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CITY OF MILWAUKEE

3

COMMON COUNCIL MEETING

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In the Matter of the Substitute motion revoking the  
Class "B" Tavern license for:

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THOMAS McNEAL

"CLUB ESCAPE"

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6263 N. Teutonia Avenue

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Proceedings had in the above-entitled  
matter, before the COMMON COUNCIL for the  
THE CITY OF MILWAUKEE, on the 15th day of January,  
2008.

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P R O C E E D I N G S

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PRESIDENT HINES: We will now use the  
services of a court reporter. We will now take up the  
reports of the standing committees. Alderman Jim  
Witkowiak will now present the report of the Licenses  
Committee.

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CITY CLERK: The Licenses Committee  
recommends approval of Item No. 1. Substitute motion  
revoking the Class B Tavern license of Thomas McNeal  
for Club Escape at 6263 N. Teutonia Avenue. Written  
exceptions have been filed.

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PRESIDENT HINES: Have the members of the  
Common Council read the report and recommendations of  
the Licenses Committee and the exceptions filed in  
this matter?

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Please call the roll, Mr. City Clerk.

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CITY CLERK: Alderman Hamilton?

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ALDERMAN HAMILTON: Aye.

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CITY CLERK: Davis?

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ALDERMAN DAVIS: Aye.

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CITY CLERK: D'Amato?

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ALDERMAN D'AMATO: Aye.

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CITY CLERK: Bauman?

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ALDERMAN BAUMAN: Aye.

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CITY CLERK: Excuse me?

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ALDERMAN BAUMAN: Aye.

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CITY CLERK: Thank you. Bohl?

3 ALDERMAN BOHL: Aye.  
4 CITY CLERK: Wade?  
5 ALDERMAN WADE: Aye.  
6 CITY CLERK: Donovan?  
7 ALDERMAN DONOVAN: Aye.  
8 CITY CLERK: Puente?  
9 ALDERMAN PUENTE: Aye.  
10 CITY CLERK: Murphy?  
11 ALDERMAN MURPHY: Aye.  
12 CITY CLERK: Dudzik?  
13 ALDERMAN DUDZIK: Aye.  
14 CITY CLERK: Witkowiak?  
15 ALDERMAN WITKOWIAK: Aye.  
16 CITY CLERK: Witkowski?  
17 ALDERMAN WITKOWSKI: Aye.  
18 CITY CLERK: Zielinski?  
19 ALDERMAN ZIELINSKI: Aye.  
20 CITY CLERK: Mr. President?  
21 PRESIDENT HINES: Aye.  
22 CITY CLERK: 14 ayes, one excused.  
23 PRESIDENT HINES: 14 ayes, one excused.  
24 CITY CLERK: Is Mr. Thomas McNeal or his  
25 attorney present, and, if so, does either wish to

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1 address the Common Council?  
2 MR. GIMBEL: Yes.  
3 PRESIDENT HINES: Okay. Alderman Witkowiak  
4 moves for the Common Council to dissolve itself into  
5 the Committee of the Whole for the purpose of hearing  
6 oral arguments on behalf of the license in opposition  
7 to the report and recommendation and a statement  
8 presented by the City Attorney. Is there objection?  
9 Hearing none, we are in the Committee of the Whole.  
10 Each side shall be limited to five minutes  
11 and the arguments representative to the subject  
12 matter and the police report and recommendations and  
13 written exceptions.  
14 MR. GIMBEL: Thank you very much, Mr.  
15 President. My name is Franklyn Gimbel and I am the  
16 attorney for Thomas McNeal, the licensee in the matter  
17 now before the Council on the recommendation of the  
18 Licenses Committee to revoke that license.  
19 I have prepared and I have recognized by  
20 your just passed vote, objections to the findings of  
21 fact and conclusions that were submitted on behalf of  
22 the Licenses Committee supporting this revocation.  
23 As most of you know, I have been a part of  
24 many boards, myself, and chairman of many boards, and  
25 I respect and recognize the vital role that committees

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1 play in reviewing matters that the ultimate total body  
2 have to decide on. And I have respect for the  
3 membership of the Licenses Committee.  
4 This, however, is a matter which came on  
5 before the committee, not in the normal course of its

6 business, such as at a time of renewal or in reacting  
7 to a new application. But this matter came on on the  
8 special petition of the Acting Chief of Police seeking  
9 revocation of the license of Thomas McNeal, operating  
10 Club Escape on Teutonia Avenue.

11 The committee had hearings which provided  
12 for witnesses to appear and be cross-examined that  
13 lasted somewhere in the vicinity of eight hours. The  
14 ultimate resolution of the committee that brings about  
15 the recommendation here today was for revocation of  
16 this license predicated, I suggest to you as a  
17 participant in those proceedings, on two events that  
18 occurred in the year 2007. One of those events was in  
19 June of 2007 and that event was a drive-by shooting  
20 from off of Club Escape's premises, that was  
21 precipitated by an individual who was escorted from  
22 the Club Escape in restraints, who got access to a  
23 telephone and invited somebody to come by and "spray  
24 the place".

