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1 CITY OF MILWAUKEE

2 UTILITIES & LICENSES COMMITTEE

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4 In the Matter of:

5 SCARDINA, Joseph P., Agent for "SEP Management, Inc.",

6 Class B Tavern and Tavern Dance applications for

7 "McGillicuddy's Bar and Grill" at 1133-37 North Water

8 Street.

9 *****

10 COMMITTEE MEMBERS

11 ALD. JAMES BOHL, JR. - Chairman

12 Ald. Joe Davis, Sr. - Vice Chairman

13 Ald. Fredrick G. Gordon

14 Ald. Joseph A. Dudzik

15 Ald. Terry L. Witkowski

16 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

21 Proceedings had and testimony given in

22 the above-entitled matter, before the UTILITIES &

23 LICENSING COMMITTEE OF THE CITY OF MILWAUKEE, on

24 the 27th day of January, 2004, reported by Donna

25 Gulczynski of Milwaukee Reporters Associated, Inc.

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1 PROCEEDINGS

2 (NOTE: All City Personnel Were Sworn Under

3 Oath Prior to These Proceedings.)

4 CHAIRMAN BOHL: If the committee members

5 will indulge us, we have one item from this morning

6 that we will take up, and that is, I believe, one of

7 the last items on the morning agenda. It is for

8 Joseph -- We'll go back.

9 It is the last item on the 10:15 agenda

10 for Joseph Scardina, agent for SEP Management,

11 Incorporated, Class B Tavern and Tavern Dance renewal

12 applications for McGillicuddy's Bar and Grill at 1133

13 through 37 North Water Street, and Alderman Witkowski

14 would move for reconsideration of this item. Hearing

15 no objection to that, so ordered. And we'll move

16 forward here. Good afternoon. You are Joseph

17 Scardina then, correct?

18 MR. SCARDINA: Correct.

19 CHAIRMAN BOHL: And you are Paul Melotik?

20 MR. MELOTIK: I'm Paul Melotik, yes.

21 CHAIRMAN BOHL: I remember you from your TV

22 commercials back in -- Was that '96 or '98? Something

23 along those lines.

24 MR. MELOTIK: It's nice to know someone

25 remembers.

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1 CHAIRMAN BOHL: If you two gentlemen intend

2 to testify, we will need to swear you in. If you

3 could please raise your right hand here.

4 (Whereupon Mr. Scardina and Mr. Melotik were

5 sworn under oath.)

6 CHAIRMAN BOHL: And Mr. Scardina, I need

7 to ask you if you acknowledge receiving notice of

8 today's meeting with the possibility that your

9 application could be denied due to items in the

10 police report.

11 MR. SCARDINA: Pardon me?

12 CHAIRMAN BOHL: Did you receive notice to

13 come here today, and did you receive notice --

14 MR. SCARDINA: I received a phone call from

15 Mr. Copeland to come today.

16 MR. COPELAND: I called the licensee to see

17 if he received a copy of the notice because this was a

18 renewal. He informed me he had not. I informed him

19 he needed to come. I then made a copy of the notice

20 and had my assistant give it to him when he showed up.

21 CHAIRMAN BOHL: Mr. Copeland, was the

22 notice, to your knowledge, sent to 3800 North Murray

23 Avenue, Milwaukee, 53211?

24 MR. COPELAND: Yes, it was.

25 CHAIRMAN BOHL: Is that where you reside

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1 here, Mr. Scardina?

2 MR. SCARDINA: Yes, it is.

3 CHAIRMAN BOHL: Okay. And when is the

4 application -- When is the date of expiration?

5 MR. COPELAND: It should be at the top.

6 The present license expires March 1st, midnight.

7 CHAIRMAN BOHL: Okay. So he's well in

8 advance of himself in terms of his application.

