

LICENSES COMMITTEE

CITY OF MILWAUKEE

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In the Matter of: CLUB BARI
Class "B" Tavern and Tavern Dance

ROBERT F. CESARZ,
Caesars World Enterprises, LLC,
"CLUB BARI"
628 North Water Street

* * * * *

The above-entitled cause, taken under
and pursuant to Section 804.05 of the Wisconsin
Statutes, before KAREN RENEE, Court Reporter and Notary
Public in and for the State of Wisconsin on July 11,
2011, commencing at 3:09 p.m. and concluding at 5:45
p.m.

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1 APPEARANCES

2 MILWAUKEE CITY ATTORNEYS OFFICE, by

3 MR. ADAM STEPHENS,

4 200 East Wells Street, Room 800,

5 Milwaukee, Wisconsin 53202,

6 appeared on behalf of Licenses Committee.

7 MILWAUKEE CITY ATTORNEYS OFFICE, by

8 MR. JAY ANTHONY UNORA,

9 200 East Wells Street, Room 800,

10 Milwaukee, Wisconsin 53202,

11 appeared on behalf of Milwaukee Police Department,

12 District 1, Captain Steve Basting.

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14 ARENA LAW OFFICE, by

15 MR. ANDREW ARENA,

16 1110 North Old World 3rd Street, Suite 515,

17 Milwaukee, Wisconsin 53203,

18 appeared on behalf of Club Bari.

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1 TRANSCRIPT OF PROCEEDINGS

2 CHAIRMAN BOHL: Our last item on our

3 morning agenda is for Robert Cesarz, agent for

4 Caesars World Enterprises, LLC, Class B Tavern and

5 Tavern Dance Licenses renewal application for Club

6 Bari at 628 North Water Street.

7 Before we get any further, we have a

8 couple minutes here.

9 This is the continuation of the Common

10 Council Licenses Committee. It is approximately

11 3:20 in the afternoon. We are starting our 11:15

12 a.m. agenda. Robert Cesarz, we called the matter

13 here, even before we begin, I want to hear from

14 our city attorney, Adam Stephens, on the matter.

15 ATTORNEY STEPHENS: Thank you, Mr.

16 Chair. This matter has come before the License

17 Committee based on an order by Judge Mahoney in

18 the Milwaukee County Circuit Court. The Committee

19 may recall that this matter came before it some

20 time ago, and the licensee apprised the Committee

21 that he was not aware, did not have proper notice

22 of the hearing. Evidence in that argument was

23 presented in front of the Milwaukee Circuit Court.

24 The court agreed with the applicant. And so

25 today's hearing is actually a de novo hearing of

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1 the renewal, first renewal hearing by this

2 applicant. So the previous hearing that occurred

3 before this body is null and void.

4 CHAIRMAN BOHL: Thank you. And then as

5 a result, Mr. Stephens, anything in that license

6 period is fair game before this body?

7 ATTORNEY STEPHENS: Absolutely.

8 CHAIRMAN BOHL: Past and current.

9 ATTORNEY STEPHENS: Whatever he was

10 noticed up for for today's hearing.

11 CHAIRMAN BOHL: Thank you.

12 Before we begin, I'm going to call a

13 contested hearing on this matter here. Call the

14 matter forward for Robert Cesarz, LLC, agent for

15 Caesars World Enterprises, LLC, Class B Tavern and

16 Tavern Dance License renewal application for Club

17 Bari at 628 North Water Street.

18 Good afternoon. Thank you all for your

19 patience here. I would ask here if the two

20 attorneys present would please state their

21 appearances. I hope that you understand that by

22 my calling a contested hearing, you will be

23 relegated to the 30 minutes per each side on this

24 particular matter. But if you could, Mr. Arena,

25 if you want to state your appearance here first?

1 ATTORNEY ARENA: Yes, thank you, Mr.
2 Chairman. Robert Cesarz, the agent, appears in
3 person with counsel, Andrew Arena. Also present
4 is a 50 percent shareholder, Mario Morgese. He is
5 also here in person and present and will be
6 offering testimony today. So if it's necessary to
7 put him under oath, we have no objection. We
8 acknowledge receiving the notice we're here today
9 to address.

10 CHAIRMAN BOHL: Thank you.

11 ATTORNEY UNORA: Assistant City Attorney
12 Jay Unora representing Milwaukee Police Department
13 District 1, Captain Steve Basting.

14 CHAIRMAN BOHL: Thank you. All right.
15 We will swear both of you gentlemen here forward.
16 And let me just ask, if I could see other
17 individuals that may be providing testimony in
18 this matter? Anyone who is present in the room
19 who will be providing testimony, we ask at this
20 time they raise their right hand at this time.

21 THE CLERK: Do you solemnly affirm under
22 the pains and penalties of perjury in the State of
23 Wisconsin that the testimony you are about to give
24 is the truth, the whole truth and nothing but the
25 truth?

1 ALL: Yes.

2 CHAIRMAN BOHL: Just so everyone is
3 aware, any closing statements will be relegated to
4 part of the time that is allotted, so we are aware
5 of that. That includes testimony that may be
6 provided by individuals who are either in favor or
7 support as part of that side. So I will try to
8 keep both attorneys relegated to the time
9 allotment at this point by giving you updates, but
10 I just want that to be an understanding well in
11 advance of this here, that will not include the
12 time for the reading of the police report, so just
13 so everyone is aware. You did provide notice to
14 individuals.

15 I'll ask the agent here if he can
16 provide me with a name and address for the record,
17 please?

18 MR. CESARZ: Robert Cesarz, 4958 South
19 20th Street, Milwaukee, Wisconsin 53221.

20 CHAIRMAN BOHL: Thank you. And Mr.
21 Cesarz, do you acknowledge -- as already has been
22 indicated, I'll ask you officially for the
23 record -- receiving notice of today's meeting with
24 the possibility the application may be denied?

25 MR. CESARZ: Yes.

1 CHAIRMAN BOHL: Thank you. We should
2 have no holds. At this time, Sergeant, I'll ask
3 you to proceed with the reading of the police
4 report, please.

5 SERGEANT RADEN: On 6/3/2010 at 1:23
6 a.m., Milwaukee police were dispatched to 628
7 North Water Street for a fight complaint. Once
8 there, police observed no patrons in the club and
9 the subjects involved in the fight were gone.
10 Police found that none of the bar's licenses were
11 posted, spoke with Robert Cesarz, who was able to
12 produce the license. Cesarz was advised that it's
13 a violation to not have licenses posted, and he
14 was cited for such. He was charged with display
15 of liquor license required with a finding
16 dismissed without prejudice on 9/15/2010.

17 On 10/2/2010 at 1:17 a.m., Milwaukee
18 police were dispatched to 618 North Water for
19 trouble with subject complaint. Officers were met
20 by a security guard identified as Shannon Haget
21 who stated he works for 618 Live and that they had
22 to physically restrain an intoxicated and
23 combative subject who came from Club Bari. Haget
24 stated that the subject was harassing patrons in
25 front of 618 Live and was asked to leave several

1 times but refused. At one point, the subject
2 attempted to physically assault the security
3 guards, and he was placed in handcuffs until
4 police arrived. Subject was cited for disorderly
5 conduct and released.

6 On 10/3/2010 at 1:41 a.m., Milwaukee
7 police responded to 618 North Water for a fight
8 complaint inside of Club Bari. The club's bouncer
9 told officers that there was no fight. The police
10 conducted a walkthrough and observed a group of
11 subjects rushing towards each other as if they
12 were going to fight. One patron became disorderly
13 and was issued a citation for disorderly conduct.

14 On 10/3/2010 at 11:45 p.m., Milwaukee
15 police conducted a license premise check at 628
16 North Water Street. A check of the club's
17 licenses were done and found that the Tavern Dance
18 was not posted. Police spoke to Robert Cesarz and
19 explained, due to the earlier fight, officers were
20 sent back to check for the possible tavern
21 violations that were observed. Cesarz was advised
22 of the violations found that he could be cited
23 for.

24 On 10/10/2010 at 2:10 a.m., an officer
25 called for assistance at 628 North Water with

10

1 units responding. Once additional officers were
2 on scene, they observed 100 to 200 subjects in the
3 street and on the sidewalk in front of Club Bari.
4 Officers broke up multiple fights, attempted to
5 clear people from the area who were loitering.
6 Subjects were heard yelling profanities and were
7 refusing to obey police orders to leave the area.
8 Numerous arrests were made and citations were
9 issued for disorderly conduct. One subject was
10 arrested for assaulting a police officer. Police
11 reviewed the camera pole at the intersection of
12 Water and Wisconsin that determined that as
13 patrons left Club Bari, the fighting in the
14 streets began. A total of 13 squads were used to
15 clear the area and restore order.

16 On 10/24/2010 at 1:56 a.m., Milwaukee
17 police were flagged down by security from Club
18 Bari for a fight complaint. Officers entered the
19 bar and found several fights taking place
20 throughout the tavern. Police could also smell a
21 large concentration of pepper spray and observed
22 patrons coughing and running out of the back door
23 of the building. Police spoke to Patrick Birch
24 who stated he was the head of security. Birch
25 stated he was attempting to break up a fight when

11

1 he was pepper sprayed by an unknown subject.
2 Police found there was no video surveillance
3 system in the business, which could have helped
4 with identifying the events that had occurred.

5 CHAIRMAN BOHL: I will provide you an
6 opportunity here shortly, Mr. Arena, if there are
7 any items that you wish to dispute, object to or
8 provide clarification on the police report as part
9 of your time.

10 At this point, what I will do is hear
11 from individuals who may be here to provide
12 testimony in opposition to the license.

13 So as part of that here, Mr. Unora, I
14 don't know if you have anything to provide to the
15 Committee in terms of any statements or specific
16 order of witnesses that you desire here?

17 ATTORNEY UNORA: Yes, Mr. Chairman, the
18 first thing, I was looking to see if there were
19 any citizens and asking if they should go first.

20 CHAIRMAN BOHL: Were there any citizens
21 who were sworn in or here in objection to the
22 license? A show of hands of anyone exists. Let
23 the record reflect that no one does acknowledge
24 that.

25 ATTORNEY UNORA: Then, Mr. Chairman, as

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1 a brief roadmap of where I'm going, the 1st
2 District Police Department does object to the
3 renewal of this license. For that, I'm going to
4 bring forward to the Committee: Captain Basting
5 first; officer, I'm sorry, then Sergeant Randow;
6 Officer Ferrell, who is no longer the tavern car
7 in District 1; Officer Court; and then Officer
8 Leas. Basically, they're all here. The captain,
9 as the captain in the District, will give
10 testimony as to the normal operation of what he
11 does in District 1 regarding his interaction with
12 Club Bari; Sergeant Randow as the nighttime
13 sergeant and how manpower is relegated to this
14 area; and then the three officers for their actual
15 appearance at numerous instances that were recited
16 in the police report. So that's the order I'm
17 going. The first thing I would ask is Captain
18 Basting.

19 CHAIRMAN BOHL: You were previously
20 sworn in earlier today, Captain Basting?

21 CAPTAIN BASTING: That is correct.

22 CHAIRMAN BOHL: If you could provide us
23 with your name and your position within the
24 department, please, first?

25 CAPTAIN BASTING: Police Captain

13

1 Stephen, S-T-E-P-H-E-N, last name Basting, B as in
2 boy, A-S-T-I-N-G, and I am the commander of the
3 1st District.

4 CHAIRMAN BOHL: Testimony please.

5 ATTORNEY UNORA: Captain, how long have
6 you been the captain in District 1?

7 CAPTAIN BASTING: Since May of last
8 year.

9 ATTORNEY UNORA: And in your dealings
10 with the 600 block of North Water, are you
11 familiar with Club Bari?

12 CAPTAIN BASTING: Yes, sir.

13 ATTORNEY UNORA: What has been your
14 interaction with Club Bari specifically?

15 CAPTAIN BASTING: I've had to put a
16 disproportionate amount of police services in the
17 600 block of North Water Street relative to two
18 establishments on North Water.

19 ATTORNEY UNORA: And these two
20 establishments, are they close together in
21 location?

22 CAPTAIN BASTING: They are one
23 establishment apart; one business apart.

24 ATTORNEY UNORA: Is it unusual to have
25 two establishments of this size and this type that

1 closely related in your district?

2 CAPTAIN BASTING: Of that type, yes.

3 ATTORNEY UNORA: And when you say there
4 is "a disproportionate amount of manpower that you
5 assign to that area," why is that?

6 CAPTAIN BASTING: The capacity of both
7 establishments, I believe, is a little over 600.

8 I will routinely put police manpower there that I
9 would normally put up in an area that's got 3,000.

10 ATTORNEY UNORA: And did this decision
11 to assign manpower in this area come about
12 quickly?

13 CAPTAIN BASTING: There were some quick
14 decisions that had to be made that I could, that
15 will keep a lid on things on that block. Over
16 this past year, we're going through a process
17 where we're being more proactive in all of our
18 entertainment districts downtown.

19 ATTORNEY UNORA: And what led you to a
20 quick decision?

21 CAPTAIN BASTING: The quick decision is
22 the high level of disorder in the street.

23 ATTORNEY UNORA: And typically, when did
24 the disorder occur?

25 CAPTAIN BASTING: Either at or just

1 prior to closing time.

2 ATTORNEY UNORA: And when was the
3 highest concentration of this type of activity
4 from Club Bari?

5 CAPTAIN BASTING: As both establishments
6 were leaving, so at closing time.

7 ATTORNEY UNORA: Was there any one
8 specific incident that caused you more concern
9 than any others?

10 CAPTAIN BASTING: Well, initially, I was
11 led to believe that the establishment would be
12 operating under one business plan when, in fact,
13 it wasn't, and that led me to take a closer look
14 at what was going on on the 600 block of North
15 Water. And then because of incidents that
16 happened, with the police response, it was
17 disproportionate to people in the street.

18 ATTORNEY UNORA: What led you to believe
19 the plan of operation was going to be different
20 than what you wound up finding out?

21 CAPTAIN BASTING: The testimony that I
22 observed and watched that was to this Committee.

23 ATTORNEY UNORA: Have you actually been
24 in Club Bari yourself?

25 CAPTAIN BASTING: Yes, sir.

1 ATTORNEY UNORA: When you are in, were
2 in Club Bari, what did you experience in the club?

3 CAPTAIN BASTING: I experienced a
4 nightclub atmosphere.

5 ATTORNEY UNORA: Had you appeared there
6 only at night?

7 CAPTAIN BASTING: Yes.

8 ATTORNEY UNORA: Was there problems
9 during the daytime hours of this establishment
10 that you are aware of?

11 CAPTAIN BASTING: When it was open
12 during the day, no.

13 ATTORNEY UNORA: Currently, are you
14 aware if the establishment is open during the day?

15 CAPTAIN BASTING: It is not.

16 ATTORNEY UNORA: When it is open, what
17 are the typical hours and days?

18 CAPTAIN BASTING: Thursdays, Fridays,
19 Saturdays, typically, and that's, you know, there
20 are some additional days in there based on what's
21 going on, but it's late night hours.

22 ATTORNEY UNORA: And what type of
23 atmosphere is the establishment during the hours
24 that it is open?

25 CAPTAIN BASTING: Nightclub atmosphere.

1 ATTORNEY UNORA: The manpower that you
2 use to assign to this area, in your estimation, is
3 there a better deployment in your district if the
4 concerns that you had for this specific club were
5 addressed?

6 CAPTAIN BASTING: Yes.

7 ATTORNEY UNORA: In your opinion, in the
8 operating of the past license year for Club Bari,
9 do you recommend to this Committee that the
10 license be renewed?

11 CAPTAIN BASTING: No.

12 ATTORNEY UNORA: Can you give a specific
13 reason why to the Committee?

14 CAPTAIN BASTING: Based on items
15 contained in the police report during that
16 licensing period and items in the PA-33s.

17 ATTORNEY UNORA: No further questions at
18 this time, Mr. Chair.

19 CHAIRMAN BOHL: Questions by Committee?
20 Questions by Committee? Alderman Bauman.

21 ALDERMAN BAUMAN: Thank you,
22 Mr. President.

23 Captain Basting, during the occasion
24 that you personally observed the operation of Club
25 Bari on the inside, would you say that it operated

1 that is consistent with a Italian Chicago-style
 2 sports lounge and grill with a sophisticated
 3 upbeat atmosphere appealing to 30- to 40-year-old
 4 professional clientele?
 5 CAPTAIN BASTING: No, sir.
 6 ALDERMAN BAUMAN: During the times that
 7 you personally observed Club Bari on the inside,
 8 would you say that it featured classic music
 9 including big band-style and pop and rock old
 10 school-style with piano bar and some musical and
 11 other live music of prerecorded selection on the
 12 remainder of the week?
 13 CAPTAIN BASTING: No, sir.
 14 ALDERMAN BAUMAN: Thank you.
 15 CHAIRMAN BOHL: Follow-up questions, Mr.
 16 Arena?
 17 ATTORNEY ARENA: Thank you, Mr.
 18 Chairman. I'll try to use the microphone today.
 19 Now, Captain Basting, last October in
 20 and around the incident of October 10th, you met
 21 with Mr. Cesarz and Mr. Morgese in your office, is
 22 that correct?
 23 CAPTAIN BASTING: That's correct.
 24 ATTORNEY ARENA: And how long was that
 25 meeting?

1 CAPTAIN BASTING: It was very close to
 2 an hour.
 3 ATTORNEY ARENA: And were Mr. Morgese
 4 and Mr. Cesarz open to taking your suggestions and
 5 employing ideas you had so there wouldn't be
 6 problems?
 7 CAPTAIN BASTING: Yes, they were.
 8 ATTORNEY ARENA: And one of those
 9 problems or issues was that security should be
 10 uniformed?
 11 CAPTAIN BASTING: That was one of them,
 12 yes.
 13 ATTORNEY ARENA: And he did that at your
 14 request, correct?
 15 CAPTAIN BASTING: Yes.
 16 ATTORNEY ARENA: And another concern was
 17 something that you brought up that they shouldn't
 18 use outside promoters?
 19 CAPTAIN BASTING: Yes.
 20 ATTORNEY ARENA: And did you ever
 21 personally observe an outside promoter inside when
 22 you were at that location?
 23 CAPTAIN BASTING: Early on, yes, I did.
 24 ATTORNEY ARENA: And did that cease and
 25 stop after you had that meeting with these

1 gentlemen?
 2 CAPTAIN BASTING: Yes, it did.
 3 ATTORNEY ARENA: You had mentioned that
 4 the capacity of these locations on the 600 block
 5 and the other location we're talking about is
 6 the --
 7 CAPTAIN BASTING: 655, 650.
 8 ATTORNEY ARENA: We're talking about 618
 9 Live, which is also known as Lady Bug or at one
 10 time was Lady Bug?
 11 CAPTAIN BASTING: Yes.
 12 ATTORNEY ARENA: Do you know how long
 13 Lady Bug has been in operation with a capacity of
 14 650?
 15 CAPTAIN BASTING: I do not.
 16 ATTORNEY ARENA: Were they in business
 17 prior to Club Bari opening?
 18 CAPTAIN BASTING: That 650, that's
 19 between both clubs.
 20 ATTORNEY ARENA: That is. Do you know
 21 what the specific capacity of Club Bari.
 22 CAPTAIN BASTING: A little over 400,
 23 480.
 24 ATTORNEY ARENA: You're actually not
 25 even close. It's 185, are you aware of that?

