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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of a Class "B" Tavern and Tavern
Amusement (Cabaret/Nite Club) Renewal Application for:

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MARLON TEAGUE
"New Millennium Club"
518 North Water Street.

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COMMITTEE MEMBERS

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ALD. JEFFREY PAWLINSKI - Chairman
ALD. TERRANCE HERRON - Vice-Chairman

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ALD. JAMES BOHL

12

ALD. FREDERICK GORDON
ALD. ROSA CAMERON

13

LICENSING DIVISION by JAMES COPELAND
NEIGHBORHOOD SERVICES by PANDORA BENDER

14

HEALTH DEPARTMENT by OSCAR BOND

15

POLICE DEPARTMENT by SEARGENT JOHN HOGAN

16

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 UTILITIES &
LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on
the 23rd day of July, 2002.

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P R O C E E D I N G S

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CHAIRMAN PAWLINSKI: We're back in session after a short recess. We're going to call the matter up now in the Fourth Aldermanic District represented by Alderman Paul Henningsen. This is for Marlon Teague, Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) renewal application for the "New Millennium Club" at 518 North Water Street. And, Mr. Teague is here represented by Mr. Michael Whitcomb, and I'll ask both Alderman Henningsen and Mr. Teague to be sworn in. So if you can raise your hands, please.

MS. ELMER: Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. TEAGUE: I do.

ALDERMAN HENNINGSEN: I do.

CHAIRMAN PAWLINSKI: Okay. Mr. Teague, I need to ask you for the record if you have knowledge of receiving notice of today's meeting with the possibility that your renewal application could be denied. There is a police report, as well as a neighborhood objection due to excessive police call for incidents at the

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1 location and the number of tickets and fines
2 levied against the location and licensee, all to
3 the detriment of the health, welfare and safety
4 of the public. Did you receive that notice?

5 MR. WHITCOMB: So acknowledged.

6 CHAIRMAN PAWLINSKI: Thank you very
7 much. Excuse me. Let's go around the horn, and
8 let's go to health department, first.

9 HEALTH DEPARTMENT: The health
10 department since they weren't - - We don't object
11 to this license, but we have been trying to make
12 entry for reinspections for some orders from
13 December of 2001. So if you want to contact the
14 health department to take care of this matter.

15 CHAIRMAN PAWLINSKI: Okay. Very good.
16 Neighborhood services.

17 DNS: No objections.

18 CHAIRMAN PAWLINSKI: Sergeant, I'm
19 going to ask you to read your report, please.

20 SERGEANT HOGAN: Since the license was
21 last issued, and I'll be starting with item
22 number four, the following incidents have
23 occurred.

24 September 17th, 2001 shortly before
25 1:30 in the morning, the patron left the premises

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1 after an altercation with another customer in the
2 bar. Upon leaving, he was subsequently shot
3 multiple times by the suspect who was also in the
4 bar.

5 On November the 5th, 2001 at about 1:45
6 a.m. a patron was involved in an altercation
7 inside the premises. After being put out by
8 security, this person was punched several times,
9 punched in the face, causing some injuries.
10 Battery report filed. Incident report only.

11 On November the 22nd, shortly before
12 two a.m. - - November the 22nd, 2001 shortly
13 before two a.m. officers were dispatched to the
14 premises for crowd control. Officers found a
15 very large crowd in front of the premises. On
16 attempting to move the crowd, two of these
17 subjects became disorderly with the officers and
18 were placed under arrest.

19 On May the 25th of 2001 officers
20 investigated a verbal confrontation between
21 patrons which started inside the premises and
22 escalated to a fight once outside the premises.
23 It resulted in a victim receiving minor injury to
24 his head.

25 On December the 11th, 2001 at about

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1 1:20 a.m. officers were dispatched to a battery
2 complaint at Mt. Sinai Hospital. Their
3 investigation revealed that a patron at the
4 premises was struck on the head with a bottle,
5 and it was subsequently learned that two
6 additional victims were found which required
7 medical treatment for lacerations they sustained
8 while inside the premises.

9 ALDERWOMAN CAMERON: Mr. Chairman.

10 CHAIRMAN PAWLINSKI: Yes, Alderwoman.

11 ALDERWOMAN CAMERON: Since I really
12 choose this - - this is a lengthy report. Can we
13 - - Since we all have it here in front of us,
14 could we just acknowledge and put it all in the
15 police report and - - and we don't have to read
16 it?

17 CHAIRMAN PAWLINSKI: Well, Alderwoman,
18 this is actually different than the previous
19 case, because the previous case had never had a
20 - - had already had those matters read into the
21 record last October. This is the first time
22 we're hearing these matters, so I'd like the
23 sergeant to continue.

24 ALDERWOMAN CAMERON: Oh, okay. I was
25 just curious.

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1 CHAIRMAN PAWLINSKI: No, no. I just
2 - - That's why, there is a difference.

3 SERGEANT HOGAN: The officer indicated
4 in his report that the premises never called for
5 a police service regarding the fight.

6 On December the 22nd, 2001 shortly
7 after one a.m. officers were dispatched to the
8 premises for a fight. Officers spoke to the
9 licensee, who was at the front door. He told the
10 officers that he did not see what occurred. The
11 officers spoke to a security personnel, who told
12 them that an argument had broken out between two
13 men, but that he and other security personnel had
14 taken care of the situation. They escorted the
15 man off the premises, and when they did that,
16 friends of the person who was escorted out
17 started throwing things at the bar. Officers
18 indicated in their report that the bouncer stated
19 that they could not handle the crowd, but they
20 decided not to call the police. The licensee was
21 cited for disorderly premises prohibited, and
22 there was a finding of guilty on that.

23 On May the 5th, 2002 officers responded
24 to another squad's request for back-up regarding
25 a large fight. They observed several subjects

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1 fighting outside the premises, and they
2 approached one of these persons involved in the
3 fight. He became aggressive towards the
4 officers, attempted to flee from the officers and
5 was apprehended. This person told the officers
6 that he came to the club with his brothers to
7 collect some money that the club owner owed him
8 for not reporting a fight to the police that
9 occurred a week prior. He stated that after
10 leaving the club he was approached by a group of
11 men who started arguing and the fight started.
12 The officers did speak to the licensee, who
13 stated that he had no knowledge of a payoff
14 regarding a fight that took place inside the club
15 a week earlier.

16 On February 2nd, 2002 officers
17 conducted a tavern check of the premises and
18 observed a black female, who was later found to
19 be 19 years of age, dancing in what is described
20 as a obscene manner. She stated to the officers
21 that she knew she was underage and did not belong
22 in the tavern. Stated that she had been coming
23 to the club for a year and a half - - that should
24 be. And never had any trouble getting admission
25 and was not carded that evening. She advised the

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1 officers that she had consumed some alcoholic
2 beverages. The applicant was cited - -
3 Correction. The officers spoke with the licensee
4 regarding the underage person on the premises,
5 and he indicated to the officers that, "They got
6 him this time." The licensee was cited for
7 presence of underage and there was a finding of
8 guilty on that.

9 MR. SCHRIMPF: When was that finding of
10 guilty?

11 SERGEANT HOGAN: July the 15th, this
12 year.

13 February 4th, 2002 officers conducted a
14 tavern check of the premises and found there to
15 be 65 people over capacity. A citation was
16 issued for over capacity and there was a finding
17 of guilty.

18 The last item there was a dismissed in
19 Municipal Court, whether it's admissible now or
20 not, I - - as part of the record I'm not sure.
21 It's up to the chair.

22 CHAIRMAN PAWLINSKI: Mr. Schrimpf,
23 what's your recommendation on the thirteenth
24 item? Presence of underage, dismissed.

25 MR. SCHRIMPF: Okay. The problem is is

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1 that you need two guilties within one year of the
2 first occurring, and if some are dismissed, if
3 some are pending, if some are not issued, none of
4 those count. You need two guilties within one
5 year from the date of the earliest guilty.

6 CHAIRMAN PAWLINSKI: Okay. And we only
7 have one. That was the July 15th issue that
8 occurred from February 2nd.

9 MR. SCHRIMPF: That's my understanding.

10 CHAIRMAN PAWLINSKI: Okay. Fair
11 enough. So we will not take into consideration,
12 the thirteenth item, which took place on the 25th
13 of February of this year. Okay. Sergeant, is
14 that the end of your report?

15 SERGEANT HOGAN: That's all.

16 CHAIRMAN PAWLINSKI: Okay. I will - -
17 Now, here's how I want to do this. I want to
18 move to Mr. Whitcomb first for your response to
19 that police report. Then I'm going to move on to
20 Alderman Henningsen, and then the committee will
21 take questions at that point. So, first, I would
22 like to defer to Mr. Whitcomb.

