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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the Revocation of the Class "B" Tavern
and Tavern Amusement Cabaret (Nite Club) license for the
premises at 618-24 North Broadway.

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JODIE KORNFELH

8

"DA JUNGLE"

618-24 North Broadway

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair

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

12

ALD. JOSEPH A. DUDZIK

13

ALD. WILLIE WADE

14

POLICE DEPARTMENT by SERGAENT CHESTER ULICKEY
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 LICENSES
COMMITTEE OF THE CITY OF MILWAUKEE, on the 23rd day
of June, 2006.

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P R O C E E D I N G S

CHAIRMAN WITKOWIAK: This morning we're considering file number 060290, a motion relating to the revocation of the Class "B" Tavern and Tavern Amusement Cabaret (Nite Club) licenses for the premises at 618-624 North Broadway.

Could you all identify yourself for the record, please?

ALDERMAN BAUMAN: Alderman Robert Bauman, Fourth District.

MR. BERNSTEIN: Attorney Aaron Bernstein representing the Complainant who is here in person, Don Arenson.

MR. ARENSEN: Donald Arenson.

MS. JUNGERS: Mary Jungers, J-U-N-G-E-R-S.

CHAIRMAN WITKOWIAK: And just so I know who is who here. You're - - You're one of the Complainants, also?

MS. JUNGERS: Yes.

CHAIRMAN WITKOWIAK: Would you like to begin. Do you want to give us an opening statement?

MR. BERNSTEIN: Thank you, I will.

MR. SCHRIMPF: Mr. Chairman. We should

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1 determine - - We should determine if - - if the
2 applicant is here.

3 CHAIRMAN WITKOWIAK: Is the
4 applicant - -

5 MR. SCHRIMPF: I'm sorry. If the
6 licensee is here.

7 CHAIRMAN WITKOWIAK: If the licensee
8 - - Is the licensee present?

9 MR. ARENA: The licensee is present.
10 We would like some space at the table.

11 CHAIRMAN WITKOWIAK: Could we swear - -
12 Could we swear you both in and along with the
13 licensee, please, and the Alderman.

14 (Whereupon the Complainants, the
15 licensee and the Alderman were sworn.)

16 CHAIRMAN WITKOWIAK: Would the licensee
17 please identify herself, name and address for the
18 record?

19 THE LICENSEE: Jodie Kornfehl, 2124
20 West Walnut.

21 CHAIRMAN WITKOWIAK: Thank you. And
22 represented by?

23 MR. ARENA: Ms. Kornfehl is represented
24 by Counsel, Attorney Andrew Arena.

25 CHAIRMAN WITKOWIAK: And then could we

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1 have both your names and addresses for the
2 record, please?

3 MR. ARENSON: Donald S. Arenson, 608
4 North Broadway, Milwaukee 53202.

5 CHAIRMAN WITKOWIAK: Okay. And, ma'am?

6 MS. JUNGERS: Mary Jungers, W200 N16310
7 Pine Drive, Jackson, Wisconsin 53037.

8 CHAIRMAN WITKOWIAK: Okay. Would you
9 like to start with an opening statement?

10 MR. BERNSTEIN: Thank you, Mr.
11 Chairman. Before I give a brief opening
12 statement I would like to pass out to the
13 Aldermen present, and also, the City Attorney, a
14 packet which I put together to help expedite
15 these proceedings with our documentary evidence,
16 and also, some - - the applicable law that - -
17 And if - - if I may approach and pass these out
18 to you. And I will be asking that this be
19 admitted into the record. There's also a CD ROM.
20 I will be showing a video of some of the
21 disturbances that have occurred. And I have a
22 copy of that, also, to be made part of the record
23 without any objection

24 MR. SCHRIMPF: Mr. Chairman, before we
25 do that, I think it might be appropriate for the

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1 Chair to inquire of counsel for the licensee,
2 whether or not they received the summons and a
3 complaint and some other materials, I believe,
4 that was served with it to include the police
5 report, a copy of the Statute and a copy of the
6 ordinance on or about June 19th, 2006.

7 CHAIRMAN WITKOWIAK: Okay. Does the
8 licensee admit to receiving the summons and the
9 attached documents?

10 LICENSEE: Yes.

11 MR. ARENA: Yes.

12 CHAIRMAN WITKOWIAK: And for the
13 record, do we just want to identify how many
14 pages that is or? Mr. Schrimpf, is that - -

15 MR. BERNSTEIN: I apologize. I
16 couldn't give you a page count on that.

17 CHAIRMAN WITKOWIAK: No, that's okay.

18 MR. BERNSTEIN: Mr. Chairman, before I
19 - - I get into the meat of our complaint, so to
20 speak, I do want to say publicly and on the
21 record that on behalf of my clients, we cannot
22 express our appreciation any more strongly than
23 in this public manner to the Milwaukee Police
24 Department, in particular, Captain Linda Haynes,
25 who is here, I think, who will also be

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1 testifying. And also, Alderman Bauman, who have
2 over the last two and a half, three years, been
3 in very close contact with my client with regard
4 to the matters that we're going to discuss today.
5 And their conduct and response has been
6 exemplary, and we just wanted to make that very
7 clear from the getgo.

8 CHAIRMAN WITKOWIAK: Thank you.

9 MR. BERNSTEIN: Mr. Chairman, our
10 complaint alleges that the Jungle has operated in
11 a manner that constitutes a public nuisance, and
12 has a substantial adverse effect upon the health,
13 safety and convenience of the immediate
14 neighborhood. We are here to advocate for this
15 committee to revoke their license. Although not
16 in our complaint as filed with the City Clerk, we
17 also feel that the conduct satisfies the elements
18 of private nuisance, as well. These violations
19 fall under the City of Milwaukee Ordinance 90-
20 12(1)(f). Which states in pertinent part, "The
21 licensed premises is operated in such a manner
22 that constitutes a public or private nuisance, or
23 that conduct on the licensed premises, including
24 but not limited to loud and raucous noise, has
25 had a substantial adverse effect on the health,

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1 safety or convenience and prosperity in the
2 immediate neighborhood."

3 The disturbances that we're going to
4 talk about today fall under the above quoted
5 section, and they have occurred since September
6 of 2004. We will be offering documentary
7 evidence in the form of the police synopsis,
8 which I believe will be read into the record at
9 some point. There are also call reports. I
10 don't know what the - - the proper term is for
11 them. Those are on Tab 3 of the booklet I gave
12 you. 24 calls have been placed to the Milwaukee
13 Police Department with regard to incidents at the
14 Jungle. That's 24 calls since March 5th of this
15 year, alone. We could not get records going back
16 further. We assume that there are probably that
17 same number of calls going back, but we just
18 don't know.

19 We will also be offering video
20 testimony. I have a lot of video. I'll be
21 asking the committee to look at only four minutes
22 worth of video, which is a perfect example of the
23 ongoing chaos that occurs outside of the Jungle
24 at closing time on weekends. This particular
25 video is from June 11th, 2006, and there are two

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1 incidents of shots being fired outside - - or in
2 the vicinity of the bar. I will state right now
3 on the record, we do not know positively who the
4 shooters are, or whether they were patrons of the
5 Jungle. However, my client did see individuals
6 coming out of the Jungle who got into cars that
7 we feel are - - were - - were involved in this
8 shooting incident or shots fired. Those are also
9 reflected in the police synopsis, and also, the
10 call reports that we have.

11 We have hours of video, but I think
12 four minutes is going to sum up precisely what
13 you need to see. We also have here Mr. Arenson
14 and Ms. Jungers to testify about what they have
15 seen - - what they experienced. They live in the
16 building next door. And the video is shot, that
17 you'll see was shot by Ms. Jungers off of the
18 balcony until she had to duck.

19 We also have individuals Jeffrey Doss
20 and Luke Warnke from Milwaukee Private
21 Detectives, who my client hired to also conduct
22 surveillance in preparation for - - eventually
23 for a proceeding of this nature. They - - While
24 we're not showing any of their video, it's very
25 similar to what I'll be showing you, and they

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1 have personally seen what has occurred there, and
2 we will be asking them to testify.

3 Also, in your packet is correspondence,
4 and that's at Tab 4. It's a - - just a sampling
5 of correspondence between my client and Captain
6 Haynes of the Milwaukee Police Department, and I
7 believe, Alderman Bauman has been CC'd in on a
8 number of those - - a number of those e-mails.

9 I don't ask that you sit and read all
10 of these, but I will give you a sampling, if I
11 may. For example, e-mail, September 14th, 2004
12 after outlining some of the chaos outside of the
13 Jungle, the complainant wrote Alderman - -

14 MR. ARENA: What page, Counsel? Can
15 you give us a page number?

16 MR. BERNSTEIN: I don't have - - It's
17 Tab - - It's Tab 4, and then if you look at the
18 bottom right-hand corner are the dates. So
19 September 14th, 2004. I won't read the - -

20 ALDERMAN BOHL: It's the last page.

21 MR. BERNSTEIN: It's the last one.

22 CHAIRMAN WITKOWIAK: It's actually a
23 letter.

24 MR. BERNSTEIN: That's a letter. I may
25 - - I may have the date incorrect, then. I'll

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1 skip that one. I'm going to skip that one. I
2 may have mislabeled the date, and I don't want to
3 take up our time by going through it.

4 September 19th e-mail to Alderman
5 Bauman. "As I indicated to you, I cancelled a
6 dinner party Saturday night. I was afraid for
7 myself and my guests."

8 September 23rd, 2005 e-mail to Captain
9 Haynes. "Good morning Captain Haynes, Last night
10 at Da Jungle madness was out of control on both
11 the street (Broadway) and on the sidewalk. From
12 1:15 to after two a.m. it was crazy. I might
13 suggest that the street be closed at closing time
14 to avoid the madness. I know that you had said
15 you don't want to close the street, but maybe it
16 would be a good idea on Thursday and Saturday
17 nights. I'm aware that you know this is a crazy
18 situation and that you are aware of the various
19 issues that concern both mine and my neighbors'
20 safety and property because of this bar. I wish
21 you a Merry Christmas and Happy and Health New
22 Year."

23 Response from Captain Haynes to that e-
24 mail. "Happy Holidays Mr. Arenson, I received a
25 call approximately 1:30 on Friday morning

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1 regarding Da Jungle. I had them close down the
2 street."

3 E-mail dated December 31st, 2005.
4 "Hello Captain Haynes, As I am sure you are
5 aware, Friday night at Da Jungle was the worst I
6 have ever seen! At one time, sometime after
7 midnight, I saw 15 police cars! I also saw at
8 least 20 policemen! This is insane to let this
9 continue. Mark my words (also all the policemen
10 I have talked to) there is going to be a very
11 serious problem coming, shooting, fights and/or
12 both." And, Mr. Chairman, as the video I'll show
13 you indicates, that's - - that's occurring now.

14 April 28th, '06, e-mail to Captain
15 Haynes. "Good morning. Last night, April 27th,
16 the police were out in force. I saw at least six
17 to eight motorcycles, bicycling and two officers
18 on the roof of my building from 11 p.m. to two
19 a.m. I want to thank you, Captain Haynes, once
20 again, for your efforts. I realize that you
21 cannot continue to have all this manpower out to
22 maintain order at Da Jungle every night that they
23 are open, a total waste of time and money for the
24 Milwaukee Police Department and taxpayers."

25 This goes on and on, Mr. Chairman. And

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1 I - - I don't think I need to read all of the e-
2 mails. One of my - - One of our contentions here
3 is - - is this is a private nuisance to my
4 client. It's a public nuisance to the neighbors.
5 But it is an absurd drain of scarce police
6 resources for the - - for this one club, frankly.
7 And that's best exemplified by the synopsis,
8 which is Tab 2, prepared by the Milwaukee Police
9 Department Licensing Investigation Unit for this
10 hearing. And I do want to highlight a couple of
11 those. I'm not sure if it will be read into the
12 - - into the - -

13 CHAIRMAN WITKOWIAK: We - - It will be
14 read, yes.

15 MR. BERNSTEIN: It will be read. I can
16 - - Okay. Suffice it to say that the most
17 egregious one that I see as far as a waste of
18 resources is four police units having to take
19 five hours to clear a crowd after Da Jungle
20 closed. I would submit to this committee it is
21 not a useful use of our police resources.

22 With regard to the other aspects of the
23 ordinance, which I have included as Tab 6 in here
24 for your - - for your quick referral. Subsection
25 "f" also says that in addition to loud - - loud

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1 and raucous noise, there has to be "a substantial
2 adverse effect upon the health, safety or
3 convenience and prosperity of the immediate
4 neighborhood." The video I'm about to show you,
5 I think will satisfy that burden, and if you
6 would like more, I will have individuals testify
7 with regard to what it's like to live with - -
8 next door to Da Jungle. As far as procedural
9 matter, Mr. Chairman, do you need to have me
10 authenticate the - - talk to the witnesses to
11 authenticate the - - the video? How - -
12 Procedurally, how would you like this to proceed?

13 CHAIRMAN WITKOWIAK: Yes.

14 MR. SCHRIMPF: Yes.

15 CHAIRMAN WITKOWIAK: Yes.

16 MR. SCHRIMPF: Before or after?

17 CHAIRMAN WITKOWIAK: Before.

18 MR. BERNSTEIN: Okay. If I may call as
19 a witness, Mary Jungers.

20 CHAIRMAN WITKOWIAK: What I'd like to
21 do at this time is have the police report read
22 into the record.

23 MR. BERNSTEIN: Okay.

24 CHAIRMAN WITKOWIAK: Sergeant Ulickey.

25 SERGEANT ULICKEY: On 8/15 of 2004 at

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1 2:10 a.m. a Milwaukee Police off - - officer was
2 flagged down regarding trouble with a person at
3 618 North Broadway. An altercation occurred
4 between the bartender, Bradley L. DesArmo and a
5 patron. The bartender claimed that the patron
6 threw a glass and a candle at him and then stood
7 on the bar. The patron was issued a citation for
8 Disorderly Conduct.

9 On 12/18 of '04 approximately 1:10 a.m.
10 officers responded to the area of 500 North
11 Broadway regarding a shooting. Investigation
12 revealed that two groups of youths who had been
13 in Da Jungle, 618 North Broadway, for an
14 "underage Event." Both groups were removed from
15 the premises because they were flashing gang
16 signs at each other. One group went to a parking
17 lot in the 500 block of North Broadway when the
18 second group appeared. Shots were fired and one
19 person was struck in the shoulder.

20 On 2/11/05, 1:54 a.m., Milwaukee Police
21 were sent to a fight at 618 North Broadway, The
22 Jungle. A fight had occurred according to
23 witnesses, but they stated it occurred outside
24 and just around the corner. The officers
25 observed no fight occurring.

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1 On 7/8 of '05 at 1:47 a.m., Milwaukee
2 Police were at 618 North Broadway for traffic and
3 crowd control due to a large crowd at The Jungle
4 Night Club. There were no reported incidents.

5 On 8/5 of '05 at 1:37 a.m. due to large
6 crowds, Milwaukee Police conducted traffic and
7 crowd control for patrons who were exiting The
8 Jungle Night Club. There were no reported
9 incidents.

10 On 8/12 of '05 at 1:47 Milwaukee Police
11 were at 618 North Broadway for traffic and crowd
12 control due to large crowds from The Jungle.
13 There were no reported incidents.

14 If it's okay, Mr. Chairman, there are
15 items number seven, eight, nine, ten, 11, 12 and
16 13 that are all the same text. Squads were sent
17 on dates of 8/19/05, 9/2/05, 9/9/05, 9/23/05,
18 9/30/05, 10/14/05, and 10/28/05, all for crowd
19 and traffic control.

20 On 11/25/05 at 1:43 a.m., Milwaukee
21 Police were at 618 North Broadway to monitor
22 crowd and traffic at closing time for The Jungle
23 Bar. Officers observed a pedestrian in traffic
24 who was refusing to get out of the road and
25 causing a disturbance. When officers - - I'm

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1 sorry - - Officers arrested and identified him,
2 he began yelling profanities and resisting arrest
3 when another patron began to interfere with the
4 investigation. This subject was also identified.
5 He also resisted arrest and because of this,
6 caused a crowd of about 100 people to gather,
7 posing a threat to officer safety. More units
8 were called and order was eventually restored.
9 Both subjects were charged with disorderly
10 conduct and resisting arrest. Another patron was
11 arrested for disorderly conduct for his actions
12 of yelling at the police and waving the middle
13 finger, causing a disturbance. He was
14 identified. One officer did suffer minor injury
15 - - minor injuries while decentralizing one of
16 the subjects. The officer was treated and
17 released.

18 On 12/4 of '05 at 12:14 a.m., Milwaukee
19 Police were flagged down at 618 North Broadway
20 for a trouble with subject. An officer observed
21 two subjects in front of the location yelling at
22 each other. Field interviews were conducted and
23 subjects were identified. Female claimed she was
24 attacked by another person inside the club.
25 Investigation revealed that this person and

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1 another person were both fighting and both were
2 issued disorderly conduct tickets. While
3 officers were conducting this investigation, they
4 observed a female hitting a security employee
5 (for the bar) and arrested her for disorderly
6 conduct. She was subsequently identified and
7 received a citation. The earlier incident was
8 witnessed by security personnel for The Jungle
9 Bar.

10 On 12/31/05 Milwaukee Police were
11 flagged down for a fight that was occurring
12 inside at 618 North Broadway. Officers observed
13 several people rushing - - or pushing and shoving
14 and arguing as they exited the club. Additional
15 units were called in and subjects were all
16 directed to their cars and told to leave. One
17 citation was issued for resisting/obstructing.
18 Subject was refusing to leave after several
19 warnings were given to leave the premise. A
20 tavern check was conducted and no violations were
21 found.

22 On 2/3 of '06 at 1:40 a.m., Milwaukee
23 Police were dispatched to 600 North Broadway for
24 a trouble with a subject. Officers were advised
25 by security at Da Jungle, that a black male

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1 wearing a brown furry coat was standing in the
2 middle of the road and he was armed with a gun.
3 Officers began approaching the subject when the
4 officers - - when he saw the officers and fled on
5 foot. There was a brief foot pursuit and subject
6 was apprehended and a loaded Glock .22 was
7 recovered. Subject's identity was not included
8 in this report. Officers spoke with a subject,
9 who was security at Da Jungle and stated there
10 were no problems with this individual in the bar.
11 It was only when the subject left the bar that an
12 argument began between him and another
13 individual. That's when he noticed a gun in the
14 subject's waistband and called police.

15 On 3/10 of '06, 1/14 a.m., Milwaukee
16 Police were dispatched to North Broadway and East
17 Wells for a fight complaint at Da Jungle. Upon
18 arrival, all parties in this fight were no longer
19 on the scene. However, due to this fight, there
20 was a large crowd in front of the tavern.
21 Officers began dispersing the crowd. The club
22 also decided to close the bus - - to business
23 early. More units were called in for traffic and
24 crowd control. There were no further incidents.

25 On 3/24 of '06 at 1:09, Milwaukee

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1 Police were dispatched to 618 North Broadway for
2 battery complaint. Officers spoke to the
3 complainant, who stated she was punched in the
4 eye by a guy she has known for a couple of
5 months. This subject was identified. Security
6 witnessed the incident and kicked that person out
7 of the bar. Officers were unable to locate the
8 subject and mailed a battery citation. Officers
9 then remained on the scene with additional units
10 for crowd and traffic control at closing time.

11 On 3/31 of '06 at 1:46 a.m., Milwaukee
12 Police conducted crowd and traffic control
13 regarding The Jungle Bar. No incidents were
14 reported.

15 On 4/21 of '06, Milwaukee Police were
16 sent to monitor closing at Da Jungle. Officers
17 conducted a licensed premise check - - premise
18 check and found no violations. At closing, the
19 crowd began to disperse from the bar and
20 congregate in the parking lot, playing loud music
21 and shouting. Cruising also began in the area
22 along with squealing tires, drag racing,
23 passengers hanging out of their moving autos and
24 other traffic violations. Some persons - - or
25 patrons were observed with drinks in their hand

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1 as they left the bar. One patron vomited on the
2 sidewalk and walked back into the bar where he
3 remained well after closing time. Due to limited
4 police resources, no enforcement was taken
5 regarding these incidents.

6 On 4/28 of '06, Milwaukee Police were
7 assigned to monitor closing time at Da Jungle.
8 While monitoring patrons exiting the bar,
9 officers observed a fight break out between
10 several men near the door. Security separated
11 the men and one actor was identified and issued a
12 citation for disorderly conduct. Due to extra
13 officers assigned to monitor closing, Milwaukee
14 Police were able to enforce traffic laws and
15 attribute the arrest of three subjects on state
16 warrants, five municipal citations issued, 37
17 traffic citations issued, one pedestrian citation
18 and 26 parking citations were issued. A pistol
19 was found abandoned near - - or in the gutter
20 after the crowd was cleared and placed on
21 inventory.

22 On 5/5 of '06, Milwaukee Police were
23 monitoring closing time at Da Jungle, 618 North
24 Broadway from a roof - - rooftop directly across
25 the street. It was also recorded on videotape.

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1 At 11:45 p.m., officers conducted a tavern check
2 and found the tavern under capacity, the licensee
3 was not on the scene and officers found no tavern
4 violations. At closing, due to complaints of
5 cruising in the area after bar closing, traffic
6 enforcement was strictly enforced with the
7 issuance of 15 traffic citations and 22 parking
8 citations. The area was cleared by two a.m.
9 On 5/12 of '06, officers were assigned
10 to monitor closing at Da Jungle and were in an
11 unmarked squad car. At 12:03 a.m., officers
12 conducted an FI of a subject who was parked
13 across from Da Jungle and had been sitting in the
14 car for more than a half an hour. Officers found
15 the subject to be drinking cans of Milwaukee Best
16 Beer. A consent search of the his auto revealed
17 three beer cans unopened and two empty cans on
18 the floor. A third empty can was found in the
19 gutter. Subject was identified and issued a
20 citation for possession of intoxicant by driver.
21 At 1:50 a.m., officers conducted a FI stop - - or
22 an FI of a subject who pulled up in front of the
23 tavern turning up the volume of his car radio to
24 an un - - unacceptable level. Officers could
25 hear music from a block away. This subject was

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1 identified and he was issued a citation for noise
2 pollution. No other incidents were reported.

3 On 5/26 of '06, Milwaukee Police were
4 dispatched to 618 North Broadway, Da Jungle, for
5 crowd and traffic control. It took almost five
6 hours and four district police cars to remove
7 subjects and cars that were refusing to leave the
8 area after exiting the Da Jungle. Two patrons
9 were issued citations for several violations.
10 The patrons were identified, cited for
11 park/standing prohibit area, un - - unsafe lane
12 deviation and operating after suspension.

13 CHAIRMAN WITKOWIAK: Thank you. Do you
14 have - - Attorney Arena, do you have any
15 questions of the police report?

16 MR. ARENA: Yes, I do. Thank you,
17 Chairman - - Mr. Chairman. Officer, is it, in
18 fact, true that Captain Haynes has ordered heavy
19 enforcement in the area and ordered that any
20 citation be issued to anybody in that area?

21 SERGEANT ULICKEY: I am not aware of
22 orders that Captain Haynes gave.

23 MR. ARENA: Are you aware that signs
24 were put up indicating "no left turn" where they
25 hadn't been in the past, in an effort to give

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1 people citations on the street?

2 SERGEANT ULICKEY: No, I am not aware
3 of that.

4 MR. ARENA: The last item that you have
5 read in the police report contains somebody
6 getting a citation for unsafe lane deviation.
7 That happened while - - I, presumably the person
8 was in their car driving on the street?

9 SERGEANT ULICKEY: I was not on the
10 scene at the time that was issued.

11 MR. ARENA: The item number two on your
12 report, isn't it true that was discussed at
13 length at a previous matter before this
14 committee, that that event actually took place in
15 the 300 block of North Broadway? Do you recall
16 that?

17 SERGEANT ULICKEY: If that was a
18 discussion, I wasn't present for it.

19 MR. ARENA: Are you certain that that
20 event happened in the 500 block of North
21 Broadway?

22 SERGEANT ULICKEY: These are synopses
23 taken from police reports filed. I believe them
24 to be true.

25 MR. ARENA: The fact remains that the

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1 500 block of North Broadway is one block away
2 from the premises.

3 SERGEANT ULICKEY: Yes, it is.

4 MR. ARENA: Are you familiar with what
5 the definition of "premises" is - - premises is,
6 in Chapter 125 of the State Statutes?

7 SERGEANT ULICKEY: I couldn't cite it
8 verbatim for you.

9 MR. ARENA: Well, is it fair to say
10 that premises as - - is defined as what the
11 licensee lists in her application as the place in
12 which she's going to serve alcohol?

13 SERGEANT ULICKEY: Again, I - - I
14 couldn't cite the - - the definition verbatim to
15 you.

16 MR. ARENA: It's a fact, is it not,
17 that Ms. Kornfehl does not conduct any operations
18 or serving of alcohol in the street. That's
19 true, isn't it?

20 SERGEANT ULICKEY: If you're asking me
21 if she's done that, I can't answer that question.
22 I would have to say I don't know. I would hope
23 not.

24 MR. ARENA: Are you familiar with this
25 area, yourself?

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1 SERGEANT ULICKEY: I'm familiar with
2 the - - the street, yes.
3 MR. ARENA: And are you familiar that
4 there's a number of clubs and night areas in that
5 area?
6 SERGEANT ULICKEY: I don't believe it's
7 that heavily populated with - - with nightclubs,
8 to be honest with you.
9 MR. ARENA: Isn't one block to the
10 west, the club called The Lady Bug Club?
11 SERGEANT ULICKEY: It's either one or
12 two. It's - - I would have to - - to look at
13 that.
14 MR. ARENA: Are you aware that the Lady
15 Bug Club's patrons use the same parking lot as
16 some of the patrons or Da Jungle?
17 SERGEANT ULICKEY: That, I couldn't
18 answer. I was informed that the Lady Bug has - -
19 MR. ARENA: I don't think there should
20 be any information to the witness. I mean, this
21 is a hearing. I have to object, Mr. Chair.
22 CHAIRMAN WITKOWIAK: Well, I'll - -
23 MR. ARENA: I mean, what he did is ..
24 ALDERMAN BAUMAN: Lady Bug Club - -
25 CHAIRMAN WITKOWIAK: Let's - - I'll

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1 call Alderman Bauman.

2 MR. ARENA: Well, he went and coached
3 the witness.

4 ALDERMAN BAUMAN: Lady Bug Club has
5 been open less than a year. So any reference to
6 2004 is - - is obviously off the radar screen,
7 because it wasn't even in existence at the time.

8 CHAIRMAN WITKOWIAK: How close is the
9 Lady Bug Club to - - I'm going to ask Alderman
10 Bauman.

11 ALDERMAN BAUMAN: It's a block to the
12 east. That much is correct, but not the time
13 frame.

14 MR. ARENA: But that's not the
15 question, and it's highly inappropriate - -

16 CHAIRMAN WITKOWIAK: Go ahead.

17 ALDERMAN BAUMAN: The question was
18 relative to 2004, and it's important to have a
19 factual record.

20 CHAIRMAN WITKOWIAK: All right. All
21 right. All right.

22 ALDERMAN BAUMAN: There was no Lady Bug
23 Club in 2004.

24 MR. ARENA: Alderman.

25 CHAIRMAN WITKOWIAK: Wait a minute.

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1 Wait a minute. Wait a minute. Okay. Continue
2 to ask the Sergeant questions.

3 MR. ARENA: Are you familiar with what
4 the closing time is for the Jungle?

5 SERGEANT ULICKEY: What the closing
6 time is for the Jungle?

7 MR. ARENA: Are you aware that the
8 Jungle closes earlier than the time that is
9 prescribed by law?

10 SERGEANT ULICKEY: I can tell you that
11 I've been told that they have closed at - - on
12 occasion earlier than the ordinance requires.

13 MR. ARENA: Well, in incidents in
14 regard to 2006, people that are doing things in
15 the street, you can't sit here and tell me today
16 that you're certain that they were, in fact,
17 patrons of Da Jungle and not the Lady Bug Club or
18 some other club?

19 SERGEANT ULICKEY: I can tell you,
20 based on my reports, that I believe what I read
21 to be a true and factual report of what occurred.
22 As far as my participation in that, I'm assigned
23 to the License Investigation Unit. We review
24 reports that are sent to our office from the
25 officers on the street. So as far as personal

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1 site knowledge of this, I have none.

2 MR. ARENA: It's fair to say that from
3 that record, that actually there are very few, if
4 ever, any violations found to occur within the
5 premises. Is that a fair statement?

6 SERGEANT ULICKEY: What violations are
7 you referring to?

8 MR. ARENA: Any violations that would
9 be reported on a PA-33 to your office. For
10 example, number 6 through 13 in your report all
11 state that there were no reported incidents. So
12 I assume that no citations were issued to the
13 licensee or any of her employees. That's true.

14 SERGEANT ULICKEY: I can tell you that
15 it says there's no reported incidents. Whether
16 citations were issued, that, I couldn't answer.

17 MR. ARENA: Well, it's a fact that
18 Captain Haynes has been enforcing as much as
19 possible any rule violation that she can find,
20 and there are no citations that have been issued
21 to Jodie Kornfehl, as the licensee, are there?

22 SERGEANT ULICKEY: As far as the tavern
23 violations, no.

24 MR. ARENA: And you don't list anywhere
25 in any of your reports that there are violations

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1 of service of alcohol to underage people. That's
2 true, isn't it?

3 SERGEANT ULICKEY: I don't recall any,
4 as far as underage service of alcohol.

5 MR. ARENA: And there's never been a
6 citation issued to the premises for disorderly
7 premises. Has there? At least as far as we know
8 in your report?

