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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of a Class "A" Malt Renewal Application
for:

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AUGUSTINE GONZALEZ
"Eddy's Grocery"
1239 South 12th Street

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COMMITTEE MEMBERS

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- ALD. JAMES BOHL - Chairman
- ALD. JOE DAVIS, SR., - Vice Chairman
- ALD. FREDERICK GORDON
- ALD. JOSEPH A. DUDZIK
- ALD. TERRY L. WITKOWSKI

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- LICENSING DIVISION by JAMES COPELAND
- NEIGHBORHOOD SERVICES by PANDORA BENDER
- HEALTH DEPARTMENT by PAUL ZEMKE
- POLICE DEPARTMENT by SERGEANT JOHN HOGAN
- OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in
the above-entitled matter, before the UTILITIES &
LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on
the 11th day of November, 2003.

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P R O C E E D I N G S

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CHAIRMAN BOHL: The next item is for Augustine Gonzalez, Class 'A' Malt renewal application for "Eddy's Grocery" at 1239 South 12th Street. Do you go by Augustine or Augustine?

THE APPLICANT: Augustine.

CHAIRMAN BOHL: Augustine, okay. Thank you, sir. And we'll need to swear you in, if we could have you raise your right hand, please?

MS. ELMER: Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

THE APPLICANT: I do.

CHAIRMAN BOHL: And, Mr. Gonzalez, I need to ask you if you acknowledge receiving notice of today's meeting with a possibility your application could be denied. It is due to items in the police report as well as neighborhood objections to loitering, littering, parking problems and - - and traffic congestion, suspected drug activity and conduct which is detrimental to the health, safety and welfare of the neighborhood.

THE APPLICANT: I do.

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1 CHAIRMAN BOHL: Thank you. Health
2 department?
3 HEALTH DEPARTMENT: No objections.
4 CHAIRMAN BOHL: Neighborhood Services?
5 DNS: No objections.
6 CHAIRMAN BOHL: Sergeant Hogan.
7 SERGEANT HOGAN: No one reported
8 incidents regarding the operation of the
9 premises. hE does, however, have three open
10 traffic warrants with the Sheriff's Department.
11 CHAIRMAN BOHL: Mr. Gonzalez, you have
12 - - Do you have any proof here before us that
13 you've rectified those matters?
14 THE APPLICANT: Yes.
15 CHAIRMAN BOHL: If you could provide
16 that to the Sergeant.
17 SERGEANT HOGAN: The case numbers don't
18 match up with the warrants on file with the
19 Sheriff's Department. These are receipts from
20 municipal court.
21 THE APPLICANT: I have a lot more.
22 CHAIRMAN BOHL: It looks like you've
23 been helping out some coffers here in multiple
24 jurisdictions here.
25 ALDERMAN SANCHEZ: Mr. Chair. Can we

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1 have a two minute recess? Is it possible or?

2 CHAIRMAN BOHL: Alderman Sanchez, why
3 don't we - - While we're waiting and he's looking
4 through those things, I mean, do you have any
5 comments that you want to - - we can keep it
6 moving here.

7 ALDERMAN SANCHEZ: Well - -

8 CHAIRMAN BOHL: Let me just - - Well,
9 before - - before we proceed with you.

10 ALDERMAN SANCHEZ: All right.

11 CHAIRMAN BOHL: This item is cited for
12 neighborhood objections. I do need to see a show
13 of hands of anyone who may be here with us to
14 testify in opposition to this license. Is there
15 anyone? Raise your hand. I hear and see none.
16 Alderman, we'll put it in your court.

17 ALDERMAN SANCHEZ: Mr. Chair, I spent
18 the better part of a day in the area talking to
19 neighbors. Unfortunately, none of them are here,
20 and I - - I realize that there's not much this
21 committee can do outside of the warrants that are
22 pending here, and hopefully, perhaps those are
23 paid up, and that, but I will tell you that I'd
24 ask that this committee send at least some type
25 of a warning, in fact, at the very minimum, a

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1 warning letter to Mr. Gonzalez here, because it's
2 been brought to my attention - - It's been
3 brought to my attention that this happens to be a
4 breeding ground, essentially, or a gathering
5 point for a lot of people who are related to
6 gangs.

