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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of:

5

BOHAN, John W., Agent for "Thumpers, Inc.", Class B

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Tavern and Tavern Dance renewal applications for  
"Thumpers" at 7155 North 43rd Street.

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COMMITTEE MEMBERS

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ALD. JAMES BOHL, JR. - Chairman

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Ald. Joe Davis, Sr. - Vice Chairman

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Ald. Fredrick G. Gordon

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Ald. Joseph A. Dudzik

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Ald. Terry L. Witkowski

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DEPARTMENT OF NEIGHBORHOOD SERVICES by PANDORA BENDER

17

HEALTH DEPARTMENT by OSCAR L. BOND

18

LICENSE DIVISION by JAMES COPELAND

19

POLICE DEPARTMENT by SERGEANT JOHN HOGAN

20

OFFICE OF THE CITY ATTORNEY by BRUCE SCHRIMPF

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Proceedings had and testimony given in  
the above-entitled matter, before the UTILITIES &  
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE, on  
the 9th day of September, 2003, reported by Donna  
Gulczynski of Milwaukee Reporters Associated, Inc.

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1 P R O C E E D I N G S

2 (NOTE: All City Personnel Were Sworn Under  
3 Oath Prior to These Proceedings.)

4 CHAIRMAN BOHL: The last item on the after-  
5 noon agenda is for John Bohan, agent for Thumpers,  
6 Incorporated, Class B Tavern and Tavern Dance renewal  
7 applications for Thumpers at 7155 North 43rd Street.  
8 Mr. Bohan?

9 MR. BOHAN: Good afternoon.

10 CHAIRMAN BOHL: Good afternoon to you.

11 Mr. Bohan, if you could raise your right hand here,  
12 and anyone else who wishes to testify here.

13 (Whereupon all witnesses were sworn under  
14 oath.)

15 CHAIRMAN BOHL: And Mr. Bohan, do you  
16 acknowledge receiving notice of today's meeting with  
17 the possibility that your license could be denied due  
18 to items in the police report as well as neighborhood  
19 objections to loitering, littering, traffic, parking  
20 problems, loud patrons, drinking after hours,  
21 speeding, cruising, loud music and noise, patrons  
22 after hours, vandalism and damage to private property,  
23 trespassing, public urination, illegal drug activity,  
24 increase of crime, devaluation of residential  
25 property, and conduct detrimental to the health,

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1 safety and welfare of the neighborhood?

2 MR. BOHAN: Yes.

3 CHAIRMAN BOHL: Okay. Thank you. Health  
4 Department?

5 MR. BOND: No objection.

6 CHAIRMAN BOHL: Neighborhood Services?

7 MS. BENDER: No objection.

8 CHAIRMAN BOHL: Sergeant Hogan?

9 SERGEANT HOGAN: Three incidents were  
10 reported in the last licensing period. The first  
11 one occurred on August 17th of last year. An officer  
12 conducted a tavern check and found that the bartender  
13 on duty did not have a bartender's license and issued  
14 that person a citation.

15 On January the 1st of this year, about  
16 three in the morning, officers got sent to a  
17 shots-fired fight inside the tavern. Upon their  
18 arrival, the officers observed numerous patrons  
19 running from inside the tavern. One person was  
20 lying in the middle of 43rd Street. All vehicular  
21 traffic was stopped because of the patrons running  
22 from the tavern yelling and screaming and fighting.

23 Additional squads were summoned to control  
24 the scene. Officers determined that no one was shot  
25 in the bar but noticed that inside the tavern, the

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1 tables were turned over, bottles were broken, bar  
2 stools had been thrown about.

3 The bartender stated that no one was  
4 shooting inside the tavern, but he thinks that a  
5 shot had been fired outside. He added that a fight  
6 had broken inside which caused patrons to throw  
7 bottles and chairs. A patron was found in the base-  
8 ment with injuries that he stated that he received  
9 when he fell on the stairs. Another person that was  
10 found lying in the street was uncooperative with  
11 officers, and he was conveyed to the hospital for  
12 treatment.

13 The officers also noted in the report that  
14 when they arrived, entrance to the tavern was not  
15 immediate because the tavern had a magnetic door lock  
16 which could only be deactivated from the inside, which  
17 prevented a quick entry to check for injured persons.  
18 Officers also found that the tavern was operating  
19 under the name of the X Sports Bar, but the license  
20 still had the previous name to it.

21 Several citations were issued to the  
22 licensee. There was a conviction for immediate entry  
23 to Fire and Police. The rest of the citations were  
24 dismissed.