9 SERGEANT ULICKEY: Well, going back to
10 2004, there's no indication.

11 MR. ARENA: So it's true that, at least
12 since 2004, there hasn't been a citation issued
13 for disorderly premises.

14 SERGEANT ULICKEY: That's correct.

15 MR. ARENA: I have no further
16 questions.

17 ALDERMAN BOHL: Mr. Chairman.

18 CHAIRMAN WITKOWIAK: Thank you.
19 Alderman Bohl.

20 ALDERMAN BOHL: Mr. Chairman, a number
21 of - - of Attorney Arena's questions actually - -
22 that were directed at Sergeant Ulickey were
23 pertinent questions for the Captain of the
24 downtown police district, who is present. And
25 rather than address them to Sergeant Ulickey, who

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1 cannot speak on behalf of the Commander, I don't
2 know why we don't bring the Commander up.
3 Because I have a few questions for her, myself.

4 CHAIRMAN WITKOWIAK: Okay. Captain,
5 please come to the table. We need to get your
6 testimony.

7 Could you raise - - Before we do that.
8 I want the record to reflect that Alderman Wade
9 joined the committee at the beginning of the
10 reading of the police report. Would you raise
11 your right hand, we'll swear you in, please?

12 (Whereupon Captain Haynes was sworn.)

13 CHAIRMAN WITKOWIAK: Name and address
14 for the record, please.

15 CAPTAIN HAYNES: Linda Haynes, H-A-Y-N-
16 E-S. Working address is 749 West State in
17 Milwaukee, Wisconsin.

18 CHAIRMAN WITKOWIAK: And what is your
19 position?

20 CAPTAIN HAYNES: I'm the Captain with
21 the Milwaukee Police Department of District No.
22 1.

23 CHAIRMAN WITKOWIAK: Thank you.
24 Alderman Bohl.

25 ALDERMAN BOHL: I - - Certainly I know

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1 that Attorney Arena raised a number of questions.
2 The question that I have for Captain Haynes is in
3 terms of - - of Da Jungle, as - - in the normal
4 course of business do you find this establishment
5 one where you are devoting a tremendous amount of
6 resources? And if so, what are - - what are - -
7 what are the - - what is the directive that has
8 been - - that has been derived or directed to
9 this particular establishment, if there is any,
10 has been any?

11 CAPTAIN HAYNES: One of the things
12 that's unique with the Jungle is that no - - we
13 did not issue any citations to the owner for
14 activity going on inside of the bar itself. The
15 problem that happened with the Jungle is that a
16 lot of the activity always occurred outside of
17 the bar with the patrons that exit the bar. The
18 patrons that exit the bar had a tendency to - -
19 It became a party outside of the bar in the
20 streets. There was a tendency where we, at one
21 point, we were closing down the street. We
22 utilized all of the police officers that I had at
23 my district on the late shift to control the
24 crowd, to direct traffic, and it became a
25 nuisance. If it had been a residential area, it

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1 would have been - - it would have been just
2 absolute chaos.

3 One of the reasons why the Jungle was
4 able to operate as long as it did, from 2004 up
5 until 2006, was because it was basically not a
6 lot of residents on that - - in that block.
7 Every Thursday - - It started off sometimes when
8 they had the teen night, there was times where
9 all the - - all the squads were utilized
10 controlling the - - the patrons out of the bar
11 and the traffic. When teen night stopped, the
12 bar actually closed down for a, I don't know, a
13 couple of weeks or whatever, everything went back
14 to normal. We were able to patrol other parts of
15 District 1. But - - I guess at some point, I
16 don't have dates, at some point the Jungle became
17 a lady's night on a Thursday night, and it was
18 like one night a week in which it became total
19 chaos again.

20 And initially I was telling the
21 officers, I didn't want them to just concentrate
22 on the Jungle. I wanted them to patrol all of
23 District 1, because we have a total of 156 bars
24 in District 1. So we - - And we have a total of
25 like, on a good night, we may have seven squads

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1 working in District 1, and they're all one
2 person. On a normal night we may be working with
3 four squads - - four to six squads. When we're
4 utilizing everybody at the Jungle, it's - - it's
5 just way too much manpower. We're way
6 overstaffed, and it became a point where it
7 wasn't controlled anymore. It - - It escalated
8 from a point of just doing traffic control, to
9 shots being fired, fights in the street, people
10 urinating, throwing up in the streets, cars - -
11 It became almost like a parking lot in the 600
12 block of North Milwaukee - - I mean - - Broadway.
13 And it was - - It was just too much.

14 So what I had to do, is I had to ask
15 for assistance from other units in the Milwaukee
16 Police Department, which took up more manpower.
17 And I was thinking that, you know, we do this
18 once or twice, you know, everyone would get - -
19 get the idea and everything would calm down. No.
20 It escalated to even more. So now we're at the
21 point where we're here today, trying to revoke
22 the license, because I cannot keep utilizing my
23 manpower. Summer's coming. Summerfest is
24 coming. All the different festivals will be upon
25 us pretty soon. I don't have enough manpower for

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1 this.

2 ALDERMAN BOHL: Mr. Chairman.

3 ALDERMAN WADE: Mr. Chairman.

4 ALDERMAN BOHL: If I may continue.

5 CHAIRMAN WITKOWIAK: Thank you,

6 Captain. Alderman Bohl, please.

7 ALDERMAN BOHL: Thank you, Captain.

8 Captain, I - - My next question is, was this
9 establishment ever considered to be written up
10 for a nuisance action?

11 CAPTAIN HAYNES: I sent a letter out
12 the beginning of January, 2006 to the owner of
13 the building, declaring this property to be a
14 nuisance property. I asked that the owner get in
15 contact with me, and present a plan for something
16 to get this - - that building back in order. He
17 did present a plan to me within the allotted
18 time. I have a copy of the letter. I have to go
19 through the file and find it. He did present the
20 plan within - - It was less than - - And I think
21 the next week after the plan was presented, the
22 bar was actually closed down. The second week it
23 was business as usual again, with disorderly
24 patrons running through the streets, driving,
25 continuing the party outside of the bar. So - -

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1 And at that point we went back and we backdated
2 charges for police services and all of the city
3 services that we utilized.

4 ALDERMAN BOHL: So something has been
5 done to assess charges to this particular
6 establishment.

7 CAPTAIN HAYNES: Correct.

8 ALDERMAN BOHL: I - - Mr. Chairman, I
9 think that that absolutely is key, not only with
10 potentially this establishment, but every type of
11 operation across this city that continues to
12 drain city manpower. I - - I don't know of any
13 alderman in the City of Milwaukee that wants to
14 see officers pulled out of their residential
15 districts in the course of the middle of the
16 night to come - - whooping and holler - - deal
17 - - to deal with residents downtown that are
18 whooping and hollering in the streets, dragging
19 police resources away from the neighborhoods that
20 they're supposed to patrol, when there is a
21 concern and a neighbor calls at midnight or one
22 or two o'clock in the morning if something were
23 to happen in their neighborhood, and what - -
24 what's their - - their neighborhood squad doing?
25 They're dealing with idiot young people, running

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1 around like morons in the middle of downtown in
2 the street pretending it's Mardi Gras in New
3 Orleans. It's absolutely ridiculous, and until
4 we slap these club operators with the bill for
5 this over and over and over again, we just are
6 simply going to continue to drain the vital
7 resources of the City, and continue to have the
8 problems that we're having over and over again.
9 Between the cruising and the idiotic play that we
10 find is around some of these downtown clubs, it's
11 - - it's a wonder that we have no police anywhere
12 else in the City in the residential
13 neighborhoods. It's - - It's just absolutely
14 ridiculous. I appreciate, Captain, that you've -
15 - you've taken that step. I think that it ought
16 to be done with, frankly, almost every club, that
17 it - - that it shows that its patrons are
18 abusive.

19 And frankly, if the operators can't get
20 it in their heads that that's the case, we either
21 ought to shut them all down, every single one of
22 them, or they ought to start playing Barry
23 Manilow, and draw the kind of patrons that are
24 going to be respectful of the citizens and the
25 resources of this City, because - - And you know

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1 what? I don't have any qualms about everyone
2 saying, well, what do we do for the young people?
3 If young people want to act like monkeys, then we
4 ought to - - then they ought to just sit in their
5 homes and do absolutely nothing. Because this
6 type of behavior, I've seen it here. I've seen
7 it here. I've seen it at other establishments.
8 I've seen it in and around Summerfest. I've seen
9 it at a lot of places. It should not be
10 tolerated anywhere. And - - And I'm just tired
11 of it. I'm tired of it, and it just is - - is
12 not called for. Establishments want to do it?
13 They ought to pay for the service.

14 ALDERMAN WADE: Mr. Chair.

15 CHAIRMAN WITKOWIAK: Alderman Wade.

16 ALDERMAN WADE: Captain, how are you
17 doing this morning?

18 CAPTAIN HAYNES: I'm doing good.

19 ALDERMAN WADE: Good.

20 CAPTAIN HAYNES: Thank you.

21 ALDERMAN WADE: It is - - Is it a
22 dollar amount, or how is this assessed when we
23 apply the property nuisance code to this
24 location, or any other location? Do we do it by
25 the amount of officers per hour? What is the

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1 dollar amount?

2 CAPTAIN HAYNES: I don't have a total
3 dollar amount to date for all the services that's
4 been rendered for the police services. But what
5 we do is that we multiply the pay rate that the
6 officer gets times the number of hours or temps
7 that the officer is at that location. And then
8 if the officer is on - - is on overtime, we
9 multiply that time and a half rate times how long
10 that officer has been at that location.

11 This is a couple of the packets, and I
12 - - I really - - We're still working on all of
13 our totals. We don't have all the totals
14 assessed yet for what will be billed to the owner
15 of the building.

16 ALDERMAN WADE: Mr. Chair, may I
17 continue?

18 CHAIRMAN WITKOWIAK: Please.

19 ALDERMAN WADE: Did we have a - - a
20 total for - - for 2005? Did they get any
21 services for 2005?

22 CAPTAIN HAYNES: No, we did not. As a
23 matter of fact, the billing that we've done has
24 not - - wasn't in 2004, nor 2005. It started in
25 the year 2006. From - - from the last total

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1 that we have I know for sure that the owner will
2 be assessed over 4,000 dollars.
3 ALDERMAN WADE: And this was starting
4 in what month?
5 CAPTAIN HAYNES: This started January
6 18th of 2006.
7 ALDERMAN WADE: And it's - - it's 4,000
8 plus - -
9 CAPTAIN HAYNES: 4,000 plus.
10 ALDERMAN WADE: - - for a half a year
11 of police services at this establishment.
12 CAPTAIN HAYNES: Correct.
13 ALDERMAN WADE: Ballpark figure.
14 CAPTAIN HAYNES: Right.
15 ALDERMAN WADE: Okay. Thank you.
16 MR. SCHRIMPF: Mr. Schrimpf.
17 CHAIRMAN WITKOWIAK: Mr. Schrimpf.
18 MR. SCHRIMPF: Thank you. Captain,
19 just a couple of follow-on questions here. First
20 of all, are you familiar with an entity known as
21 the Lady Bug Club?
22 CAPTAIN HAYNES: Yes, I am.
23 MR. SCHRIMPF: Okay. And just for the
24 record, where is that located?
25 CAPTAIN HAYNES: About a block west of

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1 the - - the - - Da Jungle.

2 MR. SCHRIMPF: Okay. Is it about in
3 the middle of the street?

4 CAPTAIN HAYNES: Yes.

5 MR. SCHRIMPF: Okay. And if I recall
6 correctly, it is located on the east side of the
7 street.

8 CAPTAIN HAYNES: Yes.

9 MR. SCHRIMPF: And that street would be
10 Water Street?

11 CAPTAIN HAYNES: Yes, sir.

12 MR. SCHRIMPF: Have you had any
13 difficulties with the Lady Bug Club?

14 MR. HAYNES: We've had a couple of
15 problems with the Lady Bug - - Bug Club, but
16 that's been in the month of June, for the last
17 couple of weeks. They have a teen night going
18 on, and we're looking at addressing some of the
19 issues that they have. But the issues that we've
20 had with the Jungle did not cross over with the
21 Lady Bug Club.

22 MR. SCHRIMPF: Okay. Now, there was
23 also some - - I don't think testimony, but I
24 think a question that was raised on cross-
25 examination of the Sergeant with respect to the

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1 installation of a "no left turn" sign. Do you
2 have any knowledge of that?

3 CAPTAIN HAYNES: No, we don't have - -
4 The - - My officers do not have access to "no
5 left turn" signs. If any "no left turn" signs
6 was in - - installed, it would have been from the
7 Department of Public Works due to the
8 construction and closing of the freeways in the
9 downtown area.

10 MR. SCHRIMPF: Okay. Good. Now, you
11 asked a - - Or there were some questions and some
12 testimony about teen nights, and you said that
13 there was a time when the teen nights were
14 stopped, and then the bar was closed for a while.
15 Do you recollect that?

16 CAPTAIN HAYNES: For - - With my
17 concern the teen night, when it came onto the
18 radar, it was about the time when Mrs. Kornfehl
19 had to come before the licensing committee.

20 MR. SCHRIMPF: Okay.

21 CAPTAIN HAYNES: And one of the things
22 that occurred is that she had decided not to have
23 teen night anymore.

24 MR. SCHRIMPF: Okay. Do you - - Was
25 that in the Summer or Fall of the year 2005?

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1 CAPTAIN HAYNES: That would have been
2 the year 2000 and - -

3 ALDERMAN BOHL: Mr. Schrimpf, we're
4 going to move on from that question. That was
5 part of our official record, as part of the last
6 hearing during her renewal, where as part of the
7 agreement on the renewal with a warning letter,
8 the applicant agreed to - - to not - - to no
9 longer hold teen parties, so if you want to just
10 move on with your - - That's part of our official
11 record.

12 MR. SCHRIMPF: Okay.

13 ALDERMAN BOHL: And it is in - - in the
14 packet we have here.

15 MR. SCHRIMPF: Okay.

16 ALDERMAN BOHL: Please proceed if you
17 have other questions.

18 MR. SCHRIMPF: Thank you. Is Ms.
19 Kornfehl the owner of this structure, or is
20 another person the owner of this building?

21 CAPTAIN HAYNES: There's another person
22 that's the owner of the building.

23 MR. SCHRIMPF: Okay. And that was the
24 person who was assessed the 4,000 dollars.

25 CAPTAIN HAYNES: Correct.

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1 MR. SCHRIMPF: Thank you very much, Mr.
2 Chairman. That's all I have.

3 CHAIRMAN WITKOWIAK: Mr. Arena, do you
4 have any questions of the Captain?

5 MR. ARENA: Yes. Thank you. Captain,
6 how long have you been in your current - - I'm
7 sorry.

8 I'll reask the question. How long have
9 you been in your current position as the Captain
10 of the District?

11 CAPTAIN HAYNES: It will be two years
12 in August of this year.

13 MR. ARENA: And you said something
14 earlier that prior to 2004 this street, Broadway,
15 there wasn't a residential area. As far as you
16 know, prior to 2004, did anybody live in the 600
17 block of Broadway?

18 CAPTAIN HAYNES: As far as I know, Mr.
19 Arenson lived in the 600 block of North Broadway
20 before 2004.

21 MR. ARENA: Okay. And as far as you
22 know, is he the only resident that makes a home
23 regularly in the 600 block of North Broadway?

24 CAPTAIN HAYNES: He's the only
25 resident, but there are other businesses that are

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1 in that block.

2 MR. ARENA: I presume so. That's
3 downtown.

4 CAPTAIN HAYNES: Okay.

5 MR. ARENA: I understand that.

6 CAPTAIN HAYNES: Yeah.

7 MR. ARENA: But he's the only resident.

8 CAPTAIN HAYNES: As far as I know, yes.

9 MR. ARENA: Do you know how long that
10 he's lived there?

11 CAPTAIN HAYNES: No.

12 MR. ARENA: You stated that you started
13 to get complaints in 2004. Were those complaints
14 generally just from Mr. Arenson?

15 CAPTAIN HAYNES: At the beginning a lot
16 of them came from Mr. Arenson, but there were
17 other citizens that would call that were making
18 complaints, also.

19 MR. ARENA: Other citizens from where?
20 Did they identify themselves? Did they have an
21 address? What was their connection to the 600
22 block of Broadway? Do you know?

23 CAPTAIN HAYNES: Business people. I
24 don't - - I didn't bring their names with me, but
25 they were other people that owned buildings,

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1 other businesses in the 600 block of North
2 Broadway?

3 MR. ARENA: Did you give a mandate to
4 your officers to write citations to anybody in
5 the street for anybody that they could find in an
6 effort to create a record to bring to this
7 committee?

8 CAPTAIN HAYNES: What I did is in the
9 year 2004, the same thing that has been
10 documented in the year 2005 and 2006 was actually
11 going on in 2004. But what happened is that my
12 officers felt that because it was only traffic
13 control, that it shouldn't be documented. And
14 what I did is I had the officers to go back and
15 they had to explain what they did that night.
16 Each night what we do, we have what we call a
17 activity sheet. The officer has to list what
18 activity did they perform that night. One of the
19 things that was a common theme in 2004 and in
20 2005 was this traffic control in which we had to
21 control the crowd that exited out of the bar of
22 the Jungle. And one of the things I became
23 concerned about is that, you know, we're using up
24 all of my resources to control a crowd coming out
25 of a bar, when we have 156 bars in that area.

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1 MR. ARENA: Did you request the
2 Department of Public Works to put a sign that
3 said "no left turn" in an effort to be able to
4 write citations?

5 CAPTAIN HAYNES: No.

6 MR. ARENA: Have you ever sent a letter
7 to the licensee, Ms. Kornfehl, telling her that
8 her business was a nuisance in your opinion?

9 CAPTAIN HAYNES: I had a few
10 conversations with Ms. Kornfehl. I had Ms.
11 Kornfehl come in on a couple of occasions to talk
12 to the lieutenants of whatever shift, which most
13 times was a day shift, and it was explained to
14 her that we were concerned about her premise. We
15 wanted to know what was she doing. We're trying
16 to help her. We can't manage someone's business.
17 But one of the things I am willing to do is talk
18 with you to try to let you know there is a
19 problem, to let you know we're here to help you
20 to do what - - whatever we can to try to correct
21 this problem. Now, there's only so many times I
22 can ask you and tell you and explain to you and
23 have officers come into your club.

24 Now one of the other - - Another thing
25 that the officers did during - - at night,

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1 officers would enter the establishment and talk
2 with Ms. Kornfehl. They would talk to another
3 manager that actually showed up with Ms. Kornfehl
4 one time when she came to District No. 1. The
5 Sergeants would go to her location. The
6 Lieutenants would go to her location. I've gone
7 to - - I've changed my shift time, and have
8 showed up at her location after midnight. The
9 - - The one night in the wintertime, I think it
10 was in 2005 when I went to her location, to me it
11 seemed like someone had told her that I was going
12 to be there or something, because when I get
13 there, when it should have been like very active,
14 nobody was there. When I get there, nobody was
15 there. They had actually shut down. So there's
16 only so many things I can do.

17 MR. ARENA: Are - - Excuse me. Are you
18 aware of what the capacity is for Ms. Kornfehl's
19 establishment?

20 CAPTAIN HAYNES: No.

21 MR. ARENA: Are you aware of what the
22 capacity is for Lady Bug?

23 CAPTAIN HAYNES: No.

24 MR. ARENA: Are - - How can you be
25 certain that not some of the patrons in the

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1 street on Broadway are from other clubs like Lady
2 Bug Club or any other club in the area?

3 CAPTAIN HAYNES: Well, one of the
4 things that we did is that I started having the
5 Sergeant to pay attention to that, I had the
6 officers to pay attention to. Because that was
7 one of my concerns, also. I didn't - - Because
8 we have so many clubs in the downtown area, my
9 first question was how do we know that this - -
10 these people are coming from the Lady Bug? But,
11 you know, when you go down there and you watch
12 and see how the clubs are situated, and what
13 nights. And one - - one thing that helped out
14 with us figuring out the crowd that was coming
15 from the Jungle was because on Thursday night
16 there's not a lot of activity going on down
17 there. Now, because of the Thursday night and
18 the heavy volume of patrons that would come to
19 her establishment, and then we videotaped it,
20 also. So we - - A number of different - -
21 different kinds of methods we tried to try to
22 establish that these were her patrons.

23 MR. ARENA: Have you sent the bill for
24 services as you have done with this building for
25 any other establishments, I guess, in your

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1 district?

2 CAPTAIN HAYNES: What normally - - In
3 the two years I've been in the downtown area,
4 normally when we get to the point that I've
5 gotten to with the Jungle, normally the owner
6 actually just surrendered their license, and they
7 start anew, versus continuing on for such a long
8 period of time. So she's the first one that
9 we've actually had to go to this extent with.

10 MR. ARENA: Is there an ordinance that
11 gives you the ability to do that? I'm unfamiliar
12 with it. I - -

13 CAPTAIN HAYNES: Yes, there is an
14 ordinance.

15 MR. ARENA: Okay.

16 CAPTAIN HAYNES: Did you want to - -

17 MR. ARENA: No, that's okay.

18 CAPTAIN HAYNES: Oh, okay.

19 MR. ARENA: Item number 23 in the
20 Investigation Unit's report. It's noted that
21 there were 15 traffic citations and 22 parking
22 citations issued, presumably to patrons of this
23 establishment. Are those citations noted because
24 of your mandate to issue citations for any and
25 everything that could be issued?

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1 CAPTAIN HAYNES: The way those
2 citations got issued was what we did, the week
3 before, we had videotaped activity and the
4 patrons coming out of the Jungle. One of the
5 things that we'd notice - - One of the things I
6 noticed when I reviewed the tape was how many
7 violations were being committed with our officers
8 just conducting traffic control. So - - And I
9 was a little bit upset with that, because you
10 have officers that are at that scene to control
11 the crowd, but one of the things they have to do,
12 also, is that they have to also issue citations
13 when there are violations of ordinances. And so
14 the next week, I told them if you see any
15 violations, you must cite whoever is committing
16 these violations. And the next week they cited,
17 and that's how many citations they got in one
18 night.

19 MR. ARENA: But this is an attempt to
20 blame traffic citations on the licensee. I mean,
21 she doesn't drive the car. She's not creating
22 the problem. And if it's a traffic citation, why
23 are you mandating it and putting it in a report
24 concerning her?

25 CAPTAIN HAYNES: Due to the clientele,

00051

1 patrons that frequent the Jungle Bar that - -

2 MR. ARENA: Well, let's just get into
3 the clientele. What is that clientele, Captain?

4 CAPTAIN HAYNES: - - that caused the
5 traffic to gather, that caused the patrons - - As
6 a matter of fact, there was pedestrians that a
7 lot of times almost were hit by oncoming cars.
8 The clientele that was at the Jungle are
9 normally, they're younger, and I would assume
10 that everyone would have to be over 21, because
11 they serve liquor. They were over 21. They
12 looked to be

13 - - I doubt if anyone was over 40, but they were
14 a younger group of - - appeared to be, I don't
15 know - - I don't know - - Younger, younger
16 people. I don't - - I don't know - - I didn't
17 know any of them personally.

18 As a matter of fact, I have a son that
19 is in his 20s, and he has friends that do attend
20 that bar, also.

21 MR. ARENA: But he doesn't.

22 CAPTAIN HAYNES: Ah, he doesn't go out
23 and attend anything like that, no.

24 MR. ARENA: Thank you, Captain.

25 MR. SCHRIMPF: Mr. Chairman, it - - it

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1 occurred to me that there were two items I forgot
2 to ask the Captain about.

3 CHAIRMAN WITKOWIAK: Go ahead.

4 MR. SCHRIMPF: Thank you very much.
5 Captain Haynes, do you have a copy of the e-mails
6 that were referenced.

7 CAPTAIN HAYNES: Yes.

8 MR. SCHRIMPF: If I may approach, and
9 I'm specifically referring - - I'm specifically
10 referring to an e-mail, appears to be Tuesday, 25
11 April, 2006 from Haynes, Linda. It was
12 apparently sent to Mr. Arenson. Is that correct?

13 CAPTAIN HAYNES: Yes.

14 MR. ARENA: Can you direct us where
15 that is, Bruce, please?

16 MR. SCHRIMPF: Well, it would be Tab 4,
17 and it would be in the lower right-hand corner,
18 the date 4/26/2006 appears.

19 MR. ARENA: Thank you.

20 MR. SCHRIMPF: And you are the drafter
21 of that e-mail?

22 CAPTAIN HAYNES: Yes, sir.

23 MR. SCHRIMPF: And that was in response
24 to Mr. Arenson?

25 CAPTAIN HAYNES: Correct.

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1 MR. SCHRIMPF: And everything in there
2 is true and correct, to your own knowledge?
3 CAPTAIN HAYNES: Yes, sir.
4 MR. SCHRIMPF: And then, the other e-
5 mail - - There were a number of e-mails that were
6 sent to you. I'm more concerned about the ones
7 that you sent. Dated Tuesday, 27 December, 2005,
8 and that is an e-mail you sent?
9 CAPTAIN HAYNES: Yes, it is.
10 MR. SCHRIMPF: And that was to Mr.
11 Arenson in response to his e-mail?
12 CAPTAIN HAYNES: Yes, it is.
13 MR. SCHRIMPF: Okay. That's all I
14 have, Mr. Chairman. Thank - - And everything in
15 there is true and correct?
16 CAPTAIN HAYNES: As far as I know, yes.
17 MR. SCHRIMPF: That's all I have, Mr.
18 Chairman.
19 ALDERMAN DUDZIK: Mr. Chairman.
20 CHAIRMAN WITKOWIAK: Alderman Dudzik.
21 ALDERMAN DUDZIK: Thank you very much.
22 Good morning, Captain. How old do I appear to
23 you?
24 CAPTAIN HAYNES: You, to me, appear to
25 be approximately early 40s.

00054

1 ALDERMAN DUDZIK: Thank you very much.
2 CAPTAIN HAYNES: It's always nice to be
3 kind.
4 ALDERMAN DUDZIK: Would you - - Would
5 you believe that the capacity or I've been told
6 that the capacity of this particular location is
7 420?
8 CAPTAIN HAYNES: I don't keep track of
9 the capacity of the different bars in the
10 downtown area, because there - - there's so many
11 of them. I know that the capacity for that bar
12 was over 200.
13 ALDERMAN DUDZIK: Is there anyone in
14 the room that would be able to tell me an
15 approximation of the number of individuals that
16 are repeatedly on this particular scene that
17 you've sent squads to disperse?
18 CAPTAIN HAYNES: The officers on the
19 late shift would know the number of patrons or
20 the capacity of that bar. But none of the late
21 shift officers attended this hearing.
22 ALDERMAN DUDZIK: Thank you.
23 CHAIRMAN WITKOWIAK: Alderman Dudzik,
24 the legal capacity is 400.
25 ALDERMAN DUDZIK: Right. Right.

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1 MR. ARENA: To my client's knowledge,
2 it's 364, and that's what she operates under.

3 ALDERMAN DUDZIK: Thank you very much.

4 CHAIRMAN WITKOWIAK: Any further
5 questions?

6 ALDERMAN WADE: Mr. Chair.

7 CHAIRMAN WITKOWIAK: Alderman Wade.

8 ALDERMAN WADE: I just want to make
9 sure that - - that it was a question asked to the
10 Captain about the - - the owner of the bar
11 receiving a nuisance letter regarding the
12 activity at the bar, maybe District Attorney
13 Schrimpf could - - could speak on this.

14 MR. SCHRIMPF: No, only a City
15 Attorney.

16 ALDERMAN WADE: I'm sorry. A City
17 Attorney. I didn't mean to take money from you.
18 I'm sorry. I'm sorry.

19 Well, City Attorney Schrimpf, just 90-
20 10, when we do the nuisance citation, that letter
21 would go to the owner of the property. Is that
22 correct? It wouldn't go to the person - -

23 MR. SCHRIMPF: That's - - That's why I
24 asked that question.

25 ALDERMAN WADE: So then the owner of

00056

1 the property would have to go to the person that
2 they're leasing the building to and let them know
3 what the situation is. That's how the procedure
4 works?

5 MR. SCHRIMPF: Well, that's - - First
6 of all, if the building owner does or does not go
7 to the person renting, is a decision being made
8 by the building owner.

9 ALDERMAN WADE: Right.

10 MR. SCHRIMPF: The building owner
11 presumably knows what the contents of the lease
12 are, and that should put the building owner on
13 notice that there might be a violation of the
14 lease terms, not necessarily a violation, but
15 there could be a violation.

16 ALDERMAN WADE: Okay. And, Mr. Chair,
17 if I may ask the owner one question.

18 CHAIRMAN WITKOWIAK: Go ahead.

19 ALDERMAN WADE: Did the - - I mean, the
20 business owner a question. Did the owner of the
21 building let you know that there were some
22 nuisance concerns and that he had received some
23 contact from the Milwaukee Police Department
24 regarding the nuisance?

25 LICENSEE: Yes, he has.

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1 ALDERMAN WADE: All right. Thank you.

2 MR. BERNSTEIN: Mr. Chairman, if I may,
3 I have a couple questions for her, thanks.

4 CHAIRMAN WITKOWIAK: Go ahead.

5 MR. BERNSTEIN: Captain, from your
6 perspective is this nuisance issue a question of
7 money or resources?

8 CAPTAIN HAYNES: This nuisance issue
9 for me is a question of resources. I do not have
10 enough resources to continue with the activity
11 that goes on with the Jungle. With the amount of
12 4,000 dollars that has been levied against the
13 owner, it's not really a lot of money. Because
14 from what I understand, I mean, of course he
15 could pay it, and we could continue on with this.
16 It's a matter of we need our officers at other
17 locations, at the district. We need our officers
18 at other locations throughout the city. And it's
19 - - it's unfair for the citizens of Milwaukee to
20 have to have all of our resources at one
21 establishment.