23 MR. WHITCOMB: Thank you, Mr. Chairman.
24 As regards to item number 11, Officer, I did a
25 Municipal Court computer check on Mr. Teague over

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1 the weekend, and they found no reference at all
2 to the incident listed on number 11. Do you have
3 any indication or paperwork indicating that that
4 case has been adjudicated in a finding of guilty,
5 because it didn't appear, at least within the
6 computerized court records of the Municipal Court
7 for that offence?

8 SERGEANT HOGAN: My office did confirm
9 that just this morning. There was something in
10 the Municipal Court computer file. We can have a
11 copy of that faxed over here.

12 MR. WHITCOMB: Do you - - Do your
13 records indicate the citation number for item
14 number 11?

15 SERGEANT HOGAN: No.

16 MR. WHITCOMB: Do your records indicate
17 the case number?

18 SERGEANT HOGAN: No.

19 MR. WHITCOMB: I'm only disputing the
20 officer - - I shouldn't say disputing. I'm just
21 bringing attention to the committee that on July
22 19th, 2002, and I'd like to tender this for the
23 benefit of the committee, I'll just indicate on
24 it that it lists all of the case numbers and the
25 citation numbers for Mr. Teague, and nothing

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1 revealed as to any citation or case number for
2 that particular offense. There is, however, and
3 this might be what the information you received,
4 that regarding the incident of December 22nd,
5 2001, that would be item number nine - -

6 CHAIRMAN PAWLINSKI: Yes.

7 MR. WHITCOMB: - - the Municipal Court
8 records do indicate that the fine was due in that
9 case on July 15th, 2002. That citation was
10 unbeknownst to Mr. Teague. Yesterday, that
11 matter was reopened by the Court, and will be
12 considered again on September 16th, 2002. And so
13 the July 15th date might be the - - the payment
14 due date for the December 22nd, '01 citation.

15 CHAIRMAN PAWLINSKI: And that's fine.
16 But even with that, as - - because the matter was
17 dismissed on number 13 and we - - and number 11
18 is specifically referring to a presence of
19 underage, the committee won't even take number 11
20 into consideration. So that's really a moot
21 point.

22 MR. WHITCOMB: Thank you, Mr. Chairman.

23 CHAIRMAN PAWLINSKI: I do have a
24 question, however, of the officer regarding item
25 number 11, regarding the fact that as your

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1 description was that she was dancing in an
2 obscene manner. The report says she was dancing
3 in the upper dance floor with her skirt around
4 her hips and her underwear lowered around her
5 legs. Just curious as to why an officer would
6 not issue a citation in that case for - -

7 MR. WHITCOMB: Customes.

8 CHAIRMAN PAWLINSKI: Yeah. I mean,
9 they're not - - they're not licensed to have
10 exotic dancing.

11 SERGEANT HOGAN: Exotic dancer.

12 CHAIRMAN PAWLINSKI: Is that a judgment
13 call by the officers, what you're saying?

14 SERGEANT HOGAN: Judgment call by the
15 officers.

16 CHAIRMAN PAWLINSKI: Okay. Fair
17 enough. All right. Mr. Whitcomb, anything else?

18 MR. WHITCOMB: Yeah, one final
19 question, Officer. Is it not true then if we
20 disregard the one incident on November 11th,
21 which - - or incident number 11, which cannot be
22 considered, that there has been only one fine
23 imposed against this establishment since
24 basically the time it has been opened, and that
25 is the fine for capacity, incident number 12?

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1 SERGEANT HOGAN: What about item number
2 nine, the disorderly premises? Did he pay a fine
3 on that, or going to pay a fine on that?

4 MR. WHITCOMB: Oh, that was the one I
5 - - I indicated that was reopened. It will be
6 considered on September 16th, 2002. He was
7 unaware of that until I did the computer record
8 check, and they told him that the fine was due on
9 July 15th. He was unaware of it, and he went to
10 court and had the matter reopened as of
11 yesterday.

12 SERGEANT HOGAN: Pending my checking on
13 item number 11, that would be true.

14 MR. WHITCOMB: And, also, just for the
15 information of the committee, item number 12 was
16 considered by the court yesterday. Upon
17 reconsideration, the fine of record is 5600
18 dollars. The arrangement with the court was that
19 should Mr. Teague pay half the fine, that the
20 balance thereof would be dismissed. The
21 capacity, as I understand it, from the city's
22 perspective exceeded by a number of 40 patrons,
23 and that was on a Saturday night back in
24 February.

25 CHAIRMAN PAWLINSKI: Okay.

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1 MR. WHITCOMB: Those were - - would be
2 the only questions I have of the officer at this
3 time, and this establishment, as I understand it,
4 Officer, opened and was licensed as of January
5 16th, 2000?

6 SERGEANT HOGAN: I think that would be
7 a better question for Mr. Copeland to answer.

8 MR. WHITCOMB: I'll save the question
9 for a later time.

10 CHAIRMAN PAWLINSKI: All right. Okay.
11 Anything else in terms of an opening comment
12 here, Mr. Whitcomb?

13 MR. WHITCOMB: No, it would be more - -
14 more of a closing statement then, in response to
15 any objections that are represented.

16 CHAIRMAN PAWLINSKI: All right. That
17 helps us out. Alderman Henningsen, your - - your
18 opening comment.

19 ALDERMAN HENNINGSEN: While we're
20 talking about these various incidents and so
21 forth, could I just ask a question of the - - of
22 the applicant at this time through his attorney.

23 CHAIRMAN PAWLINSKI: Sure. As long as
24 it's respon - - asked this way and responded this
25 way, so we don't - -

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1 ALDERMAN HENNINGSSEN: I'd like to ask,
2 does he know that the police respond at closing
3 every night that he's open, whether they're
4 called or not, that there's a squad assigned now
5 to this establishment? Does the applicant know
6 that?

7 CHAIRMAN PAWLINSKI: Mr. Teague?
8 THE APPLICANT: There's a squad - -
9 There's a squad whether I'm closed or not.
10 Captain Morgan, he has a officer down there
11 whether I'm closed or not.

12 CHAIRMAN PAWLINSKI: Whether you're
13 closed or not, sir, every night of the week,
14 there's an officer on or near Water Street.

15 THE APPLICANT: Checking that whole
16 street, checking the whole street.

17 CHAIRMAN PAWLINSKI: Okay.

18 THE APPLICANT: Not me, just everybody
19 on the street.

20 CHAIRMAN PAWLINSKI: Fair enough. Go
21 ahead, Alderman.

22 ALDERMAN HENNINGSSEN: Mr. Chairman,
23 members, you may recall that last renewal time
24 Mr. Teague sat in that very chair, and I said
25 that even with the incidents that occurred in

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1 his, you know, first year, that I would support
2 with admonitions, and that he had to manage
3 better, and he said up and down, oh, yeah,
4 goodness sakes, I'm going to control my crowd
5 better. I had a conversation with him in the
6 middle of the year, and, you know, it's just
7 gotten worse. This is the worst record of any
8 tavern in my district in 18 years, and I'll go
9 through the pages that you have. He looked at
10 the police report, but let's go beyond that to
11 the citations issued. There is a memo from Cla
12 - - Clarice Hall Moore, and Mr. Teague was sent
13 copies of all this, of the - -

14 MR. WHITCOMB: At this time, Mr.
15 Chairman, to protect the record and do what I
16 need to do as - - as a lawyer, I would object to
17 reference to the document that Mr. Henningsen has
18 before him. We were not provided notice of it
19 nor a copy of it, and I certainly am not prepared
20 to respond to it at this time.

21 CHAIRMAN PAWLINSKI: Mr. Schrimpf, I'm
22 going to ask you for some advice on this.

23 MR. SCHRIMPF: Well, it depends what
24 the alderman is holding, but item number two, the
25 notice clearly says, "Excessive police calls to

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1 incidents at the location and a number of tickets
2 and fines leveled against the location."

3 MR. WHITCOMB: And, Mr. Chairman, Mr.
4 Copeland will swear that all of this went out
5 with the notice, all of this that you're going to
6 have and it's in your - -

7 CHAIRMAN PAWLINSKI: All right, Mr.
8 Copeland, you want to weigh in on that?

9 MR. COPELAND: Yes, Mr. Chairman. The
10 items contained in your packet is the same packet
11 sent to the applicant.

12 CHAIRMAN PAWLINSKI: Which is about an
13 inch thick.

14 MR. SCHRIMPF: And it - - Just to
15 clarify that. Mr. Copeland, that includes a
16 number of documents which appear to be complaint
17 histories for a location at 518 North Water
18 Street and they're overstamped with the word,
19 "Alderman." Is that correct?

