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CITY OF MILWAUKEE

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LICENSES COMMITTEE HEARING

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In the Matter of:

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MOBIL GAS STATION

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714 North 27th Street

4th District

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COMMITTEE MEMBERS

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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

ALD. WILLIE WADE

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HEALTH DEPARTMENT by PAUL ZEMKE

LICENSE DIVISION by REBECCA BARON

13

DEPARTMENT OF NEIGHBORHOOD SERVICES by PANDORA BENDER

POLICE DEPARTMENT by SERGEANT CHET ULICKEY

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CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

ALDERMAN ROBERT BAUMAN - 4th District

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DAVID C. BANGERT, 158 North Broadway, Suite  
600, 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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28th day of March, 2006, before Terese M. Schiebenes

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of Milwaukee Reporters Associated, Inc.

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PROCEEDINGS

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(All City Personnel duly affirmed.)

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CHAIRMAN WITKOWIAK: In the 4th District, Mandeep Dhawan, Agent for Youvraj Group, LLP, Extended Hours Establishment License renewal application for the Mobil Gas Station at 714 North 27th Street. Good afternoon. Raise your right hands, please. Who's all going to testify on this matter? Why don't you all stand who's going to testify and raise your right hands, and we can get everyone sworn at the same time. I see four people in the audience plus the people at the table.

(Whereupon all speakers were duly affirmed.)

MR. KULAR: Andy Kular, 10702 North Gazebo Hills, Mequon.

MR. DHAWAN: Mandeep Dhawan, 4624 South 50th Street, Greenfield.

MR. BANGERT: David Bangert, attorney for Mandeep Dhawan and Youvraj Group.

CHAIRMAN WITKOWIAK: Let the record show that Alderman Bauman appears in this matter. Mr. Dhawan, do you admit to receiving notice in the mail there's a possibility your application could be denied because of items contained on the police report and neighborhood objections to the renewal of this license

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1 due to disturbing the peace, loitering, littering,  
2 loud music, noise, drugs, criminal activity, curfew  
3 violations, traffic, parking problems, and conduct  
4 which is detrimental to the health, safety, and  
5 welfare of the neighborhood? Did you receive that  
6 notice?

7 MR. DHAWAN: Yes.

8 CHAIRMAN WITKOWIAK: Neighborhood Services?

9 MS. BENDER: No objection.

10 CHAIRMAN WITKOWIAK: Health Department?

11 MR. ZEMKE: No objection.

12 CHAIRMAN WITKOWIAK: Sergeant Ulickey, the  
13 police report, please.

14 SGT. ULICKEY: The applicant has a record  
15 check scheduled for 1/29 of '07 in Branch 2 of the  
16 Milwaukee Municipal Court at 8:30 a.m. for a  
17 disorderly conduct that occurred on 9/16 of '05.

18 ALDERMAN PUENTE: Can you elaborate? What  
19 is the subject has a record check?

20 SGT. ULICKEY: I can tell by the look on  
21 your face that was coming. What it is, evidently this  
22 gentleman was charged with disorderly conduct, and  
23 upon going to court they said they would hold the  
24 matter open, assuming that there's no other  
25 violations, and render a disposition on 1/29 of '07.

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1 ALDERMAN PUENTE: Thank you.

2 MR. BANGERT: Excuse me. Just to clarify,  
3 that's correct, the matter was held open. It's  
4 scheduled to be dismissed then on that date, assuming  
5 there are no other violations.

6 CHAIRMAN WITKOWIAK: Mr. Bangert, do you  
7 wish to lead off with anything?

8 MR. BANGERT: Your Honor, I was just  
9 retained of late, actually yesterday, to represent Mr.  
10 Dhawan and his group, the Youvraj Group, of which he's  
11 the agent, but I've had opportunity while waiting this  
12 morning to not just review the objections but to speak  
13 briefly with Alderman Bauman and to some of the  
14 neighbors who are here to offer their objection.

15 It appears to me that it's real clear that  
16 the problems primarily that would lead to the  
17 objections are there is some littering, but also  
18 primarily more a problem with some panhandling and  
19 loitering that take place in the vicinity of this  
20 business. Mr. Dhawan and his group, the Youvraj  
21 Group, have run this business for, I believe, about  
22 three years. Is that correct?

23 MR. DHAWAN: Yes.

24 MR. BANGERT: Prior to that, the other  
25 witness who appears here, Mr. Kular, he's the owner of

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1 the property and ran the business prior to Youvraj  
2 Group, so he was the owner and ran the business for  
3 about seven years. He's familiar with the same  
4 problems, I think, that are apparently kind ongoing.  
5 This committee and some of the members of the  
6 committee may be familiar with Mr. Dhawan in that he  
7 is a recent owner of another Mobil station at 49th and  
8 Lisbon, and there's been a great deal of accommodation  
9 due to some new development that he's done and some  
10 rebuilding, and I think everybody is pleased with that.

11 It's my understanding that the main  
12 objections are due to loitering and a panhandling  
13 problem that, from speaking with Mr. Dhawan and with  
14 Mr. Kular, the problem has been something that has  
15 been ongoing probably since the business -- well,  
16 certainly during the time that they're both familiar  
17 with, during the last 11 years that Mr. Kular ran the  
18 business and now Mr. Dhawan has run the business.