22 MR. BERNSTEIN: If I may, Captain, how
23 often, if you can approximate, how often are you
24 drawing recess - - resources from other
25 aldermanic districts?

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1 CAPTAIN HAYNES: Lately since the warm
2 weather has hit, it's been every time the Jungle
3 has been open, we've had to ask for help from
4 other units, other locations.
5 MR. BERNSTEIN: Okay. And if you could
6 look - - You have one of the packets that I
7 prepared for you, the licensee has it, the
8 alderman, and the City Attorney also has it. If
9 you could turn to Tab 3, and please explain to
10 the committee what the contents of my Tab 3 are.
11 CAPTAIN HAYNES: What - - What you have
12 indexed in Tab 3 is what we call calls for
13 service. The calls for service that you have
14 listed behind Tab 3 runs - - The first one that
15 you have is dated back to April - - I'm sorry - -
16 March 5th, 2006. And it goes through June 19,
17 2006. And I'm not sure how many pages you have
18 here, but it's quite a few. It's - - It's way
19 above average for one location in the downtown
20 area.
21 MR. BERNSTEIN: You've looked through
22 Tab 3.
23 CAPTAIN HAYNES: I've glanced over it,
24 yes.
25 MR. BERNSTEIN: Okay. And these are a

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1 true representation of these call logs.

2 CAPTAIN HAYNES: Yes.

3 MR. BERNSTEIN: Okay. Would you be
4 surprised to hear that there are 24 calls just
5 from March 5th of this year until, I believe we
6 - - we pulled them up through the 21st of this
7 month.

8 CAPTAIN HAYNES: No, I'm not surprised.

9 MR. BERNSTEIN: And it's your opinion,
10 Captain, that the Jungle should lose their
11 license.

12 CAPTAIN HAYNES: Yes, sir.

13 MR. BERNSTEIN: Okay. I have no
14 further questions.

15 ALDERMAN DUDZIK: Mr. Chairman.

16 CHAIRMAN WITKOWIAK: Alderman Dudzik.

17 ALDERMAN DUDZIK: Captain, we all
18 understand that up until this point for the last
19 six months or so that the dollar amount is
20 approximately 4,000 dollars, and let's assume
21 that for the next six months the activity
22 continues, bringing the dollar amount for any
23 calls for services up to 8,000 dollars. Could
24 you give me an estimate of how much financial
25 resources the City of Milwaukee has spent on this

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1 particular location, an estimate, best estimate
2 in the last six months? How much - -
3 CAPTAIN HAYNES: I - - I - - It's
4 really hard to say. If I gave a guess, because
5 one of the things that - - that is not included
6 in this count is what my salary is, how much time
7 I actually spend organizing, reviewing reports,
8 making phone calls, receiving phone calls,
9 submitting e-mails, submitting letters, talking
10 to the community liaison officers, talking to my
11 specialty guys, talking with my supervisors,
12 talking with the City Attorney, talking with the
13 Licensing Investigating Unit, and the list goes
14 on and on. A lot of those costs is not included
15 in this. I would, if you're including all of
16 these other costs, it would probably - - 30,000
17 maybe in the last six months.

18 ALDERMAN DUDZIK: I - - Maybe I didn't
19 make my question clear. I'm counting, because I
20 am of the opinion that the dollar amount has to
21 be literally in the hundreds of thousands. When
22 you take six squad cars and the patrol officers
23 that are involved in just one incident for five
24 hours, I know for a fact you've got to be well in
25 excess of 10,000 dollars just for that five hour

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1 period.

2 CAPTAIN HAYNES: Well, I - - It's - -
3 It's quite a bit of money. It's - - It's - - I'm
4 imposing on other units to have other things to
5 do. But, you know, they - - they're stretching
6 their resources to accommodate the downtown area.
7 It goes on and on. I really - - I'm guessing
8 that. I know it's a lot.

9 ALDERMAN DUDZIK: I - - I don't mean to
10 put words in your mouth. Is it safe to say, in
11 your opinion, that the 4,000 dollars for the last
12 six months doesn't even come close to covering
13 the police resources that have been expended on
14 this particular location?

15 CAPTAIN HAYNES: Correct.

16 ALDERMAN DUDZIK: Is it safe to say
17 that the police resources dollar amountwise is
18 several times that 4,000 dollars?

19 CAPTAIN HAYNES: Yes, sir.

20 ALDERMAN DUDZIK: Ten times that 4,000
21 dollars?

22 CAPTAIN HAYNES: I don't know, sir.

23 ALDERMAN WADE: 3.5

24 ALDERMAN DUDZIK: 3.5. Thank you.

25 MR. ARENA: Mr. Chairman, could I have

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1 some follow-up, please?
2 CHAIRMAN WITKOWIAK: Yes.
3 MR. ARENA: Do you have the packet,
4 this Tab No. 3, Captain?
5 CAPTAIN HAYNES: Yes.
6 MR. ARENA: Does - - Do these records
7 tell us who made the call for service? Who the
8 caller was?
9 CAPTAIN HAYNES: Yes.
10 MR. ARENA: Is it fair to say that
11 generally the - - the main person making the call
12 for service is Mr. Arenson?
13 CAPTAIN HAYNES: Not - - No. Let me
14 look at some of them. The first call for service
15 on this one here was generated by a police
16 officer.
17 MR. ARENA: Are you talking about that
18 March?
19 CAPTAIN HAYNES: No, I'm going - - I'm
20 sorry. I'm going to be going forward back. The
21 first incident, June 19th, 2006, was actually
22 generated by a police officer, an Officer Lees.
23 MR. ARENA: Are you aware that there
24 are many calls for service to or from Mr.
25 Arenson?

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1 CAPTAIN HAYNES: Yes.

2 MR. ARENA: Do you have any idea about
3 how many that would be?

4 CAPTAIN HAYNES: No.

5 MR. ARENA: Are you aware that Ms.
6 Kornfehl paid 30,000 dollars in taxes herself to
7 the City of Milwaukee last year? You wouldn't be
8 aware of that, probably.

9 CAPTAIN HAYNES: No, I don't check her
10 taxes.

11 MR. ARENA: And there is - - District 1
12 covers basically the downtown area. Correct?

13 CAPTAIN HAYNES: Yes, sir.

14 MR. ARENA: There was a question that
15 there is a large amount of resources that go to
16 this area of Broadway Street. How does that
17 compare to resources that go to an area such as
18 like Water Street, where there's a heavy
19 concentration of people in the - - in the evening
20 hours?

21 CAPTAIN HAYNES: One of the inter - -
22 interesting things that has occurred with us
23 being at the Jungle is that we haven't generated
24 a lot of activity at - - on Water Street, because
25 I don't have officers to put on Water Street.

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MR. ARENA: Okay. Well - -

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CAPTAIN HAYNES: So the activity that is being generated on Broadway is trifold versus the activity that is going on on Water Street, as far as documentation.

MR. ARENA: It's true that there generally is - - There are police officers on Water Street regularly at night.

CAPTAIN HAYNES: Yes, sir.

MR. ARENA: Now, you wouldn't send a bill to every individual establishment on Water Street dividing up their share of that police presence, would you?

CAPTAIN HAYNES: If the property - - If the premise has been declared a nuisance property, yes, we will bill that - - that owner of the building.

MR. ARENA: But this property hasn't been declared a nuisance property, as far as I know. Isn't that true?

CAPTAIN HAYNES: It has been declared a nuisance property.

MR. ARENA: By you?

CAPTAIN HAYNES: Yes, sir.

MR. ARENA: By who?

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1 CAPTAIN HAYNES: By me.

2 MR. ARENA: So you have the authority
3 to just declare a nuisance property whenever you
4 feel it's necessary. That's true?

5 CAPTAIN HAYNES: In accordance with
6 City ordinance, after I've notified the owner and
7 after the owner has - - The owner has ten days to
8 respond to my letter. If the owner do not
9 respond to the letter or if the activity continue
10 after the owner has provided me with a plan, we
11 at that point implement cost from that point on
12 to the owner of the building. And that's - -

13 MR. ARENA: And that hasn't - - That
14 hasn't been done anywhere else.

15 CAPTAIN HAYNES: It's been done all
16 over the City of Milwaukee. There's a lot of
17 places it's been done.

18 MR. ARENA: I mean as far as Class "B"
19 establishments in your district.

20 CAPTAIN HAYNES: It's - - It's been - -
21 In the downtown area it has been done before.
22 But in the last two years when we come up against
23 a premise that is going to be considered a
24 nuisance property, that owner of that business
25 normally would just surrender the license.

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1 MR. ARENA: Now, for example, the
2 Bradley Center, do they pay for the service?
3 They have traffic control every night before and
4 after an event, if they have an event. Correct?

5 CAPTAIN HAYNES: With the Bradley
6 Center it's a - - Actually, any police - - I'm
7 not sure all the police service, but most - - the
8 majority of the police service that the - - the
9 Bradley Center receive, they pay for.

10 MR. ARENA: Okay. I have nothing
11 further. Thank you.

12 MR. SCHRIMPF: Mr. Chairman, just - -

13 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

14 MR. SCHRIMPF: - - for the edification
15 of the committee. Since Captain Haynes was asked
16 about Tab 3, which contains the, I call them
17 dispatch reports. C-1 is cleared by arrest. C-8
18 is the incident was filed. A C-10 is advise. C-
19 11 is state citation issued. C-12, city citation
20 issued. C-18, assignment completed. And C-9, I
21 think there's one C-9 in there, was the officer
22 found the complaint to be baseless and unfounded.
23 I think those are all the C codes mentioned in
24 those reports.

25 CAPTAIN HAYNES: May I add something,

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1 also? I had a chance to review, and hopefully
2 I've had an opportunity to go over each one of
3 these pages, and it doesn't show Mr. Arenson as
4 being the caller on these last 24 calls for
5 service.

6 CHAIRMAN WITKOWIAK: Thank you.
7 Captain, I want to ask you. Where in this report
8 does - - does it identify the caller for service?

9 CAPTAIN HAYNES: At the beginning. If
10 you go underneath the line there, it has
11 something that says, "created," and it has a
12 location.

13 CHAIRMAN WITKOWIAK: Yes.

14 CAPTAIN HAYNES: Then it has an entry
15 in this position. And when it has created here,
16 it would have also if there is a complainant
17 entry, there would be a name or something like
18 that.

19 CHAIRMAN WITKOWIAK: And is a create
20 line.

21 CAPTAIN HAYNES: Right. And here, I'm
22 looking through at the beginning, and what I see
23 is - - Some of the names, I'm not familiar with.
24 But I don't see Mr. Arenson's name. I'm glancing
25 through. What I see a lot of times is officers

00068

1 from District 1. There is a - - someone named
2 Lieutenant, it has Teily, but she's actually the
3 Lieutenant at District No. 1. They have a
4 Goshgarian. I have no idea who that is. So when
5 you scroll through, I don't see Mr. Arenson's
6 name located anywhere. And - - But Mr. Arenson
7 do call.

8 CHAIRMAN WITKOWIAK: I'm just looking
9 at this one dated 5/30 of '06. It's about three-
10 quarters of the way through the. I'm just trying
11 to understand this.

12 CAPTAIN HAYNES: 5/30 of '06?

13 CHAIRMAN WITKOWIAK: Yeah. 5/30 of
14 '06, the bottom right-hand corner.

15 ALDERMAN DUDZIK: There's a number of
16 them with 5/30/06.

17 CHAIRMAN WITKOWIAK: Okay.

18 MR. ARENA: Go to the box in the upper
19 left.

20 CAPTAIN HAYNES: Okay. There's a bunch
21 of 5/30/06.

22 MR. SCHRIMPF: Lower right-hand corner.

23 ALDERMAN DUDZIK: The one the Chairman
24 is referencing is 3/31/06.

25 CHAIRMAN WITKOWIAK: 3/31/06.

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1 CAPTAIN HAYNES: Oh, okay.

2 CHAIRMAN WITKOWIAK: At 1:08.

3 CAPTAIN HAYNES: I can't find it
4 anywhere right now.

5 CHAIRMAN WITKOWIAK: I'm just trying to
6 understand this a little bit better. Where it
7 says - - Where it says "create" here now. It
8 says, "Location 618 North Broadway Avenue,
9 Milwaukee."

10 CAPTAIN HAYNES: Right. Right. What
11 - - At the beginning it has location 618 North
12 Broadway. That's the responding address. And it
13 also gives a location. It - - It explains that
14 the location is a cross between East Michigan and
15 East Wisconsin Avenue.

16 CHAIRMAN WITKOWIAK: Right. And I
17 understand that. What I'm trying to - - What I'm
18 trying to find on this report is who the caller
19 was.

20 CAPTAIN HAYNES: The caller would have
21 been Officer - - Sergeant Hanyard. Phil Hanyard.
22 It's some kind of an investigation of some sort.

23 CHAIRMAN WITKOWIAK: It says operator
24 name. I thought that would be the person that
25 answered the phone when the call came in.

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1 CAPTAIN HAYNES: Oh. You know what, on
2 that particular one, yeah. Sergeant Hanyard was
3 the one Lieutenant or Squad one. And what you
4 would normally have at the beginning of this with
5 the entry, you would have someone - - There would
6 be a caller somewhere. For this particular one
7 you have, it's Squad one, which 1L stands for 1
8 late.

9 CHAIRMAN WITKOWIAK: Okay.

10 CAPTAIN HAYNES: So you have three
11 different officers at this location for a tavern
12 check, is what this is.

13 CHAIRMAN WITKOWIAK: Okay.

14 CAPTAIN HAYNES: So this - - this
15 particular call for service wasn't generated by a
16 citizen.

17 CHAIRMAN WITKOWIAK: Thank you.
18 Alderman Bauman, do you have any questions of the
19 Captain?

20 MR. ARENA: Can I have one brief
21 question?

22 CHAIRMAN WITKOWIAK: Go ahead.

23 MR. ARENA: Do you know roughly how
24 many Class "B" establishments are in the two
25 block radius of Da Jungle? Did you hear that?

00071

1 CAPTAIN HAYNES: If you're going in a
2 500 block of North Water, there are no Class "B"
3 establishments on that block. That's the one - -
4 the one side, the east side is a parking lot.
5 The left side or the west side is a - - I
6 wouldn't say it's a parking lot, but there - -
7 there are no Class "B" establishments.
8 MR. ARENA: Well, isn't the Club Lex in
9 - - the 500 block of Water?
10 ALDERMAN BAUMAN: He's referring to
11 Broadway. 500 block of Broadway, I think you're
12 referring to, Captain.
13 CAPTAIN HAYNES: I'm sorry. What?
14 ALDERMAN BAUMAN: Were you referring to
15 the 500 block of Broadway?
16 CAPTAIN HAYNES: Yes. I'm sorry. What
17 did I - - Oh, I'm sorry. Forgive me. I'm old.
18 I miss - - misspeak.
19 MR. ARENA: Maybe I should start over,
20 because I - - Maybe we're getting - -
21 CHAIRMAN WITKOWIAK: Ask that question,
22 again, Mr. Arena.
23 MR. ARENA: Do you know how many Class
24 "B" locations are within a like a couple block
25 radius of - - I'm not just saying on Broadway.

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1 This may include Water - -
2 CAPTAIN HAYNES: You're talking all
3 around.
4 MR. ARENA: - - Milwaukee. The Club
5 Lex - - or Lex is in the 500 block of Broadway
6 - - or Water. Right? Club Lex?
7 CAPTAIN HAYNES: Sir, I - - I couldn't
8 tell you how many clubs are in a two block radius
9 of Da Jungle.
10 MR. ARENA: Well, how far is Milwaukee
11 Street from - -
12 CAPTAIN HAYNES: One block east.
13 MR. ARENA: And they have Eve, Three,
14 Tangerine, Kennedy's, Sock It To Me. Correct?
15 CAPTAIN HAYNES: Yes, sir.
16 MR. ARENA: Is it fair to say that many
17 patrons that go to those places utilize street
18 parking to park their cars, and then walk?
19 CAPTAIN HAYNES: One of the things with
20 the Jungle is if - -
21 MR. ARENA: I'm not asking you about
22 one of the things with the Jungle, Captain. I'm
23 talking about what you observe as far as how
24 people park their cars, where they park their
25 cars when they're going to various places in that

00073

1 area.

2 CAPTAIN HAYNES: In the downtown area
3 you can park on the street. You can park in one
4 of the parking structures. You can also park in
5 the parking lot, which is - - wherever we have
6 parking lots in the downtown area.

7 MR. ARENA: Is it true on most nights
8 of heavy concentration, Thursday, Friday,
9 Saturday, that there are many cars parked on the
10 street in the on-street parking?

11 CAPTAIN HAYNES: There are some cars
12 parked on on-street parking, yes, sir.

13 MR. ARENA: Is it fair to say that
14 generally every spot is taken in on-street
15 parking, including loading zones are regularly
16 filled in on-street parking?

17 CAPTAIN HAYNES: If a loading zone is
18 filled - - Well, people park - -

19 MR. ARENA: Well, I'm asking if that's
20 a fair statement.

21 CAPTAIN HAYNES: Ah, yes.

22 MR. ARENA: Okay. Thank you.

23 ALDERMAN BAUMAN: I do have a question,
24 Mr. Chairman, if I could.

25 CHAIRMAN WITKOWIAK: Alderman Bauman.

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1 ALDERMAN BAUMAN: Let's clear this up
2 once and for all, Captain Haynes. Is there any
3 doubt in your mind, as a Captain of the First
4 District in the two years you've been assigned
5 there, that the incident reports outlined by the
6 Sergeant and the crowd control issues are - - are
7 attributable to the Jungle and to other clubs in
8 the area?

9 CAPTAIN HAYNES: Yes, sir.

10 ALDERMAN BAUMAN: So you have no
11 doubt - -

12 CAPTAIN HAYNES: There's absolutely no
13 doubt in my mind, whatsoever.

14 ALDERMAN BAUMAN: Thank you.

15 CAPTAIN HAYNES: That was one of the
16 reasons why we did this for such a long period of
17 time. That's one of the reasons why we
18 videotaped. To make it real clear.

19 CHAIRMAN WITKOWIAK: At this time
20 Alderman Dudzik moves to make the entire police
21 report part of the record - - permanent record in
22 this hearing. Hearing no objections, so ordered.

23 MR. SCHRIMPF: Mr. Chairman, what about
24 the police reports which are Tab 3, which have
25 been identified by the witness, and at least the

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1 e-mails from Captain Haynes, the two that we
2 identified?

3 CHAIRMAN WITKOWIAK: I think, Mr.
4 Schrimpf, I'll ask, at risk of prolonging this
5 hearing until midnight, I'll ask Attorney Arena
6 if there is any objection to us entering this
7 entire booklet into the record, Mister - -

8 MR. ARENA: Well, I - - I suppose I
9 could make technical objections. I don't think
10 they're all authenticated. I think they're
11 hearsay. But for what they are, no, I won't
12 object.

13 CHAIRMAN WITKOWIAK: So Alderman Bohl
14 moves to make the entire booklet, we'll identify
15 this booklet by its cover page. It's spiral
16 bound from the law offices of Jonathan Goodman.
17 And it has a Table of Contents, which lists Tab
18 1, Tab 2, Tab 3, Tab 4, Tab 5, Tab 6, and Tab 7.
19 Alderman Bohl moves to make this part of the
20 permanent record in this hearing, and hearing no
21 objections, so ordered.

22 Is there - - Is there anyone else
23 that's here to testify in opposition today? Is
24 there anyone here else to testify on this
25 complaint?

00076

1 MR. BERNSTEIN: In opposition to or?

2 CHAIRMAN WITKOWIAK: Is there anyone
3 else? Do you have any other witnesses to call?

4 MR. BERNSTEIN: Absolutely. I have - -
5 Well, I have this video to show, and I need to
6 authenticate that. So I need to call Mary
7 Jungers to do that. And then, Mr. Arenson.

8 CHAIRMAN WITKOWIAK: As part of your
9 case, would you - - Are you going to be referring
10 to the video with your witnesses? So would you
11 rather have this shown first?

12 MR. BERNSTEIN: I will be - - Yes. I -
13 - I'll question them on it. The video speaks for
14 itself. I don't need to - - Once it's
15 authenticated it speaks for itself.

16 CHAIRMAN WITKOWIAK: Why - - Why don't
17 we - - Why don't we see the video at this time,
18 and then we can - - And then if there's any
19 reference to those activities by the future
20 witnesses, we'll have already have seen it.

21 MR. SCHRIMPF: Mr. Chairman, two things
22 on that. First of all, I did ask counsel to - -
23 to lay the foundation for the video before we see
24 it. And I believe, and I'm not sure that - -
25 that counsel is aware of this, but there are two

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1 individuals in the audience who apparently
2 conducted videotaping referred to by Captain
3 Haynes, and I believe they are here and available
4 for authentication of those videos, as well.

5 MR. BERNSTEIN: Those are separate
6 videos.

7 MR. SCHRIMPF: That's right.

8 MR. BERNSTEIN: Okay. If I could ask
9 Mary Jungers to come up to - -

10 CHAIRMAN WITKOWIAK: I just - - Ms.
11 Jungers, I have a question. Did - - Did you - -
12 I just heard two things. I heard that you lived
13 in the building, but then I heard you give your
14 address in Jackson, Wisconsin. Is that - - Was I
15 confused?

16 THE WITNESS: I'm currently in the
17 process - - No, I live there most of the time.
18 I'm in the process of putting my house up for
19 sale in Jackson.

20 CHAIRMAN WITKOWIAK: Okay.

21 THE WITNESS: But my residence - -
22 legal residence at this time is Jackson,
23 Wisconsin.

24 CHAIRMAN WITKOWIAK: Okay. And just
25 what, say, out of a month how many nights do you

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1 spend in that building?

2 THE WITNESS: I'm there usually all but
3 two nights a week.

4 CHAIRMAN WITKOWIAK: Okay. All right.
5 Thank you. I just wanted to establish that,
6 because I was confused by your address in the
7 testimony. Could we see the video at this time?

8 MR. BERNSTEIN: Sure. Do you want me
9 to lay the foundation? Okay. Ms. Jungers, could
10 you please state your name and spell it for the
11 record?

12 THE WITNESS: Mary Jungers, J-U-N-G-E-
13 R-S.

14 MR. BERNSTEIN: And as the Chairman
15 just elaborated, you have your legal residence is
16 not on Broadway. Correct?

17 THE WITNESS: That's correct.

18 MR. BERNSTEIN: You do, however, spend
19 at least five nights a week at Broadway.

20 THE WITNESS: Yes, that's correct.

21 MR. BERNSTEIN: And - - And that would
22 be in Mr. Arenson's residence.

23 THE WITNESS: Correct.

24 MR. BERNSTEIN: Ms. Aren - - Actually,
25 can you please hit the "B" button? Okay.

00079

1 If you please look up on the screen
2 you'll see two slats. One is - - Two shots. One
3 is labeled 6/11/2006 and the other is labeled Da
4 Jungle. These, I will represent to you that
5 these were compiled onto one disk from two disks
6 that Mr. Arenson gave to me. Do you recall the
7 disks that I'm referring to?

8 THE WITNESS: Yes.

9 MR. BERNSTEIN: Were you the individual
10 who shot all of the video footage on those two
11 disks that I have had compiled onto one disk?

12 THE WITNESS: Yes.

13 MR. BERNSTEIN: And can you tell the
14 committee from what vantage point these videos
15 were shot?

16 THE WITNESS: Most of them occur from
17 the fourth story floor of 608 North Broadway.
18 Some of them occur from the top of the building
19 on the corner of Broadway and Michigan, that
20 would be - - it's the northeast corner.

21 MR. BERNSTEIN: And you had permission
22 to be on the roof of that building to shoot the
23 video?

24 THE WITNESS: Yes.

25 MR. BERNSTEIN: Can you please - -

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1 Obviously, the - - I don't want to say
2 "obviously". Was the film labeled 6/11/2006, in
3 fact, shot on June 11th, 2006?

4 THE WITNESS: Yes, it was.

5 MR. BERNSTEIN: And can you tell me
6 what the contents of the - - the video labeled Da
7 Jungle, what the contents are of that video?

8 THE WITNESS: It's just snapshots of
9 various nights activity that occur, where there
10 was either street nuisance occurring and/or
11 traffic things occurring.

12 MR. BERNSTEIN: And again, you shot all
13 the video that we're about to see.

14 THE WITNESS: Yes.

15 MR. BERNSTEIN: Okay. Mr. Chairman, I
16 have on this disk which I am - - You have a copy
17 in front of you. There's 25 - 30 minutes of
18 video. I'm not - - I don't intend to show it.
19 I'm going to show the first four minutes of the
20 video labeled 6/11/2006, and because we are at a
21 public forum and on TV, I do want to warn you
22 there is explicit language that does occur,
23 loudly on this video. We apologize ahead of
24 time, but it is - - we want it part of the
25 record. So if there are any viewers out there

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1 with young children, this is when you should turn
2 it off. And with that I will - - We'll proceed.
3 CHAIRMAN WITKOWIAK: Okay. Thank you.
4 (Whereupon the video is being shown.)
5 (Conversation during video viewing.)
6 THE WITNESS: (Shots fired on video.)
7 "Donny, get down. Get down, Donny. Get down.
8 Get down. Where are the fuckin' cops?"
9 MR. SCHRIMPF: Mr. Chairman, I would
10 inquire as to where in this video can we see the
11 - - the tavern, itself, 618.
12 MR. BERNSTEIN: I will get to that.
13 MR. SCHRIMPF: Okay.
14 THE WITNESS: "There's something
15 happening down the block. Tell him to get down
16 here. There's a car coming the wrong way. They
17 should still get here, Donny. There are guns.
18 Do they hear it? Do you hear the guns? Get your
19 ass here."
20 (Video stopped.)
21 MR. BERNSTEIN: Just for a point of
22 clarification or for - - I have a few questions
23 for you, Ms. Jungers. Okay. Looking at this - -
24 the shot on the screen. I know this is not the
25 best shot. From your vantage point, can you tell

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1 me where the entrance to Da Jungle is?

2 THE WITNESS: It would be directly
3 across from the - - the gold car parked in the
4 street.

5 MR. BERNSTEIN: So on the screen we're
6 looking at there are two cars parked, and it
7 appears they're pointed north. There is an
8 individual getting out of the car, one of the car
9 doors is open. There are three individuals next
10 to the other car. That is the entrance to Da
11 Jungle.

12 THE WITNESS: That is correct.

13 MR. BERNSTEIN: Okay. And this gold
14 car, you saw those people come out of the - - Da
15 Jungle, get into that car. Correct?

16 THE WITNESS: I personally did not see
17 it at that point.

18 MR. BERNSTEIN: Do you know if the
19 individuals that were involved in the subsequent
20 fight that we saw had - - had just come out of Da
21 Jungle?

22 THE WITNESS: No, not for sure, no.

23 MR. BERNSTEIN: I just wanted to - -
24 Out of fairness I wanted to clarify that.

25 THE WITNESS: Right.

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1 MR. BERNSTEIN: Okay. But this is
2 clearly in front of Da Jungle?

3 THE WITNESS: Correct.

4 MR. BERNSTEIN: Okay. I don't have any
5 more further - - I don't have any further
6 questions for you, Ms. Jungers, but I do want to
7 tell you, Mr. Chairman, if you do watch the full
8 20 minute version of this tape, which I don't
9 think we need to do for times sake here. The
10 Milwaukee Police obviously show up. The Fire
11 Department shows up. An ambulance shows up, and
12 they take somebody out of Da Jungle. I have no
13 idea what - - what happened, but they put the
14 individual on a stretcher and took him away. I
15 have no idea what that is about.

16 ALDERMAN BAUMAN: I think we should see
17 it all, so there is no ambiguity. Because this
18 whole argument being in defense, it's not our
19 customer. They're just passers-by, strangers
20 coming along, shooting up the streets.

21 MR. ARENA: Let me just say what - -

22 CHAIRMAN WITKOWIAK: This - - This
23 isn't going to get to - - to like open - -

24 MR. ARENA: I - - I don't want this to
25 be either, you know, but at some point there is a

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1 matter of decorum here we should all follow.
2 CHAIRMAN WITKOWIAK: Yes.
3 MR. BERNSTEIN: I will leave it up to
4 the Chairman. This is more of the same, and then
5 the second video are just more shots. But I
6 would not contradict Alderman Bauman.
7 CHAIRMAN WITKOWIAK: Is it - - Just so
8 I understand this properly. You're - - This is -
9 - These are taken from the roof of the building
10 next door.
11 MR. BERNSTEIN: From the balcony.
12 THE WITNESS: From our window.
13 MR. ARENSON: From the window.
14 MR. BERNSTEIN: Oh, from the window.
15 CHAIRMAN WITKOWIAK: From the window of
16 the building next - - next to it.
17 THE WITNESS: Actually, two buildings
18 over.
19 CHAIRMAN WITKOWIAK: Two buildings to
20 which direction?
21 THE WITNESS: To the south.
22 CHAIRMAN WITKOWIAK: Okay. And so you
23 - - you couldn't possibly actually see the
24 entrance - -
25 THE WITNESS: That is correct.

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1 CHAIRMAN WITKOWIAK: - - with the
2 camera you have.

