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CITY OF MILWAUKEE

UTILITIES & LICENSES COMMITTEE

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In the Matter of:

MILNER, James M., Agent for Grandview Windows and Siding,
Inc., Home Improvement Contractor application for
Grandview Windows and Siding at 614 West Oakwood Road.

* * * * *

COMMITTEE MEMBERS

- ALD. JAMES WITKOWIAK, Chairman
- Ald. James Bohl, Jr. - Vice Chairman
- Ald. Joseph A. Dudzik
- Ald. Robert Puente
- Ald. Willie Wade

LICENSE DIVISION by JAMES COPELAND
 POLICE DEPARTMENT by SERGEANT JOHN HOGAN
 OFFICE OF THE CITY ATTORNEY by EDWARD EHRLICH
 Proceedings had and testimony given in
 the above-entitled matter, before the UTILITIES &
 LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on
 the 19th day of April, 2005, reported by Donna
 Gulczynski of Milwaukee Reporters Associated, Inc.

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P R O C E E D I N G S

(NOTE: All City Personnel Were Sworn Under Oath Prior to These Proceedings.)

CHAIRMAN WITKOWIAK: James Milner, agent for Grandview Windows and Siding, Incorporated, Home Improvement Contractor application for Grandview Windows and Siding at 614 West Oakwood Road. Good afternoon.

If we could have everyone who's going to testify raise their right hand to be sworn, in, please.

(Whereupon all witnesses were sworn under oath.)

MR. AARON: I'm Gordon Aaron, and I represent the corporation, and this has been before the committee before, and at that point the police report focused on the record of one of the corporation's employees, Joe Milner.

I have reviewed the corporate record book, and he has never been a stockholder or director. He is not an owner. He is a construction manager and an employee. He does have prior problems which are more than five years old. I'm merely speaking about a valued employer's corporation. He's not the applicant for licensure. It is the corporation.

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1 I've submitted some materials for your
2 consideration, and this reflects on 16 hundred jobs
3 that were done by this corporation since 2001 when it
4 was incorporated, 715 in the last fiscal year.

5 What's most significant in the materials
6 that are provided for you is a report of the Better
7 Business Bureau which indicates the company has a
8 satisfactory record with the bureau and has been
9 responsive, and appropriately resolved any complaints
10 to the satisfaction of the bureau.

11 The certificate of membership is for the
12 National Association of Remodelers, which the
13 contracts of this corporation reflect in this way:
14 There is an arbitration provision in that contract
15 before the American Arbitration Association, and any
16 filed claims in court are the proper subject of a
17 motion for dismissal because of nonjurisdiction
18 because of arbitration.

19 Any matters that are pending in court
20 involve people represented by counsel, and counsel
21 other than myself represents the corporation.

22 They now have 20 employees, and in the
23 fiscal year that was concluded in April, they did
24 \$2,250,000 worth of business on 715 jobs. Their
25 operations are principally conducted in Waukesha, and

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1 the corporate office is in New Berlin. I'm sorry,
2 that's Oak Creek.

3 The significance of the materials, which
4 are voluminous, but the first few items would show
5 they have \$2 million in liability insurance, the
6 imprimatur of the Better Business Bureau on their
7 business practices, and membership in a prestigious
8 organization for their trade organization.

9 They also have a contractor's bond in
10 effect, and any disputes that arose have to be
11 considered in the light of the vast amount of business
12 they do, and I think those disputes that are now
13 already resolved to the customers' satisfactions are
14 subject to litigation, and there are three of them.
15 Circuit court is the proper body to examine those
16 disputes on who's right and who's wrong. That
17 shouldn't properly be before this committee.

18 If the corporation is licensed, the pending
19 problems that they do have before the municipal court,
20 a violation of the municipal ordinance requiring a
21 contractor's license, will be resolved. According to
22 Judge Gramling's determination, that upon issuance of
23 a license, they will be dismissed, or the matter that
24 is not dismissed will be held open until a license is
25 obtained.

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1 The jobs that were performed which prompted
2 the tickets for nonperformance under a contractor's
3 license have been satisfactorily completed. And any
4 other disputes will be appropriately resolved as
5 demonstrated by the history with the Better Business
6 Bureau.

7 Any questions that you have of Mr. James
8 Milner, who is 100 percent stockholder and the sole
9 director of the corporation?

10 CHAIRMAN WITKOWIAK: Thank you. At this
11 time Alderman Bohl moves to make the documents
12 provided as part of the permanent record in this case,
13 and hearing no objection to that, so ordered.

14 MR. AARON: I might add there's a voluminous
15 amount of material, but there are many endorsements
16 from satisfied customers of this business that are
17 provided there, and I may say that when you do this
18 volume of business, you're occasionally going to have
19 a dissatisfied customer. The key point that should be
20 of concern is those disputes have been resolved or are
21 being resolved in the court system which is the
22 appropriate place to do it when people can't agree.