25 The second event occurred in November of

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1 2007. And at that time another irate patron being  
2 removed from the premises left the premises, went to  
3 his car and threatened out loud, as is reflected in  
4 the testimony of Frenchy Beckum, to take his pistol  
5 from his car and shoot the place so as to close the  
6 place. The essence of, I suggest, the underlying  
7 considerations that led to the committee's  
8 recommendation here, today for revocation, is these  
9 two events. If fact, in the proceedings, there was an  
10 assignment by a special City Attorney, Adam Stephen,  
11 who did an excellent job, but what he said, and I  
12 think it's telling in terms of what are the objections  
13 here today, he said that the irate gunman, I'm quoting  
14 from his comments to the committee, "The irate gunman  
15 and the drive-by shooters are the villains in this  
16 case. They are to blame." So, what you have,  
17 gentlemen of the Common Council, is a situation where  
18 two people, vowing to cause a revengeful recrimination  
19 against the licensee, use the firearm off the  
20 premises, outside of the premises, which precipitated  
21 the reaction by security of the premises. What  
22 happens if you sustain the revocation recommendation  
23 of the committee? I suggest to you and I have in my  
24 writings that the outgrowth of that action by this  
25 body will essentially invite any person who

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1 understands that they can bring about revocation of a  
2 license by a threat to use a firearm in or outside of  
3 a premise. That's what happened here. Two people  
4 discontented with their treatment at Club Escape,  
5 inviting gunshots to occur outside of the premise, a  
6 hearing, special hearing, a recommendation for  
7 revocation.

8 You would be putting, I suggest, and this

9 may sound dramatic, but I mean it with the greatest  
10 sincerity that I can muster, having 47 and a half  
11 years as a lawyer, five as a federal prosecutor, I am  
12 telling you that you are inviting people with guns to  
13 determine who keeps their Class B, and I suggest even  
14 Class A, licenses in this community. I don't think  
15 you want to delegate your authority to those thugs.  
16 You are all intelligent, reasoning individuals. If  
17 you grant the recommendation and revoke the license, I  
18 can assure you that gun violence in Milwaukee will not  
19 cease and I can assure you that if you grant the  
20 revocation that you will be inviting people to extort  
21 from license holders whatever they want in favors as  
22 an outgrowth of their threats to bring about the same  
23 kind of procedural activity that we are facing here  
24 today.  
25 So, on behalf of my client, I earnestly

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1 invite you to step to the plate and say the authority  
2 to regulate licenses belongs with this body of 15  
3 individuals, not some thug with a gun.  
4 PRESIDENT HINES: One minute.  
5 MR. GIMBEL: And if you accept that  
6 premise, and I urge you to, you will, in your  
7 thoughtful consideration of this matter, agree with me  
8 that Mr. McNeal should not suffer the consequences of  
9 this assault on his property and modify the  
10 recommendation.  
11 I thank you for your attention.  
12 PRESIDENT HINES: Thank you, Attorney  
13 Gimbel. We will now hear from the Assistant City  
14 Attorney. Attorney? I'm sorry.  
15 Are there any questions of Mr. Gimbel by  
16 any members of the Council? Mr. Gimbel, why don't you  
17 still remain here.  
18 With that said, the chair recognizes  
19 Alderman Donovan.  
20 ALDERMAN DONOVAN: Thank you, Mr.  
21 President.  
22 Counselor, to the best of your knowledge,  
23 were there attempts at extorting these owners? In  
24 other words, were the individuals arrested for the  
25 shootings? Were they also charged with extortion?

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1 Were there efforts to extort the owners?  
2 MR. GIMBEL: The answer to your question  
3 is no. The first shooting, nobody was arrested. They  
4 didn't catch the person who did the shooting. In the  
5 second shooting, the person who did the shooting was  
6 arrested. He was charged with multiple felonies,  
7 including felony possession of a firearm, and with  
8 endangering safety by use of a firearm. It was a  
9 person with a long criminal record, and Lieutenant  
10 Jessup of the Milwaukee Police Department testified  
11 under oath, as to that outgrowth. There was no

12 interaction between those individuals after the events  
13 that were illustrated in the testimony of Mr. Beckum,  
14 that is, the threats that were made contemporaneously  
15 with the shoots.

16 PRESIDENT HINES: Are there any additional  
17 questions of Attorney Gimbel? If not, thank you.

18 We will now hear from the Assistant City  
19 Attorney from the City Attorney's office, Assistant  
20 City Attorney Bruce Schrimpf.

21 MR. SCHRIMPF: Thank you very much, Mr.  
22 President. Bruce Schrimpf from the City Attorney's  
23 office.

24 First of all, I would like to remind the  
25 Council that the committee considered the entire

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1 police report, although most of the testimony before  
2 the committee did, in fact, concentrate on the events of  
3 June 25th and November 26th, which were the shootings.

