
4 A Correct.
5 Q They got a restraining order that day; is that
6 correct?
7 A Correct.
8 Q That evening there was a neighborhood meeting, is that
9 correct, with Mrs. Crumble?
10 A On May 10th.
11 Q Correct.
12 A Correct.
13 Q How many people attended?
14 A Well, they are listed there.
15 Q Are those all the people that attended?
16 A As far as I can remember.
17 Q Did you take any minutes of the meeting?
18 A I scribbled some notes.
19 Q Did you submit those at all?
20 A No, I didn't.
21 Q Who held the meeting, who conducted it?
22 A Alderman Sanchez.
23 Q How was the meeting noticed? In other words, how did
24 you find out about it?
25 A When it was determined that we were going to have the

00064

1 meeting, I sent notices to people.
2 Q Who did you send them to?
3 A People that were on my personal mailing list that I
4 know and people who had signed petitions against
5 rooming houses.
6 Q Did you anticipate that the people that you had
7 invited were people who were in opposition to the
8 rooming house?
9 A That was my intent, yes.
10 Q Did you send any notices to people who you thought
11 would be in favor of a rooming house?
12 A No.
13 Q Did anyone else, to your knowledge?
14 A I figured that was up to the rooming house owners.
15 Q The entry for May 12th does make a reference to 902
16 South 3rd Street, correct?
17 A Yes.
18 Q But that, again, is a hearsay conversation that you
19 heard from someone else; is that correct?
20 A Correct.
21 Q There's a reference to a drug complaint to the police
22 with regard to 900 South 4th street?
23 A Apparently, yes.
24 Q How did you find that out?
25 A Hearsay.

00065

- 1 Q Next entry that I see is May 15th, and that deals with
2 910 South 3rd Street; is that correct?
3 A Correct.
4 Q That, again, is another based upon a hearsay
5 statement, correct?
6 A The incident at Susannah Pierce's, I saw -- I did not
7 see the break-in, but I saw the gentleman who was
8 responsible for it.
9 Q And that was at her home, 910 South 3rd Street?
10 A Correct.
11 Q Was the gentleman a tenant at 902 South 3rd Street?
12 A I have no idea.
13 Q Do you know where he might have been a tenant?
14 A I have no idea.
15 Q Next entry I see is February 8th, that would be 2002
16 then; is that correct? Maybe they're just out of
17 order. Do you have a February sheet there?
18 A This is still 2001. This is out of order. This is
19 2001.
20 Q So this would have been February, 2001?
21 A Correct.
22 Q And the reference on February 8th is with regard to
23 a Board of Zoning Appeals hearing on 834 South 3rd
24 Street?
25 A Correct. February 8th was the first of a three-part

00066

1 hearing.
2 Q You got a reference February 9th, "Jean Ristic was
3 trespassing on 315 Reed Street property. Dean Maddox
4 investigated, told her to leave him alone. Jean
5 called police. Charged with disorderly conduct." Who
6 was charged with disorderly conduct?
7 A Dain Maddox.
8 Q Not Jean Ristic?
9 A No.
10 Q Did you witness this?
11 A This is all hearsay, sir.
12 Q Do you know who lives at 315 Reed Street?
13 A 315, actually, that's not the contemporary address,
14 but it's the ancient address of the building
15 immediately south of the corner of 2nd and National.
16 I believe it's co-owned by Dain through Dave Potts.
17 Q Next one I've got is May 17th. It's the Dain Maddox
18 disorderly conduct hearing on charges made by Jean
19 Ristic. Did you attend that?
20 A No.
21 Q It says, "Dain pleaded no contest." All that sort of
22 stuff is from hearsay statements; is that correct?
23 A Correct.
24 Q May 22nd, Shari Flaherty put a piece of furniture out
25 on the curb, and somebody wrote something on it with a

00067

1 magic marker, correct?
2 A Yep.
3 Q Did you see it?
4 A Of course not.
5 Q You're contending that has something to do with 902
6 South 3rd Street?
7 A This is hearsay, sir.
8 Q Are you contending that there's any connection between
9 what happened there at 902 South 3rd Street?
10 A I am merely filling out a log of things that people
11 told me what happened.
12 Q Next entry is May 24th, 2002. "Police escorted tenant
13 of 834 South 3rd Street home," and then it goes on.
14 Did you see that?
15 A No, I did not.
16 Q Was this individual a tenant now or at any time of 902
17 South 3rd Street?
18 A Not to my knowledge.
19 Q May 29th, verbal harassment of Greg Rake is
20 referenced.
21 A This is hearsay.
22 Q You did not see this; is that correct?
23 A No.
24 Q Then it says, "Greg saw him walking towards 834 South
25 3rd Street." Do you know if it was a tenant of 834

00068

1 South 3rd Street?
2 A I have no knowledge of that.
3 Q Was it a tenant of 902 South 3rd Street?
4 A Don't know.
5 Q There's a reference next to June 30th, a conversation
6 with Angel, which you've identified as the manager of
7 902, and his wife. It says, "How you do" -- "He says
8 how you doing, neighbor? When Dave Martin did not
9 respond, Angel said, 'I'm still here, I will be
10 forever.'" So that one, you were actually involved in
11 this; is that correct?
12 A That was an incident that I can testify to.
13 Q Okay.
14 A They weren't tenants of 902 at the time, I believe.
15 Q And Angel said to you, "How you doing;" is that
16 correct?
17 A Correct.
18 Q And you didn't talk to him, correct?
19 A Correct.
20 Q Do you talk to the tenants of 902 South 3rd Street?
21 A Not since the hearing at 834 where one of them falsely
22 testified to what I said to him.
23 Q There's an incident listed on July 11th, and it says,
24 "Tenant from 834 South 3rd Street, caucasian male, 5,
25 10, brown hair, goatee called up, 'hi neighbor,' came

