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CITY OF MILWAUKEE

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UTILITIES & LICENSING HEARING

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In the Matter of:

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CLUB GALAXIA

6

2239 South 13th Street

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COMMITTEE MEMBERS

9

ALD. JAMES WITKOWIAK - Chairman

ALD. JAMES BOHL, JR. - Vice Chairman

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ALD. JOSEPH A. DUDZIK

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ALD. ROBERT PUENTE

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ALD. WILLIE WADE

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HEALTH DEPARTMENT by OSCAR BOND

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BUILDING INSPECTION DEPARTMENT by BRIAN KAUFMAN

13

POLICE DEPARTMENT by SERGEANT JOHN HOGAN

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CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

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NARCISO ALEMAN, Attorney at Law, 925 East
Wells Street, Milwaukee, Wisconsin, appeared on behalf
of the applicant.

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

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LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the

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7th day of December, 2004, before Terese M. Schiebened

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of Milwaukee Reporters Associated, Inc.

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PROCEEDINGS

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(All City Personnel were previously affirmed.)

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CHAIRMAN WITKOWIAK: In the 12th District, Alfredo Garcia, Agent for Almar Enterprises, Inc., Class B Tavern and Tavern Dance Renewal Application for Club Galaxia at 2239 South 13th Street. Good afternoon. Raise your right hand and be sworn in, please.

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(Speakers were duly affirmed.)

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CHAIRMAN WITKOWIAK: State your names and addresses for the record.

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MR. GARCIA: Alfredo Garcia, 5471 South Honey Creek Drive.

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MRS. GARCIA: Maria Garcia, 5471 South Honey Creek Drive, Greenfield, Wisconsin, 53221.

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CHAIRMAN WITKOWIAK: And let the record show that being represented by Attorney Narciso Aleman. Good afternoon again.

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MR. ALEMAN: Good afternoon, Chairman.

CHAIRMAN WITKOWIAK: Do you admit receiving a notice that there's a possibility that your application could be denied because of items contained on the police report?

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MR. GARCIA: Yes.

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1 CHAIRMAN WITKOWIAK: And neighborhood
2 objections to loitering, littering, disturbing the
3 peace, loud music, noise, cars screeching out of the
4 parking lot, traffic, parking problems, criminal
5 activity, violence caused by patrons, vandalism, car
6 break-ins, damage to private property, including
7 bullet holes in residential properties, public
8 urination, gun- and knife-related incidents,
9 shootings, fights, allowing patrons to take open
10 intoxicants off licensed premises, and conduct which
11 is detrimental to the health, safety, and welfare of
12 the neighborhood?

13 MR. GARCIA: Yes.

14 CHAIRMAN WITKOWIAK: Sergeant Hogan.

15 SERGEANT HOGAN: I'll begin with Item No. 12
16 as incidents related to this last licensing period.
17 On November the 23rd of 2003, officers conducted a
18 premises check of Club Galaxia and observed three
19 females that appeared to be underage. They could not
20 produce any identification. All three stated they had
21 told the bouncer they were of age. They were found to
22 be ages 20, 16, and 14. The licensee, though not on
23 the premises, was cited for underage patrons, and as
24 of yesterday afternoon, those had not been taken care
25 of, and that was a municipal warrant.

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1 Item No. 13 pertains to a premises licensed
2 to his wife, in which there was a fight on the
3 premises. The combatants were found to be underage.
4 Mr. Garcia was contacted by the police -- correction
5 -- he was contacted by the bartender and responded to
6 the scene. He was given citations for presence of
7 minor prohibited. Two citations. They have not been
8 taken care of, and they are bench warrants.

9 On July the 24th of this year, officers
10 conducted a premises check of Club Galaxia regarding
11 information received from an informant that gang
12 members were allowed to enter and remain on the
13 premises and were allowed to carry guns in the tavern.
14 Upon entering the premises, officers observed two
15 underage females and one male patron. They were cited
16 for presence of underage. The officers also arrested
17 a male for possession of cocaine with intent to
18 deliver. After observing him run into the restroom
19 and while checking the premises after -- When he ran
20 into the men's room after observing --

21 While checking the premises, the officers
22 recovered a handgun with a 22 round magazine on the
23 counter next to the main bar. This gun was loaded.
24 Also recovered were nine millimeter cartridges, which
25 were next to a security monitor, and these were taken

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1 into custody and inventoried.

2 The officers spoke to the manager and asked
3 if he knew anyone in the bar who had guns. He stated
4 that two guns had been confiscated from patrons and
5 were in the safe in the security room and stated he
6 did not have the key or the combination, that he would
7 call his brother, who is the licensee. While waiting
8 for the licensee, three other underage patrons were
9 discovered and cited. Other patrons were cited for
10 disorderly conduct, obstructing an officer, and others
11 arrested on open warrants.

12 Officers recovered a bag next to the DJ
13 booth which contained \$400 in cash and two clear
14 sandwich bags containing cocaine, total weight of
15 13.12 grams. That was confiscated. It was packaged
16 into several corner cut baggies, I might add.
17 Ownership was not determined, and it was inventoried.

18 When the licensee arrived, he was questioned
19 regarding the safe and whether he had confiscated any
20 guns. He stated he did not have any guns in the safe,
21 that he did not have the key or the combination. He
22 told officers to take the safe, that he didn't want
23 it. The safe was confiscated. After being
24 inventoried, it was opened, and it contained a 22
25 caliber pistol and a pellet gun along with some

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1 cartridge magazines and jewelry and videotapes. All
2 were placed on inventory. The manager was issued a
3 citation for presence of minors prohibited, and there
4 was a finding of guilty on September the 21st of this
5 year.

6 On September the 20th of this year, the
7 applicant and his wife were both issued citations for
8 fire prevention enforcement for the premises at 2239
9 South 13th Street. Those are still open as of this
10 time. I have no further information regarding the
11 circumstances behind that.

12 On October the 8th of this year, two men
13 entered the premises and fought with the owner who was
14 checking their IDs. When the owner tried to remove
15 the men from the premises, one of them brandished a
16 gun and shot the doorman, leaving him in critical
17 condition. Both of these subjects were taken into
18 custody.

19 On October 20th of this year, officers
20 conducted a tavern check of the premises and found
21 that licenses were not properly displayed and that two
22 pool tables were without required permits. Citations
23 were issued to the licensee for display of license and
24 pool and billiard permit required. There is no record
25 of this in the Municipal Court system. That usually

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1 indicates that they were dismissed.

2 On November the 1st of this year, about
3 10:00 p.m., officers conducted a check of the premises
4 as a follow-up to the incident of October 20th, found
5 the premises to be open for business, two subjects
6 playing pool and another behind the bar. The
7 bartender stated that the owner opened the bar but
8 left to attend a meeting, that no one was put in
9 charge, and they were there primarily to do the
10 cleaning. None of these individuals present had a
11 valid bartender's license, and the two individuals
12 playing pool stated that they were employees of the
13 bar, but no employee records could be produced. The
14 individual tending bar was cited for a Class D license
15 required, and he was arrested on a warrant for some
16 drug matters and a municipal warrant for harassing
17 telephone call. One of the other individuals was
18 arrested for a traffic warrant.

19 Officers then conducted a search of the bar
20 area and recovered a loaded 40 caliber pistol in an
21 area near the bar accessible to the public and a
22 loaded weapon magazine from an unlocked closet.
23 Officers also observed the rear of the emergency exit
24 to be obstructed and that the licenses were not
25 properly posted. As the officers conducted their

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1 investigation, an individual entered the bar and told
2 the officers he thought the bar was open for business.
3 The licensee was issued citations for safe egress from
4 entrance doors, Class D license required, licensee
5 responsibility, and display of license. Those are
6 pending a court review on December the 21st.

7 One other item, and that was the licensee
8 was cited on March the 11th of this year for a
9 violation of placard at the location of 2072 South 7th
10 Street. That has not been taken care of. That is an
11 open warrant. I have no further information on that.
12 I do not believe that to be a liquor license premises.
13 That's all I have.

14 CHAIRMAN WITKOWIAK: Thank you. Are there
15 any questions of the police report?

16 MR. ALEMAN: I have Mr. Garcia here to
17 answer some questions about these incidents.

18 CHAIRMAN WITKOWIAK: In a second. Health
19 Department?

20 MR. BOND: No objection.

21 CHAIRMAN WITKOWIAK: Neighborhood Services?

22 MR. KAUFMAN: Hold for failure to provide
23 proper fire inspection, and currently we're seeking an
24 inspection warrant to gain access to the property.
25 Also, the property has never been recorded with the

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1 Department of Neighborhood Services.

2 CHAIRMAN WITKOWIAK: You need an inspection
3 warrant because you're not able to get in there?

4 MR. KAUFMAN: We've been denied access on
5 several occasions. We've sent letters out there
6 stating that we would be there on August 17th to
7 perform the State-required fire safety inspection for
8 any public building and were not able to gain access
9 on that date. Also, again, on November 23rd of 2004
10 we were unsuccessful to gain access on that date. We
11 also have a current letter pending here where Special
12 Enforcement's Tom Cleary is supposed to meet with
13 Alfredo Garcia on December 9th at 2:45. Currently
14 we're seeking an inspection warrant to gain access to
15 the building.

16 CHAIRMAN WITKOWIAK: Thank you. Are there
17 any questions of the Department of Neighborhood
18 Services?

19 MR. ALEMAN: Yes, I have a question. Now,
20 were you denied access or was there nobody there to
21 answer?

22 MR. KAUFMAN: A letter was sent out is all I
23 have here in my documents here, that a letter was sent
24 out and an inspector -- they were made aware that the
25 inspector was going to be there pertaining to that

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1 letter for August 17th of 2004 and again on November
2 23rd. Two attempts were mailed to the owner of record
3 at that place, and no entry was gained. That's all I
4 have on here.

5 MR. ALEMAN: Was the person denied entrance
6 or was there nobody there?

7 MR. KAUFMAN: I don't have that in these
8 records.

9 MR. ALEMAN: So you're not saying that they
10 were denied entrance or denied access, you're saying
11 there was no response?

12 MR. KAUFMAN: We were unable to gain
13 entrance to the building.

14 CHAIRMAN WITKOWIAK: Are there any other
15 questions of Neighborhood Services?

16 ALDERMAN DUDZIK: Not a question to the
17 Health Department but a question for the applicant, I
18 guess. Does he have any proof that he was in Mexico
19 as requested in our documents? It states that we
20 asked for proof that you were in Mexico for the last
21 hearing.

22 MR. GARCIA: For last hearing, no, for the
23 last hearing.

24 ALDERMAN DUDZIK: For the time of November
25 3rd through November 11, 2004.

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1 MR. GARCIA: Not with me, no.

2 ALDERMAN DUDZIK: You don't have any of
3 that. Okay.

4 CHAIRMAN WITKOWIAK: I guess the reason I'm
5 asking if there's any more questions of the Health
6 Department or Neighborhood Services is we could excuse
7 them at this time if there's no other questions for
8 them. Thank you for your testimony.

9 Now, this matter was sent back to committee
10 for the -- For everyone's information, this matter
11 was sent back to committee, and there was included in
12 everyone's file and you also have a copy, I assume, of
13 the transcript from the previous hearing.

14 Can I see a show of hands, are there any
15 people out here to testify in opposition? One. Sir,
16 could you come to the table.

17 MR. ALEMAN: Mr. Chairman, if I may. We
18 served three subpoenas on the people that had provided
19 prior testimony at the previous hearing, and here are
20 the results of that.