25 On March the 3rd of this year at about 9:45

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1 p.m., officers conducted a license premise check and  
2 found that the bartender on duty did not have a  
3 bartender's license. A citation was issued to both  
4 the licensee and the bartender. The citation to the  
5 licensee was dismissed.  
6 MR. COPELAND: Excuse me, Mr. Chair.  
7 CHAIRMAN BOHL: Yes, Mr. Copeland.  
8 MR. COPELAND: Before the committee hears  
9 testimony on this case, I need to inform the committee  
10 that the License Division was given a letter from  
11 Badger Distributing concerning the licensee and unpaid  
12 retail liquor bills, which under state law requires  
13 that the License Division hold the license until this  
14 is settled.  
15 MR. BOHAN: Who's that from? I'm sorry, I  
16 didn't catch that.  
17 MR. COPELAND: Badger Distributing.  
18 MR. BOHAN: Badger. Okay.  
19 CHAIRMAN BOHL: Well, --  
20 MR. COPELAND: I'm just putting that out.  
21 CHAIRMAN BOHL: And I appreciate that. This  
22 is new -- In terms of my three and a half years on  
23 this committee, I have not had any previous experience  
24 with this.  
25 MR. COPELAND: Well, normally we don't

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1 inform the committee, but because the person who wrote  
2 this letter was objecting to the renewal, -- and as we  
3 were telling them, this is not a reason for objection  
4 of a renewal.

5 MR. SCHRIMPF: Mr. Chairman, this does  
6 not prohibit the committee from considering this  
7 application and making an appropriate recommendation,  
8 or the council from granting the license. What it's  
9 making clear and a record of is that even if approved,  
10 and even if granted by the council, this licensee does  
11 not get his license until, unless and if that liquor  
12 hold and bill is paid. And occasionally I have to go  
13 to court to explain this, and I want the licensee to  
14 know this right upfront.

15 MR. BOHAN: I'm aware of that. It can be  
16 handled.

17 MR. SCHRIMPF: Okay.

18 CHAIRMAN BOHL: But it's irrelevant, of  
19 course, to what we have before us here.

20 ALDERMAN DAVIS: Mr. Chair?

21 CHAIRMAN BOHL: Yes, Alderman Davis.

22 ALDERMAN DAVIS: Is this the same establish-  
23 ment that came before us that was supposed to be  
24 leased as -- I think it was Conversations on Good Hope  
25 Road. Is this the same establishment where we had

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1 neighborhood objections as far as parking and other  
2 violations that occurred before?

3 MR. BOHAN: Yes, yes.

4 ALDERMAN DAVIS: Okay.

5 CHAIRMAN BOHL: Thank you, Alderman Davis.

6 I appreciate that. Mr. Bohan, you've heard the police  
7 report read into the record. Is there any response,  
8 questions, that you would like to raise at this point  
9 to those items?

10 MR. BOHAN: The only thing I can say with  
11 regards to the police report is -- Well, maybe I  
12 should go back to the beginning. I've been there for  
13 three years. The very first year, at the end of the  
14 year, there was a shooting out in the yard, out in the  
15 driveway. So we came in to this committee, and I  
16 believe you were on it, and I thought it was some  
17 people from the carnival, -- I don't know how to say  
18 that, -- but carnival people from our Lady of Good  
19 Hope. Well, anyway, it wasn't. A license citation  
20 was issued to the guy that lived next door. Him and a  
21 neighbor were in a fight together. It had nothing to  
22 do with me. We met with the neighbors. I said, what  
23 do you want me to do? They said, would you put up a  
24 fence, which I did put up a fence, okay?

25 The second year, they simply -- I didn't

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1 have no objections and it was ordered. I was given  
2 my license. The third year, I got caught up into a  
3 stand. Two gentlemen walked into my bar one day, --  
4 not my bar, but over at Broadway Baby where I was  
5 helping out at the time. They threw \$10,000 on the  
6 table and said they wanted to buy the bar. I said  
7 okay. I put together a contract for them, and I have  
8 a copy of it all right here if you want it.

9 And they were there for a couple months, and  
10 all those citations that you're talking about after  
11 the 1st of this year were citations that were issued  
12 to them. Like the report said, I was issued -- As a  
13 matter of fact, I was issued nine tickets in one day,  
14 and half of them were retroactive back over 30 days.  
15 Of those nine, only two of them was I found guilty of,  
16 and that was for having a lock to the door on the  
17 premise which, in some sections of town, there's a lot  
18 of those. And I think it's coming up for --

19 CHAIRMAN BOHL: When did this occur?

20 MR. BOHAN: Did what occur?

21 CHAIRMAN BOHL: This period that you're  
22 talking about with these other gentlemen.

23 MR. BOHAN: It started in -- I have  
24 a contract here which I wrote up with them on, I  
25 believe it was November, and --



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1                   CHAIRMAN BOHL: November of 2002?

2                   MR. BOHAN: Of 2002, right. And they were  
3 there until, I believe it was April or May, at which  
4 point I had -- I was getting complaints -- I wasn't  
5 getting complaints from the neighbors because I never  
6 heard from any of the neighbors, but I did -- Don did  
7 call me in. I did talk with Don. He showed me a tape  
8 of some problems that were hanging around over there,  
9 so I volunteered to close the bar down.

10                  I was not told by anyone -- The last time  
11 that committee -- that we had that committee that you  
12 were referring to, it stated that I didn't have a  
13 license. I've had a license there from the beginning  
14 until right -- until the middle of October, okay?