1 CAPTAIN BASTING: I'm sorry, Club Bari
 2 is 170, yeah, 175. I thought you were referring
 3 to 618.
 4 ATTORNEY ARENA: No, I was talking about
 5 Club Bari specifically.
 6 CAPTAIN BASTING: Club Bari, yes.
 7 ATTORNEY ARENA: And you've been
 8 informed that they typically do not allow to even
 9 get to capacity at Club Bari, is that correct?
 10 CAPTAIN BASTING: That's correct.
 11 ATTORNEY ARENA: Have you ever in your
 12 personal observation when you've gone thought that
 13 they were over capacity?
 14 CAPTAIN BASTING: No.
 15 ATTORNEY ARENA: Thank you. Now, you
 16 are familiar, are you not, with what goes on at
 17 Lady Bug and some of the issues in their police
 18 report, correct?
 19 CAPTAIN BASTING: Yes.
 20 ATTORNEY ARENA: And I'm going to submit
 21 into the record the committee meeting notice of
 22 Tuesday, November 17, 2009, for Lady Bug. And I
 23 just want you to tell us, and I know that the
 24 Committee is aware of what's in this record, but I
 25 just want you to tell us the number of incidents

1 that were reported in the police report for Lady
2 Bug Club and the year that they start and up until
3 the date that they finish and how many there are?

4 ATTORNEY UNORA: Your Honor,
5 Mr. Chairman, I'm going object to the submission
6 of the report as to answering this question. He
7 can only refer to his own knowledge. If he
8 doesn't have that knowledge, he can't support it
9 by a document that is not before the Committee at
10 this time. He can only reflect what's written in
11 that document, and we don't know if that's
12 accurate or not. So I'm objecting at this point.

13 ATTORNEY ARENA: Well, I'm -- excuse me.

14 CHAIRMAN BOHL: Mr. Arena.

15 ATTORNEY ARENA: Mr. Chairman, thank
16 you. I am putting that information before this
17 Committee. I think this Committee is full well
18 aware of that police report, and I believe that
19 the captain has testified based on his knowledge
20 of the area and what he has going on in the 600
21 block, and based on the capacity of these two
22 clubs together in the 600 block that he has to
23 employ resources in that area, and my question
24 goes to, who's the cause of the resources? And if
25 he's going to say that it's now only the cause of

1 Club Bari, I don't think that that's quite
2 accurate and not appropriate.

3 CHAIRMAN BOHL: I'm going to allow that,
4 with -- I'm going to ask you to be, to have some
5 brevity in directing those questions. That's
6 fine.

7 We'll have Alderman Zielinski move to
8 make the police report for Habib Manjee, Lady Bug
9 Club, LLC, part of our official record in this
10 proceeding. Are there any objections by the
11 Committee? Hearing none, so ordered.

12 Are you going to allow a submission of
13 this to be provided here to the captain, or are
14 you going to ask --

15 ATTORNEY ARENA: I'm going to hand it to
16 the captain right now, let him look at it, answer
17 my simple question, and I'm going to move on from
18 this line of questioning. I understand that
19 brevity is important. I don't want to be the
20 cause of you guys missing dinner tonight.

21 CHAIRMAN BOHL: We're not going to make
22 dinner, but, please, move on anyway.

23 ATTORNEY ARENA: My question, Captain,
24 was, first off, and I'll break it down so it goes
25 faster and it's easier, how many incidents are on

1 the police report there for 618 Live?

2 CAPTAIN BASTING: 39.

3 ATTORNEY ARENA: And what year --

4 CAPTAIN BASTING: I'm sorry, there is
5 one more page; 40.

6 ATTORNEY UNORA: Mr. Chairman, is this
7 relating to the license period we're talking about
8 now, or does this go beyond that? Because the
9 first date I saw was 2009.

10 CHAIRMAN BOHL: Mr. Unora, I'm going to
11 ask you not to interrupt.

12 ATTORNEY ARENA: I'm going to lay the
13 rest of that, I'm going to ask those questions,
14 Jay, okay?

15 In what year did those incidents start?

16 CAPTAIN BASTING: April 24, 1999.

17 ATTORNEY ARENA: And how many incidents
18 were the year of 2009 and 2010? I believe that
19 would be the last year that's on that report.

20 CAPTAIN BASTING: Okay. Starting in
21 February of 2009.

22 ATTORNEY ARENA: Just tell us how many
23 there are.

24 CAPTAIN BASTING: Ten, ending October
25 18, 2009.

1 ATTORNEY ARENA: Okay, so that was
2 February to October 2009. And then we have in
3 this matter, and it was your testimony that, and I
4 believe it's part of this committee meeting notice
5 today, that the report for this location, Club
6 Bari, lists that there are six items starting on
7 June 3, 2010, and ending October 24, 2010, is that
8 right?

9 CAPTAIN BASTING: I don't know. I'd
10 have to take your word for it.

11 CHAIRMAN BOHL: I will corroborate that
12 is the case on the police report.

13 ATTORNEY ARENA: The police report that
14 was written into the record, were you here and did
15 you listen to the police report written into the
16 record?

17 CAPTAIN BASTING: Yes.

18 ATTORNEY ARENA: Okay. And you were
19 familiar with that one item. And that one item
20 being Item No. 2, that there was a call from an
21 individual working at 618 North Water Street who
22 claimed that somebody was having a problem or
23 making a problem in his line and that that person
24 must have come from Club Bari, is that correct?

25 CAPTAIN BASTING: That's correct.

1 ATTORNEY ARENA: And that individual was
2 trying to gain entrance into 618 Live, I believe,
3 is that correct?

4 CAPTAIN BASTING: Correct.

5 ATTORNEY ARENA: What investigation was
6 there to determine if, in fact, that individual
7 was a patron or at Club Bari other than this
8 security guard, Mr. Haget, saying that?

9 CAPTAIN BASTING: I'm unaware of any
10 investigation relative to that.

11 ATTORNEY ARENA: Club 618 Live is almost
12 three times the size of capacity in the 600 block,
13 correct?

14 CAPTAIN BASTING: Correct.

15 ATTORNEY ARENA: And they are a draw and
16 they often have lines outside of their location,
17 is that correct?

18 CAPTAIN BASTING: That's correct.

19 ATTORNEY ARENA: Now, you've given
20 testimony here prior to today that you reviewed
21 the incident of 10/10/10, and you were not present
22 at 10/10/10, 2:10 a.m., Item No. 5 on the police
23 report, correct?

24 CAPTAIN BASTING: That's correct.

25 ATTORNEY ARENA: But you reviewed the

1 incident on the pole cam?

2 CAPTAIN BASTING: Yes, sir.

3 ATTORNEY ARENA: And the pole cam is
4 there to depict or record the images of what is
5 going on at a particular location, correct?

6 CAPTAIN BASTING: Yes.

7 ATTORNEY ARENA: When is the last time
8 you reviewed this video?

9 CAPTAIN BASTING: Prior to our last
10 hearing, a couple of months ago.

11 ATTORNEY ARENA: And would you agree
12 with me that this video depicts 618 Live letting
13 out over 15 minutes early and a large crowd
14 streaming onto the street of 618 Live?

15 CAPTAIN BASTING: Yes.

16 ATTORNEY ARENA: And the pole cam at
17 first is only showing that activity, people
18 leaving 618 Live?

19 CAPTAIN BASTING: Correct.

20 ATTORNEY ARENA: And eventually, the
21 people and the pole cam moved following the people
22 from 618 Live to the area of Club Bari?

23 CAPTAIN BASTING: Yes.

24 ATTORNEY ARENA: And, in fact, there is
25 not a line of patrons outside of Club Bari, is

1 there?

2 CAPTAIN BASTING: No, sir.

3 ATTORNEY ARENA: And these individuals
4 that were leaving 618 Live 15 minutes early -- and
5 by the way, do you remember if that was a Friday
6 night, Saturday night? Do you remember what night
7 of the week it was?

8 CAPTAIN BASTING: I do not.

9 ATTORNEY ARENA: Well, if they closed 15
10 minutes early and it says 2:10 a.m. is when
11 assistance was called, that probably was a weekend
12 night, correct?

13 CAPTAIN BASTING: Yes.

14 ATTORNEY ARENA: We can surmise that
15 from those facts?

16 CAPTAIN BASTING: Yes.

17 ATTORNEY ARENA: And what you actually
18 see is that these individuals streaming out of one
19 place are trying to gain entry into Club Bari, is
20 that right?

21 CAPTAIN BASTING: I do not recall that.

22 I know that 618 was exiting, the camera moves and
23 gets Club Bari exiting as well.

24 ATTORNEY ARENA: You actually -- what's
25 actually depicted, and you said this, there was no

1 line in front of Club Bari?

2 CAPTAIN BASTING: I believe not, no.

3 ATTORNEY ARENA: And Club Bari security
4 wears red shirts, is that right?

5 CAPTAIN BASTING: Not all of the time,
6 but, yes.

7 ATTORNEY ARENA: Green shirts, a solid
8 dark color?

9 CAPTAIN BASTING: Right.

10 ATTORNEY ARENA: And actually, what the
11 video depicts is that the security is standing in
12 the door not allowing this drawing of people from
13 618 Live entering Club Bari, is that right?

14 CAPTAIN BASTING: I would have to review
15 that again today.

16 ATTORNEY ARENA: Mr. Chairman, I did
17 bring the video with me. I think that it is an
18 important point.

19 CHAIRMAN BOHL: And Mr. Arena, I'll be
20 happy to, as part of your 30-minute timeframe,
21 allow you to play that.

22 ATTORNEY ARENA: I think he has given
23 testimony that he saw certain items on this tape
24 that I don't believe is here, and I don't think
25 that should be part of my 30 minutes.

30

1 CHAIRMAN BOHL: It is part of your 30
2 minutes.
3 ATTORNEY ARENA: It's their witness.
4 Okay, well, then I ask that we show the first two
5 minutes of this, and I'll take it off of my 30
6 minutes. I guess I have 28 minutes left.
7 CHAIRMAN BOHL: All right, that's fine.
8 ATTORNEY ARENA: And until that's ready,
9 I can go on to some other questions.
10 CHAIRMAN BOHL: Go ahead.
11 ATTORNEY ARENA: Now, Captain Basting,
12 you actually had an additional meeting recently
13 with Mr. Morgese and Mr. Cesarz, and myself and
14 Mr. Unora were present?
15 CAPTAIN BASTING: Yes.
16 ATTORNEY ARENA: And we discussed the
17 issues of what has been happening at Club Bari
18 since these incidents in the police report which
19 go back to October 24, 2010, October 10, 2010,
20 correct?
21 CAPTAIN BASTING: Correct.
22 ATTORNEY ARENA: And before this
23 Committee today, there are no additional PA-33s
24 added in this notice, correct?
25 CAPTAIN BASTING: Correct.

31

1 ATTORNEY ARENA: So since October of
2 2010, there have not been incidents at Club Bari
3 that have risen to the level that a PA-33 was
4 presented here to this Committee, correct?
5 CAPTAIN BASTING: Correct.
6 ATTORNEY ARENA: And Mr. Morgese
7 presented to you with his security plan, is that
8 correct?
9 CAPTAIN BASTING: Yes.
10 ATTORNEY ARENA: And I have copies of
11 that I'd like to submit into the record. I need
12 to know, is my entire cross examination being
13 taken off of my 30 minutes?
14 CHAIRMAN BOHL: No.
15 And I'll ask the assistant city
16 attorney, that is per your advice, correct?
17 Because otherwise, I'm going to get the attorney
18 questioning me.
19 ATTORNEY STEPHENS: Typically speaking,
20 the practice of the Committee has been that when
21 the license applicant offers evidence contrary to
22 the police report, because the police report is
23 not part of the 30 minutes, that you afford the
24 same opportunity to the license applicant.
25 However, it seems though that there is additional

32

1 evidence that is going aside from that. And it's
2 making it more and more difficult for the Chair
3 and the Committee to understand where, at what
4 point is the license applicant attacking the
5 testimony or the evidence that was offered by the
6 police report versus bringing up new issues.
7 CHAIRMAN BOHL: Correct. I'm going to
8 -- I may wind up stopping you and saying specify
9 in terms of testimony that is provided as opposed
10 to -- you can cross a fine line and literally
11 start to raise other issues to refute the police
12 report, which comes on your time versus testimony
13 provided by the captain.
14 ATTORNEY ARENA: Okay.
15 CHAIRMAN BOHL: I'm going to -- I'm
16 being generous right now; I may be reining in
17 soon. I'm just warning you of that.
18 ATTORNEY ARENA: I appreciate you
19 letting me know when it's --
20 CHAIRMAN BOHL: We will have Alderman
21 Zielinski move to make the submission by Mr. Arena
22 on the Club Bari security part of our official
23 record in this proceeding. Hearing no objections
24 to that, so ordered.
25 Please proceed.

33

1 Say that out loud please.
2 THE CLERK: The disc cannot play. It's
3 data format; it needs to be video format.
4 ATTORNEY ARENA: Well, that was provided
5 by the police department, so whatever format they
6 provided to me is the format that it comes in.
7 ATTORNEY UNORA: I may have a disc that
8 will play. It should be the same thing.
9 CHAIRMAN BOHL: Is there a specific --
10 now here is what I would ask, Mr. Arena, of you,
11 was there a specific timeframe? I don't know if
12 this was an hour submission where you have it
13 broken down to two minutes?
14 ATTORNEY ARENA: It's right at the
15 beginning. It's the first minute, not even two
16 minutes.
17 ATTORNEY UNORA: It should be. I
18 reviewed that this morning, so it should show.
19 CHAIRMAN BOHL: Why don't you continue
20 until we determine if it does play or not, Mr.
21 Arena, in the interest of time, for those
22 individuals who are here in waiting for the
23 afternoon agenda.
24 ATTORNEY ARENA: Captain Basting, how
25 many times have you yourself been present in Club

1 Bari?

2 CAPTAIN BASTING: Maybe a half-dozen
3 times since opening.

4 ATTORNEY ARENA: Do you keep with you a
5 list of music that tells you what a pop 40 song is
6 and what a top 40 is?

7 CAPTAIN BASTING: No, I don't.

8 ATTORNEY ARENA: So when you walk in
9 there and you hear a song, you don't know if it's
10 top 40 or popular dance necessarily at that
11 moment, is that right?

12 CAPTAIN BASTING: That's correct.

13 ATTORNEY ARENA: And do you write down
14 the songs and the artists that you're hearing to
15 go back and check out whether or not that is, in
16 fact, a top 40?

17 CAPTAIN BASTING: No, I do not.

18 ATTORNEY ARENA: Okay. Now, you -- you
19 gave some testimony in response to a question from
20 Mr. Unora, you made the statement that you
21 believed that this was not being operated within
22 the plan of operation. Did you review the plan of
23 operation when Club Bari opened back in October?
24 When you met with Mr. Morgese, did you review the
25 plan of operation?

1 CAPTAIN BASTING: Yes, Italian-style,
2 Frank Sinatra. I do know what Frank Sinatra would
3 sound like; that I do.

4 ATTORNEY ARENA: Do you review the
5 application that is submitted to the Council?

6 CAPTAIN BASTING: Not before it's
7 submitted to the Council, no.

8 ATTORNEY ARENA: Do you review the
9 application after it's submitted to the Council?

10 CAPTAIN BASTING: I had the opportunity
11 to this time, yes, and watched the testimony for
12 this Council.

13 ATTORNEY ARENA: We're just talking
14 about the application that's submitted, and what's
15 written in Page 3 and 4 is a bar and grill-style
16 lounge, is that right?

17 CAPTAIN BASTING: If that's what's
18 written there, yes.

19 ATTORNEY ARENA: Do you want me to show
20 it to you?

21 CAPTAIN BASTING: I've reviewed it, so
22 if that's a copy, I can't dispute that.

23 That's correct.

24 ATTORNEY ARENA: You're familiar with
25 the page that lists the types of music?

1 CHAIRMAN BOHL: Mr. Arena, I will
2 apologize and ask for you to utilize the
3 microphone.

4 ATTORNEY ARENA: I'm trying to, you
5 know, keep it going.

6 CHAIRMAN BOHL: I understand. You're
7 not having it count against you, but it does count
8 against the fact that it makes it easier for us to
9 have not only a written transcript but also a
10 video audio, audio video.

11 ATTORNEY ARENA: Okay.

12 CHAIRMAN BOHL: Audiovisual.

13 ATTORNEY ARENA: That's the official
14 submission or application and it marks off 14
15 different types of music, I believe, more than
16 five, right?

17 CAPTAIN BASTING: Yes.

18 ATTORNEY ARENA: Some of those are
19 popular music and dance, right?

20 CAPTAIN BASTING: Yes.

21 ATTORNEY ARENA: And was your testimony
22 that you don't keep a chart of music or don't know
23 who the artists are, so when you walk in there
24 yourself, you cannot say you personally have
25 observed music that is not checked off of those

1 categories, isn't that correct?

2 CAPTAIN BASTING: Well, I've personally
3 observed hip-hop music, and that is not checked
4 off on here.

5 ATTORNEY ARENA: But hip-hop music can
6 be in the top 40 category, can it not?

7 CAPTAIN BASTING: If you say so.

8 CHAIRMAN BOHL: I'll say so, it is. The
9 big dilemma is, not all hip-hop music is top 40.

10 Some of it is; some of it isn't.

11 SPEAKER: Should review that on roll
12 call.

13 CHAIRMAN BOHL: Are we going to go over
14 the Billboard top 40 list here?

15 ATTORNEY ARENA: Well, I don't think --

16 CHAIRMAN BOHL: You have to also go back
17 to previous months and have a recollection as well
18 too if you're playing something that is four
19 months old that is no longer or was.

20 ATTORNEY ARENA: Now, you're familiar
21 with what the definition of tavern dance is,
22 whether it actually appears in the application,
23 correct?

24 CAPTAIN BASTING: Yes.

25 ATTORNEY ARENA: And tavern dance was

1 checked off in this application when you reviewed
 2 it prior to this license being issued, correct?
 3 CAPTAIN BASTING: Yes.
 4 ATTORNEY ARENA: And tavern dance allows
 5 for the playing of music and dancing and playing
 6 music by a DJ, correct?
 7 CAPTAIN BASTING: Yes.
 8 ATTORNEY ARENA: And presumably, it
 9 would allow playing of music that are checked off
 10 within the 14 categories on that application that
 11 you just saw, correct?
 12 CAPTAIN BASTING: Yes.
 13 ATTORNEY ARENA: Now, there has been a
 14 statement here and a letter that's been read from
 15 -- tell us, do you know what an Italian-style
 16 sports lounge would be?
 17 CAPTAIN BASTING: I believe I do.
 18 ATTORNEY ARENA: That would a place that
 19 would have somewhat of an Italian theme and
 20 probably playing sports on a big screen?
 21 CAPTAIN BASTING: Big screens, yes,
 22 correct.
 23 ATTORNEY ARENA: Club Bari has big
 24 screens that play sports, correct?
 25 CAPTAIN BASTING: Yes, they do.