19 The disorderly conduct that was mentioned  
20 briefly was partly a result, was probably a result of  
21 an incident with a panhandler who then threw a knife  
22 at one of the employees who was working there. Mr.  
23 Dhawan received a call. The police were there and  
24 closed down everything while they were investigating  
25 and trying to apprehend the person that threw the

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1 knife, but that was an incident that happened, and  
2 apparently there fortunately are not incidents of that  
3 gravity that occur often, but there are often, Mr.  
4 Dhawan says once or twice a day there are panhandlers  
5 or loiterers who are in that vicinity.

6 The location is 27th and Wisconsin, and so  
7 it's I'm sure familiar to most of you. There's the  
8 gas station there and there's a bus stop right on that  
9 corner, and so there's kind of a blending of people  
10 who may be hanging around the bus stop. Some will  
11 wander into the parking lot or do something at the gas  
12 station, so that's what happens.

13 A couple of the improvements that have been  
14 done on this location I think in the last month, Mr.  
15 Dhawan has invested in a new lighting system. From my  
16 discussions with some of the neighborhood people that  
17 are here, that's acknowledged that that's made a nice  
18 difference. It's a good improvement in that there's  
19 enhanced lighting in the parking lot. Mr. Dhawan has  
20 a sign in front of his business stating no  
21 panhandling, no loitering, but as can be imagined,  
22 that sign probably does not have a huge significance,  
23 it doesn't solve the problem.

24 Basically, it seems to me that what needs to  
25 be done, I've suggested to Mr. Dhawan this morning

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1 that I think that the neighborhood has a perception  
2 that Mr. Dhawan and his employees do not always chase  
3 away the loiterers or the panhandlers as aggressively  
4 as they could or should, or it's acknowledged that  
5 there's not a lot that they can do, they can't be  
6 overly aggressive, but then at that point, the police  
7 have to be called. Mr. Dhawan indicates that that is  
8 their policy, that they will ask people to move on,  
9 and then if they don't, they will call the police.  
10 But they say that sometimes the police are very  
11 efficient and come and will cite the individuals that  
12 are there, but they, too, grow tired of that  
13 repetitive same situation.

14 So it's a problem that I suggested to Mr.  
15 Dhawan that perhaps a meeting with the police just to  
16 develop other strategies for dealing with what appears  
17 to be a daily problem right there at that location of  
18 his business and the bus stop in addition to making  
19 better efforts to control what is also a littering  
20 problem. Mr. Dhawan has stated that he has employees  
21 go out two to three times a day to clean up the  
22 litter, but he acknowledges that there's always some  
23 litter there. Whether it's from his location or  
24 whether it comes from the bus stop, it doesn't really  
25 matter. He acknowledges that as a business owner

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1 there, it's their responsibility to do all they can  
2 anyway.

3 I guess that's all I have to say at this  
4 time. If there are any questions to Mr. Dhawan or Mr.  
5 Kular, we'll respond to comments of the neighbors.

6 CHAIRMAN WITKOWIAK: I have a couple  
7 questions to start. How long have you operated in  
8 that location?

9 MR. DHAWAN: Three years, sir.

10 CHAIRMAN WITKOWIAK: And your extended hours  
11 consist of what, is it 24 hours?

12 MR. DHAWAN: 24 hours, yes.

13 CHAIRMAN WITKOWIAK: You've been operating  
14 24 hours since you've been in there?

15 MR. DHAWAN: Yes, sir.

16 CHAIRMAN WITKOWIAK: And should he not be  
17 granted this, he'd have to close at what time, is it  
18 midnight? Midnight. Thank you.

19 Alderman Bauman, do you have anything to say  
20 to lead off?

21 ALDERMAN BAUMAN: Yes. Thank you, Mr.  
22 Chairman. I'll leave it up to the eyewitness citizens  
23 to testify as to precisely what they've observed  
24 between the hours of 12:00 a.m. and 5:00 a.m., which  
25 is, of course, the relevant period for this

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1 committee's consideration in renewing this license.

2 Now, I do not support his renewal both based  
3 on the strength of the citizen comments that I've  
4 received and on my general observation of this  
5 establishment. There is a major littering problem on  
6 this particular corner at this particular  
7 establishment, there's a major loitering problem,  
8 there is major disorder at this particular location,  
9 and the facility itself is generally in poor repair  
10 and is poorly maintained.

11 Now, I understand that there's a situation  
12 where the current holder of the license, the 24-hour  
13 license, Mr. Dhawan is the lessee, he's the tenant, so  
14 he's obviously not going to make improvements to the  
15 physical facility which he only is leasing. The  
16 owner, on the other hand, has no incentive to make an  
17 investment in the physical facility because he's also  
18 leasing. So we have a situation where, as far as  
19 physical improvements are concerned, as far as  
20 enhanced maintenance is concerned, each party is  
21 pointing the hand to the other saying that's not my  
22 responsibility, the other guy should do that.