23 CHAIRMAN WITKOWIAK: Who's Joe Milner?

24 MR. MILNER: My son.

25 MR. AARON: He's present, ladies and

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1 gentlemen, but he is not the applicant for the
2 license.

3 CHAIRMAN WITKOWIAK: Right.

4 MR. AARON: He's the production manager.

5 CHAIRMAN WITKOWIAK: I was just trying to
6 unconfuse myself because we're talking about James
7 Milner, and I see some of the stuff says Joe Miller.
8 That's the only reason I asked.

9 MR. MILNER: I'm James Milner. Joseph
10 Milner is my son.

11 CHAIRMAN WITKOWIAK: So Mr. Milner, your
12 comments?

13 MR. MILNER: None. I believe my attorney
14 said it all.

15 CHAIRMAN WITKOWIAK: And you two are here to
16 testify how?

17 MR. KRUIZIAK: I was basically told to come
18 and testify that he had done work in Milwaukee and as
19 to the complaints that I've had before with the
20 company as of through the Better Business Bureau and
21 the Consumer Protection Agency.

22 MR. EHRLICH: Just a moment, sir. Would you
23 identify yourself for the record?

24 MR. KRUIZIAK: My name is Aaron Kruiziak
25 (phonetic). I live at 6741 South 19th Street in

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1 Milwaukee.

2 MR. EHRLICH: Are you associated in any
3 manner through a business relation -- Strike that.
4 Are you associated as an employee or investor with
5 this business?

6 MR. KRUIZIAK: No, I'm not.

7 MR. EHRLICH: You are a customer of this
8 business; is that correct?

9 MR. KRUIZIAK: Yes.

10 MR. EHRLICH: And you've been asked to come
11 here today by the company to offer testimony
12 concerning your experience with them as a contractor?

13 MR. KRUIZIAK: I was told by the Licensing
14 Bureau of Milwaukee to actually come and give my input
15 to the committee today.

16 MR. AARON: May I ask a question of the
17 witness?

18 CHAIRMAN WITKOWIAK: Let him speak first.
19 Go ahead and tell us --

20 MR. KRUIZIAK: Well, basically I've had
21 several problems with Grandview Windows. I'm not the
22 only one in my neighborhood who has had windows put
23 in. I'm basically here to testify that they have done
24 work at my house, the job which was quoted to take
25 about two weeks to complete took about three months.

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1 And basically I just want to say that they have done
2 work on my house. I'm not sure if they are licensed
3 in Milwaukee, and I'm basically here to find that out.

4 CHAIRMAN WITKOWIAK: Has the job, although
5 late, has the job been completed satisfactorily
6 though?

7 MR. KRUIZIAK: Depends on how you define
8 satisfactory. The job has been completed.
9 Satisfactory, I would say no. They offer a Gold
10 Standard Service, which I don't believe the company
11 lives up to, which is basically any part of their
12 installation or service should be 100 percent
13 satisfactory, and I have not found it to be.

14 MR. AARON: Okay. I might just comment --

15 ALDERMAN BOHL: Mr. Chair?

16 CHAIRMAN WITKOWIAK: Alderman Bohl.

17 ALDERMAN BOHL: Thank you. Sir, you
18 mentioned that you know of others that have used this
19 company?

20 MR. KRUIZIAK: Yes.

21 ALDERMAN BOHL: Others who live on your
22 block or --

23 MR. KRUIZIAK: Live in the general vicinity
24 in Milwaukee.

25 ALDERMAN BOHL: How did you come to contact

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1 this particular company?

2 MR. KRUIZIAK: Through the phone book. We
3 did several different quotes with companies. I heard
4 them on the radio and decided to go with them based on
5 the fact that they could come up with the best price
6 and satisfaction guarantee.

7 ALDERMAN BOHL: And how is it you came to
8 know others -- If you sort of randomly chose them, how
9 is it you came to know others?

10 MR. KRUIZIAK: The advertising signs. If
11 you've ever seen work done by a window company, they
12 usually put a sign out in front of the yard that says,
13 "Done by Grandview Windows" or other companies.

14 ALDERMAN BOHL: So you've seen their signs
15 through your neighborhood?

16 MR. KRUIZIAK: At least three different
17 houses, yes.

18 ALDERMAN BOHL: And what time frame would
19 you attribute to seeing these signs?

20 MR. KRUIZIAK: Prior to -- Oh, let's see.
21 That would be probably summer of last year to fall.

22 ALDERMAN BOHL: So in the general neighbor-
23 hood you saw three additional signs that you would
24 attribute to Grandview?