15                  When she came in and applied for that  
16 license in July, I think it was July 1st, -- somebody  
17 can correct me if I'm wrong. When she came in to  
18 apply for that license and she didn't get it, I still  
19 had, and to this day still have, a license for that  
20 premise. I could have reopened it in July, but I  
21 didn't because of the problems with the neighbors,  
22 et cetera, et cetera. So I have kept that building  
23 closed now for five to six months. It's not two  
24 anymore. And it's getting rather expensive. Now  
25 what was your question? I'm sorry, I got to rambling.

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1                   CHAIRMAN BOHL: I asked if you had any  
2 response to the police report, and you were saying --  
3                   MR. BOHAN: Yeah. The response to the  
4 police report is anything that happened after the  
5 1st of January was due to those gentlemen that I have  
6 had under a contract to do it. It's also for that  
7 liquor, which I'm not concerned about because that  
8 liquor that they didn't pay for, that was in their  
9 name and not in mine. And they're after me as the  
10 licensee, and I understand. I have the license.  
11 I'm liable for it. I understand that.

12                   CHAIRMAN BOHL: The obvious question that  
13 strikes me at this point is if gentlemen who walk into  
14 your establishment slap \$10,000 on the table, and you  
15 put together a contract, who was actually running the  
16 place?

17                   MR. BOHAN: Who was running the place at  
18 which point? At that point I was still running the  
19 place. When they came in, I was still running the  
20 place.

21                   CHAIRMAN BOHL: I will tell you that it  
22 sounds to me as if this was some illegal collusive  
23 agreement. If you're saying that they're responsible  
24 for the items on the police report, and they didn't  
25 themselves apply for the license application there,

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1 and there's a contract involving money, it sounds like  
2 it's an illegal agreement when they themselves were  
3 not approved for a license and were operating it.  
4 MR. BOHAN: That is a possibility. See, I'm  
5 not a lawyer, but I would say this. When those two  
6 gentlemen came in to do that, I made them two managers  
7 in my establishment. One was a -- There were two -- I  
8 made them managers in my establishment, and they were  
9 working as my managers.  
10 CHAIRMAN BOHL: Did they have managers'  
11 licenses?  
12 MR. BOHAN: Pardon?  
13 CHAIRMAN BOHL: Did they have managers'  
14 licenses?  
15 MR. BOHAN: Yes, they did. I believe that  
16 everybody did. I got --  
17 MR. COPELAND: Excuse me. One gentleman  
18 that I can remember had been granted a manager's  
19 license, but he never picked it up, so it wasn't  
20 issued to him. I believe he hadn't paid for it.  
21 MR. BOHAN: Yeah, that was Cornell.  
22 MR. COPELAND: Yes.  
23 MR. BOHAN: That was the gay hairdresser.  
24 CHAIRMAN BOHL: Well, that's besides the  
25 point.

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1                   MR. BOHAN: I had two people that came --  
2       There were two people that came in there that looked  
3       like a respectable couple, one was a hairdresser, and  
4       one was -- the other one was a football player from  
5       the University of Wisconsin called Darrell Carter.  
6       Some of you may know him. Those were the two that  
7       came in. I didn't just say, okay, give me the 10,000  
8       and write up the contract. No. I did some research  
9       into them and found out a little about them, and I  
10      went to an attorney and had him write up a contract.  
11      I made them managers for a while. I wanted to program  
12      them, watch them for a couple months to see what they  
13      did, and unfortunately they didn't do what they should  
14      have been doing.

15                  CHAIRMAN BOHL: Mr. Bohan, if you made them  
16      managers of the club, --

17                  MR. BOHAN: Uh-hmm.

18                  CHAIRMAN BOHL: They provided you \$10,000 to  
19      be made managers?

20                  MR. BOHAN: I had put up a contract with  
21      an option to buy with a down payment. I don't know  
22      legally where I'm going here.

23                  CHAIRMAN BOHL: Yeah, and I know you may be  
24      digging yourself a quick grave with regard to your own  
25      testimony here. I can't speak of that, either, but --

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1 MR. SCHRIMPF: Mr. Chairman, --

2 CHAIRMAN BOHL: Go ahead, Mr. Schrimpf.

3 MR. SCHRIMPF: I just have one quick  
4 question here. The name of this individual was  
5 Cornell Stallworth, --

6 MR. BOHAN: Correct.

7 MR. SCHRIMPF: -- who was one of the people  
8 who had plunked down the 10,000?

9 MR. BOHAN: Yes.

10 MR. SCHRIMPF: All right. And I would  
11 remind the committee that Item No. 9, I believe, read  
12 by the police sergeant, dealt with Cornell Stallworth  
13 on the date of January 1st, 2003. And that among the  
14 items cited was Class B manager's license required.  
15 It was dismissed without prejudice. I suspect that  
16 was so that Mr. Stallworth could obtain the Class B  
17 manager's license?

18 MR. BOHAN: I believe so.

19 MR. SCHRIMPF: Which, of course, he never  
20 did.

21 MR. BOHAN: Well, he did. He just didn't  
22 pick it up.

23 MR. COPELAND: It was granted, but it was  
24 never issued to him.

25 CHAIRMAN BOHL: Other questions?

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1 ALDERMAN DAVIS: Mr. Chair?