23 That's by way of general background. This  
24 is a location three blocks from my home. I go out of  
25 my way to avoid using his gas station, even though it

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1 is the closest station to my home because it is  
2 nothing but trouble when everyone goes in there. You  
3 are approached by -- It's like a swarm of bees  
4 descending upon you when you pull up to the gas pump.

5 As far as what goes on after 12:00 a.m.,  
6 again, I'll leave that to the witnesses because I do  
7 not have any personal knowledge after 12:00 a.m. But  
8 I can tell you at 6:00 p.m. or 8:00 p.m., literally a  
9 swarm of bees descends on you if you pull into this  
10 location. Whether that's the licensee's fault or not,  
11 no one can say, but they are coming here for the  
12 privilege of doing business between the hours of 12:00  
13 a.m. and 5:00 a.m., and that privilege has a high  
14 burden, and I don't think that burden has been met.

15 CHAIRMAN WITKOWIAK: Thank you.

16 ALDERMAN PUENTE: Mr. Chair.

17 CHAIRMAN WITKOWIAK: Alderman Puente.

18 ALDERMAN PUENTE: Alderman, when you say at  
19 6:00 or 8:00 there's a swarm of bees, what is the  
20 swarm of bees doing?

21 ALDERMAN BAUMAN: That would be individuals  
22 who set upon you for panhandling and general  
23 harassment.

24 ALDERMAN PUENTE: Is the police department  
25 aware of this?

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1                   ALDERMAN BAUMAN: I believe the police  
2 department are very aware of this particular location.  
3 These tend to be low priority calls. When police do  
4 respond, as I think the licensees will probably tell  
5 you, whoever is doing the swarming has long since  
6 dispersed. So as a practical matter, it's a low  
7 priority walk-away as a rule.

8                   ALDERMAN PUENTE: Do you know at any times  
9 during these officers' unobligated time during their  
10 routine patrol that they go through there just to  
11 check?

12                   ALDERMAN BAUMAN: That I'm not aware of if  
13 they do routine checks.

14                   ALDERMAN PUENTE: Do you know if any of them  
15 have issued a citation to anybody? You're saying this  
16 is happening all the time, correct?

17                   ALDERMAN BAUMAN: We can hold this matter,  
18 and I can get the CAD reports that I requested two  
19 weeks ago but have not yet received. I could receive  
20 that information had the police department responded  
21 in a timely way to my request for that information.  
22 I'll be happy to come back with that information in  
23 detail. I believe there have been numerous calls for  
24 service at that location. What precise disposition of  
25 those service calls I do not know because I was unable

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1 to get the records in a timely way.

2 CHAIRMAN WITKOWIAK: First witness, please.  
3 Stand up by the microphone, state your name and  
4 address for the record.

5 MR. LIPSCOMB: Thank you for the opportunity  
6 to address you. Theodore Lipscomb, 2900 West Kilbourn  
7 Avenue, three blocks from the business. I have a  
8 number of incidents that I'd like to tell you about.

9 CHAIRMAN WITKOWIAK: Please.

10 MR. LIPSCOMB: My experience with the owner,  
11 Andy, the owner of the property, go back to 2002 when  
12 I first called him about issues of litter and  
13 loitering and panhandling at the location. He  
14 promised to get on top of the garbage problem by  
15 having his employees pick up more regularly and  
16 acknowledge that panhandling was detrimental to the  
17 success of his business.

18 In May of 2003, several neighbors, including  
19 myself and then Alderman Henningsen's office, e-mailed  
20 Mobil's corporate office to complain -- I actually  
21 have that e-mail -- about the conditions. Their  
22 response was they can't control their dealers but  
23 that they would also pass on the complaints to the  
24 dealer.

25 March 30th, 2005, there was panhandling at

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1 this location. I called the non-emergency number.  
2 May 21st, 2005, called the non-emergency number  
3 regarding illegal outdoor sales. There were about 30  
4 feet of athletic shoes spread about, and there was a  
5 rental truck in the back selling motorized scooters.  
6 March 1st, 2006 prior to filling up -- so this is just  
7 this month -- I'm putting air in my sister-in-law's  
8 tire, and I'm panhandled. The man lingers around me  
9 the whole time. I then go to fill up my vehicle, and  
10 I witness what I believe is a drug sale. The car next  
11 to me is parked, and I believe he thinks I'm his  
12 customer because he's got his window down. It's not  
13 until a gentleman who parks behind the station  
14 comes and gets in the back seat of that vehicle does  
15 he roll up his window. 30 seconds later, that guy  
16 exits, they both drive off separately. I believe  
17 that's a drug deal. At that time, I did not call  
18 because I don't have my cell phone on me.

19 March 10th, 2006, my sole reason for going  
20 to the station that night is to save my wife's friend  
21 from being hassled while filling up her car, so I go  
22 with her. Three panhandlers soliciting, one right  
23 after another. The third is so persistent that he  
24 actually tries to grab the gas pump from me, and after  
25 telling him three times to back up, I finally have to

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1 push him back.