21 CHAIRMAN WITKOWIAK: And Alderman Puente
22 would move to make these part of the record in this
23 hearing. And hearing no objection to that, so
24 ordered. Do you need copies of those?

25 MR. ALEMAN: No.

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1 CHAIRMAN WITKOWIAK: Could you raise your
2 right hand and be sworn in, please.

3 (Speakers duly affirmed.)

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

6 MR. GIERLINSKI: David Gierlinski, 2231
7 South 12th Street.

8 CHAIRMAN WITKOWIAK: And where do you live,
9 approximately?

10 MR. GIERLINSKI: I live approximately 150
11 feet or so from the building.

12 CHAIRMAN WITKOWIAK: That's all parking lot?

13 MR. GIERLINSKI: Yes, that's an open parking
14 lot.

15 CHAIRMAN WITKOWIAK: And your testimony is?

16 MR. GIERLINSKI: Well, I'm here to say that
17 I believe this place is definitely a neighborhood
18 nuisance. Everyone in the neighborhood thinks so. As
19 the police department has testified, they've had all
20 kinds of problems. Over the years there have been
21 several shootings, one fatal, several knifings. The
22 traffic on the weekends is horrendous, they're parking
23 all over the place. The place is just a general
24 neighborhood nuisance.

25 CHAIRMAN WITKOWIAK: Thank you. Any members

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1 have any questions of this witness?

2 MR. SCHRIMPF: Mr. Chairman.

3 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

4 MR. SCHRIMPF: When you say that there's
5 traffic and parking problems, could you be more
6 specific. What have you observed regarding that?

7 MR. GIERLINSKI: I would say that on the
8 average weekend there is over 100 cars, reckless
9 driving at closing. My garbage cart was hit by one,
10 by a car two years ago. There's reckless driving,
11 they're parking on lots that they're not authorized to
12 park on. There's reckless driving. It's just a
13 nuisance, a terrible nuisance.

14 MR. SCHRIMPF: Is it worse on the weekends?

15 MR. GIERLINSKI: Yes, yes, primarily it's on
16 the weekends.

17 MR. SCHRIMPF: Friday nights, Saturday
18 nights?

19 MR. GIERLINSKI: Primarily Saturday night.

20 MR. SCHRIMPF: What time do you normally try
21 to go to bed on Saturday night?

22 MR. GIERLINSKI: Well, since their place has
23 been open, I really don't feel safe going to bed until
24 after they're closed down and the place is halfway
25 quiet.

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1 MR. SCHRIMPF: And what time is that?
2 MR. GIERLINSKI: Usually after like 2:30.
3 MR. SCHRIMPF: So it is it fair to say this
4 place has disturbed your sleep?
5 MR. GIERLINSKI: Yes, yes.
6 MR. SCHRIMPF: And this has occurred almost
7 every Saturday night or intermittent Saturday nights?
8 MR. GIERLINSKI: Yeah, I would say on the
9 average most weekends, yes.
10 MR. SCHRIMPF: And I'm sorry I missed it.
11 How far do you live from this place?
12 MR. GIERLINSKI: Approximately 150 feet.
13 MR. SCHRIMPF: Do you rent an apartment or
14 is this your home?
15 MR. GIERLINSKI: No. I own the house.
16 MR. SCHRIMPF: That's all I have, Mr.
17 Chairman.
18 CHAIRMAN WITKOWIAK: Mr. Aleman, do you have
19 any questions of this witness?
20 MR. ALEMAN: Yes, I do. Mr. Gierlinski, I
21 apologize for having misspelled your name on the
22 subpoena. You said there was a car that hit a truck
23 two years ago.
24 MR. GIERLINSKI: A car that hit my garbage
25 container.

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1 MR. ALEMAN: So it was a garbage container?

2 MR. GIERLINSKI: Yes. That is also right
3 next to my parking space less than -- just a few feet
4 away from where I park my truck.

5 MR. ALEMAN: And did you see the car that
6 hit your garbage container?

7 MR. GIERLINSKI: Well, I saw it. It was at
8 closing time and the parking lot was full and it was
9 an extreme amount of traffic, yes.

10 MR. ALEMAN: So you saw the car?

11 MR. GIERLINSKI: Yes, I saw the car.

12 MR. ALEMAN: And did you see the person
13 driving the car?

14 MR. GIERLINSKI: No, no, I wasn't able to
15 identify anybody, no.

16 MR. ALEMAN: Did you see the driver leave
17 the bar and go to the car?

18 MR. GIERLINSKI: Yes, yes. The bar was
19 leaving out and among all of the customers, this was
20 one of them, and he --

21 MR. ALEMAN: And you specifically saw this
22 driver leave the bar, go to his car, turn it on, and
23 hit your garbage container?

24 MR. GIERLINSKI: Yes.

25 MR. ALEMAN: This was at 2:30 in the

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1 morning?
2 MR. GIERLINSKI: Yes.
3 MR. ALEMAN: And you mentioned that there
4 was a lot of reckless driving there?
5 MR. GIERLINSKI: Yes, yes.
6 MR. ALEMAN: What are you considering
7 reckless driving?
8 MR. GIERLINSKI: Squealing of tires,
9 speeding, at one point there was another parking lot
10 that's just adjacent to my house. The car came
11 through that parking lot and hit -- smashed into a
12 parked car on 12th Street across the street. That
13 would be the address of approximately 2230 on 12th
14 Street.
15 MR. ALEMAN: And you saw the driver that was
16 involved in that accident?
17 MR. GIERLINSKI: Yes.
18 MR. ALEMAN: And you saw that driver leave
19 the bar, get in his car, and hit the car that was
20 parked?
21 MR. GIERLINSKI: Yes.
22 MR. ALEMAN: And this was approximately what
23 time?
24 MR. GIERLINSKI: This again was at closing
25 time. This was approximately 2:00 to 2:30.

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1 MR. ALEMAN: When was this?

2 MR. GIERLINSKI: This would have been last
3 year, a year ago in the summer months, either July or
4 August.

5 MR. ALEMAN: Did you report that to the
6 police?

7 MR. GIERLINSKI: Well, I didn't report it
8 myself, but the police did come, and so I'm sure that
9 they have a record of it.

10 MR. ALEMAN: And did you go out there and
11 tell them that you saw this driver get out of that
12 bar, get in that car and hit that car that was parked?

13 MR. GIERLINSKI: No.

14 MR. ALEMAN: Now, you mentioned that there
15 was some underage drinking. Did you see this?

16 MR. GIERLINSKI: Well, the police and that
17 had told you that there had been several reports of
18 underage drinking in the police reports.

19 MR. ALEMAN: No, sir. You testified that
20 there was underage drinking.

21 MR. GIERLINSKI: The police reports also
22 verify that.

23 MR. ALEMAN: We will deal with the police
24 later. Right now, we're asking about your testimony.

25 MR. GIERLINSKI: Well, I've never been in

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1 the premises, so I don't have direct, per se,
2 knowledge of underage drinking.

3 MR. ALEMAN: You mentioned that there were
4 fatal shootings.

5 MR. GIERLINSKI: Yes.

6 MR. ALEMAN: Did you witness these?

7 MR. GIERLINSKI: Yes, I witnessed -- Well,
8 I didn't witness the actual shooting, but I heard the
9 shots, and this occurred just less than 100 feet from
10 my home.

11 MR. ALEMAN: But you didn't see the
12 shooting?

13 MR. GIERLINSKI: I didn't see the shooting
14 happen.

15 MR. ALEMAN: So is it safe to say that you
16 didn't see the shooter?

17 MR. GIERLINSKI: Well, I saw the shooting
18 yes, but I couldn't identify a shooter.

19 MR. ALEMAN: And you saw the shooter leave
20 this bar, go outside and shoot this individual?

21 MR. GIERLINSKI: No, I didn't see him leave
22 the bar.

23 MR. ALEMAN: Thank you, sir. Mr. Chairman,
24 I have no other questions of this witness. Thank you
25 very much. Thank you, Mr. Gierlinski, thank you for

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1 coming.

2 CHAIRMAN WITKOWIAK: Alderman Bohl.

3 ALDERMAN BOHL: It was my understanding
4 based on the police report that there were some
5 warrants that were outstanding. I'm wondering if the
6 applicant has any proof that those items have been
7 satisfied at this point.

8 MR. ALEMAN: No, they have not, but they
9 will be.

10 ALDERMAN BOHL: Just one other thing at this
11 point. I would move to make the entire packet,
12 including the police report, the testimony of the
13 previous proceedings as well as the city attorney's
14 findings of fact be made part of our record.

15 CHAIRMAN WITKOWIAK: Alderman Bohl moves
16 to make the entire packet on this matter a part of the
17 record, as stated, and hearing no objections, so
18 ordered.

19 MR. ALEMAN: Mr. Chairman, I would object to
20 that. We have Mr. Garcia here to answer as to the
21 police allegations. We subpoenaed the people that
22 have been previously here at the hearing. One person
23 showed up. The other two people that testified, we
24 were not given an opportunity to cross-examine. It
25 seems un-American to have the testimony of people that

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1 are not subjected to cross-examination, but if this
2 committee wants to proceed that way, then so be it.

3 MR. SCHRIMPF: Mr. Chairman, let me explain
4 something here. The transcript of the previous
5 hearing does not have to be received as an exhibit by
6 the committee. The committee heard the previous
7 testimony. The transcript you have access to as a
8 result of that because you heard those witnesses
9 testify. The police report is a normal document that
10 comes into the record of the proceeding. The findings
11 of fact previously drawn by the committee really don't
12 have to become part of the record because, as a result
13 of this hearing, there will probably be changes to
14 those findings of fact, based upon additional
15 testimony in evidence.

16 With respect to the earlier testimony, the
17 committee is not required to disregard the earlier
18 testimony. At all times the applicant had an
19 opportunity for cross-examination. The applicant
20 didn't appear at the last hearing. The applicant got
21 the Common Council to send it back to committee for an
22 opportunity for their side to be heard. This is that
23 opportunity. Now, whether or not the committee wants
24 to disregard earlier testimony because -- I know from
25 the license office one witness is unavailable because

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1 they're in another court proceeding this afternoon. I
2 don't know about the other witness that -- I just
3 don't know anything about that, but the point of the
4 matter is is that if the committee wishes to disregard
5 that other testimony, you can do it because they're
6 not available or they couldn't be cross-examined.
7 That's within your discretion, but you are not
8 required to disregard it, because those people were
9 here, they testified, they answered questions of the
10 committee. The license applicant was the individual
11 who wasn't here.

12 Now, if you want to give the license
13 applicant some credit for the fact that he was out of
14 the country, that's entirely, again, within your
15 discretion, but you are not required to disregard the
16 earlier testimony, just so that we are clear on that.
17 And I want to clear up the argument that there was no
18 opportunity for cross-examination. There always was
19 an opportunity for cross-examination.

20 MR. ALEMAN: I would add to the record that
21 if Mr. Garcia was not notified of the hearing, there
22 was no opportunity to cross-examine. He was not
23 present because he was out of the country, he did not
24 receive the notice until he came back from Mexico. He
25 made this statement under oath. Everybody else's

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1 statement is made under oath, but Mr. Garcia is
2 required then to provide proof that he was out of the
3 country, and we will provide it, we will provide it,
4 we will provide the receipts for the trip, but it
5 seems that what we have here is a dual standard is
6 that his testimony under oath is subject to question
7 and requires documentation but nobody else's does.

8 MR. SCHRIMPF: First of all, Mr. Chairman, I
9 think I have to respond to that. When a license is
10 granted by the Common Council, that license is a
11 written instrument that has the date of expiration on
12 it, and so if you're not in the country on the date
13 that that license expires, it seems to me you're
14 already taking kind of a risk because you might have
15 to be here.

