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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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

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ANDREA CHAVIS
"Phoenix Bar and Grill"
6222 West Fond du Lac Avenue

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COMMITTEE MEMBERS

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- ALD. JAMES WITKOWIAK - Chair
- ALD. JAMES BOHL, JR., - Vice-Chairman
- ALD. JOSEPH A. DUDZIK
- ALD. ROBERT PUENTE
- ALD. WILLIE WADE

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- LICENSING DIVISION by REBECCA BARRON
- NEIGHBORHOOD SERVICES by PANDORA BENDER
- HEALTH DEPARTMENT by KEVIN HULBERT
- POLICE DEPARTMENT by OFFICER JAMES SANFILIPPO
- 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 21st day
of November, 2005.

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P R O C E E D I N G S

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(Whereupon all City Employees were duly

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sworn.)

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CHAIRMAN WITKOWIAK: In the 2nd

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District, Andrea Chavis, Agent for "Diamond Food

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& Beverages, Inc.", a Class "B" Tavern and Tavern

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Amusement (Cabaret/Nite Club) renewal

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applications and a request for the permanent

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extension of the Class "B" premises to include

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the entire - - the entire first floor, entire

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second floor, and the second floor storage for

12

the "Phoenix Bar and Grill" at 6222 West Fond du

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Lac Avenue.

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CHAIRMAN WITKOWIAK: Good morning.

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Could you - - Could you raise your

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right hands, be sworn in, please? Alderman

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Davis, also.

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(Whereupon those present were sworn.)

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CHAIRMAN WITKOWIAK: Your name and

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address for the record, please?

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THE APPLICANT: Andrea Chavis, 2614

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North 6th Street.

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CHAIRMAN WITKOWIAK: Okay. Do you want

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to state your appearance?

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MR. GORDON: Yes, thank you, Mr.

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1 Chairman. Good morning again, Mr. Chairman,
2 members. Frederick Gordon appearing with Ms.
3 Chavis. I just had a conversation with her and
4 she appeared because her license was up for
5 renewal today. She just discovered it, and I'm
6 just sitting in with her. I have known her for a
7 number of years. She's a family friend.

8 CHAIRMAN WITKOWIAK: Let the record
9 show Alderman Davis appears on this matter. Good
10 morning.

11 Ms. Chavis, do you admit to receiving a
12 notice in the mail there's a possibility your
13 application could be denied because of items
14 contained on the police report and neighborhood
15 objections to loitering, littering, parking,
16 cruising, traffic problems, vandalism, public
17 urination and drunkenness, trespassing, loud
18 music, noise, late night disturbances, fights,
19 gunshots, criminal activity, and drug activity,
20 prostitution, and conduct which is detrimental to
21 the health, safety and welfare of the
22 neighborhood? Did you receive a letter like
23 that?

24 THE APPLICANT: The letter I received
25 didn't have all that on there. I just received

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1 this letter right here.

2 MR. GORDON: She did receive a copy of
3 the incident report and the - -

4 CHAIRMAN WITKOWIAK: Okay. Did she
5 receive a copy of the notice?

6 MR. GORDON: Yes. I have it right
7 here.

8 CHAIRMAN WITKOWIAK: Health department?

9 HEALTH DEPARTMENT: Hold for inspection
10 of the permanent extension.

11 CHAIRMAN WITKOWIAK: Neighborhood
12 Services?

13 DNS: Hold for inspection for
14 occupancy. There's a question regarding
15 occupancy, and orders.

16 CHAIRMAN WITKOWIAK: And I can see that
17 the - - the rest of the room is empty at this
18 time. But I'm just going to ask for the record
19 here, is there anyone here in attendance that
20 wishes to testify about 6222 West Fond du Lac
21 Avenue? Anyone here to testify about 6222 West
22 Fond du Lac Avenue? Let the record show no one
23 acknowledges. Alderman Davis.

24 ALDERMAN DAVIS: Thank you, Mr. Chair.
25 Members of the committee. The reason why you

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1 don't see anyone here is because we've been
2 through this once before when the license was
3 actually given a - - a suspension. Let's be very
4 clear that neighbors in this area are very
5 concerned about this establishment, but they also
6 are very concerned to appear before this
7 committee, given their address is given, the
8 severity of some of the incidents that have
9 occurred at this establishment.

