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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the auto wrecker application for:

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EDWARD TALYANSKY

7

Agent for MIDWEST AUTO RECYCLING, LLC

2431 North 30th Street

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\* \* \* \* \*

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COMMITTEE MEMBERS

10

ALD. JAMES WITKOWIAK - Chair

11

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

ALD. TERRY WITKOWSKI

12

ALD. ROBERT PUENTE

13

LICENSING DIVISION by REBECCA BARRON

NEIGHBORHOOD SERVICES by TOM WESSEL

14

HEALTH DEPARTMENT by PAUL ZEMKE

POLICE DEPARTMENT by SEARGENT CHET ULICKEY

15

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in  
the above-entitled matter, before the LICENSES  
COMMITTEE OF THE CITY OF MILWAUKEE, on  
the 29th day of October, 2007.

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P R O C E E D I N G S

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CHAIRMAN WITKOWIAK: In the 15th District, Edward Talyansky, Agent for "Midwest Auto Recycling, LLC," Auto Wrecker application for "Midwest Auto Recycling" at 2431 North 30th Street. Good afternoon.

MR. RANDALL: Good afternoon.

(Whereupon the Applicant was sworn.)

CHAIRMAN WITKOWIAK: Your name and address for the record, please.

THE APPLICANT: 930 East Wabash Place, Bayside.

CHAIRMAN WITKOWIAK: What's your address?

THE APPLICANT: 930 East Wabash Place, Bayside.

MR. RANDALL: 930.

CHAIRMAN WITKOWIAK: 930. Okay. And your name, for the record?

THE APPLICANT: Edward Talyansky.

CHAIRMAN WITKOWIAK: Okay, Edward. Thank you. Neighborhood Services?

DNS: We have a hold for occupancy permit and to comply to department orders to provide for an inspection of the premises.

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1                   CHAIRMAN WITKOWIAK: Okay. Health  
2 Department, you don't inspect these places, do  
3 you?

4                   HEALTH: No.

5                   CHAIRMAN WITKOWIAK: State your  
6 presence for the record, please.

7                   MR. RANDALL: Thank you. Mr. Chairman,  
8 members of the Committee, Brian Randall, Attorney  
9 with Friebert, Finnerty and St. John, 330 E.  
10 Kilbourn Avenue. And Alderman Bohl, my cell  
11 phone is off. John Finnerty may have turned it  
12 on and flipped it in my pocket. And the other  
13 question I have for the committee is whether any  
14 of Mr. Schrimpf's cupcakes are still left in the  
15 back room.

16                   MR. SCHRIMPF: They are, as a matter of  
17 fact.

18                   CHAIRMAN WITKOWIAK: Yes, they are.

19                   MR. RANDALL: That's amazing. I - - I  
20 really give you a lot of credit for catching up  
21 as far as making this meeting on time today. I  
22 know you've had a long day, and we hope not to  
23 take too much longer than our allotted 15  
24 minutes, but I suspect I may need a few minutes  
25 past that.

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1                   CHAIRMAN WITKOWIAK: Okay. Mr.  
2 Randall, does your client admit to receiving  
3 notice in the mail there's a possibility that  
4 your application could be denied because of items  
5 contained on the police report? And objections  
6 stated that if this applicant is granted a  
7 license that operating an auto wrecker in the  
8 City of Milwaukee without the required licenses  
9 is in the applicant's previous record and  
10 operating a business, that these items - - that  
11 these items may cause this committee to - - to  
12 deny this application.

13                   MR. RANDALL: He does, and I've seen  
14 it.

15                   CHAIRMAN WITKOWIAK: Okay. Sergeant,  
16 the police report, please?

17                   SERGEANT ULICKEY: On 7/28 of '03 at  
18 ten a.m. Mid City Auto Salvage received a  
19 citation for non-registration of auto. Was found  
20 guilty and fined a 75.20.

21                   On 7/28 of '03 at ten a.m. Mid City  
22 Auto Salvage received a citation for failure to  
23 display vehicle license plates at 2100 West North  
24 Avenue. They were found guilty and fined 50  
25 dollars and 40 cents.

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1                   On 6/15 of '06 at 9:47 a.m. Milwaukee  
2 Police were sent to 2431 North 30th, Mid City  
3 Auto Salvage, regarding a license premise check.  
4 Officer spoke to the manager identified as Sean  
5 Williams Braden, who was not able to provide  
6 officers with the documents that the Auto Salvage  
7 had obtained a license for junk collecting and  
8 auto wrecking. Braden was issued citations for  
9 operating auto wrecker business without a license  
10 and operating junk collection or dealer business  
11 without a license. The owners, Edward and Alfred  
12 Talyansky were out of town and unable to be  
13 contacted. As to the citations issued to Mr.  
14 Braden, he was found guilty of both counts and  
15 fined 165 dollars and 320 dollars respectively.

16                   On 6/16 of '06 at 1:30 p.m. Milwaukee  
17 Police were sent to 2431 North 30 to perform a  
18 license premise check - - Excuse me - - at Mid  
19 City Auto Salvage. Officers found the business  
20 was in operation, observed several tow trucks  
21 delivering junked motor vehicles to the yard.  
22 Officers located one of the owners, Alfred  
23 Talyansky, who was on the premise. Investigation  
24 revealed that the business was operating without  
25 a junk collectors license, and operating an auto

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1 wrecker business without a license. Alfred  
2 Talyansky was issued both citations for the two  
3 violations, operating a junk - - without a junk  
4 collectors license, and operating a wrecker  
5 without a license - - or wrecker business, I  
6 should say. He was found guilty of both and  
7 fined 320 and 165 dollars.

8 On 6/19 of '06 Milwaukee Police  
9 conducted a license premise check at Mid City  
10 Auto Salvage. Officers spoke with Sean Braden  
11 who was the manager on the scene. Braden advised  
12 officers that they have applied for a license and  
13 showed officers a license application dated  
14 November 25th of 2005. Braden also provided  
15 officers with an expired auto wrecker license, an  
16 expired junk collectors license, both of which  
17 expired on April 30th of '03. Officers then  
18 issued Braden two citations for the above  
19 offenses, because the business was still actively  
20 collecting junk autos. They were found guilty of  
21 both citations and fined for both.

22 On 6/20 of '06 Alfred Talyansky  
23 received two citations for operating an auto  
24 wrecker business without a license and operating  
25 a junk collection or dealer business without a

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1 license. Was found guilty of both counts and  
2 fined 320 dollars and 165 dollars.

3 CHAIRMAN WITKOWIAK: Do you have any  
4 questions about the police report?

5 MR. RANDALL: The only question I had  
6 was a copy, I think, in the packet there were  
7 five items related to Alfred Talyansky, one  
8 through five. I believe those were on the  
9 printed version we had, but not part of your oral  
10 report.

11 SERGEANT ULICKEY: That's correct.

12 MR. RANDALL: So those are no longer in  
13 the file?

14 SERGEANT ULICKEY: Well, they are in  
15 the file, yes, but we typically - - I only read  
16 five years back.

17 MR. RANDALL: Okay.

18 SERGEANT ULICKEY: I could include  
19 those, if you like. I mean, I could read those.

20 MR. RANDALL: I don't think that's  
21 necessary. They - - They have it in writing.  
22 I'm going to briefly address them.

23 The only final question then, just to  
24 clarify. In that police department record search  
25 there was nothing personally on Edward Talyansky

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1 or Midwest Auto Recycling, LLC, was there?

2 SERGEANT ULICKEY: As - - As I  
3 mentioned, he was listed as an officer - -

4 MR. RANDALL: Of Mid City Auto.

5 SERGEANT ULICKEY: - - of Mid City.

6 MR. RANDALL: Right. Okay. Thank you.

7 Those are the only questions I had of the  
8 Sergeant.

9 CHAIRMAN WITKOWIAK: Okay. Alderman  
10 Puente moves to make the entire police report  
11 part of the permanent record in this hearing.  
12 Hearing no objections, so ordered.

13 Do you want to give us some - - Do you  
14 want to give us some opening comments here?

15 MR. RANDALL: I would be happy to, Mr.  
16 Chairman. Although I do know there is one  
17 individual who in - - who wishes to speak in  
18 support of the application, and I believe he's  
19 here on his own time out of work, and so, I would  
20 invite, if it's agreeable with the committee, for  
21 Leroy Holmes to speak. And then if he wishes to,  
22 he can leave and - - and get back to his job.

23 CHAIRMAN WITKOWIAK: Okay. Is there a  
24 Mr. Holmes in the audience here?

25 THE WITNESS: Yes.



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1 MR. RUNNER: Mr. Chairman, may I  
2 interject?

3 CHAIRMAN WITKOWIAK: Oh, go ahead.

4 MR. RUNNER: I wonder if this is  
5 relevant, but if Mr. Holmes is an employee - -  
6 employee of Midwest.

7 MR. RANDALL: He's not.

8 MR. RUNNER: He's not?

9 MR. RANDALL: No, he's not.

10 MR. RUNNER: All right, then. Thank  
11 you.

12 CHAIRMAN WITKOWIAK: Okay. Sir, could  
13 you come up here and we'll take your testimony?  
14 Is there - - While we're on this, is there anyone  
15 else here to testify relative to Midwest Auto  
16 Recycling license application at - - at 2431  
17 North 30th Street? Let the record show no one  
18 else acknowledges that question. Sir, if you  
19 raise your right hand, we can swear you in.

20 (Whereupon the witness was sworn.)

