



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Meeting Minutes - Final ALCOHOL BEVERAGE LICENSING TASK FORCE

**JUSTICE LOUIS BUTLER, CHAIR**

**Joel Brennan, Sallie Ferguson, Rebecca Grill, Edward J. Lump, Comptroller Wally Morics,  
Sharon Nowak, Bruce Schrimpf, Chet Ulickey**

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Monday, February 23, 2009

9:30 AM

Room 301- A, City Hall

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*Meeting commenced at 9:38 a.m.*

**Present** 6 - Grill, Brennan, Ulickey, Butler, Ferguson and Nowak

**Excused** 3 - Morics, Schrimpf and Lump

**1) Review and approval of the minutes of the February 9, 2009 meeting**

*Minutes were approved as written.*

**2) Presentation by the Community Prosecution Unit of the City Attorney's office on its role in the alcohol beverage licensing process**

*City Attorney Grant Langley and Asst. City Attorney Adam Stephens at the table.*

*Mr. Butler asked that written suggestions from the City Attorney's office be submitted to the task force.*

*Mr. Langley said that the Community Prosecution Unit of the City Attorney's office is also called the Nuisance Abatement Team. The unit works with the police department, the District Attorney's office and its Community Prosecution Team, the Department of Neighborhood Services, the Health Department and community groups to deal with problem properties in the city, including board-ups, nuisance properties and drug houses, as well as licensed alcohol beverage establishments.*

*Mr. Butler invited Mr. Langley to provide specific suggestions or proposals to the task force in writing. Mr. Langley said he will submit suggestions in writing dealing with members of the Licenses Committee who hear matters that are in their own districts and the role that those committee members should play either on one side of the table or the other, but not on both.*

*Mr. Stephens said that the Community Prosecution Unit is staffed by three Assistant City Attorneys:*

*Jarely Ruiz Police, who works with Police Districts 2 and 6*

*Robin Pederson, who works with Police Districts 3, 4 and 7*

*Adam Stephens, who works with Police District 1, including Downtown, and District 5*

*Mr. Stephens said that the unit has been working for over a year and it works with other departments to address multiple aspects of a location and to figure out why a certain location is a target or a source of illegal activity or violence.*

*Mr. Stephens said that the CPU receives referrals from the Milwaukee Homicide Review Commission because there has been a shooting or a homicide that is related to a licensed premise, from the police department if there have been a felony drug dealing event or events at the location, and from the community when a property seems to consistently facilitate behaviors that are detrimental to the safety of the public.*

*Mr. Stephens said the first step for the CPU is looking at the police record for the establishment to see if there is a pattern of activity or just a single event. He said that the next step is discovering if neighborhood residents have complaints against the property, either through neighborhood groups, block watch captains, the Community Liaison officers in the police department, or the local council member.*

*Once the unit has an idea of what the situation is, it makes contact with the licensee of the establishment or the person in charge of the property. He said a location can facilitate crime in two ways. One is the physical aspects of the building itself, including the condition of the structure, and whether the design of the building has an effect on the likelihood of criminal victimization, including the lighting around the structure and where patrons park. The other is the management of the establishment. Mr. Stephens said it is more difficult to determine when the management of an establishment is facilitating this activity. He said that in the cases with which he has been familiar, very frequently the licensee is not the person in control and is not in charge of the day-to-day operations. Mr. Stephens said that when someone is not the licensee of an establishment but is managing it, this person does not have the motivation to work with the city that an owner does. Mr. Stephens also said that staffing at the location is also an issue with regards to whether staff can actually address problems that arise at the establishment. He also said that the compliance of the owner with other regulations, such as tax laws, and the professional experience of the owner are of note to the unit.*

*Mr. Lump at the table at 9:50 a.m.*

*Mr. Stephens said that what he calls the intangibles, including to whom the licensee is marketing, what kind of music is played, whether there is a dress code, and the ages of patrons, are not things that the government should concern itself with because it is clearly the right of licensees to run their establishments as they see fit.*