20 MR. COPELAND: That's correct.

21 MR. SCHRIMPF: Okay.

22 CHAIRMAN PAWLINSKI: Mr. Teague, you -
23 - you're - - Mr. Teague is not acknowledging that
24 he received those. All right.

25 MR. WHITCOMB: That is correct. I can

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1 ask, Mr. Teague, I show you what you have
2 provided my office - -

3 THE APPLICANT: Yeah, that is - -
4 MR. WHITCOMB: And that's the first
5 page of the committee notice plus Milwaukee
6 Police department license investigation unit
7 summary, which indicates a list of one through 13
8 incidents, four pages. Did you receive anything
9 further from the City of Milwaukee pertaining the
10 licenses?

11 THE APPLICANT: No.

12 CHAIRMAN PAWLINSKI: All right. Hold
13 on, one second. All right. Hold on. Hold on.
14 Hold on. I'm going to ask Mister - - Ms. Elmer
15 to show you this, and ask you whether you
16 received this or not. Okay? This is my copy,
17 Mr. Teague.

18 MR. WHITCOMB: Mr. Teague, the
19 committee clerk handed you a document entitled,
20 "Citations issued at 518 North Water Street,
21 Milwaukee." Have you ever seen that before?

22 THE APPLICANT: No.

23 MR. WHITCOMB: Had you received that
24 document with the notice of the hearing for
25 today?

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THE APPLICANT: No.

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CHAIRMAN PAWLINSKI: Okay.

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ALDERMAN HENNINGSSEN: Ask him the CAD

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report that's halfway down.

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CHAIRMAN PAWLINSKI: Is the CAD report,
computer assisted dispatch report at the bottom?

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MR. WHITCOMB: Mr. Teague, part of the
documents that have been provided to you by the
Clerk of the Committee also contain what is

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referred to as the CAD report. Have you received

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copies of any of these documents as I page
through them with the notice for today's hearing?

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THE APPLICANT: No.

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MR. WHITCOMB: Have you received a copy
of these documents at any time prior to today?

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THE APPLICANT: First year, I received
the documents.

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MR. WHITCOMB: For your first license
hearing?

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CHAIRMAN PAWLINSKI: Mr. Teague, you
need to use the microphone. It's really hard to
pick you up.

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THE APPLICANT: Yeah, the first year,
but none this year.

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CHAIRMAN PAWLINSKI: Okay.

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1 ALDERMAN HENNINGSEN: Did I ever send
2 you a copy of the CAD report prior to this CAD
3 report?

4 THE APPLICANT: The first year. I
5 didn't get none this year.

6 CHAIRMAN PAWLINSKI: All right. Fair
7 enough. Now, Mister - - Mr. Schrimpf, we're on
8 legal ground to move forward? Yes or no.

9 MR. SCHRIMPF: Mr. Copeland is going
10 downstairs to get the staff person up to - - to
11 testify as to what was mailed out. The committee
12 really has - - or really, the licensee, has two
13 options at this point. The licensee can ask that
14 the matter be held, so that they get the notice
15 again, if the committee is not satisfied that the
16 - - that the notice went out as represented by
17 Mr. Copeland, or we could waive the defect in the
18 notice, to the extent there is one, I'm not
19 necessarily saying there is one, and proceed
20 forward.

21 ALDERMAN HERRON: Mr. Chairman.

22 CHAIRMAN PAWLINSKI: Yes.

23 ALDERMAN HERRON: Just a point of
24 clarification. Last time we did that and we
25 waived that rule, we ended up in court as I - -

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1 MR. SCHRIMPF: Yeah, but that was a
2 different issue, Chairman, or Mister - - or
3 Alderman Terron - - Herron.

4 MR. WHITCOMB: The concern Mr. Teague
5 would have with this license application and
6 adjourning the hearing for consideration of the
7 reports about which we are speaking is that this
8 license expires on the 28th of this month.

9 CHAIRMAN PAWLINSKI: That's correct.

10 MR. WHITCOMB: So we're not in a
11 position to adjourn the hearing, or request the
12 hearing be adjourned.

13 ALDERWOMAN CAMERON: Mr. Chairman.

14 CHAIRMAN PAWLINSKI: Alderwoman
15 Cameron.

16 ALDERWOMAN CAMERON: Couldn't we hear
17 from the alderman that represents this district?

18 CHAIRMAN PAWLINSKI: Well, he's going
19 to - - Alderman Herron, absolutely - - Rather,
20 Alderman Henningsen is going to make a case based
21 on the issue that is now in dispute regarding
22 this - - the CAD reports and the other kinds of
23 citations issued at that location. Linda Elmer
24 is making a copy for Mr. Teague in the assumption
25 that we're going to move forward on this, but - -

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1 You're right, Mr. Whitcomb, you know, you can - -
2 you can choose to waive it or you can choose to
3 have it delayed until September, but, yeah, he'll
4 be closed during August then, for sure.

5 ALDERMAN HENNINGSSEN: Or, Mr. Chairman,
6 if I might.

7 CHAIRMAN PAWLINSKI: Yes.

8 ALDERMAN HENNINGSSEN: They - - They'd
9 have plenty of time to look at it by tomorrow
10 afternoon, or by late this afternoon, or by
11 Friday afternoon, and curiously, he was late
12 filing for his renewal, and so, it's not our
13 fault that our meeting isn't until the first. We
14 could have the hearing, you know, in the
15 afternoon of the 31st for all that matters. And
16 plus, Mr. Chair, there is some judicial precedent
17 for what's called "Notice in Fact," that he knows
18 how many times the police were there. He knows
19 how many times he got tickets. And - - And the
20 fact of the matter is the police are there every
21 night because the crowd is so bad. And this CAD
22 report is only for two months. This CAD report
23 is only from April 12th through February 16th.
24 And they got 15 incidents.

25 CHAIRMAN PAWLINSKI: Here's the

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1 problem, Alderman.

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ALDERMAN HENNINGSSEN: And this is the overburdening of the city and it's to the detriment of the whole nightclub scene downtown that we have one place that's all thugs. It affects everybody.

CHAIRMAN PAWLINSKI: Alderman, your suggestion, while I'm certainly not - - I'm certainly open to the idea, the problem that was that the afternoon of the 31st includes a finance and personnel committee hearing in which both you and Alderman Gordon are members.

ALDERMAN GORDON: In the morning.

CHAIRMAN PAWLINSKI: Okay. Well, I personally have to switch a number of things around in my personal calendar to accommodate that. I'm open to doing that, because I'm - - Here's my point, is that if we're going to move forward on this, I want it to be airtight, because this committee may make a decision that may affect Mr. Teague's livelihood, and/or we may not, but whatever we do, I want it to be airtight. So, I mean, I'm open to the idea, but - -

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1 MR. SCHRIMPF: If it's - - Mr.
2 Chairman, as I understand it, the - - the Council
3 meeting is on the 1st of August.
4 CHAIRMAN PAWLINSKI: So you can't do
5 findings of fact.
6 MR. SCHRIMPF: I can't do findings of
7 fact, right. Nor can they be sent out to the
8 applicant, unless the applicant waives all that.
9 ALDERMAN HENNINGSSEN: Well, what - -
10 what about the veracity comparison between the
11 sworn statement of our clerk. I handed him
12 personally - -
13 MR. WHITCOMB: Mr. Chairman, let me
14 solve the problem.
15 CHAIRMAN PAWLINSKI: Yes, Mr. Whitcomb,
16 go ahead.
17 MR. WHITCOMB: In respect to the - -
18 the clerk's office, to this committee, and
19 certainly to the alderman, July is a difficult
20 time to transfer licenses. I have spoke with my
21 client, Mr. Teague. We will address the issues
22 contained in the documents presented here today.
23 I quickly had an opportunity to review them. I
24 think at the end of this hearing the presentation
25 I shall make will alleviate the concerns, serious

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1 as they are, concerning the documents presented,
2 and I'd like to move forward for the benefit of
3 the committee and for the applicant.

4 CHAIRMAN PAWLINSKI: Okay. That's
5 fair. Thank you for doing that. Alderman, then
6 why don't you go ahead and begin your
7 presentation.

8 ALDERMAN HENNINGSSEN: Let's - - Let's
9 turn in your book to the middle of the material
10 which is a page entitled, "Complaint History
11 Summary for prior complaints at location." This
12 - - It looks like this. There's 13 calls from
13 April 12th through May 14th there, and then
14 there's two attached at the end. So we have 15
15 calls from April 12th to May 16th. Now, let's go
16 through. The first one is a tavern violation.
17 The - - And you'll see in these, the number of
18 officers and squads assigned to each call.