25 MR. KRUIZIAK: Yes.

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1 ALDERMAN BOHL: Within the period --
2 six-month period between -- or thereabouts, summer
3 through fall?

4 MR. KRUIZIAK: Yes.

5 ALDERMAN BOHL: Okay. Thank you.

6 MR. AARON: May I be permitted to ask a
7 question of the witness?

8 CHAIRMAN WITKOWIAK: Go ahead.

9 MR. AARON: Your dispute involved whether or
10 not you were to receive two free doors; is that not
11 correct?

12 MR. KRUIZIAK: Yes.

13 MR. AARON: And you were also concerned that
14 they offered provisions whereby they would match or
15 beat any offer of a competitor; is that correct?

16 MR. KRUIZIAK: Yes.

17 MR. AARON: And they did recognize that and
18 gave you a reduced price; is that right?

19 MR. KRUIZIAK: Yes.

20 MR. AARON: Okay.

21 CHAIRMAN WITKOWIAK: Thank you. Any other
22 questions of this witness? Okay. Thank you. Ma'am,
23 your name and address for the record, please?

24 MS. LEPIANKA: Christina Lepianka. I live
25 at 6532 West Euclid, Milwaukee, 53209.

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1 CHAIRMAN WITKOWIAK: Your testimony,
2 Christina?

3 MS. LEPIANKA: I watched the committee back
4 in March, and their lawyer stated that they had done
5 no work in the City of Milwaukee since April of 2004.
6 Alderman Bohl was asking many questions on that. I
7 have a contract signed 8/26 of '04.

8 And the same with his stuff; work didn't
9 start on time, work took -- I think they were there a
10 total of three work weeks, and in fact they even took
11 their tools and went and left, and I didn't see them
12 for three days. Called the company. Many, many
13 excuses.

14 I have refused a payment to them. I am not
15 satisfied at all, so they did start a suit against me.
16 We do have a suit in court right now.

17 And I found more people that had work in the
18 City of Milwaukee by going on like CCAP and putting in
19 their name, and they just filed suit against people in
20 Bay View. Bay View still is the City of Milwaukee.

21 I live right off of 68th and Oklahoma.
22 There's a sign between -- I believe it's Oklahoma and
23 Morgan, one of their signs. You know, I questioned
24 why they didn't have a work truck with their name on
25 it. None of their people had work shirts with their

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1 names on them. I asked for the license. They told me
2 they would fax it, never got it faxed. Now they're
3 saying that I refused them. No. They had no license
4 to send me. They had no city license.

5 I asked about permits. I was told windows
6 didn't need permits, which I understand, but they did
7 open up two windows. Windows had been put in -- I
8 have bigger windows. Standard windows were put in, so
9 they had to build around. They unbuilt, they took
10 those two-by-fours down, so they did make the opening
11 bigger. And I had siding on my house, on the garage,
12 gutters, trim, soffit, fascia, and I'm completely
13 unsatisfied with the work. I'm embarrassed at my
14 house.

15 ALDERMAN BOHL: Mr. Chairman?

16 CHAIRMAN WITKOWIAK: Alderman Bohl.

17 ALDERMAN BOHL: Thank you. Ma'am, how is it
18 that you first found out about this company?

19 MS. LEPIANKA: My sister lives in Oak Creek.
20 She lives right off of Judith Place, which is right
21 off Oakwood.

22 ALDERMAN BOHL: And she had work done by
23 them?

24 MS. LEPIANKA: No. She said like, well,
25 there's this company right down the block from me,

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1 why don't you give them a call.

2 ALDERMAN BOHL: So you're no longer speaking
3 with her then?

4 MS. LEPIANKA: She's very sorry, she said.
5 She's very sorry. Because, in fact, I was going to go
6 with WASCO for the windows, and I only solicited
7 Grandview for the siding. Their salesman solicited me
8 back for the windows, and then I decided it won't take
9 as long, you won't have two contractors to deal with,
10 so I did go -- Then I went with them for everything.

11 ALDERMAN BOHL: So you inquired with the
12 individual who came out to do the work whether or not
13 permits were required?

14 MS. LEPIANKA: I asked the salesman, the
15 salesman I talked to who signed my contract. He
16 stated to me no permit was needed for windows and
17 siding because it was an existing structure, and that
18 I should be happy because the city won't reassess me,
19 they won't up my assessment.

20 ALDERMAN BOHL: And you indicated that the
21 individuals who came out didn't have any company logo
22 or anything else?

23 MS. LEPIANKA: On their cars, on their
24 T-shirts, no, not that I saw. And I even questioned
25 why their work van -- Because my neighbor had work

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1 done by another company, you know. They had a sign in
2 the front yard, all their trucks had the company name
3 on them with their phone number. Their people all had
4 polo shirts with their names on.