2 I go inside. There's two employees working.  
3 I tell them what happened. They acknowledge it, but  
4 they don't do anything, they don't tell me yes, we've  
5 called the police, they just nod in acknowledgement.  
6 I leave. As I'm leaving, one of the guys who's  
7 panhandled me is urinating on the back of the  
8 building.

9 ALDERMAN PUENTE: Real quick. I don't mean  
10 to interrupt you, but could you give us the time of  
11 day, because otherwise, I'm going to ask that question  
12 at the end. It seems like you have several pages.

13 MR. LIPSCOMB: I'm almost done because we're  
14 now into March. My last incident is this Saturday --  
15 well, Sunday morning 2:00 a.m. I visit the gas  
16 station to fill up, and I'm immediately approached by  
17 a man selling DVDs, which I believe are bootleg  
18 versions. He's even willing to sell them three for  
19 \$7. I drive off and phone in the man's clothing  
20 description to the non-emergency number. I call Andy  
21 and leave a message. He calls me back and tells me he  
22 owns the building, but he tells me to call Mandeep and  
23 gives me the number. I call Mandeep. He does return  
24 my call on Sunday, and we talk for some time. We meet  
25 yesterday for about an hour.

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1                   The main argument expressed to me is it's an  
2 economic argument that he can't afford to hire private  
3 security. I tell him that still doesn't explain why  
4 his employees don't call the police or tell me that  
5 they will call the police or tell the people to leave.  
6 I don't expect them to physically remove these people  
7 from the premises, but I do expect them to get  
8 involved, and I do expect them to be able to see  
9 what's going on on the premises, and I shouldn't have  
10 to serve as their consultant as to how they can clean  
11 up their business. That's not my job.

12                   The one thing I will acknowledge is that  
13 Mandeep did call me back and that he did meet with me.  
14 However, in light of the fact that this was coming up  
15 today, I'm not sure that I would have had that same  
16 response. I don't believe that I would have had this  
17 been next weekend.

18                   CHAIRMAN WITKOWIAK: Of those incidents  
19 you've described, how many took place after midnight?

20                   MR. LIPSCOMB: This last one was definitely  
21 after midnight. Some of these I only have the date.  
22 I put the notes in my cell phone. Many of them are,  
23 if not after midnight, they're 10:00, 11:00, they're  
24 late night. And I just have to say that it's the same  
25 situation no matter what time of the day I go, and if

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1 they can't control it before midnight when they  
2 actually have their lobby open and their employees do  
3 come out, they're certainly not controlling it once  
4 the lobby is locked and they are cloistered inside the  
5 store.

6 MR. SCHRIMPF: I followed -- Your first  
7 date was what?

8 MR. LIPSCOMB: First time was in late 2002  
9 when I called the owner, then there were e-mails.

10 MR. SCHRIMPF: May of 2003?

11 MR. LIPSCOMB: May of 2003 were some e-mails  
12 with the corporate office, March 30th, 2005,  
13 panhandling, May 21st, 2005, that was the illegal  
14 outdoor sales, March 1st -- There were three  
15 incidents here in March, March 1st, March 10th, and  
16 March 26th.

17 MR. SCHRIMPF: All right. Thank you.

18 ALDERMAN BOHL: I just want to make a point  
19 for every person who's here on 24-hour licenses. If  
20 it is a continuation of a license, it's a renewal,  
21 there is a vested property right that is already in  
22 that license, it is guaranteed by state statutes. As  
23 such, this committee can only consider, only consider  
24 items that are problematic during the hours between  
25 midnight and 5:00 of the operations. It may be that

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1 there are a lot of problems with loitering and  
2 panhandling during the day, a lot of litter during the  
3 day. Unless individuals can say that they've  
4 witnessed customers at 1:00 a.m. in the morning  
5 throwing the litter, they cannot surmise on their own,  
6 well, I suppose because I've seen it at 6:00 p.m. at  
7 night that it probably is occurring 1:00 a.m. in the  
8 morning. If you do not see it at 1:00 a.m. in the  
9 morning, it doesn't count, you can't say it.  
10 Ultimately, between the hours of midnight and 5:00  
11 a.m.

12 Now, it's a very different story if it's a  
13 new license. You could say we've had problems at 7:00  
14 and 10:00 p.m., and I don't want it happening at 2:00.  
15 That is not guaranteed a property right in the  
16 guarantee of the license. We can only hear items  
17 between midnight and 5:00 for consideration. That is  
18 not to say when you have those other problems you  
19 can't go after the occupancy permit. You could  
20 actually put in written complaints to the Board of  
21 Zoning Appeals for the issuance of a special use  
22 permit for the entire hours of operation. We here can  
23 only hear midnight to 5:00. We can't take away  
24 anything else. We can only consider midnight to 5:00  
25 for the operation.

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1                   It sounds like there's a lot of problems  
2 here. I encourage you all to walk across to Board of  
3 Zoning Appeals, 809 North Broadway, and make written  
4 complaints forwarded to the special use permit based  
5 on the zoning. That's a different issue here.  
6 Midnight to 5:00, midnight to 5:00, midnight to 5:00.