1 ATTORNEY ARENA: And you're -- the times
 2 that you have gone into Club Bari, have you ever
 3 seen anything other than, oh, I don't know, ESPN
 4 or sports being played on those screens?
 5 CAPTAIN BASTING: There was a period of
 6 time when they were not, but then they came back
 7 after our meeting and played sports back again.
 8 ATTORNEY ARENA: Back in October, the
 9 October meeting?
 10 CAPTAIN BASTING: Yeah, the October
 11 meeting.
 12 ATTORNEY ARENA: And that's been going
 13 on since October 2010, so for almost eight to nine
 14 months?
 15 CAPTAIN BASTING: That's correct.
 16 ATTORNEY ARENA: I believe that the
 17 language that was cited by Alderman Bauman from
 18 this letter talks about a Chicago-style sports
 19 lounge. What is bar time in Chicago?
 20 CHAIRMAN BOHL: That's an irrelevant
 21 question.
 22 ATTORNEY ARENA: Do you know what a
 23 Chicago-style lounge would be?
 24 CAPTAIN BASTING: I've been in
 25 Chicago-style lounges.

1 ATTORNEY ARENA: And they probably play
 2 music and have music and have dancing, don't they?
 3 CAPTAIN BASTING: Yes, they do.
 4 ATTORNEY ARENA: Are you familiar -- do
 5 you review any of the information that's online or
 6 advertised about a location? Do you do research
 7 on a location?
 8 CAPTAIN BASTING: We have in the past,
 9 yes, prior to the October meeting.
 10 ATTORNEY ARENA: And this is from a
 11 website called FUEL Milwaukee that says, "Club
 12 Bari brings Milwaukee a touch of Italian-style and
 13 social sensibility, inspired by the city of Bari's
 14 dusk-till-dawn party and restaurant scene. Club
 15 Bari boasts an early bird happy hour --"
 16 CHAIRMAN BOHL: I'm going to rule that
 17 irrelevant to questioning here at this point. And
 18 the reason is, that is a submission. If you wish
 19 to submit that on your time, Mr. Arena, submit
 20 that on your time. Your reading an article to the
 21 captain is not relevant in my viewpoint in terms
 22 of questioning.
 23 ATTORNEY ARENA: Well, it's no different
 24 than Alderman Bauman reading --
 25 CHAIRMAN BOHL: I'm making a ruling.

1 ATTORNEY ARENA: Okay.
 2 CHAIRMAN BOHL: The ruling, unless it is
 3 overruled by the Committee, stands.
 4 ATTORNEY ARENA: All right. I will
 5 submit all of this information as exhibits, and
 6 I'll move on.
 7 Were you aware that Club Bari has a
 8 salsa night, still has a salsa night regularly?
 9 CAPTAIN BASTING: I'm not aware of that.
 10 ATTORNEY ARENA: What are the times of
 11 day that you have been present at Club Bari?
 12 CAPTAIN BASTING: Very late; after
 13 midnight.
 14 ATTORNEY ARENA: Have you ever been
 15 there prior to midnight? Have you ever been there
 16 at 5:00, 6:00 in the evening?
 17 CAPTAIN BASTING: Usually not, no.
 18 ATTORNEY ARENA: You have never been
 19 there during the day?
 20 CAPTAIN BASTING: When they first
 21 opened. Of course, I work during the day
 22 downtown, so I'm always going up and down Water
 23 Street.
 24 ATTORNEY ARENA: Now, you said in
 25 response to a question from Attorney Unora that

1 you had dispersed personnel differently, but you
2 have to do it in a certain way because of two
3 locations on the 600 block of Water Street.

4 CAPTAIN BASTING: Yes.

5 ATTORNEY ARENA: And if -- you have
6 started apparently sometime this summer a special
7 enforcement, and what do you call that
8 enforcement?

9 CAPTAIN BASTING: Responsible
10 entertainment deployment.

11 ATTORNEY ARENA: And that is deployment
12 that goes to many entertainment districts?

13 CAPTAIN BASTING: Yes.

14 ATTORNEY ARENA: And that includes some
15 entertainment areas on Milwaukee Street?

16 CAPTAIN BASTING: Yes.

17 ATTORNEY ARENA: Old World Third Street?

18 CAPTAIN BASTING: Yes.

19 ATTORNEY ARENA: And North Water Street?

20 CAPTAIN BASTING: Yes.

21 ATTORNEY ARENA: And there is probably
22 even more than that too, I believe, North Avenue?

23 CAPTAIN BASTING: North Avenue, Brady
24 Street and The Third Ward.

25 ATTORNEY ARENA: And if you were going

1 to deploy individuals away from the 600 block of
2 Water Street, you would deploy them to those other
3 entertainment districts, correct?

4 CAPTAIN BASTING: Correct, based on
5 what's going on.

6 ATTORNEY ARENA: Do we have the video?
7 Does it work?

8 THE CLERK: Same issue.

9 ATTORNEY ARENA: Same issue, okay.

10 Well, I guess I would submit a copy of that video
11 to this Committee, and I would submit that it
12 clearly shows and depicts that what actually
13 occurred is individuals were not allowed to enter
14 from 618 into Club Bari, and those individuals
15 stared a physical confrontation over not being
16 allowed entry. And I have a witness who was
17 present and will testify to those events that he
18 personally observed.

19 CHAIRMAN BOHL: That's fine. At that
20 time, we will take the witness' testimony as it is
21 sworn testimony, Mr. Arena.

22 ALDERMAN ZIELINSKI: Mr. Chairman, for
23 clarification, we're taking the witness testimony,
24 but we're not going to admit the video if we
25 cannot view and use that, correct?

1 CHAIRMAN BOHL: Correct.

2 And at this time, Alderman Zielinski
3 would move to make the multiple-page submission by
4 Mr. Arena that has a number of e-mail pages that
5 have FUEL Milwaukee on top as part of our official
6 record in this proceeding. Hearing no objections
7 to that, so ordered.

8 ATTORNEY ARENA: Okay. I just have a
9 few brief matters to conclude here with the
10 captain.

11 Are you familiar with a location known
12 as Pizza Shuttle?

13 CAPTAIN BASTING: Yes.

14 ATTORNEY ARENA: Now, the name Pizza
15 Shuttle connotes that it's a pizza restaurant?

16 CHAIRMAN BOHL: Absolutely irrelevant at
17 this point. Not relevant.

18 ATTORNEY ARENA: Well, somebody is
19 saying we didn't follow the plan of operation, and
20 I have --

21 CHAIRMAN BOHL: I'll --

22 ATTORNEY ARENA: -- I have to have the
23 latitude to demonstrate that.

24 CHAIRMAN BOHL: Mr. Arena, I don't mind
25 your making the case that you are following the

1 submitted plan of operation for this location.
2 For you to ask the captain regarding other places
3 is not relevant in my viewpoint. And I will start
4 docking you time if you continue to proceed in
5 that line.

6 ATTORNEY ARENA: Okay. I'd like to
7 submit into the record the license investigation
8 unit report for Pizza Shuttle, for Molly Cool's
9 Seafood Tavern and for Scooter's.

10 CHAIRMAN BOHL: Is there a desire for
11 submission by a member of the council?

12 ALDERMAN KOVAC: I mean, sure, it's
13 dated, we already have it. I just want to state
14 just for the record, when the Pizza Shuttle stuff
15 happened a couple years ago, he wasn't even the
16 captain of District 1. I was the alderman of the
17 area, so you can discuss that if you want to.

18 ATTORNEY ARENA: Well, I'm submitting it
19 separately outside of his testimony right now.

20 ALDERMAN KOVAC: I'm just saying, asking
21 him questions --

22 ATTORNEY ARENA: I'm not asking him
23 questions.

24 CHAIRMAN BOHL: I will just state, we
25 can have a motion, and if it's objected -- if

1 there is a desire for a motion, I'm going to tell
2 you on the record, I'm going to object.

3 ALDERMAN ZIELINSKI: I'm not going to
4 make the motion.

5 CHAIRMAN BOHL: No, this is an issue
6 where any alderman on the body can make a motion
7 to say, "I wish to accept."

8 ALDERMAN KOVAC: You don't want us to?

9 CHAIRMAN BOHL: I'm personally going to
10 object, but there has to be a majority that
11 objects.

12 ALDERMAN ZIELINSKI: I won't be going
13 to.

14 CHAIRMAN BOHL: You are or are not?

15 ALDERMAN ZIELINSKI: I'm not.

16 CHAIRMAN BOHL: Any other member wishing
17 to make a motion to accept this material? There
18 is no willingness to accept that material. And my
19 ruling will be that the material is not relevant
20 to the particular hearing that we have before us.

21 ATTORNEY ARENA: That's fine. It's
22 already actually been entered into evidence before
23 the court, so it's in.

24 CHAIRMAN BOHL: Well, that's my point.

25 ATTORNEY ARENA: But I would think that

1 you would want all of the information so that you
2 can make a fair, reasonable, just decision.

3 CHAIRMAN BOHL: What you submit as part
4 of your written objections is very different from
5 what this Committee deems as relevant evidence
6 with the particular establishment before us. It's
7 been submitting as part of your written
8 objections. It doesn't mean that this Committee
9 deems that it's relevant with the license
10 application before us.

11 ATTORNEY ARENA: Okay. Just one point
12 of clarification then. Mr. Chairman, if you don't
13 mind, could I have your indulgence and ask this
14 question? When we started out this hearing today,
15 Attorney Stephens had stated that this hearing was
16 proceeding as though the first one had never
17 occurred.

18 CHAIRMAN BOHL: Correct.

19 ATTORNEY ARENA: And we're talking about
20 information that was submitted with the written
21 objection as a result of the first hearing.

22 CHAIRMAN BOHL: Which is --

23 ATTORNEY ARENA: Now, it's not before
24 the --

25 CHAIRMAN BOHL: That's right. That's

1 right. And just because you submitted it as part
2 of your written objection to the finding of the
3 Common Council.

4 ATTORNEY ARENA: And --

5 CHAIRMAN BOHL: My point in that is,
6 just because you submitted it to the court doesn't
7 mean that this body ever deemed it relevant in
8 terms of making that comparison.

9 ATTORNEY ARENA: But that is why I need
10 to submit it now, so that it's in the record, so
11 that it can be --

12 CHAIRMAN BOHL: And I am -- there has
13 been no motion made, and I am making a judgment
14 from the Chair's position and saying that is
15 irrelevant to take as evidence, and there has been
16 no motion otherwise on the part of this particular
17 committee to accept that as relevant information
18 in this particular hearing.

19 ATTORNEY ARENA: Okay, thank you,
20 Mr. Chairman. I'll move on.

21 No further questions of Captain Basting.

22 CHAIRMAN BOHL: Mr. Unora.

23 ATTORNEY UNORA: Yes, briefly. Thank
24 you, Chair.

25 Captain, regarding the statement --

1 CHAIRMAN BOHL: Were you finished with
2 the captain, or did you have redirect?

3 ATTORNEY UNORA: No, that's where I'm
4 going, thank you.

5 Regarding the statement Counsel Arena
6 made that said there was no incident that rose to
7 a PA-33 since October, do you believe that is
8 because of your redeployment of manpower to the
9 600 block of North Water Street?

10 ATTORNEY ARENA: I'll object, that's
11 irrelevant and possibly can't even be verified or
12 proven. The fact is, they don't exist.

13 CHAIRMAN BOHL: I'm going to allow him
14 to answer that question. So your objection will
15 be duly noted.

16 ALDERWOMAN COGGS: Can you repeat the
17 question?

18 ATTORNEY UNORA: Counsel Arena stated
19 that there was no incident that rose to the
20 submission of a PA-33 since October regarding Club
21 Bari, and I wanted to know if it was the captain's
22 opinion if that is because of his redeployment of
23 manpower to the 600 block of North Water.

24 ATTORNEY ARENA: I'll object, his
25 opinion is irrelevant.

1 CHAIRMAN BOHL: I'll allow his opinion.
 2 CAPTAIN BASTING: I think it's twofold:
 3 one, it is correct, based on our deployment, and
 4 we are being more proactive down at Club Bari; and
 5 two, the steps that your client took, together, I
 6 think made a difference on the 600 block and North
 7 Water.

8 ATTORNEY UNORA: Captain Basting, also
 9 Attorney Arena asked you a question about
 10 advertising on websites. Have you viewed any
 11 advertisement on any websites regarding Club Bari?

12 CAPTAIN BASTING: Yes, I have.

13 ATTORNEY UNORA: And what did those
 14 advertising on websites reflect to you?

15 CAPTAIN BASTING: Promoted hip-hop
 16 events.

17 ATTORNEY UNORA: Were there any other,
 18 other than what you would connote as promoted
 19 hip-hop events that you witnessed?

20 CAPTAIN BASTING: This goes back prior
 21 to that October, there may have been one or two.

22 ATTORNEY UNORA: And finally, there was
 23 a submission by Counsel Arena about the security
 24 for Club Bari, when did you first see this
 25 submission?

1 CAPTAIN BASTING: Two weeks ago.

2 ATTORNEY UNORA: So that actually did
 3 not happen during the license period?

4 CAPTAIN BASTING: They took some of
 5 those steps, but I had not received a written
 6 copy.

7 ATTORNEY UNORA: No further questions of
 8 the captain.

9 ALDERMAN ZIELINSKI: I have a question
 10 of the captain here. Earlier you mentioned that
 11 the site promoted hip-hop events, what drew you to
 12 lead to that conclusion? Did they actually use
 13 the words hip-hop, for example?

14 CAPTAIN BASTING: The flyers, the type
 15 of music that was played.

16 ALDERMAN ZIELINSKI: So it had the words
 17 "hip-hop" on it?

18 CAPTAIN BASTING: I don't recall.

19 ALDERMAN ZIELINSKI: Something that
 20 would lead you to --

21 CAPTAIN BASTING: Yes, lead you to
 22 believe they were promoting hip-hop.

23 ALDERMAN ZIELINSKI: Okay, thank you.

24 CHAIRMAN BOHL: Captain, if I may, one
 25 follow-up question. Along with the redeployment

1 of resources, you make the submission that the
 2 applicant before us here today met with you and
 3 made some changes, and that has led to a reduction
 4 to the point where you've had no PA-33s in a
 5 period of eight months. Why is the department or
 6 why are you officially here as having a stance of
 7 objecting to the license?

8 CAPTAIN BASTING: What we still see are,
 9 we've got Club 618 that's been spoke of here, they
 10 have been proactive at their door and refuse entry
 11 to people that have had issues in the past. What
 12 my officers can provide direct testimony to is
 13 people that are denied access to 618, routinely
 14 will gain access into Club Bari. And the reason
 15 that Club 618 will leave early is they will gauge
 16 the temperament of both crowds, and that was a
 17 concern I have, that the close proximity of these
 18 two establishments, 618 will be proactive, and he
 19 will let his group out early so that they have an
 20 opportunity to leave before the other group would
 21 exit.

22 CHAIRMAN BOHL: So one lets their
 23 patrons out sooner than the other here in the
 24 night?

25 CAPTAIN BASTING: Once in a while, not

1 all of the time, based on what 618 will see.

2 CHAIRMAN BOHL: But just raising a tough
 3 question though, as long as any place does not
 4 allow patrons to sit around after hours, what
 5 relevance is it whether they let them out a
 6 half-hour early or wait until five or ten minutes
 7 before closing time to let them out in the
 8 determination of the police department as to
 9 whether or not the department is going to
 10 officially take a stand to object to a license? I
 11 mean, I could see if they are letting them out 20
 12 minutes after the fact because then they are
 13 violating the hours. But up to that point of
 14 where the statutory requirement allows that 2:00
 15 weeknights, 2:30 weekends, what relevance is it in
 16 terms of who they allow in as long as they are not
 17 generating police reports and creating those
 18 problems as to why the department would,
 19 yourself/department, to object to a license?

20 CAPTAIN BASTING: Based on what my
 21 officers are seeing there, like I had mentioned,
 22 one group lets out early so that they can leave
 23 the area before the other club exits. Exiting
 24 both crowds at the same time elicits a larger
 25 police response from me typically than what I

1 would have to have in other areas.
 2 Things have been better. We mentioned
 3 this morning at our discussion how in the last
 4 five weeks I have not had an aggravated assault
 5 anywhere in my entertainment district. So I know
 6 that putting consistent officers and being
 7 proactive in all of those entertainment areas is
 8 paying a dividend for us. But I do
 9 disproportionately have to put officers down for
 10 two clubs; whereas, typically, I would have the
 11 same amount of officers on a Milwaukee Street or a
 12 Brady Street.

13 CHAIRMAN BOHL: Okay. I just -- I think
 14 that that's problematic. Then the police
 15 department should be objecting to Summerfest,
 16 because you send a lot of officers there, way
 17 more. You should be objecting to, unfortunately
 18 -- I mean, using that logic, you should be
 19 objecting to Bastille Days, and a lot of other
 20 things. I mean, as far as I can understand the
 21 concern of more places the more you're going to
 22 have to spend resources, but if they are legally
 23 approved and as long as they are not violations,
 24 more bodies meaning more people having to
 25 disseminate shouldn't be the point at which the

1 department chooses to object to a license or not
 2 object to a license. I just, I don't see the
 3 logic in that; I just don't.

4 ATTORNEY ARENA: Mr. Chairman, could I
 5 please ask a question? If you're not done, I
 6 don't mean to interrupt.

7 CHAIRMAN BOHL: Go ahead.

8 ATTORNEY ARENA: Captain Basting, when
 9 did you start the deployment of the -- I forget
 10 what you called it, the entertainment zone
 11 district?

12 CAPTAIN BASTING: After Labor Day.

13 ATTORNEY ARENA: Labor Day, so --

14 CAPTAIN BASTING: Five weekends.

15 ATTORNEY ARENA: Do you mean Memorial
 16 Day?

17 CAPTAIN BASTING: I'm sorry, Memorial
 18 Day, correct.

19 ATTORNEY ARENA: You started it this
 20 summer?

21 CAPTAIN BASTING: Yes.

22 ATTORNEY ARENA: And Club Bari has not
 23 had an incident in its record or PA-33 since
 24 October, much, a longer period than Memorial Day.

25 CAPTAIN BASTING: That's correct. That

1 doesn't mean I haven't had more deployment.

2 ATTORNEY ARENA: You said you saw some
 3 flyers, are you talking about these flyers that
 4 are in the record that have been put in the notice
 5 that these promoted hip-hop events?

6 CAPTAIN BASTING: Yes.

7 ATTORNEY ARENA: Do you know who DJ
 8 Infotech is?

9 CAPTAIN BASTING: No, I do not.

10 ATTORNEY ARENA: And techno is a type of
 11 music, is it not?

12 CAPTAIN BASTING: I believe it is, yes.

13 ATTORNEY ARENA: And it's not hip-hop,
 14 is it? It's not considered hip-hop to your
 15 knowledge?

16 CAPTAIN BASTING: I wouldn't -- to my
 17 knowledge.

18 ATTORNEY ARENA: Does the word "hip-hop"
 19 appear on this, what's in the record?

20 CAPTAIN BASTING: I can't --

21 ATTORNEY ARENA: Does that notice say
 22 the word hip-hop on it anywhere?

23 CAPTAIN BASTING: This was the one that
 24 you showed me.

25 ATTORNEY ARENA: Yeah, you can go to the

1 other one. Do either of those say hip-hop?

2 CAPTAIN BASTING: No, they do not.

3 ATTORNEY ARENA: Do you even know who DJ
 4 Stretch or DJ Infotech is?

5 CAPTAIN BASTING: No, I do not.

6 ATTORNEY ARENA: Now, you said that --
 7 earlier you testified that 618 had 30-some odd
 8 incidents in their police report, correct?

9 CAPTAIN BASTING: Correct.

10 ATTORNEY ARENA: And you're saying that
 11 people that are enticed or brought to 618 but yet
 12 not allowed into 618, so 618 attracts those people
 13 to 600 North Water Street, is that not correct?