10 I am opposed to the permanent extension
11 of the Class "B" premises as it is outlined in
12 this particular request. I'm also appalled at
13 what I consider an execution that has occurred at
14 this particular establishment. I've argued the
15 fact once before that it creates an instability
16 of the neighborhood. I've tried to work with
17 residents in the area to try to move forward.
18 Some - - I have to be very - - I want to be very
19 candid and - - but I don't want to use any
20 derogatory terms. We tried to support this
21 establishment, but the behavior of this
22 establishment continues. And people notice it.
23 It has been a thorn in my side since I have been
24 an alderman who was elected in this area.
25 Unfortunately, the applicant has not contacted my

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1 office concerning the extended - - the request.
2 And I believe that there are some incidents that
3 are occurring at this location that I think are
4 grave concerns to the City of Milwaukee. And if
5 we continue to move down this road, we're going
6 to start seeing homes up for sale, and quality of
7 life in this area is going to be very much
8 deteriorating.

9 CHAIRMAN WITKOWIAK: Thank you,
10 Alderman Davis. Officer Sanfilippo, the police
11 report, please.

12 OFFICER SANFILIPPO: In - - In the last
13 license year the applicant was - - the police
14 went on June 27th of 2004. The occupancy permit
15 listed the occupancy as 99. They counted
16 approximately 300 people there. The applicant
17 was cited for Class "B" manager's license
18 required and illegal occupancy. Both of those
19 - - I'm sorry. The manager's license was
20 dismissed. The illegal occupancy was - - She was
21 fined.

22 On June 20 - - I'm sorry. On January
23 22nd, 2005 at eight p.m. at Froedtert Hospital in
24 Milwaukee, police detective interviewed a victim
25 of a shooting. The victim stated that he had

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1 been at the Phoenix Tavern, 6220 West Fond du Lac
2 Avenue. He had been performing a rap song with
3 an artist. As he was leaving the tavern and
4 getting in the front passenger seat of the
5 manager's car, and suddenly gunshots were fired
6 at the vehicle, and that he felt two bullets
7 enter his chest. As he pretended to be dead in
8 the vehicle, the shooter reached in and took his
9 wallet from his back pants pocket.

10 And then, in February of 2004 the
11 applicant was issued citations for a Class "B"
12 man - - bartender's license required and posting
13 of occupancy, but she was found guilty of the
14 posting of occupancy and fined.

15 Finally, March 21st, 2005 the applicant
16 was cited for sale to underage and convicted.

17 MR. SCHRIMPF: Mr. Chairman, just for
18 the benefit of - -

19 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

20 MR. SCHRIMPF: - - the parties here and
21 - - and the committee. In the 2000 - - In 2003
22 for the 2004 license here this license was
23 renewed with a 60 day suspension based on the
24 incidents through September 6th, 2003.

25 CHAIRMAN WITKOWIAK: Thank you, Mr.

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1 Schrimpff. Any questions about the police report?
2 MR. GORDON: Mr. Chairman, again, I
3 just contacted - - or Ms. Chavis is contacting me
4 today. So I'm looking at this for the first
5 time. I guess the concern that she has, and
6 there are no questions of the officer, but the
7 concern that she has relates to the item dated
8 January 22nd, 2005. And as the police report - -
9 As the incident report reads there was a phone
10 call made or some - - this guy had been at 6222
11 West Fond du Lac. The license is listed for 6222
12 West Fond du Lac Avenue. This, again, points out
13 what we were talking about at the last hearing
14 regarding the way these reports are being put
15 forth. As Alderman Davis characterizes it, it
16 certainly is a - - a serious offense. But in
17 reading this you can read - - you could infer
18 that this happened at this address, and frankly,
19 it did not, from what I understand and from what
20 - - what Ms. Chavis has told me. She was working
21 at the time at the establishment, and has no
22 knowledge or - - or had no knowledge about this
23 incident taking place at or near her
24 establishment at that time.

25 ALDERMAN PUENTE: Mr. Chair?

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CHAIRMAN WITKOWIAK: Alderman Puente.

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ALDERMAN PUENTE: What he's testified

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to then is hearsay right now. He keeps referring

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to the licensee. I mean, if she wants to speak

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out, hear her testimony, but with all due respect

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to you, sir, it's hearsay.

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MR. GORDON: Well, Ms. Chavis.

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THE APPLICANT: This incident here, I

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was not even around. I heard about it like later

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on that evening or the next day. It happened

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like further down the block where I was - -

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Someone else came and brought it to my attention.