7                   MR. KULAR: Mr. Theo did call me at 11:57 in  
8 the night of March 10th. Within a minute or two, I  
9 called him back and talked to him, and I told him that  
10 I would take care of it. I did pass that to Mandeep.  
11 He tried his level best to take care of it. Couple  
12 days or three days ago, he called me at 2:18 that  
13 morning. I pick up the phone, I call him right back.  
14 Whatever we can do, we are going to try to make the  
15 property and the business valuable.

16                   It's another thing from 2002 to 2005.  
17 There's two years difference. 2002 I was running the  
18 business. If there was a complaint, I helped rectify  
19 it, even though at that time I did have private  
20 security hired for a few months to take care of the  
21 problem. We try our level best. We are in business.  
22 If the customers are not going to come, we are not  
23 going to survive, so we have to make sure that we have  
24 a clean operation. And whenever Mr. Theo -- last two  
25 weeks he has called at 11:57 and 2:18 in the a.m.,

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1 and I have his phone number not even a minute later.

2 CHAIRMAN WITKOWIAK: I don't think that's  
3 unusual. I had a neighbor that was a nuisance in my  
4 neighborhood and when the nuisance occurred, I called  
5 that landlord at home. If you think that's  
6 unreasonable he called you at 2:00 in the morning, I  
7 don't think it is. It's your responsibility.

8 MR. KULAR: I already respond when he has  
9 called me. Don't think that we are ignoring his  
10 calls.

11 MR. LIPSCOMB: Mr. Chairman, I just want to  
12 address Alderman Bohl's comment about BOZA. I  
13 appreciate that. That was actually where I started.  
14 This business has been a filling station long enough  
15 that it's actually not subject to a special use.  
16 That's actually when I called Licensing on Friday and  
17 first found out that this was up today. In fact, the  
18 only actual weapon we have against them is to get  
19 their attention here.

20 If I can, I understand the concern about  
21 incidents that occur during the day or dismissing  
22 those, but I do have some photo evidence, if you'd  
23 like, of the conditions of the station, some of which  
24 showing the litter conditions which clearly run  
25 contrary to their contention that they pick up three

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1 times a day.

2 CHAIRMAN WITKOWIAK: We'll accept those.

3 MR. SCHRIMPF: Mr. Chairman. Mr. Lipscomb,  
4 you are the person that took those pictures?

5 MR. LIPSCOMB: Yes.

6 MR. SCHRIMPF: When did you take those  
7 pictures?

8 MR. LIPSCOMB: Friday.

9 MR. SCHRIMPF: They depict what address?

10 MR. LIPSCOMB: 714 North 27th Street.

11 MR. SCHRIMPF: Those representations are  
12 true and correct and accurate representations of the  
13 conditions?

14 MR. LIPSCOMB: They are. They're unaltered  
15 other than my writing on them some notations.

16 CHAIRMAN WITKOWIAK: Mr. Bangert, do you  
17 have any questions of this witness?

18 MR. BANGERT: No, I don't.

19 CHAIRMAN WITKOWIAK: Next witness, please.

20 MS. HANLEY: My name is Eilene Hanley. I'm  
21 a resident of 945 North 29th Street. I've used the  
22 gas station on and off over the years. The earliest  
23 personal experience I have is 5:30 a.m. being  
24 panhandled while obtaining gas. This was in December  
25 of '05. And I went in to complain to the clerk, and

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1 he basically told me nothing could be done about it.  
2 Even though Alderman Bohl countered that it can't be  
3 used, if you're not accepting the responsibility of  
4 doing business properly during the day, then we know  
5 it's not being done from midnight to 5:00 a.m.

6 And I would also argue that 27th Street,  
7 which is known as drug alley by the Milwaukee Police  
8 Department, that adding 24/7 business along there is  
9 contributing to the problems and issues and the  
10 neighbors and police trying to clean up that  
11 reputation as drug alley.

12 CHAIRMAN WITKOWIAK: Thank you. Any  
13 questions of this witness? Alderman Dudzik.

14 ALDERMAN DUDZIK: Ma'am, how long have you  
15 lived at your present location?

16 MS. HANLEY: I've lived there since  
17 September of '92.

18 CHAIRMAN WITKOWIAK: Thank you. Next  
19 witness, please.

20 MS. JUNG: Good morning. Thank you for  
21 allowing me to speak. My name is M. Grace Jung. I  
22 live at 831 North 28th Street. I am, therefore,  
23 exactly two--and-a-half blocks from the station. My  
24 husband and I moved there in October 1999 wanting to  
25 do as much business in the neighborhood as possible.

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1 This is not about the fact that every single time the  
2 past six years I have bought gas there, there has not  
3 been one exception where I have purchased gasoline  
4 there and not been panhandled.

5 More importantly, I live in Milwaukee and I  
6 work in Washington D.C., and that's a 14-hour drive,  
7 and I would like to be able to buy gas at 4:00 in the  
8 morning at my local gas station so that I can get to  
9 Washington D.C. by 7:00 or 8:00 at night. At that  
10 time of night from midnight to 5:00, I find it a  
11 playground for criminals, clusters of people, two,  
12 three, four laughing, joking. I have not been able to  
13 get to a pump at 4:00 a.m. for the traffic going  
14 through at that moment.