16 Secondly, when you're a licensee, the fact
17 that there are incidents that occur at your tavern,
18 that ought to signal you that there is going to be a
19 hearing before the Utilities & Licenses Committee.
20 Now, there's different ways a corporation can appear,
21 and one of them is by counsel. And the last time this
22 matter was here, it was noticed, and he received the
23 notice. It was sent to his address. He got it. He
24 just wasn't there to receive it and know about it.
25 That was his option.

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CHAIRMAN WITKOWIAK: Thank you. Is there anybody else here to testify in this matter? Would you come forth and give us your testimony, please.

MR. ALBA: Raymond Alba, 9241-D, West Allyn Street, Milwaukee. It's on the north side.

CHAIRMAN WITKOWIAK: And your testimony is?

MR. ALBA: Just as a patron and former security for them in one of their establishments about four or five years ago, he was complaining to me about the problems he was having with things. Just to make sure things were going right, he hired an entire security company. He's got about seven security staff, including two mobile units now patrolling his parking lots to avoid problems.

The complaint of litter and the rest coming out of the tavern, he has no tickets for that. That's not his litter. There's a liquor store across the street from him, and the people are coming out of there, buying the liquor, and then loitering in the parking lot. There's no tickets given to him for anything given out for bottles. That's all from the liquor store across the street, and there's a restaurant across the street that also serves, and part of the parking situation involves both establishments.

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1 He has a very symbiotic relationship with
2 the rest of the businesses in the neighborhood. He's
3 got testimony from them stating that he is useful for
4 the business because the restaurants depend on his
5 business to create business. He's put up a lot of
6 money to put this extra security out there. He has
7 about seven security people out there now on the
8 weekends. This establishment is basically a weekend
9 establishment.

10 His Wednesday night run was really done
11 strictly for the Latin League because this Latin
12 League -- you're familiar with the Latin League,
13 you've been there for the meetings -- this Latin
14 League was established about 30 years ago, 25, 30
15 years ago, to give the money and all the proceeds and
16 the rest to keep it in the community, so it's
17 basically like a situation where they go from one
18 Latin tavern to another to have parties, to have
19 business created for these, they have food brought in
20 from Mexican restaurants in the area to establish more
21 of a community relationship for it.

22 Well, he really does not make money from the
23 Wednesday night leagues when all this stuff is
24 happening for. He loses money because his money comes
25 from weekends when he has dances, when he has

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1 everything happening. He just did this to support the
2 Latin League, and this is when all this stuff that
3 happens has been happening. It wasn't anything he
4 could control as much because on those days he didn't
5 have as much security because he didn't expect that
6 many customers. So now he's increased his security on
7 Wednesdays, also, from having the one or two people he
8 had on there, which is what happens when he had the
9 shooting for enforcing the law.

10 There's something a little bit funny about
11 that when the man's doing what he's supposed to do
12 enforcing ID from removing the person from the
13 premises because he has a problem with him, and then
14 his security person gets shot, and they come back and
15 jump on him. The gun that was confiscated the next
16 day that they came in to complain about was his house
17 gun. They were closed. The bar was not open. He
18 came in to open the doors for the cleaning staff.
19 That was who was on the premises. They cleaned the
20 place on Monday because the Friday, Saturday, Sunday
21 are their main days for the dances. They're open on
22 Thursday, also. That's their main days they're open.

23 Other than that, they set up the pool tables
24 for this league. They used to have other bars, he had
25 this league for about 10 years at different bars, and

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1 he's established to keep it up again on Wednesday. So
2 he put up the pool tables, he's got licenses for them
3 now. The complaint was he didn't have licenses for
4 them. The minute that complaint was heard, he went
5 down to the City Hall and got licenses for the
6 billiard tables, so you haven't heard any complaints
7 about that. Right away he went and got that, took
8 care of that.

9 But his Wednesday nights when all this was
10 going on was less security because he didn't expect as
11 much customers and he didn't have as much customers.
12 Really he's being penalized for the Wednesday night
13 leagues where he's trying to support the community
14 organizations that are there for him on the weekends
15 to avoid all the problems that were there with
16 anything that there was a complaint about, not that he
17 was necessarily doing it. Again, there's restaurants
18 there.

19 You can't make me believe this gentleman saw
20 someone get out of the bar -- follow everyone that
21 came out of -- follow 300 people that came out of this
22 place, saw that one get into his car and hit his trash
23 can two years ago, saw the other person get into his
24 car. I'm sorry, but I have a little tough time
25 believing this man watches every person getting into

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1 these cars and then sees this. See what I'm saying?

2 But because of accusations like this, he
3 increased his security to avoid a problem, including
4 two mobile units, so that he doesn't have that
5 problem. He's offered to secure the parking lots
6 across the way for the restaurant that's there. He
7 now patrols their area, as well, because the security
8 units are there. He's paying for them either way.
9 He's now patrolling the units for the whole area to
10 keep problems from happening. I don't know what more
11 you can ask him to do other than hire seven security
12 people, from an outside firm, not only his own people
13 now.

14 He's hired an outside firm to do this before
15 he hired his own staff to avoid problems with not
16 having people that knew what they were doing. He's
17 put on an outside security firm.

18 CHAIRMAN WITKOWIAK: Questions by members of
19 committee?

20 MR. SCHRIMPF: You said that the parking lot
21 that's used is also used by some restaurants, and I
22 think you said liquor store; is that correct?

23 MR. ALBA: There's a marketplace -- a store,
24 a supermarket-type thing, there's a liquor store
25 across the street.

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1 MR. SCHRIMPF: What time do they close?

2 MR. ALBA: They close about 9:00.

3 MR. SCHRIMPF: And the restaurants, what
4 time do they close?

5 MR. ALBA: The restaurant opens until 4:00.

6 MR. SCHRIMPF: But they would have to stop
7 serving alcohol at 2:30.

8 MR. ALBA: They stop serving alcohol. But,
9 again, the problem isn't with the fact there's people
10 out there drinking, the problem is with the fact that
11 there's litter out there which is caused by people
12 bringing out the things from the liquor store leaving
13 bottles all over the place. The complaint isn't that
14 there's people out there drinking, because no one's
15 caught anybody and ticketed them for that, the
16 complaint is that there's bottles the next day and
17 litter the next day, and that's coming from the store,
18 not from the bar because there's seven security guards
19 at the door checking people to make sure they don't
20 take anything out the door.

21 MR. SCHRIMPF: As I understood it then, the
22 neighborhood complaint was that you have ongoing
23 parties and squealing of tires and reckless driving
24 in the parking lot.

25 MR. ALBA: The squealing of tires is a

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1 possibility from any parking lot, but whether that's
2 coming just from the bar or there's another bar around
3 the corner that also has a similar situation,
4 Tres-Hermanos, you also have the restaurant there
5 which also serves alcohol and you also have the
6 restaurant across the way. Now, no one can say that
7 all the customers that are squealing tires are coming
8 from his bar alone or not from the restaurant, not
9 from the other restaurant around the corner, not from
10 the other tavern around the corner that also has
11 dances.

12 MR. SCHRIMPF: Your point is that there's
13 several sources --

14 MR. ALBA: There's several sources.

15 MR. SCHRIMPF: -- for that conduct, one of
16 which is this location.

17 MR. ALBA: One of which can be this one.
18 But he's put extra security on to avoid the problem
19 where nobody else has.

20 MR. SCHRIMPF: That's all I have, Mr.
21 Chairman.

22 CHAIRMAN WITKOWIAK: Alderman Puente.

23 ALDERMAN PUENTE: Thank you, Mr. Chair. As
24 you relate to all these locations, some of them are
25 quite some distance away. You can't tell me, because

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1 I know that they're not, as you want to put it, right
2 across the street. They're several feet away, several
3 hundred.

4 MR. ALBA: Can I make a comment?

5 ALDERMAN PUENTE: Wait until I'm done,
6 please, sir. Did I give you the courtesy and listen
7 to you?

8 MR. ALBA: Absolutely.

9 ALDERMAN PUENTE: Then all I ask is the
10 same.

11 MR. ALBA: Absolutely.

12 ALDERMAN PUENTE: So what I'm saying here
13 is that I don't agree with what you're saying in
14 making it out they're right across the street.
15 Tres-Hermanos I know is around the block, so they're
16 not right across the street. Secondly, you, as you're
17 pointing out to this gentleman behind you, you work
18 for this gentleman.

19 MR. ALBA: Not anymore. I did a long time
20 ago, yeah. I'm basically just a patron.

21 ALDERMAN PUENTE: But you know this
22 gentleman, you have a relationship with him.

23 MR. ALBA: I have a relationship with him,
24 absolutely.

25 ALDERMAN PUENTE: Would you call him a

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1 friend?

2 MR. ALBA: Absolutely.

3 ALDERMAN PUENTE: So you have a personal
4 interest. The gentleman behind you does not have a
5 personal interest in this. So for you to tell him
6 that he didn't see what he testified to --

7 MR. ALBA: I'm not saying he didn't.

8 ALDERMAN PUENTE: That's what you did say.
9 Again, you keep interrupting me.

10 MR. ALBA: I'm sorry.

11 ALDERMAN PUENTE: So I'm letting you know
12 that we take what he says, and it's what we take that
13 matters.

14 MR. ALBA: Absolutely. May I respond now?

15 ALDERMAN PUENTE: Sure.

16 MR. ALBA: The restaurant you're referring
17 to in the nightclub is about how many feet away?

18 ALDERMAN PUENTE: I'm asking you. I don't
19 have to testify.

20 MR. ALBA: Okay. It's closer to that
21 parking lot than his house is, correct?

22 ALDERMAN PUENTE: I'm asking you.

23 MR. ALBA: The place we're talking about is
24 around the corner on Lincoln.

25 ALDERMAN PUENTE: Yeah, I know where it is.

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1 MR. ALBA: It's on the same block, correct?

2 ALDERMAN PUENTE: It's around the corner,

3 it's on Lincoln.

4 MR. ALBA: But it's on the same block.

5 ALDERMAN PUENTE: No. It's on Lincoln. I

6 know where this place is.

7 MR. ALBA: But it's on the same block.

8 ALDERMAN PUENTE: I already answered your

9 question.

10 CHAIRMAN WITKOWIAK: I don't want to belabor

11 this anymore. What's your point?

12 MR. ALBA: He's saying that it's further

13 away, and I'm saying it's actually closer than his

14 house is.

15 ALDERMAN PUENTE: That's not what I'm

16 saying. I'm saying that what your testimony is that

17 you're making it sound like they're right across the

18 street, when I believe that you're misunderstanding or

19 misrepresenting the distance of some of these

20 locations.

21 MR. ALBA: There's a supermarket directly

22 across the street. There's the liquor store that is

23 right on the corner.

24 CHAIRMAN WITKOWIAK: Mi Super Mercada.

25 MR. ALBA: Right. Directly across the

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1 street is a restaurant.

2 CHAIRMAN WITKOWIAK: Used to be Mi Super
3 Taco, now it's a different place.

4 MR. ALBA: Exactly. It's directly across
5 the street, correct? I'm not representing that. The
6 other restaurant and bar I'm talking about is on the
7 same block around the corner, correct?

8 CHAIRMAN WITKOWIAK: Yeah, yes. It would be
9 but around the corner and down to the other end of the
10 block.

11 MR. ALBA: It's towards the middle end of
12 the block around the corner, and there's no other
13 parking lots in the area. So therefore, some of their
14 customers, which they also are licensed, about 200
15 customers or something like that, also use that area
16 to park in.