19 Now, on the - - The next one is May
20 14th. This is a shooting. An unknown male, da-
21 dum, da-dum, caller states there's a fight at - -
22 at The Millennium and so forth. There's another
23 page on that where the shooter is described and
24 so forth. There's a saturation of the area by
25 squads. Now, we go to the next page, which is

00026

1 more back-up, more on scene, more back-up. The
2 - - The hieroglyphics or the codes here indicate
3 that there's a lot of squads there, let's just
4 say, over time. And the victim went to
5 Froedtert, but these officers were involved for a
6 long period of time. And there's four pages of
7 that that's dated the 16th.

8 Now, we go to another incident. This
9 was another call on the 12th. Pardon me. So
10 you'll go to a tavern violation dated May 12th on
11 the top. This was at 1:30 a.m. And the
12 assignment was eventually completed. On the next
13 page, and these are not in chronological order,
14 there's a call on May 7th, tavern violation.

15 SERGEANT HOGAN: Mr. Chairman, might I
16 just interject. I apologize for having to do
17 this, but this point does need to be clarified.
18 When an officer conducts a tavern check, there is
19 no code in the communications division for tavern
20 check. It goes down as a tavern violation.

21 ALDERMAN HENNINGSEN: But it's an 1848.
22 And an 1848 is on my sheet of codes.

23 SERGEANT HOGAN: Right.

24 ALDERMAN HENNINGSEN: And when you go
25 back to the cover page, you can see here the - -

00027

1 the time, et cetera, the date, and then you have
2 a column, "type," and then you have a column,
3 "unit." That's the squad. But the type is 1848.
4 Then there's a shooting, 1356. 1848, 1848, 1848.
5 Now, why are the police called here so often.
6 Because the crowd is unruly, and contrary to his
7 swearing under oath last time that he would do a
8 better job, he chooses not to manage this
9 properly. He is not only once in a while over
10 capacity, he's often over capacity. I've seen it
11 myself. There's loitering on the front of the
12 sidewalk. There's loitering at closing, to the
13 extent, and he admitted that in the first part of
14 the testimony, that now, every night, there's a
15 squad assigned, to make sure - - because there's
16 so much anticipation of a problem, they assign a
17 squad to disperse the crowds. And, you know, we
18 talked to him at length the last time, play Frank
19 Sinatra, you know, at 1:45 to - - turn the lights
20 up, try to get the crowd to go out, you know,
21 don't go to the last minute, all the things that
22 a normal bar owner does so that he doesn't have
23 problems. And this gentleman has not chosen to
24 do any of the normal management techniques that
25 eliminate problems. I have taverns downtown that

00028

1 haven't had one call in 18 years. And this, in
2 two months from April through May 14, had, see
3 for yourself, 15.

4 Now, there at the back of that report
5 is another shooting. Keep flipping through, you
6 go through the last one of the - - the April ones
7 at the end, and then there's another sheet that
8 says on the top, it says, "Milwaukee Police
9 Departing Routing, None," and then reckless
10 injury and so forth. This is another description
11 of the May 14th shooting, unknown actor
12 intentionally fired numerous gunshots into victim
13 from very close range causing very serious
14 injuries that requested - - that required
15 emergency surgery and so forth.

16 In my chatting with Mr. Teague before
17 he opened originally, and last year I told him,
18 you know, you don't have to let everyone in who
19 especially has caused trouble in the past.
20 You're going to be tested, and you're going to be
21 invaded, and unless you exert firm control, you
22 won't make it, because your own patrons will lead
23 to a non-renewal of your license, and I submit
24 that he knows this and knew this, and thought
25 that perhaps my good graces would save him. He's

00029

1 not - - He doesn't ex - - exude a lot of veracity
2 over time. He's had people dancing on the bars,
3 you know, the police can't see every one of this.
4 I've seen it. I walked - - I was in there with
5 my wife one time, but I - - It's walking back and
6 forth, you can look in the windows. The illegal
7 parking, he - - he puts cones out to allow some
8 of the high rollers to park, then he takes the
9 cones away. So he reserves parking. His patrons
10 park in front of the fire - - fire hydrant every
11 - - every night he's open. We've had meetings
12 with the parking structure across the street, you
13 know, they've had to hire security. They - -
14 They - - They are always complaining. They have
15 scenes on video. The next door licensee has also
16 scenes on video that I've seen. I know that you,
17 perhaps, are going to call him a competitor, but
18 when the last shooting took place, I had a
19 conversation with Captain Moore, the First
20 District Captain, and I said should we go for
21 revocation, and he said, "Well, that is harder to
22 prove, et cetera, let's just wait for the
23 renewal." And that's what I did. On the basis
24 that this record is replete with a disorderly
25 house, it's - - it's obvious that the police take

00030

1 more time on this establishment than any other in
2 my district, that that is a threat to the health,
3 safety and welfare because those officers could
4 be doing other criminal investigation or crime
5 prevention. That we have had to devote at least
6 a squad every night that he's open to babysit
7 because of his inability or unwillingness to
8 manage this property - - this property properly.
9 I did not only get the answer from Mr. Teague. I
10 talked this morning with acting commander of the
11 First, Lieutenant Smerz, who confirmed that they
12 - -

13 MR. WHITCOMB: Object to testimony or
14 statements made by other witnesses.

15 CHAIRMAN PAWLINSKI: And I - - I will
16 sustain that objection. I think you're right. I
17 think it has to be firsthand.

18 ALDERMAN HENNINGSEN: Well, I think Mr.
19 Teague's admission is enough. So I will conclude
20 by saying that this record to me speaks for
21 itself. I - - I don't - - There's other property
22 owners that could have been called, but I - - I
23 didn't think that we had to go to a great length,
24 because the - - the applicant does not show any
25 seriousness in running a place that doesn't cause

00031

1 problems all the time. And I have no objection
2 to dancing or music, but there's a way to run a
3 place over time where you can make your money
4 over the long haul, and where you try to be a
5 flash in the pan, then you - - and you have these
6 problems, then you should be shut down. And I
7 submit Mr. Teague knew exactly what he was doing,
8 because he was a big hot spot for a while, but he
9 couldn't control the crowd. He didn't have the
10 money to hire proper security. It was over
11 capacity every time it was open, and the crowd
12 was only there from like 11:30 to close. He
13 opened at ten. And bango, at 10:15 it started to
14 get crowded and - - and midnight was when it
15 popped for an hour and a half, or two. And then
16 you had a full house, more than a 100, always
17 more than a 100, exiting at once. And this is
18 not an acceptable way to run a business. You're
19 always going to have problems. And there were
20 fights in the street.

21 Now, I didn't think we'd need the whole
22 year's CAD report, but I gave you two months.
23 And that was more than any other establishment by
24 four in those two months downtown. So, thank you
25 very much, and I hope you will agree with me that

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1 the record supports non-renewal, and we'll try
2 and find someone for this location who might be
3 able to do a proper job.

4 CHAIRMAN PAWLINSKI: Questions by
5 committee. Let's - - Let's open it up to
6 questions. We'll hold comments until the end, at
7 which point when we'll - - when we'll be in
8 committee. So let's take questions at this
9 point.

10 MR. SCHRIMPF: Mr. Chairman, I have
11 some questions of Sergeant Hogan.

12 VICE-CHAIRMAN HERRON: Mr. Schrimpf.

13 MR. SCHRIMPF: Okay. Sergeant, with
14 respect to the documents identified as CAD
15 reports and the documents in those CAD reports
16 that indicate a tavern violation or code 1848,
17 with respect to that particular entry on those
18 CAD reports, do you know whether or not the
19 Milwaukee Police Department has a separate code
20 for the assignment of an officer to conduct a
21 tavern check as opposed to going to a tavern for
22 purposes of - - of a potential violation?

23 SERGEANT HOGAN: They - - They do not.
24 As I explained, when an officer goes out of
25 service to conduct a tavern check, the only code

00033

1 available to identify that type of activity is a
2 tavern violation. That is being rectified by the
3 communication division.

4 MR. SCHRIMPF: So if the term, tavern
5 violation, appears on a CAD report, from the CAD
6 report is it possible to determine if there, in
7 fact, was a tavern violation going on, or if this
8 was simply a tavern check?

9 SERGEANT HOGAN: Not necessarily, no.

10 MR. SCHRIMPF: And what is the
11 difference between a tavern check and a tavern
12 violation, as used by police officers?

13 SERGEANT HOGAN: Officer checks the
14 tavern, if there are no violations, it is merely
15 a tavern check. If a violation does come to the
16 officer's attention, it is just that, a tavern
17 violation.

18 MR. SCHRIMPF: And then there would be
19 other documentation indicating what tavern
20 violation, for example, the issuance of a
21 citation or the completion of a PA33.