5 And I was also informed that Mr. Joe Milner
6 was the president at first, and then when his father
7 came to my house, I was told that his father was
8 semi-retired, and he was the vice president and
9 co-owner. That's what he told me back in November.

10 ALDERMAN BOHL: Some companies subcontract
11 work out. That's probably not uncommon.

12 MS. LEPIANKA: I asked for the licensing
13 because they -- I still yet to this day have figured
14 out if they're subcontractors or not. See, because I
15 asked for their names: Well, we can give you one guy,
16 but we can't give you the other guy because Steve
17 works for us, but George works under Steve; Steve
18 hired his dad George, and this and that, and I've
19 never gotten a straight answer.

20 MR. AARON: May I direct a question to the
21 witness?

22 CHAIRMAN WITKOWIAK: Mr. Aaron, just one
23 second here.

24 ALDERMAN BOHL: And I don't know that the
25 attorney knows the protocol because I have the floor,

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1 Mr. Chair, and I'm not completed.

2 Mr. Chairman, I have no other questions
3 of this witness other than to say that I've seen
4 advertising or heard advertising from this company.
5 I've seen their signs about. That's why I have some
6 severe reservations and questions, when it came to the
7 last time they were here, about the attorney claiming
8 that there were only five instances in which work was
9 done in the City of Milwaukee.

10 I've seen their signs in my district, and
11 unless my district represents the entirety of the City
12 of Milwaukee, I just didn't believe it, and I don't
13 today.

14 CHAIRMAN WITKOWIAK: Thank you. Would you
15 like to ask questions?

16 MR. AARON: Yes, thank you. I have just a
17 few questions, Mr. Chairman.

18 MS. LEPIANKA: I have an attorney present.

19 CHAIRMAN WITKOWIAK: Pardon?

20 MS. LEPIANKA: I have an attorney present.

21 CHAIRMAN WITKOWIAK: Oh. Please identify
22 yourself for the record.

23 MR. MAGNER: I'm Attorney Neil Magner from
24 Magner, Hueneke & Smith. I represent Christina
25 Lepianka. I currently have a case against Grandview

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1 Installations, a large claim at the Milwaukee County
2 Courthouse.

3 MR. AARON: That is a counterclaim, is it
4 not, Counsel?

5 MR. MAGNER: Yes, it is a counterclaim.

6 MR. AARON: Okay. Should I direct my
7 questions to counsel?

8 CHAIRMAN WITKOWIAK: Yes.

9 MR. AARON: If payment in full had been made
10 to Grandview for the work done, and it had been
11 completed to your client's satisfaction, she would owe
12 \$11,000; is that not correct?

13 MR. MAGNER: That is not correct.

14 MR. AARON: How much would she owe?

15 MR. MAGNER: Well, your complaint actually
16 asks for 91 hundred.

17 MR. AARON: 91 hundred dollars. And no part
18 of that has been paid?

19 MR. MAGNER: No, it has not.

20 MR. AARON: And you're counterclaiming to
21 eliminate that entire claim, offset it.

22 MR. MAGNER: Offset, yes, part of it.

23 MR. AARON: Have you arbitrated this claim
24 before the American Arbitration Association as
25 provided by the contract?

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1 MR. MAGNER: No, because your organization
2 submitted your client to the courts of Wisconsin.

3 MR. AARON: Okay. Well, --

4 MR. MAGNER: And that was your voluntary
5 choice to sue in the State of Wisconsin.

6 MR. AARON: Well, what we have is a dispute
7 that's firmly and properly before the Circuit Court of
8 Milwaukee County. If we're correct, we're going to
9 recover some substantial damages and contract
10 proceeds. If there's dissatisfaction and improper
11 work that can be proven to the satisfaction of a court
12 of law, perhaps --

13 MR. EHRLICH: Counselor, I think you're
14 getting a little far afield. This is getting beyond
15 the question. I believe you were going to ask some
16 questions at this time. I think you're up to
17 summation at this point. Why don't you ask some
18 questions.

19 MR. AARON: I think he's answered the
20 questions as to the nature of the dispute, and that
21 there's a complaint by our firm and a counterclaim
22 pending before the circuit court.

23 MR. EHRLICH: I don't think this committee
24 is in confusion. I think they understand that. Are
25 there any other questions?

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MR. AARON: None.

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CHAIRMAN WITKOWIAK: Thank you. Is there anyone else here to testify to this matter? Okay.

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ALDERMAN WADE: Mr. Chair?

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CHAIRMAN WITKOWIAK: Alderman Wade.

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ALDERMAN WADE: I'd just like to ask the young lady a question. You say that presently you're embarrassed by the work that they did at your house. Is the work complete or incomplete?