17 ALDERMAN PUENTE: Have you seen that?

18 MR. ALBA: Yes, I have because I've been at
19 both places, because there's no place else to park.
20 It's just a matter of common sense. They're going to
21 go as close --

22 ALDERMAN PUENTE: So you've seen the people
23 at Tres-Hermanos come out, go into cars --

24 MR. ALBA: I've seen them go into
25 Tres-Hermanos and park in the same lot because I park

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1 there. So I see some customers go there, some
2 customers go to the restaurant to eat at Tres-Hermanos
3 earlier in the evening, and I see them park. There's
4 a bank area there on Lincoln Avenue, which is also
5 part of the area that's involved in the parking, and
6 some people go from that area to walk over to Lincoln,
7 because it's on Lincoln, to Tres-Hermanos, so some of
8 the parking lot is shared by them.

9 ALDERMAN PUENTE: How do you see that?

10 MR. ALBA: Because I go there as a patron,
11 and I park my car there.

12 ALDERMAN PUENTE: How many people have you
13 seen do that?

14 MR. ALBA: I don't know. Maybe two, three
15 times. I'm not saying that --

16 ALDERMAN PUENTE: Two or three people?

17 MR. ALBA: I don't live across the street.

18 ALDERMAN PUENTE: Exactly.

19 MR. ALBA: I don't pay attention to
20 everybody. I'm not trying to make up a story that I
21 saw everybody do this all the time, I'm telling you
22 that common knowledge is that some of the patrons
23 go there that park there, only because it's parking,
24 not because there's a problem with it. I'm not
25 complaining about Tres-Hermanos having that done, and

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1 you know the area, you know what I'm saying. There's
2 not a lot of parking in the area.

3 ALDERMAN PUENTE: Would you say the people
4 that park in and around this location go more to his
5 establishment --

6 COURT REPORTER: Please let him finish.

7 MR. ALBA: I'm sorry, I'm sorry.

8 ALDERMAN PUENTE: He answered the question.

9 MR. ALBA: I'm going to agree with you, yes,
10 but there are some patrons, as well.

11 MR. SCHRIMPF: Reconstruct your remark,
12 reconstruct your answer, please.

13 CHAIRMAN WITKOWIAK: Let's conduct this
14 civil from now on. This is getting -- it's annoying
15 me. Go ahead.

16 ALDERMAN PUENTE: Would you say the volume
17 of traffic is coming more for his club than the other
18 restaurants, Tres-Hermanos, and those type of things?

19 MR. ALBA: I would have to say yes.

20 ALDERMAN PUENTE: Thank you.

21 ALDERMAN WADE: Mr. Chair. I have a
22 question for the gentleman, the business owner.
23 What's your name again, sir?

24 MR. GARCIA: Alfredo Garcia.

25 ALDERMAN WADE: How much do you pay for this

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1 extra security, what's the price tag?
2 MR. GARCIA: It's around \$800 a week.
3 ALDERMAN WADE: \$800 a week?
4 MR. GARCIA: Yes, sir.
5 MR. GIERLINSKI: A week? Come on.
6 ALDERMAN PUENTE: Mr. Chair. As stated
7 earlier, you did get a letter of notice to bring some
8 type of proof that you were out of the state November
9 3rd through the 11th. Did you not receive that?
10 MR. GARCIA: No.
11 CHAIRMAN WITKOWIAK: Is that true?
12 MR. ALEMAN: I don't have it.
13 MS. BARRON: Mr. Chair, in the notice, which
14 was sent to the applicant and to the attorney, I
15 believe that they stated they received it, that was
16 listed in there.
17 CHAIRMAN WITKOWIAK: It was listed?
18 MS. BARRON: Yes.
19 MR. SCHRIMPF: Final sentence of the first
20 paragraph.
21 MR. ALEMAN: Okay. Then I missed that.
22 It's here.
23 ALDERMAN PUENTE: My next question was why
24 didn't you bring it, but I think you just answered it.
25 ALDERMAN DUDZIK: Sir, you state that you're

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1 a patron of the bar?

2 MR. ALBA: Yes. A non-drinking patron. I
3 don't drink.

4 ALDERMAN DUDZIK: That's a good thing. Have
5 you ever witnessed underage drinking at this location?

6 MR. ALBA: If I did, I didn't know it
7 because I wouldn't check IDs.

8 ALDERMAN DUDZIK: Have you ever witnessed
9 gang activity at this location?

10 MR. ALBA: What do you consider gang
11 activity? Again, I wouldn't know what gang activity
12 is in terms of gangs. They go in there and they
13 dance.

14 ALDERMAN DUDZIK: Have you ever witnessed
15 drug activity? Obviously, you know what drugs are.

16 MR. ALBA: Oh, yeah, I know what drug
17 activity is. I have not only witnessed drug activity,
18 but I've also turned it in to him, and he's kicked the
19 people out because I used to do that for him.

20 ALDERMAN DUDZIK: With regard to some of the
21 neighborhood objections, because you are a patron,
22 have you ever witnessed littering, loiter, disturbing
23 the peace, loud music, squealing tires?

24 MR. ALBA: I've seen squealing tires. I
25 don't know where the patrons came from. It's a common

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1 fact in any parking lot. I've seen people leave like
2 that. I haven't seen where they came out of.

3 ALDERMAN DUDZIK: When 300 people leave, you
4 obviously couldn't keep track of all of them.

5 MR. ALBA: I don't know if they're coming
6 from this place, this place, but I have seen squealing
7 tires. That's a common thing any time you're out
8 there.

9 ALDERMAN DUDZIK: My question is to the
10 owner. Capacity of the club?

11 MR. GARCIA: 300 people.

12 CHAIRMAN WITKOWIAK: Anything further?

13 MR. SCHRIMPF: Mr. Chairman, one follow-up
14 question. You indicated that there's one restaurant
15 that's open until 4:00 a.m. Is that Tres-Hermanos?

16 MR. ALBA: No, no. I think they close
17 earlier. I'm not a regular customer there, but I
18 think they're combined with their bar, so they close a
19 little earlier. There's a restaurant across the
20 street, directly across the street that's open later.

21 CHAIRMAN WITKOWIAK: It used to be Mi Super
22 Taco.

23 MR. ALBA: He knows it better than I do.

24 MR. SCHRIMPF: Whatever was Mi Super Taco?

25 MR. ALBA: Right.

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1 CHAIRMAN WITKOWIAK: Now it's Mi Perla, it
2 used to be Super Taco. Alderman Puente.
3 ALDERMAN PUENTE: Do you know if they have a
4 liquor license in that establishment?
5 CHAIRMAN WITKOWIAK: Yes, they do.
6 ALDERMAN PUENTE: Thank you.
7 CHAIRMAN WITKOWIAK: Thank you for your
8 testimony, sir.
9 MR. ALBA: That's all I have to say.
10 CHAIRMAN WITKOWIAK: Did you wish to
11 testify? Please come forward.
12 MR. GARCIA: She speaks Spanish.
13 MR. ALEMAN: Attorney is interpreting.
14 CHAIRMAN WITKOWIAK: Your name and address
15 for the record, please.
16 MS. DIAZ: Rosa Diaz, 2209 South 37th.
17 CHAIRMAN WITKOWIAK: 2209 South 37th. And
18 her testimony is?
19 MS. DIAZ: It's a place I have gone to for
20 four years. Until now, I have not seen that there
21 have been problems. It's an agreeable place where we
22 can have a good time. I like the place because of the
23 security and protection that it offers.
24 MR. ALEMAN: She was hearing about the
25 problem that they were having with the parking, that

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1 she likes the parking that is there. When they leave,
2 there's a lot of police in the area.

3 MS. DIAZ: I do not see people drinking.
4 Everybody leaves calmly.

5 MR. GIERLINSKI: Oh, come on.

6 MR. ALEMAN: And that's all she can say
7 about that.

8 CHAIRMAN WITKOWIAK: Thank you. Any
9 questions by members of the committee?

10 ALDERMAN DUDZIK: Mr. Chair. I'll ask the
11 same three questions I asked of the gentleman. Did
12 she ever witness underage drinking?

13 MS. DIAZ: No.

14 ALDERMAN DUDZIK: How about any gang-related
15 activity?

16 MS. DIAZ: No.

17 ALDERMAN DUDZIK: And how about drugs, any
18 drug activity?

19 MS. DIAZ: No.

20 ALDERMAN PUENTE: What is your relationship
21 to Mr. Garcia?

22 MS. DIAZ: I know him as the owner of the
23 place.

24 ALDERMAN PUENTE: Has she ever worked for
25 him?

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MS. DIAZ: No.

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ALDERMAN PUENTE: Are they friends?

3

MS. DIAZ: Friends, friends like real friends, no. We have a conversation, conversation.

5

ALDERMAN PUENTE: Acquaintances?

6

MS. DIAZ: Um-hum.

7

CHAIRMAN WITKOWIAK: Any other questions by members of the committee? Thank you for your testimony.

8

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10

MR. CERDA: Blas Cerda, and I live at 2214 South 15th Street.

11

12

CHAIRMAN WITKOWIAK: And your testimony was?

13

14

MR. CERDA: I'm a neighbor of the establishment. I've been living there for 18 years, and I go once in a while. I'm not the one to check IDs. I don't stay that long, but I think that they run the business the best they can. And there's not much that I can say. I help my daughter to run the place, and it's very hard to run a bar. But we try and I try and he's trying to do the best to support his family. And I was here to let you know that you guys got to give us a chance to work. And there's not much I can say, and that's it.

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CHAIRMAN WITKOWIAK: Thank you. Questions by members of the committee?

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ALDERMAN WADE: Mr. Chair. I got just a
2 general question just for my own basic knowledge.
3 What is considered gang activity? Could somebody just
4 tell me what gang activity is?

5

CHAIRMAN WITKOWIAK: I think everyone has
6 their own definition of that.

7

ALDERMAN WADE: So it's whatever I think.

8

9

ALDERMAN PUENTE: I could elaborate maybe.
10 Gang activity is considered a group of people, and it
11 could be two or more, that for whatever affiliations,
12 tattoos, they could be giving hand signals, it could
13 be the colors that they wear, it could be graffiti, it
14 could be any of that that does illegal activity for
15 whatever reason. But that basically is what gang
16 activity is. Do you need anything else besides that?

17

ALDERMAN WADE: I just want to make sure I'm
18 clear. So when you asked the question if there's any
19 gang activity going on in the bar, you mean they
20 would be in the bar giving gang signs, they would have
21 tattoos and colors and stuff that would signify their
22 affiliation to a gang?

23

ALDERMAN PUENTE: You got it, you got it.

24

CHAIRMAN WITKOWIAK: Thank you for your
25 testimony.

25

MR. CERDA: Thank you.

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1 MR. ALBA: Can I say something?

2 CHAIRMAN WITKOWIAK: I don't want to get
3 into an exchange again, but if you have something to
4 add, very briefly.

5 MR. ALBA: Raymond Alba, still under oath,
6 of course. You're asking about clothing for gangs and
7 you're asking about gang activities. There's a dress
8 code with no sports gear during the weekend, dress
9 shoes, no tennis shoes. Obviously, mostly gangs wear
10 tennis shoes and stuff like that.