22 SERGEANT HOGAN: A violation, there's
23 supposed to a tavern report, the PA33. It's not
24 inconceivable that a warning could be given
25 regarding a violation, depending upon the nature

00034

1 of it.

2 MR. SCHRIMPF: So the mere fact that
3 you have a CAD report with an indication of a
4 tavern violation doesn't really mean a tavern
5 violation occurred. Is that correct?

6 SERGEANT HOGAN: That's correct.

7 MR. SCHRIMPF: Okay. That's all I
8 have. Mr. Chairman - -

9 ALDERMAN HENNINGSEN: Can I follow up
10 on that, please?

11 VICE-CHAIRMAN HERRON: One moment. Did
12 you want to finish, Attorney Schrimpf?

13 MR. SCHRIMPF: The only thing that I
14 would ask is that the committee disregard tavern
15 violations as noted as such in this CAD report.

16 ALDERMAN HENNINGSEN: I'd like to
17 dispute that.

18 VICE-CHAIRMAN HERRON: Alderman
19 Henningsen.

20 ALDERMAN HENNINGSEN: Where you see in
21 the CAD report, Mr. Schrimpf, that there's
22 several officers been there, that is not just one
23 officer sticking his head in for a minute or two,
24 and you can see the times of the squads. There
25 was something going on, and so I submit that

00035

1 you're wrong, that you cannot disregard tavern
2 violations, because tavern violations are not - -
3 Pardon me. Tavern checks are not done this
4 regularly without good reason, and I think
5 Sergeant Hogan would testify to that, that
6 there's a periodic tavern check on every tavern,
7 and this, because there's problems, get - - get's
8 more, and you can see by the - - in several
9 instances there's more than one officer and one
10 squad, and I think this is relevant, and I don't
11 think - - I would put on the record it should not
12 be disregarded.

13 MR. SCHRIMPF: Well, Mr. Chairman, the
14 committee, when it makes its decision, has to do
15 so based upon facts that are of record, and I
16 have to have facts in order to draft the
17 committee's findings. I can't have, "something
18 was going on." I have to have what was going on.

19 ALDERMAN HENNINGSSEN: Yeah, and this is
20 a coded police record that I believe is relevant
21 and - - and has some weight. And this is just
22 two months.

23 ALDERWOMAN CAMERON: Mr. Chair.

24 CHAIRMAN PAWLINSKI: Yes. Alderwoman
25 Cameron.

00036

1 ALDERWOMAN CAMERON: I would just like
2 to ask the city attorney if we take the CAD
3 report as indicated in our record, could it be
4 held up in court?

5 ALDERWOMAN CAMERON: This report.

6 MR. SCHRIMPF: Are you talking about
7 the - - the tavern report or the CAD report. I
8 heard tavern report.

9 ALDERMAN HERRON: The CAD report.

10 MR. SCHRIMPF: You're referring to the
11 CAD report.

12 ALDERWOMAN CAMERON: Yes.

13 MR. SCHRIMPF: Well, I don't want to
14 predict what's going to happen in court. But
15 with respect - -

16 ALDERWOMAN CAMERON: In the past, give
17 me past history.

18 MR. SCHRIMPF: In past history my
19 experience is that CAD reports are not completely
20 useless, but next to useless.

21 ALDERMAN HENNINGSSEN: Mr. Chair, could
22 I just add one thing. The notice said number of
23 calls has led to the detriment. And I - - And I
24 submit that this is supporting that notice.

25 ALDERMAN HERRON: Mr. Chairman.

00037

1 CHAIRMAN PAWLINSKI: Alderman Herron.

2 ALDERMAN HERRON: If my interpretation
3 of this discussion is that some of the CAD
4 reports may not be as helpful as the alderman
5 would like and for Attorney Schrimpf's purposes
6 are almost next to useless, I think for us we can
7 certainly give them whatever weight we choose.

8 CHAIRMAN PAWLINSKI: Absolutely. I
9 completely agree.

10 ALDERMAN HERRON: Let's move on this
11 discussion.

12 CHAIRMAN PAWLINSKI: I completely
13 agree. Okay.

14 MR. WHITCOMB: Could I have just one
15 follow-up question?

16 CHAIRMAN PAWLINSKI: Go ahead, Mr.
17 Whitcomb, yes.

18 MR. WHITCOMB: Concerning the - - the
19 documents presented today. Sergeant, the police
20 department report that was provided with the
21 notice has a date, June 19th, 2002 at the top.

22 SERGEANT HOGAN: It does say June 19th,
23 2002, yes.

24 MR. WHITCOMB: Would that be the date
25 of preparation by the Milwaukee Police

00038

1 Department?

2 SERGEANT HOGAN: Yes.

3 MR. WHITCOMB: And would that include,
4 therefore, every incident related to this
5 licensed establishment which occurred prior to
6 June 19th, 2002?

7 SERGEANT HOGAN: It would have included
8 every incident that was reported to the license
9 investigation unit.

10 MR. WHITCOMB: And under what
11 circumstances would not an incident be reported
12 to the license inves - - investigation unit?

13 SERGEANT HOGAN: If there was an
14 incident that was not a crime, if there was no
15 violation of the license and the premises called
16 the police, the chief has directed that a tavern
17 report is not necessary, but can - - would be
18 filed at the discretion of the officer or his
19 supervisor.

20 MR. WHITCOMB: The question I have,
21 part of the documents presented by Alderman
22 Henningsen, there is a report dated May 14th,
23 2002 regarding an incident in 2002, which the
24 alderman attributed - - attributes to this
25 licensed establishment. However, it does not

00039

1 appear as an incident on the Milwaukee Police
2 Department report submitted with this license.
3 Would there be an explanation for that?

4 SERGEANT HOGAN: Because it wasn't
5 reported by the district on the PA33, the tavern
6 report, to the license investigation unit. Why,
7 I do not know.

8 MR. WHITCOMB: But a PA33 is a report
9 form that is used specifically to report
10 incidents at taverns. Correct?

11 SERGEANT HOGAN: That is correct.

12 MR. WHITCOMB: Nothing further, Mr.
13 Chairman.

14 CHAIRMAN PAWLINSKI: Okay.

15 ALDERMAN HENNINGSSEN: I'd like to
16 clarify that, Mr. Chairman.

17 CHAIRMAN PAWLINSKI: Yes. Yes, and
18 then I'm going - -

19 ALDERMAN HENNINGSSEN: PA34s are for
20 tavern violation, you know. If you have a
21 shooting because of an unruly crowd, that doesn't
22 necessarily generate the PA34. And - -

23 SERGEANT HOGAN: Correction, Alderman.
24 By department standard operating procedure it
25 does require.

00040

1 ALDERMAN HENNINGSSEN: Well, then, why
2 do you not get a report on the various calls to
3 the street? I mean, there are some nights
4 there's four squads. And, you know, I wish
5 Captain Moore could be here. He was on vacation
6 today. But why don't you get notice of that?

7 SERGEANT HOGAN: Can't answer that. I
8 don't know.

9 ALDERMAN HENNINGSSEN: Thank you.

10 CHAIRMAN PAWLINSKI: All right. Other
11 questions by committee members of Mr. Teague or
12 Alderman Bohl - - or Alderman Herron.

13 ALDERMAN BOHL: Thank you, Mr.
14 Chairman. Mr. Teague, the question I have has to
15 relate to the application for tavern related
16 supplement here. Is this a cabaret license that
17 you're applying for or does this just a
18 tavern/dance, I - - It's not specifically
19 indicated here.

20 MR. WHITCOMB: I'm sorry, Alderman. I
21 do not have a copy of the application form. Mr.
22 Copeland?

23 ALDERMAN BOHL: Maybe Mr. Copeland can
24 answer that, because - -

25 MR. COPELAND: It's a Class "B" tavern

00041

1 and tavern amusement cabaret night club.

2 ALDERMAN BOHL: Okay. The question I
3 have is that you - - you've indicated - - First
4 of all, you - - you've indicated by application,
5 request for solo singers and live musicians.
6 Have you had them as such in the last license
7 year?

8 THE APPLICANT: Yeah. Yeah. I had
9 them a couple of nights, I have, like, jazz bands
10 and that, and so.

11 ALDERMAN BOHL: And one other question
12 as a follow-up, I realize at times we see any
13 number of - - of music types that are listed as a
14 type of music, and fortunately or unfortunately
15 this committee is in no position to hold this
16 against you. However, I noted that you did list
17 jazz as the type of music that you intend to - -
18 to provide.

19 THE APPLICANT: Yeah. I turned it into
20 a jazz club, new jazz, maybe three nights a week,
21 and the rest of the week I'll be closed.