15 Panhandling during the day is tough. At  
16 night, it's tougher. But that's not even the problem.  
17 I guarantee that I do not know when a woman is on her  
18 knees next to a man at the wall what she's doing. I  
19 don't know it, and I'm not looking any further to be  
20 sure, but I see things like that often.

21 The amount of noise. I can't even hear  
22 myself think in the middle of the night when I pull  
23 into that station. Obviously, I'm not buying gas  
24 there anymore. When I come back from Washington D.C.  
25 when I've left at noon and I'm cruising through at

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1 2:00 or 3:00 in the morning, I make sure I look  
2 because this is a block-and-a-half from my house.  
3 Clusters of people, loud noise, prostitution perhaps.  
4 Maybe this guy is just giving his friend a piece of  
5 gum. I don't think so.

6 This is all the time. This is constant.  
7 This gas station has a very, very bad reputation for  
8 what goes on and especially for the management's lack  
9 of response. Thank you.

10 MR. SCHRIMPF: Mr. Chairman. First of all,  
11 how many times do you visit this gas station between  
12 midnight and 5:00 a.m.?

13 MS. JUNG: Twice a month.

14 MR. SCHRIMPF: And do you see these large  
15 congregations of people and this noise and experience  
16 this panhandling all the time every time?

17 MS. JUNG: It's a yes/no question. I have  
18 to be real careful and honest.

19 MR. SCHRIMPF: Yes, I want an honest answer.

20 MS. JUNG: Yes, yes. Maybe not all five  
21 things at once, three out of five.

22 MR. SCHRIMPF: That's all I have. Thank  
23 you.

24 ALDERMAN PUENTE: When in the last year have  
25 you witnessed this? Every month for the last year?

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1 MS. JUNG: I'm being very careful instead of  
2 just brazenly saying yes. Did I not see it in  
3 February because it was cold or January? Perhaps, you  
4 know, perhaps outright yes.

5 ALDERMAN PUENTE: Did you see it this month?

6 MS. JUNG: Yes, sir.

7 ALDERMAN PUENTE: Thank you, Mr. Chair.

8 ALDERMAN DUDZIK: When you see these  
9 different activities, do you ever call the police?

10 MS. JUNG: I have not been calling the  
11 police on this station, and perhaps I should be  
12 ashamed of that because I am the co-captain of the  
13 28th Street Block Watch Club. I understand how hard  
14 our police are working. They're just trying so hard  
15 at Judy's Red Hots, at this gas station, they have so  
16 much to do, some of the apartment buildings. I should  
17 be calling and making a record, and I'm not.

18 ALDERMAN DUDZIK: Thank you.

19 CHAIRMAN WITKOWIAK: At this time, Alderman  
20 Bohl moves to make the six pages of pictures part of  
21 the permanent record in this hearing, and hearing no  
22 objection, so ordered. Mr. Bangert, did you have any  
23 questions of this witness?

24 MR. BANGERT: No, I don't.

25 MR. JUNG: Hello. I'm Mark Jung, and I'm

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1 the young lady's husband. I'm also, among other  
2 things, a professional chef, which takes me out often,  
3 keeping me out late at night.

4 Regularly I drive past that establishment  
5 once a week during the hours being mentioned, usually  
6 early Saturday morning, generally at 1:00 to 3:00 a.m.  
7 I have actually patronized that petrol station for  
8 about six years now, although that has fallen off a  
9 lot recently. When they mention panhandling, this is  
10 very aggressive panhandling, and it is at 2:00 a.m.,  
11 and it is every time.

12 I do not know for sure drugs are sold there.  
13 No one has really offered to sell me drugs, though  
14 last time was a young gentleman with a furtive  
15 attitude who asked me what I was looking for. I  
16 didn't ask for what he was offering.

17 As for prostitution, I know for a fact that  
18 there are prostitutes in that area, and they will  
19 approach you if you are at the pumps and if you show  
20 any interest. And this is something which is easily  
21 verified. I would suggest anyone who chooses just  
22 stop by about 2:00 a.m Saturday and see the circus.

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

25 ALDERMAN PUENTE: Do you call the police?

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1 Do you call the police when you see violations there?

2 MR. JUNG: Generally, no, though there has  
3 been one exception. On two occasions I have seen  
4 police cars, one cruise through there, and I mentioned  
5 an incident that had just happened to them. The other  
6 time, seen a police car having just left, I drove up  
7 next to him and told him what was going on, and he  
8 said he'd swing around to check it out.

9 ALDERMAN PUENTE: And did he?

10 MR. JUNG: I believe he did.

11 ALDERMAN PUENTE: You did not see him or  
12 her?

13 MR. JUNG: I did not follow him. It would  
14 seem to be rude.

15 ALDERMAN PUENTE: What about the first  
16 incident where you told the officers, did you see that  
17 officer take action?

18 MR. JUNG: He did approach some of the  
19 people who were panhandling. I had not yet left the  
20 station at that time. I did not see what the final  
21 results were.

