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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 Renewal Application  
for "Terry Lee's" at 5516 W. Center Street

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TERRY L. HEINEMEIER  
"TERRY LEE'S"  
5516 W. Center Street

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair

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

ALD. JOSEPH A. DUDZIK

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ALD. ROBERT PUENTE

ALD. WILLIE WADE

13

LICENSING DIVISION by REBECCA BARRON

14

NEIGHBORHOOD SERVICES by PANDORA BENDER

HEALTH DEPARTMENT by KEVIN HULBERT

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POLICE DEPARTMENT by SERGEANT JOHN HOGAN

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in

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the above-entitled matter, before the UTILITIES AND

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LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on the

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18th day of January, 2005.

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P R O C E E D I N G S

CHAIRMAN WITKOWIAK: In the 10th District, Terry L. Heinemeier, Terry L. Heinemeier, Agent for "Terry Lee's Corporation," Class "B" Tavern renewal application for "Terry Lee's" at 5516 West Center Street.  
It looks like Alderman Michael Murphy.  
ALDERMAN MURPHY: I move for dismissal.  
MR. SCHRIMPF: Denial?  
CHAIRMAN WITKOWIAK: Could you raise your right hand and be sworn in, please?  
(Whereupon Alderman Murphy was sworn.)  
CHAIRMAN WITKOWIAK: It appears the applicant is not here. Could you shed some light on this for us?  
ALDERMAN MURPHY: They have not contacted me. Though there's an extensive police report that's in your files that I'm sure probably may be attested to the fact that maybe they felt they had no hope of obtaining and renewing their liquor license. They sent us an atrocious record, but I can't really explain why they're not here.  
MR. COPELAND: There has been no contact with the License Division either, Mr.

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1 Chair.

2 CHAIRMAN WITKOWIAK: Okay.

3 MR. SCHRIMPF: Well, Mr. Chairman, I  
4 would ask that I be permitted to put into the  
5 record the usual questions about was notice sent  
6 out.

7 ALDERMAN BOHL: Mr. Chairman, there are  
8 - - there appears to be some people who are here  
9 to testify to this.

10 CHAIRMAN WITKOWIAK: Are - - There's  
11 people in the audience to testify in this matter?

12 THOSE PRESENT: Yes.

13 CHAIRMAN WITKOWIAK: Okay, let - - Go  
14 through this first, and then we'll take your  
15 testimony. Just hold on a second.

16 MR. SCHRIMPF: Okay. I would ask if  
17 notice was sent to Terry L. Heinemeier as Agent  
18 for "Terry Lee's Corp." at 4525 West Auer Avenue,  
19 Milwaukee 53216 on Friday, January 7th, 2005, by  
20 United States First Class prepaid mail in an  
21 envelope bearing the return address of the  
22 License Division.

23 MR. COPELAND: It was.

24 MR. SCHRIMPF: Was a copy of the police  
25 report also included with the notice?

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1 MR. COPELAND: It was.

2 MR. SCHRIMPF: Was 4525 West Auer  
3 Avenue, Milwaukee, Wisconsin 53216 the address  
4 given by Terry L. Hein - - Heinemeier as Agent  
5 for "Terry Lee's Corp." to the License Division  
6 and on his application?

7 MR. COPELAND: It is.

8 MR. SCHRIMPF: And were the materials  
9 sent on January 7th, 2005 by United States First  
10 Class prepaid mail returned to the License  
11 Division by the United States Postal Service?

12 MR. COPELAND: It was not.

13 MR. SCHRIMPF: That's all I have, Mr.  
14 Chairman.

15 CHAIRMAN WITKOWIAK: Thank you. And  
16 Alderman Puente moves to make the entire police  
17 report part of the record in this matter, and  
18 hearing no objections, so ordered. Could you  
19 ladies please come to the table? And - - And  
20 could you raise your right hand, please, so we  
21 can swear you in?

22 (Whereupon those present were sworn.)

23 CHAIRMAN WITKOWIAK: You first, your  
24 name and address for the record.

25 THE WITNESS: My name is Tami M. Banks,

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1 and I live at 3968 North 70th Street, Milwaukee,  
2 Wisconsin 53216.

3 CHAIRMAN WITKOWIAK: And - - And your  
4 testimony is?

5 THE WITNESS: I'm here to testify on  
6 behalf of my late son, Lindy T. Banks, that was a  
7 victim at Terry Lee's bar on 55th and Center. He  
8 was shot in the back in 2003, to be precise, I  
9 got the date here.