11 On the way in into the interior, so you guys
12 can see, there's a window where they have to present
13 ID, and they have the little instant machine where you
14 check the IDs, et cetera, which don't work very well
15 with Mexican IDs. Some of these girls get away with
16 this stuff because they're aliens, and the IDs don't
17 work well in the machine for other than State IDs, if
18 you know what I'm saying. That makes it kind of
19 tough. That's where you have an underage problem
20 because you can't tell what age they are because the
21 machine won't take the ID, and you have to kind of
22 guess. That's why we were having the underage
23 problem, which were being more strict on now. They
24 won't take those anymore.

25 But you're not going to see what you would

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1 consider gang activity as far as the clothing and the
2 tennis shoes and the rest, which is why we're making
3 kind of faces, Because it's a nightclub, and you're
4 not having that kind of clothing allowed in there.
5 You'd have a better chance of thinking the Tahanos
6 (phonetic) are gang activity because we're all wearing
7 the Tahano hats for cowboy hats and the western style
8 clothing and the cowboy boots, and there's more of
9 that in there, 50 percent of it in there for half the
10 men as opposed to anything else of a local gang-type
11 situation. So unless you consider country western
12 dress to be gang-oriented, that's most of what you see
13 for clothing for a lot of the people that are in
14 groups because they're from Texas wherever other
15 Hispanics they come from, and they dress more like
16 that, like country western style and Mexican dress,
17 and you see more of that in there.

18 That's why we're not getting hit on for gang
19 activity, because as a rule, there's a dress code plus
20 an ID Check done at the window with the security, so
21 you don't have that kind of problem. That's what the
22 woman is saying, there's a lot of security there to
23 avoid that problem.

24 ALDERMAN PUENTE: Mr. Chairman. As you
25 stated earlier, you didn't know what a gang was, so

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1 you wouldn't know.

2 MR. ALBA: No, no. I said I didn't know
3 what gang activity was by your standards, like he
4 asked, because I didn't see any gang activities.
5 There's nothing to see at that time.

6 ALDERMAN PUENTE: Also, these gang members
7 wear their colors underneath other clothing.

8 MR. ALBA: I would have no way to check
9 that.

10 ALDERMAN PUENTE: I know. You're telling me,
11 though, one thing, and I'm letting you and the public
12 know that the gangs do wear their colors underneath
13 other clothing.

14 MR. ALBA: I wouldn't have any way to even
15 see that. I wouldn't even know what a gang member
16 looked like without colors.

17 ALDERMAN BOHL: Sir, you mentioned that Mr.
18 Garcia has a machine that reads IDs.

19 MR. ALBA: Yeah.

20 ALDERMAN BOHL: Are you intimately aware of
21 how that machine operates?

22 MR. ALBA: No, because I haven't done this
23 in four or five years. The machines came more
24 recently. I used to work four or five years ago at
25 the door, but they didn't have machines back then.

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1 ALDERMAN BOHL: You indicated that if
2 illegal aliens or aliens came in, if legal aliens came
3 in that their identification would not be verified,
4 and that's why there's an underage problem?

5 MR. ALBA: There's more of a problem with it
6 for identification for aliens because it's harder to
7 have IDs for them. They don't have the same amount of
8 IDs.

9 ALDERMAN BOHL: I don't want to put words in
10 your mouth, but it seemed to me that you were implying
11 therefore there were some underage individuals who are
12 in that bar because, gee, we can't verify their ID
13 well.

14 MR. ALBA: I'm saying matters come up
15 because there's been complaints about it and tickets
16 given to them for underage, and that's why, because
17 it's hard for them to take the IDs and check it the
18 same way. Now, they scrutinize it more and just hire
19 more security that wasn't Hispanic that was an outside
20 security firm to make sure that the IDs are being
21 checked.

22 ALDERMAN BOHL: Mr. Garcia, are you carding
23 everyone, including the legal aliens?

24 MR. GARCIA: Yes, sir.

25 ALDERMAN BOHL: If you have a resident alien

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1 who comes in and doesn't have a verifiable State of
2 Wisconsin ID or driver's license, do you ID them with
3 a picture ID?

4 MR. GARCIA: Just have something with a
5 picture ID and the date of birth.

6 CHAIRMAN WITKOWIAK: Attorney Aleman, do you
7 have anyone else you'd like to call to give testimony?

8 MR. GARCIA: There was somebody else here,
9 but they stepped outside.

10 MR. ALEMAN: No, Mr. Chairman. We want to
11 be appreciative of the committee's time we, and we
12 want to be respectful of the time that you have and
13 that you have given.

14 I have a series of questions of Mr. Garcia
15 concerning some of the police reports.

16 CHAIRMAN WITKOWIAK: Please, go ahead.
17 Please, proceed.

18 MR. ALEMAN: Mr. Garcia, you realize and you
19 know that you're under oath?

20 MR. GARCIA: Yes, sir, I am.

21 MR. ALEMAN: Were you present at the Galaxia
22 Club on July the 24th, 2004?

23 MR. GARCIA: Remind me with the incident.

24 MR. ALEMAN: That was an incident in which
25 there was a safe that was either confiscated by the

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1 police or given to them by you.

2 MR. GARCIA: I wasn't there when they got
3 there, but then I got a phone call that the police
4 were there and my presence was required, I got there.
5 There was a tremendous police force, there was too
6 many officers, and they were checking and frisking
7 everyone, carding everybody.

8 MR. ALEMAN: How many police officers were
9 there?

10 MR. GARCIA: I would say about 40, 40 to 50
11 police officers. I didn't count them, but it was
12 overwhelming the police force that showed up at my
13 place. This is not the first time that happened, by
14 the way.

15 MR. ALEMAN: Approximately how many clients
16 did you have?

17 MR. GARCIA: About 200.

18 MR. ALEMAN: Your place is pretty dark
19 during the time that it's open. Were the lights on?

20 MR. GARCIA: Yes, they were.

21 MR. ALEMAN: So the music had stopped, the
22 lights were on?

23 MR. GARCIA: They stopped everything. They
24 stopped people from drinking, nobody could go to the
25 bathroom, I couldn't do anything.

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1 MR. ALEMAN: And where were the people, the
2 200 people when you walked in?

3 MR. GARCIA: Well, when I walked in,
4 actually at that time they were gone, there was nobody
5 there. They closed the place off, and they turned
6 everybody away.

7 MR. ALEMAN: So when you got to the bar,
8 there was nobody there?

9 MR. GARCIA: No, except I guess the last of
10 the few people that we escorted out and one of my
11 employees. There was like maybe 30 people there, but
12 they were just being like one at a time being taken
13 out.

14 MR. ALEMAN: So how do you know that there
15 were 200 people there?

16 MR. GARCIA: That's the body count that I
17 know because when people come in, each one of them
18 receives a ticket. So when they come in, there's a
19 person frisking them for weapons, and they give this
20 person a ticket, so this ticket is put into a little
21 box, and that's how we know how many people were
22 there.

23 The ID is done outside. Before they enter
24 my door, they're checked for ID outside of the door.
25 Once they show proof of age, then they walk in. I do

00050

1 have a charge because of all the clothes that I have,
2 security and everything, so we charge. So when these
3 people pay their fees to get in, they receive a
4 ticket. Then that ticket is given to a person that is
5 frisking them. Without the ticket, they cannot come
6 in, and that's how I know how many people roughly were
7 there.

8 MR. ALEMAN: So tell us what happened when
9 you arrived.

10 MR. GARCIA: Well, when I arrived I was
11 denied entrance by police officer, and I said I'm the
12 owner. He said no, wait, show an ID, so I showed him
13 an ID, and he frisked me then for weapons or anything,
14 then he called somebody inside and told somebody
15 inside that the owner was there. So he told him to
16 let him in. So they let me in.

17 I couldn't talk to anyone, and I seen all
18 these police force inside, that it was way too many.
19 I said what's going on. There was an officer with a
20 flashlight going into every cup, every ashtray on each
21 and every table. He was going like this, lifting
22 whatever was in front of him and checking with a
23 flashlight, under every chair, every ashtray, every
24 bottle, every glass he was going like this. And I
25 yell from the bar, "Why don't you guys save yourself

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1 some time, bring some dogs, bring some police dogs.
2 You're looking for drugs. The dog can stiff it out
3 right away. Save some time. You're wanted out there
4 in the community if someone's been killed out there.
5 You're wasting time in the bar."

6 I don't hide things. You know me
7 personally, how I operate and gang staff, but it's
8 posted at my door as you come in. I don't allow any
9 stuff, colors, chains. I have a real tight dress
10 code. So anyway I yelled at this officer, "Save
11 yourself some time. You're more useful out there in
12 the community than in this place."

13 Anyway, they took about two hours,
14 two-and-a-half hours in my place. They checked the
15 place up and down, combed the place. Then they said
16 to open that safe. And sir, I forgot the combination
17 for the safe years ago. I had that safe for many
18 years, and the only use I have for it is as a table.
19 If there's anything inside, I don't need it. That's
20 why I haven't opened it. Otherwise, I would call a
21 locksmith to open it if I have something important in
22 there. I don't know what's in there. I had this, I
23 don't know, about four years, five years, but I
24 haven't gone into that safe.

25 So he said if you can't open it, we're going

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1 to take it. I said fine, go ahead. I said what do
2 you expect to find, I asked him what do you expect to
3 find in there? He said drugs or weapons. I said if
4 you find anything, I would like to be there present
5 when you open it. And he refused. He said no, no, you
6 don't have to be there. I said I want to be there.
7 How do I know what's going to come out of there
8 without me being present? Anybody can say anything
9 that came out of there when maybe it wasn't true.

10 So he told me he refuse, he said no, you
11 don't have to be there. I said okay. You know what,
12 I got nothing to hide. If I got anything illegal in
13 there, I open my bar at 8:00 tomorrow night, come here
14 and arrest me. Somehow I believe they found nothing
15 because they never came back to arrest me.

16 MR. ALEMAN: Were you present when they
17 found two clear sandwich bags containing cocaine and
18 \$4,000 in cash?

19 MR. GARCIA: I was there, but I found that
20 out later that they had found that stuff in there.

21 MR. ALEMAN: They did not tell you at the
22 time?

23 MR. GARCIA: No.

24 MR. ALEMAN: Did they ask anyone who it
25 belonged to?

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1 MR. GARCIA: Yes. I'm sure they asked
2 people, but I don't know who they asked. The answer
3 would be no.

4 MRS. GARCIA: As far as I know, I usually
5 keep the bag there because I have singles, fives and
6 tens.

7 MR. GARCIA: Only keep change, change for
8 the bar for the cash register. They need money there.
9 We always keep a bag with change, \$300, \$400,
10 sometimes \$600 in singles, five, tens, and whatever
11 money we give, they say give me 50 singles, I give 50
12 singles, I give 50 singles and they give me \$50
13 back, and I put it in the same box. Change money for
14 the bar. That might be in the bag they found with
15 money, I don't know.

16 MR. ALEMAN: But you were not there on July
17 24th?

18 MRS. GARCIA: No.

19 MR. ALEMAN: Were you given a citation on
20 September 20th, 2004 for fire prevention and
21 enforcement for the premises?

22 MR. GARCIA: Not that I know of, no.

23 MR. ALEMAN: Were you present on October the
24 8th, 2004 when two individuals fought with your
25 security about IDs?

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1 MR. GARCIA: No. Did you read that if it
2 says they fought the owner? I believe someone said
3 they fought the owner.

4 MR. ALEMAN: Yes. "When the owner tried to
5 remove the men from the premises, one of the men" --

6 MR. GARCIA: No. Just for the record, they
7 didn't find me. I'm the owner. They didn't fight me.
8 They argued with the bartender because the bartender
9 refused to serve them because they didn't show proof
10 of age. So one of those individuals got real
11 aggravated because this bartender asked for an ID.
12 And I was in there with my wife, and he started
13 raising his voice, and he got very violent as to the
14 fact that they were carding him.