22 ALDERMAN PUENTE: And when was that, these  
23 two incidents you're speaking of?

24 MR. JUNG: That would have been last March,  
25 as I recall.

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1 ALDERMAN PUENTE: Approximately a year ago?

2 MR. JUNG: Yes.

3 ALDERMAN PUENTE: Thank you, sir.

4 MR. SCHRIMPF: Sir, Mr. Jung, you indicated  
5 that the panhandling is aggressive in nature?

6 MR. JUNG: Yes.

7 MR. SCHRIMPF: Could you describe that for  
8 the committee, please.

9 MR. JUNG: Where the fellow will approach  
10 you telling you he just needs money to get out for the  
11 bus or something else and you say no and he keeps  
12 coming back, he wants to try to fill your tank for  
13 you, even after asking him to leave you alone, you're  
14 not giving him anything, I've directed him down the  
15 street to the mission, whatever else, he will still  
16 lurk by the automobile, sometimes even two of them at  
17 a time.

18 MR. SCHRIMPF: Thank you. That's all I  
19 have.

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

22 MR. BANGERT: Yes. I was just curious, Mr.  
23 Jung, you mentioned the bus stop, and that's right in  
24 front of the gas station; is that right?

25 MR. JUNG: It is on Wisconsin Avenue.

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1 There's no barrier save the shelter itself 'twixt the  
2 station and the bus stop.

3 MR. BANGERT: I was just curious, regarding  
4 the panhandling, from your testimony, it sounds like  
5 some of it definitely occurs, from your experience,  
6 when you're trying to purchase gas or fill up your gas  
7 tank. Do you ever observe the same type of activity  
8 or crowds of people in the bus stop area itself?

9 MR. JUNG: I have observed crowds of people  
10 there, yes. Generally, they will be congregating in  
11 that area along the back wall and also on the north  
12 side.

13 MR. BANGERT: All right. I have nothing  
14 further.

15 ALDERMAN DUDZIK: Mr. Chairman, if I may.  
16 Sir, to the best of your knowledge, are there any  
17 trash receptacles out in the city right-of-way?

18 MR. JUNG: I don't recall, sir.

19 ALDERMAN DUDZIK: Thank you.

20 CHAIRMAN WITKOWIAK: Is there anyone else  
21 here to testify in this matter? Mr. Bangert, any  
22 closing before we take this matter into committee?

23 MR. BANGERT: Well, I'd like to point out to  
24 the committee again that the testimony is clear, and  
25 what isn't so clear, I guess, is how much of the

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1 problem -- there's no question that there's a problem  
2 -- I guess what isn't I don't believe so clear is how  
3 much of the problem is attributable to the gas  
4 station. There's panhandling and loitering on that  
5 corner.

6 What I've suggested to Mr. Dhawan that he do  
7 is -- he indicates that they do call the police  
8 frequently after being unsuccessful in getting people  
9 to move on -- I've encouraged him to keep a record of  
10 those calls so that they can check. Alderman Puente  
11 asked the question earlier as to whether, when the  
12 police do come, whether citations are issued. Mr.  
13 Dhawan has told me yes, that there are, clearly there  
14 are occasions when they issue citations. He said  
15 many times it's a lot of the same people that get the  
16 citations. But as far as numbers and how many times  
17 when the police come they issue the citations, that I  
18 don't think anybody here is able to tell you, today  
19 anyway.

20 Mr. Dhawan has stated that they would like  
21 to see that problem go away, too. Obviously, it isn't  
22 good for business. He recognizes that they have to do  
23 whatever they can to improve the problem, but it's a  
24 question of what beyond asking the people to leave and  
25 then calling the police they can do. So I guess

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1 that's all I have to say at this point.

2 CHAIRMAN WITKOWIAK: Alderman Bauman,  
3 anything?

4 ALDERMAN BAUMAN: Nothing further.

5 CHAIRMAN WITKOWIAK: This matter is in  
6 committee.

7 ALDERMAN BOHL: Mr. Chairman, based on  
8 matters testified to by neighbors, I would move to  
9 deny the application.

10 CHAIRMAN WITKOWIAK: Motion by Alderman Bohl  
11 is to recommend denial, based on testimony that we've  
12 heard here today relative to matters on the notice.  
13 Is there any discussion on the motion?

14 ALDERMAN PUENTE: Mr. Chair.

15 CHAIRMAN WITKOWIAK: Alderman Puente.

16 ALDERMAN PUENTE: As we face -- and we're  
17 going to be seeing more of these, and obviously, what  
18 has been said earlier in the different 24 hours that  
19 we've had, it weighs in, but I concur that I think the  
20 police need to do whatever they can -- And I don't  
21 know if they are or if they aren't from the testimony.  
22 There's some people who are calling in, there's some  
23 people who weren't calling in. Obviously, if they're  
24 not calling in, the police are not aware of the  
25 problem, but it seems to me that if this problem is so

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1 persistent that they do know about it, and it is true  
2 that the police can only do so much with the incident  
3 at hand giving a citation, however, those citations,  
4 if not taken care of, will sooner or later turn into  
5 the warrants, and then at those times these  
6 individuals are taken off the street for whatever  
7 period of time. And will they come back? More than  
8 likely yes.