7 And I can tell you one incident that
8 happened to me while I was in the area about a
9 year ago, and this has to do with just some of
10 the people in the neighborhood. But maybe, you
11 know, perhaps I'll just save that story because
12 it's not really totally related to - - to the
13 establishment. But there are concerns in the
14 neighborhood. People do worry about a lot of the
15 clientele that are around there, and apparently
16 Mr. Gonzalez, I'm sure, is aware of a lot of the
17 people that come in and come out from his store.
18 And so, those are my thoughts at this time.

19 CHAIRMAN BOHL: Thank you, Alderman.

20 Sergeant Schrimpf - - Or Sergeant Hogan.

21 Sergeant Hogan, you had a moment to look at that.

22 SERGEANT HOGAN: It does not satisfy
23 the Sheriff's Department warrant.

24 CHAIRMAN BOHL: Okay.

25 SERGEANT HOGAN: It took care of

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1 everything in Milwaukee - - Milwaukee Municipal
2 Court.
3 CHAIRMAN BOHL: Mr. Copeland, when - -
4 when is this matter set to expire, this license?
5 MR. COPELAND: It expired already. He
6 filed late.
7 CHAIRMAN BOHL: And when was that
8 expiration?
9 MR. COPELAND: It expired October 14th.
10 CHAIRMAN BOHL: October 14th. So we're
11 - - We're approaching the - - the month - -
12 ALDERMAN SANCHEZ: Mr. Chair, question.
13 CHAIRMAN BOHL: Yes.
14 ALDERMAN SANCHEZ: A very prudent
15 question. The question is this. Provided that
16 his license expired on October the 14th, can you
17 ask Mr. Gonzalez, being that he's under oath, if
18 he has sold any liquor since that time. Because
19 remember, it is refrigerated. It is inside of
20 his store.
21 CHAIRMAN BOHL: Mr. Gonzalez, have you
22 been entertaining - -
23 THE APPLICANT: No, I lost a lot of
24 business right now. I'm not selling anything
25 right now until I get this resolved, and I've - -

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1 CHAIRMAN BOHL: You're not going to
2 tell us, Alderman Sanchez, if you happened to
3 pick up a six-pack here this past weekend, are
4 you?

5 ALDERMAN SANCHEZ: No. So your answer
6 is no, that you have not sold any beer out of
7 that establishment since the expiration of your
8 license. Is that what you're saying?

9 CHAIRMAN BOHL: Let me - - Let me ask
10 one further on that as well, too. If - - If a
11 license expires, is he required to have those
12 items pulled off the shelves?

13 MR. SCHRIMPF: I think he's required to
14 have them locked up.

15 CHAIRMAN BOHL: Okay. So - - But it
16 cannot be accessible where someone from the
17 general public could go in and - -

18 SARGEANT HOGAN: It cannot be displayed
19 for sale.

20 MR. SCHRIMPF: That is correct. It is
21 no longer at that point a Class 'A' premises.
22 It's unlicensed.

23 CHAIRMAN BOHL: Are those items still
24 on the shelf?

25 THE APPLICANT: They're just - - Not on

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1 the shelves. They're in storage, but the coolers
2 are still there. I locked up the coolers.
3 That's about it.

4 CHAIRMAN BOHL: Okay.

5 ALDERMAN SANCHEZ: Mr. Gonzalez, in the
6 coolers is there any alcoholic beverages that are
7 visible?

8 THE APPLICANT: Yes.

9 ALDERMAN SANCHEZ: Yes, they are. That
10 confirms they cannot be displayed. So they're
11 visible. Is that a violation?

12 SERGEANT HOGAN: It's my understanding.
13 Mr. Schrimpf maybe can confirm this. If they're
14 in coolers and the coolers are locked, that it
15 would comply.