15 One of them got real aggravated, and I sat
16 on my chair, I was walking towards him, he saw me --
17 I mean we looked at each other in the eye. I believe
18 somehow he knows me. I never -- I don't know that
19 individual. When he saw me, he started walking out
20 towards the door, outside before he walked out just by
21 the door he asked me, hey, me and you outside, and I
22 was like fussing, like what's going on? He was
23 challenging me to go outside with him, and I just was
24 -- I didn't move. He took a step outside, and
25 then he turned around with a gun like this to my face

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1 like two feet away from my face. Somehow, I don't
2 know why, he didn't shoot. That's it, he's not
3 shooting. Why he got mad at my bartender, because
4 we're doing what you guy require us to do, the police
5 CHAIRMAN WITKOWIAK: Now I have a question.
6 You're supposed to be -- you say you check everybody
7 at the door. How did this guy get up to the bartender
8 and then you asked him for ID? Do you know what I'm
9 talking about? I'm confused.

10 MR. GARCIA: There was a person at the door,
11 he showed the ID at the door. But I tell my
12 bartenders even though I have people checking the
13 doors, if there's someone that looks young, double
14 check, double check and make sure, and that's what
15 this person did.

16 ALDERMAN WADE: I have got a question. You
17 say that the gentleman pointed the gun at your face as
18 he was leaving your establishment. Your security
19 people, don't they pat people down or check people?
20 Do you have a scanner? Was he inside the place with
21 the gun, and if he was, how did he get in the place
22 with the gun?

23 MR. GARCIA: This happened very -- Things
24 happened -- See, that's one thing you have to
25 consider. When something happens, you don't really

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1 know how it happened. I don't know what happened.
2 There were people inside the bar that day. It was a
3 Wednesday night, opposed to what he says here it was a
4 Tuesday, it was a Wednesday night. There were a
5 couple girls that went in there, four girls went
6 inside. When this gentleman came in, they started
7 hugging each other. I saw them, I said they know each
8 other. These girls said I've never seen him before in
9 my bar. These three only came in. I never seen them
10 before, but they were hiding. So if they know each
11 other somehow. I don't know how the gun got in there.

12 But when this guy was walking out, one of
13 the girls was between me and him as he was being
14 escorted out. He was walking out by himself. So when
15 he got to the door, this girl, the one that he was
16 hugging, was in between me and him, so when this guy
17 challenged me to go outside with him, the girl sort of
18 pushed him out physically, like don't cause any
19 problems, something like that, walk out.

20 The gun, I have no idea how he got the gun.
21 I never knew he had the gun. I was just surprised
22 when he challenged me to go outside with him. That's
23 when I get to think did he know me, he knew what he
24 was doing, was I the one he was after? So when he
25 turned over the gun like this, put it in my face, the

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1 same girl saw him, and she opened the door, and she
2 said like don't do it, go away. That's why I run
3 inside. That's when I heard a gunshot boom.

4 ALDERMAN WADE: Another question, if I may,
5 Mr. Chair. How often are you at your establishment?
6 Are you there at a set time, are you there randomly?
7 How often are you there?

8 MR. GARCIA: I'm there every single day that
9 I'm open.

10 ALDERMAN WADE: All the while it's open
11 you're there?

12 MR. GARCIA: Most of the time. Except like
13 on weekends Friday, Saturday I go out with my wife,
14 we'll go out to eat for dinner, we get there around
15 10:00, 10:30. That's when my business start, people
16 start getting there.

17 MR. SCHRIMPF: Mr. Chairman.

18 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

19 MR. SCHRIMPF: Thank you. Mr. Garcia, first
20 of all, the last couple of questions that you were
21 answering, if I understood it correctly, was related
22 to October 8th, 2004, that incident, or am I
23 incorrect?

24 MR. GARCIA: The last incident the security
25 guy was shot.

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1 MR. SCHRIMPF: In the pelvic region?
2 MR. GARCIA: Yes, sir.
3 MR. SCHRIMPF: So that's October 8th, 2004?
4 MR. GARCIA: Yes.
5 MR. SCHRIMPF: Perhaps my notes are wrong,
6 but I thought I heard you say that you were not there
7 that evening.
8 MR. GARCIA: Oh, no, no, no. I was there.
9 MR. SCHRIMPF: You were there that evening?
10 MR. GARCIA: Yes, I was there, both of us
11 were there.
12 MR. SCHRIMPF: And somewhere during the
13 course of this event, the gunman actually pointed the
14 gun at you?
15 MR. GARCIA: Yes, sir.
16 MR. SCHRIMPF: And you said October 8th,
17 2004 was a Wednesday night?
18 MR. GARCIA: Yes, sir.
19 MR. SCHRIMPF: It was a Friday night, unless
20 this was late, and it was Saturday morning.
21 MR. GARCIA: No, no, no. It was a Wednesday
22 and the shooting occurred around 1:30, so yes, that
23 makes it Thursday.
24 MR. SCHRIMPF: I've got a calendar in front
25 of me, and October 8th, 2004 was a Friday.

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1 MR. GARCIA: That's wrong. And I'll
2 tell you why. Because that day we had finished
3 playing pool, and we play pool only on Wednesdays.
4 That's my game, I play pool, that's my game, that's
5 the only thing I do for recreation, play pool. And it
6 was a Wednesday night. So if you say this was a
7 Thursday, I don't know what date you have there, but
8 somebody has the date wrong there.

9 MRS. GARCIA: It was a Wednesday after pool
10 leagues because if it was only like the people that
11 play pool that was -- so we really didn't need a lot
12 of security people either. Nothing ever happens like
13 that on Wednesdays.

14 MR. GARCIA: Only like 15 people at the
15 most there that night, at the most 10 to 15 people.

16 MRS. GARCIA: And it was almost closing time
17 that day, too, so it must have been like a Thursday
18 morning.

19 MR. SCHRIMPF: Okay. Well, I guess it's
20 irresolvable.

21 MR. ALEMAN: Mr. Garcia, the day here is
22 October 2nd, 2004, so I don't know whether that date
23 is correct or not. But the incident I want to ask you
24 about was that the police came in and found that the
25 licenses were not properly displayed as required by

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1 the ordinances.

2 MR. GARCIA: I had my license in a frame, I
3 had like a picture frame with all my licenses there,
4 and I had them in the same place for the last four or
5 five years that I've been in business. This day, a
6 police officer went in there, he asked for the
7 license, and the person that was there went to where
8 my licenses are, and this person got the license from
9 the picture frame and gave it to the officer. We
10 received a ticket for that because he didn't like
11 where the licenses were displayed. We got a ticket
12 for that because he didn't like the wall where I had
13 them. So we got a ticket for that.

14 ALDERMAN PUENTE: Mr. Chair.

15 CHAIRMAN WITKOWIAK: Alderman Puente.

16 ALDERMAN PUENTE: Where was it displayed

17 exactly?

18 MR. GARCIA: I always keep it right at the
19 entrance.

20 ALDERMAN PUENTE: At the entrance of your
21 place?

22 MR. GARCIA: Inside, of course. Inside
23 there's a little booth where I charge. I always keep
24 it there.

25 ALDERMAN PUENTE: Was it in plain view?

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1 MR. GARCIA: Yes, sir.
2 ALDERMAN PUENTE: Thank you. Thank you, Mr.
3 Chair.
4 MR. ALEMAN: Did you try to talk with them
5 about why you were getting a citation if you had been
6 there for four or five years?
7 MR. GARCIA: No. They just said they
8 shouldn't be there.
9 ALDERMAN WADE: Mr. Chair. Just out of
10 curiosity, where do you keep your license posted now?
11 MR. GARCIA: Now, they're right where --
12 MRS. GARCIA: Behind the bar.
13 MR. GARCIA: Behind the bar on the bar wall.
14 ALDERMAN WADE: And that was a location that
15 the police said it was suitable?
16 MR. GARCIA: For them, yes.
17 MR. SCHRIMPF: On the Item No. 17, October
18 20th, 2004, the police report simply indicates that
19 citations were issued. Mr. Garcia, do you know what
20 the result of those citations was?
21 MR. GARCIA: Can you read the page?
22 MR. SCHRIMPF: It's the one about the
23 display of license for the pool tables.
24 MR. GARCIA: Mine says October 2nd.
25 MR. SCHRIMPF: No. It's October 20th.

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1 ALDERMAN DUDZIK: What's the disposition?
2 MR. SCHRIMPF: That's not the police report.
3 This is the police report.
4 MR. ALEMAN: This is the information that I
5 received.
6 MR. GARCIA: If you can repeat that
7 question, I might be able to remember.
8 MR. SCHRIMPF: The question is, whether it
9 was October 2nd or October 20th, what happened to the
10 citations?
11 MR. GARCIA: What citations?
12 MR. SCHRIMPF: The citations for the display
13 of license required for the pool table.
14 MR. GARCIA: The citation --
15 MR. ALEMAN: Do you have the numbers of the
16 citations?
17 MR. SCHRIMPF: No.
18 MR. GARCIA: I thought I received three
19 citations.
20 SERGEANT HOGAN: Mr. Chairman, maybe I can
21 put this one to rest. There's no record in the
22 Municipal Court system of the citations, which
23 generally always indicates that there was no
24 prosecution on the citations, they were dismissed, at
25 first review.

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1 CHAIRMAN WITKOWIAK: Thank you. This is the
2 one concerning the posting of the license?

3 MR. GARCIA: Posting of license obstruction
4 of -- It was Halloween, I had some decorations. They
5 said it was obstructed. It was three tickets issued.

6 MR. SCHRIMPF: But they were all dismissed?

7 MR. GARCIA: Dismissed.

8 MR. ALEMAN: Mr. Chairman, I want to be
9 appreciative of the committee's time and their
10 patience. I only have four or five questions, and
11 we'll be through here.

12 On November 1st, 2004, there was a check of
13 the premises and then there were two people playing
14 pool and another person was behind the bar, and it was
15 said that you had opened the bar and left for a
16 meeting.

17 MR. GARCIA: Right.

18 MR. ALEMAN: Was the bar open?

19 MR. GARCIA: No, I didn't open the bar.
20 This is a Monday night. I don't open the bar on
21 Monday and Tuesday. I open on Wednesday. Wednesday,
22 Thursday, Friday, Saturday, and Sunday are the days
23 I'm open. So that day I got there, opened the door,
24 and I went to a meeting. These guys were cleaning the
25 bar, all the hay. I used a lot of hay for Halloween

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1 decoration, so it was a mess, the place was a mess
2 after Saturday and Sunday. And they were cleaning up,
3 and they were putting back the pool tables, leveling
4 them. It takes time, you know, for pool leagues on
5 Wednesday.

6 So they were doing this, and then the police
7 walked in, and they issued a ticket for not having a
8 bartender license. The bar wasn't open. That's why I
9 didn't need a bartender with a license. They were
10 cleaning.

11 ALDERMAN PUENTE: Mr. Chair. What's the
12 disposition on this incident on November 1st?

13 MR. GARCIA: What disposition?

14 ALDERMAN PUENTE: What became of the
15 citations?

16 MR. GARCIA: That's what I said right now,
17 that those were the ones dismissed.

18 ALDERMAN PUENTE: No, that is not correct.

19 SERGEANT HOGAN: On the November 1st
20 incident you're speaking of? As I stated when I read
21 my report, they will go to court review on December
22 21st.