14 CAPTAIN BASTING: Correct.

15 ATTORNEY ARENA: And they are not
 16 allowed in, so they, you believe, they then go to
 17 Club Bari?

18 CAPTAIN BASTING: I've personally
 19 witnessed that, yes.

20 ATTORNEY ARENA: Okay. Did anybody tell
 21 Club Bari that 618 has not allowed them in, and is
 22 that a legal impediment for them allowing somebody
 23 into their club anyway?

24 CAPTAIN BASTING: It's not an illegal
 25 impediment, no.

1 ATTORNEY ARENA: Did anybody put them on
2 notice, you know, this guy is not being allowed in
3 over there, did anybody from 618 go tell anybody
4 at Club Bari, don't let that person in, we're not
5 letting him in?

6 CAPTAIN BASTING: I'm not aware of that.

7 ATTORNEY ARENA: You did not witness
8 that?

9 CAPTAIN BASTING: I did not personally
10 do it.

11 ATTORNEY ARENA: You are aware that, and
12 you have been informed that Club Bari does have a
13 strict dress code?

14 CAPTAIN BASTING: Yes.

15 ATTORNEY ARENA: It is true, is it not,
16 that from your observation, the dress code is
17 enforced?

18 CAPTAIN BASTING: Yes.

19 ATTORNEY ARENA: Do these individuals
20 that leave 618, that you see that are barred from
21 618, do they meet the requirements of the dress
22 code at Club Bari, did they, if you can recall?

23 CAPTAIN BASTING: I can't recall.

24 ATTORNEY ARENA: No further questions at
25 this time.

1 CHAIRMAN BOHL: Thank you, Captain.

2 ATTORNEY UNORA: Next, will be Sergeant
3 Randow.

4 SERGEANT RANDOW: Sergeant Scott Randow,
5 R-A-N-D-O-W. I work in District No. 1, late
6 shift. I'm a street supervisor.

7 ATTORNEY UNORA: Sergeant, how long have
8 you been so assigned in that position?

9 SERGEANT RANDOW: Approximately
10 two-and-a-half years.

11 ATTORNEY UNORA: And what is your
12 experience regarding Club Bari in the 600 block of
13 North Water?

14 SERGEANT RANDOW: I have seen disorderly
15 subjects coming out. I've seen fights occur
16 outside.

17 ATTORNEY UNORA: Is this outside of Club
18 Bari, or outside of 618?

19 SERGEANT RANDOW: Outside of Club Bari
20 and 618.

21 ATTORNEY UNORA: Are you in charge of
22 assigning officers during your shift as to
23 manpower for response to crowds and disturbances?

24 SERGEANT RANDOW: Yes.

25 ATTORNEY UNORA: And how do you relate

1 the area of 600 North Water to the rest of your
2 district on a day-to-day occurrence?

3 ATTORNEY ARENA: I'm going to have to
4 object. That's irrelevant.

5 ATTORNEY UNORA: Well --

6 ATTORNEY ARENA: You know, how are we
7 going to compare North Water Street to Old World
8 Third Street? Because there is business activity,
9 now the automatic scrutiny applies because they're
10 here to object to this license?

11 CHAIRMAN BOHL: Well, you know what, I
12 think, you are part of the tavern car here, or you
13 are a supervisor that has supervision over
14 multiple entertainment districts, and you
15 personally view multiple entertainment districts.

16 SERGEANT RANDOW: Correct.

17 CHAIRMAN BOHL: I'll allow it to
18 continue.

19 SERGEANT RANDOW: Could you repeat?

20 ATTORNEY UNORA: How does the 600 block
21 of North Water Street compare to other
22 entertainment districts in your deployment of
23 manpower on a day-to-day basis on Thursday, Friday
24 and Saturday nights?

25 SERGEANT RANDOW: Considering the

1 capacity size of the two taverns on the 600 block
2 of North water, it's equivalent to what we put in
3 the other areas on North Water where there is
4 approximately 3,000-capacity size.

5 ATTORNEY UNORA: And is this an ongoing
6 concern for you week in and week out, or is it on
7 certain occasions?

8 SERGEANT RANDOW: Every weekend.

9 ATTORNEY UNORA: And have you personally
10 been in Club Bari?

11 SERGEANT RANDOW: Yes.

12 ATTORNEY UNORA: And approximately what
13 time of day do you go into Club Bari when you're
14 there?

15 SERGEANT RANDOW: I work from midnight
16 to 8:00, so it's after midnight to bar close.

17 ATTORNEY UNORA: And what do you witness
18 when you are in Club Bari?

19 SERGEANT RANDOW: Just the nightclub
20 atmosphere.

21 ATTORNEY UNORA: Are they serving food
22 there anymore?

23 SERGEANT RANDOW: Yes, I have seen food
24 occasionally, like birthday cakes and stuff like
25 that.

1 ATTORNEY UNORA: Is there a restaurant
2 menu that you know of?
3 SERGEANT RANDOW: I don't know.
4 ATTORNEY UNORA: And regarding the
5 summation of the PA-33s that were part of the
6 record, were you at any of the incidents last fall
7 and October that are on this summation?
8 SERGEANT RANDOW: I was at the October
9 10, 2010.
10 ATTORNEY UNORA: So you went to that
11 scene?
12 SERGEANT RANDOW: Yes, I responded as
13 the backup.
14 ATTORNEY UNORA: Approximately what time
15 did you get there?
16 SERGEANT RANDOW: I don't know offhand.
17 ATTORNEY UNORA: What did you see when
18 you got there?
19 SERGEANT RANDOW: When I got there,
20 there was chaos in the middle of the street:
21 people fighting, officers trying to separate
22 fights.
23 ATTORNEY UNORA: Approximately how many
24 fights were going on at the time?
25 SERGEANT RANDOW: I believe I saw

1 approximately three fights --
2 ATTORNEY UNORA: And --
3 SERGEANT RANDOW: -- containing numerous
4 people.
5 ATTORNEY UNORA: And how many officers
6 responded to that incident, do you know?
7 SERGEANT RANDOW: I believe it was said
8 that there was 13 squads that responded.
9 ATTORNEY UNORA: How many personnel
10 would that approximate?
11 SERGEANT RANDOW: It depends on if there
12 are one or two in squads; probably 15 to 20
13 officers.
14 ATTORNEY UNORA: Is that a significant
15 deployment for your department at that time of the
16 evening?
17 SERGEANT RANDOW: Yes.
18 ATTORNEY UNORA: Since October, has
19 there been the need for you to deploy officers in
20 this area?
21 SERGEANT RANDOW: For disorderly
22 subjects and traffic control, yes.
23 ATTORNEY UNORA: Can you relate any of
24 those specifically to Club Bari?
25 SERGEANT RANDOW: I would be able to

1 relate it just in the 600 block of North Water and
2 both taverns.
3 ATTORNEY UNORA: Nothing further.
4 CHAIRMAN BOHL: Questions first by
5 Committee? None by Committee. I do have a
6 question, I wanted to see if the Committee had any
7 first.
8 Sergeant, you indicated that there were
9 fights and other disturbances, some of them
10 disorderly on this block.
11 SERGEANT RANDOW: Correct.
12 CHAIRMAN BOHL: Can you perhaps explain
13 why, for the department as to why no PA-33s were
14 ever written up if there are fights or disorderly
15 behavior?
16 SERGEANT RANDOW: After the 2010, the
17 October 2010?
18 CHAIRMAN BOHL: Correct.
19 SERGEANT RANDOW: I believe I stated
20 there was disorderly subjects, and traffic control
21 is what was needed.
22 CHAIRMAN BOHL: I specifically wrote
23 down "fights, disturbances."
24 SERGEANT RANDOW: That was on the
25 occasion of October 10, 2010.

1 CHAIRMAN BOHL: So subsequent to that,
2 no recollection of major fighting instances after
3 October?
4 SERGEANT RANDOW: I do not have any, no.
5 CHAIRMAN BOHL: Thank you. Mr. Arena,
6 or Alderman Bauman.
7 ALDERMAN BAUMAN: Thank you, Mr. Chair.
8 Sergeant, since approximately March of
9 2010, how many times have you been inside Club
10 Bari?
11 SERGEANT RANDOW: Since March, once.
12 ALDERMAN BAUMAN: Pardon?
13 SERGEANT RANDOW: Once.
14 ALDERMAN BAUMAN: So March 2010, you
15 have been inside the club once?
16 SERGEANT RANDOW: Oh, March 2010, no
17 I've only been inside the club; I've been outside
18 the club numerous times.
19 ALDERMAN BAUMAN: And when you are
20 outside of the club, are you in a position to
21 observe what's going on inside?
22 SERGEANT RANDOW: Prior to them putting
23 up shades on the windows, I was, yes.
24 ALDERMAN BAUMAN: And could you also
25 hear what was going on inside the club?

1 SERGEANT RANDOW: Yes.
 2 ALDERMAN BAUMAN: During those times
 3 that you were either inside or in a position to
 4 observe or hear what was going on, did you observe
 5 this club being operated as Italian Chicago-style
 6 sports lounge and grill?
 7 SERGEANT RANDOW: No.
 8 ALDERMAN BAUMAN: Do you know what an
 9 Italian Chicago-style sports bar and grill looks
 10 like?
 11 SERGEANT RANDOW: I have never been in
 12 one, but I can assume.
 13 ALDERMAN BAUMAN: Why would you say you
 14 can assume?
 15 SERGEANT RANDOW: I would think that it
 16 would be an Italian atmosphere, maybe serving
 17 Italian food.
 18 ALDERMAN BAUMAN: Okay. And did you
 19 notice if the crowd was a 30-to-40 age group?
 20 SERGEANT RANDOW: No, it appeared to be
 21 in the 20s.
 22 ALDERMAN BAUMAN: On every occasion that
 23 you've been either outside or inside Club Bari,
 24 have you ever observed a crowd of the 30- to
 25 40-year-old clientele?

1 SERGEANT RANDOW: Yes.
 2 ALDERMAN BAUMAN: And what occasions
 3 would that have been?
 4 SERGEANT RANDOW: At the bar close, when
 5 the groups come together, I have seen older
 6 individuals.
 7 ALDERMAN BAUMAN: Okay. And as far as
 8 the music, have you ever heard classic music
 9 including big band-style and pop and rock old
 10 school-style with a piano bar being played?
 11 SERGEANT RANDOW: No.
 12 ALDERMAN BAUMAN: Is there a piano bar?
 13 SERGEANT RANDOW: Not that I've
 14 observed.
 15 ALDERMAN BAUMAN: Thank you. That's all
 16 I have.
 17 CHAIRMAN BOHL: Mr. Arena.
 18 ATTORNEY ARENA: Thank you, Mr.
 19 Chairman.
 20 Is it Sergeant Randow?
 21 SERGEANT RANDOW: Yes.
 22 ATTORNEY ARENA: When did you start in
 23 your current job? I guess you're in charge of
 24 deploying officers to locations.
 25 SERGEANT RANDOW: As a sergeant, I

1 started in November of 2009.
 2 ATTORNEY ARENA: And has that been the
 3 work that you've been doing now that you are
 4 talking about?
 5 SERGEANT RANDOW: Correct.
 6 ATTORNEY ARENA: And in November of
 7 2009, did you have to deploy resources to the 600
 8 block of North water Street?
 9 SERGEANT RANDOW: Since then?
 10 ATTORNEY ARENA: No, at that time,
 11 November 2009, did you deploy resources to 618
 12 Live when the Lady Bug was there?
 13 SERGEANT RANDOW: I'm sure I did.
 14 ATTORNEY ARENA: Lady Bug, it's already
 15 been testified to, it's in the record, that there
 16 was some 36 events over a number of years that I
 17 presume required deployment of officers because
 18 PA-33s were completed. Those activities that
 19 caused those PA-33s are similar to what you're
 20 talking about: disorderly and fights in the
 21 street, correct?
 22 SERGEANT RANDOW: I believe so.
 23 ATTORNEY ARENA: And traffic?
 24 SERGEANT RANDOW: Yes.
 25 ATTORNEY ARENA: And you would agree

1 that, or are you aware that 618 Live or Lady Bug
 2 has a capacity that I believe is over 600?
 3 SERGEANT RANDOW: I believe it's in the
 4 400s.
 5 ATTORNEY ARENA: And this location, Club
 6 Bari, is smaller than that, isn't it?
 7 SERGEANT RANDOW: Correct.
 8 ATTORNEY ARENA: Now, on October 10,
 9 '10, did you establish where those individuals
 10 were, what location they were patronizing, the
 11 individuals that were fighting in the street that
 12 you saw?
 13 SERGEANT RANDOW: I was not able to, no.
 14 ATTORNEY ARENA: Did you ask anybody
 15 where they were?
 16 SERGEANT RANDOW: I did not personally,
 17 no.
 18 ATTORNEY ARENA: Did you review the pole
 19 cam video?
 20 SERGEANT RANDOW: Yes, I did.
 21 ATTORNEY ARENA: And is it your
 22 testimony you saw six people fighting?
 23 SERGEANT RANDOW: No.
 24 ATTORNEY ARENA: Well, you said three
 25 groups, so, what, how many people was it?

1 SERGEANT RANDOW: Three groups of
2 numerous people.

3 ATTORNEY ARENA: Okay. Would it be safe
4 to say that there is dispatch and deployment to
5 the area of 618 and activity outside of 618 in the
6 street on a regular basis, much more regular than
7 it is at Club Bari?

8 SERGEANT RANDOW: I would believe it's a
9 little bit more.

10 ATTORNEY ARENA: In fact, you've
11 required that many times the street actually gets
12 closed and no traffic is allowed to go through and
13 there are squads and paddy wagons in front of 618
14 Live, is that correct?

15 SERGEANT RANDOW: Well, in relevance to
16 where they are, they are right next to each other,
17 so to put in front of one versus the other, you
18 can't.

19 ATTORNEY ARENA: And your testimony is
20 based on being inside of this location twice since
21 March?

22 SERGEANT RANDOW: Correct.

23 ATTORNEY ARENA: How long were you
24 present in that location the first time?

25 SERGEANT RANDOW: Approximately 10, 15

1 minutes.

2 ATTORNEY ARENA: And do you keep a
3 normal list of songs that you think would be top
4 40 or popular dance music?

5 SERGEANT RANDOW: No.

6 ATTORNEY ARENA: Did you write down what
7 artists you heard and what type of music it was?

8 SERGEANT RANDOW: No.

9 CHAIRMAN BOHL: I believe you stated
10 that you think or assumed that an Italian-style
11 sports lounge would be, what you described I
12 think, is like an Italian restaurant, correct?

13 SERGEANT RANDOW: Similar.

14 ATTORNEY ARENA: And you're aware that
15 these gentlemen have applied for a tavern dance
16 license, correct?

17 SERGEANT RANDOW: Correct.

18 ATTORNEY ARENA: And that does allow a
19 nightclub atmosphere: DJ, dancing and those sorts
20 of activities, does it not?

21 SERGEANT RANDOW: Yes.

22 ATTORNEY ARENA: And when you have been
23 inside of this location, Club Bari, have you
24 witnessed uniformed security people?

25 SERGEANT RANDOW: The first time, I did

1 not; the second time, I did.

2 ATTORNEY ARENA: And you witnessed large
3 screen TVs playing sports the second time?

4 SERGEANT RANDOW: Yes, and that was
5 about a couple weeks ago.

6 ATTORNEY ARENA: And you heard popular
7 music, music that would be played or heard on the
8 radio when you were in this location?

9 SERGEANT RANDOW: I'm sure all music is
10 played on the radio at some point in time.

11 ATTORNEY ARENA: Typically, how many
12 officers do you assign to the 600 block of North
13 Water Street?

14 SERGEANT RANDOW: Right now, we start
15 out with four officers, and depending on needs of
16 how many people are there, we may go up to six
17 officers.

18 ATTORNEY ARENA: And how often have you
19 gone up to six officers since you started this
20 program on Labor Day (sic)?

21 SERGEANT RANDOW: I don't have specific
22 numbers.

23 ATTORNEY ARENA: And how often would you
24 say it's purely due to the clientele who are, I

25 presume, inside or at Club Bari?

1 SERGEANT RANDOW: Once again, I wouldn't
2 have specific numbers.

3 ATTORNEY ARENA: How often do you
4 observe a line of patrons waiting outside on the
5 street on the sidewalk waiting to get into 618
6 Live?

7 SERGEANT RANDOW: Several nights.

8 ATTORNEY ARENA: Several nights every
9 week?

10 SERGEANT RANDOW: No.

11 ATTORNEY ARENA: At least one night a
12 week?

13 SERGEANT RANDOW: Maybe one night a
14 week.

15 ATTORNEY ARENA: And do you ever observe
16 lines with patrons waiting to get into Club Bari?

17 SERGEANT RANDOW: Very seldom.

18 ATTORNEY ARENA: And then in your
19 experience, is it the line outside, people waiting
20 to get in, that create problems that require more
21 deployment?

22 SERGEANT RANDOW: It's actually at
23 closing time is when we require more deployment.

24 ATTORNEY ARENA: And 618 Live, or Lady
25 Bug, you agree is larger in capacity?

1 SERGEANT RANDOW: Correct.
 2 ATTORNEY ARENA: They oftentimes have
 3 lines of people waiting to get in?
 4 SERGEANT RANDOW: Correct.
 5 ATTORNEY ARENA: Club Bari is there with
 6 less capacity, and they don't have lines, so the
 7 deployment would really be because of the amount
 8 of patrons going to Club 618 Live?
 9 SERGEANT RANDOW: The deployment is
 10 actually for the disorderly subjects. You can't
 11 base that upon the line size.
 12 ATTORNEY ARENA: Okay. But you're here
 13 testifying saying that this license should not be
 14 renewed for this one particular location because
 15 of these reasons, correct?
 16 CHAIRMAN BOHL: I don't know that he's
 17 here on that behalf. He is here to provide
 18 evidence. The department is making a case for the
 19 captain. I don't believe that's the sergeant's
 20 decision.
 21 Sergeant, is it your decision in the
 22 department? Does the department decide whether to
 23 object because of you as a sergeant, or is it the
 24 captain that makes the decision?
 25 SERGEANT RANDOW: It would be because of

1 the captain.
 2 CHAIRMAN BOHL: Thank you.
 3 Please proceed and move forward.
 4 ATTORNEY ARENA: How many people are
 5 deployed on North Water Street?
 6 SERGEANT RANDOW: Five.
 7 ATTORNEY ARENA: And how many people are
 8 deployed on Old World Third Street?
 9 SERGEANT RANDOW: Two.
 10 ATTORNEY ARENA: For the entire evening?
 11 SERGEANT RANDOW: Correct.
 12 ATTORNEY ARENA: How many people are
 13 deployed on North Street, North Avenue?
 14 SERGEANT RANDOW: Two.
 15 ATTORNEY ARENA: Okay. And are you
 16 saying that the capacities for locations on North
 17 Water Street equals 3,000 people?
 18 SERGEANT RANDOW: That would be from
 19 Knapp Street down to roughly State Street on North
 20 Water Street.
 21 ATTORNEY ARENA: How many blocks is
 22 that?
 23 SERGEANT RANDOW: Three blocks.
 24 ATTORNEY ARENA: Okay. What about
 25 Milwaukee Street?