9 Okay. Well, Mr. Scardina, you're here, and if you

10 want to proceed forward, we can do that now. In terms

11 of notification, you would have still been within --

12 well within the time frame where we could have gotten

13 you in the next cycle in all likelihood. I don't know

14 if that would have --

15 MR. SCHRIMPF: When is the next U & L?

16 CHAIRMAN BOHL: The next U & L would

17 probably be about the 17th of -- March 2nd would have

18 been the council meeting, so it would actually force

19 him to shut down. Well, you want to relinquish it?

20 We can wait. Or given if you're willing to waive the

21 notice, we can proceed forward here right now.

22 Otherwise if you so choose, we can hold it over one

23 cycle. It would, if there's any action, it would shut

24 you down for one day.

25 MR. SCARDINA: We'll proceed.

1 CHAIRMAN BOHL: Okay. And you are willing
 2 to waive that right then.
 3 MR. SCARDINA: Yes.
 4 CHAIRMAN BOHL: Thank you. Health
 5 Department?
 6 MR. BOND: No objection.
 7 CHAIRMAN BOHL: Neighborhood Services?
 8 MS. BENDER: No objection.
 9 CHAIRMAN BOHL: Sergeant Hogan?
 10 SERGEANT HOGAN: There have been four
 11 incidents reported in the last licensing period.
 12 The first occurred on March the 17th of last year when
 13 an officer was flagged down regarding a fight on the
 14 premises.
 15 The investigation revealed that a male
 16 patron pushed a female patron down a flight of stairs.
 17 An off-duty officer on the premises confronted the
 18 suspect, who then struck the officer causing some
 19 injury. When the officer was struck, two other
 20 patrons joined the incident, and all were escorted
 21 outside the premises where the incident continued,
 22 where the suspect struck another officer causing some
 23 injury.
 24 Two patrons were issued disorderly conduct
 25 citations. The suspect was charged with substantial

1 It was believed that he was struck with a bottle. The
 2 victim was also struck on the right side of his face
 3 by an unknown person, who was later identified and
 4 issued a citation for assault and battery. There was
 5 also a report filed for substantial battery, and I
 6 recall that individual was taken into custody for
 7 that.
 8 Lastly, on December the 19th, 2003, an
 9 officer was flagged down regarding a battery complaint
 10 on the premises. The victim stated that he was being
 11 escorted from the bar by a bouncer. He was struck in
 12 the face by another employee of the premises. The
 13 report indicates this victim was intoxicated and said
 14 he was being escorted because he was allegedly being
 15 disorderly. He said he did not know why the bouncer
 16 struck him to his face. He did sustain pain and
 17 swelling and bleeding to his upper lip and teeth. He
 18 received medical attention.
 19 The bouncer who escorted the victim off the
 20 premises said the victim was on the sidewalk and the
 21 other employee punched him to the face. The bouncer
 22 stated he was not sure what provoked the suspect to
 23 hit the victim. The victim stated he did not want to
 24 prosecute for this offense. However, the matter was
 25 referred to the District Attorney's Office for review,

1 battery. The report indicates no tavern employees
 2 were involved in this incident.
 3 On May the 24th, 2003, an officer passing
 4 by the premises was flagged down for trouble with a
 5 subject. The manager on the premises reported that
 6 the patron was escorted from the premises. He charged
 7 back towards the tavern and damaged a window on the
 8 door.
 9 Two friends of this patron then got
 10 involved and accused one of the staff members or
 11 security members of causing them injury. They,
 12 however, were -- had no injuries, refused to identify
 13 themselves, said they couldn't identify which staff
 14 member injured them, and there was no further action
 15 taken on that.
 16 On October the 10th of 2003, officers
 17 passing by the premises were flagged down to
 18 investigate a battery. In this incident the victim
 19 stated he was with his brother on the back patio of
 20 the bar, when his brother was approached by an unknown
 21 male who was, quote, dancing up on him, quote. And I
 22 do not know what that means. This led to an argument
 23 and then a fight.
 24 After the fight was over, the victim noticed
 25 his brother had a large cut to the back of his head.