21 CHAIRMAN WITKOWIAK: Your name and  
22 address for the record, please.

23 THE WITNESS: Leroy Holmes, 4700 West  
24 Capitol Drive.

25 CHAIRMAN WITKOWIAK: And, Mr. Holmes,

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1 what - - what is - - How close do you live to  
2 this location?

3 THE WITNESS: About - - About 40 blocks  
4 or so. Maybe a little further than that.

5 CHAIRMAN WITKOWIAK: And what is your  
6 testimony, sir?

7 THE WITNESS: I came to give some  
8 support for Midwest Auto. I've done business  
9 with them in the past, and I have my own repair  
10 facility. And we do work back and forth with  
11 Midwest Auto. And in the past I had been working  
12 with Al, and, you know, we worked together, and I  
13 was just coming to give my support. And maybe  
14 enlighten people on some of the things that goes  
15 on in other repair facilities, about what happens  
16 when people have complaints and things like that.

17 CHAIRMAN WITKOWIAK: Who is "Al" you're  
18 referring to?

19 THE WITNESS: Pardon?

20 CHAIRMAN WITKOWIAK: You said "Al".  
21 You did business with Al. Who is Al?

22 THE WITNESS: Al was the owner of Mid  
23 City Auto.

24 CHAIRMAN WITKOWIAK: Was that the owner  
25 before this gentleman?

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1 THE WITNESS: Yes.  
2 CHAIRMAN WITKOWIAK: Was that also his  
3 brother?  
4 THE WITNESS: No, that was his son.  
5 CHAIRMAN WITKOWIAK: Oh, his son.  
6 Okay.  
7 THE WITNESS: Um-hnh.  
8 CHAIRMAN WITKOWIAK: Okay. Any  
9 questions by members of the committee?  
10 MR. RANDALL: Mr. Chair.  
11 CHAIRMAN WITKOWIAK: Go ahead.  
12 MR. RANDALL: I do have one or two  
13 quick questions for Mr. Holmes. You indicated  
14 you live about 40 blocks away, but is your  
15 business, your shop, nearby the proposed location  
16 on 30th Street for Midwest?  
17 THE WITNESS: Well, it used to be.  
18 MR. RANDALL: It used to be.  
19 THE WITNESS: Yes.  
20 MR. RANDALL: But it's not located  
21 close to it any longer?  
22 THE WITNESS: No. I have a business on  
23 24th Place and Capitol Drive. I used to have a  
24 shop on Teutonia and Meinecke.  
25 MR. RANDALL: Okay. And you mentioned

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1 that you worked with Al Talyansky in the past  
2 under Mid City. Have you had the opportunity to  
3 work with Midwest Auto Recycling and Ed  
4 Talyansky?

5 THE WITNESS: Yes, I have.

6 MR. RANDALL: And - - Go ahead.

7 THE WITNESS: And things are quite a  
8 bit different than what it used to be when I was  
9 dealing with Mid City. You know, Al was - -  
10 Things were kind of - - Kind of was a hothead  
11 about things. You know, he'd fly off the hound  
12 sometimes about parts and getting things done  
13 when there was a problem with different things.  
14 On the second time with Ed right here, you know,  
15 since he's opened up Midwest, we done - - we  
16 developed quite a good working relationship.

17 MR. RANDALL: So quite a bit different  
18 in a positive way.

19 THE WITNESS: Yes.

20 MR. RANDALL: And you mentioned to the  
21 committee that you could elaborate briefly on the  
22 type of business or this industry, can you share  
23 with the committee your experiences as far as  
24 when customers can be frustrated or upset if  
25 they're without their vehicle and they're waiting

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1 for a part and how you think Midwest treats those  
2 customers and - - and acts when they promised to  
3 get a part?

4 THE WITNESS: Well, what happens with  
5 people a lot of times is when they order a part,  
6 and people forget, when they order a used part,  
7 it is just that, a used part, and people seem to  
8 think that a used part is just as good as a brand  
9 new part. And when you get something used, it's  
10 just that. It's used and then sometimes things  
11 go wrong and you have to replace the part. And a  
12 lot of times you'll order parts, say, for  
13 instance, from Midwest right here, and they would  
14 have to get the part from some other place,  
15 referring to an engine or a transmission, and  
16 then something could be wrong with it, and then  
17 there goes the turnaround of having to call them,  
18 and they have to call the place they got it from.  
19 And the people don't understand that when it  
20 comes to a problem with their cars. Where they  
21 right away want to blame the main person. I  
22 bought it from you, and you didn't do it right,  
23 and that's how things goes with that.

24 MR. RANDALL: My last two questions are  
25 you - - you do business right now with Midwest,

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1 and they're located in Cudahy. Would it be  
2 easier for you to do business with them if  
3 they're in Milwaukee, or would you prefer to do  
4 business with a company that's located in  
5 Milwaukee, the City of?

6 THE WITNESS: Yes, it would be a lot  
7 easier if they were back, you know, if they were  
8 in Milwaukee.

9 MR. RANDALL: And do you have any  
10 reservations about this company being awarded a  
11 license to do business in Milwaukee, as far as  
12 supplying used auto parts?

13 THE WITNESS: None, whatsoever.

14 MR. RANDALL: Thank you. I don't have  
15 any other questions at this time.

16 CHAIRMAN WITKOWIAK: Thank you.

17 Questions by members of the committee?

18 ALDERMAN BOHL: Mr. Chairman.

19 CHAIRMAN WITKOWIAK: Alderman Bohl.

20 ALDERMAN BOHL: I'm - - For Mr.

21 Talyansky. I'm - - I'm curious how it is that  
22 Midwest is going to operate differently now as in  
23 the past. I mean, how - - how - - What - - What  
24 - - What things are you going to - - to do or to  
25 change to ensure that we don't see some of the

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1 same issues that we had in the past? I think  
2 that there was - - It's fair for me to say there  
3 was a blatant disregard of - - of the law. And  
4 based on the fact that the police department came  
5 out and informed you, you don't have the valid  
6 licenses. And would come out the next day and  
7 say, here's your citation. You don't have the  
8 valid licenses. You can't operate. Two days  
9 later they'd show up. You're still operating. I  
10 mean, you know, at what point can you - - What  
11 assurances can you provide this committee that  
12 - - that your bell was rung loud enough to the  
13 point where you are going to be a law abiding  
14 citizen, law abiding business. In addition to  
15 that, be a good operator to prospective - -  
16 prospective customers in the City of Milwaukee  
17 and even, you know, nationally, because I know  
18 that - - that the parts that you're sending are  
19 - - are going all over the country.

20 MR. RANDALL: I have a number of  
21 responses to that, and I have a number of  
22 documents. But I think the quick answer to that  
23 that I'd like to offer now is number one, we are  
24 applying for the license we need to conduct  
25 business in the City, and we have not done so,

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1 not conducted business since been denied - - the  
2 Mid City entity was denied. So the - - the main  
3 issue that arose from that experience was the  
4 police department having to come out time and  
5 time again when they were operating without a  
6 license, and we've demonstrated that Midwest Auto  
7 Recycling has not operated without a license. We  
8 are asking this committee to grant us the license  
9 to turn the lights back on the building at 30th  
10 Street that is dark and vacant right now.

11 Number two, they have addressed the  
12 customer complaint issues, and again, I'll be  
13 able to show you more documentation in that  
14 regard. But the number of complaints is much  
15 lower than the Mid City entity. And I - - I  
16 think Mr. Holmes may have touched on the very  
17 reason. The former person responsible for  
18 operating it was a little bit more short-  
19 tempered, and Edward Talyansky is in charge of  
20 the day-to-day operations. He's the sole owner,  
21 sole licensed agent. And so, therefore, not only  
22 have we proven that the number of complaints have  
23 declined, but we also have a number of procedures  
24 in place where we're going to address those that  
25 may come up. And again, referring to what Mr.



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1 Holmes explained, it is an industry that  
2 unfortunately is prone to complaints. But we  
3 believe that when there are complaints, we've  
4 either demonstrated that we've responded, or as  
5 the Better Business Bureau concluded in a number  
6 of instances, there is an - - an agreement to  
7 disagree. That people have their two sides of  
8 the story, and there are instances where both  
9 sides can be right.

10 ALDERMAN BOHL: If I may, just one  
11 follow-up question.

12 CHAIRMAN WITKOWIAK: Go ahead.

13 ALDERMAN BOHL: Thank you, Mr.  
14 Chairman. The issues where - - where you  
15 demonstrate that the - - that the number of  
16 complaints have gone down. Is that reflected in  
17 any way of - - of volume of business that's gone  
18 down since - - since the - - this particular  
19 company here has moved to Cudahy?

20 MR. RANDALL: No. In fact, our volume  
21 of business has gone up. And one of the  
22 documents I was going to reference is a Statement  
23 of Consumer Policy. But it's also in our  
24 Supplemental Plan of Operation. They receive  
25 approximately 300 e-mail messages per day that

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1 they process for a response. They send out about  
2 20 components per day from the Cudahy location.  
3 And so that's an annual number of about 6,000  
4 engines and transmissions, which I believe is  
5 higher than what Mid City was doing. And again,  
6 they ceased operations in June of '06. But it is  
7 a business that has taken off since it grew from  
8 simply a walk-in type of business, which we  
9 really do not even have any longer, to the  
10 Internet based economy and the service of finding  
11 an engine maybe elsewhere, sourcing it, and then  
12 delivering it to the customer, wherever they may  
13 be. So that the volume has increased, and it's a  
14 very small percentage of complaints at this  
15 point.