1 SERGEANT RANDOW: Milwaukee Street, I
 2 believe there is two.
 3 ATTORNEY ARENA: And as needed, these
 4 resources are shifted from one location to
 5 another?
 6 SERGEANT RANDOW: Correct.
 7 ATTORNEY ARENA: How many officers would
 8 be deployed to the 600 block of North Water Street
 9 and South Water in November of '09?
 10 SERGEANT RANDOW: The 600 block of South
 11 Water?
 12 ATTORNEY ARENA: Yeah, isn't that South
 13 Water or North Water?
 14 SERGEANT RANDOW: For that, it's North
 15 Water.
 16 ATTORNEY ARENA: Yeah, where Lady Bug
 17 was, how many were deployed back at that time?
 18 SERGEANT RANDOW: I don't have that
 19 number off the top of my head.
 20 ATTORNEY ARENA: You start work, I
 21 believe, at midnight, correct?
 22 SERGEANT RANDOW: Correct.
 23 ATTORNEY ARENA: So when you deploy
 24 individuals to an area, it's from midnight on,
 25 correct?

1 SERGEANT RANDOW: From midnight on, yes.
 2 ATTORNEY ARENA: And in November of '09,
 3 when you started, have you ever deployed more than
 4 four people, let's say that first month, to the
 5 600 block of North Water?
 6 SERGEANT RANDOW: I can't recall that
 7 far back.
 8 ATTORNEY ARENA: Did you have to deploy
 9 people to that area?
 10 SERGEANT RANDOW: I'm sure I did.
 11 ATTORNEY ARENA: No further questions.
 12 CHAIRMAN BOHL: Thank you, Sergeant.
 13 ATTORNEY UNORA: Nothing.
 14 CHAIRMAN BOHL: Thank you.
 15 ATTORNEY UNORA: Officer Laes.
 16 OFFICER LAES: Police Officer Michael
 17 Laes, M-I-C-H-A-E-L, last name Laes, L-A-E-S, my
 18 employ is District 1, late shift.
 19 ATTORNEY UNORA: Officer Leas, are you
 20 familiar with the summaries of the PA-33s for Club
 21 Bari that is before this Committee?
 22 OFFICER LAES: Yes, sir.
 23 ATTORNEY UNORA: And you were present
 24 actually on several of these occasions, is that
 25 correct?

1 OFFICER LAES: That's correct.
 2 ATTORNEY UNORA: Specifically, Item No.
 3 4 -- I'm sorry, 3, 4, 5 and 6, is that correct?
 4 OFFICER LAES: Correct.
 5 ATTORNEY UNORA: That would be the
 6 October 3rd incident, the October 10th incident
 7 and October 24th incident?
 8 OFFICER LAES: Correct.
 9 ATTORNEY UNORA: The October 10th
 10 incident, could you please give the Committee a
 11 description of what you witnessed that day?
 12 OFFICER LAES: That day, an officer had
 13 called for an assist. He was a one-man officer,
 14 and he had a fight by 628 North Water, which is
 15 Club Bari. He called for additional officers. I
 16 and my partner were on the bicycle unit. We
 17 arrived. We saw approximately 200 to 300 people
 18 on the sidewalk and in the street actually
 19 blocking traffic. At that time, additional
 20 officers had arrived. I observed several fights
 21 that were going on. I had a Taser with me, so I
 22 deployed a Taser and tried stopping some of the
 23 fights and having the crowd disperse.
 24 ATTORNEY UNORA: Were you successful in
 25 dispersing the crowd?

1 OFFICER LAES: I would say, yes. I also
 2 noticed they had security for 618 that had a
 3 canine, and the canine actually provided a lot of
 4 help for us.
 5 ATTORNEY UNORA: As to security for Club
 6 Bari, did you notice any security that night?
 7 OFFICER LAES: I cannot recall.
 8 ATTORNEY UNORA: And your interaction
 9 with the public that was out that evening, what
 10 did you do to quell the disturbances?
 11 CHAIRMAN BOHL: So you're aware, you're
 12 around the four-minute mark.
 13 OFFICER LAES: I'm sorry, what was that,
 14 sir?
 15 ATTORNEY UNORA: What did you do to
 16 quell the disturbances that evening? Did you use
 17 your Taser?
 18 OFFICER LAES: No, I did not use my
 19 Taser. I turned it on and I used the red light on
 20 some of the subjects, which often scares them and
 21 makes them disperse.
 22 ATTORNEY UNORA: How did the crowd
 23 interact with you that night?
 24 OFFICER LAES: The crowd did not
 25 interact too well with me. I actually got into a

1 fight with one of the females involved in the
 2 fight, and I was injured.
 3 ATTORNEY UNORA: How were you injured?
 4 OFFICER LAES: There was a female that
 5 took my helmet off of my head and threw me to the
 6 ground and started scratching me in my face and my
 7 chest area.
 8 ATTORNEY UNORA: At approximately what
 9 time was that that you were injured?
 10 OFFICER LAES: I would say after 2:00.
 11 I can't give you a precise time. I'd say around
 12 2:30.
 13 ATTORNEY UNORA: And reports from the
 14 department that night were that Club 618 or Lady
 15 Bug Club had dispersed at about 1:30 that evening,
 16 its crowd, is that correct?
 17 OFFICER LAES: Or probably before that.
 18 I'll take your word for it.
 19 ATTORNEY UNORA: No further questions.
 20 CHAIRMAN BOHL: Questions by Committee?
 21 What was the incident you were referring to here?
 22 ATTORNEY UNORA: That's item No. 5.,
 23 10/10/10 at 2:10 in the morning.
 24 CHAIRMAN BOHL: No other questions by
 25 Committee?

1 Mr. Arena.
 2 ATTORNEY ARENA: No.
 3 ALDERMAN BAUMAN: Mr. Chair.
 4 CHAIRMAN BOHL: Alderman Bauman.
 5 ALDERMAN BAUMAN: Very quickly, Officer,
 6 have you ever had occasion to be inside Club Bari?
 7 OFFICER LAES: Yes, sir, I have.
 8 ALDERMAN BAUMAN: How many occasions?
 9 OFFICER LAES: I would say probably
 10 about 15.
 11 ALDERMAN BAUMAN: 15 occasions. On any
 12 of those 15 occasions, did you observe an Italian
 13 Chicago-style sports bar and grill in operation?
 14 OFFICER LAES: I do not know what a
 15 Chicago-style sports bar is, sorry.
 16 ALDERMAN BAUMAN: Okay. Did you observe
 17 what you thought to be an Italian sports bar and
 18 grill in operation?
 19 OFFICER LAES: No, I did not.
 20 ALDERMAN BAUMAN: During those 15
 21 occasions you were inside, did you ever hear
 22 classic music including big band-style and pop and
 23 rock old school-style with a piano bar being
 24 played?
 25 OFFICER LAES: No, sir, I did not.

1 ALDERMAN BAUMAN: Did you ever observe a
2 piano bar in the club?
3 OFFICER LAES: I do not believe they
4 have a piano bar, no.
5 ALDERMAN BAUMAN: Thank you. Nothing
6 further.
7 CHAIRMAN BOHL: Mr. Arena?
8 ATTORNEY ARENA: What are the times of
9 day in these 15 times that you were there in Club
10 Bari, what time of day is it?
11 OFFICER LAES: I work at 11:00 at night
12 to 7:00 in the morning.
13 ATTORNEY ARENA: So it's at least after
14 11:00?
15 OFFICER LAES: Or sometimes I do work
16 after 8:00 for a replacement until 2:00.
17 ATTORNEY ARENA: Were you ever in Club
18 Bari prior to 11:00 p.m.?
19 OFFICER LAES: One or two occasions,
20 yes, sir.
21 ATTORNEY ARENA: Now, you said you did
22 not observe a piano, have you -- you've never been
23 there prior to 11:00, you wouldn't know if a piano
24 player was engaged and brought in a portable piano
25 and played it, correct?

1 OFFICER LAES: Unless it's a portable;
2 otherwise, I don't think you can carry a big piano
3 inside a club.
4 ATTORNEY ARENA: I'm asking you if you
5 have ever observed a portable piano inside Club
6 Bari, no, you have not, that's correct?
7 OFFICER LAES: No, I guess I have not.
8 ATTORNEY ARENA: Now let's talk about
9 10/10. You said that this female, I guess, what,
10 did she beat you up, a female?
11 OFFICER LAES: A female beat me up, sir.
12 ATTORNEY ARENA: She pulled off your
13 helmet and threw you to the ground?
14 OFFICER LAES: Correct.
15 ATTORNEY ARENA: Do you know what the
16 dress code is at Club Bari?
17 OFFICER LAES: I am somewhat familiar
18 with it, yes.
19 ATTORNEY ARENA: And how was this female
20 dressed? Did she face you and pull your helmet
21 off of your head or --
22 OFFICER LAES: She actually got into a
23 fight with my sergeant, and I had responded and
24 she ran back into the crowd. We tried to detain
25 her, and that's when the fight occurred.

1 ATTORNEY ARENA: What was her attire?
2 OFFICER LAES: I believe it was jeans
3 and a tight-fitting shirt.
4 ATTORNEY ARENA: What kind of blue jeans
5 were they?
6 CHAIRMAN BOHL: All right, you know
7 what, what kind of underwear am I wearing,
8 Mr. Arena?
9 ATTORNEY ARENA: He is saying that he
10 remembered certain items, I have a right to cross
11 examine him to find out what he remembers.
12 CHAIRMAN BOHL: All right. The Chair is
13 ruling that there is absolutely no relevance on
14 the type of jeans that they have: Levis, Lee,
15 Calvin Klein, designer, not designer-type, baggy.
16 ATTORNEY ARENA: It is relevant because
17 my client --
18 CHAIRMAN BOHL: It isn't relevant. When
19 I say it's not relevant, it's not relevance. It's
20 not relevant. Please move on.
21 ATTORNEY ARENA: He has a dress code.
22 He'll testify to what his dress code is, so it's
23 important to know what she was wearing. That's
24 it.
25 CHAIRMAN BOHL: He said jeans.

1 ATTORNEY ARENA: Did you ascertain what
2 location this individual was a patron of?
3 OFFICER LAES: She was from Club Bari.
4 ATTORNEY ARENA: How do you know that?
5 OFFICER LAES: She had tried going back
6 in there saying she had left something in there.
7 ATTORNEY ARENA: Really. What did she
8 leave in there?
9 OFFICER LAES: I don't recall. I think
10 she said maybe her purse.
11 ATTORNEY ARENA: Was she allowed to go
12 back in there?
13 OFFICER LAES: No. The bar was closed,
14 and we told her not to come back.
15 ATTORNEY ARENA: Did anybody from Club
16 Bari come and bring you a purse and say that this
17 belonged to this woman that just beat your ass?
18 ATTORNEY UNORA: Objection.
19 CHAIRMAN BOHL: All right. You know
20 what, Mr. Arena, that is not appropriate. You're
21 asserting political commentary in there that,
22 frankly, is not warranted.
23 ATTORNEY ARENA: Did you draft the
24 PA-33, Item No. 5?
25 OFFICER LAES: No, I did not write the

1 PA-33, sir.

2 ATTORNEY ARENA: Did you write a report?

3 OFFICER LAES: I was injured, so the
4 protocol for being injured is another officer
5 writes it.

6 ATTORNEY ARENA: Now, what we have on
7 the PA-33 here does not mention anything about
8 some woman claiming that she left stuff inside of
9 Club Bari that was involved in this altercation
10 with you.

11 OFFICER LAES: Okay. I don't know why
12 it was not put in there.

13 ATTORNEY ARENA: You've been in there,
14 and you've observed music. Do you write down what
15 type of music that you hear and who the artist is
16 that's playing?

17 OFFICER LAES: No, I don't have time to
18 write down what music.

19 ATTORNEY ARENA: And you concede or
20 admit you don't know what an Italian-style sports
21 bar and grill is?

22 OFFICER LAES: No, sir, I don't know
23 what that is.

24 ATTORNEY ARENA: You're aware that this
25 location has been issued and does have a tavern

1 dance license, correct?

2 OFFICER LAES: Correct.

3 ATTORNEY ARENA: And that does allow DJ
4 dancing?

5 OFFICER LAES: Correct.

6 ATTORNEY ARENA: Were you working on
7 this shift or in this area prior, around November
8 2009?

9 OFFICER LAES: Yes, I was.

10 ATTORNEY ARENA: Were you dispatched to
11 600 North Water Street in the year of 2009?

12 OFFICER LAES: It's hard to remember.
13 I'm sure I was dispatched there.

14 ATTORNEY ARENA: Did you observe
15 disorderly patrons and issues going on outside of
16 618 Live prior to September of 2009?

17 OFFICER LAES: Yes, I noticed fights,
18 disorders.

19 ATTORNEY ARENA: And that would be
20 related to 618 Live, correct?

21 OFFICER LAES: Correct.

22 ATTORNEY ARENA: Now, Item No. 5, you
23 were on a bike patrol, I think you said, right?

24 OFFICER LAES: Correct.

25 ATTORNEY ARENA: And you were asked to

1 come and assist, so you rode up after whatever had
2 started, had already started, correct?

3 OFFICER LAES: Yes, I was a half-block
4 away.

5 ATTORNEY ARENA: Did you make any
6 observations that these people weren't trying to
7 gain entry to Club Bari and were being denied
8 entry to Club Bari?

9 OFFICER LAES: I noticed several people
10 trying to get back into Club Bari.

11 ATTORNEY ARENA: When you say "back
12 into," what do you mean by that? You were several
13 blocks away, how do you know they were ever in
14 Club Bari?

15 OFFICER LAES: I said I was a
16 half-block, and I went over there, and I observed
17 as they were fighting, breaking them up, people
18 were trying to get back into Club Bari.

19 ATTORNEY ARENA: Or just trying to get
20 into Club Bari.

21 OFFICER LAES: They were attempting to
22 get back in. The police department was blocking
23 them entry.

24 ATTORNEY ARENA: You using the term
25 "trying to get back in," but you didn't observe

1 them come out of Club Bari, you were several
2 blocks away, you said.

3 OFFICER LAES: I said I was a half-block
4 away.

5 ATTORNEY ARENA: Did you observe these
6 individuals come out of Club Bari?

7 OFFICER LAES: I observed people coming
8 out of clubs, yes, Club Bari, I observed people
9 coming out.

10 ATTORNEY ARENA: And you observed people
11 coming out of 618 Live?

12 OFFICER LAES: 618 Live had already let
13 out, but there was people still lingering around
14 that club too.

15 ATTORNEY ARENA: Do you know how many
16 people were lingering around that club?

17 OFFICER LAES: Altogether, like I said,
18 it was about 200 to 300 people.

19 ATTORNEY ARENA: And those people came
20 out of 618 Live?

21 OFFICER LAES: They came out of both
22 clubs.

23 ATTORNEY ARENA: Now, Club Bari was
24 still in operation, and 618 had let out early,
25 correct?

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1 OFFICER LAES: Correct. They did let
2 out, but people were still outside lingering
3 around.
4 ATTORNEY ARENA: From 618 live?
5 OFFICER LAES: Correct.
6 ATTORNEY ARENA: Nothing further.
7 CHAIRMAN BOHL: Two minutes and 21
8 seconds.
9 ATTORNEY UNORA: Thank you, I have no
10 questions.
11 CHAIRMAN BOHL: Anyone else you wish to
12 bring forward here at this time?
13 ATTORNEY UNORA: Yes. Officer Ferrell.
14 CHAIRMAN BOHL: Now, this would also
15 entail time for closing as well too. When there
16 is a closing, that's what the 30-minute
17 requirement -- so I'm just making you aware with
18 your questioning here that such time would also
19 have to allot for.
20 ATTORNEY UNORA: Next time I'm going to
21 ask for a little more diligence watching the timer
22 because as you, as the Committee was asking
23 questions, my green light was on, Chairman. So I
24 would ask that I do have time for closing.
25 Officer Ferrell.

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1 OFFICER FERRELL: Police Officer
2 Ferrell, last name F-E-R-R-E-L-L. I am employed
3 by the Milwaukee Police Department for District 1.
4 I work the power shift from 8:00 p.m. to 4:00 a.m.
5 I have nine years', three months' service for
6 District 1.
7 ATTORNEY UNORA: And are you commonly
8 deployed as the tavern car in District 1 now?
9 OFFICER FERRELL: I have been.
10 ATTORNEY UNORA: And on October 10,
11 2010, did you write the PA-33 regarding the
12 incident from 2:10 in that morning?
13 OFFICER FERRELL: I do believe I was the
14 one that wrote it.
15 ATTORNEY UNORA: And in that report,
16 does it describe Ms. Townsend as the actor who
17 assaulted Officer Leas?
18 OFFICER FERRELL: I would have to review
19 the entire report.
20 ATTORNEY UNORA: Does that also reflect
21 that she left Club Bari?
22 OFFICER FERRELL: I would have to review
23 it.
24 ATTORNEY UNORA: Permission to approach?
25 CHAIRMAN BOHL: This counts on the time,

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1 just so you are aware. I mean, this is not a
2 court of law, this is a quasi-judicial body. And
3 we establish timelines based upon -- you can
4 approach him, but --
5 ATTORNEY UNORA: This would be the end
6 of my questioning, sir.
7 CHAIRMAN BOHL: All right.
8 OFFICER FERRELL: That's what my report
9 reflects.
10 ATTORNEY UNORA: Could you state what
11 your report reflects, please, Mr. Ferrell?
12 OFFICER FERRELL: It states that Actor
13 Townsend assaulted two Milwaukee police officers.
14 Townsend had exited the licensed tavern Club Bari
15 located at 628 North Water Street.
16 ATTORNEY UNORA: Nothing further. Thank
17 you.
18 CHAIRMAN BOHL: Questions by Committee?
19 Alderman, do you have --
20 ALDERMAN BAUMAN: Yes, thank you,
21 Mr. Chair.
22 Officer, how many occasions have you had
23 to be inside Club Bari?
24 OFFICER FERRELL: I have been in Club
25 Bari anywhere from five to ten times.

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1 ALDERMAN BAUMAN: During any of those
2 times, did you ever hear classic music including
3 big band-style, pop and rock old school-style
4 being played there?
5 OFFICER FERRELL: No, sir.
6 ALDERMAN BAUMAN: Did you ever observe
7 an Italian Chicago-style sports lounge and grill
8 being operated?
9 OFFICER FERRELL: I've never been to
10 one, so I don't know.
11 ALDERMAN BAUMAN: Okay. Have you
12 observed a 30- to 40-year-old-plus professional
13 clientele?
14 OFFICER FERRELL: I occasionally see
15 people of that age range go to Club Bari.
16 ALDERMAN BAUMAN: But in general, what
17 is the club's age range?
18 OFFICER FERRELL: In the 20s.
19 ALDERMAN BAUMAN: Thank you. Nothing
20 further.
21 CHAIRMAN BOHL: I'll provide you time
22 for a closing here when the time comes.
23 ATTORNEY UNORA: Thank you.
24 CHAIRMAN BOHL: Mr. Arena, did you have
25 any follow-up questions?