1 and in the end, there were no charges issued. And
 2 that's all.
 3 CHAIRMAN BOHL: Thank you, Sergeant Hogan.
 4 Mr. Scardina, you heard the report as read into the
 5 record here. Are there any questions or comments you
 6 have relating to these matters?
 7 MR. SCARDINA: Myself, no.
 8 CHAIRMAN BOHL: Mr. Melotik?
 9 MR. MELOTIK: No questions, but if you like,
 10 I'd like to address --
 11 CHAIRMAN BOHL: Certainly.
 12 MR. MELOTIK: I'm the owner of the
 13 establishment, McGillicuddy's. I also own The Lodge
 14 on Juneau. I'm also the Water Street Tavern
 15 Restaurant Association president recently. I wasn't
 16 for two years. I had held the post for five years,
 17 and now I'm back doing that again as of the 1st of the
 18 year.
 19 First off, we feel that we have a very
 20 good relationship with the officers on Water Street.
 21 They're very active. My security and my staff
 22 interact with them quite a bit, and we feel free to
 23 contact them and talk to them about problems we have,
 24 and they are very receptive to that, and they advise
 25 us to do that if we need them. And like in these

1 incidents, we flag down the officers, and we get them
2 involved. And I tell my security and my staff not to
3 be fearful of that or not to shy away from dealing
4 with the officers. So I just want to say that first
5 in regard to these instances.

6 Another part of this is that I do take
7 responsibility and see that this is not -- I do not
8 like this, either. The last incident, No. 7, I've
9 recently fired two of my staff, my bouncers. I
10 believe that they were involved in this incident.
11 And I'm taking more of a personal interaction with my
12 security that I admittedly had not been doing as well
13 as I should have over this past year, as some of these
14 instances indicate.

15 I've been doing this for 20 years. I've
16 been on Water Street for 11, and I know better, and
17 I know that this should be better, and that's why I
18 started taking action, like I said, with my bouncers
19 that I dismissed. I had a couple bad eggs, and I
20 wasn't quick enough to pull them out of there and
21 dismiss them. And I think I've got that under control
22 now. I'm rectifying that. I'm back -- I also had a
23 night manager doing the scheduling and the hiring of
24 the bouncers. I'm back doing that again personally,
25 so I can correct these problems so we do not have

1 McGillicuddy's, and I wondered, when I read this
2 here, whether or not it was your security staff or
3 individuals that may have been involved in
4 altercations or had been hit or whatever else, who
5 were going outside and flagging down the police. The
6 red light for me is that there is not a call place.
7 Because I know establishments that periodically either
8 refuse or do not want to call the police if there's an
9 altercation because they don't want to see items on
10 their police report. I don't know what the
11 circumstances are here.

12 I wonder if -- And the first question I
13 would ask for you is if there are problems, do you
14 call the police department at this location, or are
15 you just looking to flag down officers? Because I
16 think that with no guarantee that an officer is going
17 to be out front, I wonder why there hasn't been police
18 calls if they're not coming.

19 MR. MELOTIK: Well, yes, we do call, and
20 the police are really -- they're here a lot. And
21 especially, you know, when you talk about after
22 midnight, midnight to two, we have 10 to 20 security
23 guards on staff, so they're there.

24 We keep people on the door to continue to
25 card people and maintain security, and they will

1 these problems again in the future. And I'd be
2 willing to take any questions.

3 CHAIRMAN BOHL: I do have a couple follow-up
4 questions, Mr. Melotik. For one, I will say I
5 appreciate your willingness to admit that there are
6 some problems here, because I think that it's very
7 evident from the police report that there's some
8 problems here.