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MS. LEPIANKA: They came and did -- Mr. Joe Milner came and did a final inspection, and he claimed the job was complete. I never thought the job was complete. They say it's complete and are demanding the money, and I'm saying it's incomplete. Now they're saying it's only 80 percent done, I threw them off my property.

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ALDERMAN WADE: Okay. The incomplete, is it something that can look and see; you can walk up and tell that this is not correct and that's not correct?

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MS. LEPIANKA: Yes.

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ALDERMAN WADE: So it's obviously incomplete work?

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MS. LEPIANKA: Yes. I have about five pieces of siding that are falling down. The trim around the -- I have pictures.

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1 ALDERMAN WADE: Oh, you have pictures?
2 ALDERMAN DUDZIK: Color pictures?
3 MS. LEPIANKA: Color pictures.
4 ALDERMAN DUDZIK: We love color pictures.
5 ALDERMAN WADE: Can I see those, please?
6 MS. LEPIANKA: This is the trim and the
7 caulk job around --
8 MR. MAGNER: I need them back, actually. I
9 can submit copies.
10 ALDERMAN WADE: Okay. I just need to see --
11 I mean one person is saying it's complete, and one
12 person is saying it ain't complete. I'm not a
13 contractor, but I think I can come to a conclusion.
14 Oh, yeah, it's incomplete.
15 MS. LEPIANKA: That is why I have not paid.
16 I want it fixed, but they can't fix it because they're
17 not licensed in the City of Milwaukee.
18 MR. MAGNER: They actually threw the
19 contract in her face and said that the contract
20 provides for attorney's fees, and that she would have
21 to pay for Grandview's attorney's fees, and that
22 provision has been determined to be illegal.
23 And their attorney, the last time in the
24 meeting on the 22nd, actually admitted that the
25 provision was removed from the contract because they

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1 are admitting that it's an illegal provision.

2 MR. AARON: May I follow up with one
3 question?

4 CHAIRMAN WITKOWIAK: Just one question.

5 MR. AARON: Do you deny that there's an
6 arbitration clause in this contract?

7 MS. LEPIANKA: They started suing me. I
8 have the paper from when they first --

9 MR. AARON: Do you want to produce it?

10 MS. LEPIANKA: Yes, I do.

11 MR. AARON: Look at the back.

12 MS. LEPIANKA: Oh, I have that, but you
13 started suing me first. This contract should be null
14 and void because of the statement that I pay their
15 attorney fees.

16 MR. EHRLICH: Ma'am, you're going too far
17 afield. That's sort of a legal conclusion. If you
18 have the contract and Mr. Aaron wants to look at it
19 briefly, that's probably appropriate, but I think this
20 whole issue is getting a little far afield.

21 MS. LEPIANKA: This is when they started
22 their court case against me, no arbitration.

23 MR. COPELAND: Mr. Chair, if I may, --

24 CHAIRMAN WITKOWIAK: Mr. Copeland.

25 MR. COPELAND: I think the question here,

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1 and it came up at the last meeting, is did this
2 company operate illegally in Milwaukee, were they
3 in violation of some of the requirements of the
4 statute, and one of them was citations by the
5 Department of Ag, which in your folder you have
6 proof from the Department of Ag. I think, like the
7 city attorney said, we're going far afield on this
8 other subject.

9 CHAIRMAN WITKOWIAK: Yeah, we don't want to
10 settle this other case now. That's up to you.

11 ALDERMAN BOHL: Mr. Chair?

12 CHAIRMAN WITKOWIAK: Alderman Bohl.

13 ALDERMAN BOHL: I would move at this time to
14 provide all the accompanying documents that are in our
15 book and make them part of the record. I know there's
16 a substantial number of documents from the Department
17 of Agriculture, Trade & Consumer Protection.

18 CHAIRMAN WITKOWIAK: Motion by Alderman Bohl
19 is to make the entire -- all of the pages of documents
20 in our book on this matter as part of the permanent
21 record in this case, and hearing no objections to
22 that, so ordered. Yeah, let's get to the crux of the
23 case here.

24 MR. AARON: Could I make a brief remark or
25 two, and I'll try to be brief.

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1 CHAIRMAN WITKOWIAK: Why don't we do this in
2 closing, okay? Does anybody else have any other
3 questions here?

4 ALDERMAN BOHL: Mr. Chairman, I do.

5 CHAIRMAN WITKOWIAK: Alderman Bohl.

6 ALDERMAN BOHL: And either for Mr. Milner or
7 for counsel here, I'm just wondering if the statement
8 made from the last hearing still holds that in the
9 last how many years, there's only been five properties
10 in the City of Milwaukee that you've done work at. Or
11 if you want to amend that here now.