1 ATTORNEY ARENA: I have some follow-up
2 questions.
3 CHAIRMAN BOHL: Go ahead.
4 ATTORNEY ARENA: Officer Ferrell, how
5 are you today?
6 OFFICER FERRELL: I'm doing fine.
7 ATTORNEY ARENA: Now, you see people of
8 that age range was in response to you see people
9 in the 30-to-40 age range, correct?
10 OFFICER FERRELL: Can you clarify your
11 question?
12 ATTORNEY ARENA: Well, Alderman Bauman
13 asked you if you see people that are 30 to 40, and
14 you said, "Yeah, I see people in that age range."
15 OFFICER FERRELL: Yes, from time to
16 time, I do see --
17 ATTORNEY ARENA: And you see people that
18 are, you said, in their 20s, so younger than that
19 age range?
20 OFFICER FERRELL: Correct, sir.
21 ATTORNEY ARENA: But you don't actually
22 go up and take identification and check out the
23 age range?
24 OFFICER FERRELL: Not unless they look
25 like they are underage, then I want to know if

1 they can be in a bar.
2 ATTORNEY ARENA: Okay. Have you written
3 a citation, or is there a PA-33 for an underage
4 person in Club Bari?
5 OFFICER FERRELL: I don't believe I've
6 ever gotten Club Bari for patrons having underage.
7 ATTORNEY ARENA: You have, I believe a
8 couple of the other PA-33s you actually wrote in
9 this matter as well, correct?
10 OFFICER FERRELL: I have written several
11 PA-33s for Club Bari.
12 ATTORNEY ARENA: One of them involved
13 that the license was not posted on the wall?
14 OFFICER FERRELL: I believe so. I
15 remember I gave them a verbal warning and advised
16 them of the violation.
17 ATTORNEY ARENA: And that license was
18 present, it was there on the bar, it hadn't
19 been --
20 OFFICER FERRELL: That's why I advised
21 him because he was able to produce it.
22 ATTORNEY ARENA: The first incident you
23 were -- you issued a citation that was dismissed.
24 OFFICER FERRELL: I did not issue a
25 citation.

1 ATTORNEY ARENA: From 6/3/10, that
2 wasn't your citation? I might be mistaken.
3 OFFICER FERRELL: No, sir.
4 ATTORNEY ARENA: Okay. You've been in
5 your position, you've been working for nine years
6 in the tavern squad in District 1?
7 OFFICER FERRELL: No, I was appointed to
8 the tavern squad in late August of 2010.
9 ATTORNEY ARENA: And prior to that, what
10 was your assignment?
11 OFFICER FERRELL: General patrol duties.
12 ATTORNEY ARENA: And in your experience
13 in general patrol duties, were you dispatched to
14 618 Live prior to Club Bari even existing?
15 OFFICER FERRELL: I have been dispatched
16 to 618 Live.
17 ATTORNEY ARENA: And have you observed
18 in general, some disorderly activities and fights?
19 OFFICER FERRELL: I have.
20 ATTORNEY ARENA: Now, I believe you said
21 you don't know what an Italian-style lounge would
22 be, correct?
23 OFFICER FERRELL: I've never been to
24 one.
25 ATTORNEY ARENA: Those really are just

1 words that somebody might choose to describe a
2 place, but this location does have a tavern dance
3 license, correct?
4 OFFICER FERRELL: They do have, issued a
5 tavern dance license.
6 ATTORNEY ARENA: And do you keep track
7 or write down songs or artists that you hear?
8 OFFICER FERRELL: No, I don't take my
9 time to do that.
10 ATTORNEY ARENA: Do you check their
11 license application prior to going on patrol to
12 see what types of music are checked on this
13 location or any location?
14 OFFICER FERRELL: No, sir.
15 ATTORNEY ARENA: So is this nightclub
16 activity extremely different from other tavern
17 dance licenses issues in your experience in what
18 you see as a tavern squad officer at District 1?
19 OFFICER FERRELL: Each tavern plays
20 their own different type of music genre. This one
21 chooses to play more of a club-style dance.
22 ATTORNEY ARENA: Do most of the Class B
23 Tavern Dance Licenses, they have dancing?
24 OFFICER FERRELL: Most of them do, yes.
25 ATTORNEY ARENA: Have you ever observed

1 a salsa night at Club Bari?
 2 OFFICER FERRELL: Unfortunately, I have
 3 not.
 4 ATTORNEY ARENA: What are your hours of
 5 working?
 6 OFFICER FERRELL: 8:00 p.m. to 4:00
 7 a.m., sir.
 8 ATTORNEY ARENA: Have you been in Club
 9 Bari, lets say prior to 10:00 p.m., in any of your
 10 business that you talked about?
 11 OFFICER FERRELL: Yes, sir.
 12 ATTORNEY ARENA: And what did you
 13 observe prior to 10:00 p.m.? Was there any piano
 14 music, or --
 15 OFFICER FERRELL: A quiet, well kept,
 16 clean tavern that was waiting for the night
 17 business to arrive.
 18 ATTORNEY ARENA: And did you ever
 19 observe anybody eating food?
 20 OFFICER FERRELL: No, I have not.
 21 ATTORNEY ARENA: Did you --
 22 OFFICER FERRELL: I should take that
 23 back. There have been special occasions and
 24 parties where there have been tables with, like,
 25 catered food, or cakes laid out when I have gone

1 into the tavern.
 2 ATTORNEY ARENA: Did you observe TV
 3 screens on in the tavern?
 4 OFFICER FERRELL: I cannot recall if I
 5 have ever seen TVs on in the bar. It's not
 6 generally something I look for.
 7 ATTORNEY ARENA: Have you ever been in
 8 this location on a Sunday afternoon, for example,
 9 during a football game?
 10 OFFICER FERRELL: No, I don't work in
 11 the afternoon.
 12 ATTORNEY ARENA: Okay. All right.
 13 Thank you.
 14 CHAIRMAN BOHL: Thank you, Officer.
 15 Mr. Arena.
 16 ATTORNEY UNORA: Mr. Chair, I'm sorry to
 17 interrupt. The officers are on overtime and have
 18 been up since early this morning, is it okay to
 19 dismiss them?
 20 CHAIRMAN BOHL: Mr. Arena?
 21 ATTORNEY ARENA: I have no objection to
 22 that.
 23 CHAIRMAN BOHL: Thank you.
 24 ATTORNEY UNORA: Thank you.
 25 CHAIRMAN BOHL: Mr. Arena, whatever you

1 wish to do in terms of anything you wish to
 2 dispute in the police report, anything you wish to
 3 do in terms of calling forward witnesses, this is
 4 your time.
 5 ATTORNEY ARENA: Okay. I'm going to
 6 dispute the police report with the testimony of
 7 Mr. Morgese. If we can start with him, please.
 8 Mr. Morgese, could you state your name?
 9 MR. MORGESE: Mario Morgese.
 10 ATTORNEY ARENA: What is your role at
 11 Club Bari?
 12 MR. MORGESE: I'm a 50 percent owner and
 13 help manage the establishment.
 14 ATTORNEY ARENA: And have you applied
 15 for a Class B Manager License for this
 16 establishment?
 17 MR. MORGESE: Yes.
 18 ATTORNEY ARENA: And do you have a Class
 19 B Manager License?
 20 MR. MORGESE: Not at this time, because
 21 they will not look at it until this matter is
 22 cleared up.
 23 ATTORNEY ARENA: And most evenings when
 24 you are present, is Mr. Cesarz present?
 25 MR. MORGESE: Yes.

1 ATTORNEY ARENA: And is he present
 2 during the operation of the club?
 3 MR. MORGESE: Yes.
 4 ATTORNEY ARENA: What is your role on a
 5 night-to-night basis?
 6 MR. MORGESE: I take care of the
 7 security, take care of the bartending, watch for
 8 things inside the club. I monitor the music, I
 9 monitor any DJs, people that we do have come in
 10 that play certain types of music, if we have any
 11 live bands or a piano players, or things of that
 12 nature, and just the everyday duties of owning a
 13 bar.
 14 ATTORNEY ARENA: And did you fill out or
 15 assist in filling out the application for the
 16 liquor license?
 17 MR. MORGESE: Yes, I did.
 18 ATTORNEY ARENA: Did you check the types
 19 of music?
 20 MR. MORGESE: Yes, I did.
 21 ATTORNEY ARENA: And why did you check
 22 those types of music?
 23 MR. MORGESE: I checked those types of
 24 music because those are the types of music we were
 25 going to be playing in the club. I made it clear

1 that it is an Italian-style sports bar and lounge,
2 which basically is a chameleon place. We have
3 sports and everything else going on. And then at
4 night, we do have the dancing and the playing of
5 different styles of music.

6 ATTORNEY ARENA: And what do some of
7 those styles of music include?

8 MR. MORGESE: Styles of music include
9 anything from techno to dance, pop, top 40, R&B,
10 classic, also classics such as Frank Sinatra
11 music, martini music. Just depending on the hours
12 and the type of people that are at our
13 establishment.

14 ATTORNEY ARENA: Do you believe that
15 you've followed your plan of operation as set out
16 in your application?

17 MR. MORGESE: Yes.

18 ATTORNEY ARENA: Now, you said that you
19 were going to be a sports bar and lounge?

20 MR. MORGESE: Yes.

21 ATTORNEY ARENA: What do you think a
22 sports bar and lounge is?

23 MR. MORGESE: Club Bari. We have some
24 of the biggest TVs in the city. We have sports
25 playing at all times. We feature the Bucks, the

1 Brewers, the Packers. We have Packer parties,
2 Monday Night Football parties, Thursday night NFL
3 Ticket parties. We have boxing. All those types
4 of events are going on at Club Bari. We also
5 have, at certain times, we did have people come in
6 and play piano for cocktail hour after 5:00. We
7 serve food. And at night, we do have the dancing,
8 and things of that nature, on Friday and Saturday.

9 ATTORNEY ARENA: Now, you met, you were
10 present during a meeting with Captain Basting?

11 MR. MORGESE: Yes.

12 ATTORNEY ARENA: In around October, I
13 believe, October of 2010?

14 MR. MORGESE: Yes.

15 ATTORNEY ARENA: And did you take
16 suggestions from Captain Basting?

17 MR. MORGESE: Yes, I did.

18 ATTORNEY ARENA: And did you follow
19 through with what he asked you to do?

20 MR. MORGESE: Yes.

21 ATTORNEY ARENA: And what did he ask you
22 to do, and what did you do?

23 MR. MORGESE: He had expressed some
24 concerns that some of the crowds, and things of
25 that nature, on 600, the block of 600 North Water

1 Street at night especially at bar closing became
2 unruly at times. And I expressed an interest to
3 try to help out with the police department, how
4 our security could help them in managing that type
5 of situation.

6 ATTORNEY ARENA: And you -- did he ask
7 you to not to use promoters, or things of that
8 nature?

9 MR. MORGESE: Yes, they were concerned
10 that we would be using outside promoters, as the
11 police department was concerned about bringing in
12 certain types of crowds that they wanted to try to
13 keep out of the area for security. And we did
14 also say that, yes, we would be more than happy to
15 do that and not bring any outside influence other
16 than our club itself doing any promoting for
17 anything that would happen at Club Bari.

18 ATTORNEY ARENA: October 2, 2010, Item
19 No. 2 in the police report, that involved -- is my
20 microphone on Mr. Chair?

21 CHAIRMAN BOHL: Yes.

22 ATTORNEY ARENA: That involved a
23 complaint by Mr. Haget saying a patron left Club
24 Bari. Were you present during that incident?

25 MR. MORGESE: Yes.

1 ATTORNEY ARENA: And can you explain to
2 the Committee what happened?

3 MR. MORGESE: This particular gentleman
4 came to Club Bari to try to get in the door. He
5 did not meet our dress code. We did not allow him
6 to come in, and he then proceeded to go into the
7 line next door.

8 ATTORNEY ARENA: When -- who determined
9 that he did not meet the dress code?

10 MR. MORGESE: My security personnel at
11 the front door and myself as I was present at that
12 time.

13 ATTORNEY ARENA: Are you usually present
14 at the door, monitoring the door?

15 MR. MORGESE: Frequently, yes.

16 ATTORNEY ARENA: And did you observe
17 this individual leave Club Bari, and where did he
18 go, and what did he do?

19 MR. MORGESE: He left. He was a little
20 unhappy that we would not allow him entry because
21 of his dress, and he proceeded next door to 618.

22 ATTORNEY ARENA: Did you continue to
23 observe him when he proceeded next door?

24 MR. MORGESE: I did observe him again
25 later because I did see they were having problems

1 with him a little later in the night, their
2 security personnel, with him.

3 ATTORNEY ARENA: What did he not meet
4 about your dress code?

5 MR. MORGESE: He was wearing a white,
6 plain white T-shirt, overly baggy, and a baseball
7 hat depicting a baseball team, which we do not
8 allow.

9 ATTORNEY ARENA: Were you present on
10 October 3, 2010, when the police came to Club
11 Bari, and then somebody started some type of an
12 altercation?

13 MR. MORGESE: Yes.

14 ATTORNEY ARENA: What did you observe?

15 MR. MORGESE: The police came to Club
16 Bari to -- said they had a fight call. We told
17 them there was not a fight in the club. And they
18 took a walk around the nightclub and a couple
19 people were talking, I believe they were actually
20 relatives, and the police then started to speak to
21 them. They thought they were being unruly, and I
22 believe they gave one person a disorderly conduct
23 ticket.

24 ATTORNEY ARENA: And prior to the police
25 arriving, there was no indication that there was

1 an altercation, correct?

2 MR. MORGESE: No, we had no fights or
3 fists thrown.

4 ATTORNEY ARENA: Item 5 is the 10/10/10,
5 2:10 a.m. event where 628 (sic) North Water had
6 left out early.

7 MR. MORGESE: Yes.

8 ATTORNEY ARENA: Were you present on
9 that evening?

10 MR. MORGESE: Yes.

11 ATTORNEY ARENA: And were those
12 individuals, where did they come from, or what had
13 occurred? And tell us first, where exactly were
14 you when this incident occurred?

15 MR. MORGESE: In the very beginning, I
16 was in my office in the back of the club, and then
17 somebody came to tell me that there were a lot of
18 people in the street. So as I came walking out to
19 the club, I noticed that 618 had let their club
20 out. Around, this was probably around 1:30 in the
21 morning. I thought it was a little, you know, I
22 was surprised because the whole club was letting
23 out an hour before bar close. That's not
24 something that happens very often, and we got a
25 big rush of people trying to come to our bar

1 because they were unhappy the bar next door
2 closed. We were already close to a capacity
3 situation, so we weren't letting people in. When
4 that happened, people weren't very happy, they
5 started pushing and shoving with our security
6 guards. And that's pretty much how it happened.
7 We were -- basically, a big mob of people just
8 tried to come into our bar, and we were doing the
9 best we could not to allow it.

10 ATTORNEY ARENA: There was testimony
11 that somebody named Townsend came from Club Bari
12 and got into an altercation with a police officer.
13 Did you observe that?

14 MR. MORGESE: At the time the big crowd
15 came, I had actually instructed -- and Mr. Cesarz
16 was there also, he locked the door so that people
17 could not come inside or out, so I never seen Miss
18 Townsend inside my bar and couldn't tell you where
19 she did come from, but she was in the crowd of
20 people outside.

21 ATTORNEY ARENA: So you believe she did
22 not come from your bar because you had actually
23 locked the door?

24 MR. MORGESE: Yeah, she did not run out
25 of my bar. I did not see her come out.

1 ATTORNEY ARENA: Now, basically, your
2 police report since October 24, '10, that's the
3 last incident, have you changed anything
4 drastically since October 24, '10, that results in
5 no more incidents?

6 MR. MORGESE: I've not made drastic
7 changes. We did do a few things that the police
8 department wanted us to change. Some of my
9 security guards at the very beginning did not have
10 security shirts on. I had some undercover
11 security because I thought sometimes that could
12 help watch people, because they don't know then
13 who is security and who isn't. However, we did
14 put more people in security uniforms, you know.
15 We did make sure we tightened up our dress code.
16 And other than that, we pretty much have been
17 doing the same thing since from, you know, when we
18 opened.

19 ATTORNEY ARENA: When you say "doing the
20 same thing," are you talking about music?

21 MR. MORGESE: Yes, music has been the
22 same since we opened.

23 ATTORNEY ARENA: Now, the application
24 was for a tavern dance license, do you think that
25 you have done anything different than what you've

1 said on that application?

2 MR. MORGESE: No.

3 ATTORNEY ARENA: Now, Mr. Cesarz was
4 here and testified that there was going to be some
5 old school and some other things and salsa. Did
6 you do -- do you do the things that he was talking
7 about?

8 MR. MORGESE: Yes, we do. We did have a
9 salsa night. We still do have a salsa night on
10 certain evenings. We do have birthday parties.
11 We have baby showers. We have piano music.
12 Obviously, these things are done at certain times
13 of the day when the clientele of those types of
14 people would be more likely to come to the club,
15 such as on Sundays or Saturdays during the day,
16 and things of that nature.

17 ATTORNEY ARENA: Did you draft the
18 security plan of assignment submitted to Captain
19 Basting?

20 MR. MORGESE: Yes, I did.

21 ATTORNEY ARENA: And you follow the
22 security plan and the dress code on it?

23 MR. MORGESE: Yes, we do.

24 ATTORNEY ARENA: Can you describe the
25 type of activities that you see go on on a regular

1 basis from 618 Live in the street?

2 MR. MORGESE: Well, obviously, they are
3 a much larger club. They do have a much larger
4 security force than us. I would say our club,
5 usually on a given night, maybe has around 100
6 people in it; theirs probably has 400. And when
7 their club lets out -- and it's not an easy thing
8 to keep people, you know, in line and things of
9 that nature -- I've seen fights, problems, police,
10 paddy wagons, canine units, people fighting,
11 people coming out of the club fighting. They have
12 probably 20 to 30 security guards. I see them
13 many times trying to restrain people, and those
14 types of activities.

15 ATTORNEY ARENA: Thank you. Could we
16 stop -- well, I don't want this time to count
17 against me. I said, "Thank you." I'm done asking
18 questions.

19 CHAIRMAN BOHL: Do you have the time?

20 ATTORNEY ARENA: Where are we at on
21 time?

22 CHAIRMAN BOHL: 18:23.

23 Questions by Committee at this time? No
24 questions by Committee. Others, questions?

25 Proceed.

1 ATTORNEY ARENA: I don't mean to be out
2 of order, but I'm wondering if I could ask
3 Alderman Bauman a couple of questions?

4 CHAIRMAN BOHL: Certainly, on your time,
5 go ahead.

6 ATTORNEY ARENA: Alderman Bauman.

7 ALDERMAN BAUMAN: Yes, I'm here.

8 ATTORNEY ARENA: And thank you for being
9 here, we appreciate that. You had written a
10 letter of some concerns to Mr. Cesarz that's
11 appeared in this record, and that's addressed to a
12 Tonto Avenue address in Big Bend. Are you aware
13 that that's not his correct, that is not his
14 address?

15 ALDERMAN BAUMAN: No.

16 ATTORNEY ARENA: Can you tell us where
17 you obtained that address from?

18 ALDERMAN BAUMAN: No.

19 ATTORNEY ARENA: Did you personally
20 obtain that address and put it on that letter?

21 ALDERMAN BAUMAN: At the time, I
22 certainly did.

23 ATTORNEY ARENA: And you have not had a
24 response to that particular letter?

25 ALDERMAN BAUMAN: Oh, absolutely I had a

1 response. He came in with his manager and the
2 owner of the property on July 13, 2010.