3 THE WITNESS: We're on the same side of
4 the street.

5 CHAIRMAN WITKOWIAK: You'd have to be
6 leaning out of the balcony.

7 THE WITNESS: That is correct.

8 CHAIRMAN WITKOWIAK: Okay. Just so we
9 understand where the - - where the vantage point
10 was. Thank you. Mr. Schrimpf, any - - anything
11 further on this?

12 MR. SCHRIMPF: Up to the Chairman.

13 MR. BERSTEIN: I would ask the Chairman
14 if Alderman Bauman feels I am - - I am - - I have
15 all day. And I - - I want my clients to - - to
16 have their say. The only reason I was not going
17 to play all the videos, 25 minutes of them, is -
18 - is taking into account this committee's time.
19 However, I - - My clients are more than willing
20 to stay here, and I am more than willing to stay
21 here to watch this. I have no problem putting it
22 in.

23 ALDERMAN WADE: Mr. Chair.

24 CHAIRMAN WITKOWIAK: Alderman Wade.

25 ALDERMAN WADE: I know the decision is

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1 up to you, but can I ask a question or two before
2 you make your decision?

3 CHAIRMAN WITKOWIAK: Go ahead

4 ALDERMAN WADE: On the rest of the
5 tape, are we going to see similar type
6 circumstances? Are we going to see crowd
7 control? Are we going to see people double-
8 parked? Are we going to see bikes in the
9 streets? Are we going to see some of the other
10 things that have been described in this hearing?

11 MR. BERNSTEIN: Yup.

12 ALDERMAN WADE: Will those things be on
13 the videotape - -

14 MR. BERNSTEIN: It's on the second
15 video.

16 ALDERMAN WADE: Or would it be the - -
17 pretty much the exact same thing that we just
18 saw?

19 MR. BERNSTEIN: We are going to see
20 more of - - We are going to see the parking
21 issue, the - - the - - well, the fight you just
22 saw. This - - The rest of this videotape is more
23 just watching the police and the fire department
24 deal with the patron who just - -

25 ALDERMAN WADE: Will we actually see

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1 the Police Department show up - -

2 MR. BERNSTEIN: Yes.

3 ALDERMAN WADE: - - and do crowd

4 control?

5 MR. BERNSTEIN: Well, the crowd had
6 dispersed at this point from the gunshots, so
7 there's not much of a crowd left on this tape.
8 The second video, which are - - Ms. Jungers
9 testified are compilations that they put together
10 from different nights shows crowds, ridiculous
11 traffic, parking. I mean, absolutely. This tape
12 is - - The remainder of this tape is - - I don't
13 want to say boring - - but you're looking at the
14 Milwaukee Police Department, Fire Department, and
15 other first responders doing their job with
16 regard to tending to whoever came out of the bar
17 that was injured. The reason that I showed the
18 first four minutes is obviously this melee in the
19 street that spilled over onto Michigan or
20 Wisconsin, and then the - - the shots fired.

21 If you'd like, I would be more than
22 happy to show the second video, which is - -

23 ALDERMAN WADE: Mr. Chair, just my
24 personal preference. I would like to see some
25 evidence of some of the other things that have

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1 been alleged. I don't - - I don't really need to
2 see this over again.

3 CHAIRMAN WITKOWIAK: I'll tell you what
4 I'd like to see. I would just like to see the
5 part where the - - the - - you said the fire
6 department brings somebody out of - - out of the
7 bar. Can you fast forward to that or?

8 MR. BERNSTEIN: Yes.

9 CHAIRMAN WITKOWIAK: Let's just take a
10 look at that.

11 MR. BERNSTEIN: I will - -

12 CHAIRMAN WITKOWIAK: Because it's been
13 referred to and - - and we haven't seen it, so
14 I'd like to see it.

15 MR. BERNSTEIN: Here, this is halfway
16 through. This is nine minutes into 20 minutes.
17 The police are there. There are two cars here,
18 another is around the corner, or it looks like
19 there's three or four cars here, and there's
20 another around the corner. This is a ambulance,
21 and if you'd like, I'll - - I'll - - This is what
22 we're going to see for the next ten minutes. If
23 you'd like, I will fast forward to where they're
24 bringing somebody out.

25 CHAIRMAN WITKOWIAK: Please.

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(Video being played.)

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CHAIRMAN WITKOWIAK: Do you - - I just want to ask a question for now. The utility pole that's in view in the upper right-hand corner of the screen, would you say that is near the front door of the Jungle?

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THE WITNESS: Yes.

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ALDERMAN WADE: Mr. Chair.

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CHAIRMAN WITKOWIAK: Alderman Wade.

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ALDERMAN WADE: To the owner of the business. Were you there on this night, and if so, do you know the reason why the Paramedics took the person out of the club?

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LICENSEE: Yes, I was there that night. Those patrons that you seen previous in - - in the beginning of the video were not patrons of ours. We have a strict dress code. They have tennis shoes and T-shirts on. We don't allow that in the club.

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The reason being, our security went out to try to help the situation, and the guy, whoever was driving, ran into - - he hit him in the leg. So it was our security guard that you see right there going into the ambulance.

ALDERMAN WADE: So you're saying this

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1 person that's on the stretcher that's being taken
2 away did not come from outside of your
3 establishment - - the inside of your
4 establishment?
5 LICENSEE: No, he did not. He was
6 working as security.
7 ALDERMAN WADE: He was just - - He - -
8 He works for you.
9 LICENSEE: Correct.
10 ALDERMAN WADE: And he was hit by a car
11 outside.
12 LICENSEE: Correct. He was going out
13 there to try to resolve whatever was going on in
14 the street, and the guy just took off and hit
15 him.
16 ALDERMAN WADE: Okay. Thank you.
17 LICENSEE: You're welcome.
18 MR. BERNSTEIN: Do you need to see
19 more, Mr. Chairman?
20 CHAIRMAN WITKOWIAK: No.
21 MR. BERNSTEIN: Shall I go to the
22 second video?
23 CHAIRMAN WITKOWIAK: Thank you.
24 MR. BERNSTEIN: To address Alderman
25 Wade's concerns?

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1 CHAIRMAN WITKOWIAK: We'd like to see
2 about three or four minutes of the second video.

3 MR. BERNSTEIN: The second video is
4 five minutes long, Mr. Chairman.

5 (Video being played.)

6 MR. BERNSTEIN: And apparently - -

7 MR. ARENA: Mr. Chairman, can we find
8 out when - -

9 THE WITNESS: Not from watching this, I
10 do not. These are just a synopsis of the various
11 evenings we were taping.

12 CHAIRMAN WITKOWIAK: Roughly, what time
13 of day is this?

14 THE WITNESS: They start - - We - -
15 Usually around 1:30ish we - - we would start
16 taping.

17 MR. BERNSTEIN: This is video
18 overlooking the street. And this is a parking
19 lot down the block where the patrons of the
20 Jungle park.

21 MR. SCHRIMPF: What street is this?

22 THE WITNESS: (On tape.) "Donny, what
23 the fuck are these people doing?"

24 MR. BERNSTEIN: This is also the corner
25 on Michigan and Broadway. This is on Broadway in

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1 front of the club.

2 THE WITNESS: "This guy gets out of his
3 car."

4 (Video stopped.)

5 CHAIRMAN WITKOWIAK: Thank you.

6 MR. SCHRIMPF: Mr. Chairman.

7 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

8 MR. SCHRIMPF: Thank you. A few quick
9 questions of Ms. Jungers. First of all, Ms.
10 Jungers, are you knowledgeable of whether or not
11 there are nights when the Jungle is not
12 operating?

13 THE WITNESS: Yes.

14 MR. SCHRIMPF: Do you know what nights
15 those typically are?

16 THE WITNESS: Typically, the only
17 nights they do operate are Thursday and Saturday.
18 Occasionally, a Friday or a Sunday.

19 MR. SCHRIMPF: And on those nights when
20 the club is not operating, do you experience
21 anything like we just saw on these videotapes?

22 THE WITNESS: No. In all fairness,
23 occasionally there will be some traffic coming
24 from other directions that we can see, but it is
25 nowhere near what we witness when they are open.

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1 MR. SCHRIMPF: And so what the
2 committee just saw are the events that are taking
3 place, I suspect, at closing time?

4 THE WITNESS: Correct.

5 MR. SCHRIMPF: Only on those nights
6 when the Jungle is operating. Correct?

7 THE WITNESS: Correct.

8 MR. SCHRIMPF: Okay. Did any of this
9 ever cause you to lose sleep or be awoken in the
10 middle of the night or anything like that?

11 THE WITNESS: Frequently. I mean, the
12 reason we purchased the video camera was just so
13 that we had a catalog of the events that
14 occurred. We were awake anyways, so we thought
15 we would try and make some use of our time.

16 MR. SCHRIMPF: That's all I have, Mr.
17 Chairman.

18 MR. BERNSTEIN: Mr. Chairman, I do have
19 one question for Ms. Jungers.

20 CHAIRMAN WITKOWIAK: Go ahead.

21 MR. BERNSTEIN: Mr. Jungers, from the
22 - - based on what we've seen, it's disturbing.
23 Do you fear - - fear for your safety, living on
24 Broadway?

25 THE WITNESS: Yes, I do. I think it

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1 was evidenced in the - - the last video,
2 certainly.

3 MR. BERNSTEIN: Thank you. I have no
4 questions.

5 CHAIRMAN WITKOWIAK: And what we refer
6 to as - - we refer to these things as tapes that
7 we watch.

8 MR. BERNSTEIN: Okay.

9 CHAIRMAN WITKOWIAK: And are they - -
10 are they all part of this one disk?

11 MR. BERNSTEIN: Yes, you have exactly
12 an exact copy of what I have just played.

13 CHAIRMAN WITKOWIAK: Okay. And
14 Alderman Dudzik moves to make this disk dated
15 6/11/2006 part of the permanent record in this,
16 and hearing - - hearing no objections, so
17 ordered. Do you have any other witnesses that
18 you'd like to - -

19 ALDERMAN WADE: Mr. Chair.

20 CHAIRMAN WITKOWIAK: Alderman Wade.

21 ALDERMAN WADE: If I may just comment
22 on the - - on the video, and maybe it's - - maybe
23 it's because I'm the 7th District Alderman, I
24 feel like this. I was expecting to see something
25 a little more dramatic than what I saw. People

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1 leaving the club, I'm sure that same scene is
2 outside of the bars on Water Street, the south
3 side, Eve's, and other places. People making
4 noise, leaving the club, getting in their cars,
5 double-parking. That's a normal scene outside of
6 a bar in downtown Milwaukee, or downtown anywhere
7 in the nation. I was expecting to see a lot more
8 chaos and a lot more of people being wild and out
9 of control. People seemed like they were
10 walking, one of the things that people do when
11 they leave an establishment.

12 So the gunfire is definitely
13 disturbing, but for the most part that appeared
14 to me to be kind of mild compared to a lot of
15 things that I've seen in different areas as far
16 as people leaving establishments on - - on the
17 east side, on North Avenue. I've been out to
18 different areas and it's much more chaos than
19 that. Now, living there, I wouldn't want it
20 outside of my house, that's for certain. But I'm
21 sure some - - the residents on Water Street or on
22 Brady Street or on East North Avenue have some
23 concerns, also. But I really thought I would see
24 something that was much more incriminating than
25 - - than what I saw.

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MR. BERNSTEIN: May I respond?

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CHAIRMAN WITKOWIAK: Go ahead.

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MR. BERNSTEIN: With all due respect,

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Alderman, the reason I brought this here is so that the committee can make up their own choice.

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Personally, I find this shocking. This is obviously something that you don't find shocking, and I think that's why we brought it. It's - - this committee needs to make a decision. I would

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only suggest when making your decision, that you take the testimony and everything that you've

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seen here, the testimony, the documentary

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evidence, especially Captain Haynes, who I think is more qualified almost than anybody here, to discuss what is problematic with regard, at least from her perspective, the police perspective.

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And see if that fits in with the legal definition of nuisance, which is why we're here.

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I would offer to you that this is a nuisance, and I believe, as Alderman Bohl said, if this is happening in other places of the city, it is incumbent upon the Common Council, the police, other property owners, to start standing up, because I don't think that this is acceptable no matter where it happens or how shocking you

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1 may or may not find this, this is not acceptable
2 behavior. And if it's occurring other places, it
3 needs to stop, as well. However, we're
4 discussing Da Jungle, and a quiet street in
5 downtown Milwaukee where developers are trying to
6 make these residential areas. And we are here
7 because my client has made a complaint, that this
8 is a nuisance, and apparently from Captain
9 Haynes' testimony, it's a chronic nuisance.

10 ALDERMAN WADE: Well, Mr. Chair, if I
11 may respond to that. I'm not questioning if it's
12 a nuisance or not. I'm definitely not
13 questioning that.

14 MR. BERNSTEIN: Okay.

15 ALDERMAN WADE: What I'm saying is
16 that's - - that's a little subpar normal
17 occurrence as far as people leaving Summerfest,
18 people leaving the Brewers game, people leaving
19 any area, the Bucks game, a party downtown,
20 Turner Hall, people come out of the place, get in
21 their cars. They talk. They take off. Part of
22 it was pretty, you know, when - - They got out of
23 the car, double-parked, left their - - All of
24 that, that's a little past the line. But I was
25 expecting to see something that was a lot more

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1 chaotic. Maybe because cruising goes on in my
2 district, I'm jaded. That may be it. But I
3 expected to see something different. I'm not
4 questioning if it's a nuisance or not.

5 MR. BERNSTEIN: Okay. Okay.

6 CHAIRMAN WITKOWIAK: What I want to do
7 at this time is we're going to take a - - we're
8 just going to take a five minute break. But I'm
9 going to ask the - - my fellow committee members,
10 please not to leave the floor, because we will
11 start exactly after five minutes.

12 (Whereupon a break was taken.)

13 CHAIRMAN WITKOWIAK: Friday, June 23rd
14 at 11:10 a.m. we're back on the record. Did - -
15 Did you have any other witnesses you wished to
16 call?

17 MR. BERNSTEIN: Yes, Mr. Chairman, I
18 have - - well, three other individuals - - four,
19 actually, five. They are individuals from the
20 Milwaukee Police Department who have video that
21 they shot that was referenced earlier that I will
22 call, and - - later, and we can decide if we want
23 to see the video. Right now, I'd like to ask a
24 few questions of my client, Mr. Arenson.

25 CHAIRMAN WITKOWIAK: Go ahead.

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1 MR. BERNSTEIN: Could you please state
2 your name for the - - and spell it for the
3 record?
4 MR. ARENSEN: Donald Arenson, A-R-E-N-
5 S-O-N.
6 MR. BERNSTEIN: Mr. Arenson, where do
7 you live?
8 MR. ARENSEN: 608 North Broadway.
9 MR. BERNSTEIN: How long have you lived
10 there?
11 MR. ARENSEN: About ten years.
12 MR. BERNSTEIN: Can you explain to the
13 committee, the proximity of your home to the
14 Jungle?
15 MR. ARENSEN: Yes. I - - The corner
16 building on Broadway and Michigan is the 600
17 North Broadway. I own the two buildings to the
18 north, 608 and 612 North Broadway, which are
19 directly south of 618, where the Jungle is.
20 MR. BERNSTEIN: And you are the
21 individual who filed the complaint that brought
22 us here today?
23 MR. ARENSEN: Yes.
24 MR. BERNSTEIN: Okay. We've seen video
25 and we've heard testimony. There's an extensive

00100

1 record with regard to the activities surrounding
2 the Jungle. Let me ask you a couple specific
3 questions. Have you sustained any property
4 damage as a result of - - of patrons of the
5 Jungle?

6 MR. ARENSON: None that I can prove,
7 no.

8 MR. BERNSTEIN: Okay. Do you suspect
9 that you have suffered property damage?

10 MR. ARENSON: We've had some property
11 damage in the rear of our building with some
12 lights and - - and the garage doors, but we don't
13 know - - we can't prove who it is.

14 MR. BERNSTEIN: Okay. Do you own the
15 building in which you live?

16 MR. ARENSON: Yes.

17 MR. BERNSTEIN: Okay. Do you own any
18 other buildings on the 600 block of Broadway?

19 MR. ARENSON: Yes, I own the - - the
20 building at 608 and 612 North Broadway.

21 MR. BERNSTEIN: Do you have any tenants
22 in those buildings?

23 MR. ARENSON: Yes.

24 MR. BERNSTEIN: What type of tenants?

25 MR. ARENSON: In the 608 building we

00101

1 have a - - a business called Nova Music. Second
2 floor, I have a dance studio called East Town
3 Dance Studio. They encompass both floors of my
4 buildings between 608 and 612. And on the third
5 floor of the building I live in, we have a record
6 storage company for a law firm, and I live on the
7 fourth floor of the building at 608. At 612 we
8 have a - - a tenant on the first floor, Minuteman
9 Press. Second floor, again, is the dance studio.
10 It goes through both buildings, and the third and
11 fourth floor are an architectural firm, Vetter
12 Dank.

13 MR. BERNSTEIN: And have you received
14 any complaints from your tenants with regard to
15 activities that we've seen and heard testimony
16 about today?

17 ALDERMAN BAUMAN: I'll object. That
18 calls for hearsay.

19 CHAIRMAN WITKOWIAK: Yeah, we don't
20 want to hear that answer.

21 ALDERMAN BAUMAN: No. But the fact of
22 a complaint is not hearsay. What they told him
23 would be hearsay.

24 MR. ARENSON: What should I do?

25 MR. BERNSTEIN: Wait a minute.

00102

1 CHAIRMAN WITKOWIAK: Don't answer that.
2 Just go ahead.

3 MR. BERNSTEIN: Okay. Are you aware of
4 any tenants of your building making any
5 complaints with regard to activities surrounding
6 the Jungle?

7 MR. ARENSON: Yes.

8 MR. BERNSTEIN: Have you lost any
9 tenants with regard to the activities surrounding
10 the Jungle?

11 MR. ARENSON: I have a letter I got
12 from my first floor tenant at 608, and told me
13 - - The letter should be here somewhere.

14 MR. BERNSTEIN: I didn't put it in.

15 MR. ARENSON: Saying he's going to move
16 out because he doesn't like the atmosphere
17 downtown.

18 MR. ARENA: I'll object and move to
19 strike as hearsay.

20 MR. ARENSON: I have a copy of the
21 letter. I gave it to Mr. Bauman.

22 CHAIRMAN WITKOWIAK: Do we have a copy
23 of that letter? Alderman Bauman, do you have a
24 copy of that letter?

25 ALDERMAN BAUMAN: I have an e-mail in

00103

1 which the individual, Tony Grall, does, indeed,
2 indicate as he has indicated to me in phone
3 conversations that the reason he is moving, his
4 state of mind, is because of the condition
5 created by the Jungle in that neighborhood, and
6 that he does not feel downtown is safe, in
7 general, as a result of the behavior of the
8 patrons at this establishment. That is not
9 hearsay. That is his state of mind which we are
10 conveying to you as the reason he has decided to
11 move.

12 CHAIRMAN WITKOWIAK: Who did he - -

13 MR. ARENA: You cannot use exceptions
14 for the hearsay rule. It's not an exception.

15 ALDERMAN BAUMAN: Mr. Arena, you should
16 know that it's not hearsay in the first instance,
17 because it's state of mind.

18 CHAIRMAN WITKOWIAK: Okay. Okay. One
19 at a time.

20 MR. ARENA: It's hearsay.

21 ALDERMAN WADE: Mr. Chair. Mr. Chair.

22 CHAIRMAN WITKOWIAK: You guys keep this
23 up, I'm going to go to lunch. Okay. Alderman
24 Wade.

25 ALDERMAN WADE: Yeah, I got a few

00104

1 questions. You say that it's - - it's someone
2 who is a tenant of yours who is saying that they
3 want to move because of the atmosphere downtown?

4 MR. ARENSEN: Yeah.

5 ALDERMAN WADE: Does this person - -

6 What kind of business does he have or what?

7 MR. ARENSEN: He's got a company called
8 Nova Music. It's an Internet business.

9 ALDERMAN WADE: What - - What is his
10 hours of operation?

11 MR. ARENSEN: He works - - He doesn't
12 get there before 11 in the morning, and he stays
13 until eight, nine o'clock at night. He does a
14 lot of night business, you know, late evening.

15 ALDERMAN WADE: Okay. Thank you.

16 MR. ARENSEN: Of course.

17 CHAIRMAN WITKOWIAK: Proceed.

18 MR. BERNSTEIN: Won't keep you long,
19 Mr. Arenson. As I asked Ms. Jungers, since
20 September of '04 with the escalating problems
21 with Da Jungle, do you fear for your safety and
22 fear for the safety of your property?

23 MR. ARENSEN: Yes, I do.

24 MR. BERNSTEIN: I have no further
25 questions.

00105

1 CHAIRMAN WITKOWIAK: Thank you.
2 MR. ARENA: May I have an opportunity
3 to cross-examine?
4 ALDERMAN WADE: Mr. Chair.
5 CHAIRMAN WITKOWIAK: Go ahead.
6 ALDERMAN WADE: I have a question on
7 Mr. Arenson.
8 CHAIRMAN WITKOWIAK: Alderman Wade, go
9 ahead.
10 ALDERMAN WADE: You say you fear for
11 your safety?
12 MR. ARENSEN: Yes, I do.
13 ALDERMAN WADE: Have you ever - - Has
14 anything ever happened to you? I mean, have you
15 ever been physically assaulted?
16 MR. ARENSEN: No, I have not.
17 ALDERMAN WADE: Has - - Has any of your
18 tenants been physically assaulted?
19 MR. ARENSEN: Not that I'm aware of.
20 ALDERMAN WADE: Thank you.
21 CHAIRMAN WITKOWIAK: Mr. Arena, go
22 ahead.
23 MR. ARENA: Mr. Arenson, are - - Sorry.
24 As far as you're aware, are you the only person
25 that resides, I guess, in a residential capacity

00106

1 in that block of Broadway - -
2 MR. ARENSON: Yes, I think I am.
3 MR. ARENA: - - along with Ms. Jungers,
4 of course.
5 MR. ARENSON: Yes, I think I am.
6 MR. ARENA: Now, you've been there for
7 ten years. Correct?
8 MR. ARENSON: Approximately, yes.
9 MR. ARENA: And when you moved into the
10 building approximately ten years ago, the
11 location that the Jungle is in now was a Class
12 "B" licensed nightclub, was it not?
13 MR. ARENSON: I don't know what it was.
14 I mean, there was a bar there, yes.
15 MR. ARENA: There was a bar there. Do
16 you recall that it was the Tom-Tom Club,
17 probably?
18 MR. ARENSON: To the best of my
19 knowledge, yes.
20 MR. ARENA: So you're not here - - You
21 don't have a problem with the fact there would be
22 a bar or a club in some form. Your issue is with
23 the type of clientele. Is that right?
24 MR. ARENSON: No.
25 MR. ARENA: So you would be against any

00107

1 type of a bar there.

2 MR. ARENSON: Yes, I would.

3 MR. ARENA: But your issue - - Your
4 main complaint here is what these alleged people
5 that attend the Jungle do when they leave.
6 Right? From your videotape of, of what's on the
7 street.

8 MR. ARENSON: Whatever is on the video
9 is what I object to, yes.

10 MR. ARENA: Did you ever go to the Tom-
11 Tom Club as a customer yourself?

12 MR. ARENSON: When they first opened, I
13 went to see Tom Wackman, yes. He's a friend of
14 mine.

15 MR. ARENA: Were you aware that Ms.
16 Kornfehl was involved in that business, as well?

17 MR. ARENSON: Not at that time.

18 MR. ARENA: Are you aware that she has
19 been involved with that business since 1998, or
20 whatever business has been in that space?

21 MR. ARENSON: To the best of my
22 knowledge, yes.

23 MR. ARENA: And is it true that your
24 complaints start - - your real problems started
25 in 2004.

00108

1 MR. ARENSEN: I think it was even
2 before that. It was prior to the last license
3 meeting we had in - - It was - - My e-mails can
4 speak for themselves. I'm sorry. I don't
5 remember the dates.

6 MR. ARENA: Well, I'm asking
7 approximately. If your - - If your main issues
8 have occurred since 2004, approximately the last
9 two years?

10 MR. ARENSEN: I think it's longer than
11 two years.

12 MR. ARENA: Well, approximately how
13 much longer than two years?

14 MR. ARENSEN: I would say maybe about
15 three years. It's been very intense.

16 MR. ARENA: Now, you have some
17 videotape that depicts or shows the parking lot.

18 MR. ARENSEN: Yes.

19 MR. ARENA: Where is that in reference
20 to your residence? Is that to the north, south,
21 east, west?

22 MR. ARENSEN: It's directly south, same
23 side of the street, the other side of Michigan.

24 MR. ARENA: And do you know what the
25 capacity of the - - that's a surface lot.

00109

1 Correct?
2 MR. ARENSON: Yes.
3 MR. ARENA: Do you know how many cars
4 park in that - -
5 MR. ARENSON: I have no idea.
6 MR. ARENA: Are you aware if the Lady
7 Bug patrons park in that parking lot at all?
8 MR. ARENSON: I have no idea.
9 MR. ARENA: Are you aware of what the
10 capacity is for the Lady Bug Club?
11 MR. ARENSON: No, I don't.
12 MR. ARENA: Nothing further.
13 MR. SCHRIMPF: Mr. Chairman.
14 CHAIRMAN WITKOWIAK: Mr. Schrimpf.
15 MR. SCHRIMPF: Mr. Arenson, has the
16 activities - - First of all, how do you come to
17 the belief that the activities that we've seen on
18 the videotapes and the activities about which
19 you've complained in your complaint are
20 attributable to patrons of the Jungle?
21 MR. ARENSON: Whenever I sent an e-
22 mail, I was either woken up by the noise, and I
23 witnessed people coming out of the bar creating
24 the disturbances that I called in on my e-mails.
25 MR. SCHRIMPF: Okay.

00110

1 MR. ARENSEN: I didn't see this last
2 video where the shooting occurred. I didn't
3 physically see them. I just saw the people
4 coming from the front of the building, because
5 you can't see it from my video, getting into
6 those cars and going to that corner. That, I did
7 see. Where they came from before that, I don't
8 know.

9 MR. SCHRIMPF: At the times that you
10 are observing this conduct, which I take it, is
11 bar closing time?

12 MR. ARENSEN: Yes.

13 MR. SCHRIMPF: Are there any other
14 taverns in that - - in your block that could
15 account for that activity?

16 MR. ARENSEN: No.

17 MR. SCHRIMPF: What's the closest
18 tavern that could account for the activity?

19 MR. ARENSEN: Well, I'm not a late
20 person, but I - - I - - I know the Lady Bug is
21 directly to the - - to the west, one - - It's one
22 block over on Water Street, and I don't know
23 about the bar on - - It's called Lex, or whatever
24 that is called. I don't even know if they're
25 open or what the status is. I thought that was

00111

1 closed for a while. But I really don't know.

2 MR. SCHRIMPF: Okay.

3 MR. ARENSON: To the east there's bars,
4 and to the north on Milwaukee Street.

5 MR. SCHRIMPF: Now with respect to your
6 own situation, have - - You said that you were
7 awoken on those times when you sent these e-
8 mails?

9 MR. ARENSON: Oh, yes, of course.

10 MR. SCHRIMPF: So you had been sleeping
11 and you were awoken by the noise - -

12 MR. ARENSON: Yes.

13 MR. SCHRIMPF: - - as we have seen it
14 portrayed?

15 MR. ARENSON: Yes.

16 MR. SCHRIMPF: That's all I have, Mr.
17 Chairman. Thank you.

18 CHAIRMAN WITKOWIAK: Can you call your
19 next witness?

20 MR. BERNSTEIN: I'd like to call
21 Jeffrey Doss.

22 CHAIRMAN WITKOWIAK: I - - I want - -
23 You can stay there. I'd like the witnesses to
24 come, just stand at the microphone here. That
25 will be fine.

00112

1 Would you raise your right hand? We'll
2 swear you in, please?

3 (Whereupon the witness was sworn.)

4 CHAIRMAN WITKOWIAK: Name and address
5 for the record, please.

6 THE WITNESS: Jeffrey Doss, D-O-S-S.
7 4941 South 41st Street. Thank you.

8 CHAIRMAN WITKOWIAK: Okay. Thank you.

9 MR. BERNSTEIN: Thank you, Mr. Doss.

10 Can you please tell me what your current
11 employment is?

12 THE WITNESS: I am currently employed
13 full time by the Milwaukee County District
14 Attorney's office as an investigator. I'm
15 employed part-time as a private detective for
16 Milwaukee Private Detectives.

17 MR. BERNSTEIN: And it is your - - You
18 are here in your capacity as an investigator for
19 Milwaukee Private Detectives that you're
20 testifying here today. Correct?

21 THE WITNESS: That's correct.

22 MR. BERNSTEIN: Very quickly, Mr. Doss,
23 could you please tell me why Mr. Arenson hired
24 you?

25 THE WITNESS: Mr. Arenson hired us

00113

1 because he believed he had complaints about loud
2 and raucous activity outside his residence as a
3 result of the tavern that ..

4 ALDERMAN DUDZIK: Sir, could you speak
5 up just a little bit? I don't think the
6 microphone's working.

7 (Microphone adjustments made.)

8 MR. BERNSTEIN: Thank you, Mr. Doss.
9 Could you tell -- tell us what -- what services
10 you performed for Mr. Arenson?

11 THE WITNESS: Mr. Arenson asked us to
12 spend some time during the closing hours in
13 September of 2005 in the area of the 600 block of
14 North Broadway, just to observe the activity that
15 was going on at closing time.