16 ALDERMAN BOHL: Sounds good. Thank  
17 you.

18 CHAIRMAN WITKOWIAK: Anything further  
19 by members of the committee? Comments from the  
20 Alderman's office?

21 MR. RUNNER: Thank you, Mr. Chair.  
22 There's such a litany of infractions and  
23 indiscretions that it would be comical except  
24 that so many people have been ill-treated, not  
25 just by Mid City but by Midwest. I have reports

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1 here by the Department of Agriculture, Trade and  
2 Consumer Protection, numerous complaints against  
3 Midwest, the new incarnation.

4 In addition, we're - - it was just  
5 stated that they have been compliant and not  
6 operating, that's up for debate, as I think DNS  
7 can attest to. DNS has tried to go many times.  
8 We've had numerous residents seeing people go in  
9 and out. The lights have been on on occasion.  
10 In fact, Angela Farrell was scheduled to meet,  
11 she's tried and pushed the deadline back further  
12 and further and further. Today, the Applicant  
13 was supposed to meet with Angela Farrell again,  
14 stood her up. So we really believe that they are  
15 - - They're not opening the doors. They're not  
16 allowing people to go inside. So that doesn't  
17 bode well for them. But even aside from all  
18 that, we have all these complaints. I have more  
19 than a dozen complaints here. I will grant that  
20 many of them are Mid City/Midwest. But there are  
21 some just Midwest and if I may, this is - - I  
22 would like to read one short sample complaint,  
23 which is sort of indicative of all the complaints  
24 we've gotten.

25 MR. RANDALL: Mr. Chairman.

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1                   CHAIRMAN WITKOWIAK: Yes.

2                   MR. RANDALL: We object on hearsay. I  
3 don't know what he's reading or where it's coming  
4 from. But - -

5                   MR. RUNNER: We did share this with  
6 you. This is the Department of Agriculture,  
7 Trade and Consumer Protection Report that we sent  
8 you that you requested.

9                   MR. RANDALL: I've seen the letter. I  
10 still object, unless there's someone from the  
11 Department of Agriculture, Trade and Consumer  
12 Protection to testify.

13                   CHAIRMAN WITKOWIAK: Mr. Schrimpf.  
14 I'll call upon you for your expert advice at this  
15 time.

16                   MR. RANDALL: And may I add that what  
17 Mr. Runner wants to read though is something from  
18 - -

19                   MR. RUNNER: Runner, actually, Runner.

20                   MR. RANDALL: Runner, I'm sorry. It's  
21 something from the Department of Ag, Trade and  
22 Consumer Protection file. So it's not a document  
23 generated by the department, but it's an alleged  
24 complainant.

25                   MR. RUNNER: It's of from Kenilworth in

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1 Dearborn, Michigan. This is against - - I chose  
2 this one, because it is against Midwest Auto and  
3 not Mid City.

4 MR. SCHRIMPF: Wait a minute. I'm not  
5 finding it.

6 MR. RUNNER: Um.

7 MR. SCHRIMPF: What's the date of it?

8 MR. RUNNER: August 13th, 2007.

9 MR. SCHRIMPF: Mr. Chairman, I'm  
10 looking.

11 CHAIRMAN WITKOWIAK: Is that one of  
12 those that's in - - in our package?

13 MR. RUNNER: It should be. But the  
14 license committee perhaps can speak to that. And  
15 the Alderman's office also wondered if DNS could  
16 - - could verify the - - the attempts to make  
17 contact.

18 DNS: Yes. Inspector Farrell, through  
19 our zoning section, does have an open order that  
20 was issued on 9/13/07 to provide an inspection of  
21 the property. I spoke with her around two  
22 o'clock this afternoon before returning to this  
23 meeting, and she said that Mr. Talyansky was a  
24 no-show for her appointment this morning.

25 MR. RANDALL: Mr. Chair.

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1                   CHAIRMAN WITKOWIAK: Yes.

2                   MR. RANDALL: May I ask a question of  
3 the DNS representative?

4                   CHAIRMAN WITKOWIAK: Go ahead.

5                   MR. RANDALL: In - - In the DNS file,  
6 is there any evidence that there are operations  
7 in the facility, or just the fact that Mr.  
8 Talyansky missed an appointment, and is this a  
9 routine inspection or, again, is there any  
10 evidence that there are activities. And if so,  
11 what types of activities?

12                   DNS: The last fire prevention  
13 inspection that we did in March did show that the  
14 property was vacant at that time. There was an  
15 additional complaint, it looks like the last one  
16 was December, that Inspector Farrell went out.

17                   MR. RANDALL: And Mis - - Mr. Runner  
18 referenced lights on at the facility. Is that  
19 - - Does that constitute occupancy or something  
20 that DNS would be investigating?

21                   DNS: Um - -

22                   MR. RANDALL: Does that equate to auto  
23 wrecking?

24                   DNS: In and of itself, no, it does  
25 not.

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1 MR. RANDALL: Thank you.

2 MR. SCHRIMPF: Mr. Chairman, I -- In  
3 the packets that the committee has, I have not  
4 found that letter of August the 13th, 2007.  
5 Typically, on the hearsay question, it is, of  
6 course, hearsay, but one of the recognized  
7 exceptions to the hearsay rule are governmental -  
8 - reports of governmental agencies conducted  
9 within the parameters of their statutory  
10 authority. And certainly the letters that are in  
11 the -- the committee file would meet that  
12 definition. The letter that the Aldermanic aide  
13 has appears not to be in the file, and so there  
14 would be a problem with foundation. Further,  
15 there's a problem with not having provided it to  
16 the licensee ahead of time.

17 MR. RUNNER: I think the record -- Mr.  
18 Chair, if I may, the record is substantial, and  
19 -- and it's not necessary that I read this. I  
20 just thought it would augment the already strong  
21 case.

22 CHAIRMAN WITKOWIAK: I'm curious as to  
23 why we have five other letters from the  
24 Department of Ag and here and not that one. You  
25 know.

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MS. BARRON: Mr. Chair.

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CHAIRMAN WITKOWIAK: Yes, Ms. Barron.

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MS. BARRON: I don't have that letter

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in the file. So I'm not sure - -

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MR. RUNNER: It may have been a recent

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addition. These complaints have continually come

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in.

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CHAIRMAN WITKOWIAK: Let's - - Let's

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- - Let's - - Unless the committee feels

10

otherwise, let's not take this letter into

11

testimony at this time. Okay?

12

MR. RUNNER: No problem. If I may,

13

though.

14

CHAIRMAN WITKOWIAK: Go ahead.

15

MR. RUNNER: Just - -

16

CHAIRMAN WITKOWIAK: With some

17

testimony not including that letter.

18

MR. RUNNER: Sure. Not including that

19

letter. The general trend seems to be that

20

although there are challenges with this business,

21

that Mid - - Midwest, and Mid City, but just

22

focusing on Midwest, has a track record of not

23

- - not replying to people who make orders.

24

Sending defective equipment, defective engines,

25

not honoring payment agreements, and it's just



00025

1 quite similar, if not identical to the Mid City  
2 complaints. So that's why the Alderman has  
3 objections.

4 CHAIRMAN WITKOWIAK: Okay. Go ahead.

5 MR. RANDALL: Thank you. The file does  
6 have some of these matters that Mr. Runner  
7 referenced, and I do intend to respond to those.  
8 But the first thing I do want to make sure each  
9 of you have is our September 7, 2007 Supplemental  
10 Statement of Operation. I noticed in the packet  
11 with the police report, our exhibits, the  
12 documents that were part of that document were in  
13 there, but not the actual narrative. So I'd ask  
14 that that be added to the file, and if one of you  
15 would kindly move to add it to the permanent  
16 file, that way you can make sure that we have  
17 more than just the simple short plan of operation  
18 in the application itself, but also, the more  
19 detailed one that does address a number of the  
20 issues, and I have one for you, too, Alex.

21 I want to just speak briefly on the  
22 background issues, because there is a division  
23 here, and a point at which Edward Talyansky and  
24 Midwest Auto Recycling is not responsible for Mid  
25 City Auto and the operations it conducted. To be

00026

1 clear and to let the record show, Mr. Talyansky  
2 was a 50 percent owner of Lev and Ed, Inc, which  
3 did business as Mid City. And Mid City operated  
4 a salvage yard in the same location since the  
5 1980s, and the site, in fact, has housed an auto  
6 yard since at least the early 1970s. Mid City at  
7 one time had various licenses that were required  
8 to conduct its auto salvage operations. And for  
9 reasons that are not relevant really today, those  
10 licenses lapsed, and there was a considerable  
11 period of time that it operated without those  
12 required licenses. After it discovered that it  
13 did not have them, they did file applications in  
14 November of 2005, and they finally came on for a  
15 hearing in the Spring of 2006. Although we did  
16 not represent Mr. Talyansky at the time, who  
17 incidentally Edward Talyansky was not the  
18 licensed agent and was not responsible for the  
19 day-to-day operations of Mid City. I did have an  
20 opportunity to review those two hearing  
21 transcripts and the materials that were in the  
22 file, and it appears that this committee  
23 immediately focused on the fact, as I heard today  
24 already from Alderman Bohl, and rightly so, that  
25 the company continued to conduct its business

00027

1 without the licenses, especially after very clear  
2 warnings from each of you. Maybe not each of  
3 you. Several of you. Because I know Alderman  
4 Witkowski is new to the committee. The committee  
5 recommended denial of the applications on June  
6 27, 2006, and it was rec - - and that  
7 recommendation was upheld by the full Council,  
8 July 12, 2006.