*Mr. Stephens said that there are real considerations of why applicants are choosing certain types of entertainment for their establishments. When there are activities such as dancing and billiards, problems seem to stem from altercations between patrons involved in these activities. Mr. Stephens said that licensees should keep these choices in entertainment in mind when they are looking to address the situation at hand, but he does not think that there should be a rigid system dictating what kind of entertainment should be present in establishments.*

*Mr. Stephens said that there are usually two types of criminal activity involving licensed establishments; the violence that occurs outside of the bar and is associated with the bar, and violence that occurs inside of the bar or involving bar owners and employees.*

*Mr. Butler brought up the issue of situations that involve patrons that were at an establishment previously in the evening and later are involved in a violent incident at a location away from the establishment and he questioned whether these situations should be treated differently. Mr. Stephens said that the link between the incident and the earlier patronage of the establishment is usually unimportant and the*

*Milwaukee Police Department makes the decision as to whether details regarding these situations end up on a premise report.*

*Mr. Stephens said that the CPU sits down with the police department and licensees to create a plan to make sure that violent activity involving its patrons does not reoccur. He said the CPU is also involved in assisting the police department in filing revocation requests and can assist the police in creating a record at the time of an license's renewal. The CPU is also allowed to file civil litigation against an establishment that facilitates drug or gang activity, but the process is usually kept "in house" through the committee hearings.*

*Mr. Stephens also said the number one goal of the unit is to work with licensees to make sure activities do not occur or continue, not to close the establishment. He said that if the owner is unwilling or unable to cooperate with the city to abate the problem at his or her establishment, then the CPU will take action against the location.*

*Mr. Stephens said that on the plan of operation section of the license application, there are requests for the applicant to give information regarding how he or she is going to deal with issues like noise and litter, the floor plan and the hours of operation. He said these items are critical when the attorneys are meeting with the licensees in determining how the licensees will be handling certain situations and that there should be a more detailed form in alcohol beverage applications requiring more details from the applicant.*

*Mr. Butler pointed out that the scope of the task force is narrow, and that the task force is looking specifically for areas in the current process that may be subject to abuse.*

*Mr. Stephens said that problems at certain alcohol beverage outlets need to be addressed immediately, which is why revocations are being brought in front of the Licenses Committee and why problems are not just being addressed at renewal time.*

*Mr. Langley said that License Committee members should not be both adjudicating and advocating for one side or the other with regards to the issues that are in their districts. He said that although a member of the City Attorney's office, Bruce Schrimpf, advises the Licenses Committee, the City Attorney's office can also prosecute a revocation before the committee. It can do so because there are very tight screening processes with regards to which assistant city attorneys are handling revocations, which prevents any overlap between the prosecutorial role of the office and the advisory role to the committee.*

*Mr. Langley said that there is no contact between Mr. Schrimpf and the assistant city attorney that is handling the revocation. Because a council member is not two different people, there cannot be the separation between the role of advocate and adjudicator and therefore, significant due process concerns are raised at committee. Bruce Schrimpf at the table at 10:11 a.m.*

**Present** 7 - Grill, Brennan, Ulickey, Butler, Ferguson, Lump and Nowak

**Excused** 2 - Morics and Schrimpf

### 3) **Discussion of the written recommendations submitted by the Alcohol Beverage Licensing Task Force members**

*The discussion of written recommendations was resumed from where the task force stopped at the previous meeting.*

*\*Regarding online access for both applicants and neighborhood residents to PA-33s or whatever relevant police information exists about a premise seeking approval or renewal:*

*Sgt Ulickey said that he is not comfortable with certain information being available in PA-33 form without it going through the proper open records channels due to sensitive information, such as names of underage people. He also said that the PA-33 isn't always all-inclusive, although it usually is. He also pointed out that applicants usually know what has happened at their establishments and that they are also given a copy of the summary police report that will be addressed at committee when they are noticed to appear at the Licenses Committee.*