16 MR. BERNSTEIN: And if you could
17 explain very quickly, and then I'll let you go,
18 what you observed while you were employed by Mr.
19 Arenson?

20 THE WITNESS: What we observed, we
21 would arrive in the area of nine or ten o'clock,
22 and it was fairly quiet until approximately 1:30
23 or so. At that time police officers would come,
24 generally in the area of four to six squads.
25 They would set up east, north and south. They

00114

1 would block traffic and direct traffic in
2 particular ways. Then at about quarter to,
3 patrons would begin to exit - - exit the - - the
4 Jungle tavern. I made a head count on one of the
5 two Thursdays that I was there. I guessed it to
6 be in excess of 200 people. They would leave the
7 bar. Proceed mostly to the parking lot one block
8 south. But along the way they would stop. There
9 would be cars that would also be parked there in
10 the middle of the street, blocking the
11 intersections going up the street the wrong way
12 on a one-way street. Officers would direct
13 traffic and attempt to keep people out of the
14 intersections, and it was - - My one observation
15 is that it was very loud.

16 MR. BERNSTEIN: I have no further
17 questions.

18 CHAIRMAN WITKOWIAK: Mr. Arena, do you
19 have any questions of the witness?

20 MR. ARENA: No.

21 CHAIRMAN WITKOWIAK: Questions by
22 committee? Next witness, please.

23 ALDERMAN WADE: Mr. Chair, I have a
24 question.

25 CHAIRMAN WITKOWIAK: Alderman Wade.

00115

1 ALDERMAN WADE: Yes, did you ever go
2 inside the club?

3 THE WITNESS: No.

4 ALDERMAN WADE: Okay. Thank you.

5 CHAIRMAN WITKOWIAK: Next witness,
6 please.

7 MR. BERNSTEIN: If Mr. Luke Warnke
8 could please come up to the microphone?

9 CHAIRMAN WITKOWIAK: Please raise your
10 right hand, so we can swear you in?

11 (Whereupon the witness was sworn.)

12 CHAIRMAN WITKOWIAK: Name and address
13 for the record, please.

14 THE WITNESS: Luke Warnke, 1812 West
15 Halsey Avenue, Milwaukee, Wisconsin 53221.

16 CHAIRMAN WITKOWIAK: Thank you.

17 MR. BERNSTEIN: Thanks for coming, Mr.
18 Warnke. You - -

19 THE WITNESS: W-A-R-N-K-E.

20 MR. BERNSTEIN: Could you please tell
21 the committee how you are employed?

22 THE WITNESS: I'm full time employed
23 with Wackenhut. I'm a Lieutenant with Trend
24 Security. Part-time employed with Milwaukee
25 Private Detectives.

00116

1 MR. BERNSTEIN: And it is in your
2 capacity as a part-time employee of Milwaukee
3 Private Detectives that you're here to testify
4 today?

5 THE WITNESS: Yes.

6 MR. BERNSTEIN: Okay. Were you with
7 Mr. Doss when he observed the activities he just
8 testified about?

9 THE WITNESS: Yes.

10 MR. BERNSTEIN: And is there anything
11 that you would add or change about the testimony
12 you just saw - - heard?

13 THE WITNESS: No.

14 MR. BERNSTEIN: So generally everything
15 you have seen here today is an accurate
16 representation of the conditions emanating when
17 people leave the Jungle.

18 THE WITNESS: Correct. I believe in
19 the occasions that we observed it, from the video
20 I saw today, I didn't see as many people in the
21 video that we saw today as the people that were
22 out there when we were out there watching the
23 club.

24 MR. BERNSTEIN: Okay. I have no
25 further questions.

00117

1 ALDERMAN WADE: Mr. Chair, can I ask
2 him the same question?
3 CHAIRMAN WITKOWIAK: Go ahead.
4 ALDERMAN WADE: Have you - - Did you go
5 inside the club?
6 THE WITNESS: No, I did not.
7 ALDERMAN WADE: Okay. Thank you.
8 CHAIRMAN WITKOWIAK: Mr. Schrimpf.
9 MR. SCHRIMPF: Thank you, Mr. Chairman.
10 Mr. Warnke, were the people that you observed on
11 the occasions that you observed them coming from
12 any location other than the tavern called Da
13 Jungle?
14 THE WITNESS: Not to my knowledge. We
15 observed numerous people at roughly bar closing
16 time, 1:30, 1:45, leaving Da Jungle.
17 MR. SCHRIMPF: And they were milling
18 about in the street?
19 THE WITNESS: Yes.
20 MR. SCHRIMPF: Stopping traffic?
21 THE WITNESS: Yes.
22 MR. SCHRIMPF: That's all I have.
23 CHAIRMAN WITKOWIAK: Mr. Arena, any
24 questions?
25 MR. ARENA: Did you observe any fights

00118

1 or anything like that?

2 THE WITNESS: Not to my knowledge, I
3 did not observe any fights, no.

4 MR. ARENA: How many nights did you go
5 there and do the surveillance?

6 THE WITNESS: At least four times.

7 MR. ARENA: All in the month of
8 September, was it? Did I get that correct?

9 THE WITNESS: I don't know if all four
10 times were in September, or if it was September
11 and October. It may have been September and
12 October.

13 MR. ARENA: Nothing further.

14 MR. BERNSTEIN: Mr. Chairman, I have no
15 further witnesses that I've asked to be here on
16 my client's behalf, although there are officers
17 from the Milwaukee Police Department who were
18 assigned specifically to monitor and videotape
19 the - - the bar, and I would ask that they are
20 provided an opportunity to - - to say their - -
21 say their part. I - - I only have one officer's
22 name, Officer Devereaux, I believe is here.

23 CHAIRMAN WITKOWIAK: Sir, could you
24 please your right hand, and we'll swear you in?
25 (Whereupon the witness was sworn.)

00119

1 CHAIRMAN WITKOWIAK: Name and address
2 for the record, please.

3 THE WITNESS: Dale Devereaux, D-E-V-E-
4 R-E-A-U-X, and working address is 749 West State
5 Street, Milwaukee, Wisconsin 53233.

6 MR. BERNSTEIN: Officer Devereaux, you
7 are currently a member of the Milwaukee Police
8 Department?

9 THE WITNESS: Yes.

10 MR. BERNSTEIN: You just handed me
11 three VHS videotapes. One is dated 4/21/06, one
12 is dated 4/28/06, one is dated 5/5/06. Did you
13 take these videos?

14 THE WITNESS: I was present for two of
15 them, and I videotaped one.

16 MR. BERNSTEIN: Which are the two
17 videotapes that you were present for?

18 THE WITNESS: The 21st and the 28th.

19 MR. BERNSTEIN: Okay. At this time,
20 Mr. Chairman, I'm going to - - I will leave it up
21 to the committee whether they want to see these
22 tapes after hearing Officer Deveraux's testimony.
23 The last question, Officer Deveraux, asked to Mr.
24 Warnke was whether he witnessed any fights. The
25 answer was no. Can you tell me whether you

00120

1 witnessed any fights at Da Jungle?

2 THE WITNESS: Yes, I did.

3 MR. BERNSTEIN: Can you please
4 elaborate?

5 THE WITNESS: On the 28th a fight
6 emerged from the club out onto the public
7 sidewalk and the street.

8 MR. BERNSTEIN: Could you tell me how
9 many people are involved in that fight?

10 THE WITNESS: Ten to 15.

11 MR. BERNSTEIN: Okay. And is that on
12 videotape?

13 THE WITNESS: Yes.

14 MR. BERNSTEIN: So if we put in the
15 4/28/06 videotape, the committee here would see a
16 fight spill from Da Jungle, spilling out onto the
17 street?

18 THE WITNESS: Yes.

19 MR. BERNSTEIN: Do you know where on
20 the videotape that is?

21 THE WITNESS: Towards the beginning.

22 CHAIRMAN WITKOWIAK: I would like to
23 see that?

24 MR. BERNSTEIN: May I approach?

25 CHAIRMAN WITKOWIAK: Yes.

00121

1 MR. BERNSTEIN: The 28th of what month?

2 THE WITNESS: April.

3 ALDERMAN BOHL: Mr. Chairman, I would
4 move to make the three tapes provided by Officer
5 Deveraux part of our official record.

6 CHAIRMAN WITKOWIAK: Motion by Alderman
7 Bohl is to make the three tapes provided part of
8 the permanent record in this hearing, and hearing
9 no objections, so ordered.

10 (Whereupon the videotape is being
11 shown.)

12 (Conversation during videotape
13 viewing.)

14 CHAIRMAN WITKOWIAK: Where is this
15 being shot? Is this roof of the building next
16 door?

17 THE WITNESS: Yes, we're on the
18 rooftop, 608 North Broadway.

19 CHAIRMAN WITKOWIAK: Okay. Thank you.

20 MR. SCHRIMPF: And, Officer Deveraux,
21 are we looking at what would be the entrance to
22 the place called Da Jungle?

23 THE WITNESS: Yes.

24 MR. SCHRIMPF: Those are those lights
25 that appear there with people right in front of

00122

1 them?
2 THE WITNESS: Yes.
3 CHAIRMAN WITKOWIAK: Approximately what
4 time of day is this?
5 THE WITNESS: I believe it's around
6 1:30 in the morning.
7 CHAIRMAN WITKOWIAK: Are we getting
8 pretty close to the - -
9 THE WITNESS: Yes.
10 CHAIRMAN WITKOWIAK: - - the fight? Do
11 you recall what night of the week this is?
12 THE WITNESS: Thursday night.
13 CHAIRMAN WITKOWIAK: Thursday.
14 MR. SCHRIMPF: Mr. Chairman, just to
15 avoid confusion. Is it Thursday night, Friday
16 morning?
17 THE WITNESS: Yes.
18 THE WITNESSES: (Conversation on
19 videotape.)
20 "Let me know when the parking lot
21 starts getting filled up."
22 "There's the pick-up again."
23 "What have we got going on there?"
24 "That's the entrance."
25 "We got a fight here."

00123

1 "Yeah. Big fight going on. Big fight
2 going on. Big old fight. Whoops. Yeah. Guy in
3 the black, a white shirt and a black jacket
4 there."
5 "There's one. All right."
6 "Someone should grab that pick-up.
7 There we go."
8 CHAIRMAN WITKOWIAK: Officer ..
9 THE WITNESS: That's pretty much - -
10 That's pretty much it.
11 CHAIRMAN WITKOWIAK: Okay. Thank you.
12 Any further - -
13 MR. BERNSTEIN: I have no further
14 questions for Officer Deveraux.
15 CHAIRMAN WITKOWIAK: Mr. Arena, do you
16 have any questions for this witness?
17 MR. ARENA: Yeah, Officer Deveraux,
18 were you involved in the report that went to the
19 license investigation unit for 4/28/06 that
20 night?
21 THE WITNESS: My partner wrote it.
22 MR. ARENA: There was - - Are you aware
23 that he included in what went to the License
24 Investigation Unit, there were 37 traffic
25 citations issued, a pedestrian citation and 26

00124

1 parking citations?

2 THE WITNESS: Yes.

3 MR. ARENA: Why is it important to
4 include those traffic citations with this record?

5 THE WITNESS: Well, the patrons that
6 leave the club tend to just get in their cars and
7 drive around, and basically that's where the
8 cruising starts. Cruising downtown is pretty bad
9 at - - at night.

10 MR. ARENA: Well, parking citations,
11 what - - what types of violations would that be?
12 What does that lead to, parking?

13 THE WITNESS: Well, if you, you know,
14 park in the crosswalk, it blocks pedestrians'
15 walkway, and with all the cruisers coming by
16 people can get hit by cars and - -

17 MR. ARENA: Do you know what the basis
18 of all 26 of those parking citations are?

19 THE WITNESS: No.

20 MR. ARENA: Now, I believe you
21 testified that there were - - there were 15
22 people that you witnessed fighting outside the
23 door?

24 THE WITNESS: I said ten to 15.

25 MR. ARENA: Okay. Now, I - - I believe

00125

1 I saw one gentleman actually attempt to swing a
2 fist, and there were ten to 15 people around.
3 Isn't that more accurate?

4 THE WITNESS: It looked to me like
5 there was a group of people pulling and pushing
6 and swinging.

7 MR. ARENA: But out of that incident
8 there was one arrest for disorderly conduct.

9 THE WITNESS: I believe so.

10 MR. ARENA: And usually in disorderly
11 conduct cases, if two people are pulling and
12 swing, they both get arrested for disorderly
13 conduct. True?

14 THE WITNESS: They could.

15 MR. ARENA: And the Police Department
16 was there that night, surveillancing with video
17 and had cars there, as we saw in the video, and
18 the only person that was arrested was just this
19 one for disorderly conduct.

20 THE WITNESS: Yeah, we - - When the
21 fight erupted, we called it out over the airways,
22 and the police, they weren't in the immediate
23 area. They were in the surrounding blocks, and
24 they responded to our call over the - - the
25 radio.

00126

1 MR. ARENA: Well, was there a - - a
2 mandate given to you guys to write as many
3 citations as you could on purpose?
4 THE WITNESS: We were just told to go
5 on - - on the rooftop and videotape.
6 MR. ARENA: Nothing further.
7 CHAIRMAN WITKOWIAK: Thank you. We
8 have another officer from the Police Department
9 to testify. Your name and - - Raise your right
10 hand, we'll swear you in first.
11 (Whereupon the witness was sworn.)
12 CHAIRMAN WITKOWIAK: Name and address
13 for the record, please.
14 THE WITNESS: Officer Andrew Deptula.
15 It's D-E-P-T-U-L-A. I'm a Police Officer with
16 the First District, 749 West State Street.
17 CHAIRMAN WITKOWIAK: Thank you.
18 MR. BERNSTEIN: Thank you. Officer
19 Deptula, you were involved in making at least one
20 of those videotapes?
21 THE WITNESS: I was present for all
22 three. I did the videotaping on the April 21st
23 and May 5th.
24 MR. BERNSTEIN: Okay. We just saw a
25 fight that started at Da Jungle and came out. On

00127

1 any - - And - - And we've heard testimony, and I
2 don't want to beat a dead horse, for lack of a
3 better term, but is there anything that you
4 witnessed on the three nights that you were there
5 that you would like the committee to either see
6 on the videotapes or that you would like to
7 express to the committee, besides what we've
8 heard and what we've seen?

9 THE WITNESS: The videotape we just
10 watched is the second week of the three weeks I
11 was there. The plan was for the first week, the
12 April 21st, after meeting with the Captain we
13 decided we would go there and just videotape what
14 happened on a normal night at closing time at Da
15 Jungle. The second week, from that we formulated
16 a plan on how to deal with it the second, third
17 weeks. The video we just watched was the second
18 week, and there was an additional group of
19 officers assigned just to that area to deal with
20 the problems shown on the video from the first
21 week, which helped prevent the fight from
22 escalating, and it helped clear the crowd quicker
23 than usual.

24 As you can see on the tape, as soon as
25 the fight broke out, before it had a chance to

00128

1 - - to escalate, there were four to five squads
2 rolling up on the scene.

3 MR. BERNSTEIN: If I may ask, what is
4 your normal assignment, if you - - if there is a
5 normal assignment.

6 THE WITNESS: I normally work on the
7 day shift on normally a plainclothes assignment,
8 on what's the Captain's car, where we address
9 specifically the issues going on in the District.
10 We do occasionally change hours to deal with
11 specific problems as we did in this instance.

12 MR. BERNSTEIN: And how long would you
13 typically spend on over those three nights up on
14 the roof there?

15 THE WITNESS: On those three nights we
16 went to the location at approximately midnight
17 and remained until the crowd had completely
18 dispersed.

19 MR. BERNSTEIN: Which would have been
20 approximately how long?

21 THE WITNESS: Until about 2:30, three
22 in the morning on most cases.

23 MR. BERNSTEIN: So you could have spent
24 upwards of nine or ten hours on that roof
25 specifically just monitoring Da Jungle.

00129

1 THE WITNESS: Correct.

2 MR. BERNSTEIN: Okay. And although I
3 didn't ask the question of Officer Deveraux, you
4 were there the three times. Correct?

5 THE WITNESS: Yes, I was.

6 MR. BERNSTEIN: Were you there alone?

7 THE WITNESS: On the 5th, I was there
8 by myself.

9 MR. BERNSTEIN: Okay. The other two
10 times, was Officer Deveraux with you?

11 THE WITNESS: Officer Deveraux was with
12 me.

13 MR. BERNSTEIN: So he would have spent
14 the same amount of time, except for the night of
15 the 5th. So altogether we're talking maybe 17
16 police hours spent up on that roof.

17 THE WITNESS: Approximately.

18 MR. BERNSTEIN: I have no further
19 questions.

20 CHAIRMAN WITKOWIAK: Mr. Arena, any
21 questions of this witness?

22 MR. ARENA: On the 5th, on all these
23 dates, you were there, what, to formulate a plan
24 to collect evidence to close Da Jungle or to be
25 here to advocate for closure, revocation.

00130

1 Correct?

2 THE WITNESS: On the 21st we were there
3 to document the - - what was happening there, to
4 formulate a plan to deal with it.

5 MR. ARENA: Okay. And on the 21st
6 there was nothing similar to what we saw on the
7 28th, the tape that we did watch.

8 THE WITNESS: Yes, it was very similar.
9 It was - - We videotaped from the roof across the
10 street. So it's looking directly down at the
11 door.

12 MR. ARENA: But the police report that
13 has been submitted here today that's part of this
14 record, has no notation of any event occurring on
15 April 21st, that I see. Oh, I have to take that
16 back. April 21. But you find no violations in
17 this report.

18 THE WITNESS: We witnessed many
19 violations. There were no officers available to
20 deal with them. That was what we used to help
21 document, to formulate the plan for the 28th and
22 the 5th, when there was approximately ten to 12
23 extra officers assigned just to that area. The
24 videotape of the 21st shows numerous violations
25 going unaddressed.

00131

1 MR. ARENA: Is that mostly traffic
2 violations that you're talking about?

3 THE WITNESS: A lot of traffic,
4 pedestrian violations, noise violations.
5 Unfortunately, the - - the tape from the 21st
6 doesn't have any audio to it. There's a lot of
7 loitering, loud music, disorderly behavior,
8 people refusing to leave the area.

9 MR. ARENA: I have nothing further.

10 ALDERMAN DUDZIK: Mr. Chairman.

11 CHAIRMAN WITKOWIAK: Alderman Dudzik.

12 ALDERMAN DUDZIK: Officer, on the
13 nights that you were at the scene, could you
14 describe the attire of the individuals exiting
15 the bar?

16 THE WITNESS: They were wearing T-
17 shirts and pants and shoes.

18 ALDERMAN DUDZIK: Tennis shoes?

19 THE WITNESS: Some of them, yes

20 ALDERMAN DUDZIK: It was testified
21 earlier that that was forbidden by the dress
22 code, and I just wanted to make sure that I was
23 clear as to the attire that was being worn at
24 this at this particular upscale night club.

25 MR. SCHRIMPF: Mr. Chairman.

00132

1 CHAIRMAN WITKOWIAK: Yes, Mr. Schrimpf.

2 MR. SCHRIMPF: Officer, so long as I -

3 - Or as I understand it, you were there on the

4 night of the 21st.

5 THE WITNESS: Correct.

6 MR. SCHRIMPF: And you were on the roof

7 of the building across the street?

8 THE WITNESS: Yes.

9 MR. SCHRIMPF: That's 611 North

10 Broadway?

11 THE WITNESS: I can't recall the

12 address exactly right now.

13 MR. SCHRIMPF: Okay. And I'm going to

14 ask you if you - - Did you - - In terms of the

15 patrons - - Well, strike that. In terms - - Did

16 you see individuals out in the street, milling

17 about in the street, stopping traffic and being

18 noisy?

19 THE WITNESS: Yes, that was all

20 recorded on the video.

21 MR. SCHRIMPF: Did you happen to see

22 where they came from?

23 THE WITNESS: They - - It also shows on

24 the video, recorded as they leave the front door

25 of Da Jungle. They gathered on the sidewalk in

00133

1 front, and the security from that club helped
2 move them along towards the parking lot, which is
3 in the 500 block of Broadway, moving them
4 approximately a block down - - Excuse me - - down
5 one block, and then they gathered again into the
6 parking lot.

7 MR. SCHRIMPF: Okay. And with respect
8 to those people that you saw leaving the bar, did
9 you see any of them carry drinks out of the bar?

10 THE WITNESS: Yes, I did. I don't know
11 if the videotape shows any of that.

12 MR. SCHRIMPF: Okay. Did you happen to
13 see anyone vomit?

14 THE WITNESS: Yes, that is on the
15 videotape.

16 MR. SCHRIMPF: And did that individual
17 then walk into the tavern until it closed?

18 THE WITNESS: Yes, he did.

19 MR. SCHRIMPF: Did you observe people
20 get into their cars?

21 THE WITNESS: Yes.

22 MR. SCHRIMPF: From the club?

23 THE WITNESS: From the club.

24 MR. SCHRIMPF: And did you observe
25 those autos then squeal their tires?

00134

1 THE WITNESS: Yes, they did.

2 MR. SCHRIMPF: Did you observe those
3 autos engage in cruising?

4 THE WITNESS: Yes, I did.

5 MR. SCHRIMPF: That's all I have, Mr.
6 Chairman.

7 MR. BERNSTEIN: Mr. Chairman, I have no
8 more witnesses.

9 ALDERMAN WADE: Mr. Chairman, I have a
10 question of the officer, please. A question or
11 two, if I may.

12 CHAIRMAN WITKOWIAK: Go ahead. Go
13 ahead.

14 ALDERMAN WADE: I just want to make
15 sure that a - - because I'm not a police officer.
16 I don't have really a trained eye like the
17 officers have. But I just want to make sure that
18 I'm seeing this correctly. Some people came out
19 of a liquor establishment.

20 THE WITNESS: Yes.

21 ALDERMAN WADE: Had a disagreement, got
22 into a scuffle. The security that's hired by the
23 establishment helped break up the fight. The
24 police officer came. The police officers came.
25 Apprehended at least one of the individuals and

00135

1 arrested them. Is - - Is that what - - That's
2 what I saw. Did you see something different, or
3 am I missing something?

4 THE WITNESS: That's what I viewed,
5 yes.

6 ALDERMAN WADE: And is this - - Is it
7 anything else that should happen in a situation
8 like that? I mean, is that - - That's - - That's
9 the normal procedure.

10 THE WITNESS: That's correct.

11 ALDERMAN WADE: Everybody did what they
12 were supposed to do in a professional manner.
13 Correct?

14 THE WITNESS: Yes.

15 ALDERMAN WADE: Did you or your
16 colleague go inside of the bar, any one of these
17 three days?

18 THE WITNESS: On the night of the 21st
19 before we set up to videotape, we did walk
20 through the establishment, yes.

21 ALDERMAN WADE: And can you just tell
22 me what that was like?

23 THE WITNESS: It seemed quiet. People
24 act differently, of course, when the police are
25 present. But it wasn't - - It wasn't filled to

00136

1 capacity. The nights - - These nights that we
2 were actually there were described to me by the
3 officers that normally work that shift, these
4 were slow nights. There weren't many people
5 there. But we did walk through. We checked the
6 licenses. We checked for violations in the
7 tavern. Everything seemed to be in order.

8 ALDERMAN WADE: And everything was in
9 order.

10 THE WITNESS: Yes.

11 ALDERMAN WADE: So you go into - -

12 CHAIRMAN WITKOWIAK: Approximately what
13 time was that?

14 THE WITNESS: It was between 11 p.m.
15 and midnight.

16 CHAIRMAN WITKOWIAK: Continue,
17 Alderman.

18 ALDERMAN WADE: Thank - - Thank you.
19 So you go into other liquor establishments and do
20 the same thing. Right?

21 THE WITNESS: Yes.

22 ALDERMAN WADE: So this was no
23 different than any other liquor establishment
24 that you go in. Did you feel intimidated or like
25 someone was going to do something?

00137

1 THE WITNESS: No, I did not feel
2 intimidated at all.
3 ALDERMAN WADE: All right. Thank you.
4 One more question. Did you - - Did you like the
5 music?
6 THE WITNESS: Not really, no.
7 CHAIRMAN WITKOWIAK: Thank you, Officer
8 Deptula.
9 MR. BERNSTEIN: Mr. Chairman, I don't
10 have any more witnesses, videos, or documentary
11 evidence. I only ask to be able to address the
12 committee before they make their decision one
13 last time.
14 CHAIRMAN WITKOWIAK: Mr. Arena, do you
15 have any witnesses?
16 MR. ARENA: Yes, we do.
17 CHAIRMAN WITKOWIAK: Okay. Would you
18 please call your first witness.
19 CHAIRMAN WITKOWIAK: Please raise your
20 right hand, we'll swear you in.
21 (Whereupon the witness was sworn.)
22 CHAIRMAN WITKOWIAK: Name and address
23 for the record, please.
24 THE WITNESS: Reggie Brown, 4135 North
25 14th Street.

00138

1 CHAIRMAN WITKOWIAK: Reggie, what's
2 your capacity?

3 THE WITNESS: I'm the resident DJ of Da
4 Jungle. I have been for the past three years,
5 and I'm a radio personality for V100.7 on the
6 Clear Channel radio, also, Assistant Program
7 Director.

8 CHAIRMAN WITKOWIAK: Okay. Mr. Arena,
9 proceed.

10 MR. ARENA: I'm sorry. I didn't get
11 your last name.

12 THE WITNESS: Brown, like the color.

13 MR. ARENA: Mr. Brown.

14 THE WITNESS: Um-hnh.

15 MR. ARENA: Sorry. On April 28th, '06,
16 I believe that was an incident that we saw
17 videotape of. Were you present? Were you
18 working that evening?

19 THE WITNESS: Yes, I haven't missed a
20 night, a Thursday night, so, yes.

21 MR. ARENA: And what - - What was it
22 that you recall out of this incident, the
23 disorderly conduct that occurred. Did that occur
24 inside the bar?

25 THE WITNESS: I didn't see it occur

00139

1 inside. I didn't see anything. I'm in the DJ
2 booth upstairs, so I can't really see anything
3 unless it's on the dance floor. And I haven't
4 seen anything on the dance floor.

5 MR. ARENA: Now, you said that you were
6 there every Thursday night. Generally, what is
7 the - - Do you have an idea of what the size of
8 the crowd is on a Thursday night?

9 THE WITNESS: Anywhere from 250 to 300
10 people, 350.

11 MR. ARENA: Is - - What would be the
12 average?

13 THE WITNESS: I'll say 275, 300. It's
14 been slow.

15 MR. ARENA: Do you have anything to - -
16 to add as to the general operation of the club,
17 as you see it?

18 THE WITNESS: Yes. I've known Ms.
19 Kornfehl for about 15 years. Could be more.
20 I've worked at the club when it was under a
21 different name, as well, and I wrote some notes
22 down.

23 Me, as a radio personality, for our
24 station, our logo is V100.7. We increase the
25 peace in the neighborhood, you know, we're the

00140

1 people station. So I can't really get involved.
2 I'm very selective with the clubs that I do. I
3 do three to four clubs a week, and I can't really
4 get involved with the rowdy-rowdy clubs. We play
5 hip-hop music at this club, and I'll keep it
6 real. A lot of people don't want hip-hop
7 downtown or anywhere in the area, or any part of
8 the City of Milwaukee. Hip-hop tends to bring a
9 rough crowd out, but it can also bring out an
10 adult crowd. There's been aldermen, politicians,
11 detectives, sheriffs, to the club on Thursday
12 night, and they enjoy theirself.

13 There was a sheriff that was down
14 there. He got pulled over by the police, and the
15 police officer told that sheriff that, you know,
16 that he shouldn't be there. So - - And I have
17 talked to - - I wish he was still here, the
18 Captain, and police officers, I tease them all
19 the time when they come in the club. I ask them
20 if they want something to drink. I tease them
21 every now and then. But the Captain that was
22 here told me she wanted the club to change the
23 music, and the music is what draws the - - the
24 people downtown. Every club in the city from Eve
25 to Have a Nice Day Cafe', they play hip-hop, you

00141

1 know, but Da Jungle plays it every night, the
2 nights that they're - - No, I can't say that.
3 Every Thurs - - Thursday night, excuse me. On
4 Saturday, it's Salsa and Reggae. So that's what
5 I wanted to add.

6 MR. ARENA: Have you witnessed any
7 outrageous acts of violence and large groups
8 fighting inside the club?

9 THE WITNESS: Yes. In the three years
10 that I have been there, there was a couple of
11 times, but security were on it, and they got them
12 out, and Ms. Kornfehl has never received a
13 citation or anything. Oh, she got a parking
14 ticket one time for parking in the back. But
15 other than that, no citations or nothing and - -

16 MR. ARENA: How many security people
17 are employed?

18 THE WITNESS: Wow, that's hard to say.
19 Anywhere from I'll say eight to ten. Ten,
20 probably more.

21 MR. ARENA: How many other clubs have
22 you worked in?

23 THE WITNESS: Oh, man, I've been
24 working - - I'm 40 years old. I'm 42 years old,
25 I'll be 42 next month. I've been working

00142

1 nightclubs downtown since 1983, when the club - -
2 It was a Papagao downtown. I've been working
3 clubs since then. I was a resident DJ at the
4 Papagao, as well. I've worked at the Interns,
5 across the street from the bus station. So I'm
6 40 - - 40 - - I'll be 42 next month. So I've - -
7 I've never seen the police presence at one spot
8 so much as - - as have I seen in the last six
9 months at Da Jungle.