9 I mean from looking at the police report in
10 the last year, there's two things that jump out at me;
11 first of which -- and I can't speak personally as to
12 the amount of police traffic patrolling that goes on
13 on Water Street, and whether there's constantly squads
14 that are driving and circling at any one given point.
15 I know that from some of my past involvement in
16 soliciting Water Street, which goes back to quite a
17 distance in the past as well, too, that there was
18 occasion -- there was occasionally squads I'd see
19 periodically, and I never saw fit to usually stay very
20 late to see whether there's some problems around 2:30
21 at night, but the first issue that struck me as odd is
22 that in all four instances here, squads were flagged
23 down.

24 Now, I don't know that at any one given
25 point there's constantly a squad sitting outside of

1 readily flag one down if there's an incident that they
2 need to. I think three of the instances my employees
3 did. I think one might have been by the patron. But
4 I mean, you know, Sean, Paul, -- We have these
5 fellows, you know, police that drive by, Scott. We
6 have fellows that are there all the time, and if
7 they're not driving by, they're -- They're even
8 standing at the door sometimes with our fellows, with
9 our guys. So we do deal with them very, very much,
10 and they come in at night and walk around. And we do
11 call also.

12 We don't -- I mean I definitely do not avoid
13 calling the police in any regard. And like I said,
14 I've done this a long time, and I've always given them
15 my complete authority to call and never to shy away
16 because I mean, you know, in my past I haven't had
17 problems. I haven't had records of things and haven't
18 had problems like I am today. So I've never -- I've
19 been doing this a long time, and we've had a good
20 record on Water Street, I believe, before now. So,
21 no, we're not fearful. I know it's -- We are flagging
22 them down, but we're calling the guys to help out.

23 CHAIRMAN BOHL: Which three of the four
24 incidents -- I mean you made the statement, not I.
25 Which three of the four incidents was your staff?

1 MR. MELOTIK: I believe -- Well,
2 St. Patrick's Day was the first one, and that was our
3 staff. I'm almost positive. I was there all day,
4 that one. Second one, I know our manager flagged down
5 the officer for that. And I'm pretty sure that the
6 third one was also our people.

7 And the third one, of course, -- Two of
8 these four, our bouncers or security wasn't involved
9 at all. It was the patrons, but -- as far as them
10 doing anything from what I see here, but they were
11 just trying to solve a fight problem. So I believe
12 the first three we flagged down anyway, and I believe
13 the last one in which -- as I said before, the
14 security that got involved in that one, I've
15 dismissed. I believe the last one was -- the customer
16 did that one, but --

17 CHAIRMAN BOHL: The last item was a
18 customer?

19 MR. MELOTIK: I believe so, yes.

20 CHAIRMAN BOHL: The other issue -- And
21 you indicated that one of the employees, one of the
22 bouncers, has been terminated? Is that correct?

23 MR. MELOTIK: Yes. Actually two. One in
24 this incident and another one. And the one fellow
25 had been with us a while, and he brought in the other

1 and if it were one incident, that would be one enough,
2 but there's a pattern here, and that's problematic.
3 And, you know, I don't know if one or two is enough.

4 I just think that something needs to be done
5 to overhaul the security staff and get them to realize
6 that this isn't the WWF and this isn't the WBO where
7 anytime they don't like somebody who's a little
8 boisterous, that they don't push them, pop them, or
9 whatever the circumstances are.

10 MR. MELOTIK: You know, I'm not a hundred
11 percent disagreeing with you because I'm not proud
12 of this, either. And for me, personally, I tell my
13 bouncers exactly what you said. I have meetings with
14 them, and I had meetings again recently with them
15 because of recent problems, and we have -- Twice a
16 year we have meetings where I repeat just what you
17 say.

18 I have 10 to 20 people on staff for security
19 on busy nights, more than other nights, and I always
20 taught them that we never hit anyone. We have
21 strength in numbers, that we call the police or we
22 flag down an officer, and that is my instructions to
23 them. And in the past, like I said, we've overall
24 done a fairly good job of it. Recently it hasn't been
25 as good.