2 CHAIRMAN BOHL: Alderman Davis.

3 ALDERMAN DAVIS: Mr. Bohan.

4 MR. BOHAN: Yes, sir.

5 ALDERMAN DAVIS: When these two potential  
6 buyers came into your establishment, did they issue  
7 you a \$10,000 check, or was it \$10,000 cash?

8 MR. BOHAN: It was a cashier's check, I  
9 believe.

10 ALDERMAN DAVIS: It was a cashier's check?

11 MR. BOHAN: I believe so.

12 ALDERMAN DAVIS: Was it made out to you?

13 MR. BOHAN: Yes, it was. I am listed as the  
14 owner of the building.

15 VICE CHAIRMAN DAVIS: Okay. Any other  
16 questions or comments by committee members? Where  
17 are we at right now? Did we just -- Okay. Now  
18 Alderman Richards. Alderman Richards?

19 ALDERMAN RICHARDS: Mr. Chair, I'm going  
20 to pass up two letters that go together. I would ask  
21 for a little -- I need to explain why I didn't do  
22 another survey of the people of this latest license  
23 application.

24 Mr. Bohan sent a letter, ultimately to me,  
25 but he wrote it first on July 30th, requesting a copy

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1 of the survey cards that I had used when I came to the  
2 U & L to not support -- support not having the license  
3 renewed after Mr. Stallworth came in and asked for it.

4 The citizens of the neighborhood, as you  
5 heard by Mr. Bohan's testimony, were upset because  
6 they were disturbed, and there was rioting going on  
7 in the street, literally, and I can bring up the tape.  
8 You've seen it before. But there was riotous and lewd  
9 behavior on the street, and that's all it was, and it  
10 was associated with that tavern.

11 So I asked -- What happened was, Mr. Bohan  
12 wrote and said he wanted to see the survey cards, it  
13 was open records. These are the cards that we send  
14 out to get opinions from our constituents. So I  
15 objected and said, look, if we can't let the citizens  
16 anonymously give their opinion, and then we count it  
17 up and say 29 for and 10 against, then where are we  
18 going to get our evidence? Are we going to go out  
19 and -- Well, anyway, I asked for the City Attorney's  
20 opinion, and -- Excuse me, Mr. Bohan, this came just  
21 this afternoon, so I'm giving it to you, too. That's  
22 your copy.

23 But the letter is from myself to Mr. Bohan,  
24 and I said, "We're in receipt of your public records  
25 request dated September 2nd for survey results regard-

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1       ing this address. This letter is to inform you that  
2       we will comply with our statutory obligations and  
3       provide a response to your public records request  
4       as soon as practical and without delay. We have  
5       requested assistance from the City Attorney's Office  
6       and are awaiting a response."

7               The City Attorney told us to write that  
8       letter. In other words, it's up in the air whether or  
9       not we have to give those postcards to him. But if I  
10      send out another survey to the same people and say, do  
11      you want to have this license renewed now, six months  
12      later, I know what the response is going to be. But  
13      they don't know that -- If he's consistent with his  
14      past behavior, he's going to want those letters. And  
15      what if the ruling is that he can have those postcard  
16      responses? And then we're all going to find out some-  
17      thing, that we don't have any confidentiality. I want  
18      to find that out, whether Circuit Court is going to  
19      decide that or the County or not, before I send out  
20      another postcard survey.

21              So I'm going and saying to you, and to  
22      Mr. Bohan, with all due respect, -- And I'm not  
23      telling anybody any secret when I say that this is  
24      my last -- I'm going to be out of office in April of  
25      next year. I don't want anybody, particularly those



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1 good people that live in that area, to say, oh, yeah  
2 Richards didn't care about it, he's going out of  
3 office, he don't give a damn, so let it go through.  
4 No. I'm going to be as vigilant as I can to have  
5 their wishes taken into account.

6 So for all those reasons, that nothing has  
7 changed, that the -- Particularly the parking on 44th  
8 Street. Most of his parking is behind the building,  
9 and if he has any kind of a late night event, it's  
10 going to be a disturbance to the neighborhood. So  
11 if he has a tavern without, you know, any dance or  
12 anything like that, maybe that could be considered,  
13 but this is a tavern and dance application, and a  
14 renewal with a new license or a new occupancy --  
15 whatever it is, the new -- whatever the term is, the  
16 new person running the bar, then if he gets that, and  
17 then we have the same problems, I cannot support going  
18 into that. I just cannot support that.

19 VICE CHAIRMAN DAVIS: Thank you, Alderman  
20 Richards. Any questions for Alderman --

21 MR. BOHAN: Could I ask a question of  
22 Alderman Richards?

23 VICE CHAIRMAN DAVIS: Excuse me, excuse me.

24 MR. BOHAN: Okay.

25 VICE CHAIRMAN DAVIS: Any questions by

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1 committee members of Alderman Richards? At this time,  
2 Mr. Bohan, if you please conduct your questioning  
3 towards the committee chair.