16 MR. SCHRIMPF: Right.

17 SERGEANT HOGAN: But if the items are
18 on the - - on the shelves displayed, they either
19 must be removed or they must be covered up.

20 ALDERMAN SANCHEZ: What other items are
21 inside those coolers, Mr. Gonzalez?

22 THE APPLICANT: Just milk.

23 ALDERMAN SANCHEZ: Eggs, cheese.

24 THE APPLICANT: Yeah, juice, sodas.

25 ALDERMAN SANCHEZ: So those doors are

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1 not locked?

2 THE APPLICANT: No, they're - - they're
3 separate. Alcohol is in a separate one.

4 ALDERMAN SANCHEZ: And you're saying
5 that the alcoholic beverages that are inside the
6 coolers inside your store are secure and locked
7 at this time?

8 THE APPLICANT: No. No.

9 ALDERMAN SANCHEZ: They are or they're
10 not?

11 THE APPLICANT: They're not.

12 ALDERMAN SANCHEZ: So the doors are
13 open.

14 THE APPLICANT: Um-hnh.

15 ALDERMAN SANCHEZ: Yes, they are?

16 THE APPLICANT: Yes.

17 ALDERMAN SANCHEZ: All right. So what
18 we've established here is that the doors are open
19 to coolers and there are alcoholic beverages
20 inside, and also, that he's under expiration.
21 I'd ask the city attorney, at least, or Mr. Hogan
22 to comment on that.

23 CHAIRMAN BOHL: I don't know that
24 there's anything - - We've heard what we've heard
25 here.

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1 ALDERMAN SANCHEZ: I'd ask for a non-
2 renewal then, Mr. Chair. It's clear that this
3 applicant is - - is operating in violation. He's
4 expired. He doesn't have a - - a valid license,
5 and he's testified under oath here that it is
6 true that the alcoholic beverages, the products
7 are inside coolers which are not secure at this
8 time, and that the coolers - - the doors are free
9 and open. There's free and open access to the
10 public to offset them, and at least handle the
11 merchandise if not purchase it.

12 CHAIRMAN BOHL: Sir, did you want to
13 come forward and testify to this matter? I
14 assume that you are related to the young Mr.
15 Gonzalez who is here before us?

16 THE WITNESS: My name is Wajhee Hussin.
17 I work for - -

18 CHAIRMAN BOHL: I'm sorry. I did not
19 hear one - - Okay.

20 THE WITNESS: My name is Wajhee Hussin.
21 I work for Mr. Gonzales, and he's a friend of
22 mine.

23 CHAIRMAN BOHL: Roger - -

24 THE WITNESS: Wajhee, W-A-J-H-E-E,
25 first name. Last name is H-U-S-S-I-N.

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1 CHAIRMAN BOHL: Thank you.

2 THE WITNESS: And I just have a comment
3 about the coolers and the beverages in the
4 coolers. We - - We have a lot of - - a lot of
5 stock. We can't - -

6 CHAIRMAN BOHL: We have to swear you
7 in, sir. Sorry.

8 MS. ELMER: Do you solemnly swear to
9 tell the truth, the whole truth, and nothing but
10 the truth, so help you God?

11 THE WITNESS: Yes, I do.

12 CHAIRMAN BOHL: Thank you.

13 THE WITNESS: There is no locks.

14 Everything - - The liquor are in separate
15 coolers, but it's not locked, but we have - - we
16 have signs on every door that contain liquor, or
17 I mean beer, beverages, and covering up with some
18 newspapers, like glasses, I mean, you know. And
19 we didn't know anyway about this law that we have
20 to - - He doesn't know either. We know we're not
21 supposed to sell, and to put a sign for customers
22 and cover it up. That - - That we knew, and that
23 we did. That's all I have to say.

24 CHAIRMAN BOHL: Mr. Hussin, what is
25 your - - your address for the record, your home

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1 address?