00069

1 up to Dave Martin on his driveway, 'we are trying to
2 kick the riffraff out of here. Dave did not respond."
3 So this was with you?
4 A Correct.
5 Q So this individual spoke to you, and you did not
6 respond; is that correct?
7 A Correct.
8 Q And the tenant said, "I tried to introduce myself, I
9 guess that didn't work."
10 A Correct.
11 Q Did you just walk away from him, or how did you end
12 the conversation?
13 A I was busy doing gardening work. I did not solicit
14 his comments at all.
15 Q The next one is July 13th, the reference to a man
16 appearing at the window of Sheila Svargar; is that
17 correct?
18 A Correct.
19 Q And this, again, is a hearsay statement?
20 A Correct.
21 Q Do you have any information that this beer-bellied man
22 had anything to do with 902 South 3rd Street?
23 A No, I don't.
24 Q On July 14th, you have references to a gray Cadillac
25 driving by 834 South 3rd Street blasting music, and it

00070

1 said it was heard by Dain Maddox. Was that, again, a
2 statement Mr. Maddox told you about?
3 A This is hearsay, sir.
4 Q The next entry I see is -- it looks like it starts on
5 July 28th, incident at 11:00 a.m., sideyard 828 South
6 3rd Street. "Dave entered yard to find a cable
7 repairman and a tenant of 834 South 3rd Street
8 standing on his property. Tenant tried to engage
9 Dave in conversation. Dave said nothing to both of
10 them. Tenant's response, 'It's kind of sad when
11 people can't be friendly.'" Is that what took place?
12 A Yes.
13 Q And the tenant did say to you, "It's kind of sad when
14 people can't be friendly?"
15 A Yes.
16 Q And you didn't respond; is that correct?
17 A I did not know what they were there for.
18 Q But you didn't speak with the person?
19 A I did not respond.
20 Q Incident on July 30th, that was something that was a
21 hearsay statement, in other words, it was recounted to
22 you, correct?
23 A Correct.
24 Q And the reference is to 834 South 3rd Street; is that
25 correct?

00071

1 A Correct.
2 Q July 31st is a gray Cadillac driving around; is that
3 correct?
4 A Correct.
5 Q August 1st is a reference to 828 South 3rd Street.
6 Who owns that one?
7 A I do.
8 Q It says, "Motioning to the windows, trying to get our
9 attention." Do you know if the individual -- the
10 African-American individual referenced there was a
11 tenant of 902 South 3rd Street?
12 A I have no idea.
13 Q Was he a tenant of 834 South 3rd Street?
14 A I have no idea.
15 Q Was it a tenant of 900 South 4th Street?
16 A I do not know.
17 Q Next incident I have is August 4th. I have an
18 incident that you claim 11:30 p.m. "African-American
19 man yelled out for Justin or Yolanda, stayed for five
20 minutes." Is that something that you witnessed?
21 A Yes.
22 Q Yelling out to which building?
23 A He was clearly not aware of where he was, and he was
24 screaming at our house.
25 Q Next one I have is August 23rd. It says, "Man was

00072

1 shouting up at the window at 834 South 3rd Street,
2 screamed 'let me in' for approximately 15 minutes."
3 That is something that you witnessed; is that correct?
4 A Correct.
5 Q Was that man a tenant at any time of 902 South 3rd
6 Street?
7 A Not to my knowledge.
8 Q And I think it's the last one I had is an incident on
9 August 24th where you say, "Police squad was called
10 for 834 South 3rd Street. There was a man with a
11 broken arm that went into the squad car." Is that
12 correct?
13 A Correct.
14 Q Do you know what they talked about?
15 A I have no idea.
16 Q Do you know why the squad car was there?
17 A I have no idea.
18 Q When you moved into your property, were there rooming
19 houses in the neighborhood?
20 A I wasn't aware of -- I knew that there were rooming
21 houses, yes.
22 MR. SOSTARICH: That's all I have.
23 HEARING EXAMINER BOROWSKI: Thank you,
24 Counsel. Anything else, Mr. Maddox?
25 MR. MADDOX: Any additional comments, Mr.

00073

1 Martin?

2 MR. MARTIN: No.

3 HEARING EXAMINER BOROWSKI: Anything else,

4 Mr. Maddox?

5 MR. MADDOX: No, thank you.

6 HEARING EXAMINER BOROWSKI: Thank you, Mr.

7 Martin. Call your next witness.

8 MR. MADDOX: No more witnesses.

9 HEARING EXAMINER BOROWSKI: That's it?

10 Okay. Counsel, how much do you have? I only ask
11 because I want to know if we should take a break for
12 the court reporter now or --

13 MR. SOSTARICH: I'm going to try to go
14 through it relatively quickly. Actually, I have
15 another hearing at 1:00, which I may need to get to.
16 So if we could go through --

17 COURT REPORTER: That's fine, that's fine.

18 HEARING EXAMINER BOROWSKI: Counsel, I was
19 not trying to prevent you from an opening statement
20 earlier, so if you want to make one, go ahead, call
21 your first witness, whichever you prefer.

22 MR. SOSTARICH: We'll do that, and I'll make
23 my comments in closing. I also want to submit a tape,
24 a tape that was referenced at the meeting that took
25 place May 10th, 2001. It's not the greatest audio.

00074

1 It's from a small miniature cassette recorder.
2 MR. MADDUX: Question. Do you have a
3 transcript of that? I mean, how do I know that's the
4 tape that actually -- There was a tape at that
5 hearing. How do we know that's an authentic,
6 unchanged, unaltered transcript?
7 MR. SOSTARICH: I just told him.
8 MR. MADDUX: I understand that.
9 HEARING EXAMINER BOROWSKI: Okay. Hang on,
10 hang on, hang on. Counsel, who recorded it?
11 MR. SOSTARICH: I did.
12 HEARING EXAMINER BOROWSKI: You were at the
13 meeting?
14 MR. SOSTARICH: Yeah, I was at the meeting.
15 I put it on the table in front of me, I asked him if
16 it was okay if I recorded it, and I had recorded it.
17 HEARING EXAMINER BOROWSKI: You knew that
18 they were recording the meeting at the time?
19 MR. MADDUX: Yes.
20 HEARING EXAMINER BOROWSKI: Counsel, as an
21 officer of the court, you'll state that that's an
22 accurate tape of the meeting that occurred May 10th?
23 MR. SOSTARICH: Yes. You can't hear
24 everything, because it's not the greatest sound
25 recording, and there is no transcript. If there was,

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1 I'd give it to you.