4 MR. BOHAN: Okay. I will continue on with  
5 that conversation about the open records. Correct me  
6 if I'm wrong. I don't know, but I thought whenever  
7 you present anything in front of this committee, it  
8 becomes an open record, and that we would have access  
9 to it. Now, the reason I wanted the cards was because  
10 he told -- On that day, --

11 VICE CHAIRMAN DAVIS: Mr. Bohan, do you have  
12 a question for Alderman Richards?

13 MR. BOHAN: I'm getting to it, yes.

14 VICE CHAIRMAN DAVIS: Okay. Because you  
15 will have an opportunity at the end, after we hear  
16 public testimony, to surmise what your opinion is.  
17 So if you have specifically a question on Alderman  
18 Richards's testimony, now you have an opportunity to  
19 bring that up, on what Alderman Richards has testified  
20 to.

21 MR. BOHAN: Okay.

22 VICE CHAIRMAN DAVIS: Now, do you have a  
23 specific question for Alderman Richards?

24 MR. BOHAN: Yes.

25 VICE CHAIRMAN DAVIS: Okay. Can you ask

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1       that question specifically?

2               MR. BOHAN: Okay, I'll do that. On that  
3 survey that you took from the neighborhood, you said  
4 that there were 22 -- 23 supporting it, and 21  
5 opposed; is that correct, Alderman Richards?

6               ALDERMAN RICHARDS: I would have to check  
7 my record on that. I do not know what the vote was.

8               MR. BOHAN: I did get a copy of the tape  
9 from that day, which was open records, and that's what  
10 it said on there, that you said 23 in support and 21  
11 opposed, but that the 23 who supported the record were  
12 not living in the neighborhood. Is that correct?

13               ALDERMAN RICHARDS: As I recall, some of  
14 them did not live in the neighborhood.

15               MR. BOHAN: Okay. I happen to have with me  
16 today a copy of the people that Alderman Richards --  
17 and I've got one for everybody if you want it, -- a  
18 copy of the people that he contacted. He contacted  
19 102 people for these cards. Of the 102 people, 39 of  
20 them lived on 43rd Street, 36 lived on 44th Street,  
21 only two on 45th Street, only four on 42nd Street, and  
22 one on 41st Street.

23               VICE CHAIRMAN DAVIS: Mr. Bohan?

24               MR. BOHAN: My question to you, Don, is  
25 this.

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1 VICE CHAIRMAN DAVIS: Mr. Bohan.

2 MR. BOHAN: Yes.

3 VICE CHAIRMAN DAVIS: This item is about the  
4 renewal of your liquor license.

5 MR. BOHAN: Right.

6 VICE CHAIRMAN DAVIS: It is not about  
7 someone to lease an establishment on a previous item  
8 that had came before this committee which Alderman  
9 Richards has sent out the cards on.

10 MR. BOHAN: Okay.

11 VICE CHAIRMAN DAVIS: So with that being  
12 said, I want to keep testimony on the renewal of the  
13 liquor license itself.

14 MR. BOHAN: Okay. All I'm going to say,  
15 then, to just that one statement, and I'll stop on  
16 that, -- The statement I was going to make is that --  
17 and I believe you brought it up, -- about is this the  
18 place that was here before, on the July 1st, so I was  
19 commenting on that in relation to Donald Richards'  
20 comments about the cards. That's the only reason I  
21 brought it up.

22 VICE CHAIRMAN DAVIS: Thank you, Mr. Bohan.  
23 Do we have anyone here who will object to the license  
24 renewal?

25 Then I will take into consideration that

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1 the residents or people who are here now would be  
2 willing to testify in favor, and at this particular  
3 time I will take you in order as far as your testimony  
4 on this particular matter. Please state your name and  
5 address for the record.

6 MR. WADSKA: My name is Allen Wadska  
7 (phonetic). I live at 5810 West Juniper Street.  
8 I've lived in the district for about 12 years, and  
9 I don't have any complaints.

10 I've been in his establishment before it  
11 became The X. Once it became The X, I didn't go in  
12 because they didn't have no control, and the two  
13 managers -- I wouldn't go in it. And I agree that  
14 there was a lot of problems, but not when he ran it  
15 himself, and that's what I'm testifying to.

16 VICE CHAIRMAN DAVIS: Thank you, sir. Any  
17 questions for this gentleman? Thank you very much for  
18 your testimony. Sir?

19 MR. PETERKE: Duane Robert Peterke, 7118  
20 North 46th Street. I live approximately three blocks  
21 behind this property. When it was Thumpers, me and my  
22 wife, Alice, went there. It was a nice place. I  
23 never had a problem there. We've never seen a fight  
24 there when Mr. Bohan ran it.

25 When these gentlemen came in and made it

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1 The X, there was nothing but problems. We never went  
2 in there again. I thought the biggest decision and  
3 the best decision for my neighborhood, which is where  
4 I live and where this tavern is, was that he shut it  
5 down, and I thought that was the best decision he  
6 could have made. At this point in time he's realized  
7 his mistake, and it sounds like he wants to continue  
8 to do something right, and I support him.