1 fellow as a friend. Our night manager hired him,
2 and it was a bad hire. They have been trouble, and
3 they've been trouble beyond -- since they've been
4 dismissed, you know. And I've spoken, by the way,
5 with police about these two individuals and the
6 problems, and I told them about my firing of the
7 one or both, so --

8 CHAIRMAN BOHL: Okay. Because not only in
9 several of these incidents, but also in one of the
10 incidents in the last license year, on November 28th,
11 they had another incident in which there was an
12 allegation that an individual who was at your
13 establishment was thrown to the ground by a bouncer.
14 It would appear to me, based on police reports, that
15 there is a problem where your bouncers feel like they
16 can -- I will use the term bully people, -- and that's
17 a problem. That's a problem.

18 You know, I know as well as you and anyone
19 else that there are times when people mix -- when you
20 mix alcohol with people who are boisterous, and there
21 are problems that happen. There are times when
22 individuals need to be escorted off the premises or
23 police need to be called, but during those times,
24 restraint has to happen and, you know, employees
25 punching patrons in the face is an absolute abuse,

1 On a personal note, I've never -- And I
2 always relay this to my employees, too, my security
3 guys, is that I've been in this business for 20 years.
4 I've never been hit by anyone, and I never have hit
5 anyone, and I've been involved in situations many,
6 many times where I've been helping calm down problems.
7 And I'm proud of that, and that's the kind of person I
8 am, and that's why I try to push my staff and -- You
9 know, as I admit, I'm taking steps to rectify it. I'm
10 not pleased with this, either.

11 But to our defense somewhat, our place is a
12 very busy place, and there's much traffic on Water
13 Street. We try not to have special drink specials.
14 We only have happy hour for basically an hour and a
15 half a day, and that's pretty much it. We don't
16 discount drinks, we don't run these big dollar Long
17 Islands and all these kind of things that some of the
18 people might do down the street. So, you know, we
19 have a very busy place, a very active place, and part
20 of why we do well is because we do provide a place for
21 women to go that feel safe and for customers to go to
22 feel safe and have a good meal, and we're very proud
23 of what we do there.

24 The reason for our success is -- a big part
25 of it is that we do provide a place that is not rowdy

1 or out of control. And that being said, I'm taking
 2 steps to correct this because I'm not happy with the
 3 way the recent activity has been going.
 4 CHAIRMAN BOHL: Okay. Although I would
 5 personally comment and say that based on the number
 6 of incidents here, I think the record would prove
 7 otherwise when we talk about property that has some
 8 level or degree of rowdiness. Are there other
 9 questions by the committee members here of either
 10 of the applicants?
 11 ALDERMAN DUDZIK: Mr. Chairman.
 12 CHAIRMAN BOHL: Alderman Dudzik.
 13 ALDERMAN DUDZIK: I do have similar concerns
 14 here as to flagging down as opposed to calling the
 15 police officers.
 16 The other thing that I'm going to state
 17 quite clearly and straight up front is that I consider
 18 the striking of Milwaukee police officers by anyone at
 19 your establishment to be as egregious as the shooting
 20 of an unoccupied SUV which occurred just a few blocks
 21 from your establishment. So when the time comes to
 22 vote on the proper action on this particular tavern,
 23 I'm going to try to keep that in mind. As the proud
 24 son of a retired police officer, I think that that's
 25 just totally unacceptable.