*Mr. Butler asked how much time it takes for an applicant to file a public records request with regards to his or her license. Mr. Schrimpf said that if an applicant requests the documents when he or she receives a renewal application, which is sixty days before expiration of the license, it should be enough time. Sgt. Ulickey said that an attorney has received public records request information and received it in four days' time.*

*Mr. Brennan said that he would withdraw the recommendation if the information regarding being able to access police information through a public records request becomes part of the application packet.*

*\*Regarding whether new applicants should host a neighborhood meeting in conjunction with the local council member's office and provide proof of holding the meeting before the application can be certified::*

*Ms. Grill said that this was just a suggestion by the City Clerk's office, and not a recommendation. Mr. Schrimpf said that he thinks it is a good idea for applicants to host a neighborhood meeting, with the local council member being invited, to discuss issues in the neighborhood. However, there can be various interpretations as to what happened at the meeting and there is no transcript of neighborhood meetings. There is also no vote on issues taken at the end of meetings. Mr. Schrimpf said that it requires a certain amount of cooperation between the applicant and the neighborhood residents. Mr. Lump pointed out that the suggestion deals with new applicants, not renewal applicants, and he said that the more important thing is transparency of the process and providing proof that the effort was made.*

*Mr. Butler brought up concerns about the timeliness issue when requiring a neighborhood meeting before a license application can be scheduled. Ms. Grill acknowledged that issue, but brought up the importance of neighbors knowing what is being proposed in the neighborhood. She said that most neighbors do not know about a new establishment is until it opens.*

*Sgt. Ulickey pointed out that council members often delay hearing items because they say they have not been able to schedule a neighborhood meeting. Mr. Butler said that this suggestion would put the burden on the applicant and would take the neighborhood meeting issue out of the hands of the local council member.*

*Mr. Lump said that requiring the neighborhood meeting runs contrary to the task force's goal of trying to prevent delays in the due process of applicants.*

*Ms. Ferguson inquired about the cost to the applicants of setting up the meeting and contacting neighbors.*

*The suggestion was tabled until a later time.*

*\*Regarding the police records of all applicants for renewal being reviewed and an administrative determination being made as to whether or not a particular applicant is brought before the Licensing Committee. This determination should be made solely on the police report. This review should be entirely separate from the consideration of any written objections on file with the License Division:*

*Ms. Grill said that an application would only be scheduled if the police report met certain requirements and those requirements would be outlined in the code of ordinances. She said that presently, absent an applicant receiving a warning letter, there is a lot of discretion regarding the police reports and scheduling. She said that the administrative determination would be made by the License Division based on the rules set forth by the Common Council.*

*Mr. Butler asked about the term "police report". Ms. Grill said that the License Division does not get a copy of a PA-33, just the summary of the PA-33. The summary, not police records or individual police incident reports, is what is reviewed by the License Division and the Licenses Committee.*

*Mr. Brennan asked Ms. Grill if she thought that the recommendation would result in fewer applicants being brought in front of the Licensing Committee. Ms. Grill said that this may happen because there are currently no set guidelines and some applications, which are borderline cases with regards to the police reports, might not be required to appear.*

*Mr. Butler wanted to clarify that the recommendation is referring to the police summary that is generated when an application is filed, not police records or PA-33s of individualized incidents. Mr. Schrimpf said that he would opt for the terminology "police summary" because the police report prepared by the License Investigation Unit contains important information that is not found in a police record, such as whether an applicant operated a tavern that was a problem for a the police department.*

*Mr. Butler amended the language of the recommendation. Therefore: Regarding the police summary of all applicants for renewal being reviewed and an administrative determination being made as to whether or not a particular applicant is brought before the Licensing Committee. This determination should be made solely on the police summary. This review should be entirely separate from the consideration of any written objections on file with the License Division:*