12 MR. AARON: Would you please respond to
13 that?

14 MR. MILNER: That's why we're here. We're
15 trying to get licensed to make it right. Originally
16 we didn't know. The secretary or whoever screwed up a
17 little bit. When it came to my attention, I came down
18 here to get a license. Let's get it right, let's get
19 it straight, get everything we need right down the
20 line so we have no problems.

21 Like I said before, -- it's probably not
22 important; you don't care, I know, -- but there's
23 hundreds of contractors without licenses, and we're
24 trying to do what's right here.

25 ALDERMAN BOHL: Mr. Chairman, if I may as a

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1 follow-up.

2 CHAIRMAN WITKOWIAK: Alderman Bohl.

3 ALDERMAN BOHL: It was indicated here 715 or
4 705 jobs in the past year.

5 MR. AARON: Yes.

6 ALDERMAN BOHL: How many of them were in the
7 City of Milwaukee or roughly how many of them?

8 MR. MILNER: I don't have any idea. I'm
9 president of the company. I can't watch everything,
10 sir. I have my secretaries, and I have other people
11 doing it. I really can't tell you right off the top
12 of my head.

13 MR. AARON: And I would say the majority of
14 their operations are done by subcontractors, and the
15 license that was referred to in the discussion with
16 witnesses is a state license, which they do have in
17 good standing.

18 They are also in good standing as a
19 corporation with the Secretary of the State. Their
20 annual reports are all on file. It indicates who
21 their stockholders and directors and officers are as
22 a matter of record. I've examined that corporate
23 record book, and the witness is the sole stockholder.

24 ALDERMAN BOHL: You have witnessed their
25 corporate record book?

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1 MR. AARON: I have personally examined it,
2 and I state to this committee that the person who
3 became the subject of the police examination is not a
4 stockholder and is not a director. He's an employee.

5 ALDERMAN BOHL: I still want to get at a
6 rough estimate or rough percentage of the business
7 that has been done in the City of Milwaukee in the
8 last two years.

9 MR. MILNER: I don't know offhand.

10 ALDERMAN BOHL: I'm going to guess if you
11 had 715 jobs in the last year, would it be fair to say
12 that more than five of those were in the City of
13 Milwaukee?

14 MR. MILNER: Yes, it would.

15 ALDERMAN BOHL: Okay. Thank you.

16 CHAIRMAN WITKOWIAK: Any other questions by
17 members of the committee?

18 MR. MILNER: And that's what we're here to
19 correct.

20 ALDERMAN DUDZIK: Mr. Chairman?

21 CHAIRMAN WITKOWIAK: Alderman Dudzik.

22 ALDERMAN DUDZIK: Christina, I'm the
23 alderman for your area, and I want to be clear about
24 that I took time to go past your house a couple days
25 ago, and I was actually pretty impressed by the way it

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1 looked from the street.

2 MS. LEPIANKA: I am, too.

3 ALDERMAN DUDZIK: I recently had my house --
4 everything done that you had, done to my house, and
5 after viewing the pictures that you showed me today,
6 I'm going to call up my contractor and apologize for
7 ever doubting his workmanship because what I see
8 there, I would be as livid if not more livid than you
9 are. And throwing -- I'm sure you didn't physically
10 pick up their salesman and throw him off your
11 property, but if that was my house, there's a distinct
12 possibility that would have happened if he'd been
13 talking to me.

14 At this point in time, Mr. Chair, I would
15 move to hold this matter until we have a satisfactory
16 indication that the adjudication is against this
17 company. That would be an appropriate motion.

18 MR. AARON: Are you speaking of an
19 adjudication of a pending case before the circuit
20 court of Milwaukee?

21 ALDERMAN DUDZIK: Her case.

22 MR. AARON: How would this committee be
23 interested in resolving a dispute that's in litigation
24 before the circuit court? That could take years.

25 ALDERMAN DUDZIK: As a member of this

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1 committee, --

2 CHAIRMAN WITKOWIAK: You know, the problem
3 is that that's not relevant to what we're deciding on
4 today. Could we get some advice from the city
5 attorney?

6 MR. EHRLICH: Right. Whatever the dispute
7 is between the parties is going to have to be decided
8 and adjudicated in the circuit court. Now you're
9 focusing your inquiry as to those issues that would
10 give you pause and give you reason to vote against
11 granting this license, and at this point, because of
12 the fact that this matter is in litigation, I don't
13 know that you can really rely upon -- I know that you
14 have personally observed it and made a decision, but
15 really you have to take into account evidence that
16 comes before you, not your own personal observation in
17 this instance, I would say, because of the fact that
18 there is a dispute that is being litigated in circuit
19 court. So you have to try to -- My advice would be
20 to try to limit your inquiry here today as to those
21 issues that gave you pause previously in granting a
22 license.