1 there's no clear way for us to define and not trace
 2 it back to this establishment.
 3 We have to take a pretty good look at how
 4 we can maintain the public safety, because the last
 5 thing that I want to become involved in is giving
 6 establishments passes. But understanding that at any
 7 given time, whether its yours or whether it's Luke or
 8 anybody that's down in your area, I have to take into
 9 consideration the perception of people who come into
 10 Milwaukee. And I don't know if some of these patrons
 11 who had these incidents were from Milwaukee. They may
 12 not ever come back to Milwaukee if they were treated
 13 like this in your establishment.
 14 So when we take this back into considera-
 15 tion, I want you to understand that, you know, as we
 16 move forward with your establishment, we have to clean
 17 up the image of Water Street, because Water Street, to
 18 me, is a catalyst of what Milwaukee is all about if
 19 people want to socialize.
 20 I think Water Street right now has been
 21 identified, -- particularly with the redevelopment of
 22 the Park East freeway, we need establishments in that
 23 area. As you said before, -- I'm glad to hear you say
 24 that you're taking those progressive steps in order to
 25 clean it up, but I think this committee also has made

1 MR. MELOTIK: As I do, too, sir. I mean
 2 please understand, that was not my employees, so --
 3 It was some customers that I didn't appreciate having
 4 there at all.
 5 ALDERMAN DUDZIK: Thank you.
 6 CHAIRMAN BOHL: Other questions?
 7 ALDERMAN DAVIS: Mr. Chairman.
 8 CHAIRMAN BOHL: Alderman Davis.
 9 ALDERMAN DAVIS: Mr. Melotik, this committee
 10 has some concerns with trying to make sure that
 11 drinking establishments become safe for its patrons,
 12 and we had some establishments in a downtown area
 13 that we levied some suspensions to. And the first
 14 thing they said was, well, you know, we accept
 15 responsibility, but make sure that when you consider
 16 this, that you consider Water Street also.
 17 And I'm familiar with Water Street,
 18 particularly during the summertime, and sometimes it
 19 can become unruly, and we're not saying that all of
 20 them are from Milwaukee, because I know Water Street
 21 is popular amongst students, people who are visiting
 22 here from out of town. But some of the behavior that
 23 we see in these establishments, I think the council
 24 and this committee are starting to become more
 25 concerned when patrons are getting injured, and

1 a clear statement that we're actually demanding
 2 establishments to clean it up, because when we travel
 3 out of town, and when we promote the city, we're held
 4 accountable, and we have to hold those establishments
 5 accountable also.
 6 CHAIRMAN BOHL: Thank you, Alderman.
 7 Any other questions by the committee members?
 8 Mr. Melotik, Mr. Scardina, any last comments you
 9 have?
 10 MR. MELOTIK: I appreciate the concerns,
 11 and I agree with much of it. As I said earlier, just
 12 to repeat, also, the concerns about Water Street in
 13 general, I was Water Street president from '97 to
 14 2002, and for the last two years I have not been, and
 15 recently the people on the street asked me to become
 16 president again, and the other owners and managers,
 17 and I agreed to do that because I have the same
 18 concerns for my own establishment and for the whole
 19 street, River Splash and things I'm organizing with
 20 Hanrahan, and we've met, and I want to make sure
 21 that -- That, too, has been a good event, and I want
 22 to make sure it -- It's been kind of sidetracked, and
 23 I want to help get it back on track.
 24 So I agree with you as far as my own back-
 25 yard, and I'm working with my fellow members on the

1 street of 15, maybe 16, 17 soon, to improve our
2 performance down there. And I take it very seriously.
3 Like I said, I've done this for 20 years. It's been
4 my chosen call in my life, and I support my family.

5 But that being said, I just wish as far
6 as -- When you take into consideration me and my
7 establishment and what actions you'll take, I ask you
8 to consider that the alderman I've dealt with, and
9 Lucy we've dealt with, and we've had a very great
10 relationship with them, and I've dealt with them over
11 the years, and they consider us a fine establishment
12 and a good spot on Water Street overall.

13 And I also ask you to look at the totality
14 of my record from '92 on Water Street till today, 11,
15 12 years, and what I've done. Admittedly not as good
16 lately, but I hope that you'll see to give me a chance
17 to prove myself, that I am going to improve my
18 establishment, and that I won't be here a year from
19 now in front of you explaining away things like this
20 again.

21 CHAIRMAN BOHL: Thank you, Mr. Melotik.
22 One question for Miss Bender here. Do you have the
23 capacity of the location here?