2 THE WITNESS: I live in the same
3 building, in the upstairs.

4 CHAIRMAN BOHL: You do. Okay. And are
5 you employed by - -

6 THE WITNESS: By him, yes. And he's a
7 friend of mine, also, too.

8 CHAIRMAN BOHL: Okay. Mr. Schrimpf, do
9 you have - -

10 MR. SCHRIMPF: Yes, Mr. Chairman, thank
11 you.

12 CHAIRMAN BOHL: And we'll hope to
13 expedite this.

14 MR. SCHRIMPF: Section 90-3 and 90-4 of
15 the Code of Ordinances define the requirement to
16 be licensed, in this case a Class 'A' Malt
17 license as being selling or offering for sale,
18 and I think the interpretation is that if it's on
19 the shelves, and it's not locked up or otherwise
20 visible, then it is in effect being offered for
21 sale.

22 CHAIRMAN BOHL: Well, I don't know
23 where the rest of the committee is, but I'm going
24 to tell you where I am on this right now. And
25 that is, Mr. Gonzalez, we have three outstanding

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1 warrants. It's our committee's policy to not act
2 on licenses until those matters are, indeed,
3 rectified. Now, I understand that you have a - -
4 a existing license, and this is a renewal that's
5 being applied for, but you already applied late.
6 And I have no problem holding this matter over,
7 and I think that we ought to hold this matter
8 over to insure that those outstanding warrants
9 are, indeed, addressed, and that those citations
10 are taken into consideration.

11 Now, you fully know and if you - - if
12 you're not complying at this point forward, you
13 know that those items have to - - those alcohol
14 items have to be somehow locked up and put away.
15 Certainly whatever testimony has been provided,
16 therefore, becomes items that can be used as
17 testimony the next time we do come forward and
18 bring you before us. So that's where I suggest
19 the committee take it, unless we're told - -
20 we're told otherwise.

21 THE APPLICANT: I'm new to this. I
22 didn't know.

23 ALDERMAN GORDON: Mr. Chair, I would
24 move to hold at the Call of the Chair.

25 CHAIRMAN BOHL: Okay.

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1 ALDERMAN SANCHEZ: Mr. Chair?
2 CHAIRMAN BOHL: Alderman Sanchez,
3 briefly.
4 ALDERMAN SANCHEZ: As an employee, just
5 if you'd just offer me to cross, I just want to
6 ask his employee, sir, your name again?
7 THE WITNESS: Wajhee Hussin.
8 ALDERMAN SANCHEZ: Wah - -
9 THE WITNESS: Wajhee.
10 ALDERMAN SANCHEZ: Wajhee? Can I call
11 you Wajhee?
12 THE WITNESS: Yes, you can.
13 ALDERMAN SANCHEZ: Wajhee, can you tell
14 me if in the last three weeks, have you worked at
15 this - - at this grocery store within the last
16 three weeks?
17 THE WITNESS: Yes, I did.
18 ALDERMAN SANCHEZ: Have you sold any
19 beer to anyone at this store during that time?
20 THE WITNESS: I never did.
21 ALDERMAN SANCHEZ: You have not sold
22 not a single drop to anyone?
23 THE WITNESS: No.
24 ALDERMAN SANCHEZ: At any time.
25 THE WITNESS: No.

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1 ALDERMAN SANCHEZ: All right. And
2 then, finally, Mr. Gonzalez, how many other
3 employees do you have at this store?
4 THE APPLICANT: One other.
5 ALDERMAN SANCHEZ: One other. And is
6 that the employee that's working there right now?
7 THE APPLICANT: Yes.
8 ALDERMAN SANCHEZ: Do you know if that
9 employee has sold any beer to anyone?
10 THE APPLICANT: No.
11 ALDERMAN SANCHEZ: And you - - To your
12 knowledge, you have though, right?
13 THE APPLICANT: No.
14 ALDERMAN SANCHEZ: Pardon me?
15 THE APPLICANT: Knowledge of that, no,
16 I don't know.
17 ALDERMAN SANCHEZ: Earlier - -
18 THE APPLICANT: I told him, you know,
19 license, I have no license. He can't sell it.
20 But - -
21 ALDERMAN SANCHEZ: But what?
22 THE APPLICANT: That's all that I can
23 tell him.
24 ALDERMAN SANCHEZ: All right. I guess
25 - - All right. We'll drop it.