*The task force voted unanimously in favor of the recommendation (Mr. Morics excused).*

*\*Regarding whether there should be a standard form for review adopted for consideration prior to a hearing, including proof of residence, proof of the existence of a problem, some form of mechanism to prevent repeated annual visits if rulings have been made in favor of license holders:*

*Mr. Schrimpf said that there are at times objectors from outside of the city who do come to Licenses Committee meetings and some objectors that have complaints that cannot be verified. But he also said that there is some sort of value to reminding applicants that their businesses are affecting the surrounding area and individuals have the right to come to the committee meetings to air their grievances.*

*Ms. Grill says that there are occasions in which neighbors will complain year after*

*year due to a business owner not abating problems at the business location. She said that these complaints are usually valid and occur more often than invalid complaints being brought to the committee.*

*The recommendation was withdrawn.*

*Committee Hearing (initial license application, renewal and revocation)*

*With regards to the procedure:*

*\*Regarding a new application being held only one time at the request of neighbors or the local council member for a specific reason chosen from those enumerated by the code and that the motion relating to the hold should include a specific timeline for rescheduling, be made in writing and presented at the scheduled hearing, with the timeline for rescheduling not exceeding 6 regularly scheduled committee meetings after the application's certification, unless special circumstances are presented to committee members at the hearing::*

*Mr. Schrimpf said that it is a good idea for council members to have to put the matter before the committee in a specific time frame.*

*Mr. Butler said that there can be a number of reasons for neighbors and council members to want the application held. He asked whether it would ever be appropriate for an application to be held more than once.*

*Mr. Schrimpf said that if there is a good reason that is plainly stated for holding the license application he is not in opposition to it.*

*Mr. Lump asked how this can be reconciled with what was previously voted on regarding the scheduling time frame. Mr. Butler said that this recommendation deals with a request for a hold after the application is already scheduled for the Licenses Committee.*

*Ms. Grill said that without the recommendation, there is currently no required time frame in place for scheduling and an application can be held for an indefinite amount of time.*

*Mr. Lump asked under what circumstances eighteen weeks beyond that scheduling of the application would be needed. Mr. Schrimpf used examples such as neighborhood concerns, pending charges on the police report or a lack of readiness of the building that would not allow for the business to be opened. In some situations, a hold would benefit the applicant.*

*Mr. Butler said that the term "special circumstances" could allow for the longer delay. He also proposed the number of meetings that the application can be delayed be changed to two meetings.*

*The language was amended to reflect a recommendation for rescheduling within two regularly scheduled meetings, not six and after the date of the initial hearing, not after the date of certification. Therefore;*

*\*Regarding a new application being held only one time at the request of neighbors or the local council member for a specific reason chosen from those enumerated by the code and that the motion relating to the hold should include a specific timeline for rescheduling, be made in writing and presented at the scheduled hearing, with the timeline for rescheduling not exceeding two regularly scheduled committee meetings*

*after the application's certification, unless special circumstances are presented to committee members at the hearing:*

*Mr. Butler asked if the request to hold could only be made by the neighbors or council members. Mr. Schrimpf said that others besides neighbors and council members, like the applicant, should be allowed to request a hold.*

*City Clerk Ron Leonhardt at the table. Mr. Leonhardt said that the recommendation was not intended to hamstring the committee, but to prevent the local council member from holding an application for a significant amount of time.*

*Sgt. Ulickey said that as long as the time frame for scheduling is maintained, anyone should be able to request a hold. Mr. Butler said that there is currently no limitation on who can request the hold, but Sgt. Ulickey pointed out that a request for a hold can be denied by the Chair of the committee.*

*Mr. Schrimpf said that the code enumerates reasons and a time frame for holding applications and a recommendation could be incorporated into the code.*

*The task force voted unanimously in favor of the amended recommendation (Mr. Morics excused).*