9 Since that time, the auto wrecking  
10 operation stopped at the 30th Street site, and  
11 Mr. Talyansky then reorganized and improved the  
12 business as Midwest Auto Recycling, LLC, a  
13 different business entity. He is the sole owner  
14 and officer, and he is responsible for the day-  
15 to-day operations. He began leasing space in  
16 Cudahy and moved his operation to that city with  
17 as many employees as he could support. And that  
18 is about ten to 12 people. And they're all in -  
19 - City of Milwaukee residents working in Cudahy.  
20 Ten to 19 dollars per hour is what they make with  
21 benefits that include health insurance. For the  
22 past year they've all traveled to the City of  
23 Cudahy, but it certainly has posed to be a  
24 challenge from them, and I'll reference as I get  
25 along, a number of them are in each of your

00028

1 districts, and I believe they did have letters to  
2 explain to you how important it would be for them  
3 to have a job in the City.

4 But in any - - any event, Midwest Auto  
5 vacated the Milwaukee building that it could not  
6 use without a license, did not appeal the denials  
7 that this committee recommended back in 2006. It  
8 complied with the prohibition that it not reapply  
9 for a year. And has focused on building and  
10 improving the business to a point where it is now  
11 applying to return to the City of Milwaukee with  
12 these good jobs and turn the lights back on,  
13 although it sounds like one or two lightbulbs may  
14 be on, with a building that is currently vacant  
15 and for the most part, dark.

16 As far as the consumer complaints, we  
17 did engage dialog with Alderman Hines' office,  
18 and I do appreciate Mr. Runner's up front and - -  
19 and forthright dialog, because we did have three  
20 letters with - - to his office specifically, and  
21 he did kindly invite us to meet with him on  
22 September 26th. So we have certainly tried to  
23 engage the office and understand what the  
24 concerns of the President of the Council may  
25 have. And Mr. Talyansky and I took from that

00029

1 meeting that one of his main concerns, and we're  
2 hearing it again today, is the customer  
3 complaints. And not so much that Midwest Auto  
4 Recycling's current number of complaints, but the  
5 fact that they were the same type of complaints  
6 that Mid City had.

7 And we were aware of the certain  
8 letters from the Department of Ag, Trade and  
9 Consumer Protection that were in the file, and  
10 the complaint letters. And I made an appointment  
11 with the Consumer Specialist who wrote those  
12 letters, and I reviewed those files out on Potter  
13 Road. What I discovered culminated in the three  
14 response letters that we sent on to the  
15 Department last week, copies of which were filed  
16 with the license clerk, and sent to each of you  
17 and Alderman Hines. But I do have additional  
18 copies this afternoon, which I would like to give  
19 to each of you, and if it could be added to the  
20 permanent record, we would appreciate that, as  
21 well. Mr. Runner, there's one there for you,  
22 too.

23 CHAIRMAN WITKOWIAK: At this time,  
24 Alderman Bohl moves to accept the - - what's  
25 entitled the Supplemental Plan of Operation and

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1 make it part of the permanent record in this  
2 hearing. Hearing no objections, so ordered.  
3 MR. RANDALL: And this goes to the  
4 comment that Mr. Schrimpf made before as far as  
5 the ones that were in the file, and these were  
6 distributed along with the police report and the  
7 notice that the application may be denied, and I  
8 counted six warning letters from the department,  
9 and we responded to three of them, copies of  
10 which you each have now. Those are the Frank  
11 Garrett's letter, and to clarify that one, Mr.  
12 Garrett's received a 100 percent refund. That  
13 was at his request. Johnny Patterson. He failed  
14 to repair or replace other vehicle parts  
15 connected to the engine that were not sold by  
16 Midwest, and those parts are what apparently  
17 failed. And so it not being our part, it was not  
18 covered by our warranty. And Nicole Colmer, who  
19 received a replacement engine under a warranty  
20 claim, but like Johnny Patterson, that second  
21 engine, I believe that one was a water pump  
22 failure, and that's an express term in our  
23 warranty. The mechanic should be replacing that.  
24 We don't sell those. And that did not happen.  
25 Because Midwest Auto Recycling either

00031

1 refunded the customer's money at their request or  
2 performed under the warranty and cannot do  
3 anything about a part we did not sell that  
4 ultimately failed, we did ask the Department to  
5 rescind the warning letters, which as best I can  
6 tell, since you've each seen those from the  
7 police file, they're a form letter, some of them  
8 even admonished the - - the company to say that  
9 we did not file a written response, when, in  
10 fact, I think in two of those instances that is  
11 not true. There is a written response in the  
12 Department's files. I did see it when I was out  
13 on Potter Road, and, in fact, their form letter  
14 still came out saying we didn't respond and we  
15 violated Wisconsin Law. So we've - - we've asked  
16 that that be cleared up.

17 The other warning letters in the police  
18 report, though, were issued to Mid City. Allen  
19 Erhredt, Susan McDonald, and Gary Smith, those  
20 were all for transactions going to early 2006.  
21 That's when Mid City was operating, albeit,  
22 without a license, and it should not have been.  
23 But that entity is an entirely different business  
24 entity. Mr. Talyansky was not the agent and was  
25 not responsible for the day - - day-to-day

00032

1 operations, and it does not exist any longer. So  
2 that those complaints will be out there, because  
3 the business does not operate.

4 So, therefore, and I'll renew my  
5 objection to those, despite having that response,  
6 that based on foundation and relevance and the  
7 hearsay, we do object to the Department's letters  
8 being considered, and specifically the Mid City  
9 ones.

10 However, I don't want to sidestep the  
11 issue, and we are - - we did commit to Alderman  
12 Hines, and we intend to demonstrate to you that  
13 Mr. Talyansky is not running Midwest Auto  
14 Recycling the same way as the old Mid City. And  
15 I'd like to briefly discuss the substance of the  
16 issue by the current operation. We now employ  
17 office staff members who field calls and e-mail  
18 inquiries dedicated - - Excuse me - - e-mail  
19 inquiries, and one employee is solely dedicated  
20 to the customer service. And much of this is in  
21 our plan of operation that I did file back in  
22 September, and I did distribute to you earlier.

23 Midwest Auto Recycling also offers a  
24 comprehensive warranty for all of its sales, and  
25 that warranty is prominently displayed on its



00033

1 website and sent out with each customer  
2 transaction. All customers must sign to state  
3 that they've read the warranty and they agree to  
4 its terms. As I indicated, this is primarily and  
5 Internet based business now, and if a customer is  
6 not happy with that warranty and those terms, if  
7 they don't want to buy an engine that doesn't  
8 have its water pump or timing belt warranted,  
9 they can go somewhere else, see Google used auto  
10 parts, and many, many hits will come up. So the  
11 customer is agreeing to our warranty. We are not  
12 sending it to them after the fact, and they have  
13 agreed to that, and it's clearly spelled out.

14 MR. RUNNER: Mr. Chair.

15 CHAIRMAN WITKOWIAK: Yes, Mr. Runner.

16 MR. RUNNER: Sorry. If I could just  
17 interrupt.

18 CHAIRMAN WITKOWIAK: Go ahead.

19 MR. RUNNER: The nature of these  
20 complaints, the time - - the stressed timing belt  
21 or faulty water pump is not disclosed on the  
22 website. I, myself, went to the website and - -  
23 and in these issues where there are complaints,  
24 that is not made clear up front. I just wanted  
25 to add that.

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1                   CHAIRMAN WITKOWIAK: Thank you. Before  
2 we go any further along here. The - - Alderman  
3 Bohl wishes to make this packet with the cover  
4 later - - cover letter from Friebert, Finnerty  
5 and St. John dated October 29th, 2007 part of the  
6 permanent record in this hearing. Hearing no  
7 objections, so ordered.

8                   MR. RANDALL: Thank you, Mr. Chair.  
9 And one more document. Mr. Runner, thank you. I  
10 would like to pass out the Statement of Consumer  
11 Policy that, again, was filed and may be in your  
12 materials, but I wanted it to be before you, and  
13 - - and at the appropriate time. If that could  
14 be added to the permanent record. That does  
15 include as an attachment, the warranty that's on  
16 Midwest Auto Recycling's website and is available  
17 in printed form, but it does reference, I  
18 believe, it's a little page six on the very  
19 bottom, number - - paragraph six. There's no  
20 warranty on oil leaks, on engines or  
21 transmissions due to seals or gaskets. I think  
22 that was Mr. Patterson's problem, if we go back  
23 to the department complaints. And number seven,  
24 engines are not warranted against water pumps,  
25 wires, injectors and such bolt-on items. And I

00035

1 think that was Ms. Colmer's problem, water pumps.  
2 And I don't know if any additional pages  
3 specifically instruct mechanics, but I - - I  
4 believe there is some instruction in - - in the  
5 mechanics. If Mr. Holmes were still here, he  
6 could probably tell you what a good mechanic  
7 should know to do as far as when they're  
8 replacing something. You can't put a dog in  
9 something that - - and then just expect it to  
10 work perfectly. But in any event, the Statement  
11 of Consumer Policy is part of what - - further  
12 response to Alderman Bohl's question on what are  
13 we doing differently and - - and what is  
14 different. And it's - - It's really a  
15 documentation of what Midwest Auto is doing as  
16 compared to Mid City, but also, a commitment that  
17 it will respond to the Better Business Bureau or  
18 the Department of Consumer Protection if these  
19 issues do come up. And as I've indicated, there  
20 are oftentimes two sides to every story. And  
21 speaking of the Better Business Bureau, I do want  
22 to point out, and this is in the materials, that  
23 Midwest Auto Recycling does have a satisfactory  
24 record, and the Better Business Bureau has found  
25 that it's properly addressed matters referred by

00036

1 the Bureau, and that the company does not have an  
2 unusual volume of complaints for governmental  
3 actions involving its marketplace contact - -  
4 conduct, and the Business Bureau does not have  
5 any concerns about Midwest Auto Recycling.