2 HEARING EXAMINER BOROWSKI: But it wasn't
3 changed? It's just your recording from that meeting,
4 correct?

5 MR. SOSTARICH: It's just my recording with
6 a little Sony, one I use for dictation.

7 HEARING EXAMINER BOROWSKI: All right.

8 MR. SOSTARICH: I call Sue Crumble.

9 HEARING EXAMINER BOROWSKI: Ms. Crumble,
10 just so you know, you're sworn in, everybody is still
11 under oath. Go ahead, Counsel.

12 EXAMINATION

13 BY MR. SOSTARICH:

14 Q Can you state your full name, please.

15 A Suzana Ristic-Crumble.

16 Q And are you the owner of 902 South 3rd Street?

17 A Yes, I am.

18 Q Are you the sole owner of that property?

19 A Yes, I am.

20 Q In other words, your parents don't own it; is that
21 correct?

22 A No, they do not.

23 Q Were you raised in the area, that area?

24 A Yes, I was.

25 Q Are your parents the manager of that building?

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1 A No, they are not.
2 Q Have they ever been the manager of that building?
3 A No, they have not.
4 Q Have they helped you in reconstruction or remodeling
5 of that building?
6 A Yes, they have.
7 Q Does your father maintain his tools that he uses on
8 properties he owns in the attic of that building?
9 A Yes, he does.
10 Q When you bought the building, was it occupied?
11 A No, it was not.
12 Q Had there been a fire at that building prior to your
13 purchasing it?
14 A Yes, there was.
15 Q Did you do extensive remodeling on the inside of the
16 building?
17 A Yes, we did.
18 Q Have you ever been convicted of a crime?
19 A Never.
20 Q Have you ever been convicted of any offense dealing
21 with the management or operation of rooming houses?
22 A Never.
23 Q When you got your license, how long were you able to
24 operate the rooming house before it came up for
25 renewal? In other words, was it a year license in

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1 that period or shorter?
2 A I applied for a year license, I paid for a year
3 license. They held it up, and I didn't get it --
4 I only had it for six months. It took them six months
5 to allow me to use it.
6 Q To your knowledge, is the area that your house is in
7 zoned for rooming houses? In other words, it's not a
8 special use situation?
9 A No.
10 Q It's not a special use situation?
11 A No, it's not.
12 Q How many tenants are in the building?
13 A There's six tenants, and I have a manager.
14 Q Are all the rooms filled?
15 A Yes, they are.
16 Q What is the ethnicity of the people in the building?
17 A Black and Hispanic.
18 Q Do you have established rules for living at the place?
19 A Yes.
20 Q Are those posted?
21 A Yes, they are.
22 Q Would those rules include rules dealing with noise and
23 visitors?
24 A Yes.
25 Q Do you have a policy or procedure that you follow in

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1 applications and the screening of tenants?
2 A Yes.
3 Q And what is that, just generally, what do they have to
4 do?
5 A They have to fill out paperwork with their background
6 and history, and then at the time in which they do
7 that, if they are accepted to live there, they are
8 given rules and regulations immediately. They're not
9 just given the rules and regulations, we actually sit
10 down them and go through them to make sure that they
11 understand them.
12 Q Have any tenants of 902 South 3rd Street been arrested
13 since they have become tenants of yours?
14 A Not to my knowledge.
15 Q Have you received any police complaints with regard to
16 the operation 902 South 3rd Street?
17 A No.
18 Q Is 902 South 3rd Street a gambling house?
19 A No, it is not.
20 Q Is it a house of prostitution?
21 A No, it is not.
22 Q Is the home in violation of any city health codes?
23 A No, it is not, not to my knowledge.
24 Q Is the ethnicity and race of the tenants, has that
25 caused any problems in the neighborhood that you're

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1 aware of?
2 A Yes.
3 Q What is that?
4 A The fact that the majority of my tenants are black.
5 Q Are you aware of any drug sales ever taking place at
6 the house?
7 A No.
8 Q How often are you at the home?
9 A I am there every day.
10 Q Do you have a manager, an on-property manager?
11 A Yes, I do.
12 Q Who is that currently?
13 A Don Edwards.
14 Q Is he in charge of cleaning and maintenance of the
15 place?
16 A Yes, he is.
17 Q There was a gentleman that was referenced in the
18 testimony, Angel. Did Angel and his wife used to
19 manage the property?
20 A Angel and his wife used to live there before it was a
21 rooming house. Angel and his wife are now currently
22 tenants of Delia, who is the person who signed Shar --
23 this right here, this document that you were given.
24 That is where they now live. And the reason they live
25 there is because they have a child, and Maria is

00080

1 pregnant, and I cannot allow them to live in a rooming
2 house. That is the only reason they vacated our
3 building.

4 Q There was the testimony regarding a meeting with
5 Alderman Sanchez on May 10th at the local grade
6 school. Did you attend that meeting?

7 A Yes, I did.

8 Q At that meeting, were the individuals in attendance,
9 were there any in support of the rooming house?

10 A Yes, there were.

11 Q At that meeting, did Mr. Maddox speak?

12 A Yes, he did.

13 Q Did anyone at that meeting suggest that the house
14 should be used for something other than a rooming
15 house?

16 A Yes.

17 Q Who said that?

18 A Mr. Maddox and quite a few of the other neighbors.
19 They wanted me to not have it as a rooming house
20 because they specifically told -- Actually, Mr.
21 Maddox told me when I got there that he was giving me
22 the option or the opportunity or something to that
23 effect of what I was going to do with my building, and
24 there were other neighbors that told me that they
25 wanted to bring more affluent people into the area.

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1 MR. MADDUX: I object to this. This is
2 hearsay. She's saying what someone said.

3 MS. CRUMBLE: You said that, Mr. Maddox.

4 MR. MADDUX: I know. But she's saying what
5 someone said.

6 HEARING EXAMINER BOROWSKI: You're right, it
7 is hearsay, but I'll let you address that during your
8 cross-examination. You'll have a chance to
9 cross-examine her, you can at that point discuss that.