23 ALDERMAN PUENTE: I missed that. Thank you.

24 MR. ALEMAN: Were you informed that there
25 was a 40 caliber pistol removed from the bar?

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1 MR. GARCIA: No, I was not.

2 MR. ALEMAN: And again, your licenses were
3 not properly posted. Where were they posted?

4 MR. GARCIA: The same place. I don't know
5 if it was the same incident with the licenses, or
6 again, they didn't like them. At this time, they were
7 behind the bar where the officer told us to put them.

8 ALDERMAN PUENTE: Were they obstructed by
9 your Halloween decorations?

10 MR. GARCIA: No, sir, they were not.

11 ALDERMAN WADE: Just want to be clear. So
12 you had the license inside the booth in the front of
13 your place. They didn't like it there, they gave you
14 a ticket. You put the license behind the bar where
15 they requested that you put them, and you also got a
16 ticket for having them there, too?

17 MR. GARCIA: I believe so.

18 MR. ALEMAN: Yes.

19 CHAIRMAN WITKOWIAK: Mr. Schrimpf, what's
20 the proper way to display a license?

21 MR. SCHRIMPF: The State Statute says that
22 the license shall be prominently displayed, hung on
23 the wall and in a frame. It doesn't say it has to be
24 at the entrance, it doesn't say it has to be behind
25 the bar. It has to be prominently displayed so that

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1 conveniently officers or Department of Revenue agents
2 walking into the bar can check very easily and
3 conveniently whether or not the place has a current
4 license, and that applies to all licenses.

5 So, for example, if you have amusement
6 machines, if you have some form of entertainment
7 license, a restaurant license in addition to the bar
8 license, all that should be kind of together.

9 CHAIRMAN WITKOWIAK: Thank you.

10 MR. ALEMAN: Mr. Chairman, thank you and
11 committee for your patience. In conclusion, I would
12 like to ask Mr. Garcia a series of questions to elicit
13 some testimony. Mr. Garcia, you've had a series of
14 problems there?

15 MR. GARCIA: Yes, I do.

16 MR. ALEMAN: And the matters will be
17 resolved and your fines will be paid?

18 MR. GARCIA: Definitely.

19 MR. ALEMAN: Now, can you provide the proof
20 that you were in Mexico during the period of the
21 hearing?

22 MR. GARCIA: I'll do my best, yes, sir.

23 MR. ALEMAN: My question was can you do it?
24 You drove?

25 MR. GARCIA: I drove.

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1 MR. ALEMAN: Do you have gasoline receipts?
2 MR. GARCIA: No.
3 MR. ALEMAN: Do you have food receipts?
4 MR. GARCIA: No.
5 MR. ALEMAN: Do you have motel receipts?
6 MR. GARCIA: No.
7 ALDERMAN WADE: Credit card receipts?
8 MR. GARCIA: I only pay cash.
9 MR. ALEMAN: So did you visit with somebody
10 in Mexico at that time?
11 MR. GARCIA: Yeah. My aunt, my cousins, her
12 mom.
13 MR. ALEMAN: Can we have sworn affidavits
14 from them?
15 MR. GARCIA: Yeah, definitely.
16 MR. SCHRIMPF: Mr. Chairman. Did you travel
17 with a passport or didn't you use a passport?
18 MR. GARCIA: I'm a U.S. citizen. Yes.
19 MR. SCHRIMPF: But you didn't use a passport
20 to cross the border into Mexico?
21 MR. GARCIA: No.
22 MR. SCHRIMPF: So there would be no stamps
23 on a passport?
24 MR. GARCIA: No.
25 MR. ALEMAN: Just for the information of the

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1 committee, Mexicans do not need passports to go into
2 Mexico.

3 MR. SCHRIMPF: I know they don't need them.
4 My question is did you have one anyway and did you use
5 it.

6 MR. ALEMAN: I just wanted to inform the
7 committee members. And so Mr. Garcia we are now --

8 ALDERMAN WADE: Excuse me, Mr. Chair. I
9 just want to make sure the answer to your question was
10 if he could provide proof and the answer was he will
11 provide proof with a sworn affidavit with the people
12 that he visited in Mexico.

13 MR. ALEMAN: Yes, sir.

14 Mr. Garcia, we're now before this committee
15 asking for a renewal of the license. What can you
16 tell this committee about correcting the problems that
17 we have gone over?

18 MR. GARCIA: Some of the problems that we've
19 had are, again, because I don't allow no gang
20 activity, I don't allow no bottles to be taken out of
21 my bar, nothing gets out of there. Anything can -- I
22 mean I don't allow it. It is very well posted on my
23 door as well as the entrance my rules and regulations.
24 Besides the laws, I have my own in my bar, not because
25 I have the right to deny entrance to somebody that

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1 pose a threat to other customers, somebody that tells
2 me right away he's present there and he's a gang
3 member. I can tell colors and stuff. We were talking
4 about that before. I don't allow that. I want people
5 to be properly dressed. I have a strict dress code.

6 As far as my neighbors, I have done -- I
7 hired the assistance of this company that is very,
8 very strict, very, very tough. I'm very happy that I
9 hired him. I will give my neighbors my phone number,
10 and they can just walk into my bar. They don't have
11 to feel afraid of us. I'm there to support for my
12 family. That's what I'm trying to do. I don't
13 condone no drugs, no weapons, nothing.

14 I've done this so many years. This is my
15 business. My family eats from this. I'm not going to
16 put my family in jeopardy because I allow someone to
17 sell drugs in my bar. I'll be in -- I'll provide the
18 security that I provide to my customers inside my bar,
19 I'll do my best for my neighbors.

20 CHAIRMAN WITKOWIAK: Thank you. Alderman
21 Puente.

22 ALDERMAN PUENTE: Mr. Garcia, how long does
23 it take you to go from your house in Wisconsin to
24 Mexico?

25 MR. GARCIA: All depends how fast you go,

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1 but it will take you approximately 48 hours.

2 ALDERMAN PUENTE: 40 hours?

3 MR. GARCIA: 40 to 48.

4 ALDERMAN PUENTE: Where did you stop on the
5 way between Wisconsin and Mexico? You stayed
6 overnight somewhere?

7 MR. GARCIA: No. I just kept going
8 straight.

9 MRS. GARCIA: We both drive.

10 MR. GARCIA: I take a break and she drives.

11 ALDERMAN PUENTE: Did you do that on the way
12 back, too?

13 MR. GARCIA: Yes.

14 ALDERMAN PUENTE: You drove straight through
15 for 48 hours the two of you; is that correct?

16 MR. GARCIA: Yes.

17 ALDERMAN PUENTE: Thank you.

18 MS. BARRON: Mr. Chairman, I have a fax
19 document from one of the people that were subpoenaed
20 that probably should be made part of the record
21 showing that he was unable to appear because he was at
22 circuit court.

23 ALDERMAN BOHL: I would so move, Mr.
24 Chairman.

25 CHAIRMAN WITKOWIAK: Alderman Bohl moves to

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1 make this document part of the record in this hearing.
2 Hearing no objections, so ordered.

3 ALDERMAN BOHL: Mr. Chairman. Just a couple
4 of questions here for the applicant. Mr. Garcia,
5 earlier in this license year, there were three guilty
6 findings for presence of underage in your tavern. Did
7 you even contest any of those?

8 MR. GARCIA: No. One of them I did. One of
9 the incidents, one of those people the police
10 department, they found one of these individuals, he
11 had like six or seven different IDs in his possession.
12 And I found somehow these people are getting IDs made
13 cheaper or real cheap, you know, somehow. They're
14 minors, and they get IDs somehow. So to have to have
15 the police force checking into -- There's a shop,
16 there's a place. Somehow these guys are getting fake
17 I.D.s. And if you see them, they look very, very much
18 like the real thing. So I have to put some effort
19 into that.

20 I've overheard people they went to the DMV,
21 the Department of Motor Vehicles, to get IDs to get a
22 driver's license. Somebody goes with a friend, I give
23 my information, when I go get my picture taken
24 to put in the ID, instead of having me going there as
25 Alfredo Garcia, Mr. Aleman is going to stand up and

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1 they will take his picture with my information. It's
2 very easily done. So we have to put some effort into
3 finding out how these IDs are being made because we're
4 getting hurt, I'm getting hurt in the process right
5 now.

6 ALDERMAN BOHL: How many days were you in
7 Mexico?

8 MR. GARCIA: Seven, seven to eight days or
9 something like that.

10 ALDERMAN BOHL: In Mexico itself?

11 MR. GARCIA: Yeah. Actually, no. Two days
12 there, two days back. It was like three days that we
13 were actually there.

14 ALDERMAN BOHL: Do you ever fly to Mexico?

15 MR. GARCIA: No. Every time we go there,
16 we'd rather drive because it's easier to move
17 one place to another if we have a vehicle. Otherwise,
18 we fly, and there is no vehicle available to us.

19 ALDERMAN BOHL: Did you bring a camera?

20 MR. GARCIA: No. It wasn't pleasure trip,
21 we didn't take no camera.

22 MRS. GARCIA: It's been 13 years that we've
23 been to Mexico.

24 MR. GARCIA: That was the first time in 13
25 years that we've been to Mexico.

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1 ALDERMAN BOHL: And through all of that, you
2 were going to stay for three days?

3 MR. GARCIA: It was an emergency.

4 MR. ALEMAN: What was the emergency?

5 MRS. GARCIA: My mother. She's been very
6 sick. She's been bleeding from her brain and
7 hemorrhage, she's got a hemorrhage in her brain, so it
8 was an emergency. And we knew that the committee was
9 or we needed to come for the license, so we just
10 thought that it was going to be the following week.
11 It was an emergency, and we just went.

12 MR. GARCIA: Yeah. We came back, we found
13 the notice was there.

14 MRS. GARCIA: It wasn't planned or anything.

15 ALDERMAN BOHL: Whereabouts in Mexico?

16 MRS. GARCIA: Guadalajara.

17 ALDERMAN BOHL: And there were no flights to
18 Guadalajara or rental cars?

19 MRS. GARCIA: We didn't check.

20 MR. GARCIA: We just drove there.

21 ALDERMAN BOHL: Again, I don't want to put
22 myself in your situation or judge you. My mother is
23 ill and she's in Guadalajara, her mother's ill and
24 she's in Germany, I don't take a row boat across the
25 Atlantic. I look for the quickest plane trip.

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1 ALDERMAN PUENTE: Mr. Chair, if Alderman
2 Bohl is finished. Sergeant Hogan, as Mr. Garcia was
3 talking about the underage and false ID, is it normal,
4 common practice, whatever word you want to use, that
5 if somebody is in a bar with false ID that it is
6 documented on the reports?

7 MR. GARCIA: Not when --

8 ALDERMAN PUENTE: No. I'm talking to
9 Sergeant Hogan of the Milwaukee Police Department as
10 pertains to false ID finding someone inside the tavern
11 with a false ID.

12 SERGEANT HOGAN: Generally, it is. There
13 are occasion where it's not.

14 ALDERMAN PUENTE: But generally it is?

15 SERGEANT HOGAN: Yes.

16 ALDERMAN WADE: Mr. Chair.

17 CHAIRMAN WITKOWIAK: Alderman Wade.

18 ALDERMAN WADE: This is a question for the
19 attorney. How valuable is an affidavit from someone
20 that lives in another country whom we have no
21 jurisdiction? If they are under oath, how much weight
22 does that really carry?