24 MS. BENDER: No, I don't.

25 CHAIRMAN BOHL: Okay. Mr. Melotik or

1 filings of domestic discord like this, a substantial
2 battery case, injuries by persons who work for the
3 establishment to the patrons, this is a record that
4 shows that there was no attention being paid or that
5 the inmates were actually running the asylum. And in
6 this particular instance, I think that given the issue
7 of progressive discipline that this recommendation
8 merits, the record that has been forthcoming in the
9 last licensing year from this establishment, -- I've
10 been to the establishment in the past. I've never had
11 any problems there. The food's good, and I've enjoyed
12 myself there. However, I'm quite surprised that this
13 level of activity, this level of violent activity, you
14 know, has taken place in such a relatively short
15 period of time. And it appears that what happens on
16 Water Street at this particular establishment shows a
17 lack of control. And the individuals who perpetrated
18 these violent acts on patrons, I'm glad that they're
19 gone, but they should have been gone a long time ago,
20 so I'm going to support the motion for a 30-day
21 suspension.

22 MR. SCHRIMPF: Mr. Chairman?

23 ALDERMAN BOHL: Mr. Schrimpf.

24 MR. SCHRIMPF: I would recommend that the
25 entire police report be received into the record.

1 Mr. Scardina, do you know what the capacity is?

2 MR. MELOTIK: Yes, it's 300.

3 CHAIRMAN BOHL: Okay. Are there any other
4 questions by committee at this point? Otherwise we'll
5 take this in committee. Is there a motion by a member?

6 ALDERMAN DUDZIK: I'd make a motion for a
7 30-day suspension.

8 CHAIRMAN BOHL: And that would be for
9 renewal --

10 ALDERMAN DUDZIK: Renewal with a 30-day
11 suspension.

12 CHAIRMAN BOHL: And that would be based on,
13 I assume, --

14 ALDERMAN DUDZIK: The police reports.

15 CHAIRMAN BOHL: Police reports, okay.

16 The motion by Alderman Dudzik is for renewal of the
17 application with a 30-day suspension. On the motion?
18 Alderman Gordon.

19 ALDERMAN GORDON: Thank you. I'm going to
20 support the motion of Alderman Dudzik for the
21 following reasons. Although I'm certainly
22 appreciative of the applicant's to desire to take more
23 control of the establishment, you know, we do have a
24 substantial record of recent infractions that are very
25 serious. And whenever you have allegations and

1 CHAIRMAN BOHL: Okay. And we'll have
2 Alderman Witkowski make a motion that the entire
3 police report be made a part of the record. Is there
4 any objection to that? Hearing none, so ordered. Is
5 there any other discussion on the motion here before
6 us? I will pass the gavel and ask for recognition.

7 VICE CHAIRMAN DAVIS: Alderman Bohl.

8 ALDERMAN BOHL: Thank you, Mr. Chairman.

9 Mr. Chairman, I will tell you when I saw this record,
10 the police report, I was not pleased. I think that
11 my initial comments to Mr. Melotik and Mr. Scardina
12 clearly reflect that.

13 I really would say that in the past year
14 we -- I think that at least the incidents we have
15 before us would be indicative of that there was a
16 problem here at the location. That being said, and
17 that being expressing some very strong concerns and
18 hope that we're moving in the right direction in terms
19 of Mr. Melotik's comments of his recognition that
20 there has been some problems, and the hope that we're
21 on the path to correcting those particular measures,
22 because -- I think it's a fallacy among some bar
23 owners who believe that it's inappropriate for them to
24 contact the police department for fear that it will be
25 held against them. We understand that there are times

1 of rowdy individuals. We understand, particularly an
2 establishment that is as popular as yours is and has
3 a capacity of 300 and no doubt draws in hundreds and
4 hundreds and hundreds of individuals on weekend
5 nights, that there are times when you have these
6 number of incidents.