6 Admittedly, Mid City had a failing  
7 record with the Better Business Bureau, but Mr.  
8 Talyansky has changed his operation, and the  
9 record will show it has a satisfactory record.

10 CHAIRMAN WITKOWIAK: So the - - the  
11 company you're referring to as Mid City - -

12 MR. RANDALL: Yes.

13 CHAIRMAN WITKOWIAK: That was his son?

14 MR. RANDALL: He and his son owned  
15 that.

16 CHAIRMAN WITKOWIAK: Okay.

17 MR. RANDALL: Edward Talyansky was a 50  
18 percent owner, and Alfred Talyansky was a 50  
19 percent owner, and Alfred Talyansky is Ed's son.  
20 And Alfred Talyansky was the licensed agent when  
21 they did have a - - he was a licensed agent  
22 during the 2005-2006 applications, and Alfred  
23 Talyansky was the operator of Mid City. Ed  
24 Talyansky is the owner, application agent and  
25 operator of Midwest Auto Recycling, the new

00037

1 entity.

2 CHAIRMAN WITKOWIAK: Can I ask where  
3 - - where - - where his son is now? Can I ask  
4 that?

5 MR. RANDALL: I - - I mean, I don't  
6 know where his son is right now.

7 CHAIRMAN WITKOWIAK: It's Alfred,  
8 right?

9 MR. RANDALL: Yes.

10 CHAIRMAN WITKOWIAK: I mean - - No, I  
11 mean where he is in - - What's his relationship  
12 to this new business now?

13 MR. RANDALL: He is an employee but he  
14 isn't responsible for the decision, the day-to-  
15 day decisions.

16 ALDERMAN BOHL: Mr. Chairman.

17 CHAIRMAN WITKOWIAK: Alderman Bohl.

18 ALDERMAN BOHL: I just - - When you say  
19 "employee," does - - does he still own 50 percent  
20 interest in this company or - - or better or what  
21 - - what percentage, if any, what percentage of  
22 the ownership does he have?

23 MR. RANDALL: No. In fact, we  
24 anticipated an issue about that, and I don't know  
25 if it's part of this type of license, but we did

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1 file a statement of stock ownership, which was an  
2 attachment to our original application. I know  
3 I've used that for - - It's required for liquor  
4 licenses. I didn't know if it was required for  
5 this, but it does indicate that Edward Talyansky  
6 is the 100 percent owner. There's no even  
7 decimal point percentage in there. And, again,  
8 our track record demonstrates that Ed Talyansky  
9 has done a fine job in controlling this business  
10 and being responsible for it. So he - - This  
11 gentleman is the 100 percent owner of the limited  
12 liability company.

13 ALDERMAN BOHL: Was this if I - - if I  
14 may, Mr. Chairman.

15 CHAIRMAN WITKOWIAK: Go ahead,  
16 Alderman.

17 ALDERMAN BOHL: Was - - Was this a new  
18 company that was created from inception here a  
19 year ago?

20 MR. RANDALL: I'm not sure. We did not  
21 represent them in creating them. And many people  
22 create LLCs on their own, but I believe - -

23 ALDERMAN BOHL: Well, I'll ask Mr.  
24 Talyansky if that's the case.

25 MR. RANDALL: Sure.

00039

1 ALDERMAN BOHL: Mr. Talyansky, is this  
2 a brand new company or was this somehow some part  
3 of - - of Mid City?  
4 MR. RANDALL: When did you create  
5 Midwest Auto Recycling?  
6 MR. RUNNER: June, 2006, Mr. Chair.  
7 The Better Business Bureau says.  
8 THE APPLICANT: One year ago.  
9 ALDERMAN BOHL: One year ago?  
10 THE APPLICANT: Yeah.  
11 ALDERMAN BOHL: Did - - What happened  
12 to the - - What happened to the LLC that was Mid  
13 City? Was that something that was disbanded with  
14 the State of Wisconsin? Did you just - -  
15 MR. RANDALL: Do you know what happened  
16 to Lev and Ed? I believe it just dissolved  
17 itself. It was - -  
18 THE APPLICANT: Dissolved.  
19 MR. RANDALL: It was out of business  
20 because it didn't have that license.  
21 ALDERMAN BOHL: What role, Mr.  
22 Talyansky, do you anticipate your son having in  
23 this new business?  
24 THE APPLICANT: Just an employer.  
25 Answer question - -

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1 ALDERMAN BOHL: He's - - He's got to  
2 have some kind of management role. You're  
3 telling me he's been demoted to the point where  
4 he's just running parts for you? Because I'm  
5 going to - - I'm going to assume that your  
6 business and the volume that you were doing at -  
7 - at - - at your previous location and his having  
8 a 50 percent stake in that share, that he was  
9 making a little bit of money, and you're telling  
10 me right now he's been demoted to the position of  
11 a parts runner?

12 MR. RANDALL: Well, we do have 12 total  
13 employees. I don't know specifically - -

14 ALDERMAN BOHL: So he's going to be  
15 earning ten to 19 dollars an hour?

16 MR. RANDALL: I don't know. I - - I  
17 don't know what Al Talyansky's specific duties  
18 are. My main contact is Edward Talyansky, and  
19 the record speaks for itself.

20 ALDERMAN BOHL: I - - I understand  
21 that. But I - - My position is this much. We -  
22 - We had a company where we had a person who at  
23 least was the public face, not necessarily  
24 yourself, but your son. That, blatantly - -  
25 blatantly, when told day in and day out, your



00041

1 doors must be shut, you are operating illegally,  
2 continued to say thank you for the ticket,  
3 officer, and start operating the next day. And  
4 then, were handed a ticket and said your doors  
5 must be shut. Thank you, officer. Over and over  
6 and over again. Now what I'm questioning is, is  
7 with this whole new public face - - I mean, I've  
8 seen this once. I've seen it before. What I've  
9 seen before was Grand - - Grand - - or Grandview  
10 Windows where they played this sort of game back  
11 and forth between the - - the son and - - and the  
12 father on who was doing this, who was doing that.  
13 Literally, you know, it - - The claim was that it  
14 was - - it wasn't this person. It was that  
15 person who were doing this. Well, I didn't  
16 believe it then. And I'm just trying to - - to  
17 garner if this is just a means of - - of - - of  
18 obscuring who is necessarily running, give us the  
19 license, we'll get it back in the door, and  
20 everything will be peachy keen.

21 Well, if the son has a part in this  
22 business, I'm just curious what the role that the  
23 son is, because obviously you've changed the name  
24 and the son is still working for you here. He  
25 may have zero stake interest, but I'm wondering

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1 if your son is - - is one of the persons calling  
2 the shots. Is he a manager? Is he one of your  
3 go-to persons? Is - - Outside of yourself, as  
4 the owner, is he the person running the day-to-  
5 day operations? It may be that he is. And if he  
6 is, then you can just say absolutely yes, and you  
7 can say look at our track record. We've improved  
8 things.

9 MR. RANDALL: Sure.

10 ALDERMAN BOHL: But if - - But if it  
11 is, be honest and be up front about it, because  
12 that's what I'm all about, is be up and honest  
13 and up front about it. But rather than obscure  
14 this and say essentially well, I don't know, you  
15 know, he - - we have ten - 12 employees, well,  
16 you know, as I said, if - - if he's earning, you  
17 know, 12.50 an hour, and he's been demoted to  
18 that, then admit it. Say that. I don't - - But  
19 I - - But I think that - - that based on the fact  
20 that there - - there have been problems in the  
21 past, that it's a fair question for - - for us to  
22 ask, given the fact that there's a track record  
23 of day in and day out, day in and day out  
24 obscuring of the law.

25 MR. RANDALL: And I - - My first

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1 response was going to be that is a fair question.  
2 You took the words out of my mouth. I think that  
3 this is not a sophisticated operation. Ed was  
4 telling me, as we came down the elevator to - -  
5 or came up the elevator, that there are days when  
6 an employee doesn't show up, and he has to go and  
7 an order comes in or it has to go out the door,  
8 and he is involved with the ground level work, as  
9 well. So the fact that we're here admitting and  
10 telling you that Alfred Talyansky is an employee,  
11 it really isn't much beyond that. I think it is  
12 fair to say that we have paid the price. We did  
13 not reapply for over a year. The law prohibited  
14 us from doing it. We even waited several months  
15 past that. And so, to just have some speculation  
16 at what may be going on, number one, Edward  
17 Talyansky did not reapply, and he hasn't tried to  
18 push the issue. And number two, he has shown  
19 that he has changed the operations. The  
20 Department of Neighborhood Services, that's why I  
21 was very curious as far as if they had anything,  
22 is there one indicia of evidence that this  
23 company is not doing what it should be doing, or  
24 cannot follow the rules. And we submit that it's  
25 very clear, and you rightly so denied Mid City.