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It's - - Apparently that someone was robbed after

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they left the establishment. So that's what I

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was - - acknowledge. No police or anything came

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to let me be aware that there was an incident

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that happened.

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ALDERMAN PUENTE: So you weren't there

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either.

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THE APPLICANT: I was in at the - - I

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wasn't at this incident, but I was at - - at the

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bar. You know what I'm saying. I wasn't aware

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that this incident happened at the bar. I was

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aware of it later on that evening. I think

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someone had let me know that someone had gotten

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1 robbed after they left the establishment.
2 ALDERMAN PUENTE: Do you know the
3 victim of this shooting?
4 THE APPLICANT: No, I don't.
5 ALDERMAN PUENTE: Okay. Did you ever
6 find out his name?
7 THE APPLICANT: No, I don't.
8 ALDERMAN PUENTE: Okay. So you can't
9 say whether or not he was or was not at your
10 tavern?
11 THE APPLICANT: I can't say whether he
12 was or whether he wasn't, because I don't know
13 who - - who the patron was.
14 ALDERMAN PUENTE: Thank you.
15 ALDERMAN WADE: Mr. Chair?
16 CHAIRMAN WITKOWIAK: Alderman Wade.
17 ALDERMAN WADE: Is - - Is that address
18 of your bar 22 - - 22 - - 6222 West Fond du Lac
19 or 6220 West Fond du Lac?
20 THE APPLICANT: 6222 West Fond du Lac.
21 ALDERMAN WADE: So 6220 West Fond du
22 Lac is not your establishment.
23 THE APPLICANT: No.
24 ALDERMAN PUENTE: Mr. Chair.
25 CHAIRMAN WITKOWIAK: Alderman Puente.

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1 ALDERMAN PUENTE: Is there anything at
2 6220 West Fond du Lac?

3 THE APPLICANT: Not that I'm aware of.
4 Our legal address is 6222 West Fond du Lac.

5 ALDERMAN DAVIS: Mr. Chairman, I can
6 bring some brevity to that.

7 CHAIRMAN WITKOWIAK: Alderman Davis.

8 ALDERMAN DAVIS: There is a Diamond Inn
9 which is attached to 6222 West Fond du Lac
10 Avenue. The Diamond Inn and also the Phoenix Bar
11 and Grill. Those of you who - - who knew that
12 area, it was an old Milwaukee Road Hotel with a
13 bar. And the particular establishment at 6220
14 possibly could be the Diamond Inn, which is
15 attached to 6222, which has a parking lot
16 adjacent to the establishment which I know for a
17 fact, and I will personally testify, the patrons
18 from the Phoenix Bar & Grill do park in that
19 particular parking lot.

20 ALDERMAN PUENTE: And what is - - Mr.
21 Chair.

22 CHAIRMAN WITKOWIAK: Go ahead.

23 ALDERMAN PUENTE: What is the Diamond
24 Inn?

25 ALDERMAN DAVIS: The Diamond Inn is a

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1 - - a motel. And the Diamond Inn is a motel that
2 has - - that has possibly some possibility of
3 prostitution.

4 ALDERMAN PUENTE: So in the statement
5 we have before us, Alderman, it says, "The victim
6 stated that he had been at the Phoenix Tavern,"
7 and then there's discrepancy obviously, which is
8 what we're talking about here, is the 6220 West
9 Fond du Lac Avenue. He had been there to perform
10 rap songs with other artists. Would he be doing
11 rap songs with other artists at the Diamond Inn?

12 ALDERMAN DAVIS: No.

13 ALDERMAN PUENTE: Thank you.

14 ALDERMAN DAVIS: Mr. Chairman, if I
15 may.

16 CHAIRMAN WITKOWIAK: Go ahead.

17 ALDERMAN DAVIS: And I'm glad that
18 Alderman Puente raises that question, because the
19 records and the bookings with private parties
20 could be validated if, in fact, this artist
21 actually performed. I'm understanding Ms. Chavis
22 said that there was no event at that particular
23 time. Clearly, the person in this report
24 reported that there was activity at that
25 location, whice, evidently, I would assume that

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1 the police department investigated and found out
2 that there was an event at that location at that
3 time.

4 CHAIRMAN WITKOWIAK: Thank you.
5 Anything else, members of the committee?
6 Questions?

7 ALDERMAN WADE: Mr. Chair.

8 CHAIRMAN WITKOWIAK: Alderman Wade.

9 ALDERMAN WADE: So - - So you're say
10 - - you're saying that there was not a rap show
11 at that time at the Phoenix. Is that what you're
12 saying?