4 On November 26th, the testimony revealed  
5 that patrons who were evicted from the club entered a  
6 car. As they were entering the car, they stopped the  
7 car and then one of the individuals exited the car and  
8 discharged the weapon. That resulted in the shootout  
9 that occurred. I think it is fair to say that a  
10 shootout did occur. Forty-two casings were recovered  
11 on the grounds by the Milwaukee Police Department. I  
12 would caution that there is not any direct evidence  
13 that all 42 of those casings resulted from the  
14 incident of November 26th. But, 29 bullets did strike  
15 the vehicle that was leaving. Those shots were fired  
16 by security personnel from the tavern. One of the  
17 individuals who was in the car was killed. I believe  
18 it was the driver. And the other individual, who  
19 actually was the shooter, was injured, but was not  
20 killed. While this was transpiring, the testimony  
21 from Mr. Dumas, who is the security guard who did the  
22 firing, indicated that there were approximately 50  
23 people standing around outside the place. He took the  
24 action he did, according to his testimony, in order to  
25 protect the 50 people or so that were around the place

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1 because he was fearful that the car was going to drive  
2 into that crowd of people.

3 The findings of fact have been put before  
4 you. You have all read them. I won't recount them in  
5 any great detail. As always, whether or not you  
6 revoke this license, and Mr. Gimbel is quite correct,  
7 this is a revocation proceeding, this is not a renewal  
8 proceeding. Whether or not you revoke the license is  
9 reposed to your sound discretion, and you do not have  
10 to revoke the license, you can issue a suspension.  
11 And the suspension cannot be less than ten days, nor  
12 more than ninety days, should you chose to suspend.

13 If there are any questions, I'll be happy  
14 to try to answer them.

15 PRESIDENT HINES: Thank you, Alderman.  
16 Chair recognizes -- Thank you, Mr. Schrimpf. The  
17 chair recognizes Alderman Bauman.  
18 ALDERMAN BAUMAN: Yeah. Attorney Schrimpf,  
19 was there any evidence at this hearing or evidence  
20 from any of the police reports that there was any  
21 scheme or plan to extort any favor or resources from  
22 the licensee --  
23 MR. SCHRIMPF: No.  
24 ALDERMAN BAUMAN: -- in connection with any  
25 of these gun incidents?

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1 MR. SCHRIMPF: No such testimony.  
2 ALDERMAN BAUMAN: Thank you.  
3 PRESIDENT HINES: Are there any additional  
4 questions of Attorney Schrimpf? If not, thank you.  
5 Alderman Witkowiak moves that the committee  
6 now rise. Are there any motions relative to this  
7 file?  
8 Okay. Will the City Clerk -- Mr. City  
9 Clerk, please take a roll call on the recommendations  
10 put forth by the committee with regard to this license  
11 applicant.  
12 CITY CLERK: On the recommendation of the  
13 committee to revoke, Alderman Hamilton?  
14 ALDERMAN HAMILTON: Aye.  
15 CITY CLERK: Davis?  
16 ALDERMAN DAVIS: Aye.  
17 CITY CLERK: D'Amato?  
18 ALDERMAN D'AMATO: Aye.  
19 CITY CLERK: Bauman?  
20 ALDERMAN BAUMAN: Aye.  
21 CITY CLERK: Bohl?  
22 ALDERMAN BOHL: Aye.  
23 CITY CLERK: Wade?  
24 ALDERMAN WADE: Abstain.  
25 CITY CLERK: Donovan?

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1 ALDERMAN DONOVAN: Aye.  
2 CITY CLERK: Puente?  
3 ALDERMAN PUENTE: Aye.  
4 CITY CLERK: Murphy?  
5 ALDERMAN MURPHY: Aye.  
6 CITY CLERK: Dudzik?  
7 ALDERMAN DUDZIK: Aye.  
8 CITY CLERK: Witkowiak?  
9 ALDERMAN WITKOWIAK: Aye.  
10 CITY CLERK: Witkowski?  
11 ALDERMAN WITKOWSKI: Aye.  
12 CITY CLERK: Zielinski?  
13 ALDERMAN ZIELINSKI: Aye.  
14 CITY CLERK: Mr. President?  
15 PRESIDENT HINES: Aye.  
16 CITY CLERK: 13 ayes, one excused, one  
17 abstention.

18 PRESIDENT HINES: 13 ayes, one excused, one  
19 abstention. The committee recommendation is adopted.  
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3 STATE OF WISCONSIN)  
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5 MILWAUKEE COUNTY )  
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7 I, JEAN M. BARINA, of Milwaukee Reporters  
8 Associated, Inc., located at 5124 West Blue Mound  
9 Road do certify that the foregoing transcript was  
10 reduced to writing under my direction and that it is a  
11 true and accurate transcription of the Common Council  
12 Meeting held on January 15, 2008.  
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16 JEAN M. BARINA - COURT REPORTER

17  
18 Dated this day of January, 2008.

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