10 MR. ARENA: What time do you stop
11 playing music on a Thursday night, typically?

12 THE WITNESS: Between 1:25 and 1:30.

13 MR. ARENA: Do you go outside and see
14 anything that goes on outside of the building
15 itself?

16 THE WITNESS: No, because I'm up there
17 with my equipment, my CDs and everything.
18 Sometimes I'll look out the window, and I'll see
19 people linger outside, but that's everywhere. My
20 son graduated last week at the Mecca, and there
21 were people outside, and police was there. So
22 they were in the street, so. It's - - It's
23 normal. I've seen that. Way back in the day,
24 when I was DJ in the Papagao's, been the same
25 way. It never changes.

00143

1 MR. ARENA: Okay. Thank you.
2 THE WITNESS: Okay.
3 MR. BERNSTEIN: I have no questions.
4 CHAIRMAN WITKOWIAK: Any questions by
5 committee?
6 ALDERMAN WADE: I have a question, Mr.
7 Chair.
8 CHAIRMAN WITKOWIAK: Alderman Wade.
9 THE WITNESS: Um-hnh.
10 ALDERMAN WADE: Mr. Brown, you - - you
11 say you DJ at several other clubs in Milwaukee.
12 THE WITNESS: Um-hnh.
13 ALDERMAN WADE: And you play hip-hop
14 music at those clubs.
15 THE WITNESS: Same music, yes.
16 ALDERMAN WADE: That same music.
17 THE WITNESS: Yes.
18 ALDERMAN WADE: Do you - - Are these
19 clubs located downtown?
20 THE WITNESS: No. No. Sometimes I
21 might do something on - - at Da Jungle on a
22 different night, but, no. I'm all over the city.
23 ALDERMAN WADE: So in the other areas
24 of town that - - that you DJ, are they a more
25 residential area than the downtown area?

00144

1 THE WITNESS: Yes, they are. Yes.

2 ALDERMAN WADE: And do you - - Do you
3 have - - Do you have the same activity going on
4 at those clubs at the end of the night? People
5 leave. They socialize. Try to get phone numbers
6 or whatever.

7 THE WITNESS: Yeah.

8 ALDERMAN WADE: Do you see the same
9 amount of police presence in those residential
10 areas that you see downtown?

11 THE WITNESS: No, not at all. Not at
12 all. Sometimes the police will show up. They
13 have on numerous occasions at the other clubs,
14 but not like it's been at Da Jungle.

15 ALDERMAN WADE: I don't even want to
16 ask you why do you think that is, because I - - I
17 got my own theory.

18 THE WITNESS: Me, too.

19 ALDERMAN WADE: Yeah. But anyway, you
20 say that you've been doing this since '83.

21 THE WITNESS: Yes.

22 ALDERMAN WADE: Is - - Is the
23 atmosphere at Da Jungle made you feel
24 uncomfortable or dangerous or fear for your
25 safety?

00145

1 THE WITNESS: No, if - - if it did, I
2 wouldn't be there at all. I wouldn't be allowed
3 to be there at all.

4 ALDERMAN WADE: So have you worked at
5 some clubs where you did feel that, and did you
6 remove yourself from that employment?

7 THE WITNESS: Yes, I have. And - - And
8 two of the clubs were downtown.

9 ALDERMAN WADE: Were downtown.

10 THE WITNESS: Yes.

11 ALDERMAN WADE: Okay. I - - I don't
12 have any more questions, Mr. Chair. I do want to
13 thank you, Mr. Brown, and V100 for your support
14 of our college fundraiser last weekend. It was a
15 overwhelming success due to the help of you and
16 your station. So, two students get nice
17 scholarships, so thank you.

18 THE WITNESS: Appreciate that.

19 ALDERMAN DUDZIK: Mr. Chairman.

20 THE WITNESS: Appreciate that.

21 CHAIRMAN WITKOWIAK: Alderman Dudzik.

22 ALDERMAN DUDZIK: Mr. Brown, have you
23 ever worked at any clubs where shootings have
24 occurred?

25 THE WITNESS: Yes.

00146

1 ALDERMAN DUDZIK: Have you ever worked
2 at any clubs where shootings have occurred while
3 you were there?

4 THE WITNESS: Outside, yes. Not on the
5 inside of the club.

6 ALDERMAN DUDZIK: Do you feel that a
7 police presence at this particular location is
8 undeserving?

9 THE WITNESS: Oh, no. I love the
10 police presence, and I'm sure Ms. Kornfehl does,
11 too. I love it.

12 ALDERMAN DUDZIK: So you feel that the
13 police presence is deserved, given the activities
14 outside the club.

15 THE WITNESS: Yes, at any club. That
16 helps move the crowd. Even after a basketball
17 game, I love to see police presence directing
18 traffic, everything.

19 ALDERMAN DUDZIK: Thank you.

20 THE WITNESS: I also would like to add,
21 I interviewed the Police Chief on the radio, and
22 Annie Schwartz, last Wednesday, and I asked them
23 about the word "nuisance," and she said that if
24 someone calls - - All it takes is one call. One
25 call to the Police Department to get someone down

00147

1 there, and that club is considered as a nuisance
2 for that night. So I also would like - - We had
3 a very interesting conversation on and off the
4 air.

5 ALDERMAN DUDZIK: Mr. Chairman.

6 CHAIRMAN WITKOWIAK: Alderman Dudzik.

7 ALDERMAN DUDZIK: I want to be clear.

8 Nan Haggerty said that one call would generate
9 this type of attention.

10 THE WITNESS: That's all it would take,
11 yes. I have it on - - I have it on record. I
12 have the CD out in my car right now. I can go
13 get it.

14 ALDERMAN WADE: Mr. Chair, can I - -
15 can I just say - -

16 CHAIRMAN WITKOWIAK: Alderman Wade.

17 ALDERMAN WADE: - - that he did say

18 that that one call would generate that
19 establishment being a nuisance for that night.

20 THE WITNESS: Yes.

21 ALDERMAN WADE: For that night.

22 THE WITNESS: Yes.

23 ALDERMAN WADE: Okay.

24 ALDERMAN DUDZIK: Thank you.

25 ALDERMAN WADE: I don't want the Chief

00148

1 to look bad.

2 THE WITNESS: Me either. Me either.

3 She gave me all her contact, and she said, hey,

4 you can call me any time and interview any time.

5 It's all good.

6 CHAIRMAN WITKOWIAK: All right. Enough

7 for the public speeches.

8 THE WITNESS: All right.

9 CHAIRMAN WITKOWIAK: Next witness,

10 please. Thank you for your testimony.

11 THE WITNESS: All right.

12 CHAIRMAN WITKOWIAK: Raise your right

13 hand. We'll swear you in.

14 (Whereupon the witness was sworn.)

15 CHAIRMAN WITKOWIAK: Name and address

16 for the record, please.

17 THE WITNESS: George Willis, 8262 West

18 Daphne.

19 CHAIRMAN WITKOWIAK: And what's your

20 capacity at the club?

21 THE WITNESS: JMW Security. Self-

22 employed.

23 CHAIRMAN WITKOWIAK: Mr. Arena.

24 MR. ARENA: How many security guards do

25 you typically have, security personnel do you

00149

1 have on a Thursday night at Da Jungle?

2 THE WITNESS: Easily ten.

3 MR. ARENA: And you were present, I
4 believe, and watched the videotapes that have
5 been shown earlier?

6 THE WITNESS: Yes, I was.

7 MR. ARENA: And I believe the one
8 incident was - - the first one was June 11th of
9 '06. That involved an incident out in the
10 street. Cars were peeling off. Were you working
11 that night?

12 THE WITNESS: Yes, I was. I was the
13 one in the red jacket.

14 MR. ARENA: So you're - - You saw
15 yourself in the video?

16 THE WITNESS: Yes, I did.

17 MR. ARENA: Why don't you give us your
18 story of what - - Well, first of all, do you
19 believe that those people all were patrons, in
20 other words, inside the club that night?

21 THE WITNESS: Well, that night we have
22 a lot of patrons that comes to the club in front
23 of the club and try to stand in front of the
24 club, and they don't be the patrons from the
25 club. So sometimes we try to get them moving on,

00150

1 also, but they'll walk up the street and then
2 they'll walk back. And we have that going on.
3 But the incident with the fight going on, it was
4 - - the patron came out and it was one standing
5 outside, and they got to fighting. We broke it
6 up right away, and they was moving on, and that's
7 when the police officer had arrested him. And
8 that incident was over in just the blink of an
9 eye.

10 MR. ARENA: You're talking about the
11 April incident, though. Correct?

12 THE WITNESS: Yeah, the April one.
13 Yeah, the April incident.

14 MR. ARENA: So one of the people in
15 that video that was fighting was not a patron of
16 the club.

17 THE WITNESS: No.

18 MR. ARENA: What - - What do you
19 normally do when you're working?

20 THE WITNESS: I'm usually - - I'm
21 usually in and out of the club, you know, making
22 sure security doing what they're supposed to be
23 doing, and make sure the outside is going okay,
24 and everything. I'm usually all over the place
25 of the club.

00151

1 MR. ARENA: Does the club have a dress
2 code?

3 THE WITNESS: Yes, we do.

4 MR. ARENA: What is it?

5 THE WITNESS: No gym shoes, no hats, no
6 jerseys, and no T-shirts.

7 MR. ARENA: The people we saw in the
8 video, were any of those people wearing gym
9 shoes, T-shirts or hats?

10 THE WITNESS: No. As you can see on
11 the video, that almost all the people that came
12 out of the club, they was dressed. They didn't
13 have tennis shoes and T-shirts.

14 MR. ARENA: And the person that was in
15 the argument or fight, where was he from?

16 THE WITNESS: I don't know where he
17 came from, but a lot of times what happened is
18 they drives up. They'll park. Get out of their
19 car, and they'll walk up to - - towards the club,
20 and they'll stand out there. We'll tell them
21 they have to move on, and they'll be - - Like I
22 said, they'll walk down the street and they'll
23 come back when everybody start letting out of the
24 club. They'll walk right back.

25 MR. ARENA: Did you assist the police

00152

1 that evening?
2 THE WITNESS: I always do.
3 MR. ARENA: And now I'm going to turn
4 you attention to the first incident that we saw
5 that I thought you were talking about at first.
6 That's the June 11th incident.
7 THE WITNESS: Okay.
8 MR. ARENA: It involved a car.
9 THE WITNESS: With the hit leg?
10 MR. ARENA: Yes.
11 THE WITNESS: Okay.
12 MR. ARENA: Were you working that
13 night?
14 THE WITNESS: No, I wasn't.
15 MR. ARENA: So you weren't there at
16 all.
17 THE WITNESS: No, I wasn't there that
18 night.
19 MR. ARENA: Do you feel that this
20 establishment is a dangerous place to work?
21 THE WITNESS: No, I don't.
22 MR. ARENA: Are you afraid of the
23 patrons?
24 THE WITNESS: No, I'm not.
25 MR. ARENA: What time do you usually

00153

1 leave?

2 THE WITNESS: We usually - - We's be
3 out of Da Jungle at least about 2:30. At least
4 no later than 2:30. We are heading home.

5 MR. ARENA: Are there still people
6 outside, to your knowledge?

7 THE WITNESS: No, there are not.
8 Because what we do is we call a sweep, is I - -
9 Once the club close, we all - - security will
10 come outside and make what we call a sweep.
11 That's what you see on the tape. You see a lot
12 of people in to the parking lot. We call it a
13 sweep. All the security just push people on to
14 their cars, and they all go to the parking lot to
15 their cars. And once we get them to their cars,
16 then we clear the parking lot. That's what we
17 always do. We do every night we're there.

18 MR. ARENA: And what do - - How far do
19 you go? Just to that parking lot?

20 THE WITNESS: We go all the way to the
21 parking lot.

22 MR. ARENA: How far is that?

23 THE WITNESS: That's in the parking
24 lot. We will clear - - Actually, we clear the
25 parking lot.

00154

1 MR. ARENA: How far away from the
2 establishment - -

3 THE WITNESS: The club?

4 MR. ARENA: Yes.

5 THE WITNESS: That's a block down.

6 MR. ARENA: Do you do anything else
7 besides clear people out?

8 THE WITNESS: Basically, clear the
9 parking lot, and once they're gone, we're - -
10 we're heading back inside. We don't, you know,
11 they don't - - That's the only place they really
12 go, is towards the parking lot. They go to the
13 parking lot, and once we get them out of the
14 parking lot, they get moving, we're done.
15 They're out. And then - - And it's no later than
16 - - Well, on Thursday the club closes at 1:30,
17 and we be out of there and got the people gone at
18 least two o'clock, five after, that's it. It
19 don't be no later than that.

20 MR. ARENA: Do you notice a lot of
21 trash laying around from people congregating?

22 THE WITNESS: No. No, we don't. If
23 there is garbage out there, we have people go out
24 there and clean up the outside and everything.
25 They go out and pick all the trash up. And the

00155

1 drinking, the glass coming outside, we don't have
2 that. Because what I have, I have at least two
3 security at each door, making sure that no
4 alcohol come out that club. We do not allow
5 alcohol to come out of the club. Now, if you may
6 see - - If you see, it's a water bottle. Water
7 bottles, we allow them to come out with water
8 bottles, but nothing else besides water bottles.
9 MR. ARENA: So it's possible somebody
10 can bring a container out that has a liquid in
11 it.

12 THE WITNESS: No. We don't allow
13 nothing but water bottles out of the club. Not
14 even a cup. We don't allow cups out of the club.

15 MR. ARENA: Well, I mean, the container
16 be - - would be a water bottle.

17 THE WITNESS: Oh, yeah. It would be
18 clear water. You can tell it's nothing but
19 water.

20 MR. ARENA: Is it possible for somebody
21 to sneak something out?

22 THE WITNESS: No.

23 MR. ARENA: Why?

24 THE WITNESS: Because I have two
25 security guards at each door. There is no way

00156

1 nobody's going to sneak - - sneak anything out.
2 And I'm one of the guys that be at the door,
3 also.

4 MR. ARENA: Okay. Nothing further.

5 CHAIRMAN WITKOWIAK: Do you have
6 questions?

7 MR. BERNSTEIN: Hello, Mr. Willis. You
8 were here for the testimony of Officers Deveraux
9 and Deptula. Correct?

10 THE WITNESS: Yes.

11 MR. BERNSTEIN: You heard, I believe
12 it's Officer Deptula, indicate that he taped
13 individuals walking out of the club with
14 containers of liquid or alcohol, drinks, as I
15 believe the police report says.

16 THE WITNESS: Right. Correct.

17 MR. BERNSTEIN: Okay. Are you telling
18 the committee that Officer Deptula is lying to
19 us?

20 THE WITNESS: Well, I'm honestly tell
21 you, I do my job and I do my job well. And I've
22 been doing this for ten - 15 years, so.

23 ALDERMAN DUDZIK: Mr. Chairman.

24 CHAIRMAN WITKOWIAK: Alderman Dudzik.

25 ALDERMAN DUDZIK: Sir, are you or any

00157

1 of your staff armed in any manner, shape or form?

2 THE WITNESS: No, we're not.

3 ALDERMAN DUDZIK: Would you feel
4 comfortable doing your sweeps without the fact
5 that you have six to 12 police officers in the
6 area?

7 THE WITNESS: Well, a lot of times,
8 like I said, I've been doing this for ten years,
9 and so the majority of the people that comes out
10 to the club, already know us. They - - It's like
11 one big family. So I don't feel that I'm in
12 danger. No, I don't. But a lot of - - The
13 officers are guys that - - that been knowing me
14 for many, many years, also, and, you know, they
15 come out there. I don't - - I don't mind by them
16 being out there as present. That's, you know, we
17 work as a team, and that's what I like.

18 ALDERMAN DUDZIK: Maybe - - You're
19 going in a different direction, and I just want
20 to be - - be real clear as to what I'm asking.
21 Do you feel that you would be safe doing your
22 sweeps without the presence of police officers?
23 When I say, "safe," I'm referring to the patrons,
24 not police officers.

25 THE WITNESS: Yes, I do feel safe.

00158

1 ALDERMAN DUDZIK: You do feel safe.

2 THE WITNESS: Yes.

3 ALDERMAN DUDZIK: Can you tell me how
4 many nights a week are you there?

5 THE WITNESS: I'm usually there on
6 Thursday nights, and every once in a while I'll
7 go and be there on a Saturday.

8 ALDERMAN DUDZIK: And - - And when
9 you're there, how many people wear white dress
10 shoes into this club?

11 THE WITNESS: White dress shoes?
12 Nobody wear white dress shoes, but you have white
13 Timberlands, you have white - - it's the other
14 kind of shoe that they call, they - - I can't
15 think of the name, but Steve Maddens, yeah, white
16 Steve Maddens. That's probably why they look
17 like tennis shoes.

18 ALDERMAN DUDZIK: They're not tennis
19 shoes?

20 THE WITNESS: No, they're not. Steve
21 Maddens and the Timberlands.

22 ALDERMAN DUDZIK: Thank you.

23 CHAIRMAN WITKOWIAK: Any further
24 questions?

25 MR. SCHRIMPF: Mr. Chairman.

00159

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CHAIRMAN WITKOWIAK: Go ahead.

MR. SCHRIMPF: As I understood your - -
And it's Mr. Lewis?

THE WITNESS: Willis.

MR. SCHRIMPF: Willis.

THE WITNESS: Yes.

MR. SCHRIMPF: As I understood your
testimony, you said that you do escort people to
the parking lot as they exit?

THE WITNESS: Yes, we do what we call a
sweep, is we - - When we close the club - - When
we close the club, we don't escort them. What we
call a sweep is we ask people would they please
go to their cars, and that's why you see a crowd
of people going down the sidewalk as one. So we
just do a sweep all the way to their cars and
they - - we escort them all the way to the
parking lot to their cars, and they go home. And
I've been doing that - - I've been doing this for
ten years, and I do it at every club that I'm
that.

MR. SCHRIMPF: Have you ever seen
patrons of the bar get into cars and then stop in
the middle of the street, and open up car doors,
and discharge passengers, and walk around in the

00160

1 street?

2 THE WITNESS: Yes, I have. That's at a
3 lot of clubs. All the clubs that I've been doing
4 that have - - even at Have a Nice Day, I was at
5 Have a Nice Day, and they've done it, too.

6 MR. SCHRIMPF: And - - And these are
7 patrons of the club that are doing this.

8 THE WITNESS: Yes, they are. Yes.

9 MR. SCHRIMPF: Have you ever seen
10 patrons of the club urinate outside of the club?

11 THE WITNESS: I never saw that. Never
12 saw that, because we're out there.

13 MR. SCHRIMPF: And I want to make sure
14 that I understand something with respect to who
15 is a patron and who isn't a patron. As I
16 understood your testimony, you indicated that
17 there are some individuals who will come up and
18 park in the vicinity of the bar and not really
19 ever go into the bar, but meet or greet people as
20 they're coming out of the bar.

21 THE WITNESS: Yes.

22 MR. SCHRIMPF: You wouldn't consider
23 those patrons.

24 THE WITNESS: Those are not patrons.
25 They just people driving up when the club is

00161

1 closing, and they stand around. What they - - I
2 don't know what they - - They give it a name.
3 They call, "after club pimping", or something
4 like that. That's what they call it. So they'll
5 come up and try to wait until the ladies come out
6 of the club.

7 MR. SCHRIMPF: So the reason why
8 they're there is to greet people who are exiting
9 from the club?

10 THE WITNESS: Exiting the club. They
11 will come and try to - - Yeah.

12 MR. SCHRIMPF: But they're not patrons.

13 THE WITNESS: No, they're not.

14 MR. SCHRIMPF: I see, okay.

15 ALDERMAN WADE: They're just cheap.
16 They're just cheap. They're cheap, that's why.

17 MR. SCHRIMPF: That's all I have.

18 CHAIRMAN WITKOWIAK: Any other
19 questions of this witness? Thank you for your
20 testimony. Can I have the next witness, please?
21 Please raise your right hand, we'll swear you in.

22 (Whereupon the witness was sworn.)

23 CHAIRMAN WITKOWIAK: Name and address
24 for the record.

25 THE WITNESS: Rob V. Seine. Last name

00162

1 is S-E-I-N-E. 2679 South 15th Street.

2 CHAIRMAN WITKOWIAK: And your tes - -

3 And your capacity?

4 THE WITNESS: I'm the club manager.

5 CHAIRMAN WITKOWIAK: Okay. Mr. Arena,
6 go ahead.

7 MR. ARENA: Mr. Seine, were you present
8 at - - at Da Jungle either of the nights that we
9 saw the videotapes of?

10 THE WITNESS: Yes, I was.

11 MR. ARENA: Let's start with the - -
12 the older one, which I guess is the one where the
13 people are scuffling on the sidewalk. Were you
14 inside the club when that occurred?

15 THE WITNESS: In between being inside
16 and outside of the club.

17 MR. ARENA: Did you see that entire
18 event occur?

19 THE WITNESS: Not the entire event.
20 But I'm usually out in the street once everybody
21 is let out.

22 MR. ARENA: Did anything happen inside
23 the club of a violent nature prior to that
24 sidewalk incident?

25 THE WITNESS: No.

00163

1 MR. ARENA: So explain to us what you
2 witnessed in that - - what - - what occurred?

3 THE WITNESS: Like normal time,
4 everybody - - We close down one side early, so
5 that the crowd capacity leaving at 1:30 is not
6 the same - - is not as high. So people are
7 actually leaving before 1:30. And then I guess
8 around 1:30 we let everybody out, and I guess
9 there was a little confrontation on the street,
10 and he was there to handle it right away.

11 MR. ARENA: Did you recognize any of
12 the people in that confrontation as being patrons
13 of the club that night? In other words, people
14 that actually paid and entered and were actual
15 customers?

16 THE WITNESS: No, I didn't. There's
17 - - In the area there's about nine clubs, and
18 there's only two parking lots. Each club have an
19 average probably about 120 people. So between
20 the two parking lots and everybody walking back
21 from the clubs, we're not sure who is, you know,
22 we can't keep track of that.

23 MR. ARENA: Have you ever witnessed
24 other people or people coming from other
25 locations and other clubs?

00164

1 THE WITNESS: Yes, I have, every week.

2 MR. ARENA: From which clubs?

3 THE WITNESS: 311, Eve, Three, a
4 number. I mean, there's only so much parking, so
5 people have to walk.

6 MR. ARENA: And on that night of April
7 28th, you didn't see any argument inside - -

8 THE WITNESS: No.

9 MR. ARENA: - - Da Jungle?

10 THE WITNESS: No. No.

11 MR. ARENA: Now, that second incident
12 involved. That was an injury and the - - the
13 rescue squad came.

14 THE WITNESS: Okay.

15 MR. ARENA: Did you witness that?

16 THE WITNESS: I was outside at the
17 time, trying to, let's say, calm everything down
18 between individuals. There's a - - There was a
19 number of people outside, and we'll, you know - -

20 MR. ARENA: Well, tell us what you
21 witnessed.

22 THE WITNESS: I witnessed a
23 confrontation between two people. We had
24 security guys who were there break it up.

25 MR. ARENA: And where was that

00165

1 confrontation in relation to the entrance?

2 THE WITNESS: Probably about a couple
3 doors down.

4 MR. ARENA: And was the confrontation
5 of the people yelling from the car?

6 THE WITNESS: Yes.

7 MR. ARENA: Okay. And then what
8 happened with that, that you see?

9 THE WITNESS: Came out and told
10 everybody to leave, and nothing - - nothing
11 happened. As you watch the tape.

12 MR. ARENA: And what occurred - - Why
13 is it that the rescue personnel were called?

14 THE WITNESS: I guess some - - One of
15 the security guards, between separating
16 everybody, there was a car that just sped up, and
17 he was in - - He was in the street separating
18 some individuals, so.

19 MR. ARENA: Did you recognize those
20 individuals as patrons of Da Jungle that evening?

21 THE WITNESS: No, I did not.

22 MR. ARENA: Do you have a pretty good
23 idea of who the people are in the club on a night
24 to night basis?

25 THE WITNESS: Yes.

00166

1 MR. ARENA: Why is that? How can you
2 say that?

3 THE WITNESS: We have regulars. I
4 mean, every place have their regulars. But as
5 far as everybody else, no.

6 MR. ARENA: Do you know how many people
7 specifically were involved in that incident in
8 the street that weren't patrons of the club that
9 night?

10 THE WITNESS: No, I do not.

11 MR. ARENA: Do you feel threatened when
12 you're working at Da Jungle?

13 THE WITNESS: No, not at all.

14 MR. ARENA: Nobody's ever been shot in
15 Da Jungle with a gun.

16 THE WITNESS: No.

17 MR. ARENA: Has anybody ever been
18 stabbed?

19 THE WITNESS: No.

20 MR. ARENA: Is there an uncontrollable
21 unruly crowd in Da Jungle on a regular basis?

22 THE WITNESS: Not at all. We have many
23 celebrities that come down. We have NBA players
24 that come down. We have a lot of reputable
25 people.

00167

1 MR. ARENA: What's your interpretation
2 of what happens after you close on a Thursday
3 night?

4 THE WITNESS: It's normal procedure to
5 walk everybody out to their cars, clean up the
6 streets and make sure all the trash is off the
7 streets, and close down the bar.

8 MR. ARENA: Typically, how much trash
9 would that be?

10 THE WITNESS: Just fliers, normally.
11 Fliers and water bottles, that's it.

12 MR. ARENA: Does it fill, for example,
13 an entire, you know, maybe 20 gallon garbage bag?

14 THE WITNESS: No, not at all.

15 MR. ARENA: Do you see a lot of people
16 congregating outside after you close?

17 THE WITNESS: In between walking
18 towards the parking lot, yes.

19 MR. ARENA: And what do you do, as a
20 club, to address that issue?

21 THE WITNESS: Well, like I said before,
22 we have the security guards walk them out to the
23 cars, and then once they're in the parking lot,
24 we have them push the traffic out towards the
25 street.

00168

1 MR. ARENA: And I assume they're asking
2 them to leave.
3 THE WITNESS: Correct.
4 MR. ARENA: And do you participate in
5 what Mr. Willis calls the sweep?
6 THE WITNESS: Yes. Yes.
7 MR. ARENA: You've participated in
8 that?
9 THE WITNESS: Yes. And I follow - -
10 MR. ARENA: Have you ever felt afraid?
11 THE WITNESS: No, not at all.
12 MR. ARENA: Do you feel safer just
13 because the police are there, or would you not do
14 it if the police weren't there?
15 THE WITNESS: I would do it,
16 regardless. So, I mean, I don't feel harmed or
17 endangered in any way.
18 MR. ARENA: And how old are you?
19 THE WITNESS: I'm 28.
20 MR. ARENA: Okay. Thank you.
21 CHAIRMAN WITKOWIAK: Questions by
22 anybody on the committee? Thank you for your
23 testimony. Next witness.
24 THE WITNESS: Adam Williams, 2124 West
25 Walnut. General manager, fiance' to Jodie.

00169

1 CHAIRMAN WITKOWIAK: Your testimony,
2 please.

3 THE WITNESS: I would just like to
4 state that I've been down there for several years
5 with her, supporting her. This is really hard on
6 her. The last time when we surrendered our team
7 night, Club Safari, where we had teens coming
8 from all the suburbs, all over the community,
9 where even though Reggie's great, we advertise on
10 103, just to have a crowd that will be acceptable
11 downtown. Alderman Bauman threatened us, said if
12 you don't surrender the teen night - - It's on
13 record - - that we'll build a case next year to
14 take your license, and he proved true to that.
15 That's how we'd like to start out.

16 Besides that, I would like to address
17 the fact that when Mr. Don Arenson - - Anderson,
18 our neighbor, he was a friend of Jodie's when she
19 was partners with Tom Wackman. You know, we knew
20 Tom Wackman's record, you know, been found guilty
21 of racial discrimination in Eve, a block east on
22 Milwaukee Street. Currently going through a
23 Federal indictment for racial discrimination.
24 I'm not surprised, since we have new clientele,
25 which - - which are black, which are Latino, and

00170

1 which are white, because she has a lot of loyal
2 friends. She's very well respected throughout
3 the community. The community isn't just one
4 resident on North Broadway Street. The community
5 is the entire city, all of the Aldermen in the
6 community, and the downtown, I believe, belongs
7 in most cities to all the people of that city,
8 where there's the Bradley Center, Turner Hall,
9 whether you're going to the Lady Bug, whether
10 you're going to Milwaukee Street, whether you're
11 going to Water Street, which we know - - we know
12 how Water Street is. All the college kids going
13 crazy in the streets, fighting, drinking, but
14 it's acceptable violence.

15 In our community in our neighborhood
16 where we share it with Mr. Don right here, what's
17 the problem? We have security. We've gone
18 through several security companies. We have a
19 very good one. George does a great job. It was
20 my understanding that we're responsible for the
21 inside of the tavern. Since we pay taxes, once
22 they go outside, somewhere along the lines the
23 police have a job to do that we pay them tax
24 money to do. But our security we pay a premium
25 price to clear the sidewalk, to please our

00171

1 neighbors, pick the trash up, be polite. Don't
2 curse and call them bums, get out of here. Be
3 polite. So you will hear them talking loud,
4 because as he said, yeah, if you listen to hip-
5 hop music, they're parking lot pimping.
6 Everybody want to show off their big rims, want
7 to show off their big car. We have a problem all
8 over the north side, all over the south side.
9 But the problem today is that the City, our
10 country is not segregated anymore.

11 MR. ARENA: Mr. Williams, did you - -
12 THE WITNESS: So you can't state - -
13 Excuse me - - So you can't stick all of the black
14 patrons and say, okay, you can kill yourselves
15 and you can stay trapped on the north side, and
16 all of the Latinos, stay on the south side. The
17 whites, downtown, and then, you know, the police
18 are okay. Then we can - - we can keep it secure.
19 Now I may have - - be saying a few things that no
20 one really wants to fess up to and no one wants
21 to say or address. That's my personal belief.
22 Not necessarily Jodie's belief. That's my
23 personal belief.