22 MR. WHITCOMB: New format, moving
23 forward.

24 ALDERMAN BOHL: You want to - - Is - -
25 That's what you're presenting now is the new

00042

1 format.

2 THE APPLICANT: Yeah.

3 ALDERMAN BOHL: Now, up to - - up to
4 now in the past license year, would you have
5 considered that your application had dance music,
6 hip-hop, techno, or what - - what would be the
7 classification that - - in terms of the music
8 that - -

9 THE APPLICANT: It was kind of - - kind
10 of R&B, hip-hop. It brings, like I say, a lot of
11 crowds come out, you know.

12 ALDERMAN BOHL: Have you - - Have you
13 presented this to - - to Alderman Henningsen in
14 terms of your proposal for a change in format?

15 THE APPLICANT: He wouldn't speak with
16 me or take anything from me, so, I haven't

17 ALDERMAN BOHL: All right. Okay.
18 That's all I have. Thank you.

19 CHAIRMAN PAWLINSKI: Mr. Teague, how
20 much security do you have at your establishment
21 right now?

22 THE APPLICANT: About four.

23 CHAIRMAN PAWLINSKI: Four. I'm going
24 to corroborate one thing that Alderman Henningsen
25 said, in that there are police officers outside

00043

1 your establishment essentially directing traffic
2 at the end of the night. I've seen it. I mean,
3 I get out and about, and I've been on Water
4 Street near closing time on several occasions,
5 and I've seen the officers take your patrons and
6 literally escort them, via their traffic
7 techniques to get them in and out of the area.
8 Do you employ anybody outside the club to get
9 your people out and - -

10 THE APPLICANT: Yeah. Yeah. I send
11 all my security outside to move the traffic, you
12 know. Like I say, I mean, due to the fact that
13 I'm right here, Liquid's next door. His crowd
14 comes out, and they just like come out in front
15 of my door, so I mean, when we try to move them,
16 so there's like two crowds you're trying to move
17 that's down there.

18 CHAIRMAN PAWLINSKI: But your capacity
19 is 100. I don't even know what the capacity of
20 Liquid is, but I mean, you - - Let's just say
21 they're 100. You got 200 people spilling out on
22 the street at 2:30 in the morning. I would
23 assume - - Well, I'm just going to ask you, why
24 haven't you employed more people to assist in the
25 traffic flow to get out of there? I mean, do you

00044

1 think it's the responsibility of the taxpayers of
2 the City of Milwaukee to pay for your security?

3 THE APPLICANT: No.

4 CHAIRMAN PAWLINSKI: Then - - Then, I
5 mean, have you ever considered that four wasn't
6 enough, considering that the cops are out there
7 every weekend?

8 THE APPLICANT: The cops haven't been
9 out there every weekend. They're not out there
10 every weekend.

11 CHAIRMAN PAWLINSKI: Well, I can tell
12 you on three occasions in the past year, I've
13 been out down in that area near closing time, and
14 all three - - and the three times I've been out
15 there, they've been there directing traffic. It
16 looks like Summerfest. It looks like the closing
17 of Summerfest where the police officers are
18 getting people out of - - out of the area as
19 quickly as possible.

20 ALDERWOMAN CAMERON: Mr. Chair.

21 CHAIRMAN PAWLINSKI: So, you know.

22 ALDERWOMAN CAMERON: Mr. Chairman.

23 CHAIRMAN PAWLINSKI: Yes.

24 ALDERWOMAN CAMERON: I don't want to
25 pick sides, but have - - Are you all talking

00045

1 about the same Water Street that everybody else
2 go down? Because there's peoples out there all
3 the time, and it's just not related to his
4 tavern. You - -

5 CHAIRMAN PAWLINSKI: Well,
6 Alderwoman - -

7 ALDERMAN HENNINGSSEN: He's south of
8 Wisconsin. He's south of Wisconsin.

9 ALDERWOMAN CAMERON: I know. I know.
10 But I'm not saying that - - that they blame him
11 for all of the crowds to in - -

12 CHAIRMAN PAWLINSKI: Alderwoman.

13 ALDERWOMAN CAMERON: Let - - I'll
14 listen, okay, I'll let you finish. But I want to
15 make a statement, too.

16 CHAIRMAN PAWLINSKI: Let me be
17 perfectly clear.

18 ALDERWOMAN CAMERON: Complete my
19 statement, as well.

20 CHAIRMAN PAWLINSKI: All right. Let me
21 be clear. I don't - - I'm trying to get an
22 indication as to whether he's made a commitment
23 for security. But I will tell you on the record,
24 and I've stated this before in this committee, I
25 have a problem with the Milwaukee Police

00046

1 Department acting as the private security guard
2 for any establishment in this community. I don't
3 think it's the duty of the taxpayers to pay for
4 officers to stand outside bars and escort people
5 home or make sure - -

6 ALDERMAN HERRON: We do it for
7 Summerfest.

8 CHAIRMAN PAWLINSKI: Well, but they pay
9 a million dollars in rent to the City of
10 Milwaukee, and there's an argument to be made
11 there, and I don't want to get into it now, but I
12 just don't think that's the role of the Milwaukee
13 Police Department.

14 ALDERWOMAN CAMERON: Thank you, Mr.
15 Chairman. As I was stating, and I don't want to
16 get in an argument, and I'm one of the persons
17 that feel like that we need more police officers,
18 neither do I want them in front of anybody's
19 establishment conducting traffic or playing
20 security guard. I would like for them to be out
21 in our neighborhood doing the job that they are
22 hired to do. But the fact is, there's so many
23 peoples up and down Water Street, to hold one
24 establishment for it all, to indicate that all of
25 those people come from his establishment is not

00047

1 fair. Yes, he got some problems here, we can see
2 it. But don't lay it on the crowd as being the
3 problem or - - or that the police problem is just
4 outside dealing with the peoples that come out of
5 his establishment, because we can't verify that.

6 ALDERMAN HENNINGSSEN: Alderwoman, can I
7 clarify - - Alderwoman, can I clarify - -

8 CHAIRMAN PAWLINSKI: Look, I don't want
9 to get into a debate between people.

10 ALDERMAN HENNINGSSEN: - - the cops are
11 from - -

12 CHAIRMAN PAWLINSKI: Alderman
13 Henningsen, I'm going to let you make your point,
14 and then we're going to move on to questions by
15 committee, okay? All right.

16 ALDERMAN HENNINGSSEN: The cops are from
17 Michigan to Clybourn, blocking traffic. They're
18 not - - They're not blocking traffic up by
19 Kilbourn and State Street.

20 CHAIRMAN PAWLINSKI: Okay. Other
21 questions by committee.

22 ALDERMAN HERRON: Mr. Chair.

23 CHAIRMAN PAWLINSKI: Alderman Herron,
24 go ahead.

25 ALDERMAN HERRON: A couple, please.

00048

1 First of all, on this question of cops and their
2 service, I think it's a valid question and valid
3 issue. But we have - - To have honest with - -
4 with everyone, I can tell you at Bastille Days we
5 have cops down there that they don't pay for. We
6 have cops at Jazz in the Park on a regular basis,
7 moving traffic all night long, that we don't - -
8 they don't pay for. We've got a ton of them at
9 Summerfest that Summerfest isn't paying for.
10 What they're paying for is the rent to use our
11 property, not to use our cops, too. So, I think
12 - - I understand the problems that Mr. Teague is
13 having, and I don't know which way I'm going to
14 go on this. But to argue that police somehow - -
15 To make an argument that police engaged in
16 activities of moving people in and out of
17 different environments is somehow unique to this
18 situation, I don't buy.
19 I do buy the problems that we're having
20 at Club Millennium, but to use that argument I
21 don't buy, because I've been extremely frustrated
22 in not having the officers in my district, but
23 seeing 60 of them standing around at Jazz in the
24 Park on horses and talking to one another, while
25 old ladies out in northwest side neighborhoods

00049

1 are getting knocked over the head and robbed on a
2 regular basis. So that's a touchy subject to me.

3 CHAIRMAN PAWLINSKI: All right. Does
4 anybody have any questions that we can ask before
5 we move on and take this matter into committee.

6 All right. I'm going to let you make
7 the closing comment then, Mr. Whitcomb. Go
8 ahead.

9 MR. WHITCOMB: Thank you, Mr. Chairman.
10 Mr. Teague has been at this location about two
11 years now. Last year it was renewed with a
12 hearing. I believe what transpired at this
13 location as it - - it became too successful, too
14 - - too popular too fast. And the capacity could
15 not withstand it. Also, the - - the patrons, as
16 indicated by the alderman, and also would be
17 verified by Mr. Teague, would arrive at 11:30 and
18 stay until close, two or three nights a week to
19 make this business work.