10 MR. MADDUX: Thank you.

11 HEARING EXAMINER BOROWSKI: Go ahead.

12 MR. SOSTARICH: We would contend that it's
13 not hearsay, that it's an admission, so it is not
14 hearsay because it's dealing with Mr. Maddox, who's
15 the complainant.

16 MR. SOSTARICH:

17 Q Are you aware of an incident that was testified to to
18 somebody throwing pebbles or stones at one of the
19 windows at 902 South 3rd?

20 A No.

21 Q Are there a number of taverns in the area?

22 A There are quite a few taverns in the area. One just
23 opened up again, a restaurant/tavern down on the
24 corner.

25 Q Does that increase car traffic in the area?

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- 1 A Yes. There is nowhere ever to park within several
2 blocks around the building. It is just bumper to
3 bumper with vehicles.
- 4 Q Have you ever had to evict anyone from 902 South 3rd
5 Street?
- 6 A I've never evicted anyone from there.
- 7 Q There was testimony about tenants moving in and out,
8 going from buildings that your parents owned to your
9 building and back again. Is that correct?
- 10 A Not to my knowledge.
- 11 Q Did some tenants move from 834 South 3rd Street to
12 your building after 834 South 3rd Street lost its
13 special use classification?
- 14 A I didn't have a license -- I wasn't a licensed rooming
15 house at that time.
- 16 Q Have you had people who were former tenants at 834 to
17 your building?
- 18 A Yes.
- 19 Q Who?
- 20 A Don Edwards.
- 21 Q And he is the current manager; is that correct?
- 22 A Yes, he is.
- 23 Q Have any neighbors complained to you regarding the
24 operation of 902 South 3rd Street?
- 25 A Never.

00083

1 Q And you haven't received any complaints from the
2 police department; is that correct?

3 A Never.

4 Q Have you ever received any complaints from any other
5 office or department of the City of Milwaukee
6 regarding the operations of 902 South 3rd Street?

7 A I've never received anything.

8 MR. SOSTARICH: Okay. That's all I have.

9 HEARING EXAMINER BOROWSKI: Go ahead, Mr.
10 Maddox.

11 MR. MADDOX: Thank you. Just a couple
12 questions, if I may.

13 EXAMINATION

14 BY MR. MADDOX:

15 Q Ms. Crumble, you said that to your knowledge there are
16 no tenants moving back and forth between your property
17 at 902 and either of the two properties that your
18 parents own and manage at 834 South 3rd or 900 South
19 4th; is that correct?

20 A I'm sorry, I couldn't hear.

21 Q Sure. You said that you had no direct knowledge of
22 tenants moving back and forth between properties, the
23 property -- your property at 902 or either of your
24 parents properties at 900 South 4th or 834 South 3rd?

25 A Do I have any knowledge of tenants moving back and

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1 forth?
2 Q You testified that you have no knowledge of them
3 moving; is that correct?
4 A Yes.
5 Q But you said you're there every day?
6 A Yes, I am.
7 Q And you heard testimony from two, at least two
8 witnesses, and I've yet to testify, that we have all
9 seen that occur. Interesting. You said that --
10 MR. SOSTARICH: I'll move to strike that as
11 an argument.
12 HEARING EXAMINER BOROWSKI: Yeah. That's --
13 MR. MADDOX: Certainly, certainly. I
14 understand.
15 HEARING EXAMINER BOROWSKI: Mr. Maddox,
16 leave the comments --
17 MR. MADDOX: I understand. My apologies.
18 MR. MADDOX:
19 Q You said that you -- How long were Angel -- Let me
20 ask a different question. What rents do you charge?
21 MS. CRUMBLE: Do I have to answer what the
22 amounts of my rents are?
23 HEARING EXAMINER BOROWSKI: Yeah, answer the
24 question.
25 MS. CRUMBLE:

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1 A 300 per month.
2 MR. MADDOX:
3 Q For what? What does the 300 include?
4 A Per room.
5 Q What does that include?
6 A They are furnished rooms.
7 Q With what?
8 A What do you mean with what?
9 Q What furnishings are in the room, what do you provide
10 for \$300 a month?
11 MR. SOSTARICH: I'll object as irrelevant.
12 They are furnished rooms.
13 MR. MADDOX: I want to know what that means,
14 I want to know --
15 HEARING EXAMINER BOROWSKI: I'll allow it.
16 Ms. Crumble, just try to answer the question. What
17 are the furnishings; a stove, refrigerator, bed
18 whatever?
19 MS. CRUMBLE:
20 A They are sleeping rooms; therefore, they have a bed
21 and a dresser, maybe a chair, depending on the size of
22 the room, maybe a table.
23 MR. MADDOX:
24 Q What about bathroom facilities or cooking facilities,
25 is there anything included in the room?

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1 A Well, of course, there's bathroom facilities.
2 Q For each room, each room includes a bathroom?
3 A Well, seeing how that was a single family, and we
4 understood that it was a single family before, there
5 are seven rooms, there is one bathroom upstairs, and
6 then there is --
7 Q Pardon me. Where is the bathroom?
8 COURT REPORTER: Just let her --
9 HEARING EXAMINER BOROWSKI: Mr. Maddox, let
10 her finish, first of all, because she has the right to
11 finish, second of all, because the court reporter
12 can't take down two people at the same time. So Ms.
13 Crumble, finish your answer, please.
14 MS. CRUMBLE:
15 A I did finish. There's a bathroom upstairs with a tub,
16 and then there's a bathroom downstairs.
17 MR. MADDUX:
18 Q Downstairs is in the basement --
19 A The first level.
20 Q On the first floor?
21 A First level, yes, first floor.
22 Q That's shared by how many tenants? How many rooms do
23 you rent?
24 A Seven.
25 Q Seven rooms?