24 I'm here holding her hand when she's
25 crying, when she's saying how can Tom Wackman be

00172

1 sued for racism. How can they make us surrender
2 our - - our teen night, which we got
3 authorization from the police every week for a
4 year, and then turn around and issue a teen night
5 which the Captain says is having a problem at the
6 Lady Bug. Where we weren't serving alcohol, you
7 know. We weren't serving alcohol on teen night.
8 It was locked up in the basement. There wasn't
9 any chance of a teen getting any alcohol. So
10 that's what I want to address, and that's my
11 statement, and I'll answer any questions you
12 have.

13 MR. ARENA: Thank you, Mr. Williams.

14 THE WITNESS: You're welcome.

15 MR. ARENA: I do have some questions.

16 THE WITNESS: You're welcome.

17 MR. ARENA: Are you typically present
18 during the hours of operation?

19 THE WITNESS: I'm present during the
20 hours of operation. I'm there during the
21 daytime, picking up orders, receiving deliveries,
22 and also, picking up cigarette butts from our
23 neighbors who can't smoke inside their buildings,
24 so they loiter in front of our nightclub during
25 the daytime and park in our parking space and

00173

1 leave their cigarette butts on the ground. I'm
2 picking those up during the daytime.

3 MR. ARENA: Were you present on April
4 28th. That, I believe, is the incident on - -

5 THE WITNESS: Well, you know, the
6 nights start running together, but I'm there
7 every night.

8 MR. ARENA: Well, it's one of the
9 nights that we saw the videotape on.

10 THE WITNESS: Yeah, I was - - I was
11 present.

12 MR. ARENA: A gentleman that comes from
13 somewhere - -

14 THE WITNESS: I was present. Normally,
15 I'm inside making sure no one's hiding out in the
16 bathroom, making sure no one's hanging out. I'm
17 making sure the security - - I'm normally the one
18 that's telling the security let's clean up - -
19 let's clear the sidewalk. Let's turn the music
20 off. Let's turn the lights on.

21 MR. ARENA: Did - - Did you witness
22 anything that occurred on that sidewalk that we
23 saw on the videotape?

24 THE WITNESS: I mean, I saw the
25 videotape, but, like he said, you know, the

00174

1 officer - -
2 MR. ARENA: Did you personally witness
3 it, is my question.
4 THE WITNESS: No. No. I don't want to
5 say I personally witnessed it.
6 MR. ARENA: Was there any argument - -
7 THE WITNESS: I didn't see myself in
8 the tape. I could have been inside. Excuse me?
9 THE REPORTER: Just one of you talk at
10 a time. Ask a question - -
11 THE WITNESS: Okay. Sorry. Sorry
12 about that.
13 MR. ARENA: Did you notice on that
14 night any arguments or violent behaviors inside
15 the club?
16 THE WITNESS: No. In - - In our
17 nightclub we have security at every door. We
18 have, not just George, we have a few other big
19 guys who play, some for UWM basketball team, some
20 who play football, kids who want part-time - -
21 CHAIRMAN WITKOWIAK: If I could
22 interrupt.
23 THE WITNESS: Go ahead.
24 CHAIRMAN WITKOWIAK: I appreciate your
25 testimony, but you're embellishing - -

00175

1 THE WITNESS: Okay. Okay.
2 CHAIRMAN WITKOWIAK: Answer - - Answer
3 his questions.
4 THE WITNESS: I like to talk. All
5 right. Yes or no.
6 CHAIRMAN WITKOWIAK: I gave you pretty
7 much latitude, so far.
8 THE WITNESS: No. There's no - - When
9 there's an incident inside or argument - -
10 MR. ARENA: Well, I'm talking - -
11 THE WITNESS: - - that particular
12 night, no, there wasn't an incident inside the
13 nightclub.
14 MR. ARENA: The - - The other night, I
15 believe, was June 11th.
16 THE WITNESS: June 11th. That's - - I
17 believe that was a Saturday. That was our Salsa
18 night. What occurred happened totally outside.
19 Our secur - - We feel like we're responsible for
20 the entire neighborhood, really. Nothing can go
21 on in our neighborhood or Jodie will be blamed
22 for it. Our security, because we clear the
23 sidewalk, there were guys - - Everyone uses the
24 - - the parking lot down on the corner. The Lady
25 Bug, people come from Eve. Eve's valet even

00176

1 parks down on our - - on our streets in a empty
2 spot if it's open early. People come from Ocean.
3 People come from Moe's even, as far away.
4 Wherever they can park at.

5 Our security, one of them got hit by a
6 car that was speeding by, as they pointed out on
7 the tape?

8 MR. ARENA: Did you witness that?

9 THE WITNESS: I witnessed it. I was
10 outside that night, looking, standing in the
11 doorway, because it was a big argument, but it
12 was people coming from different places. We
13 wouldn't even let our customers leave, because we
14 didn't want it to escalate. It was a Latin
15 Night. We play Salsa, Marenga, and Reggae tone.
16 We wouldn't even let our customers leave. We
17 turned all the lights on, and that's - - And as
18 you notice, it was just a couple weeks ago, there
19 wasn't this great police presence. We called the
20 police. I know on the tape you hear I'm
21 screaming, "Call the f--'n cops," and, "Where the
22 f-- are they?" But we called the police. We let
23 that guy come in. The reason - - Or the security
24 come back in. We called them and said come get
25 him.

00177

1 So the fire truck, which is just a
2 block away. I don't know how much resources they
3 used, coming a block down, sitting there for ten
4 minutes and pulling off. There was no one on the
5 sidewalk. Those were our security. And a lot of
6 the gathering they had on tape is our security.
7 They clearly have security written on the backs
8 of their T-shirts to identify them. They have on
9 sneakers, because you really can't secure the
10 area if you're wearing dress shoes. So our
11 security wear the sneakers, and they're wearing
12 the black T-shirts, and we make them tuck them
13 in. They're not allowed to wear hats. They're
14 not allowed to carry weapons. They don't even
15 carry the big flashlights that you see at a lot
16 of other clubs, because we don't want anyone to
17 take it from them or hit them one night. No
18 pepper spray, no weapons at all. So it's really
19 - - It really is a lot of communication and how
20 you treat people. You treat them well and
21 communicate with them. You can pretty much
22 diffuse any incident by just talking.
23 But once they get outside and once we
24 escort them to the parking lot, which is another
25 block, which is a block away. Once they get in

00178

1 their car, I mean, what can we do? What can our
2 security do? They can't like follow their car.
3 We can't issue tickets. We can't control
4 traffic. All we can do is, like we said, we
5 appreciate the police officers being there. When
6 we - - we came to this license committee before,
7 we were told that you shouldn't be punished for
8 cooperating with the police. You should be
9 proactive. You should call them. You should
10 want them to be there. Now we're being told
11 that, well, we're going to take it - - your
12 money, and we're going to do everything we can to
13 close you down.

14 MR. ARENA: On June 11th, the Salsa
15 night, did you see any of the people that were
16 arguing in the street inside the club?

17 THE WITNESS: No. No, I did not.

18 MR. ARENA: What - - What color were
19 the people that were arguing?

20 THE WITNESS: In the street?

21 MR. ARENA: Yes.

22 THE WITNESS: I mean, black.

23 MR. ARENA: And the Salsa night, do a
24 lot of black people go to Salsa night?

25 THE WITNESS: No, they don't. They

00179

1 don't do that. No. Not that we want to
2 segregate it, but we have a Salsa night, and
3 predominantly, I'll say 90 percent of the
4 clientele are Latinos.

5 MR. ARENA: Were there any - -

6 THE WITNESS: And, also, we have a DJ
7 from the radio station, DJ Lowes that comes out.
8 He's also a radio personality.

9 MR. ARENA: Were there any arguments or
10 violence going on inside, that night on June
11 11th?

12 THE WITNESS: No. No, there wasn't.

13 MR. ARENA: Do you feel safe working or
14 being around the club?

15 THE WITNESS: I love Milwaukee. I feel
16 safe everywhere.

17 MR. ARENA: Do you ever participate in
18 the sweeps that go on, to get people moving
19 along?

20 THE WITNESS: I - - I mean, like I
21 said, I'll just keep the security motivated, and
22 make sure, you know, when he says "push," that
23 kind of gives you the idea that we're mistreating
24 our customers. We want our customers to come
25 back. Everyone's been talking about how slow it

00180

1 is because a lot of people don't want to drink,
2 get in their car, you know, you have two or three
3 drinks, and then you get a DWI or a DUI or
4 anything like that. But they're - - Our
5 customers have been scared away, really.

6 MR. ARENA: Nothing further. Thank
7 you.

8 CHAIRMAN WITKOWIAK: Any questions by
9 members of the committee? Thank you for your
10 testimony.

11 THE WITNESS: Thank you very much.

12 CHAIRMAN WITKOWIAK: Next witness,
13 please. Raise your right hand, we'll swear you
14 in.

15 (Whereupon the witness was sworn.)

16 CHAIRMAN WITKOWIAK: Name and address
17 for the record.

18 THE WITNESS: Sarah Gingrass, 1847
19 North 73rd Street, Wauwatosa. G-I-N-G-R-A-S-S.

20 CHAIRMAN WITKOWIAK: Mr. Arena.

21 MR. ARENA: Are you familiar with Da
22 Jungle Night Club?

23 THE WITNESS: I am. I have kind of a
24 multi-faceted interest. I know Jodie
25 professionally. I also - - I've worked for her

00181

1 over the years, but I also represent college
2 children of my own that are part of this hip-hop
3 generation.

4 MR. ARENA: So you go to Da Jungle, as
5 a patron?

6 THE WITNESS: I do. I've patronized Da
7 Jungle over the years, and I very much enjoy the
8 Salsa night. I feel very safe in the
9 environment, and I feel very strongly that this
10 upcoming generation comes from two-family homes
11 and needs somewhere to go. And I think Jodie has
12 shown all of us over the years that she's one
13 person that can make this happen. She can handle
14 her club. She's extremely professional. She
15 treats everyone there very well, and she can do
16 it. She's - - She's doing it very well.

17 MR. ARENA: Have you ever been there on
18 a Thursday night?

19 THE WITNESS: I have, yes.

20 MR. ARENA: Do you feel unsafe when
21 you're there?

22 THE WITNESS: Absolutely not. I've
23 never felt anything but absolutely safe, and
24 frankly the only thing that frightened me here is
25 that the police aren't taking responsibility for

00182

1 what's happening on the street, as a parent and
2 as a citizen.

3 MR. ARENA: What - - What time do you
4 leave - -

5 CHAIRMAN WITKOWIAK: Continue, Mr.
6 Arena.

7 MR. ARENA: What - - What time would
8 you leave normally, if you're there?

9 THE WITNESS: You know, I don't get out
10 as much as usual over the years, but probably a
11 little earlier. But I have been there to close,
12 and I have left and walked to the parking lot and
13 felt very safe. There's security everywhere, so.

14 MR. ARENA: What - - What - - Have you
15 noticed lots of cars and traffic and people
16 around on Broadway Street?

17 THE WITNESS: You know, I - - I might
18 not have been there for the big Thursday night
19 closing, but I've had, I'd have to say, my
20 experience there there's been less traffic than
21 some of the other clubs downtown, so.

22 MR. ARENA: How often do you go out?

23 THE WITNESS: Once a month, somewhere
24 in there.

25 MR. ARENA: Do you have a business

00183

1 relationship with Jodie?

2 THE WITNESS: I do. I do have a
3 business relationship. I'm also a business
4 owner, a woman business owner in the community,
5 and I've worked with Jodie over the years and
6 seen the inner workings of how she handles the
7 club, and she's extremely professional and does a
8 terrific job.

9 MR. ARENA: And what is your business
10 that you own, if I could ask?

11 THE WITNESS: Art gallery.

12 MR. ARENA: And where is that located?

13 THE WITNESS: My gallery is in
14 Brookfield, but I have worked for ten years two
15 blocks away from Jodie, 241 North Broadway.

16 MR. ARENA: Okay. And what's the name
17 of that gallery?

18 THE WITNESS: Gingrass Gallery.

19 MR. ARENA: Okay. Are there any clubs
20 around that - - that block?

21 THE WITNESS: There's restaurants that
22 have later traffic, but Jodie's club would be the
23 closest.

24 MR. ARENA: Thank you.

25 THE WITNESS: You're welcome.

00184

1 ALDERMAN DUDZIK: Mr. Chairman.

2 CHAIRMAN WITKOWIAK: Alderman Dudzik.

3 ALDERMAN DUDZIK: Thank you. Ma'am,
4 you stated you've gone to this club?

5 THE WITNESS: Yes.

6 ALDERMAN DUDZIK: Your - - Your
7 children are allowed to go to this club?

8 THE WITNESS: No. My daughter is - -
9 My daughter is a college student, but I'm very
10 closely tied to - - I have four children,
11 teenagers all, very closely tied to all their
12 friends, and a lot of what's going on with the
13 young people, and hear a lot of what they listen
14 to, and see a lot of the places that they go.
15 And I would feel very safe sending any of them to
16 Jodie's club for a teen night, or when they're
17 old enough. Now, they're Salsa dancers. My
18 daughters would love a venue to have just go and
19 dance safely.

20 ALDERMAN DUDZIK: Thank you. You - -
21 You would feel safe, or you - - you feel safe
22 even knowing that there is a potential for
23 individuals at this club to be armed?

24 THE WITNESS: I don't think there is
25 anywhere in the City that I feel there's not a

00185

1 potential for someone to be armed around my
2 children. You have to teach them to be safe, and
3 you have to teach them to - - You can go to the
4 gas station and someone is armed.

5 ALDERMAN DUDZIK: Would you appreciate
6 a club such as this being located in the City of
7 Wauwatosa?

8 THE WITNESS: You know, I - - If - -

9 ALDERMAN DUDZIK: It's a simple yes or
10 no question.

11 THE WITNESS: - - it was handled
12 appropriately on the street when people left,
13 yes, I would, because the inner workings of this
14 club are more than safe.

15 ALDERMAN DUDZIK: So the activity - -

16 THE WITNESS: I have a lot of
17 confidence in the Wauwatosa Police Department, so
18 I'd have to say yes.

19 ALDERMAN DUDZIK: Okay. I have a lot
20 of confidence in the activities of the Milwaukee
21 Police Department, and I - - I'd have to say that
22 I'll put any one of our men in blue up against
23 one of your men in blue, and they'll both - -

24 THE WITNESS: They're not my men.

25 ALDERMAN DUDZIK: They'll both handle

00186

1 the situation appropriately, I'm sure. My - - My
2 crux of my question is, would this type of
3 activity outside of this particular club fly
4 anywhere in the City of Wauwatosa?

5 THE WITNESS: I don't think any of the
6 outdoor activity would be allowed.

7 ALDERMAN DUDZIK: Thank you.

8 CHAIRMAN WITKOWIAK: Any other
9 questions of this witness? Thank you. Next
10 witness, please.

11 THE WITNESS: You're welcome.

12 MR. ARENA: We're done.

13 CHAIRMAN WITKOWIAK: Okay. Would you
14 like to give a closing statement at this time?

15 MR. BERNSTEIN: I would. Thank you,
16 Mr. Chairman. I think, Mr. Chairman, I thank
17 everyone who is here, Aldermen who have taken
18 their time to hear both sides. And I want to
19 make clear before I get into my closing
20 statements that my client has nothing personally
21 against the licensee in this matter. And I don't
22 think that there's been any testimony. As a
23 matter of fact, there's been testimony that they
24 have had an amicable relationship in the past.
25 But that's not why we're here. And I think a lot

00187

1 of the testimony has been kind of to deflect why
2 we're here. The safety in the inside of the club
3 for patrons and the like really have no bearing
4 on the nuisance that it is for my client.
5 Whether he's the only person on the block is also
6 not an issue, as I'll get to in - - in a minute.
7

8 The ordinance that we're discussing
9 indicates three instances where a license can be
10 revoked. First is where the license premises is
11 operated in a manner that constitutes a public
12 nuisance. Supreme Court of Wisconsin and State
13 Quality Ag Farm, Inc. 104 WIS 2nd 506(1981)
14 defined a public nuisance as "An unreasonable
15 activity or use of property that interferes
16 substantially with the comfortable enjoyment of
17 life, health, safety of another or others." Case
18 log goes on to say it is the public annoyance and
19 not the number of people annoyed by it that
20 constitutes a public nuisance.

21 The case also indicates that in
22 determining whether there's a public nuisance the
23 trial court, this is a Supreme Court case, and
24 we're now in front of the Common Council, but the
25 court must first consider the nature of the

00188

1 business or the use made of the property. The
2 lawfulness of the business or property does not
3 control, nor do the corrective measures applied
4 by the owner or the operator. These are matters
5 to consider on the ultimate issue of lack of
6 enjoyment of life and property due to the
7 existence, location or activity of the business.
8 I feel, and I hope that others on the
9 committee will agree that the record as presented
10 to you today clearly reflects public nuisance.
11 I'm not going to go through all of the testimony
12 that we've seen here today, but you have a
13 Captain of the Milwaukee Police Department
14 telling you that she does not have the resources
15 to police her district, because they are consumed
16 by this one location and the activities that flow
17 from it. This is not a lawyer. This is not
18 somebody involved other than somebody who is
19 protecting us and who is unable to do her job
20 because of the activities at this place. This is
21 not an interested person in any other regard. If
22 you had no other testimony here today, Captain
23 Haynes' testimony asking you to close this place
24 down should be enough. But we've got videos from
25 other police officers she's had to pull from

00189

1 other places. We've got video taken and not
2 presented here by private detectives that my
3 client hired at his own expense to try to show to
4 you in an even-handed manner, that this is a
5 public nuisance. We have video that his
6 significant other has shot showing all of these
7 things. We've gone through a lot of time and a
8 lot of expense so that people can't come and say
9 that, oh, it was insinuated that apparently
10 Alderman Bauman is apparently doing something to
11 close this place down. I don't even know what
12 that was about.

13 But I tell you that every police call
14 that they have to respond to, every blocked
15 street they have to clear, every incident they
16 have to investigate, every officer that takes
17 special assignment to videotapes - - videotape
18 the operations of this premises draws those
19 resources from other equally deserving areas of
20 this district, and now ultimately, the City,
21 because apparently they're drawing resources from
22 other districts. So it's not just District 1
23 that's affected. I assume it's yours, as well.

24 I also want to make clear that we're
25 not arguing, which was also insinuated from the

00190

1 testimony, that Da Jungle is not entitled to
2 protections and services of the Milwaukee Police
3 Department. Of course, they are. And, of
4 course, the patrons are. And there is not going
5 to be anybody here, not on our side, and I don't
6 think out there or any of you that would argue
7 otherwise. They are taxpaying citizens, and they
8 deserve the right to have police respond in a
9 timely manner to their - - their issues, as well.
10 And nobody would - - would argue otherwise.
11 They, however, are not entitled to the amount of
12 resources they're using. This is also evidenced
13 by the fact that apparently Captain Haynes has
14 declared this a chronic nuisance and is charging
15 them now for their resources.

16 The second instance under the code
17 where a license can be revoked is if the
18 operations of the premises constitute a private
19 nuisance. In the Court of Appeals in Buboltz v.
20 Dane County, 159 WIS 2nd 284, Court of Appeals,
21 1990, has defined a private nuisance as, "An
22 unreasonable interference with the interests of
23 an individual and the use and enjoyment of the
24 land." The court goes on to indicate that the
25 activity complained of must create more than an

00191

1 inconvenience. It must be offensive to a person
2 of ordinary and normal sensibilities. Well, I
3 would say that just looking at the video with
4 shots going off outside of your apartment, that
5 that standard has been met.

6 The third manner in which the Common
7 Council can revoke a license is if the conduct of
8 the licensed premises has had a substantial
9 adverse effect upon the health, safety or
10 convenience and prosperity of the immediate
11 neighborhood. We've heard testimony from my
12 client, his significant other, who are living
13 there. They fear for their safety and welfare.
14 We've heard that there is maybe potentially
15 property damage with regard to operation of the
16 club. We don't know for sure. However, the
17 adverse effect on my client's business in that
18 the e-mail that Alderman Bauman read, we've got
19 - - He's got a tenant now that is moving out
20 directly as a result of the conduct of this bar.

21 Therefore, I believe that given the
22 totality of the evidence that you have - - that's
23 been entered into the record today, the fact that
24 this is a public/private nuisance and otherwise
25 is incontrovertible. Therefore, I ask on behalf

00192

1 of my client, Don Arenson, your complainant, we
2 ask this committee to recommend to the Common
3 Council that the license issued to Ms. Jodie
4 Kornfehl to operate Da Jungle be revoked.

5 We further that - - ask that if Ms.
6 Kornfehl requests to renew her license at the end
7 of the termination period, that Mr. Arenson or
8 myself is notified of the hearing, so that we may
9 be fully apprised of the proposed use of that
10 space. And that is all I have, Mr. Chairman.

11 MR. ARENA: Mr. Chairman, I have to beg
12 the committee's indulgence. There was one point
13 that I would need my client to testify on. So I
14 - - I guess I would kind of need to reopen the
15 evidence. It's a brief point. I have two
16 pointed questions for her, and I think it's
17 important for the committee to hear her answers.

18 CHAIRMAN WITKOWIAK: Go ahead.

19 MR. ARENA: Ms. Kornfehl - -

20 CHAIRMAN WITKOWIAK: You're under oath.

21 MR. ARENA: She's under oath.

22 How long have you been involved with
23 the business located there?

24 LICENSEE: Since 1998.

25 MR. ARENA: And prior to being served

00193

1 with the notice - - When were you served with
2 this notice of this proceeding?

3 LICENSEE: Monday.

4 MR. ARENA: What was your intention as
5 to how you were going to operate the business in
6 the future, prior to being served the notice?

7 LICENSEE: I called Mr. Bauman
8 approximately three weeks ago and explained to
9 him that I was closing at the end of June, that I
10 had a potential buyer, and that the doors would
11 be closed June 30th.

12 MR. ARENA: And would it still be your
13 plan to close even without a buyer?

14 LICENSEE: Well, I don't know, because
15 I just got notice on Monday, and my buyer called
16 Alderman Bauman, and Alderman Bauman told the
17 buyer that he wouldn't give anyone playing a
18 violin a license in that building.

19 MR. ARENA: Is it your plan to close,
20 regardless, though? Was it your plan?

21 LICENSEE: Yes, it was.

22 MR. ARENA: And what were you going to
23 do?

24 LICENSEE: I was going to sell the
25 business. I had the buyer lined up. But now, I

00194

1 don't know what I'm going to do.

2 MR. ARENA: Will you still close?

3 Let's assume that this committee would grant your
4 license. Would you still close at the end of the
5 month?

6 LICENSEE: Yes, I would close at the
7 end of June. If I didn't receive another buyer,
8 I was going to shut it down, remodel it, change
9 the name and try to do some other things with
10 this business.

11 MR. ARENA: In other words, change the
12 format.

13 LICENSEE: Correct.

14 MR. ARENA: And that wouldn't involve
15 hip-hop music, would it?

16 LICENSEE: I mean, I can't say that it
17 wouldn't just because every ethnic group, white,
18 black, Puerto Rican, Spanish, Asian, all want to
19 hear hip-hop. So if I didn't play a couple songs
20 of hip-hop, I - - I would be lying.

21 ALDERMAN WADE: You can add Christian
22 to that list, too. It's Christian hip-hop, also.

23 LICENSEE: Yes.

24 MR. ARENA: I have no further
25 questions.

00195

1

ALDERMAN BOHL: Mr. Chairman.

2

MR. ARENA: And I'm sorry that I didn't

3

do that sooner.

4

CHAIRMAN WITKOWIAK: That's okay.

5

Alderman Bohl.

6

ALDERMAN BOHL: Just to - - A brief

7

follow-up for - - for the licensee.

8

LICENSEE: Yes.

9

ALDERMAN BOHL: I'm wondering what

10

prompted your change to look - - your desire to

11

look for a change of format?

12

LICENSEE: I just purchased - - I just

13

purchased another building, where I'm starting a

14

restaurant, a little night life afterwards, and

15

my intention was to sell the building. And I had

16

a buyer set up, and it didn't go through now

17

because of what Mr. Bauman told him. So now, I

18

still have to pay the rent. I'm still obligated.

19

I'm on the lease. So if I don't find another

20

buyer, I'm going to have to change the format.

21

ALDERMAN BOHL: You were looking for

22

somebody to - - to sublet?

23

LICENSEE: To purchase the club,

24

correct.

25

ALDERMAN BOHL: Purchase the club.

00196

1 MR. ARENA: Purchase the business and
2 sublet the lease.
3 ALDERMAN BOHL: Okay.
4 MR. ARENA: Because she bought another
5 building.
6 ALDERMAN BOHL: That's all. Thank you.
7 CHAIRMAN WITKOWIAK: Alderman Bauman,
8 anything you wish to add before we go - -
9 ALDERMAN BAUMAN: Yeah, I - - I just
10 would like to advise the committee that, you
11 know, I - - Actually I was asked by the
12 complainant here to initiate this process, and I
13 told him I frankly could not. I had no personal
14 knowledge of any particular thing with respect to
15 this establishment. All I know is what I hear
16 from citizens who complain to me. All I know is
17 what I hear from the Police Department, which
18 this Council charges to enforce the laws and
19 investigate crimes in this City. So I pretty
20 much rely on the word of other individuals. And
21 today I've heard their sworn testimony. And
22 based on what I've heard, this isn't even a close
23 case. This is clearly a public and/or private
24 nuisance.
25 Now, whether - - Now, the fact that

00197

1 there may be other such nuisances in the City of
2 greater degree does not eliminate the fact that
3 this, in fact, is a nuisance, as well. And under
4 our ordinance, this place - - this license should
5 be revoked. Now apparently they want to make me
6 the issue here. That's fine. I'm a big boy. I
7 have no problem with that. The simple fact of
8 the matter is that the last - - We probably
9 should have objected to renewal the last time
10 around, but in the interest of promoting a
11 downtown business, who I do believe it is
12 generally run in a professional way, we agreed
13 that if they at least eliminated the teen night,
14 which isn't a licensed event, per se, because no
15 liquor is sold, as I understand it. If they
16 agreed - - Mr. Arenson was involved, because he
17 lived there at the time, and everybody came to
18 the table and we basically agreed that, fine,
19 they eliminated the teen night, which had been a
20 source of considerable difficulty, nuisance
21 activity, and consumption of police resources.
22 We - - I would not object to the renewal of a
23 license. Straight out renewal. No suspensions,
24 no penalties, no nothing. Straight out renewal,
25 but a warning letter, despite substantial

00198

1 grounds, I might add, to object to renewal.
2 Promises were made. We'll do better.
3 We'll manage more tightly. We'll beef up
4 security. We'll run a better operation. We
5 won't have a repeat of the type of complaints
6 which I have received, nor of the consumption of
7 police resources, which we now have had testimony
8 about. Not only did it not improve. It got
9 substantially worse, and in particular,
10 substantially worse in the last three months.
11 Frankly, I listened to the testimony of the
12 licensee's agents, and you would think from that
13 testimony, had you not seen videotape of
14 gunshots, had you not seen videotape of the
15 vehicular activity and the pedestrian activity,
16 you would have thought that they run a church
17 service on a Sunday morning, from how they
18 testified. And - - And I'm really sick of that,
19 with these clubs coming in. We know there's
20 problems that these clubs - - They know we know.
21 They know we know they know. And yet, they come
22 in and attempt to deny the obvious reality.
23 Instead of coming in saying, as last time, we
24 understand there's a problem, we're going to
25 implement this. We're going to implement that.

00199

1 We're going to close down for a period of time to
2 let dust settle. We - - We'll look at changing
3 format. Whatever the case may be.
4 No, it's bulldog forward and say, damn
5 the City Council. We'll make race an issue.
6 We'll throw that out there to try to separate
7 people, and divide people, when the issue here is
8 behavior. Pure and simple. Behavior. And based
9 on the behavior that we have seen video testimony
10 regarding, and verbal testimony regarding, from
11 not only the complainant but the Milwaukee Police
12 Department, the behavior without question
13 qualifies as a nuisance, period. End of
14 discussion. Again, that Eve is a nuisance, that
15 Lady Bug is a nuisance. They may be nuisances,
16 and when complaints come to my attention or
17 evidence is collected which rises to that level,
18 we'll be right in here seeking the revocation
19 and/or non-renewal of those licenses, without
20 question. My record is unblemished on that
21 point. If there's bad behavior, I want it
22 stopped. I don't care what your format is. I
23 don't care who your customers are. I'm worried
24 about behavior. I'm worried about the quiet
25 enjoyment of the neighbors that live downtown in

00200

1 increasing numbers, and I'm worried about the
2 impact on other businesses downtown. Pure and
3 simple. End of discussion. If your - - If your
4 patrons behave, I'm your best friend. If your
5 patrons can't behave, I'm your worst enemy. It's
6 just that simple.

7 LICENSEE: May I say something?

8 ALDERMAN BAUMAN: So I - - I do urge
9 you to revoke this license?

10 CHAIRMAN WITKOWIAK: Go ahead.

11 LICENSEE: Just real quick. After that
12 incident occurred on Saturday with the shooting
13 that you've seen on the video, we closed our
14 Saturdays down, because we don't stand for that.