20 Mr. Teague, since the middle of May,
21 has pretty much closed the day to day operations
22 of his tavern. He's rented it out. He's had a
23 few private parties, but he's in the process of
24 changing the format at that location. He no
25 longer will be trying to sustain the business on

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1 revenues generated from 11:30 and bar time. What
2 he intends to do is to have an operation which is
3 jazz oriented, more food directed, and operate
4 from seven p.m. until midnight three to four days
5 per week. He intends on building a kitchen of
6 approximate - - investing an additional 60,000
7 dollars for light fare, not full meals, to
8 complement a jazz atmosphere. He does not want a
9 high turnover, high density and in a matter of
10 time capacity. He believes he can be a
11 successful businessman spreading the same amount
12 of customers over three times the amount of time,
13 from seven until midnight as opposed to 11:30
14 until 1:30 or 2:30 on Saturday night. he does
15 acknowledge that the crowds, some of his patrons
16 did get out of control. It's difficult for all
17 licensees to manage patrons after they leave the
18 bar. The incidents reported in the police report
19 are incidents which occurred on the street,
20 fights that perhaps were initiated inside. The
21 patrons left, met one another, and got into a row
22 outside. But since May, I don't - - there hasn't
23 been any indication of any disturbances or
24 problems at the establishment. He was open
25 during the entire span of Summerfest just to

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1 complement the - - the street traffic crowd that
2 was going to Summerfest. There were not any
3 reported problems. He did have a ESPN party on
4 June 30th, which was very popular, but he did not
5 have any problems. He wants to move from the
6 hip-hop disco type music, which is from 21 to 25,
7 perhaps, to a jazz format to the late 20s, early
8 30s, 40s crowd, something perhaps similar to
9 Onyx, something perhaps similar to Swank to
10 complement that clientele in that particular part
11 of the city.

12 He does acknowledge that the matter did
13 get out of hand, and he apologizes to the
14 committee and to the Milwaukee Police Department,
15 because of it. There is another tavern next
16 door, and I believe that, like on Water Street
17 North Wisconsin Avenue patrons would jump from
18 one establishment to another, looking to whatever
19 they may be seeking at the time. He has had no
20 previous discipline imposed upon him. I don't
21 believe that jumping from no discipline to an
22 outright revocation, based on this record, is
23 warranted. If indeed, a message needs to be sent
24 not only to Mr. Teague in his efforts to continue
25 operating as a licensee at this location, perhaps

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1 a brief suspension of ten days. He will get that
2 message, certainly. But do, indeed, provide him
3 the opportunity to change the format of his
4 establishment and - - and to continue to operate
5 at this location. He does intend to make an
6 additional investment of approximately 60,000.
7 He is locked into a lease through August of 2004.
8 He has strong financial incentive to make this
9 work without further concern with local alderman
10 or the police department. We respectfully
11 request that notwithstanding the objections of
12 the alderman and the department, that this is not
13 a situation where this committee in all good
14 equity can vote to not renew this particular
15 license. Thank you, Mr. Chairman.

16 CHAIRMAN PAWLINSKI: Alderman
17 Henningsen, I - -

18 COURT REPORTER: Mr. Chairman.

19 CHAIRMAN PAWLINSKI: Yes.

20 ALDERWOMAN CAMERON: Could we take a
21 two minute recess?

22 CHAIRMAN PAWLINSKI: No, no. This will
23 take one second, only.

24 COURT REPORTER: Okay.

25 ALDERWOMAN CAMERON: Okay. Now,

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1 Alderman.
2 ALDERMAN HENNINGSSEN: Mr. Chairman.
3 CHAIRMAN PAWLINSKI: We're - - We're
4 making closing comments here. I mean - -
5 ALDERMAN HENNINGSSEN: But this is a
6 witness who has just come forward.
7 CHAIRMAN PAWLINSKI: He's been here the
8 entire time. He's been here for an hour.
9 THE WITNESS: I was waiting to be
10 called.
11 ALDERMAN HENNINGSSEN: I didn't know he
12 was going to want to talk.
13 CHAIRMAN PAWLINSKI: Well, Alderman, I
14 mean - -
15 ALDERMAN HENNINGSSEN: It's not my
16 doing. He didn't come to the table like a normal
17 person would. He was standing back waiting to be
18 - - have is there anybody wanting to speak. So
19 he didn't know to come to the table, and I didn't
20 know he was wanting to talk, honest to God.
21 THE WITNESS: Either that or I've been
22 sandbagged.
23 MR. SCHRIMPF: Mr. Chairman, the notice
24 is on police objection. It's not neighborhood
25 objections.

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1 THE WITNESS: Okay. Fine.

2 CHAIRMAN PAWLINSKI: And - - And I - -

3 And I - - I mean, I called for closing comments.

4 ALDERMAN HENNINGSEN: The statements

5 made about the local bar next door, you know,

6 about it's all their problem. And this is the

7 owner of the bar next door who wants to say that

8 he doesn't believe all the problems on the

9 sidewalk can be attributed to him, that the

10 majority of them are attributable to Millennium.

11 CHAIRMAN PAWLINSKI: Then we're going

12 to take it - - We'll take your word for it,

13 Alderman. Because I'm going to ask you to make a

14 closing comment at this point. I mean, I'm

15 sorry. Otherwise, I've got to open it up to all

16 of Mr. Whitcomb's witnesses who are here, and

17 there's about eight or nine folks that I'm sure

18 want to come up and say that Mr. Teague is a

19 wonderful guy. Alderman Henningsen, if you want

20 to make a comment on the record in closing

21 comment. Then I'm going to take it into

22 committee.

23 ALDERMAN HENNINGSEN: Well, this is too

24 little, too late, ladies and gentlemen. He told

25 the committee last time that he was going to run

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1 a - - a quiet establishment that was going to be
2 here for the long haul, and he didn't. His
3 veracity now has no credibility with me. Let me
4 reiterate what I said at the beginning. This is
5 the worst record of any place that has been
6 licensed downtown since I've been alderman. And
7 we gave him a renewal, because give him a chance.
8 He was learning the business, and this was the
9 first time you'd done this business. And I gave
10 him a break. Because when he first opened, he
11 didn't know what he was doing, and he was
12 overrun. And he had - - He was overrun by a
13 clientele that he couldn't control. And it's
14 still that way. And he hasn't learned his
15 lesson, and now he sees the handwriting on the
16 wall, because I have sent him this stuff from
17 time to time. And he comes in with a jazz club.
18 Well, I don't believe that that's going to make a
19 big difference. Because when he finds that the
20 clientele that he's had still comes in, he's so
21 hungry for that 300 bucks for Krystol, he'll let
22 them in. And - - And I just think that we've got
23 nip this - - we've got to nip this in the bud.
24 This is a tavern that should not be
25 allowed to exist, because his pattern of

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1 operation should not be countenanced. This is
2 run in a way that's an embarrassment to me. I
3 gave him a break last year, and he took advantage
4 of - - of me, and he gave his word to this
5 committee and didn't keep it. And I'm greatly
6 embarrassed by all the calls that we have gotten
7 in this last year and all the turmoil, all the
8 - - the TV reports about these shootings, and the
9 press down there looking at all the squads that
10 are wasting their time dealing with this closing
11 problem. And I submit the record is more than
12 enough to close this place down by simply not
13 renewing. He has not made a showing that he's a
14 positive, positive influence to the area. He's
15 not made a showing that he's - - he's been an
16 attribute to business downtown. And I think that
17 there's a lot of people who could take this very
18 small space, which has been a tavern for a number
19 of a years, and make it a going place, but I
20 don't believe he can, because he certainly, in
21 the last two years, has made the entirely
22 opposite indication. Thank you very much.
23 CHAIRMAN PAWLINSKI: Thank you. And
24 now this matter is in committee. I'm going to
25 open it up to members of the committee for a

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1 motion.

2 ALDERWOMAN CAMERON: Mr. Chairman.

3 CHAIRMAN PAWLINSKI: Alderwoman

4 Cameron.

5 ALDERWOMAN CAMERON: I knew I would
6 have to go first. This is a very difficult
7 decision, even to make - - try to make comments
8 on it. I look at the report, and it is an
9 outstanding report. It's a very thick report. I
10 think what is happening is still happening, and I
11 will say it over and over and over, that a lot of
12 times the applicant and the alderperson should
13 work out some kind of mutual understanding before
14 they get to this committee, and numbers of time
15 they don't. And in this case you have not. I
16 haven't seen not one - - And I was looking at
17 them, and I made sure I get through it. I didn't
18 see - - Maybe I overlooked it, but I don't see
19 where it was one meeting regarding the other
20 merchants in the area to try to come to a
21 solution to work with the problems. It's just
22 not one that - - where that they both should have
23 been - - all of the residents or the merchants in
24 that block, just in that block alone, come to
25 some kind of neutral understanding, along with

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1 the applicant, along with the alderperson.