23 MR. AARON: I have a very brief comment. I
24 totally agree with the city attorney, but I would call
25 to the committee's attention that the focus last time

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1 was on the prior criminal record of Mr. Joe Milner,
2 and it's five years old. He has completed a substance
3 abuse plan, he's taken an anger management plan, and
4 he, as well as two other persons who have been on
5 probation and parole, are valued employees of this
6 company. And I think the fact is what the last
7 meeting focused on was his record, and I think the
8 company should be complimented for hiring persons who
9 are making a sincere effort to be productive citizens,
10 and they have to have employment, and this company is
11 providing it.

12 CHAIRMAN WITKOWIAK: Would you like to give
13 us a closing statement? Alderman Dudzik, do you have
14 something?

15 ALDERMAN DUDZIK: No.

16 CHAIRMAN WITKOWIAK: Give us a closing
17 statement at this time.

18 MR. AARON: With the volume of business
19 done by this company principally performed by
20 subcontractors, -- and the business records seem to
21 indicate that there were 715 jobs in the last fiscal
22 year, and \$2,250,000 worth of gross sales, -- this is
23 work that's generated by salespersons and performed by
24 subcontractors.

25 We are now trying to clear the air before

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1 your Municipal Judge Gramling who has determined that
2 if a license is issued, the pending tickets and
3 offenses that are before him for a violation of the
4 ordinance -- so in other words, operating on certain
5 jobs without a contractor's license, -- will be
6 dismissed or vacated. We're trying to accomplish
7 that.

8 We can't undo work that has been done, but
9 I call your attention to the report of the Better
10 Business Bureau. If you have the time, there's
11 glowing endorsements and appreciation of satisfactory
12 work by many customers. You can't take two
13 dissatisfied customers out of 700 and judge the
14 performance of a business on that sampling.

15 CHAIRMAN WITKOWIAK: Thank you.

16 MR. EHRLICH: Mr. Chairman, I have a
17 question. I'm sorry I didn't ask it before. You
18 mentioned that there were some cases pending before
19 Judge Gramling in Milwaukee Municipal Court?

20 MR. AARON: Yes, they're on the police
21 report that was submitted to the committee at the last
22 meeting.

23 MR. EHRLICH: How many of those are pending
24 before Judge Gramling?

25 MR. AARON: I believe there are two that are

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1 held open pending the application of the license,
2 there is one that has resulted in a money judgment,
3 but is suspended pending the availability of a
4 license, and one other which has been handled in the
5 same way.

6 MR. EHRLICH: Has Judge Gramling made a
7 finding of guilt?

8 MR. AARON: No.

9 MR. EHRLICH: Has your client entered any
10 plea to these other than not guilty?

11 MR. AARON: I think the only plea that was
12 entered was in one case in which there was assessment
13 of a fine, which is to be abated or vacated when a
14 license is employed.

15 MR. EHRLICH: But Judge Gramling has already
16 assessed a fine?

17 MR. AARON: I did not represent the
18 corporation on that matter, but looking at your police
19 report, it would appear that's the case. But he is
20 going to set it aside or vacate it if a license is
21 obtained.

22 MR. EHRLICH: You were not present. You
23 have no personal knowledge of how Judge Gramling may
24 have assessed the fine without finding guilt?

25 MR. AARON: That is correct.

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1 MR. EHRLICH: Okay. Would you agree that
2 it's probable that Judge Gramling would have made a
3 finding of guilt prior to assessing a forfeiture?

4 MR. AARON: I would assume so.

5 MR. EHRLICH: Okay. I don't have anything
6 further.

7 CHAIRMAN WITKOWIAK: Thank you. This
8 matter's in committee.

9 ALDERMAN WADE: Mr. Chair?

10 CHAIRMAN WITKOWIAK: Alderman Wade.

11 ALDERMAN WADE: The attorney for the lady
12 wanted to speak. I don't know if you --

13 CHAIRMAN WITKOWIAK: Do you have a brief
14 comment?

15 MR. MAGNER: Yeah, just a brief comment
16 that I wanted to point out. At the last meeting
17 there was some discussion regarding Linda De Pons
18 from the Department of Agriculture, Trade & Consumer
19 Protection. I spoke with her today. I believe
20 there's four open cases currently, and I believe
21 there's a chance that the District Attorney's Office
22 may be prosecuting Grandview on some of those
23 allegations.

24 MR. COPELAND: And you have the information
25 from Miss De Pons, which the License Division secured,

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1 and we sent to the client -- I mean the applicant and
2 his lawyer.

3 CHAIRMAN WITKOWIAK: And that is in the
4 packet which we moved to make a part of the record.

5 MR. COPELAND: Yes.

6 MR. AARON: Those matters are being
7 resolved, and if they're not covered by the written
8 statements of customers that they have been cured to
9 the customers' satisfaction, they're open, and
10 resolution will be performed.