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1 A Seven people.
2 Q Are you the payee, the state-approved payee for any of
3 your tenants?
4 A No, I'm not.
5 Q Is your mother or father the approved payee for any of
6 the tenants at 902?
7 A I have no idea. Not to my knowledge.
8 Q You said that one of the tenants -- actually, two
9 tenants that then became three tenants -- Angel, his
10 girlfriend, I'm not sure the relationship between he
11 and Maria, they were tenants at 902 for some time,
12 correct? How long were they at 902?
13 A I don't know specifically, I don't have my records,
14 but it was not a rooming house at the time.
15 Q What was it?
16 A It was a building.
17 Q But there was a hole in the roof, there was work being
18 done on the property. You didn't have any occu --
19 Was there an occupancy permit?
20 A Yes, there was. I believe there was --
21 Q At what time -- I'm sorry. Pardon me. I didn't mean
22 to cut you off.
23 HEARING EXAMINER BOROWSKI: Are you done,
24 Ms. Crumble?
25 MS. CRUMBLE: Yes.

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1

MR. MADDIX:

2 Q

At what point and under what conditions did Angel -- and apologize for not knowing people's full names -- Angel, Marie, and their infant child, what time did they leave, and under what conditions did they leave 902?

7 A

They moved.

8 Q

Why did they move? Did you ask them to leave?

9 A

Did I evict them, do you mean? No, they weren't asked to leave. It was a mutual thing. They didn't leave on bad terms. We speak to this day. They are very nice people. I see them every day. I stop -- As a matter of fact, I'm supposed to be the godmother of their child.

15 Q

You said that Don Edwards is the manager. I don't know who Don Edwards is. I'm sure I've seen him, but I don't know the individual. But you said that your parents have no interest, either financial or management interest in 902; is that correct?

20 A

That is correct.

21 Q

Can you explain to me why -- I live in the neighborhood -- I'm in the neighborhood all the time. I have seen -- I've never seen you at the property, but I see your parents there almost daily, and I see your mother, who has a full set of keys, escorting

25

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1 people in and out of the property. Who manages that
2 property?

3 A Didn't we --

4 MR. SOSTARICH: Yeah. I'll object as being
5 asked and answered and totally argumentative at this
6 point.

7 HEARING EXAMINER BOROWSKI: I'll overrule
8 the objection. You can answer the question, Ms.
9 Crumble.

10 MR. SOSTARICH: Tell him who manages it.

11 MS. CRUMBLE:

12 A Don manages the building.

13 MR. MADDOX:

14 Q Does your mother have a set of keys to the property?

15 A My mother has tools in my building.

16 Q Does your mother have a set of keys to the property?

17 A My parents have tools in my building. My parents have
18 keys so that they can go and retrieve that property.

19 Q Thank you.

20 A My parents do not manage my building. They have
21 nothing to do with my tenants.

22 MR. MADDOX: I have no other questions at
23 this time. Thank you.

24 HEARING EXAMINER BOROWSKI: Any follow-up,
25 Counsel?

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1 MR. SOSTARICH: No. Call Don Edwards.

2 HEARING EXAMINER BOROWSKI: Mr. Edwards,
3 you're sworn in, you understand that, sworn to tell
4 the truth and all that?

5 MR. EDWARDS: Yes.

6 HEARING EXAMINER BOROWSKI: State your name
7 for the record and then spell your last name.

8 MR. EDWARDS: Don Edward, E-D-W-A-R-D-S. I
9 reside at 902 South 3rd.

10 HEARING EXAMINER BOROWSKI: Just pull the
11 microphone close so she can hear. Go ahead.

12 EXAMINATION

13 BY MR. SOSTARICH:

14 Q Mr. Edwards, how long have you lived at 902 South 3rd?

15 A Since we finished remodeling it.

16 Q So you've been there since it's opened as a rooming
17 house; is that correct?

18 A Yes.

19 Q Are you the manager of the property?

20 A Yes, I am.

21 Q Does the property have rules and procedures?

22 A Yes, they do.

23 Q Are those posted?

24 A Yes, they are.

25 Q Do you enforce them?

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- 1 A Yes, I do.
- 2 Q Are tenants allowed to sit on the porch?
- 3 A No.
- 4 Q Is that because of the neighbors' complaints in the
5 past?
- 6 A Yes.
- 7 Q Are tenants told that they should stay out of the park
8 across the street?
- 9 A Yes.
- 10 Q Do the tenants stay out of the park across the street?
- 11 A Yes.
- 12 Q Are there restrictions on who they can have in their
13 rooms and at what times?
- 14 A Yes, there is.
- 15 Q Do you enforce those?
- 16 A Yes, I do.
- 17 Q With regard to noise, what tenants can do in their
18 rooms as far as music, that type of thing, are there
19 restrictions on that, also?
- 20 A Yes, there is.
- 21 Q Have you received any police calls or police visits
22 with regard to any of the tenants in the building?
- 23 A No.
- 24 Q Were you present for the confrontation between Mrs.
25 Crumble and Ms. Flaherty?

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- 1 A Yes.
- 2 Q Did Mrs. Crumble threatened her in any way?
- 3 A No.
- 4 Q What happened?
- 5 A We were coming across the street with tools in our
6 hands to repair the hole that was in our roof from
7 fire damage, and as we were coming across the street,
8 Shari, you know, kind of like, you know -- excuse me
9 -- finger off just like that.
- 10 Q Did Mrs. Crumble threaten her with a crowbar?
- 11 A No.
- 12 Q Were you using the crowbar in the construction work
13 that you were doing?
- 14 A Yes.
- 15 Q Did you have one also, a crowbar in your hand?
- 16 A I had probably had other tools in my hands. It was
17 more than just one.
- 18 Q Was there any damage done to Ms. Flaherty's car?
- 19 A No.
- 20 Q There has been some testimony regarding an incident in
21 August where tenants threw some beer cans on the
22 sidewalk. Are you aware of that situation?
- 23 A No.
- 24 Q That would be against the rules; is that correct?
- 25 A Exactly.