23 MR. SCHRIMPF: How much weight the committee
24 gives it is totally up to the committee. It is
25 technically a hearsay document, so on that grounds you

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1 don't have to give it any weight. However, under the
2 circumstances, you might want to give it some weight.
3 Insofar as it is an affidavit executed under the laws
4 of Mexico, it is entitled to as much weight as any
5 affidavit that would be executed under the laws of the
6 State of Wisconsin.

7 ALDERMAN WADE: Thank you.

8 ALDERMAN PUENTE: Mr. Chair. Sergeant
9 Hogan, just to follow up on this false ID. Would
10 normally the licensee receive a citation for allowing
11 underage on the premises if, in fact, there was a
12 false ID?

13 SERGEANT HOGAN: If the officer can
14 establish to his or her satisfaction that the false ID
15 was used to gain entry, he'd have to have some reason
16 to believe that that ID was actually checked. Fake ID
17 cards are valuable to the underage people, and they're
18 not readily going to admit that they used one to get
19 in. They'd sooner pay the fine for presence of minor
20 on a Class B premise rather than lose the fake ID card
21 they may have paid five, \$600 for. It's a
22 discretionary call, and the officer is going to have
23 to be able to establish that this is the type of place
24 that doesn't allow anybody without checking IDs, if
25 they have a machine that takes a photo of the ID card

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1 and the person, logs the time and everything like
2 that. There aren't too many places that have that.
3 There's lot of room for discretion on the part of the
4 officer.

5 ALDERMAN PUENTE: Is there anything that
6 you're aware of on the incident where he was cited for
7 underage that any of these individuals had false IDs?

8 SERGEANT HOGAN: Not as indicated, no.

9 ALDERMAN PUENTE: Thank you.

10 MR. SCHRIMPF: Mr. Chairman.

11 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

12 MR. SCHRIMPF: I just might note that under
13 Section 125.07(7), all the licensee has to do is keep
14 a book, record in that book in some organized fashion
15 the name of the individual, the date, and the type of
16 ID that was presented to get in, and under Section
17 125.07(7), that gives the license applicant a defense
18 to a charge that there was a person in there
19 illegally. It's very simple, cheap.

20 CHAIRMAN WITKOWIAK: Anything further?

21 MR. ALEMAN: I just want to ask a question.

22 CHAIRMAN WITKOWIAK: Go ahead.

23 MR. ALEMAN: Is the city attorney advising
24 that Mr. Garcia make a record of everyone that goes
25 into the bar and the ID that they showed?

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ALDERMAN PUENTE: No.

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CHAIRMAN WITKOWIAK: I don't believe that was the case. Did you hear what Mr. Aleman said?

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MR. SCHRIMPF: No.

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MR. ALEMAN: I asked whether you were suggesting that Mr. Garcia make a list of everyone that goes into the bar and the ID they showed.

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MR. SCHRIMPF: Just follow Section 125.07(7).

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ALDERMAN PUENTE: Is it mandatory?

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MR. SCHRIMPF: No, it's not mandatory.

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ALDERMAN PUENTE: That's what I believe the attorney was getting at. I think it's a suggestion and a way to defer liability to your client or any other owner. They have this book, you can say okay, I documented so and so gave me this ID, and that's it. It's just a way to say I did check it, and this is what they showed me. Is that correct?

MR. SCHRIMPF: Yes. And then it gives the police officers, if there is a question, it gives the police officers a way of checking back as to what was used.

CHAIRMAN WITKOWIAK: Anything further?

MR. ALEMAN: No, Mr. Chairman. Thank you very much.

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1 ALDERMAN BOHL: Mr. Chairman, one follow-up.
2 CHAIRMAN WITKOWIAK: Alderman Bohl.
3 ALDERMAN BOHL: Mr. Garcia, it's been
4 testified here that you have a device that scans
5 photos.
6 MR. GARCIA: Yes, sir.
7 ALDERMAN BOHL: So in other words, when
8 somebody puts a photo in, it makes a recording of it,
9 does it not?
10 MR. GARCIA: No, no. Can you repeat the
11 question?
12 ALDERMAN BOHL: Do you not have a device
13 that records IDs when people enter?
14 MR. GARCIA: No.
15 ALDERMAN BOHL: What was Mr. Alba, what was
16 the device he was talking about?
17 MR. GARCIA: The device doesn't record. It
18 will just show the date of birth, if he's minor, if
19 he's over 21 or not.
20 ALDERMAN BOHL: My eyes show the date of
21 birth, as well, too. He was talking about some
22 specific machine or device.
23 MR. GARCIA: Some machine, it's like a
24 credit card, you go through it like this with your ID,
25 and it will tell you the date of birth there if it's

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1 the same as it appeared here, in case it's a fake ID
2 or something. It will read the bars, make sure the
3 bar is the same as the date of birth written on
4 the form or something like that.

5 CHAIRMAN WITKOWIAK: So it checks it, but it
6 does not keep a record?

7 MR. GARCIA: Does not keep a record.

8 ALDERMAN BOHL: That's what I wanted to
9 check. Thank you. That's all.

10 CHAIRMAN WITKOWIAK: Anything further? This
11 matter is in committee.

12 ALDERMAN PUENTE: Mr. Chair, real quick. I
13 know your legislative assistant testified last time on
14 your survey card. Are you aware if he received any
15 more? I know you had some 40-odd survey requests
16 returned to you, most of them in opposition, and since
17 the last time we heard this, did your office receive
18 more than that?

19 CHAIRMAN WITKOWIAK: No.

20 ALDERMAN PUENTE: Thank you.

21 ALDERMAN BOHL: Mr. Chairman. Start with
22 the caveat next meeting I'm making no motions. You
23 got to get some gumption. Mr. Chairman, based on the
24 police report and the testimony that was provided both
25 here today and the prior testimony, I do not believe

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1 that there was sufficient evidence to refute the
2 motion I made at the last meeting.

3 I think that this bar at this location
4 clearly has become a detriment. I do not believe that
5 adequate attention has been made to efforts to keep
6 minors out of the establishment. I think that too
7 much gunplay has gone on and that there have been too
8 many guns at the location, as is testified to even in
9 the police report, where we see that guns were present
10 at this location when the police have showed up.

11 When I refer to testimony about neighbors,
12 even his own supporting -- even his own supporter came
13 forward and said this type of activity was going on.
14 I just do not believe that there is enough here
15 sufficient and that these items were not adequately
16 refuted. I'm somewhat disturbed in the fact that we
17 held this over now and there's been a couple of weeks
18 that Mr. Garcia has not even taken the time to rectify
19 open warrants before he shows up here today.

20 Quite candidly, the police department ought
21 to be taking you into custody at this point. You had
22 adequate time to provide proof of absence in Mexico.
23 Other than a promise of doing something at a future
24 date, I don't believe that that was adequately
25 handled. Your attorney has been on this for some

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1 time. He should have been standing over there saying
2 where's the proof, where's the proof, where's the
3 proof, I'm not walking into this hearing today unless
4 you show me the proof before we walk in. It was not
5 adequately dealt with.

6 I just believe that the testimony that has
7 been provided and the police report of seven incidents
8 in the last year shows that this place is not one that
9 is in control, and as a result, I would move for
10 nonrenewal based on items contained in the police
11 report and residential testimony as provided for both
12 today and at the previous hearing.

13 CHAIRMAN WITKOWIAK: Motion by Alderman Bohl
14 is to recommend nonrenewal of the tavern and tavern
15 dance application for Club Galaxia at 2239 South 13th
16 Street, based on items contained in the police report,
17 testimony from the previous hearing, and testimony
18 from today's hearing. Is there any discussion on the
19 motion? Let's take a roll call.

20 THE SECRETARY: Alderman Bohl.

21 ALDERMAN BOHL: Aye.

22 THE SECRETARY: Alderman Puente

23 ALDERMAN PUENT: Aye.

24 THE SECRETARY: Alderman Wade

25 ALDERMAN WADE: Aye.

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1 THE SECRETARY: Alderman Dudzik
2 ALDERMAN DUDZIK: Aye.
3 THE SECRETARY: Mr. Chair
4 CHAIRMAN WITKOWIAK: Aye.
5 THE SECRETARY: Motion is approved five to
6 zero.
7 MR. SCHRIMPF: Mr. Aleman, Mr. Garcia, the
8 committee is going to be doing findings of fact and
9 conclusions of law recommending nonrenewal of this
10 license. You will receive a copy of that report. I
11 just want to make sure that we have your addresses, as
12 our process servers had difficulty locating both of
13 you.
14 Mr. Garcia, that's 5471 South Honey Creek
15 Drive, Greenfield?
16 MR. GARCIA: Yes.
17 MR. SCHRIMPF: And Mr. Aleman, that's 925
18 East Wells, Suite 617, Milwaukee?
19 MR. ALEMAN: Yes.
20 MR. SCHRIMPF: You will have an opportunity
21 to submit written objections to that recommendation as
22 well as appear before the Milwaukee Common Council
23 when they meet on this matter on December 21st, 2004
24 at approximately 9:00 a.m. in the Common Council
25 Chambers of this building. Do you understand all

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CHAIRMAN WITKOWIAK: One minute. We also have one more item here, Alfredo Garcia, Class D bartender renewal application, Class D bartender license. And on this license Mr. Garcia, do you admit to receiving the same notice, the attached police report that your license may be denied because of that?

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MR. GARCIA: Yes.

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CHAIRMAN WITKOWIAK: Sergeant Hogan?

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SERGEANT HOGAN: I'll be brief. He was cited for permitting underage on a Class B promises November 23rd, 2003. He has not taken care of that citation. December 16th, 2003 cited for presence of minor, two citations. He has not taken care of those matters. March 11th, 2004 cited for violation of placard. Has not taken care of that matter. Then there's the citations from the November 1st, 2004 incident. That's not on the police report because that information was received after this was submitted to the committee.

CHAIRMAN WITKOWIAK: Anything to say?

MR. GARCIA: No. Well, I can say something. From being a bar owner, I want to be a bartender. If

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1 you want to deny that license also, I guess, I don't
2 know what I'm going to do. I'm going to be picking up
3 garbage on the streets to support my family now.

4 CHAIRMAN WITKOWIAK: Alderman Wade.

5 ALDERMAN WADE: Thank you, Mr. Chair. Mr.
6 Garcia, so are you saying that you really don't need a
7 bartender license or you have no desire to have a
8 bartender license at this point, is that what you're
9 stating?

10 MR. GARCIA: No. On the contrary. Since my
11 liquor license was denied, I need my bartender license
12 so I can work somewhere else as a bartender.

13 ALDERMAN WADE: I just wanted to make sure
14 that that wasn't what you were suggesting.

15 MR. GARCIA: Totally opposite.

16 ALDERMAN PUENTE: I'm going to have a
17 problem in favor of this unless he takes care of the
18 warrants. I just can't see giving this gentleman a
19 bartender's license with these warrants out there.
20 Maybe he can get that taken care of by committee,
21 which is December 21st.

22 MR. GARCIA: It will be taken care of.

23 ALDERMAN WADE: Mr. Chair. I'd like to make
24 a motion that we hold this matter to the call of the
25 chair until we get the information, because he may not

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1 -- just looking at how he has handled his business
2 this far, he may not. I would like to just hold it at
3 the call of the chair.

4 CHAIRMAN WITKOWIAK: That's an appropriate
5 motion. Motion of Alderman Wade is to hold this
6 matter at the call of the chair. Are there any
7 objections to that motion? Hearing none, so ordered.
8 Thank you.

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1 STATE OF WISCONSIN)
2)
3 MILWAUKEE COUNTY)
4

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

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17 TERESE M. SCHIEBENES
18 Certified Shorthand Reporter
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21 Dated this day of , 2004.
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