00044

1 But after over a year, and this gentleman  
2 changing the business, irrespective of his  
3 employees, I'm going to tell you a little bit  
4 about some of his other employees later, who are  
5 through the Department of Corrections  
6 Reintegration Process, and we have a letter that  
7 no one's seen yet because it just came through  
8 the fax, that they praise this man and his  
9 company, because he is able to give good jobs and  
10 skills to people that are - - are on work  
11 release. They go back to the Racine Department  
12 of Corrections, wherever they may be at night.  
13 But they're getting good skills. And so, the  
14 employees aren't what should be relevant here.  
15 What is in the record is, I submit to you, the  
16 only thing you can consider in looking at this  
17 application. And Mr. Talyansky has worked very  
18 hard to show you that the record does have some  
19 complaints out there, but at least he has  
20 responses for those, and he is willing to  
21 continue on that and bring these good jobs to the  
22 City.

23 CHAIRMAN WITKOWIAK: How many full time  
24 employees does Mr. Talyansky have at this  
25 location?

00045

1 MR. RANDALL: Do you have ten full time  
2 employees or 12?

3 THE APPLICANT: 11, I - - Yeah.

4 MR. RANDALL: 11 employees.

5 THE APPLICANT: And everyone's a full  
6 time employee, not part-time.

7 CHAIRMAN WITKOWIAK: At this time  
8 Alderman Bohl moves to make the Statement of  
9 Consumer Policy, which was submitted to us, part  
10 of the permanent record in this hearing. Hearing  
11 no objections, so ordered.

12 MR. RANDALL: Thank you. Mr. Chair, I  
13 have just a couple final comments here. And I  
14 would like to focus in these final comments on  
15 the notice and the matters that we - - that the  
16 Department Licenses Division indicated we may be  
17 denied. Some of these will overlap and so I will  
18 gloss right over them.

19 But first is the attached police  
20 report. And as you may have gleaned from my  
21 questions of the Sergeant, I wanted to find out,  
22 because, importantly, the police report contains  
23 nothing adverse in connection with the applicant  
24 before you, Edward Talyansky. He is the sole  
25 owner and licensed agent. What it does contain

00046

1 are four pages worth of information on his son,  
2 Alfred Talyansky, who operated the old Mid City.  
3 And, therefore, we object to much of the police  
4 report to the extent it's based on relevance and  
5 foundation, and that the committee shouldn't  
6 consider matters related to an employee for this  
7 particular application.

8 Let me address those citations that are  
9 in the report that were issued directly to Mid  
10 City itself, and admittedly, Edward Talyansky was  
11 a 50 percent owner, but he wasn't responsible for  
12 those day-to-day operations. Numbers three to  
13 five were a "no city alarm" citation, which I  
14 think those went back to 2001. They may have  
15 been some of the older ones Sergeant Ulickey  
16 referenced. He took care of that problem. I  
17 know many businesses had issues with that. I  
18 think that related to calls going directly to the  
19 police departments when they should have had a  
20 security firm shielding those calls first. But  
21 in any event, we will have, as paragraph seven B  
22 of our Supplemental Plan of Operation indicates,  
23 our security system will comply with any required  
24 City ordinances and licenses.

25 Number six and seven date back to 2003.

00047

1 Those were failure to display license plates or  
2 registration. I believe those were promptly  
3 taken care of.

4 Numbers eight through 11 relate to Mid  
5 City not operating with the required licenses,  
6 and it paid the fines. I addressed this earlier.  
7 It did not appeal the license denials. It did  
8 not appeal the Municipal Court ordinance  
9 convictions. And it has more importantly, Mr.  
10 Talyansky has complied with the ordinance by not  
11 reapplying for over a year. And so, therefore,  
12 because he has demonstrated he chooses and he  
13 cannot operate without the license, we are  
14 reapplying now to engage in the operations, and  
15 the Milwaukee Police Department will not have to  
16 pursue enforcement actions because he will only  
17 operate once he has his license.

18 Second, the second paragraph of the  
19 notice indicates objections based upon adverse  
20 impact on public health, safety, welfare of the  
21 neighborhood by creating litter, noise, traffic  
22 problems and other undesirable neighborhood  
23 problems. I have not heard testimony on any  
24 evidence of that in the record today, so I'll be  
25 brief. The Supplemental Plan of Operation anti -

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1 - does anticipate that, and I direct your  
2 attention to paragraph five, where it gives a  
3 detailed description of our proposed operation  
4 showing that there won't be an adverse  
5 neighborhood impact. Paragraph six describes the  
6 adjoining uses in this neighborhood, and many are  
7 industrial or manufacturing sites. Paragraph  
8 seven dictates the plan for site cleaning,  
9 rubbish removal, snowplowing, and the site  
10 cleaning and rubbish even if it's not generated  
11 by us. We'll have a daily patrol on the exterior  
12 of the premises. One side of the property also  
13 is along railroad tracks, so that just gives you  
14 an idea of where we are.

15 There are employee and fire safety  
16 components in our plan of operation. Security  
17 plan. And traffic and deliveries will only occur  
18 during normal business hours. And the  
19 congregation of people will also not be a  
20 problem. As I explained earlier, walk-ins are  
21 generally not allowed. We do a phone and e-mail  
22 and Internet business, and so, therefore, we do  
23 not have a guy who pulls up on the street and  
24 says I need a tranny for my '79 Buick, can you  
25 help me out. We really do not have that kind of



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1 operation, and we do not do the replacements on  
2 site.

3 So, to the extent that the record shows  
4 any neighborhood concerns, which I don't believe  
5 it does, we've shown that the applicant is  
6 prepared to mitigate any neighborhood impact in  
7 advance. Further though, to the extent the  
8 neighborhood impacts relate to the consumer  
9 protection complaints, and those customer service  
10 issues, I did address that, discuss that earlier,  
11 and we have shown you that those are being  
12 addressed.

13 Third, the objections in the notice,  
14 objections based on operating without a license,  
15 previous record of complaints and warning  
16 letters. Again, I believe I discussed that  
17 already. Mr. Talyansky has not operated since he  
18 was denied, and the complaints and warning  
19 letters have either been addressed or relate to  
20 the now defunct Mid City.

21 Fourth, it references a material  
22 misstatement in the application indicating that  
23 no one had been convicted of a Federal or State  
24 law or local ordinances. That's simply not true.  
25 I hope in some of our questions and answers we've

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1 clarified that for you. The Statement of Stock  
2 Ownership, which is Exhibit A in our plan,  
3 Supplemental Plan of Operation, shows that Edward  
4 Talyansky is the sole owner of this new entity.  
5 Alfred Talyansky's violations are, therefore, are  
6 not relevant and shouldn't be disclosed, and  
7 because he was not the agent for the old Mid City  
8 - - Ed Talyansky was not the agent, and it was a  
9 different legal entity altogether, number three  
10 to eleven are inapplicable. In any event, I  
11 believe I discussed most of that, and we do not  
12 believe what's in the notice should constitute a  
13 reason to deny.

14 Finally, I'd like to bring your  
15 attention to a series of letters that I mentioned  
16 earlier. We did file these previously with the  
17 license clerk. Second last time, I'll ask you to  
18 do that, Mr. Runner. These are letters from some  
19 of your constituents, a couple of them are  
20 Alderman Hines' constituents, and two of them I  
21 did receive earlier this morning, and I also have  
22 one from the Department of Corrections that I  
23 mentioned earlier.

24 MR. SCHRIMPF: Mr. Chairman, I would  
25 assume that Mr. Randall is not objecting to these

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1 documents on hearsay grounds.  
2 MR. RANDALL: I'm waiving that  
3 objection. To the extent the committee may or  
4 wishes to consider them, we do provide them for  
5 your edification. But again, I think,  
6 importantly because some of them are constituents  
7 it may be helpful. But just one comment about  
8 the Department of Corrections letter, and that is  
9 Midwest Auto Recycling is a Reintegration Process  
10 participant. It does give training and a number  
11 of good skilled jobs to people, and I believe  
12 that, and Mr. Talyansky explained this to  
13 Alderman Hines last month, they've been on the  
14 short end of that a number of times, because once  
15 someone is done with their - - their - - their  
16 sentence, they may move on and take their skills  
17 to another employer. But in some instances they  
18 have been able to keep someone on either who is  
19 nearby or willing to stay. And so, therefore, we  
20 certainly ask that you keep that in mind, that  
21 Mr. Talyansky has taken very seriously the  
22 ability he can to provide a good job to certain  
23 people and to allow them to - - to rectify their  
24 life and get it back on track.  
25 In conclusion, and I don't anticipate

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1 having any more to add, unless there are  
2 questions or there are any other comments. But  
3 the record we believe is very clear in this  
4 instance. And we're not denying that Mid City  
5 Auto, under the partial ownership of Edward  
6 Talyansky, but under the operation of his son,  
7 had a number of problems. And this committee  
8 took the action it did. I probably would have  
9 done the same thing if I were sitting in your  
10 seats. But it's been over a year now. Your  
11 ordinance is very clear, both in terms of when  
12 someone can reapply, but also, the standards that  
13 you must apply when evaluating a new license.  
14 And our Supplemental Plan of Operation very  
15 carefully demonstrates, as far as the public  
16 safety, health and welfare, and all the other  
17 licensing standards, that this applicant is able  
18 to and has a plan in place in order to comply,  
19 and that your approval today will also bring a  
20 number of good and valuable jobs back to the  
21 City. So we appreciate your consideration. I  
22 apologize for the length, but I - - I think you  
23 can all understand that given the - - the matters  
24 that are for one reason or the other in the  
25 record and the position of the local Alderman's

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1 office, which we respect, and we, again, did meet  
2 with him and tried to work this out, but we  
3 wanted to show you that in some instances there  
4 is simply a difference of opinion, and we hope  
5 that you're able to evaluate all those opinions  
6 and - - and make the right decision for the City  
7 of Milwaukee. Thank you.