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1 Q Are you aware of any health code violations at the
2 place?
3 A No.
4 Q When -- Going back to the incident with Ms. Flaherty,
5 were Mrs. Crumble's children with her?
6 A Yes, they were.
7 Q Did she express concern of foul language being used in
8 front of her children?
9 A Yes, she did. She told a friend that was with her at
10 the time to put her kids in the truck while that was
11 going on.
12 Q How old were the children?
13 A Then I believe Dee-Dee was either three and Talia was
14 two.
15 Q They were little?
16 A Yeah, they were little kids.
17 Q Did Ms. Flaherty swear at Mrs. Crumble?
18 A Yes.
19 Q Do you know Mrs. Crumble's husband?
20 A Yes, I do.
21 Q Is he African-American?
22 A Yes, he is.
23 Q And there are seven tenants in the building; is that
24 correct?
25 A Yes.

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1 Q Seven includes you, also?

2 A Including me, yeah.

3 Q So you live there; is that correct?

4 A Yes.

5 MR. SOSTARICH: That's all I have. Thank
6 you.

7 HEARING EXAMINER BOROWSKI: Mr. Maddox?

8 MR. MADDOX: Yes, just a couple questions.
9 EXAMINATION

10 BY MR. MADDOX:

11 Q Mr. Edwards, are you paid to be the manager?

12 A (Witness nods.)

13 Q What is the remuneration, what is the compensation you
14 get to be manager?

15 A Well, first of all, you know, I get free room and
16 board, you know, to make sure everything is taken care
17 of. It just varies.

18 Q Do you have a -- Pardon me. Go ahead. Excuse me.

19 A Go ahead.

20 Q Do you have an additional job, or is this your primary
21 source of income?

22 A Oh, I'm also a mechanic, I work on cars and so on.

23 But what does that have to do with what I'm doing now?

24 Q I'm just curious, sir, as to how often you're around the
25 property to be a manager. Are you there 24 hours a

00095

1 day?
2 A I am there every day. I see you on your bike, I see
3 the other guy going back and forth to his car. I see
4 everything that goes on. I see things that you guys
5 don't see. If you do, you do not acknowledge it.
6 There's guys that just come with buggies off the
7 street and take their clothes off in the park and
8 bathe. You guys don't say anything. But you see us
9 telling those guys you can't do that. You guys don't
10 respond to that.
11 Q So you are there 24 hours a day all the time?
12 A Basically 24 hours. If I'm not at 902, I'm either
13 working on one of the other buildings within that
14 area, you know. You guys see me every day.
15 Q Is there an assistant manager available? Is there
16 anyone that takes --
17 A If I'm not there, yes, there is someone that will come
18 in, yes.
19 Q And who is that, please?
20 A His name is Steve.
21 Q And where does Steve reside?
22 A Right now, he's residing at 900 South 4th.
23 Q So the assistant manager for 902 resides at 900 South
24 4th. And you have a part-time job or interest in
25 doing auto repair work?

00096

1 A It's like this. If one of us are occupied to go and
2 do work somewhere else, there's always a substitute
3 that can come in and make sure everything's going to
4 be okay on that property. You know what I mean? So
5 in other words, there's always somebody there that's
6 enforcing the rules or whatever.
7 Q Just one clarifying question. So the assistant
8 manager, your back-up, is a resident at 900 South 4th?
9 A Yes.
10 MR. MADDOX: Thank you. No more questions.
11 HEARING EXAMINER BOROWSKI: Any follow-up,
12 Counsel?
13 MR. SOSTARICH: No.
14 HEARING EXAMINER BOROWSKI: Anything else to
15 add, Mr. Edwards? But not argumentative, just
16 testimony.
17 MR. EDWARDS: Can I just ask him a question?
18 HEARING EXAMINER BOROWSKI: No. That's what
19 Ms. Crumble has Mr. Sostarich for.
20 MR. EDWARDS: I'm going to leave it alone.
21 HEARING EXAMINER BOROWSKI: All right. Have
22 a seat. Thank you, Mr. Edwards.
23 MR. SOSTARICH: I call Christine Belton,
24 please.
25 HEARING EXAMINER BOROWSKI: Ma'am, state

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1 your name for the record, spell your last name, and
2 you understand you're sworn in.
3 MS. BELTON: Christine Belton, B-E-L-T-O-N.
4 EXAMINATION

5 BY MR. SOSTARICH:

6 Q Ms. Belton, do you live in the vicinity of 902 South
7 3rd Street?

8 A No, I do not.

9 Q Were you with Mrs. Crumble on the day of the incident
10 involving the confrontation with Ms. Flaherty?

11 A Yes, I was.

12 Q And did you see that?

13 A Yes, I did.

14 Q What took place?

15 A Me and Ms. Crumble was coming out of the house across
16 the street, which is a little house that they owned,
17 too, and I had her kids. I was holding her kids,
18 holding her hand. We were going to 902. And
19 everybody had tubes -- I didn't have any tubes. They
20 had the tubes. I was holding little kids' hands. And
21 Shari -- I don't know her name -- her name is Shari,
22 whatever her name is, and she looked at Sue, and she
23 just flipped her. And Sue looked at her, what did I
24 do to you, you know? And she just kept saying stuff,
25 and Sue said, "Christie, would you just please put my

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1 kids in the car. I don't want her talking to me
2 like that while my kids are present." So I took the
3 boys, and I put them in the car. I don't know what
4 else happened then because Sue told me to close her
5 car door and just close -- because she didn't want her
6 kids to hear that kind of language. It went on then.

7 I drove her truck around the corner and took
8 the boys to get them so they won't see that with her
9 mom. And her oldest boy was like, "Why does she do
10 that to mommy? What did my mommy do to her?" I said,
11 "Don't worry about it, baby. Mama will take care of
12 it."

13 So we came back. By the time we come back,
14 the police was there, and then the police asked me if
15 I seen anything. I told them yeah, I told them what I
16 had saw. And Sue didn't say anything to her.