13 THE APPLICANT: I'm saying it was not
14 one scheduled. What hap - - What happens is that
15 the customers will come in, and they hear a
16 certain song, or they hear certain music, they
17 begin to rap or sing to that music because their
18 little group is there or another group is there.
19 And then they kind of sing off against each
20 other, something like that. What I'm saying
21 there was not no scheduled event that was there.
22 But we no longer even do the rap anymore, because
23 my dad, which has been a longstanding club in the
24 city for over 30 years, had a talk with Alderman
25 Davis. So we don't even offer the rap anymore.

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1 So that we don't have to have these type of
2 problems with the rappers and the rap groups and
3 things like that. So the rap issue is no longer
4 a problem, because we no longer even do rap
5 music.

6 ALDERMAN PUENTE: Mr. Chair.

7 CHAIRMAN WITKOWIAK: Alderman Puente.

8 ALDERMAN PUENTE: At the time that you
9 did do rap music and how you just explained it,
10 would they perform on stage? Would they have a
11 microphone? Or how would they do their raps?

12 THE APPLICANT: You know, they kind of
13 just, you know, break off in groups, and they put
14 the music on what, like a - - a disk like a CD
15 disk or something like that. And then the music
16 comes on and then, you know, one group will sing
17 their rap or do whatever, and then another group
18 will come over and sing the rap or whatever. But
19 it's just like a flat, like, dance floor. It
20 wasn't like that they were on a stage or
21 anything.

22 ALDERMAN PUENTE: Would they have
23 microphones?

24 THE APPLICANT: No, because I didn't
25 have any cordless mikes. Sometimes they would

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1 get up and go like a DJ move and kind of, I
2 guess, used the - - the microphone or whatever
3 the DJ would have.

4 ALDERMAN PUENTE: Is the rapping when
5 they go into two different groups, a competitive
6 rap dance?

7 THE APPLICANT: Yeah, that's usually
8 how it would happen. And then that's when kind
9 of like arguments and stuff would happen, because
10 one group would say their group was better than
11 the other group, and so on and so forth.

12 ALDERMAN PUENTE: But you issued no
13 prizes for one rap group.

14 THE APPLICANT: No, we didn't issue no
15 prize or anything like that.

16 ALDERMAN PUENTE: Thank you, Mr.
17 Chairman.

18 CHAIRMAN WITKOWIAK: Okay. You're
19 welcome. Are there questions by members of the
20 committee?

21 ALDERMAN DAVIS: Mr. Chair.

22 CHAIRMAN WITKOWIAK: Okay. Alderman
23 Davis.

24 ALDERMAN DAVIS: On their application
25 that they - - that they filed the previous year,

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1 as you know, they have a cabaret license. And
2 under that cabaret license they were not supposed
3 to have rap music at that location. Yet still
4 Mrs. Chavis has testified that she had a rap show
5 and that it was allowed at that particular
6 location. And I will just summarize it and I
7 will fully respect the committee's decision, but
8 I would hope that the committee would deny the
9 license. I would hope that the committee would
10 support the community, and if the committee does
11 not move towards that, I would move to actually
12 take away the cabaret license, because this is -
13 - It uses tax dollars when I have to send notices
14 out to neighbors. It also is very disingenuous
15 to have to come before this committee and be very
16 vague about things that are very clear. And that
17 is that an incident occurred, an execution
18 occurred, or a proposed execution had - - had - -
19 had been attempted. And this is right in the
20 backyard of the district in which I represent,
21 with a multimillion dollar development that is
22 trying to change the whole - - trying to change
23 the whole perception and also the - - the
24 credibility of our neighborhoods.

25 CHAIRMAN WITKOWIAK: Thank you.

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1 Anything in closing, Ms. Chavis, before we take
2 this matter into committee?

3 THE APPLICANT: Oh, I would just like
4 to say that we've had that business for several
5 years. We've worked extensively with the
6 alderman in the district. I know that my dad
7 has, which he is not here, because we have
8 illness in the family, has extensively been
9 talking with Alderman Davis and working with
10 Alderman Davis in regards to making our business
11 be a good business for the neighborhood and,
12 also, for the community. So to be honest with
13 you, I was really under the impression that
14 Mister - - that Alderman Davis was for our
15 business, because in my opinion from the last
16 meeting that he had with my dad from the
17 impression that I got from my dad, he let my dad
18 know that we had not been having any problems
19 with the business, and that he had not been
20 getting any reports across his desk. So a lot of
21 the things that he's saying today is very much of
22 a surprise to me.