9 I just don't know, given the totality of the  
10 circumstances, if it's more of the owner or is it more  
11 of the police or is it more of the community, should  
12 we be looking at more partnerships through the  
13 different entities, whether it's DNS, the police, the  
14 communities, the owners so we get a collaboration  
15 effort to sustain not just in this gas station but in  
16 that whole area, as it was testified by the one lady  
17 that it was known as drug alley, I believe she said.  
18 If it's known, why isn't something being done about  
19 it? Why isn't the whole neighborhood being looked at  
20 rather than just one gas station? Thank you, Mr.  
21 Chair.

22 ALDERMAN WADE: Mr. Chair.

23 CHAIRMAN WITKOWIAK: Alderman Wade.

24 ALDERMAN WADE: On the motion. Everything  
25 Alderman Puente said I agree with, but I also feel

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1 that this committee has a role to play in that, also.  
2 It is a privilege to be operating during that time,  
3 and if you've operated during that time for a certain  
4 amount of years or a period and we keep having the  
5 same thing go on over and over and over, obviously the  
6 person that owns the place can't control it. The  
7 police aren't getting a handle on it.

8 I think this committee has to step in and  
9 say that you're not holding up to your end of the  
10 privilege of being able to operate during that time.  
11 I would think that panhandlers would not be there  
12 panhandling if customers weren't there purchasing  
13 gasoline or goods. I also have gone to that gas  
14 station and have been panhandled probably worse than I  
15 have ever been other than Tijuana, Mexico in my life  
16 and actually wound up giving someone that I knew that  
17 was a former high school friend of mine a couple of  
18 dollars because I knew him, but was panhandled back to  
19 back to back from individuals. And this was during  
20 this time because it was after I had left Summerfest  
21 and Summerfest had closed.

22 Maybe getting someone's attention may take  
23 messing with their money a little bit, getting into  
24 their finances a little bit and let them know us as a  
25 committee, us as a city are not going to tolerate you

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1 just making money in a neighborhood where people who  
2 live in that neighborhood don't benefit from it at all  
3 but have to deal with the detriment of it, and then  
4 you live somewhere outside of the neighborhood. A lot  
5 of times when I'm looking at the addresses of some of  
6 of these people who are doing business in the city,  
7 they don't even live in the city at all.

8 I think this committee has to step up and  
9 say you know what, it's time that you earn the  
10 privilege of operating between 12:00 and 5:00 in the  
11 morning, and then that way we won't have controversy  
12 when we come to this table. I think it's that time  
13 for us to go down the road and start setting the  
14 precedent that look, that is a privilege, and if you  
15 don't treat it as a privilege, it will be taken away  
16 from you.

17 I will be supporting this motion because a  
18 lot of times the cruising issues and some of the other  
19 things that go on stem from 24-hour operations. And  
20 the owner of the operation, their whole thing is,  
21 well, we can't do anything about it. Well, maybe this  
22 committee can help you do something about it by taking  
23 away your privilege to earn money during that time,  
24 maybe that will get your attention. Thank you.

25 CHAIRMAN WITKOWIAK: Motion by Alderman Bohl

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1 is to recommend denial based on neighborhood testimony  
2 relative to items contained in the notice. On the  
3 motion, Alderman Puente.

4 ALDERMAN PUENTE: Yes. Alderman Wade, when  
5 you were approached, was that during the daytime or  
6 nighttime?

7 ALDERMAN WADE: I was at Summerfest and  
8 Summerfest had closed, and I believe Summerfest closes  
9 at midnight. So I drove from Summerfest after it  
10 closed at midnight over to that gas station to help a  
11 friend of mine, who actually happens to be an  
12 alderman, get some gas because he had ran out of gas,  
13 and it was like Summerfest was over on 27th Street  
14 there were so many people. It was unbelievable. It  
15 was just a strange experience to go on in the City of  
16 Milwaukee. Like I said Tijuana, Mexico I experienced  
17 that, but 27th and Wisconsin, that's a little strange  
18 for that type of behavior.

19 ALDERMAN PUENTE: I concur with what  
20 Alderman Wade said that we should not have that, but I  
21 assure you the panhandling is occurring prior to and  
22 other hours than midnight to 5:00. I still think that  
23 you still need the community, the police, the  
24 ownership, we as city government to address the crime  
25 in that area. Thank you.

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CHAIRMAN WITKOWIAK: Motion by Alderman Bohl is to recommend denial based on testimony relative to the notice. Are there any objections to that motion? Hearing no objections, so ordered.

MR. SCHRIMPF: Mr. Bangert, the committee is going to be doing findings of fact and conclusions of law to the full Common Council recommending nonrenewal of this Extended Hours license. You'll receive a copy of that report. You'll have an opportunity to submit written objections to that report as well as appear before the Milwaukee Common Council when it meets on this matter, which will be on April 11th, 2006 in the Common Council Chambers of this building at approximately 9:00 a.m. Same floor but the opposite end.

MR. BANGERT: Thank you.

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