7 Four incidents in a licensed year is
8 concerning. The fact that there have been some
9 incidents of violence is concerning to me.
10 Certainly the actions that we see in incident
11 No. 4, where a police officer received some
12 lacerations, is concerning to me as well, too.
13 I certainly don't believe -- And to me, that
14 these individuals perpetrated -- I hope that they
15 got some very good fair time, because I think that
16 there's no excuse to anyone, but certainly if it
17 was at all known that it was a police officer, even
18 more so. That being said, Mr. Melotik, -- I don't
19 believe you, or Mr. Scardina, or anyone else here,
20 certainly was an advocate of this occurring and maybe
21 had no knowledge at the time that it was an officer,
22 but I think that in -- You know, that being said, I've
23 think that -- contrary to what others have indicated
24 here on this committee, I think that there is a time
25 and place for progressive discipline. I believe that

1 concerning. Four incidents at your place is still
2 concerning. In relative terms, I think that we've got
3 to factor that in in its entirety. I just will not
4 support the motion with the belief that 10 -- 10 to 15
5 would more appropriate. I think 30 is excessive, and
6 so I will not support the motion.

7 VICE CHAIRMAN DAVIS: Thank you, Alderman
8 Bohl. Is there any other discussion on the motion?
9 The motion by Alderman Dudzik is a renewal with a
10 30-day suspension based upon the police report. Are
11 there any objections?

12 ALDERMAN BOHL: I will object.

13 ALDERMAN WITKOWSKI: I'll object.

14 CHAIRMAN BOHL: Noting that there are
15 two objections, the motion carries. Mr. Schrimpf.

16 MR. SCHRIMPF: Mr. Scardina, the committee
17 is going to be doing Findings of Facts and Conclusions
18 of Law recommending the renewal of this license with a
19 30-day suspension. You will receive a copy of that
20 report.

21 You'll have an opportunity to submit written
22 objections to that report, as well as appear before
23 the full Common Council when it takes this matter up
24 at its meeting of February 10th, 2004 at 9 a.m. in the
25 Common Council Chambers of this building, which are on

1 there are times that things jump off over the cliff,
2 and that there are occasions where there is a need to
3 sometimes take the license away and not to implement
4 progressive discipline.

5 This is an incident -- or this is a
6 situation where I believe that progressive discipline
7 is necessary; where the incidence, while concerning, I
8 believe can be corrected. And with that being said,
9 my concern is that the motion is a bit excessive. I
10 think that the incidents are concerning, but if we
11 factor in the relative size of the location, the
12 amount of volume that occurs at the location, and
13 the overall track record, I think that 30 days is
14 excessive.

15 I would certainly believe that a suspension
16 is warranted. I would believe that possibly a 10-day
17 suspension at this point would be appropriate. I
18 think that some reflection on the management practices
19 that have been in place is appropriate, and I know
20 that a 10-day suspension provides a significant hit to
21 any establishment. I think 30 days provides a
22 significant hit, but given the volume of business that
23 I assume occurs at this location, 30 days is very
24 significant. Four incidents at a very small place
25 that has a capacity of 50 would be very, very

1 this floor, but at the north end of the building. Do
2 you understand all that?

3 MR. SCARDINA: Yes, sir.

4 CHAIRMAN BOHL: Okay. Thank you, gentlemen.

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2 STATE OF WISCONSIN)
) ss:
3 MILWAUKEE COUNTY)
4
5

6 I, DONNA GULCZYNSKI, of Milwaukee Reporters
7 Associated, Inc., 5120 West Bluemound Road, Milwaukee,
8 Wisconsin, certify that the foregoing transcript,
9 consisting of pages 2 through 28 inclusive, is a
10 full and complete transcript of the proceedings taken
11 in this cause.

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Donna Gulczynski - Court Reporter

22 Dated this day of , 2004
23 Milwaukee, Wisconsin