9 When he was in charge of that property,  
10 he did a very good job. And like I said, I live --  
11 The way the orientation of the property and the  
12 neighborhood is, I can go through one house -- back  
13 of one house, and I'm in his backyard, and so like I  
14 say, I'm in favor of it. And I live right behind him.

15 VICE CHAIRMAN DAVIS: Okay. Thank you,  
16 Mr. Peterke, for your testimony. Any questions for  
17 Mr. Peterke from committee members?

18 ALDERMAN BOHL: Mr. Chairman.

19 VICE CHAIRMAN DAVIS: Alderman Bohl.

20 ALDERMAN BOHL: Thank you. Mr. Peterke, you  
21 indicated that when this place had reverted to the  
22 X Sports Bar, there were a fair amount of problems  
23 with that particular establishment; is that correct?

24 MR. PETERKE: The clientele changed when the  
25 management changed.

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1                   ALDERMAN BOHL: Would you say that there  
2 were problems with it about noise, less safe?

3                   MR. PETERKE: I wouldn't say that the noise  
4 was any more of a difference. I mean, again, I can --  
5 From my back window I can hear everything that happens  
6 over there. There's one house separating me and the  
7 road. I wouldn't say that there was more noise, and I  
8 was never privy to any incidents except for when I  
9 came here and heard of it.

10                  ALDERMAN BOHL: Okay. I thought you had  
11 indicated in your testimony that --

12                  MR. PETERKE: It was the clientele, the  
13 management, the way that -- The people changed when  
14 the management changed. It was a different type of  
15 people, so we just stopped going.

16                  ALDERMAN BOHL: Okay. All right. That's  
17 all.

18                  VICE CHAIRMAN DAVIS: Thank you, Alderman  
19 Bohl. Thank you, Mr. Peterke for your testimony.  
20 Sir?

21                  MR. KITCHEN: My name is Adell C. Kitchen  
22 (phonetic). I live at 6477 North 53rd Street. I  
23 worked with John, I believe, back in 2001. I was  
24 a cook there. Weren't no problems. Everything was  
25 smoking. I'm all in his favor.

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1                   VICE CHAIRMAN DAVIS: And your name again  
2 for the record?

3                   MR. KITCHEN: Adell C. Kitchen,  
4 K-i-t-c-h-e-n.

5                   VICE CHAIRMAN DAVIS: Any questions for  
6 Mr. Kitchen from committee members? Okay. At this  
7 particular time -- Oh. Sir? Please step up to the  
8 mike.

9                   MR. WEBER: My name is Mark Weber. I live  
10 at 3902 West Rochelle, and I've been going to Thumpers  
11 for two, three years. I used to walk home at night  
12 and never had a problem.

13                  VICE CHAIRMAN DAVIS: And is that the end of  
14 your testimony?

15                  MR. WEBER: Uh-hmm.

16                  CHAIRMAN BOHL: Okay. Thank you, Mr. Weber.  
17 Any questions from committee members? Thank you,  
18 Mr. Weber, for your testimony.

19                  We will go to Mr. Bohan. Here's an  
20 opportunity for you to address the committee on  
21 why we should grant the renewal of your license.

22                  MR. BOHAN: Okay. Three years ago, when  
23 I bought this building, it was closed. There was  
24 graffiti all over the building, there was trash,  
25 condoms in the back room, there were two abandoned



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1 cars in the back, there were broken windows. I took  
2 over this building because -- for whatever reasons.  
3 A building like that, to me, is more detrimental to  
4 the neighborhood than having one that's opened as a  
5 bar.

6 I know the lady in the liquor store next  
7 to me is real uptight, because she says if it stays  
8 boarded up like I have it right now, who knows what's  
9 going to happen to her. And I said, what do you mean  
10 by that, and she said, well, a robbery. There's  
11 nobody here. The laundromat is classed across the  
12 street, the bar is closed. There's nobody to see what  
13 would happen to me.

14 But, anyway, so the first year I was in the  
15 building, there was that shooting which I mentioned  
16 earlier, but the neighbor that was involved in the  
17 shooting got a ticket for it, and as a matter of fact,  
18 he's going to jail, I think, next month or so, and the  
19 person that he was fighting with across the street is  
20 gone.

21 Second year I had no problems. I got no  
22 objections, and the license was granted. The third  
23 year, which is right now, is because of this scam that  
24 I got involved with, that I closed them out myself.  
25 Nobody closed it out. I locked up that building for

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1 five months, okay? I even withdrew his name. He --  
2 At that point, he put in an application to become the  
3 agent for the bar, and after I talked with Don, I  
4 renewed his name as the agent, and that's when I got  
5 rid of him.