17 MR. SOSTARICH: That's all I have. Thank
18 you.

19 HEARING EXAMINER BOROWSKI: Mr. Maddox?

20 MR. MADDUX: No questions. Thank you.

21 MR. SOSTARICH: Thank you very much.

22 I also call Mr. Dan Ristic.

23 EXAMINATION

24 BY MR. SOSTARICH:

25 Q Mr. Ristic, you own 902 South 3rd Street?

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1 A Yes, I do.
2 Q 902?
3 A No, I don't.
4 Q That would have been a problem. You do own 834 South
5 3rd; is that correct?
6 A That's correct.
7 Q And also 900 -- is it South 4th?
8 A Yes.
9 Q You and your wife do not manage 902 South 3rd Street,
10 correct?
11 A No.
12 Q And your daughter says that you keep tools that you
13 use on your various buildings at 902; is that correct?
14 A That's correct.
15 MR. SOSTARICH: That's all I have.
16 HEARING EXAMINER BOROWSKI: Mr. Maddox?
17 MR. MADDOX: Yes.
18 EXAMINATION
19 BY MR. MADDOX:
20 Q Mr. Ristic, have you been directly involved, or do you
21 have any knowledge of tenants being moved out from
22 either of your two properties to 902 South 3rd, where
23 you take someone from 834 and move them to 902 or
24 someone from 400 South 4th and move them to 902?
25 A There are some after she got the license, I think one,

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1 and Mr. Edwards.
2 Q So you are knowledgeable of people being moved from
3 your rooming house to your daughter's rooming house?
4 A At 834 South 3rd Street, there was one tenant that was
5 moved there for I think five weeks, and then he was
6 moved on 4th Street.
7 Q So you have no knowledge of anyone being moved from
8 your property at 900 South 4th to 902 South 3rd?
9 A No, no.
10 MR. MADDOX: No more questions.
11 HEARING EXAMINER BOROWSKI: Anything else,
12 Counsel?
13 MR. SOSTARICH: That's all.
14 HEARING EXAMINER BOROWSKI: All right.
15 Thank you, Mr. Ristic.
16 MR. SOSTARICH: Also call Mr. Steve Archey.
17 EXAMINATION
18 BY MR. SOSTARICH:
19 Q Mr. Archey, where do you live?
20 A 900 South 4th.
21 Q Do you perform handyman services for various buildings
22 in the area?
23 A Yes.
24 Q Do you store tools also at 902 South 4th Street?
25 A Yes.

00101

1 Q You're familiar with that building; is that correct?
2 A Yes.
3 Q Are you familiar with the rules that are enforced at
4 that building?
5 A Yes.
6 Q Can people sit on the porch at that building?
7 A Not allowed.
8 Q With regard to the situation in the park, are tenants
9 told to stay out of the park?
10 A Yes. There's problems in the park.
11 Q What are some of the problems in the park?
12 A There's bathing in the park.
13 Q Daily?
14 A Bathing. For three months straight, he was bathing in
15 the park in his underwear, shampooing, yes.
16 Q Is he one of the tenants at 902 South 3rd?
17 A No. He come to the park, he bathes, puts a suit on,
18 goes along their way, and nobody said a word.
19 Q Are you aware of any complaints from the police with
20 regard to 902 South 3rd Street?
21 A No.
22 Q Did you assist in the renovation of 902 South 3rd?
23 A Yes.
24 Q There had been some fire damage prior to Mrs. Crumble
25 taking over the building; is that correct?

00102

1 A Yes.
2 Q And you had helped with the remodeling on the inside;
3 is that correct?
4 A Some of it, yes.
5 MR. SOSTARICH: That's all I have.
6 HEARING EXAMINER BOROWSKI: Mr. Maddox?
7 MR. MADDOX: Yes.
8 EXAMINATION
9 BY MR. MADDOX:
10 Q Mr. Archey, you said that you seen someone, the same
11 person repeatedly coming into that small little park --
12 A Yes, yes.
13 Q -- and disrobing and bathing, whatever?
14 A Yes.
15 Q Did you ever call the police about that? Did you ever
16 make any effort to correct that problem?
17 A I thought maybe somebody else would.
18 COURT REPORTER: Pardon me?
19 A No, I didn't.
20 HEARING EXAMINER BOROWSKI: Mr. Archey, you
21 need to speak up, because the court reporter is behind
22 you. You need to speak into the microphone.
23 MR. MADDOX:
24 Q Mr. Archey, you testified that you had seen an
25 individual, the same individual three months daily

00103

1 bathing in the park, whatever that means. Did you
2 ever call the police about that incident?

3 A No, no.

4 Q Was Mr. Ristic aware of that problem?

5 A I'm not sure.

6 Q Okay. You're unsure. Do you know --

7 MR. MADDOX: Okay. That's it.

8 HEARING EXAMINER BOROWSKI: Any follow-up,
9 Counsel?

10 MR. SOSTARICH: No. That's all we have.

11 HEARING EXAMINER BOROWSKI: All right. Ms.
12 Bender, you're here again or you're appearing from the
13 Neighborhood Services, correct?

14 MS. BENDER: Yes.

15 HEARING EXAMINER BOROWSKI: Thank you for
16 your patients sitting through these. What's the
17 Department of Neighborhood Services' position in
18 regard to this license?

19 MS. BENDER: And inspection of the property
20 was done, and we have no objection to the license.

21 HEARING EXAMINER BOROWSKI: When was the
22 inspection done?

23 MS. BENDER: March of 2002.

24 HEARING EXAMINER BOROWSKI: Counsel, you
25 don't have anything else?

00104

1 MR. SOSTARICH: Nothing other than a closing
2 statement.

3 HEARING EXAMINER BOROWSKI: You rest,
4 essentially?

5 MR. SOSTARICH: Yes.

6 HEARING EXAMINER BOROWSKI: All right. Mr.
7 Maddox, do you have anything else?

8 MR. MADDOX: A very brief closing statement.

9 HEARING EXAMINER BOROWSKI: All right. Go
10 ahead, Mr. Maddox.

11 MR. MADDOX: Thank you, sir, and I
12 appreciate your patients and indulgence in permitting
13 us to work through some things. Thank you very much.