3 ATTORNEY ARENA: Do you know who a
4 Mr. Aronson is?

5 ALDERMAN BAUMAN: Indeed I do.

6 ATTORNEY ARENA: And Mr. Aronson sends
7 you many e-mails regarding activities at 618 Live,
8 correct?

9 ALDERMAN BAUMAN: 618 Live, yes.

10 ATTORNEY ARENA: Has he ever
11 specifically sent you an e-mail that appears in
12 this record regarding Club Bari?

13 ALDERMAN BAUMAN: I really don't recall.
14 I've received other e-mails on this club.

15 ATTORNEY ARENA: I didn't ask that
16 question. I asked if you received one from
17 Mr. Aronson, and your answer is, no. Thank you.

18 ALDERMAN BAUMAN: I've received other
19 e-mails on this bar.

20 CHAIRMAN BOHL: Go ahead.

21 ATTORNEY ARENA: I'm done.

22 CHAIRMAN BOHL: No other testimony from
23 anyone else?

24 ATTORNEY ARENA: I'm done asking
25 questions of Alderman Bauman.

1 CHAIRMAN BOHL: Okay. The clock doesn't
2 stop because you're done.

3 ATTORNEY ARENA: Okay, I want to ask a
4 question of Mr. Cesarz.

5 Mr. Cesarz, what is the address on this
6 letter? You've seen it in the notice to a Tonto
7 Avenue, is that your correct address?

8 MR. CESARZ: That is my address, but
9 it's Tonto Avenue, Arizona. And Mr. Bauman never
10 acknowledged that he even sent us the letter. We
11 were just seeing him about traffic problems and
12 the parking, that was the reason we went to his
13 office, and he knows that.

14 ATTORNEY ARENA: Now, you gave some
15 testimony in this matter regarding, and way back
16 when you applied for the license, and you said
17 that you wanted to do some old style music.

18 MR. CESARZ: Yes.

19 ATTORNEY ARENA: Did you do that?

20 MR. CESARZ: Yes, we -- what we did ask
21 for, before they shut down most of the people at
22 the banks, we had lunches, we had martini music,
23 old style. We still play that anytime I come in
24 the club, because that's the kind of music I like.
25 And we had piano players coming in there. We've

1 done everything that we said even though we do it
2 in a flexible order here. We have no set genre
3 that we're going to play. At the end of the
4 night, we even close with Frank Sinatra, or we do
5 Purple Rain. It just depends on who is doing the
6 DJ that night. So we vary our music.

7 ATTORNEY ARENA: And do you believe that
8 the music is within the categories checked on the
9 application?

10 MR. CESARZ: Definitely. We do
11 everything that we say.

12 ATTORNEY ARENA: I have no further
13 questions of Mr. Cesarz.

14 CHAIRMAN BOHL: Is there any questions
15 the Committee has of Mr. Cesarz?

16 ALDERMAN BAUMAN: I have a question.

17 CHAIRMAN BOHL: Go ahead.

18 ALDERMAN BAUMAN: Just to verify, you do
19 agree that that's your signature on the letter
20 entitled "plan of operation"?

21 MR. CESARZ: Yes, it is.

22 ALDERMAN BAUMAN: And this letter was
23 sent to me, is that correct?

24 MR. CESARZ: It was given to the counsel
25 and the police when they were investigating my

1 license application.

2 ALDERMAN BAUMAN: So this letter was
3 presented to the licensing authorities as part of
4 your application, your first application, for a
5 liquor license, correct?

6 MR. CESARZ: Yes.

7 ALDERMAN BAUMAN: And you submitted this
8 letter in order to clarify what your plan of
9 operation was going to be and to induce the city
10 to, in fact, grant you a liquor license, correct?

11 MR. CESARZ: I sent it to get a liquor
12 license, yes; not to induce the city, just told
13 them what we were going to do.

14 ALDERMAN BAUMAN: Okay, fine. Thank
15 you.

16 ATTORNEY ARENA: This letter that you
17 were shown by Alderman Bauman says that you will
18 feature classic music. What do you think classic
19 music is, Mr. Cesarz?

20 MR. CESARZ: Classic music is, we play
21 martini music. We have that off the Internet
22 running through our bar, classic rock and roll,
23 which I do. Not classical music, I never said
24 classical, not like Beethoven. Then we had
25 checked up to 14 kinds of different music,

1 popular. And anything -- we had different
2 artists, we've had people that want to do
3 religious events in there.

4 ATTORNEY ARENA: Mr. Cesarz.

5 MR. CESARZ: Everything, so we have all
6 different kinds of different piano music and
7 everything.

8 ATTORNEY ARENA: Just in regards to this
9 letter, you wrote, "including big band-style,"
10 what is "big band-style."

11 MR. CESARZ: That's the martini lounge
12 music that you get off of the Internet, and that's
13 what we play from the time we're open until 6:00,
14 7:00 every night on the week, and, you know, all
15 of our other daytime activities.

16 ATTORNEY ARENA: And you continue to do
17 that at times?

18 MR. CESARZ: Yes, we do.

19 ATTORNEY ARENA: And pop and rock, what
20 is that?

21 MR. CESARZ: Pop and rock is top 40 and
22 popular music.

23 ATTORNEY ARENA: And all of those types
24 of music, are they checked on your application?

25 MR. CESARZ: Yes, they are.

1 ATTORNEY ARENA: And is your
2 application, you think, in line with that
3 description?
4 MR. CESARZ: Yes, we do everything that
5 we put in our plan of operation.
6 ATTORNEY ARENA: Thank you. I have no
7 further questions.
8 CHAIRMAN BOHL: Of anything?
9 ATTORNEY ARENA: Of Mr. Cesarz.
10 CHAIRMAN BOHL: The floor is still
11 yours.
12 ATTORNEY ARENA: That's, you know,
13 typically how a lawyer ends with a witness.
14 CHAIRMAN BOHL: That's fine.
15 ATTORNEY ARENA: I have three additional
16 witnesses here. They can go in order.
17 You can step up to the microphone,
18 please. Tell us your name and what you would like
19 to tell us about --
20 CHAIRMAN BOHL: And address, please.
21 MR. PRODO: What was that?
22 CHAIRMAN BOHL: Your home address.
23 MR. PRODO: Okay. First name Jose
24 Prodo, my address is 1033 South 30th Street
25 Milwaukee, Wisconsin. I work at Club Bari as

1 security, and I also manage some of the music
2 events that we have there at Club Bari.
3 ATTORNEY ARENA: Tell us which music
4 events you manage.
5 MR. PRODO: I manage the Latin music,
6 salsa, and Caribbean music and Puerto Rican
7 Caribbean Bachata, Dominican music. Big band
8 also. Big band also falls in, big band, horns,
9 mostly Mexican music.
10 ATTORNEY ARENA: And we're talking about
11 dancing that goes on?
12 MR. PRODO: We're talking, basically,
13 yeah, it can be dancing if you like that kind of
14 music.
15 ATTORNEY ARENA: How often do you do
16 that type of music?
17 MR. PRODO: Fridays. My nights are
18 mostly Friday nights, early evening. We bring in
19 a dance instructor, they give free lessons and
20 typically until about 8:30, 9:00, then the
21 environment changes and a younger crowd comes in,
22 gets to do a little more.
23 ATTORNEY ARENA: Are you there until
24 closing on those Friday nights?
25 MR. PRODO: I am.

1 ATTORNEY ARENA: Is a hip-hop format
2 followed, or something --
3 MR. PRODO: Yeah, we also have that
4 because of the demand of the clientele.
5 ATTORNEY ARENA: That's within the genre
6 of popular music?
7 MR. PRODO: That's exactly, anything
8 that is top 40. If it's radio playable, it's
9 played there.
10 ATTORNEY ARENA: Who determines if it's
11 radio playable and played there? Is there a list?
12 MR. PRODO: We -- there is no list, but
13 if there is something that I hear that is not
14 supposed to be played, I bring it to him, and he
15 goes and brings it to Mario, and he takes it to
16 the DJ.
17 ATTORNEY ARENA: How often do you hear
18 something that is not supposed to be played?
19 MR. PRODO: You know, up until that
20 10/10 incident, there hasn't been a song that
21 hasn't been scrutinized. I mean, even Lady Gaga
22 isn't even allowed in our establishment.
23 ATTORNEY ARENA: I don't know who Lady
24 Gaga is.
25 Is there anything else you would like to

1 add of what you personally observed and witnessed?
2 MR. PRODO: Except that since the
3 incident, this incident that we have been talking
4 about all night, I didn't personally observe it,
5 but since then, Mario has, both Mario and Mr.
6 Cesarz had gotten, had meetings with the staff,
7 okay. We have meetings before and after the
8 night, so we know what kind of environment to
9 allow. We try to control -- the environment is
10 controlled starting at the door, so the door guy
11 pretty much sets the tone of the environment of
12 the nightclub. So since all of this has been
13 taking place, we've had less people come in the
14 nightclub. It's a more controlled atmosphere.
15 It's not 400, 500 people like next boor.
16 ATTORNEY ARENA: Okay, thank you.
17 CHAIRMAN BOHL: Any questions by
18 Committee?
19 Still yours.
20 ATTORNEY ARENA: Next. You can give us
21 your name and address and tell us what your
22 observations are, please.
23 MR. KOWALSKI: Justin Kowalski, West
24 Allis, Wisconsin.
25 CHAIRMAN BOHL: And an address in West

1 Allis, Wisconsin?
 2 MR. KOWALSKI: 5506 West Rogers Street.
 3 CHAIRMAN BOHL: And the spelling of your
 4 last name, Mr. Kowalski?
 5 MR. KOWALSKI: K-O-W-A-L-S-K-I.
 6 ATTORNEY ARENA: Mr. Kowalski, how old
 7 are you?
 8 MR. KOWALSKI: 41.
 9 ATTORNEY ARENA: How often do you go
 10 to -- are you a patron of Club Bari?
 11 MR. KOWALSKI: Yes.
 12 ATTORNEY ARENA: How often do you go
 13 there?
 14 MR. KOWALSKI: Usually about every other
 15 week.
 16 ATTORNEY ARENA: And is it once a week
 17 every other week?
 18 MR. KOWALSKI: Yes.
 19 ATTORNEY ARENA: What times of the day
 20 are you there?
 21 MR. KOWALSKI: Usually during the days.
 22 ATTORNEY ARENA: Are you ever there at
 23 night?
 24 MR. KOWALSKI: I have been.
 25 ATTORNEY ARENA: Have you been there

1 late at night?
 2 MR. KOWALSKI: Yes.
 3 ATTORNEY ARENA: What is your
 4 observation in regards to the entertainment format
 5 that is followed?
 6 MR. KOWALSKI: Top 40 music, dance.
 7 I've even heard, you know, Grease soundtrack and
 8 stuff from the '70s and early folk.
 9 ATTORNEY ARENA: Have you made
 10 observations of what goes on or what's happening
 11 after Club Bari closes?
 12 MR. KOWALSKI: I really can't say. Once
 13 it closes; I just leave.
 14 ATTORNEY ARENA: Have you observed
 15 police cars or activity in front of 618 live?
 16 MR. KOWALSKI: I have.
 17 ATTORNEY ARENA: Describe what you saw.
 18 MR. KOWALSKI: It was just the police
 19 stopped and they were questioning a few people and
 20 moved on.
 21 ATTORNEY ARENA: Okay. Is there
 22 anything else you would like to add that you think
 23 that the Committee should be aware of?
 24 MR. KOWALSKI: Just that I go there for
 25 a lot of the football games and sports events,

1 it's always on TV, so.
 2 ATTORNEY ARENA: Okay. Thank you, Mr.
 3 Kowalski.
 4 CHAIRMAN BOHL: Questions by Committee?
 5 Mr. Kowalski, when you described you saw
 6 the police at 618 Live that were having
 7 discussions with folks, do you know whether or not
 8 they came from 618 or whether they came from Club
 9 Bari?
 10 MR. KOWALSKI: I really cannot say for
 11 sure. I just happened to observe them in front of
 12 618.
 13 CHAIRMAN BOHL: But you couldn't
 14 differentiate by the patrons of whether they came
 15 from other bars or walking through the area, you
 16 couldn't distinguish?
 17 MR. KOWALSKI: No.
 18 CHAIRMAN BOHL: Thank you. Next
 19 witness.
 20 MR. FELSKI: My name is Timothy Felski,
 21 F like Frank, E-L, S like Sam, K-I. The address is
 22 6183 West Howard Avenue, Unit 11, and that is
 23 Greenfield, Wisconsin 53220.
 24 ATTORNEY ARENA: Could you tell us how
 25 much time we have left?

1 CHAIRMAN BOHL: 8:15.
 2 ATTORNEY ARENA: 8 minutes 15. Thank
 3 you.
 4 How often -- are you a patron of Club
 5 Bari?
 6 MR. FELSKI: Yeah, pretty regularly. I
 7 would say about once every other week.
 8 ATTORNEY ARENA: How long have you been
 9 a patron of Club Bari, starting in what time
 10 period?
 11 MR. FELSKI: Basically, since they
 12 opened. Yeah, since they opened.
 13 ATTORNEY ARENA: Are you -- what hours
 14 are you typically present?
 15 MR. FELSKI: Oh, all different. I tend
 16 to gravitate more when they have the sporting
 17 events, Packer games, things like that, but two
 18 weeks ago after I attended a concert with a group
 19 of friends, the Motley Crue and Poison concert at
 20 the Bradley Center, and afterwards our group went
 21 to Club Bari. So that was late in the evening.
 22 That was after midnight on a Saturday night.
 23 ATTORNEY ARENA: What type of music did
 24 you observe being played?
 25 MR. FELSKI: Mostly, they mix it up.

1 I'm not a hip-hop guy myself and neither are any
2 of my friends, so we wouldn't gravitate to a place
3 that, you know, plays that type of music. So it's
4 a mixture of, you know, you have some softer rock,
5 some top 40-type things, stuff like that, you
6 know, just a mix of everything. And we enjoy it.

7 ATTORNEY ARENA: I asked the police
8 officers if they could tell me songs or artists
9 that -- are you able to tell us any particular
10 song that you hear or have heard when you have
11 been present?

12 MR. FELSKI: Well, I know who Lady Gaga
13 is, so I'm not out of it, but -- I'm hip -- but,
14 no, honestly, again, when it comes to music, you
15 know, I know a lot of the top 40, so I know what I
16 like. I know what I hear. You know, I like dance
17 music. I like slow ballad-type music. I like,
18 you know, Dean Martin, things like that, Frank
19 Sinatra. I hear a bit of all of those things at
20 Club Bari to be honest with you.

21 ATTORNEY ARENA: How many times a week
22 do you go to Club Bari?

23 MR. FELSKI: Well, I would say like
24 about once every other week.

25 ATTORNEY ARENA: And what hours

1 typically are you there until? When do you leave?
2 When do you arrive?

3 MR. FELSKI: Well, sometimes it's for
4 sporting events, so it would be more daytime or
5 early evening, you know, 7:00, 8:00 at night. But
6 again, a couple weeks ago, I was just there with a
7 group of friends, and it was a late night. It was
8 after midnight. I don't know exactly what
9 timeframe, but it was after midnight.

10 ATTORNEY ARENA: Have you observed
11 fighting or poor behavior inside of Club Bari?

12 MR. FELSKI: Oh, no, never. I've never
13 seen anything like that.

14 ATTORNEY ARENA: Have you observed
15 anything else at Club Bari, especially when you
16 leave late at night?

17 MR. FELSKI: No, I have not. I have not
18 seen any kind of brawls or any kind of craziness
19 going on there. Again, my group of friends, we
20 wouldn't have, we wouldn't care for, we wouldn't
21 appreciate that. We would not want to associate
22 or be, you know, at a location that had that kind
23 of thing going on.

24 ATTORNEY ARENA: And how are you
25 employed, if I could ask?

1 MR. FELSKI: I'm an operator, a bus
2 operator for Milwaukee County, city bus, Milwaukee
3 County.

4 ATTORNEY ARENA: And so you certainly
5 fit within the 30-to-40 age range?

6 MR. FELSKI: Yes, I'm 47 years old.

7 ATTORNEY ARENA: Thank you.

8 MR. FELSKI: I look a lot younger,
9 right?

10 ATTORNEY ARENA: I have no further
11 questions of this gentleman, Mr. Chair.

12 CHAIRMAN BOHL: Questions by Committee?
13 Sir, do you know, you have an
14 understanding at least of what a typical
15 hip-hop-type song, or what would be called into
16 the hip-hop genre?

17 MR. FELSKI: I would, yes, absolutely.

18 CHAIRMAN BOHL: During any of the
19 occasions in which you were there, was that music
20 played at Club Bari?

21 MR. FELSKI: I mean, I have heard a
22 hip-hop song or two played there, yes, but not on
23 continued -- again, it's not something I would
24 appreciate or I would enjoy. I live quite a
25 distance from Club Bari, I live out in the City of

1 Greenfield kind of near the Southridge shopping
2 center area, and I would not want to travel all of
3 the way downtown to go to a club that was a
4 hip-hop-type club. I wouldn't fit in, I guess is
5 the better way of putting it.

6 CHAIRMAN BOHL: Questions here?
7 The floor is still yours.

8 ATTORNEY ARENA: We have one more.

9 ALDERMAN ZIELINSKI: I have one
10 question.

11 CHAIRMAN BOHL: Go ahead.

12 ALDERMAN ZIELINSKI: Would you say that
13 most of the other clientele at that location are
14 within your age group or younger?

15 MR. FELSKI: I would say, again, because
16 if it was just myself and my group of friends, the
17 guys from the bus company and stuff, they are more
18 my age group.

19 ALDERMAN ZIELINSKI: Would you say the
20 majority of the people are in your age, or are
21 they younger?

22 MR. FELSKI: I would say it's a mix. I
23 wouldn't say --

24 ALDERMAN ZIELINSKI: So it's a 50/50
25 split, right?

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1 MR. FELSKI: It depends on, again, on
2 the --
3 ALDERMAN ZIELINSKI: When you go there.
4 When you go there.
5 MR. FELSKI: Right, but I have to answer
6 you appropriately, and to do so, I have to answer
7 you, you know, in a more extended fashion, and
8 that would be that if I attend a sporting event
9 there and so forth, I mean, on the flat screen
10 TVs, they -- I've even run into people that I went
11 to high school with there.
12 ALDERMAN ZIELINSKI: Say, out of all of
13 the different events: sporting events, nighttime,
14 midnight, whatever, is the average age your group,
15 or is it younger than you?
16 MR. FELSKI: About my age when I'm
17 there.
18 ALDERMAN ZIELINSKI: About your age.
19 MR. FELSKI: I mean, lower, you know,
20 30, 40.
21 ALDERMAN ZIELINSKI: You're on the
22 record. Thank you.
23 MR. FELSKI: Okay.
24 CHAIRMAN BOHL: The floor is yours,
25 Mr. Arena.