6 The first time that this license committee  
7 heard about this bar on July 1st, they were mis-  
8 informed about a lot of different things. The first  
9 one was that -- I was the one, I still had the  
10 license. I didn't give it up, okay? Number two was  
11 for parking. They say that the seating capacity is  
12 264 people. Well, that is for upstairs and down-  
13 stairs. The building inspector came -- I think it's  
14 the building inspector or assessor's office, I don't  
15 know what's what anymore, -- and took the basement off  
16 of part of the building. I've got papers on that here  
17 someplace. So the building is assessed at 263 --  
18 \$363,000. It's now assessed at 262 -- whatever. He  
19 took off 99,000 because the basement is not being  
20 used. Now the seating capacity of 264 is for the  
21 entire building, I believe. So right now, if I'm  
22 correct on that, the building -- the seating capacity  
23 should only be about 130 or so like that. Also, on  
24 that meeting back then, they had mentioned the back  
25 parking lot that only has so many places. Well, --

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1                   VICE CHAIRMAN DAVIS: Mr. Bohan, this is  
2 about the renewal of your license.

3                   MR. BOHAN: Yes.

4                   CHAIRMAN BOHL: And I think that you're  
5 taking us to an occupancy and capacity, which is, you  
6 know, -

7                   MR. BOHAN: Isn't that all part of it?

8                   VICE CHAIRMAN DAVIS: No, no. We're  
9 discussing why you should be granted the renewal of  
10 your license.

11                  MR. BOHAN: Well, he said why I wouldn't be  
12 renewed is because of parking.

13                  CHAIRMAN BOHL: I'm not going to go back and  
14 forth about what he said and what you said. If you  
15 would -- Can you surmise the reason why the committee  
16 should take into consideration the granting of the  
17 renewal of your licenses for this establishment?

18                  MR. BOHAN: All I want to say is there's  
19 adequate parking there. I had a professional come in  
20 and talk about the number of places you could park  
21 there. There's room for 55 to 58 in the back. I've  
22 also got the laundromat across the street that's going  
23 to give me 25. Now, I'll just tie this up real quick.

24                  MR. SCHRIMPF: Mr. Chairman, the notice does  
25 say parking problems.

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1 VICE CHAIRMAN DAVIS: Okay.

2 MR. BOHAN: Thank you. That's what he said.

3 Anyway, I boarded up the building, and I -- I have my  
4 life invested in this building right now, okay? I  
5 personally plan on running it with my new managers  
6 when I do get some, and I also have people ready to  
7 run the kitchen.

8 All I want to do is -- There's a bar that's  
9 been opened for 50 years, 50 years that bar has been  
10 in existence in that neighborhood. Yes, I made a  
11 mistake. I brought somebody in there wrong for a half  
12 of a year. But for two and a half years, I ran that  
13 as a respectable business. When I got this scam in  
14 here for that half year, now my whole life is in  
15 jeopardy.

16 Contrary to what Don thinks, I am not  
17 involved with Broadway Baby except on a voluntary  
18 basis. I do not get a salary there, I don't do  
19 anything else. I'm going to devote my life back  
20 to what I did with this establishment. That's all  
21 I can say.

22 VICE CHAIRMAN DAVIS: Thank you, Mr. Bohan.  
23 And please let the record reflect that Alderman Bohl  
24 moves to make part of the record the public records  
25 request from Mr. Bohan, and also a letter sent by

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1 Alderman Richards in response to that.

2 MR. SCHRIMPF: Mr. Chairman, if it hasn't  
3 been done already, I would also ask that the entire  
4 police report be received. It may have been done  
5 already.

6 ALDERMAN BOHL: Mr. Chairman, I'll make that  
7 motion to add the entire police report as part of our  
8 record.

9 VICE CHAIRMAN DAVIS: Alderman Bohl moves to  
10 make that part of the police record. If there's no  
11 objection, so moved. Alderman Richards.

12 ALDERMAN RICHARDS: Thank you. First of  
13 all, I'm certainly not clear till just now that  
14 Mr. Bohan doesn't have anything to do with Broadway  
15 Baby. The reason that I had cut him as much slack as  
16 I have in terms of trusting him and his new enterprise  
17 is the good job that he did at Broadway Baby, and I  
18 have to talk to him about who is running Broadway  
19 Baby, but I hope that it continues to be a good  
20 offering of variety of entertainment in terms of an  
21 alternative to going to the movie or something like  
22 that. They've got a great place and great food and  
23 entertainment.

24 Secondly, I want to say that if Mr. Bohan is  
25 willing to promise me that he's not going to seek to

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1 get any more survey cards, and he's going to allow  
2 those surveys to be what they are supposed to be, and  
3 that's anonymous -- not anonymous, but a guarded  
4 rendering of opinion by constituents who live in the  
5 affected area, I will be glad to send out another  
6 survey if you hold this, and by the next meeting we  
7 can -- I can come back with that survey material.

8 I really felt handcuffed because I was  
9 under -- he made a request, as you see, for the old  
10 survey cards, and I couldn't in conscious send out  
11 another request for opinion, if that opinion was  
12 going to be shared with the applicant for the tavern  
13 license. The other possibility, -- So if he's willing  
14 to do that, he can speak to that.

15 But the other possibility would be that you  
16 could renew it without a Tavern Dance license and just  
17 see if he can run a tavern there, and -- Because I  
18 think that -- I think that I could explain that to the  
19 constituents and say, look, they're not going to have  
20 dance events and so on, and see how it goes, and then  
21 maybe he can come back and get the dance license later  
22 on.