14 HEARING EXAMINER BOROWSKI: You're welcome.

15 MR. MADDOX: The committee owes you.

16 HEARING EXAMINER BOROWSKI: I'll hope that
17 for the record for them.

18 MR. MADDOX: Thank you. Just a couple of
19 comments. First, you have heard testimony from
20 different witnesses to problems that they have had
21 with 902 relating to noise, public drinking,
22 littering. You've also been given credible testimony
23 to the relationship between the three different
24 properties, that indeed the guests and tenants of one
25 are the guests and the tenants of another.

00105

1 You also heard testimony of an offer that
2 was initiated by the residents before the rooming
3 house license was granted to work with Mrs. Crumble,
4 to welcome her into the neighborhood, to work with her
5 to try to help her create a duplex or a single-family
6 home, which the neighborhood is in desperate need of.
7 We have more rooming houses than we have duplexes in
8 the neighborhood. People want to live in the
9 neighborhood, but they want to live in the
10 neighborhood. And we're not suggesting eliminating
11 all the rooming houses.

12 This is the most recent rooming house, this
13 is the newest owner, and we were denied through
14 procedural deliberations an opportunity to testify
15 before the original permit was granted. This is our
16 first opportunity to bring our concerns to the Council
17 regarding another rooming house by a new licensee.
18 Density is a legitimate issue, it's a legitimate
19 concern. We're still -- I speak for no one else --
20 I'm certainly prepared to work with Ms. Crumble to
21 help convert that into a single family or a duplex.

22 But most telling, sir, is what you witnessed
23 and admonished the licensee about twice. There has
24 been and continues to be up through this hearing
25 attempts to intimidate and frighten long-time

00106

1 residents of that neighborhood. You saw it with your
2 own eyes. We testified to it. Please don't give us
3 another rooming house. Thank you.

4 HEARING EXAMINER BOROWSKI: Thank you.
5 Counsel.

6 MR. SOSTARICH: 902 South 3rd Street is a
7 rooming house, has been in the past a rooming house.
8 The Statutes, or I should say the ordinance, is quite
9 clear as to grounds for a nonrenewal, and this is
10 a renewal situation. There's been no testimony that
11 this is a gambling house, that this is a house of
12 prostitution, or that there are any violations of law
13 taking place with regard to the house.

14 With regard to the testimony of loud noise
15 coming from the home, we had one person testify to
16 that. She said that it happened on a number of
17 occasions, but she did not report it to the police,
18 she did not report it to Mrs. Crumble. There is no
19 evidence that the police received any type of
20 complaints regarding this house. It does have on-site
21 management, and Mrs. Crumble has testified that she's
22 there on a daily basis.

23 There is friction between the Ristic family
24 and other neighbors. There is a property dispute
25 between two of them. As reflected in the notes of Mr.

00107

1 Martin, there was a disorderly conduct charge brought
2 regarding a confrontation between Mr. Maddox and Mrs.
3 Crumble's mother. All of that colors what's going on
4 here. But the rooming house itself is effectively
5 run, it's cleanly maintained. There are established
6 rules to try to avoid problems with the neighbors,
7 including they're not supposed to be on the porch.
8 When I learned of the incident that was referred to
9 drinking on the porch and that beer cans were thrown
10 from it, I inquired as to that. They were not aware
11 that that took place but are certainly going to
12 respond to that, because that is not supposed to take
13 place.

14 They have asked their tenants, in fact
15 directed them not to use the park cross the street,
16 though they certainly are entitled to use it, because
17 they know that the neighbors have complained of what's
18 going on in the park across the street, and they don't
19 want it to be attributed to tenants of their building.
20 Unlike the first hearing you had today, there's been
21 no evidence that's been submitted of women taking
22 people up to rooms, there's no testimony of illegal
23 activity or even the impropriety suggested that is
24 going on in this house.

25 This house is full, it has seven tenants, it

00108

1 has a mix of tenants from ethnic and racial
2 backgrounds, and it should be allowed to continue. It
3 does serve a significant purpose in the community, it
4 is a well run and well managed home. The concern as
5 to what took place at the 834 South 3rd Street, many
6 item of which we contested at the hearing dealing with
7 the special use permit, that had been a rooming house
8 since the 1940s, there is no evidence in that of any
9 illegal or improper conduct, also.

10 So trying to use a broad brush to say that
11 Suzana Crumble, who is the daughter of Mr. and Mrs.
12 Ristic who owned two other properties, and therefore,
13 everything that goes on at those other properties
14 should be subject to this particular proceeding is,
15 first of all, inappropriate, and secondly, there
16 wasn't foundation laid. The one person that testified
17 as to seeing people with bedding couldn't identify who
18 was going where from which unit to what unit. Mr.
19 Ristic confirmed and so did Mrs. Crumble that the
20 current building manager did move from 834 when that
21 building was closed up as a rooming house. It now has
22 the appropriate number of tenants that it can have.

23 So, yes, there was a movement there, and
24 there was a movement of another gentleman, who
25 eventually moved into the rooming house titled now to

00109

1 Mr. and Mrs. Ristic. But to have a blanket statement
2 that there are too many rooming houses and this one
3 shouldn't be allowed because there are too many,
4 that's a policy decision for the Common Council to
5 make, and it's not a grounds for not granting a
6 renewal of the license, and we would ask that it be
7 renewed.

8 HEARING EXAMINER BOROWSKI: Thank you.
9 Counsel. Thank you both parties for coming in and all
10 witnesses. And as I indicated earlier, for the
11 record, Counsel, you and Mr. Maddox and the Utilities
12 & Licenses Committee will get a copy of my
13 recommendations and a report by June 12th, and the U &
14 L meeting is June 14th, 10:00 a.m. Thank you all for
15 coming in.

16 (Proceedings concluded at 1:00 p.m.)

17 * * *

00110

1 STATE OF WISCONSIN)
2)
3 MILWAUKEE COUNTY)

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5 I, TERESE M. SCHIEBENES, of Milwaukee
6 Reporters Associated, Inc., 5120 West Blue Mound Road,
7 Milwaukee, Wisconsin 53208, certify that the
8 foregoing proceedings is a full and complete
9 transcript of my stenographic notes taken in the
10 foregoing proceedings.

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TERESE M. SCHIEBENES
Certified Shorthand Reporter

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21 Dated this day of , 2002.

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