15 CHAIRMAN WITKOWIAK: This matter is in
16 committee.

17 MR. ARENA: Just let me wrap up with a
18 couple of comments, please.

19 CHAIRMAN WITKOWIAK: Okay. The last
20 word. This is the - -

21 MR. ARENA: And I appreciate - - I
22 appreciate your indulgence.

23 CHAIRMAN WITKOWIAK: This is the last
24 word. The last word.

25 MR. ARENA: It appears to me, if you

00201

1 look at the police record, that, in fact, what
2 goes on inside the location is closer to a Sunday
3 church service than not. The record doesn't
4 support a revocation on itself.

5 What we're really talking about is what
6 goes on outside. And you can plainly see in the
7 video, that there are things going on outside,
8 her security gets involved, does what they can
9 do, and I point out that there's a lot of heavy
10 concentration of night life in that area, to
11 point out, that maybe not necessarily these
12 people are all coming from Da Jungle. Some of
13 them certainly are. I wouldn't sit here and tell
14 you that they aren't, but let's face reality.
15 We've all been downtown. People going to
16 Kennedy's, Milwaukee Street, Eve, Tangerine, they
17 park wherever they can find a spot. She's only a
18 block away. They're parking there.

19 The parking lot on the corner, you know
20 the people are utilizing it from other locations.
21 311's right there in the 500 block. You've got
22 Lady Bug. Their capacity has doubled, nearly
23 triple of what Ms. Kornfehl's capacity is. So
24 I'm just pointing that out, that maybe it's not
25 all just her. And I can tell you, and you - -

00202

1 you've heard this from me before, it's true, I
2 sympathize to some extent with what, you know,
3 Mr. Arenson witnesses. But it may not
4 necessarily be all of her fault. We have a
5 downtown area that has a vibrant night life. We
6 are going to create a slippery slope. What's
7 going to happen next? If you want to shut it all
8 down, that's fine. But, you know, now the Blatz
9 is going to condos, and somebody's going to walk
10 in there and say, well, I pay taxes and paid
11 300,000 dollars for my condo, and I saw somebody
12 urinate over coming out of whatever establishment
13 on Water Street or Milwaukee Street. So, you
14 know, are we going to go to that point where
15 we're going to close everything down? That's the
16 point we're going to. In this instance, we have
17 one complainant, one resident that lives on a
18 traditional non-residential block. We're letting
19 the tail wag the dog to a certain extent.

20 I agree with these actions when they
21 take place in a - - in a residential
22 neighborhood. I mean, you'll all remember a few
23 years ago I represented a very unpopular
24 nightclub in Alderman Pawlinski's district at the
25 time, and neighbors came in, single family

00203

1 residents, they documented the case well. You
2 know, the place closed. It was probably
3 appropriate. But we have to decide what's
4 appropriate for downtown Milwaukee now to an
5 extent. If we're going to say these things
6 belong downtown at night because there isn't an
7 impact on residents, we can't turn around and
8 close them down when their patrons create some
9 traffic. We don't condone the shooting. She
10 closed her Saturday nights because of it. I
11 don't know where those shots came from. I don't
12 know who made them. I don't know if they're a
13 patron of hers. But that's a big burden to put
14 on her shoulder. There's 20 to 30 people
15 employed by this club. There's 50,000 people a
16 year that utilize that club. And to close it
17 down on this - - at this point with this record,
18 to completely revoke this license, I don't think
19 is appropriate.

20 This is a location that's been a
21 nightclub for as long as I can remember. I know
22 it was - - I think it started as the Stone Toad,
23 eventually it was Tom-Tom Club. Jodie was
24 involved with it. So this Council has found that
25 location to be fit for a night spot. Think of

00204

1 that. And now, we have people coming to this
2 nuisance and want to complain about it. When I
3 don't think you can wholly put everything that
4 happens on the street on her shoulders.

5 We have a Police Department that comes
6 in here, and I appreciate the job they do. She
7 does, as well, but, you know, let's talk about
8 some overkill. We conducted surveillance to
9 determine what was happening to determine how we
10 were going to handle the situation, is what the
11 testimony was. They went out there on a witch
12 hunt in response to a large amount of complaints
13 that I would guess came from Mr. Arenson. Look
14 in his own packet. He's e-mailing the Captain of
15 the District. I don't have an e-mail for the
16 Captain of any district that, you know, well, now
17 I'm going to take that e-mail address off of that
18 packet. I'll have it. But I don't keep track of
19 that. What is he trying to do here? He's
20 manufacturing complaints. He's videotaping
21 everything. He brings the police out. And they
22 come in here and tell you, well, we wrote 40
23 parking citations, and this isn't exact. I'm
24 just speaking anecdotally here. We wrote 40
25 parking citations. We wrote, you know, so many

00205

1 traffic citations. They're making illegal left
2 U-turns. Oh, those terrible patrons of hers.
3 That's all in an effort to create a record, to
4 bring this here to you today.
5 And really look at her record of how
6 she really runs her business. There's 12
7 security personnel. There isn't violence going
8 on inside. You know, this isn't a, you know,
9 three people were shot coming out of the men's
10 room, or somebody was accosted. Little incidents
11 happen. They do. Alcohol is involved. But
12 that's not an overly terrible record that she has
13 for how she conducts her business. And just at
14 what point does the licensee have power over
15 somebody who is hanging around in a parking lot.
16 You can put up a sign and say "no loitering."
17 Please don't loiter. And that guy can say, hey,
18 up yours. I'll do what I want, lady. And she
19 has no control. Her security has no control.
20 They have no control over anybody once they're on
21 the street. She does her best to control what's
22 inside, you know, her plan is actually to close,
23 and I - - I believe that. I've been working with
24 her over the last several days in coming up with
25 some alternative here. That hasn't been

00206

1 formatted yet. But something's going to change,
2 because, for one, she doesn't like the stress of
3 having to be here to answer to this. Not that
4 she feels that her club is unsafe and that her
5 patrons are terrible. It's that this is
6 stressful. This woman has a large investment in
7 this club. This club supports her and her
8 children. She paid 30,000 dollars in taxes last
9 year to the City of Milwaukee. She owns her home
10 in the City of Milwaukee. And I think that all
11 needs to be considered.

12 There's a list, and I don't say that
13 these clubs are bad. I don't say they're doing
14 anything wrong. But this is what's within a two
15 block radius. A place called Taste, Eve, they
16 have dancing, cabaret, Lady Bug, very large club,
17 Three, Tangerine, Kennedy's, Sock it To Me, and
18 Lex. That's just a quick put-together list. But
19 yet all the parking problems and traffic problems
20 have to be the fault of Jodie Kornfehl on
21 Thursday nights when everybody parks all over
22 downtown.

23 You know, last night was Jazz in the
24 Park. I did go to that area, not to go to Jazz
25 in the Park, but I'll tell you what, good luck

00207

1 finding a place to park. You could have been
2 parking nine, ten, 12 blocks away, and having to
3 hike it. And that's what goes on in the City.
4 We all know it.

5 So I'm suggesting and asking this
6 committee to not take revocation as an action in
7 this case. We all know that there's other
8 avenues. There should be some form of
9 progressive discipline. She's been there since
10 1998. You know, if you want to see if she's'
11 really serious about getting her format changed
12 and doing whatever, a suspension is more than
13 adequate, if you feel that's appropriate. I
14 still don't feel that's appropriate, but I
15 understand how that comes about. You know,
16 there's many other locations which with much more
17 problems. I've represented some of them. Some
18 of them with shootings, underage people, dealing
19 drugs in the place. I believe that individual
20 was given a 40 day suspension. And, you know,
21 here we are saying, well, the police manufactured
22 all this stuff and they spent all this money,
23 some of it, was it really all warranted or was
24 that in an effort to show. Because, you know,
25 they testified that not anybody else has ever

00208

1 gotten a bill or has anybody kept track of what
2 happens when police respond. So, you know, I
3 think you have to consider those issues, and I'm
4 going to ask you to, and I'm going to ask you not
5 to revoke this license. Thank you.

6 CHAIRMAN WITKOWIAK: This matter is in
7 committee.

8 ALDERMAN DUDZIK: Mister - - Mr.
9 Chairman.

10 CHAIRMAN WITKOWIAK: Alderman Dudzik.

11 ALDERMAN DUDZIK: I don't know where
12 this committee will go with this revocation. But
13 I will tell you one thing. As soon as I leave
14 this table, I'm going to go down to my office and
15 call Nan Haggerty and demand that the 11th
16 Aldermanic District receives the same amount of
17 police attention that Alderman Bauman's District
18 gets. Because I can tell you from personal
19 observation, and I have a club in my district,
20 maybe not as large, but just as active as this
21 one, and when there was a stabbing there, not too
22 long ago, it took hours for a police squad to
23 show up. Disgusts me.

24 If this young lady is closing and - -
25 and moving, I pray to God she moves into

00209

1 Wauwatosa. My personal opinion is that my
2 District - - my City should be no less safe than
3 the City of Wauwatosa or any other community in
4 the State of Wisconsin. Unfortunately, places
5 like Wauwatosa won't even let you come in there.
6 Again, I don't know where this is going to go,
7 whether this deserves a revocation, but I
8 guarantee you that if it doesn't at least get a
9 severe, very severe suspension, I won't support
10 it. Thank you.

11 ALDERMAN WADE: Mr. Chair.

12 CHAIRMAN WITKOWIAK: We're in
13 committee. Alderman Wade.

14 ALDERMAN WADE: It's a few things I
15 have to speak on here, because - -

16 CHAIRMAN WITKOWIAK: I'll tell you what
17 I'd like to do. I'd like to see a motion put on
18 the table, and then we can speak on the motion.
19 That's what I - - That's what I ask for. And
20 then we can give all of our opinions.

21 ALDERMAN WADE: I'm prepared to make a
22 motion for a 90 day suspension.

23 CHAIRMAN WITKOWIAK: Motion by Alderman
24 Wade is to - - for a 90 day suspension, based on
25 items contained in the police report - -

00210

1 ALDERMAN WADE: And testimony heard
2 here.

3 CHAIRMAN WITKOWIAK: - - and testimony
4 that we have heard during this hearing today. On
5 the motion.

6 ALDERMAN BOHL: Mr. Chairman, on the
7 motion.

8 CHAIRMAN WITKOWIAK: Alderman Bohl.

9 ALDERMAN BOHL: Ever so briefly, I will
10 not support the motion. I will support nothing
11 short of a revocation of the license. I - - You
12 know, the - - the one thing that - - that I heard
13 from - - from a downtown standpoint, this
14 establishment is isolated. Yes, you have - - you
15 have the Lady Bug Club. The Lady Bug Club is a
16 block west, and literally probably better than a
17 half block to a full block fully south. You talk
18 about the establishments that are Three and Eve,
19 literally a block east, and better than probably
20 another good half block to two-thirds of a block
21 fully north. From a practical standpoint, this
22 is pretty isolated, and I think from the evidence
23 of the tape that was provided here, at least the
24 nuis - - I didn't see anybody coming from what
25 would have been west, that was - - that was

00211

1 creating havoc and loud noise and whatever else.
2 I think the Captain's testimony is - -
3 is very, very strong here in terms of what she
4 experiences. She's Captain of the entire
5 downtown area. I trust full well that the
6 Captain is not segmenting out one group because
7 they predominate from one racial group or
8 another. And frankly, the - - any - - any person
9 who makes that comment disgusts me, that plays
10 the race card. I agree fully with Alderman
11 Bauman, that the behavior of citizens - - Because
12 I've gone to hip-hop clubs and I've gone to other
13 clubs, as well, too. And it's the behavior that
14 - - that delineates the line between what is
15 acceptable and what is not acceptable. And it
16 just - - It really gets my goat when somebody
17 plays the race card and uses that excuse, as
18 well, too. There's no excuse, whether somebody
19 comes from a country bar or a hip-hop bar or any
20 other type of club to run around, to blast music,
21 to screech tires, to mill around, to scream, to
22 yell, fistfight, to shoot guns, to whatever else.
23 There's no reason that we need to, in the
24 Captain's own word, provide that much attention
25 to one club. And she represents all the others.

00212

1 I'm going to tell you, I know that
2 Water Street isn't angel's paradise, that this
3 isn't heaven on - - on wheels. At the same point
4 I didn't hear the Captain say that she needed to
5 provide the resources there. She indicated that
6 this is the number one problem in her District,
7 which is the downtown District. Those are her
8 words, not mine. I just find it disgusting when
9 we provide that much attention to one
10 establishment, and we're pulling squads from
11 everywhere else. It's just - - It's wrong. It's
12 wrong. The fact of the matter is, is that there
13 were promises last year that, you know, we're
14 going to revise this. We're going to come up
15 with this. We're going to come up with a clean
16 plan.

17 You know, I agree with you, that not
18 everything on this police report is the worst
19 thing in the world. Then again, this police
20 report is plenty long, and I'll tell you that one
21 of the difficulties are when you have officers
22 that are spread so thin, it's difficult to sit
23 there and stand around and wait for the first guy
24 that throws a punch and have somebody there,
25 pulling them aside, arresting them and have - -

00213

1 and having something. Does it mean that doesn't
2 go on? Does it mean that it's not a nuisance to
3 individuals who live there? Whether this is a
4 primarily residential neighborhood or not, Mr.
5 Arenson and anyone else who may live in that area
6 and have a residence there deserve the same
7 peaceful enjoyment of their - - if their - - of
8 their home as much as anybody who lives in a
9 residential neighborhood that's primarily resi -
10 - residential and single family.

11 The fact is that the activities and
12 behavior here are just unbecoming of any
13 establishment anywhere in the City. And - - And
14 I'm very candid along with the lines of Alderman
15 Bauman, you show me this evidence anywhere,
16 whether it's a country bar or whatever else, I'll
17 - - I'll move to yank their license there. I'll
18 move to yank their - - yank their license here.
19 I'll do it everywhere. Because the fact is,
20 we've got to just stop defending people and
21 saying, oh, the kids, you know, where will they
22 go? Well, you know what, when they learn to grow
23 up and say, gee, it's been real fun. I enjoyed
24 my time at the establishment. Just like I acted
25 in the establishment, I'm going to walk to my

00214

1 car, leave. And, you know, if we want to go to
2 my house, continue to have a drink or two there,
3 we're not going to do it on the street. We're
4 not going to decide to cruise down to Capitol
5 Drive, get out on our cars and start dancing on
6 the hoods and pretend that that's the club. When
7 people start to - - to know when the night ends
8 and when the enjoyment period needs to come, is
9 when we will have a City that is not going to
10 drive residents out. But we're going to have a
11 City where we're going to have fewer shootings.
12 We're going to have a City where we don't drain
13 police resources all the place everywhere.
14 Nobody wants to call for that responsibility.
15 The fact is I will. Let's be responsible all the
16 time. Stop making excuses and saying, gee, the
17 young kids have nothing to do. Well, at four
18 o'clock in the morning I don't care if you're 18,
19 16 or 21, get your butts in bed. Stop dancing on
20 the darn streets in your car playing music,
21 driving over medians. I'm not going to call
22 somebody a thug for that. I'm going to call them
23 a moron. Stop acting like morons in this City,
24 and we'll stop shutting down the clubs that you
25 hang out in.

00215

1

ALDERMAN WADE: Mr. Chair.

2

CHAIRMAN WITKOWIAK: Alderman Wade.

3

ALDERMAN WADE: I'm going to move away

4

from Alderman Bohl here, because I don't want him

5

- - I don't want him to throw up on me, because

6

I'm definitely going to talk about that race

7

issue, because I'm obligated to. Now, I - - It's

8

very easy for white men to sit around and say

9

that race is not an issue, and it detests them,

10

and so on and so forth. But I'm going to

11

guarantee you, you're not going to hear too many

12

black men say that. Now, I'm a Alderman, a

13

elected official in the City of Milwaukee, and I

14

go into establishments in Milwaukee every day,

15

the airport, bars downtown, restaurant, and me

16

being black is an issue in there. And I feel

17

that. And it's real. So those of you who think

18

racism in Milwaukee don't exist, let me be the

19

first to tell you that it is alive and well in

20

the City of Milwaukee. So, race - -

21

CHAIRMAN WITKOWIAK: Listen - - Hold on

22

a second. Anybody makes a sound in that audience

23

is going to leave this room. Possibly, by the

24

escort of somebody from the Police Department.

25

It's totally out of line. Totally uncalled for.

00216

1 And I won't put up with it. Do you understand,
2 everybody out there? I don't want any reaction
3 from anybody in this audience. Please continue,
4 Alderman.

5 ALDERMAN WADE: Thank you. Let me just
6 talk about race being a issue for a minute. It's
7 people who work for the City of Milwaukee, who
8 speak to me when they see me in my suit, and see
9 me as Alderman Wade, and they see me other places
10 and walk right past me like I'm invisible. I'm
11 not whining and crying about that. I could care
12 less if a person is racist or not. That's their
13 business. I just don't want them to do anything
14 illegal. But that's part of the reality that I
15 have to live with on a daily basis. And it's
16 fine with me. I have no problem with it. If
17 that's how you want to act and behave, fine. But
18 to say that race is not an issue, the way that we
19 divvy up our resources, how we carry out the law,
20 the police officers that are black, the
21 firefighters that are black, the attorneys that
22 are black, the millionaires in the City that are
23 black, will tell you that it is an issue. So if
24 that's going to make somebody throw up, they need
25 to get to throwing up. That's the reality that

00217

1 we live in. And I have to speak on that. And am
2 I mad about it or upset about it? Just so the
3 white people know it's part of the reality of
4 being black in the City of Milwaukee. We have to
5 deal with it every day. Nobody's crying about
6 it. We're dealing with it. And it's going to
7 happen when it comes to this - - these
8 committees. Aside from that, I'm off of that,
9 Alderman Bohl, and I know you - - you - - you
10 know - - you know, it's - - this is nothing that
11 I'm trying to - - I'm just expressing myself.

12 I feel exactly the way he feels about
13 some of the behavior of our young people. The
14 whole excuse of we don't have anything to do is
15 wearing thin on me, also. My constituents are
16 crying because they don't feel safe. We're
17 talking about loitering outside of a club where
18 one individual lives, no disrespect to you, sir,
19 your - - your comfort is important. But we got
20 this loitering going on in my neighborhood in my
21 District on a daily basis, at right now, it's a
22 group of kids outside of somebody house,
23 loitering. That's intimidating that person.
24 That's real life situations that we have to deal
25 with. Now, this lady has a business downtown.

00218

1 Everybody who gave testimony, no one talked about
2 how she ran her business. No one talked about
3 the good business person she was. Just some of
4 the notes that I wrote down, we said the - -
5 fights - - Fights happen in liquor establishments
6 all the time. Fights happen at the Brewers game,
7 the Bucks game, State Fair, Summerfest. We're
8 not talking about taking their liquor license.
9 It's part of it. That's why we have police.

10 The person who got hit. We made a big
11 deal about the ambulance, the resource. It was
12 somebody who worked for her who got hit by a car.
13 The big fight with 15 people fighting, maybe I'm
14 blind. I saw a scuffle. In my eye it was - - It
15 wasn't even a fight. I didn't see any blood.
16 What - - The person got apprehended and took
17 away. I didn't see 15 people fighting. That's
18 not what I saw. Some of the other stuff. No gun
19 play inside of her club was reported. We've
20 renewed license on people who have had shootings
21 inside of their clubs.

22 This gentleman right here, fine
23 gentleman, good citizen, has every reason in the
24 world to complain, and I - - I sympathize with
25 you. You have a legitimate case. Everything you

00219

1 say is 100 percent legitimate. It is. But there
2 are some other factors that we have to weigh in
3 here when we talk about going from last year, she
4 came in here and got a warning letter, a warning
5 letter, and agreed to change her - - her teen
6 night. She changed the teen night. We come in
7 365 days later, and we want to revoke her
8 license? If we got issues with the police and
9 nuisance, she should be given the opportunity to
10 deal with those issues. She not even getting a
11 chance to deal with the issues.

12 Okay. My biggest beef about all of
13 this is the amount of police resources that's
14 going to it. I got a huge problem with that.
15 That's ridiculous. The owner of the club needs
16 to understand that that's something that cannot
17 be tolerated. The tax payers just cannot afford
18 to have - - let you have personal police service
19 like that. We can't afford it. You need to be
20 clear on that. And you need to do what you need
21 to do that that's not the case. But I think she
22 deserves to be given the opportunity to make that
23 adjustment.

24 Some of the stuff that was talked about
25 in here was exaggerated. The tape didn't - - I

00220

1 was expecting something else on the tape. It was
2 exaggerated. Now, the gunshots, that's real.
3 The 15 person fight was a little scuffle. All of
4 the traffic and so on and so forth, I didn't see
5 anybody have any problem - - If you've seen
6 cruising, now that's a problem. This - - This
7 right here was a small - - People could go
8 around. Take their time. Yeah, there was some
9 people acting and behaving and parking. Yeah,
10 but that - - But to be honest, most people in
11 this room know that that's normal in a drinking
12 city like Milwaukee at bar time. That's normal.
13 It goes on all around.

14 The last thing I want to say - - Well,
15 two other things. Number one, the tenant that's
16 - - that's leaving. The tenant's business stops
17 at eight o'clock. This lady's business starts at
18 ten o'clock and the issues that we have with her
19 go on at one to two a.m. Now if this person
20 lives in the building like this gentleman does,
21 he has a legitimate issue. I don't know if he
22 lives in the building or not. Does he live in
23 the building? He does not. If he does not live
24 in the building, how in the world is what's going
25 on at two - - one and two a.m. impacting this

00221

1 individual. That's a stretch for me. Now, 90
2 days is, to me, that's excessive. That's more
3 than what we should be doing, but the amount of
4 resources that we going through dealing with your
5 establishment, I can't justify to my constituents
6 who pay huge taxes, whose assessment is going up,
7 who can't get a police. I can't explain to them
8 why it's necessary for you to have seven every
9 Thursday night like they individually work for
10 you. That's why I think 90 days is enough time
11 for you to look at the reality of what you're
12 dealing with, do what you need to do, regroup,
13 redesign, and make sure that our police resources
14 are - - are freed up. That's my reason for the
15 90 day suspension, and at this point I'll get off
16 of my soap box.

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

19 ALDERMAN DUDZIK: Mr. Chairman.

20 CHAIRMAN WITKOWIAK: Alderman Dudzik.

21 ALDERMAN DUDZIK: I guess I - - I've
22 sat here long enough to now hear an Alderman
23 state that shootings happen. It was with regards
24 to a club a few years ago. Now, fighting
25 happens. I just can't accept that type of

00222

1 mentality, and it doesn't have anything to do
2 with race for me. It's not right, whether you're
3 Latino, black, Hmong, white, I don't give a rat's
4 patootie. And - - And one thing I want to
5 address with regards to the counselor's comments
6 that these - - that these items were
7 manufactured. If they were manufactured by
8 anybody, they were manufactured by your client.
9 The police - - I'm not going to deny, the police
10 spent an exorbitant amount of effort and resource
11 capturing what was going on there. But it wasn't
12 manufactured by the Police Department.

13 And I - - I'm going to say what I said
14 earlier. I'm calling the Chief. Because if this
15 is the type of response that Alderman Bauman can
16 get for what I saw today, I got - - I got a bar
17 in my District that I demand to have this type of
18 resources expended on it. It's just ridiculous
19 that we're spending this type of police presence
20 on something that is inappropriate, but not
21 anywhere near any different than what's going on
22 in my District. I - - I just find it bizarre how
23 the 11th Aldermanic District has - - has a
24 stabbing and we can't get a police officer, but
25 Alderman Bauman has some light cruising and a

00223

1 scuffle, a shooting that may be linked to this
2 particular location, and they've got six squads
3 there, police surveillance. I mean, this is
4 reminiscent of - - of surveillance that I saw
5 that my father took during the riots, and - - and
6 I just - - I'm - - I'm appalled by what - -
7 what's going on in the downtown area, but I'm
8 also appalled by the fact that the Chief, who
9 constantly calls for more police officers, would
10 expend this type of energy on this particular
11 location.

12 If this is going to spiral out of
13 control further than what it is, then let it be
14 so, and - - and then we'll have all of the
15 information, all the necessary reasons to have
16 this particular location deemed a - - a nuisance,
17 and have it eliminated from the licensing process
18 altogether for the next three years. I - - I
19 don't - - I'm still convoluted as to just how far
20 we should go as far as our - - our sanctions are.
21 I guess I'll wait and see what the roll call is,
22 but this is just - - this is just too bizarre for
23 me. Thank you.

24 CHAIRMAN WITKOWIAK: Motion by Alderman
25 Wade is for a 90 day suspension, based on items

00224

1 in the police report, and other written and video
2 evidence presented and testimony. Would the
3 Clerk please call the roll?
4 CLERK ELMER: Alderman Bohl?
5 ALDERMAN BOHL: No.
6 CLERK ELMER: Alderman Wade?
7 ALDERMAN WADE: Aye.
8 CLERK ELMER: Alderman Dudzik?
9 ALDERMAN DUDZIK: No.
10 CLERK ELMER: Mr. Chair?
11 CHAIRMAN WITKOWIAK: Aye.
12 CLERK ELMER: Motion fails. Two to
13 two.
14 CHAIRMAN WITKOWIAK: Motion fails. Two
15 to two.
16 ALDERMAN BOHL: Mr. Chairman, I - -
17 CHAIRMAN WITKOWIAK: Alderman Bohl.
18 ALDERMAN BOHL: At this point I would
19 move, based on items contained within the police
20 report, as well as evidence testified to, for a
21 revocation of the license.
22 CHAIRMAN WITKOWIAK: Motion by Alderman
23 Bohl was for revocation of this license, based on
24 items contained in the police report, and written
25 evidence, video evidence and testimony that we

00225

1 heard today. Is there any discussion on that
2 motion? Clerk, please call the roll.
3 CLERK ELMER: Alderman Bohl?
4 ALDERMAN BOHL: Aye.
5 CLERK ELMER: Alderman Wade?
6 ALDERMAN WADE: No.
7 CLERK ELMER: Alderman Dudzik?
8 ALDERMAN DUDZIK: Aye.
9 CLERK ELMER: Mr. Chair?
10 CHAIRMAN WITKOWIAK: No.
11 CLERK ELMER: Motion fails.
12 ALDERMAN BOHL: Mr. Chairman.
13 CHAIRMAN WITKOWIAK: Motion fails. Two
14 to two. Alderman Bohl.
15 ALDERMAN BOHL: Mr. Chairman, I will
16 vote for - - or I will make a motion for renewal
17 of - - of the - -
18 MR. SCHRIMPF: Mr. Chairman, it's not a
19 renewal.
20 ALDERMAN BOHL: Oh, I'm sorry. I would
21 move for a 90 day suspension of the license,
22 based on matters contained in the police report
23 and all the evidence testified to that were
24 presented here today.
25 CHAIRMAN WITKOWIAK: Motion by Alderman

00226

1 Bohl is to recommend 90 day suspension, based on
2 items contained in the police report, other video
3 and written and test - - evidence submitted and
4 testimony. Would the clerk please call the roll?

5 CLERK ELMER: Alderman Bohl?

6 ALDERMAN BOHL: Aye.

7 CLERK ELMER: Alderman Wade?

8 ALDERMAN WADE: Aye.

9 CLERK ELMER: Alderman Dudzik?

10 ALDERMAN DUDZIK: No.

11 CLERK ELMER: Mr. Chair?

12 CHAIRMAN WITKOWIAK: Aye.

13 CLERK ELMER: Motion's approved. Three
14 to one.

15 MR. SCHRIMPF: Mr. Arena and Mr.
16 Bernstein, the committee is going to be doing
17 findings of fact and conclusions of law
18 recommending the imposition of a 90 day
19 suspension as opposed to a revocation of this
20 license. Both of you will receive copies of that
21 recommendation. Both of you will have an
22 opportunity to submit written objections to that
23 recommendation, which incidentally, must be filed
24 by 4:45 p.m. July the 7th.

25 MR. ARENA: When can I get those by?

00227

1 July the 7th contains one holiday weekend when I
2 intend to be gone.

3 CHAIRMAN WITKOWIAK: That's a personal
4 problem.

5 MR. SCHRIMPF: Well, Mr. Arena, I
6 intend to be gone after the close of business
7 today, so it will be done today. And the next
8 Council meeting is July the 12th. And if you
9 submit written objections to that recommendation,
10 then you will also have an opportunity to appear
11 at the Common Council and argue your positions
12 when it considers this on the 12th of July in the
13 Common Council Chambers of this building, same
14 floor, opposite end, at approximately 9:00 a.m.

15 Do you understand all that?

16 MR. BERNSTEIN: When is the suspension
17 effective?

18 MR. SCHRIMPF: The suspension is not
19 effective until it is formerly served upon the
20 licensee following Council action. And the
21 Police Department assists us in that, so we have
22 the date and the time that it is served on the
23 license.

24 MR. BERNSTEIN: Thank you.

25 CHAIRMAN WITKOWIAK: File No. 060290, a

00228

1 motion relating to the revocation of the Class
2 "B" Tavern and Tavern Amusement Cabaret (Nite
3 Club) licenses for the premises at 618-624 North
4 Broadway Street, and Alderman Wade moves to
5 approve the substitute, and hearing no
6 objections, so ordered.

7 * * * * *

00229

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3 STATE OF WISCONSIN)

4 MILWAUKEE COUNTY)

5

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7 I, JEAN M. BARINA, of Milwaukee Reporters
8 Associated, Inc., do certify that the foregoing
9 transcript was reduced to writing under my direction
10 and that it is a true and accurate transcription of
11 the Licenses Committee Hearing held on June 23, 2006.

12

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14

JEAN M. BARINA - COURT REPORTER

15

Dated this day of July, 2006

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