2 We just don't have that information.

3 Even if he didn't do it, we don't have no notice
4 that it was even introduced to him or suggested
5 to him. And neither do we have that feedback
6 from the alder - - I mean, the lawyer of the
7 client. We - - We're just not getting this two
8 way - - two way feedback from neither one. So
9 I'm understanding it, and the applicant has tried
10 to get with the alderperson, and you have to
11 understand, he's been upset because he get all
12 these calls. And sometime you just really fed up
13 with the whole idea, and just hoping it will go
14 away. But you still have to deal with it.

15 I'm going to come to a decision that I
16 wish the peoples that was in support of it would
17 have had the opportunity to come up and just give
18 us their names and their address, but they
19 didn't, and neither did the person that was in
20 opposition have the opportunity to come up and- -
21 let me - - to give his address or, you know. So
22 I'm going to make a recommendation at this
23 particular time that it do be suspended, and by
24 that time suspended for 60 days. And within that
25 60 day suspension you will have the opportunity

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1 to try to implement your new business plan that
2 you - - of operation that you was saying that you
3 was going to do anyway.

4 And, Mr. Chairman, I want to go on
5 record, because I think that we need to make it
6 quite clear that this license is not just
7 something that we give away and don't take it
8 seriously. We really deeply do. And we expect
9 to give everybody an opportunity, and they must
10 perform adequately. And that's what we're
11 holding you to. And when you come up here and
12 we're given a thick report, we have the lawyers
13 go to court, and we also have police officers
14 that can be used in other things. So, if we have
15 this thick report next year, I'm going to be the
16 first one to agree to not renew your license.

17 ALDERMAN BOHL: Mr. Chairman.

18 CHAIRMAN PAWLINSKI: Alderman, I just
19 need a clarification.

20 ALDERMAN BOHL: Mr. Chairman.

21 CHAIRMAN PAWLINSKI: Hold on one
22 second, Alderman. I need clarification from the
23 maker of the motion. Your motion is a renewal
24 with a 60 day suspension based on the police
25 report.

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1 ALDERWOMAN CAMERON: Yes.

2 ALDERMAN BOHL: Mr. Chairman.

3 ALDERWOMAN CAMERON: Yes.

4 CHAIRMAN PAWLINSKI: Alderman.

5 ALDERMAN BOHL: Before we get into
6 that, I do want to point out, and I - - I'm
7 hesitant to do this, because I know that you want
8 to kind of wrap these things up. This item is
9 cited for neighborhood objection. I do not
10 recall, neither does anyone around me, you
11 raising that issue, indicating it is cited for
12 neighborhood objection, are there any people who
13 are in the audience who are present and want to
14 speak on this item, and - -

15 ALDERWOMAN CAMERON: Mr. Chairman, I
16 withdraw my motion.

17 ALDERMAN BOHL: I think that it would
18 only be appropriate, and I know that that's going
19 to open us up to hearing from individuals who are
20 here in support of the license. But if an item
21 is cited for neighborhood objection, I think that
22 it is only appropriate that that be announced,
23 and that those individuals be given that
24 opportunity.

25 MR. WHITCOMB: Mr. Chairman.

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1 CHAIRMAN PAWLINSKI: One second, Mr.
2 Whitcomb. The reason why is because Alderman
3 Henningsen came to the committee table and made
4 his presentation, and I would assume that if an
5 alderman has neighbors that were here to testify,
6 that the alderman leads the charge to say, "and I
7 have people here who wish to testify", as we've
8 done on numerous other cases, where the other
9 alderman calls up individuals to testify, because
10 he knows that he cites - - the alderman cites it
11 for neighborhood objections, so I would assume
12 that the alderman of the district would ask that
13 those neighbors be here. Now, if you want to
14 reopen it up and bring in eight or nine
15 individuals over there and this one gentleman
16 over here, that's fine. I personally would
17 object to that, okay. Alderman?

18 ALDERMAN HENNINGSEN: I am the
19 neighborhood objector. I represent the area.
20 You know, Mr. Schrimpf has written all these
21 complicated memos about can we be the advocates
22 and all that sort of thing. It - - It wouldn't,
23 I think, pass muster if the notice said alderman
24 objects because of. This is a neighborhood
25 objection, and I represent the neighborhood, and

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1 the police report stand - - stand by themselves.
2 MR. WHITCOMB: Mr. Chairman.
3 CHAIRMAN PAWLINSKI: Mr. Whitcomb, yes.
4 MR. WHITCOMB: It might assist the
5 proceedings for today and - - and the record, my
6 client will accept a suspension of 30 days
7 commencement at the expiration of this license.
8 He will not object to it. He will not challenge
9 it. And he will accept it. So as regards to the
10 record, there won't be any challenge to the
11 record from this side of the table.
12 ALDERMAN HERRON: Mr. Whitcomb, I
13 believe the motion is 60 days.
14 CHAIRMAN PAWLINSKI: Oh, I understand.
15 What he's saying is that - -
16 MR. WHITCOMB: As far as a challenge
17 subsequent to this hearing.
18 CHAIRMAN PAWLINSKI: Right.
19 MR. WHITCOMB: There may not be on 60
20 either, but - -
21 ALDERMAN HERRON: Could you confer with
22 your client on 60 days?
23 MR. SCHRIMPF: Now, we're negotiating a
24 suspension.
25 MR. WHITCOMB: In deference to the

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1 local aldermanic committee, yes, we will accept
2 the 60 day suspension. We waive any objection on
3 the record to challenge that in any form
4 subsequent to this hearing. And if adopted by
5 the council, we will not challenge the adoption
6 of this recommendation by the council.

7 CHAIRMAN PAWLINSKI: Okay. All right.
8 Alderwoman Cameron, you want to - - You withdrew
9 your motion. You want to re - - I don't want you
10 to restate the motion in terms of - -

11 ALDERWOMAN CAMERON: Yes, yes. I'll
12 resubmit.

13 CHAIRMAN PAWLINSKI: You'll resubmit
14 your motion for a 60 day suspension.

15 ALDERWOMAN CAMERON: Yes, I do.

16 CHAIRMAN PAWLINSKI: All right.
17 Anybody want to make a comment on the record
18 about this establishment?

19 ALDERMAN BOHL: Mr. Chairman, I would
20 be happy to be very brief to that.

21 CHAIRMAN PAWLINSKI: Yes.

22 ALDERMAN BOHL: I think this - - this
23 establishment is very problematic in my eyes. I
24 think all too often we find individuals,
25 applicants who come forward after they've had

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1 severe problems, who come forward and say we're
2 sorry, we're sorry, when they know darn well, I
3 - - I respect, Alderwoman, and - - and Alderwoman
4 Cameron and her opinion in terms of attempts to
5 - - to address the situation with an applicant to
6 sit down. However, I think that it's very plain
7 as day when the police are showing up here on a
8 nightly, almost nightly basis, time and again to
9 do crowd control, when you have situations such
10 as shootings, routine fights, and all sorts of
11 other problems, time and again before an
12 establishment.

13 I think that very possibly a 60 day
14 suspension is an appropriate one. However, I do
15 not feel that it goes far enough, because I would
16 support that measure only with today here, a
17 subsequent denial of the cabaret night club. So
18 I will not support that motion.

19 CHAIRMAN PAWLINSKI: Okay. Anybody
20 else on the motion for a 60 day suspension? Any
21 other comments? All right. I can make a number
22 of comments, but I'm just not going to. I can
23 live with that, but I certainly think it would
24 - - could justify more than that. Is there any
25 objection to a 60 day suspension besides that of

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1 Alderman Bohl's? Hearing none, so ordered. Good
2 luck. Okay, gentlemen.

3 MR. WHITCOMB: Thank you.

4 MR. SCHRIMPF: The committee will be
5 doing the findings of fact and conclusions of
6 law, and of course, Mr. Whitcomb, you know that
7 you'll have the opportunity to submit written
8 objections as well as appear before the Common
9 Council, though you have indicated you intend not
10 to.

11 MR. WHITCOMB: For the purpose of the
12 record my office will accept on behalf of the
13 applicant, findings of fact and conclusions of
14 law. Thank you, Mr. Chairman.

15 * * * * *

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1 STATE OF WISCONSIN)
2 MILWAUKEE COUNTY)

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JEAN M. BARINA - COURT REPORTER

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Dated this day of August, 2002

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