10 ALDERMAN MURPHY: Was this the death on  
11 April 25th?

12 THE WITNESS: Correct. Thank you, sir.  
13 Yeah, he was shot in the back while inside the  
14 bar, April 25 - - 25th of 2003. I was notified  
15 through St. Joseph's Hospital, April the 26th,  
16 that he was a patient there. The hospital called  
17 the police because they have police on their  
18 premises. He did not get any assistance from  
19 anyone in the bar, and he actually had to stumble  
20 down the street with a gunshot wound to his back  
21 before he could flag down two patrons - - or two  
22 young ladies that were just driving by. And they  
23 assisted him. He didn't get any help,  
24 whatsoever.

25 And when I went to Terry Lee's the next

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1 day to ask questions, a particular bartender, he  
2 happened to have my son's car keys, because my  
3 son's car was parked outside, but he couldn't  
4 drive. And he told me that there was a  
5 commotion, but he didn't see no shooting. It  
6 must have happened outside and whatnot, so.

7 CHAIRMAN WITKOWIAK: Thank you. And  
8 then your - - your son?

9 THE WITNESS: Well, he lost his right  
10 kidney. It damaged his - - his lower intestines.  
11 It pierced, the bullet pierced his right lung.  
12 And he stayed in the hospital for - - for about a  
13 month. He did recover, but later on - - We never  
14 found who the gunman was. Later on, in November,  
15 he got shot behind his apartment building,  
16 however, we don't know if that was the same  
17 gunman or not. They - - They never told us who  
18 shot him. Nobody knows anything. And there was  
19 a crowd of people.

20 CHAIRMAN WITKOWIAK: Okay. Ma'am, your  
21 testimony?

22 THE WITNESS: Yes.

23 CHAIRMAN WITKOWIAK: Could you pull  
24 that microphone? It's not nailed down. Just  
25 pull it towards you, so.

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1 THE WITNESS: Basically I'm here  
2 because I'm his Auntie. I was his Auntie, and he  
3 left basically - -  
4 CHAIRMAN WITKOWIAK: What's your name  
5 and address?  
6 THE WITNESS: Nina Banks Jackson. He  
7 left - - 4539 North 44th Street, Milwaukee,  
8 Wisconsin 53218.  
9 CHAIRMAN WITKOWIAK: Okay.  
10 THE WITNESS: He left eight kids  
11 behind. So we're taking care of them.  
12 CHAIRMAN WITKOWIAK: Okay.  
13 THE WITNESS: And if he hadn't got shot  
14 here, I don't think he would have got shot this  
15 last time. I think it's related, so.  
16 CHAIRMAN WITKOWIAK: All right. Thank  
17 - - Thank you very much. Any questions, comments  
18 by members of the committee? This - - This  
19 matter's in committee.  
20 ALDERMAN BOHL: Mr. Chairman.  
21 CHAIRMAN WITKOWIAK: Alderman Bohl.  
22 ALDERMAN BOHL: First off, I would - -  
23 I would move that the entire police report be  
24 made part of our record.  
25 CHAIRMAN WITKOWIAK: That's been done

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1 already.

2 ALDERMAN BOHL: At that point I would  
3 move for denial of the application, based on both  
4 matters contained within the police report, as  
5 well as, non-appearance by the applicant.

6 CHAIRMAN WITKOWIAK: Motion by Alderman  
7 Bohl is to recommend denial of this application,  
8 based on items contained on the police report and  
9 non-appearance. Are there any objections to that  
10 motion?

11 MR. SCHRIMPF: Mr. Chairman, just so  
12 that I'm clear. We're not including the  
13 neighborhood objectors?

14 ALDERMAN BOHL: That is correct. Mr.  
15 Schrimpf, I didn't want to include hearsay  
16 testimony, in addition to the fact that this is a  
17 2003 incident. So it is not within the same  
18 licensed year. I don't want to create any more  
19 problems for you than I think that you would  
20 want.

21 MR. SCHRIMPF: I appreciate that,  
22 Alderman.

23 CHAIRMAN WITKOWIAK: Are there any  
24 objections to the motion? Hearing none - -

25 MR. SCHRIMPF: I do believe, Mr.

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1 Chairman, communications with a deceased person  
2 are admissible, but - - as an exception to the  
3 hearsay rule.

4 CHAIRMAN WITKOWIAK: Are there any  
5 objections to the motion for denial? Hearing no  
6 objections, so ordered.

7 ALDERMAN MURPHY: Thank you, Mr.  
8 Chairman. Committee members.

9 CHAIRMAN WITKOWIAK: Thank you,  
10 Alderman Murphy. Thank you, ladies, for coming.

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3 STATE OF WISCONSIN)

4 MILWAUKEE COUNTY )

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JEAN M. BARINA - COURT REPORTER

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Dated this            day of December, 2005

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