23 Again, I'm in a tight place because I want  
24 to -- I want to be fair to the applicant, and I also  
25 want to certainly be fair to my constituents, and I'm

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1 not going to be the alderman in the spring, so I don't  
2 want to have a situation going on there for a problem  
3 for the next alderman -- or for the people, rather,  
4 that live in the area, and consequently for the  
5 alderman.

6 So I'm opposed to this license as its before  
7 you, -- or this renewal application, as its before  
8 you, for the reasons that the police cited and the  
9 issues of parking, and what happens when you have a  
10 Tavern/Tavern Dance at that address, at least in the  
11 last number of years. And so that's my position,  
12 unless he wants to make some other -- If there's  
13 another motion to do without it, without a Tavern  
14 Dance.

15 VICE CHAIRMAN DAVIS: Thank you, Alderman  
16 Richards. Since you offered that, I will go to  
17 Mr. Bohan and get a comment from him before he go  
18 back into committee.

19 MR. BOHAN: Well, he said -- I sort of  
20 assumed that what he was saying is that if I drop  
21 the dance and just have a Class B tavern, he would  
22 be willing to go with that. I thought that's what  
23 he said. Am I correct, Don?

24 ALDERMAN RICHARDS: Yes.

25 MR. BOHAN: Yeah, I would be more than

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1 willing to do that. Because I got -- I guess I've  
2 got to go back and prove myself, again, you know,  
3 and if that's what it takes, I'll do it. You know,  
4 I would be more than willing to do that.

5 VICE CHAIRMAN DAVIS: Okay. Now, we'll go  
6 back into committee now, and is there a motion on the  
7 floor?

8 ALDERMAN BOHL: Mr. Chairman?

9 VICE CHAIRMAN DAVIS: Alderman Bohl.

10 ALDERMAN BOHL: Assuming that what Mr. Bohan  
11 has indicated, that he's withdrawing a portion of his  
12 application for the Tavern Dance, at this point I  
13 would move approval of the Class B Tavern application.

14 I would say that what particularly concerns  
15 me, that even if these other gentlemen apparently were  
16 in a personal agreement, I still think that there may  
17 be some illegalities that took place there.

18 You, nevertheless, have indicated that you  
19 were the owner or proprietor of the establishment,  
20 which means that this police record from the last year  
21 is ultimately your responsibility, and I -- You know,  
22 whether or not you indicate you made an error in  
23 judgment on that part, ultimately you were the  
24 licensed applicant, and so I think that, as Alderman  
25 Richards indicated, there have been -- as you have



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1       been a reasonable owner of another establishment in  
2       the past, I think this is a reasonable compromise to  
3       have you move forward.

4               Certainly within Alderman Richards' purview,  
5       there's the possibility for you to apply for 20  
6       separate -- now 20 separate permits, to have some type  
7       of dance or other type of entertainment along those  
8       lines, and Alderman Richards can choose however he  
9       wishes to either provide them or not provide them.  
10      But, typically, when we have problems in establish-  
11      ments, more generally, not -- not always, but more  
12      generally not, they tend to evolve around establish-  
13      ments that have entertainment, music, dance, that  
14      tends to be a big draw, and that oftentimes tends to  
15      lead to potential problems.

16              Hopefully we'll see a situation where we  
17      will continue to move forward without having the  
18      additional problems in the neighborhood, and as such,  
19      I would move at this point for approval of the Class B  
20      Tavern license.

21              ALDERMAN RICHARDS: Mr. Chair, are you in  
22      committee?

23              VICE CHAIRMAN DAVIS: Yes. Alderman Bohl  
24      moves approval of the Class B Tavern license. Is  
25      there any discussion? On the motion. Is there any

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1 objection? Hearing no objection, so ordered.  
2 Mr. Schrimpf?

3 MR. SCHRIMPF: Mr. Chairman, just so  
4 that -- Thank you very much. Just so that Mr. Bohan  
5 understands it, you're going to have to go back to the  
6 wholesaler or the distributor, whoever threw that hold  
7 on it, --

8 MR. COPELAND: Yes, they have it in your  
9 name, sir.

10 MR. BOHAN: I'm sure they would.

11 MR. SCHRIMPF: Because you're the licensee.

12 MR. BOHAN: I'm the agent. I do have that  
13 person under contract that he owes for it, so I will  
14 get it. Probably not, but --

15 MR. SCHRIMPF: That's between you and the  
16 distributor.

17 MR. BOHAN: Yes.

18 MR. SCHRIMPF: You've got to get the  
19 distributor to notify Mr. Copeland that they're  
20 lifting it. It's not a city problem, it's your  
21 problem.

22 CHAIRMAN BOHL: Any other comments?  
23 Good luck, Mr. Bohan.

24 MR. BOHAN: Thank you.

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2 STATE OF WISCONSIN)

) ss:

3 MILWAUKEE COUNTY )

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Dated this            day of            , 2004

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Milwaukee, Wisconsin

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