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1 THE APPLICANT: I don't know if he has
2 while I'm not there.
3 ALDERMAN SANCHEZ: But you have or have
4 not in the last three weeks.
5 THE APPLICANT: No.
6 ALDERMAN SANCHEZ: All right. I just
7 thought that earlier your testimony was that you
8 had sold it.
9 THE APPLICANT: No.
10 ALDERMAN SANCHEZ: I thought that's
11 what I had heard, but maybe not.
12 THE APPLICANT: No. No, I can't.
13 ALDERMAN SANCHEZ: So you do know that
14 you cannot have it available - -
15 THE APPLICANT: That's the only things
16 I didn't know that.
17 ALDERMAN SANCHEZ: All right.
18 THE APPLICANT: It had to be locked up.
19 I didn't know that. I can do that now.
20 CHAIRMAN BOHL: And I'm sure you will.
21 Okay. And when you get those matters rectified,
22 you will give notice to Room 105 here, the
23 Licensing Division, to let us know when you have
24 those outstanding warrants rectified, and we will
25 call you for the next available date.

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1 THE APPLICANT: I'm losing a lot of
2 business until this is taken care of. Do you
3 know if there's any way to - -

4 CHAIRMAN BOHL: Well, I - - You know,
5 Mr. Gonzalez, the only thing I can tell you is
6 you applied late.

7 THE APPLICANT: Yeah.

8 CHAIRMAN BOHL: And you also were sent
9 notice to say that, you know, you have
10 outstanding warrants that have to be rectified.
11 You know, if you had applied on time and you had
12 taken care of matters, you wouldn't be in this
13 situation. So the ball's in your court. We'll --
14 take you at the next available meeting.

15 THE APPLICANT: -- okay.

16 CHAIRMAN BOHL: Alderman Davis.

17 ALDERMAN DAVIS: Mr. Gonzalez, how old
18 are you?

19 THE APPLICANT: Twenty-four.

20 ALDERMAN DAVIS: You're 24?

21 THE APPLICANT: Um-hnh.

22 ALDERMAN DAVIS: And do you own the
23 establishment?

24 THE APPLICANT: No, lease.

25 ALDERMAN DAVIS: You - - You lease the

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1 space, but you own the business?

2 THE APPLICANT: Yes.

3 ALDERMAN DAVIS: Okay. And how long
4 have you owned the business?

5 THE APPLICANT: For three years.

6 ALDERMAN DAVIS: Three years?

7 THE APPLICANT: Um-hnh.

8 ALDERMAN DAVIS: All right. Thanks,
9 Mr. Chair.

10 CHAIRMAN BOHL: We have a motion on the
11 floor before us by Alderman Gordon to hold this
12 item to the Call of the Chair. Hearing no
13 objections to that, so ordered. As I said, as
14 soon as you can get information to the Licensing
15 Division that would provide corroborative proof
16 that you have rectified these matters, we'll get
17 you forward here at the next available meeting.
18 Okay?

19 THE APPLICANT: Okay.

20 CHAIRMAN BOHL: Thank you, Mr.
21 Gonzalez.

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1 STATE OF WISCONSIN)
2 MILWAUKEE COUNTY)

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5 I, JEAN M. BARINA, of Milwaukee Reporters
6 Associated, Inc., do certify that the foregoing
7 transcript was reduced to writing under my direction
8 and that it is a true and accurate transcription of
9 the Utilities and Licenses Hearing held on March,
10 2003.

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JEAN M. BARINA - COURT REPORTER

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Dated this day of December, 2003.

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