*\*Regarding ensuring five committee members be present for all Licenses Committee meetings and an alternate being appointed if a committee member cannot be present or is excused for a period of time:*

*Sgt. Ulickey said that another council member should be available to serve in place of a committee member if he or she cannot be at the meeting for a period of time.*

*Mr. Butler said that his concern is that if full committee attendance is required, then postponement may end up being an issue. He also said that any last minute substitutions might not be as prepared as the regular committee members.*

*Sgt. Ulickey pointed out that when regular staff is not able to appear, it has to be replaced by another representative. Mr. Lump said that he liked the recommendation, but he agrees that it may present problems if problems with holding applications due to problems with attendance occurring.*

*Mr. Butler proposed that a vote of three committee members for or against a motion be required for every application instead of just a majority vote.*

*City Clerk Ron Leonhardt at the table. He said that the number of members on committees is set by the Common Council, not the code of ordinances. Any alternate would have to be appointed by the Common Council president. Mr. Leonhardt said that appointing alternates is not that out of the ordinary. He also asked how the recommendation relates to the concerns of the task force.*

*Mr. Schrimpf said that sometimes controversial issues result in a split vote if a council member has left the table or abstained from a vote. He said that he is concerned about council members leaving during the committee and not hearing all of the testimony on a matter in front of the committee.*

*Mr. Butler said that if a vote is cast by a member that has not been present for the entire hearing on a matter, it can give a bad impression. He also said that how it should be dealt with is another question.*

*Sgt. Ulickey said that he believes that the applicant does not always know why a committee member has left and that there should not be any question in the applicant's mind as to how a vote could have gone if his or her matter had been heard by all committee members.*

*The task force made a split vote on the recommendation (Mr. Schrimpf, Ms. Nowak, Ms. Ferguson and Sgt. Ulickey voting "aye", Ms. Grill, Mr. Brennan, Mr. Lump, and Mr. Butler voting "no" and Mr. Morics excused)*

*Mr. Butler proposed amending the recommendation to require a minimum of three votes for or against a motion.*

*Mr. Brennan asked if the definition of a quorum for the Licenses Committee could be changed to four instead of three. City Clerk Ron Leonhardt said that the council rules could be changed for the Licensing Committee.*

*Mr. Butler said that he thinks that issue is not something the task force is prepared to vote on.*

*Mr. Butler proposed tabling the recommendation. The recommendation was tabled.*

*\*Regarding whether the Licenses Committee should establish rules of decorum for proceedings before it and whether the committee members should refrain from adding personal opinions regarding licensees in their district:*

*Mr. Schrimpf said that he does not like committee members commenting on evidence before all evidence is fully presented. He said that comments should be held until the Chair says that the committee is ready to discuss the application.*

*Mr. Butler asked if the task force should merely suggest to the council that it propose rules of decorum or if it should put in specific suggestions as to what should and should not be done during a meeting.*

*Mr. Lump agrees that there should simply be a suggestion to make rules for decorum to avoid the perception of aldermanic influence instead of making specific rules or suggestions.*

*The task force voted unanimously to establish rules for decorum for the Licenses Committee members (Mr. Morics excused).*

*\*Regarding whether there should be some sort of procedural review created for complainants and their statements prior to any appearance before the committee:*

*This recommendation was addressed previously in an earlier vote, so it was withdrawn by Mr. Butler.*

**4) Set-up of the agenda for the next public evening hearing**

*The agenda of the next public evening meeting will be addressed at the next task force meeting.*

**5) Set-up of the next regular meeting's agenda**

*There will be further discussion of the remaining recommendations and the agenda for the evening public hearing will be set.*

**6) Scheduling of the next meeting (time and date)**



*The next meeting is scheduled for Monday, March 2nd at 9:30 a.m.*

*The next evening public hearing will be on Wednesday, March 18th at 7:00 p.m.*

*Meeting adjourned at 12:07 p.m.*

*Staff Assistant Tobie Black*