23 CHAIRMAN WITKOWIAK: Alderman Davis.

24 ALDERMAN DAVIS: Let the record reflect
25 that any open records request can be made of my

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1 office, and I have not met with her father. And
2 if, in fact, her father is Mr. Harrison, I have
3 not met with Mr. Harrison. And it's - - it's the
4 reason why I haven't met with Mr. Harrison,
5 because I don't want to compromise the issues
6 that are at hand in the neighborhood in which I
7 represent. Thank you.

8 MS. BARRON: Mr. Chair.

9 CHAIRMAN WITKOWIAK: Thank you. Yes.

10 MS. BARRON: I just wanted to mention
11 something regarding the permanent extension. The
12 reason that's before you today is because of
13 required floor plans.

14 CHAIRMAN WITKOWIAK: I see.

15 MS. BARRON: Last year they had first
16 floor and conference room, second floor banquet
17 room and storage. And apparently they've been
18 using all of the first floor and all the second
19 floor and the storage room. So that's why we
20 have that permanent extension in here. That
21 didn't come to light until we required those
22 floor plans to be submitted.

23 CHAIRMAN WITKOWIAK: This matter is in
24 committee. This matter is in committee.

25 ALDERMAN DUDZIK: Well, Mr. Chairman,

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1 since - -

2 CHAIRMAN WITKOWIAK: Alderman Dudzik.

3 ALDERMAN DUDZIK: I'll take this lead.

4 Given the fact that this location has already
5 received a 60 day suspension, I would move to
6 strip this applicant of the cabaret license,
7 cabaret section of the license, and I think that
8 and an additional 60 day suspension would be
9 appropriate because of police reports.

10 CHAIRMAN WITKOWIAK: Motion by Alderman
11 Dudzik is to recommend a renewal of this
12 application with a 60 day suspension, the Class
13 "B" Tavern license, and denial of the - - the
14 cabaret/nightclub portion of the application,
15 based on items contained in the police reports.
16 And we haven't already done that. Alderman
17 Puente moves to make the entire police report
18 part of the permanent record in this matter.
19 Hearing no objections, so ordered.

20 The motion by Alderman Dudzik is to
21 recommend a renewal of this application with a 60
22 day suspension and deny the renewal of the
23 cabaret/nightclub portion of the application. On
24 the motion. Any discussion on the motion? Are
25 there any objections to the motion?

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1 ALDERMAN BOHL: I will object.
2 ALDERMAN WADE: I will object.
3 CHAIRMAN WITKOWIAK: I will object,
4 also. So the matter is still in committee. Is
5 there a new motion to be presented? Alderman
6 Puente?
7 ALDERMAN PUENTE: Oh, no. I was in
8 favor of the last one. I would think it's one of
9 you three.
10 CHAIRMAN WITKOWIAK: Okay.
11 ALDERMAN DUDZIK: Well, Mr. Chairman,
12 seeing that nobody is going to take this lead,
13 I'll - - I'll deny the license altogether. I
14 move to deny the license altogether.
15 CHAIRMAN WITKOWIAK: Motion by Alderman
16 Dudzik is to recommend denial of - - of this
17 application. Is there any discussion on that
18 motion? Are there any objections to that motion?
19 ALDERMAN WADE: I'll object.
20 ALDERMAN BOHL: I'll object, as well.
21 CHAIRMAN WITKOWIAK: Hearing two
22 objections, the motion carries on a vote of three
23 to two.
24 MR. SCHRIMPF: The committee is going
25 to be doing findings of fact and conclusions of

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1 law recommending nonrenewal of your Class "B"
2 Tavern and Cabaret license. You will receive a
3 copy of those recommendations. You'll have an
4 opportunity to submit written objections to those
5 recommendations, as well as appear before the
6 Milwaukee Common Council on December 13th, 2005
7 at approximately nine a.m. when it meets to
8 consider this matter.

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STATE OF WISCONSIN)

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MILWAUKEE COUNTY)

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I, JEAN M. BARINA, of Milwaukee Reporters
Associated, Inc., do certify that the foregoing
transcript was reduced to writing under my direction
and that it is a true and accurate transcription of
the Lincseses Committee Hearing held on November 21,
2005.

JEAN M. BARINA - COURT REPORTER

Dated this day of December, 2005