8 MR. RUNNER: Mr. Chair.

9 CHAIRMAN WITKOWIAK: Mr. Runner.

10 MR. RUNNER: Thank you. I just want to  
11 make two quick points. The Alderman's office  
12 does commend Attorney Randall for his multi-  
13 faceted and creative defense. But we do contend  
14 that Mid City is Midwest. The tagline or slogan,  
15 if you will, for Midwest Auto is "In business  
16 since 1987." That's their slogan that they use  
17 today. "In business since 1987."

18 The second point is the principal  
19 listed in the Better Business Bureau for Midwest  
20 Auto is Mr. William Green, the manager. He's  
21 also the customer contact, Mr. William Green. A  
22 lot of the complaints for Midwest, this current  
23 incarnation, revolve around this Mr. Green. And  
24 there is some inference, although - - so I  
25 hesitate to bring it up, but we just wonder who

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1 this is. This principal contact, Mr. Green. Is  
2 this someone - - You've not mentioned him, so  
3 we'd like to just clarify who he is.

4 MR. RANDALL: I'd be happy to respond.  
5 The Better Business - - I'll go in reverse order.  
6 Mr. William Green, I spoke to him earlier this  
7 afternoon. He is the one who went to the  
8 Department of Corrections and was able to pick up  
9 that letter today. So he is the manager, and  
10 he's running the business right now. And as far  
11 as the contention that it's the same business,  
12 we've been very clear and honest, Mr. Talyansky  
13 was a part owner of Mid City. He certainly is  
14 going to, on his website, express the fact that  
15 he has skills and has a lot of experience in  
16 finding parts, and is in the business of it. So  
17 you are not in any way misleading people when you  
18 say you've been in the business since 1987.  
19 Correct?

20 THE APPLICANT: Yes.

21 MR. RANDALL: But is it true that  
22 Midwest Auto Recycling has only been in existence  
23 since 2006. Correct?

24 THE APPLICANT: Yes.

25 MR. RANDALL: You've only conducted

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1 business as that since '06.

2 THE APPLICANT: Yes.

3 MR. RANDALL: So I think that the  
4 inference that it's the same, it's an argument.  
5 It's not even an argument. It's a statement that  
6 I can neither refute nor deny. It's true,  
7 because he was a part owner, and he's been in  
8 this business since 1987. But let's be honest,  
9 this isn't a sophisticated business. There isn't  
10 an Internet police out there. I don't believe  
11 it's fair for this committee to wonder whether  
12 our website is altogether truthful when it says,  
13 "In business since 1987," just because Midwest,  
14 as the LLC, was only created last year. I think  
15 that's a fairly difficult matter to hold an  
16 applicant to for this type of application or any  
17 license for that matter.

18 MR. SCHRIMPF: Mr. Chairman, I have a  
19 couple questions.

20 CHAIRMAN WITKOWIAK: Mr. Schrimpf, go  
21 ahead.

22 MR. SCHRIMPF: First, about the - - the  
23 old Mid City was doing business under the name  
24 Lev & Ed, L-E-V & Ed. Was Lev, Alfred?

25 MR. RANDALL: No.

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1 MR. SCHRIMPF: Who was Lev?  
2 MR. RANDALL: Do you know who Lev of  
3 Lev & Ed was?  
4 THE APPLICANT: Lev died.  
5 MR. RANDALL: What was his last name?  
6 THE APPLICANT: Five - - Five years  
7 ago.  
8 MR. RANDALL: Do you know what Lev's  
9 last name was?  
10 THE APPLICANT: Barbier.  
11 MR. RANDALL: Can you spell that? Was  
12 he a relation to you or a business partner only?  
13 THE APPLICANT: Partner in business.  
14 MR. RANDALL: Lev was Lev Barbier, and  
15 he was only a business partner. No relation.  
16 The Ed was Edward Talyansky, and they did  
17 business as Mid City Auto.  
18 MR. SCHRIMPF: And Alfred then was the  
19 agent of that particular entity under which they  
20 were doing business - -  
21 MR. RANDALL: Correct.  
22 MR. SCHRIMPF: Mid City? Okay. Then -  
23 - With - -  
24 MR. RANDALL: And at the end, though,  
25 after Lev passed away about five years ago,



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1 Alfred bought his shares or was the other 50  
2 percent owner. So Alfred at the end was both  
3 part owner and licensed agent when they had a  
4 license, and the applicant agent when they were  
5 applying.

6 MR. SCHRIMPF: Okay. And with respect  
7 to the remaining warning letters, the one  
8 generated by Mr. Gary Smith, the one generated by  
9 Susan McDonald, and the one dem - - generated by  
10 Allen Ehredt, E-H-R-E-D-T.

11 MR. RANDALL: Right.

12 MR. SCHRIMPF: What is your position  
13 with respect to those documents?

14 MR. RANDALL: Once again, I'll go in  
15 reverse order, because it's the order I have in  
16 my file. Allen Ehredt was a transaction where an  
17 engine or a transmission was purchased from Mid  
18 City in April of 2006. Susan McDonald was an  
19 engine or transmission purchase from Mid City in  
20 February, February 22, 2006. And Gary Smith was  
21 Mid City, June 12, 2006. So again, and we  
22 acknowledge they were selling apparently parts  
23 that people had a complaint with, without a  
24 license during 2006, but they were all Mid City,  
25 an entity that doesn't exist, and, yes, Edward

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1 Talyansky was a 50 percent owner, but he was not  
2 responsible for the day-to-day operations, and he  
3 was not the licensed agent.

4 MR. SCHRIMPF: Well, so what happened  
5 to those particular - - these individuals had  
6 complaints. What happened to their complaints?

7 MR. RANDALL: The Department of  
8 Agriculture, Trade and Consumer Protection sent  
9 out a copy of the complaint to the old address or  
10 a PO Box, and I don't believe it was ever  
11 responded to, because the business no longer  
12 exists. So I believe the last action, what  
13 happened to their complaint, was the warning  
14 letter. The department, as I've reviewed their  
15 files, they will send a copy of the warning  
16 letter to Susan McDonald, for example, saying, "I  
17 never heard back from the person. You have the  
18 rights and remedies under Wisconsin Law. You may  
19 wish to find an attorney." No one's ever called  
20 me, though. But they - - They can then take it  
21 from the next step on their own individual  
22 behalf. But I believe these letters are  
23 basically the last step from the Consumer  
24 Protection Division.

25 MR. SCHRIMPF: And I take it, that the

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1 current entity then intends to do nothing about  
2 those complaints, unless some further action is  
3 taken by the complainant. Is that correct?

4 MR. RANDALL: Well, the current entity  
5 would have an excellent defense in court if the  
6 complainant took action against it for the Mid  
7 City complaints. So the answer is yes, the  
8 current entity neither is responsible for nor  
9 does it intend to address the Mid City  
10 complaints. It's a different legal entity. I  
11 don't know if it went through bankruptcy. I  
12 don't know the legal existence of Lev & Ed, Inc.,  
13 doing business as Mid City. But this committee  
14 denied its application, and it really had no way  
15 of functioning as a business entity, and it  
16 doesn't exist any longer.

17 MR. SCHRIMPF: And it won't reaffirm  
18 those particular complaints in the current  
19 entity.

20 MR. RANDALL: Correct.

21 MR. SCHRIMPF: And one final question.  
22 By the way, Mr. Chairman, I don't think the  
23 letters that counsel has referred to, the one  
24 from Mr. Ehredt, Ms. McDonald and the other  
25 one - -

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1 MR. RANDALL: Mr. Smith.

2 MR. SCHRIMPF: I think those would be  
3 exceptions to the hearsay rule. Now what is the  
4 procedure by which the current entity, and I'm  
5 getting a little confused here myself, the - -  
6 the current entity is - -

7 MR. RANDALL: Midwest.

8 MR. SCHRIMPF: Midwest. What is the  
9 procedure by which the current entity logs parts,  
10 particularly engines and transmissions, from, I  
11 would assume, junked vehicles for purposes of  
12 resale so that you can certify the amount of  
13 mileage on either the engine or the transmission?

14 MR. RANDALL: I don't know that. I'll  
15 see if Mr. Talyansky can explain. Did you hear  
16 the question and understand it? What is the  
17 procedure, or how do you certify the mileage on a  
18 used engine and transmission before you sell it?

19 THE APPLICANT: Because it's the - -  
20 they with the Car Fax, and they send us the - -  
21 the mileage from which cars with the engine to  
22 us.

23 MR. RANDALL: So you receive a Car Fax  
24 report.

25 THE APPLICANT: Yes.

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1 MR. RANDALL: Which is a commercial  
2 private provider report.  
3 THE APPLICANT: Yeah.  
4 MR. RANDALL: Giving you the  
5 information on each part that you have ordered.  
6 THE APPLICANT: From each part come to  
7 us.  
8 MR. SCHRIMPF: And then do you provide  
9 that to the customer?  
10 THE APPLICANT: Yeah.  
11 MR. SCHRIMPF: The certification as to  
12 the miles.  
13 THE APPLICANT: Yeah.  
14 MR. RANDALL: Yes.  
15 THE APPLICANT: Yes.  
16 MR. SCHRIMPF: Do you - - Do you  
17 certify to the customer as to how the part was  
18 retrieved? In other words, what happened to the  
19 vehicle? Was the vehicle in a flood? Was the  
20 vehicle in a wreck?  
21 THE APPLICANT: That, I couldn't tell  
22 you. Because when they send this to us, they  
23 give us a list, what is wrong and what is good in  
24 that engine. The parts in good condition, you  
25 can send this. If something is wrong with the

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1 part, I send the part back right away. Because  
2 we check - - The people who work for me, they - -  
3 they check everything, and then send the  
4 merchandise to the customer.