11 CHAIRMAN WITKOWIAK: Okay. This matter's in
12 committee.

13 ALDERMAN BOHL: Mr. Chairman.

14 CHAIRMAN WITKOWIAK: Alderman Bohl.

15 ALDERMAN BOHL: I would move to deny the
16 application. I, for one, am extremely miffed that
17 there was misrepresentation before this committee for
18 the last public hearing which we were told only five
19 properties in the City of Milwaukee have been done. I
20 for one do not believe this company was unaware when
21 and where permits were needed. I think this company
22 has shirked its duty before the City of Milwaukee to
23 many individuals.

24 I will not state that they don't find
25 satisfied customers, or that there may be times where

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1 individuals that they subcontract out to don't do
2 reasonable work. My decision is not based on what
3 this gentleman or this woman here have in terms of
4 their own complaints.

5 I just don't believe that because you got
6 caught with your pants down, you are now trying to
7 garner up and plead in municipal court that the City
8 of Milwaukee ought to reward you for continued
9 problems and lying before this body when I think you
10 knowingly knew better; that you're a gigantic company,
11 and that you are looking to save face at this time.

12 Frankly, the fact that you would come here
13 before this committee and say there were five
14 instances where you did work in the City of Milwaukee,
15 that it was a minor amount of times and that we didn't
16 know there weren't permits, that is the biggest
17 baloney I've seen before this body in my five-year
18 time period.

19 I don't believe that this committee nor this
20 Common Council should reward a company like yours that
21 knowingly lies; that not only doesn't abide by the
22 law, but I think you knew better. And, secondly, that
23 you would come here and insult us by lying about that
24 openly in our faces and that we ought to reward, and
25 that is why I make a motion to deny.

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1 ALDERMAN WADE: Mr. Chair?

2 CHAIRMAN WITKOWIAK: On the motion?

3 ALDERMAN WADE: On the motion. Furthermore,
4 it was stated by the young lady at the table that
5 people that represented your company expressed to her
6 that they wanted to do an end-around on the taxpayers
7 of the City of Milwaukee by doing this work and not
8 pulling permits because that way her property wouldn't
9 be assessed, and she wouldn't have to pay higher
10 taxes. I think that's kind of disingenuous, and I
11 have some problems with companies of your caliber
12 operating in that manner, trying to do end-arounds on
13 City of Milwaukee taxpayers. And for that reason,
14 along with some other reasons, I'm in support of this
15 motion.

16 CHAIRMAN WITKOWIAK: Any further discussion
17 on the motion?

18 ALDERMAN PUENTE: Mr. Chairman.

19 CHAIRMAN WITKOWIAK: Alderman Puente.

20 ALDERMAN PUENTE: I concur with my
21 colleagues here. Also, if we would not deny the
22 license, what message are we sending as a committee;
23 that these contractors can come into our city and do
24 the contract workup until the point they get caught.
25 And now they get caught, they go into municipal court,

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1 and now a judge is saying, well, if you get your
2 license, we're going to dismiss these citations or
3 hold them to whatever. I think that's sending the
4 wrong message.

5 People who come into this city, and the
6 people of this city expect good work. They're
7 contractors, they need to be licensed, so I am in
8 support of the motion.

9 CHAIRMAN WITKOWIAK: Okay. The motion by
10 Alderman Bohl is to recommend denial of this license
11 for items contained on the police report, and
12 neighborhood objections to a violation of required and
13 prohibited practices as set forth in Chapter 95-14 of
14 the Milwaukee Code of Ordinances and 95-14-7-C-1-F,
15 which states whether the applicant has been issued a
16 warning letter or had the imposition of administrative
17 sanctions by the Wisconsin Department of Agriculture,
18 Trade and Consumer Protection.

19 ALDERMAN BOHL: And Mr. Chairman, if I may,
20 I just want to be very clear that I would like to
21 amend the motion to reflect the language that you just
22 stated there as the reasons for denial.

23 CHAIRMAN WITKOWIAK: And it is so amended.
24 Are there any objections to that motion? Hearing
25 none, so ordered. Thank you.

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2 STATE OF WISCONSIN)

) ss:

3 MILWAUKEE COUNTY)

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I, DONNA GULCZYNSKI, of Milwaukee Reporters
Associated, Inc., 5120 West Bluemound Road, Milwaukee,
Wisconsin, certify that the foregoing transcript,
consisting of pages 2 through 34 inclusive, is a
full and complete transcript of the proceedings taken
in this cause.

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Donna Gulczynski - Court Reporter

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Dated this day of , 2005
Milwaukee, Wisconsin

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