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

7 CHAIRMAN WITKOWIAK: Mr. Runner,  
8 anything further?

9 MR. RUNNER: Nothing further to add.  
10 Thank you, Mr. Chair.

11 MR. RANDALL: Mr. Chair, I just want to  
12 make sure to the extent that all my materials can  
13 be made a part of the record, we would ask that  
14 the appropriate motion be made to do so.

15 CHAIRMAN WITKOWIAK: We did not accept  
16 the - - the committee did not accept these  
17 letters, the last packet of five or six letters.

18 MR. RUNNER: May I ask, Mr. Chair,  
19 these - - this group of letters that were sent in  
20 the 11th hour, I think it was actually seven  
21 o'clock, Friday, from employees of Midwest. Does  
22 the committee take that into account, an employee  
23 of a company being asked to write a letter on its  
24 behalf?

25 MR. RANDALL: We would object to the

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1 point that there's any foundation for the  
2 employees being asked. They are letters from the  
3 employees.

4 MR. RUNNER: So they, on their own  
5 volition, just decided to.

6 MR. RANDALL: They asked for these to  
7 be put in the record, and it sounds like the  
8 committee is not going to take them under  
9 consideration.

10 CHAIRMAN WITKOWIAK: There's been no  
11 motion to accept those letters. Everything else  
12 that you submitted has been accepted and made  
13 part of the permanent record. Is there any - -  
14 Is there a wish by any of the - - any other  
15 committee members to make this part of the  
16 record?

17 ALDERMAN WITKOWSKI: I'll so move.

18 CHAIRMAN WITKOWIAK: The motion by  
19 Alderman Witkowski is to make these letters  
20 numbering, let's see, one is from the State of  
21 Wisconsin Department of Corrections, it's by  
22 itself, it's dated October 29th, 2007. And then  
23 there's a packet of five, six other letters that  
24 were written to various members of this  
25 committee. And they're in a packet stapled

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1 together, and the - - to identify is the top one  
2 is dated 10/26/07 is addressed to Alderman James  
3 Witkowiak. And Alderman Witkowski moves to make  
4 these seven letters part of the permanent record  
5 in this hearing. Is there any discussion on that  
6 motion?

7 ALDERMAN BOHL: Mr. Chairman.

8 CHAIRMAN WITKOWIAK: Any objection?

9 ALDERMAN BOHL: Mr. Chairman.

10 CHAIRMAN WITKOWIAK: Alderman Bohl.

11 ALDERMAN BOHL: On the - - On the  
12 motion. I - - I think it's inconsistent with - -  
13 with our policy in terms of the individuals not  
14 being here. The one exception I'm prepared to  
15 make is on the State of Wisconsin Department of  
16 Corrections, and the only reason I'm willing to  
17 do that is because it is consistent with this - -  
18 with this body's policy to - - to request and  
19 receive notification from - - from parole - -  
20 probation officers. So I - - In terms of just  
21 going on the - - the - - the longstanding policy  
22 of this committee, I think that that at least is  
23 consistent. But ultimately I will object to - -  
24 to the - - the employees who are not present  
25 here.



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1                   CHAIRMAN WITKOWIAK: And I'll agree  
2 with Alderman Bohl's objection.

3                   ALDERMAN PUENTE: And I'll agree with  
4 the two of you.

5                   CHAIRMAN WITKOWIAK: Okay. So the  
6 motion fails on a vote of three to one. Alderman  
7 Bohl.

8                   ALDERMAN BOHL: Mr. Chairman, I'll - -  
9 I'll be happy to make the State of Wisconsin  
10 Department of Correction letter part of the  
11 record, as I said. And - - And I understand that  
12 that person, this Captain McPike is not present,  
13 but at least there's established precedent on  
14 this committee for receiving DOC letters.

15                   CHAIRMAN WITKOWIAK: Motion by Alderman  
16 Bohl is to - - is that a letter from the State  
17 - - State of Wisconsin Department of Corrections  
18 dated October 29th, 2007 by Captain McPike be  
19 made part of the permanent record in this  
20 hearing. Hearing no objections, so ordered. And  
21 - - And the record will show that the other six  
22 letters have been rejected, will not be made part  
23 of the permanent record. Mr. Randall.

24                   MR. RANDALL: Two final comments, Mr.  
25 Chairman. Because I know what's on your

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1 machines, you guys can skip around, and once it  
2 goes into the committee I can't respond. At the  
3 very end of the police report, or the original  
4 notice letter, there were a number of 2005 e-  
5 mails and matters related and photographs. We  
6 would object to those being considered, both on  
7 terms of relevance, because they're related to  
8 Mid City, not Midwest. In terms of hearsay,  
9 because the e-mail authors and - - and document  
10 generators are not here. And foundation, because  
11 for the same reason the people cannot  
12 substantiate. So, they're in the record, I think  
13 that police report, if they're part of it, was  
14 added to the file, but we do request that the  
15 committee not base its decision on some of those  
16 materials from 2005 Mid City.

17 And the final comment I just wanted to  
18 make was to remind the committee, with all due  
19 respect, that there was one person from the  
20 public here who spoke, and he spoke in support of  
21 the license, and the evidence before you, we  
22 believe, including that testimony, dictates that  
23 the license be granted. And, of course, this  
24 committee will have every power to review it upon  
25 renewals if the operations do not stay in the

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1 improved condition that Edward Talyansky has made  
2 them in.

3 ALDERMAN BOHL: Mr. Chairman.

4 CHAIRMAN WITKOWIAK: Alderman Bohl.

5 ALDERMAN BOHL: Just one - - one legal  
6 question for - - for Mr. Schrimpf, and that is,  
7 Mr. Schrimpf, in terms of establishing a  
8 reasonable foundation for - - for factoring in  
9 some of the past complaints from Mid City, does  
10 - - does Mr. Edward Talyansky present here, does  
11 his stake as 50 percent owner of Mid City allow  
12 that to become a factor here?

13 MR. SCHRIMPF: Certainly you would  
14 consider he's the new applicant now, and  
15 certainly you would consider his role in a  
16 previous entity as - - as part of his  
17 qualification.

18 ALDERMAN BOHL: Thank you.

19 MR. SCHRIMPF: By the way, I would  
20 agree with counsel on the - - the e-mails at the  
21 very end. Those do not have any indicia of - -  
22 of trustworthiness, whereas when you're dealing  
23 with a warning letter from the Department of  
24 Agriculture, you're dealing with a governmental  
25 agency that has processed the information and has

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1 come to a conclusion that they are, by Statute,  
2 authorized to make. That's why that's an  
3 exception to the hearsay rule. The e-mails would  
4 not be.

5 CHAIRMAN WITKOWIAK: And we'll ask the  
6 committee members in making your decision, not to  
7 consider those - - those e-mails, which we've  
8 determined to be hearsay. This matter is in  
9 committee.

10 ALDERMAN BOHL: Mr. Chairman.

11 CHAIRMAN WITKOWIAK: Alderman Bohl.

12 ALDERMAN BOHL: Mr. Chairman, this is -  
13 - I'm - - I'm really on the fence in this - - in  
14 - - in one respect. But the - - the bottom line  
15 is that I still in my - - my - - my heart of  
16 hearts when I actually look at this and kind of  
17 get my gut reaction, is that ultimately that  
18 there's a tie - - I still believe that there's  
19 ultimately a tie, and - - and, you know, there  
20 was another woman here who - - who said it - -  
21 sometime this morning that, you know, you can - -  
22 you can dress a pig up in lipstick, but it still  
23 is a pig. And - - And I - - I just don't know  
24 that - - that calling this a new company sheds  
25 itself away from - - from the fact that - - that

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1           there were some real, real obvious consumer  
2           concerns and just blatant, blatant non-compliance  
3           with - - with - - with the law, when it was even  
4           pointed out day in and day out, and so, I - - I  
5           at this point would move to deny. I - - I think  
6           that my objection will be certainly in the  
7           concern that - - that over Mr. Talyansky's past  
8           involvement with Mid City, as - - as well as,  
9           that the objections could have an adverse impact  
10          on the - - the welfare of the public.

11                   CHAIRMAN WITKOWIAK: Motion by Alderman  
12          Bohl is to recommend denial based on items  
13          contained on the police report and - - and  
14          testimony that this will have an adverse impact  
15          on the public health, safety and welfare of the  
16          neighborhood. Is there any discussion on the  
17          motion? Are there any objections to the motion?  
18          Hearing none, so ordered. Thank you.

19                   MR. RANDALL: Thank you.

20                                   \* \* \* \* \*

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3 STATE OF WISCONSIN )

4 )

5 MILWAUKEE COUNTY )

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8 I, JEAN M. BARINA, of Milwaukee Reporters

9 Associated, Inc., 5124 West Blue Mound Road,

10 Milwaukee, Wisconsin 53208, certify that the foregoing

11 proceedings is a full and complete transcript of the

12 Midwest Auto Recycling portion taken in the foregoing

13

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18

JEAN M. BARINA

19

Court Reporter

20

21

22 Dated this            day of November, 2007.

23