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1 ATTORNEY ARENA: Next witness. If you
2 could state your name and address and age right
3 away?
4 MR. SALAZAR: Ricardo Salazar,
5 S-A-L-A-Z-A-R, 5369 South Lake Drive, Cudahy,
6 Wisconsin. 49 years old.
7 ATTORNEY ARENA: Are you a patron of
8 Club Bari?
9 MR. SALAZAR: Yes.
10 ATTORNEY ARENA: How often do you go to
11 Club Bari?
12 MR. SALAZAR: At least once a week,
13 sometimes twice a week.
14 ATTORNEY ARENA: And what are your --
15 what hours are you typically present at Club Bari?
16 MR. SALAZAR: At different times, you
17 know, I stop in. I went there at night and
18 sometimes daytime for a Packer game and stuff.
19 ATTORNEY ARENA: Have you ever been
20 present there after 10:00 p.m.?
21 MR. SALAZAR: Yes.
22 ATTORNEY ARENA: Can you give us an idea
23 of how many times?
24 MR. SALAZAR: Maybe six, eight times.
25 ATTORNEY ARENA: What type of music do

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1 you observe after 10:00 p.m.?
2 MR. SALAZAR: A variety of music.
3 ATTORNEY ARENA: I should first ask,
4 sir, do you know what hip-hop music is?
5 MR. SALAZAR: Dancing music.
6 ATTORNEY ARENA: Do you know what rap
7 is?
8 MR. SALAZAR: Yeah.
9 ATTORNEY ARENA: Did you hear rap music
10 played there?
11 MR. SALAZAR: No.
12 ATTORNEY ARENA: Do you know what
13 hip-hop music is?
14 MR. SALAZAR: I guess more up to beat.
15 I'm not sure.
16 ATTORNEY ARENA: Have you heard music
17 that you thought was objectionable to you and that
18 you would leave because you heard it?
19 MR. SALAZAR: No.
20 ATTORNEY ARENA: Describe what type of
21 music you do, you have heard or witnessed.
22 MR. SALAZAR: A variety of music. You
23 can give them a request, and they will play music
24 for you, kind of like all kinds. I'm not really a
25 person that likes a lot of loud music, crazy

133

1 music.
2 ATTORNEY ARENA: How long have you been
3 a patron of Club Bari?
4 MR. SALAZAR: Last year. I think
5 probably right when they opened.
6 ATTORNEY ARENA: Okay, and how often a
7 week do you go there?
8 MR. SALAZAR: Once, sometimes twice a
9 week.
10 ATTORNEY ARENA: Okay.
11 CHAIRMAN BOHL: Three minutes.
12 ATTORNEY ARENA: No further questions of
13 this witness. Thank you.
14 CHAIRMAN BOHL: Questions by Committee?
15 The floor is still yours.
16 ATTORNEY ARENA: I have no further
17 witnesses. Would you like me to do a closing at
18 this point?
19 CHAIRMAN BOHL: Why don't we hear from
20 Alderman Bauman and Mr. Unora first? And we'll
21 allow you to follow that up then.
22 ALDERMAN BAUMAN: Thank you, Mr. Chair.
23 In reference to the meeting on July 13,
24 2010, Mr. Cesarz was present, the owner of the
25 building was present and his manager was present.

1 They came in, he admits he came in, he admits
 2 there was a meeting. Whether he came because of
 3 my letter of May 24th or not, the bottom line is,
 4 we discussed that letter. We discussed the
 5 pictures that were attached to it and the
 6 advertisements that were attached to it. In that
 7 meeting, Mr. Cesarz admitted that they changed
 8 their plan of operation. He admitted that the
 9 letter, which was submitted in connection with the
 10 original application, was no longer being followed
 11 because he blamed the city. He blamed the city
 12 because of our parking rules and lack of parking
 13 capacity on Water Street was causing him to lose
 14 business consistent with the original plan of
 15 operation that he wanted to embark upon.

16 ATTORNEY ARENA: Mr. Chairman, I have to
 17 object to this line of statements being made in
 18 this closing argument.

19 ALDERMAN BAUMAN: It's personal
 20 knowledge.

21 ATTORNEY ARENA: But he did not
 22 testify --

23 ALDERMAN BAUMAN: I was present.

24 ATTORNEY ARENA: -- to this during the
 25 hearing, and now he is calling this his closing.

1 ALDERMAN BAUMAN: I'm testifying.

2 ATTORNEY ARENA: There's no -- that's
 3 not evidence before the Committee right now.

4 ALDERMAN BAUMAN: I'm under oath. It's
 5 personal knowledge.

6 CHAIRMAN BOHL: He's under oath. I'm
 7 going to allow it as a submission of the alderman,
 8 who has met with the applicant. You have an
 9 understanding, Mr. Arena, that an alderperson has
 10 a particular interest in dealing with clubs in
 11 their business and may meet with them from time to
 12 time. He's providing the Committee with firsthand
 13 knowledge of a meeting that he had that even was
 14 submitted into the record here through previous
 15 testimony that took place. So I'm going to allow
 16 him to proceed.

17 ALDERMAN BAUMAN: Exactly.

18 CHAIRMAN BOHL: I will duly note your
 19 objection here.

20 ATTORNEY ARENA: Okay. Thank you.

21 ALDERMAN BAUMAN: We had an argument
 22 over the issue of those rules, and I told him this
 23 is a very problematic issue. Because as I
 24 indicated previously before this Committee, and
 25 I'll reiterate today, when this application

1 originally came in, I was very concerned. Because
 2 yes, 618 was an issue in my district and on North
 3 Water Street, it was an issue with the consumption
 4 of police resources. We were very concerned, we
 5 didn't want a second major consumer of police
 6 resources located right down the block where it
 7 would become very difficult to identify who's the
 8 problem actor. The precise argument they're
 9 making here was the precise reason I raised
 10 concern about having two hip-hop clubs side by
 11 side, because then you'd never know who was
 12 responsible for bad behavior because they would
 13 always point the finger at the other guy, as 618
 14 did when they were here last year: pointed the
 15 finger at these guys; these guys pointed the
 16 finger at 618. The exact problem I was concerned
 17 about. So to overcome that problem, Mr. Cesarz
 18 submits this letter, says, "Oh, we're not going to
 19 be that kind of a club. We're going to be kind of
 20 a Frank Sinatra club. We're going to be kind of a
 21 middle-age, cater to the 47-year-old bus drivers
 22 of Milwaukee, and we're not going to -- we're
 23 going to have an Italian sports lounge. We're
 24 going to play big band music. You don't have to
 25 worry about us, we're going to be an entirely

1 different type of club."

2 You've heard from the police officers.
 3 Whatever these three witnesses who have testified,
 4 whatever nights they were there, you've heard from
 5 the police officers, literally hundreds of people
 6 that do not fit the description that these three
 7 witnesses have testified to at this club. Which
 8 may be fine, clubs of that kind belong in the
 9 city, they have a right to operate, that's not the
 10 issue here. The issue here is lying to this
 11 Committee and to aldermen on the Common Council.
 12 To directly misrepresent what they're intending to
 13 do to induce us to grant the license when we have
 14 legitimate concerns about issuing that license
 15 given the existing state of affairs on that
 16 particular block. That's the issue here for me
 17 plain and simple. The issue of consuming police
 18 resources, whose people are the bad actors is
 19 obviously a concern of mine, but I'll let the
 20 police deal with that, and I'll let Mr. Unora deal
 21 with that issue. My concern solely relates to
 22 misrepresenting their intentions to this body in
 23 order to obtain a license. And then we find out
 24 by his own admission they stop following this plan
 25 because it's the city's fault because of parking

1 rules. They've admitted it. And the police
2 testimony corroborates that admission.

3 So based on that, I would urge a
4 nonrenewal as we've already voted to do once.

5 CHAIRMAN BOHL: Alderman, do you want to
6 submit a copy of that letter here as part of the
7 record?

8 ALDERMAN BAUMAN: I can. I believe it's
9 part of your record. It's not?

10 ALDERMAN ZIELINSKI: Move to accept.

11 ALDERMAN BAUMAN: This is my only copy.
12 This is the original signature. You can throw
13 that one in there as well.

14 CHAIRMAN BOHL: What we can do is, you
15 can bring that here. Have you had an opportunity
16 to have the -- every time we did this here, make
17 certain that if there is an attorney that they
18 have a chance to look at it.

19 ATTORNEY ARENA: Is that the letter
20 signed by Mr. Cesarz?

21 CHAIRMAN BOHL: It was. I saw him hand
22 it to him earlier.

23 ATTORNEY ARENA: I have seen it.

24 CHAIRMAN BOHL: We can, after the fact
25 here, make certain that we have a copy of that,

1 and, Alderman, that goes back to you.

2 First off, Alderman Kovac would move to
3 make the May 24, 2010, letter from Alderman Bauman
4 to Robert Cesarz, a packet with two other items,
5 which include different advertisements and
6 brochures for this establishment, part of the
7 official record in this proceeding. Hearing no
8 objection to that, so ordered.

9 Then Alderman Kovac would also move to
10 make a Club Bari plan of operation with the
11 signature of Robert Cesarz as part of our official
12 record in this proceeding. Hearing no objections
13 to that, so ordered.

14 Are there any questions by Committee of
15 Alderman Bauman?

16 Any questions that you have relating to
17 the items submitted here?

18 ATTORNEY ARENA: No, but I feel like
19 because of those allegations being made that
20 Mr. Cesarz needs to address those statements.

21 CHAIRMAN BOHL: You still have two
22 minutes and 50 seconds. I will allow you that
23 luxury if you so desire here.

24 ATTORNEY ARENA: Can you do it in 30
25 seconds?

1 Are we proceeding with that?

2 CHAIRMAN BOHL: Go ahead.

3 ATTORNEY ARENA: Mr. Cesarz, you heard
4 Alderman Bauman say that you were present at a
5 meeting where you admitted that for financial
6 reasons you had to change your plan of operation,
7 is that true?

8 MR. CESARZ: Not at all true.

9 ATTORNEY ARENA: What had transpired at
10 that meeting?

11 MR. CESARZ: We went to Mr. Bauman's
12 office, made an appointment because we were having
13 traffic problems with tickets, and we were trying
14 to address parking because we couldn't get anyone
15 to come into the restaurant. And we did not know
16 of any letter from Mr. Bauman. He had my address
17 mixed up from Arizona with a Big Bend address of
18 my partner, that was never from us. So we weren't
19 even aware of the letter, and that's why I
20 personally think he got angry with us because we
21 didn't even know he had a letter like that.

22 ATTORNEY ARENA: Did you make a
23 statement that because business was bad you were
24 going to change from what you wrote in that
25 letter?

1 MR. CESARZ: Never. We just were trying
2 to get our parking situation. That's the only
3 reason we went to Mr. Bauman's office at the time.
4 We didn't even know we even had a problem.

5 ATTORNEY ARENA: So you were there, and
6 you made an appointment to go to his office?

7 MR. CESARZ: Yes, we made the
8 appointment. That's it.

9 ATTORNEY ARENA: And did you make the
10 statement that you would change from the letter
11 that says, "We're going to play dance, pop, big
12 band-style or whatever"?

13 MR. CESARZ: No, and I have two
14 witnesses that were in the office at the same time
15 that knew I never made that statement.

16 ATTORNEY ARENA: And who were those
17 witnesses?

18 MR. CESARZ: My partner, Mario Morgese,
19 and the owner of the building, Kevin Reardon.

20 ATTORNEY ARENA: Okay. Thank you, Mr.
21 Cesarz.

22 CHAIRMAN BOHL: Questions by Committee?
23 Any follow-up questions? Mr. Unora?

24 ATTORNEY UNORA: Are you ready for my
25 final?

1 CHAIRMAN BOHL: Yes.
 2 ATTORNEY ARENA: I was going to ask
 3 Mr. Morgese about this meeting. Do I still have
 4 time left?
 5 CHAIRMAN BOHL: Yes.
 6 ATTORNEY ARENA: How much?
 7 CHAIRMAN BOHL: 1:21.
 8 ATTORNEY ARENA: Mr. Morgese, were you
 9 present at this meeting, July 13th, I believe?
 10 MR. MORGESE: Yes.
 11 ATTORNEY ARENA: Was there a discussion
 12 that you guys were changing your plan of operation
 13 because you weren't making money due to 618?
 14 MR. MORGESE: No, we did not discuss the
 15 plan of operation. Mr. Bauman did bring it up,
 16 and he wanted to discuss what we were doing, and I
 17 explained to him we were doing everything that I
 18 had in my liquor license, what I asked for in
 19 music style, and that we would do a variety of
 20 different things to try to bring in clientele.
 21 ATTORNEY ARENA: Did you say that you
 22 weren't making any money and for economic reasons
 23 you had to become a hip-hop club?
 24 MR. MORGESE: No, I never said anything
 25 like that, neither did Mr. Cesarz.

1 ATTORNEY ARENA: Do you think that you
 2 are a hip-hop club?
 3 MR. MORGESE: No.
 4 ATTORNEY ARENA: Do you think that 618
 5 Live is a hip-hop club?
 6 MR. MORGESE: Yes.
 7 ATTORNEY ARENA: Have you been inside of
 8 618 Live?
 9 MR. MORGESE: Yes.
 10 ATTORNEY ARENA: What type of music do
 11 they play?
 12 MR. MORGESE: Hip-hop.
 13 ATTORNEY ARENA: Do they play the type
 14 of music -- do you play the type of music that
 15 they play?
 16 MR. MORGESE: The only same music that
 17 we would play is if it was on the top 40 list, but
 18 not as a continual basis like they do. We play a
 19 mix.
 20 ATTORNEY ARENA: Okay. Thank you.
 21 CHAIRMAN BOHL: Mr. Unora.
 22 ATTORNEY UNORA: In summation, the
 23 stance of Captain Basting from the Milwaukee
 24 police department is that we ask the Committee not
 25 to renew the license of Club Bari for tavern

1 and/or nightclub tavern dance license. It's based
 2 on the incidents in the PA-33. As the Committee
 3 is well aware, there is a problem in the 600 block
 4 of North Water Street. There are two clubs of
 5 similar nature operating within doors, two doors
 6 of each other. Captain Basting stated quite
 7 succinctly that the one club has been very
 8 forthcoming and proactive in making the changes
 9 that had helped to alleviate that, whereas Club
 10 Bari has not.
 11 I know Alderman Bauman here also has
 12 elicited material beyond this, the position of the
 13 police department regarding the police reports
 14 into the plan of operation change. I will note,
 15 being a prosecutor, that there is an ordinance
 16 requirement under 90-6 sub 13 that if there is a
 17 change in plan of operation, it must be approved
 18 by the Common Council. And you as a Committee
 19 being Common Council members would know if that,
 20 in fact, did happen or did not happen.
 21 So in summation of everything, there is
 22 a short list of incidents in the PA-33 summation,
 23 a significant incident No. 5 in which a police
 24 officer was assaulted occurred, and a summation of
 25 that, as you heard, was 100 to 200 people out in

1 the street causing a major disturbance. In that
 2 we have these two clubs so close to each other and
 3 one is proactive and one is not proactive, that is
 4 why Captain Basting makes the stance that he does
 5 to you today in that he asks that you do not renew
 6 Club Bari's license. Thank you.
 7 ALDERMAN ZIELINSKI: Mr. Chairman.
 8 CHAIRMAN BOHL: Alderman Zielinski.
 9 ALDERMAN ZIELINSKI: I just wanted to
 10 get some things perfectly clear. I think we've
 11 already established that, I just want to make it
 12 perfectly clear, so you're operating an Italian
 13 sports bar, not a hip-hop club, correct?
 14 ATTORNEY ARENA: Myself, I don't operate
 15 anything.
 16 ALDERMAN ZIELINSKI: Correct.
 17 ATTORNEY ARENA: I don't know who you're
 18 addressing the question to.
 19 ALDERMAN ZIELINSKI: I'm talking to him
 20 now. I'm looking at an advertisement for Club
 21 Bari dated February 2011 and the words "hip-hop"
 22 are right at the top of the ad.
 23 ATTORNEY ARENA: Is that in evidence?
 24 CHAIRMAN BOHL: It would have been
 25 submitted to you with the record, with your

1 notice.

2 ATTORNEY ARENA: There were two items
3 submitted with the notice and that involved a
4 party, two different parties. I didn't see any --

5 CHAIRMAN BOHL: What page number is
6 that?

7 ALDERMAN ZIELINSKI: This is something
8 that I came across on the Internet here.

9 ATTORNEY ARENA: So he is doing outside
10 research, and we can't go into that.

11 CHAIRMAN BOHL: Yeah, we can't do that.

12 ALDERMAN ZIELINSKI: Well, disregard.

13 MR. MORGESE: I wouldn't know about it.

14 ALDERMAN ZIELINSKI: You wouldn't know
15 about it?

16 MR. MORGESE: No, I don't. I don't know
17 what you're looking at, so I don't know what
18 you're -- I don't promote any hip-hop music at my
19 club. I mean, if we have DJs, and things of that
20 nature, and they have their own Facebook or things
21 like that, I guess they could put things down that
22 they want to, but I personally don't advertise
23 that way. I don't have anything, you know, we
24 don't push that thing. Top 40 music, I guess some
25 hip-hop music is top 40. So, that's, you know --

1 ALDERWOMAN COGGS: Mr. Chair.

2 CHAIRMAN BOHL: Alderwoman Coggs.

3 ALDERWOMAN COGGS: I'm a fan of good
4 positive hip-hop, and I actually think we
5 shouldn't have a new department requirement for
6 licenses, but it is. And I realize you have to
7 put down, you know, the type of music that they're
8 going to play. And I know for me, it's not going
9 to interfere with what I vote today, but I do
10 think it's disingenuous to act as if hip-hop on a
11 regular basis is not played at this establishment.
12 I mean, whether it's Facebook or whether it's a
13 whole bunch of other stuff or if the DJ, what the
14 DJ is playing and whatever, that is not quite
15 honest. Again, that is not going to enter into my
16 decision making; I'm a fan of hip-hop, but to act
17 as if you're not aware that hip-hop was playing on
18 a regular basis beyond top 40 issues, because to
19 see your promotion by the DJ, all of that, I think
20 it's a bit disingenuous to do before this
21 Committee.

22 CHAIRMAN BOHL: Mr. Arena, I'll allow
23 you a closing.

24 ATTORNEY ARENA: Thank you. I think if
25 you look at this record and you look at this PA-33

1 before this Committee, the proof is in the
2 pudding, that the problem is 618 Live. I know
3 that everybody here is aware through hours of
4 hearings that they've had and multiple people that
5 have come down and testified about that location.
6 And I would note that I'd asked specific questions
7 about Mr. Aronson because if you operate in this
8 business in this area and you're a member of this
9 Committee, you have a pretty good idea of who he
10 is. I'm sure that he received a notice of today's
11 hearing or knew about it, and he is not present.
12 He has not sent regular e-mails, as he has to
13 Alderman Bauman, regarding problems of Club Bari.
14 I think typically his e-mails for 618 Live are,
15 "Last night it was worse than ever. This weekend
16 it was worse than ever." And when I say the proof
17 is in the pudding, you look at that PA-33, and you
18 see that the last event was way back in October,
19 months before this special enforcement, party
20 enforcement, whatever, was started by Captain
21 Basting. And by the way, I do applaud that effort
22 by Captain Basting. That is something that I have
23 discussed with him in the meeting, we did talk
24 about that. And that is one positive way that
25 things could be prevented from occurring. But if

1 you look at the incidents at 618 Live, they
2 started long before Club Bari was in existence.
3 Police were always dispatched to North Water. And
4 to now say, "Well, automatically Club Bari must be
5 a hip-hop club because they are next to 618 Live,"
6 nobody here on this side has denied that
7 occasional hip-hop music gets played, what they
8 are saying is that they checked off many types of
9 music, they do many types of things and they have
10 to have flexibility and they offer a wide array.
11 They have large screens. They do the sports.
12 They do the parties. They do a lot of different
13 things, and that's evident in their application.

14 Now, if we look at this letter that
15 says, "We're going to play pop, this and that,"
16 nowhere does it say that they are committing that
17 they are only going to play Frank Sinatra music or
18 only going to play big band music. In fact, if
19 you go back to your memory when Mr. Cesarz was
20 here applying for the license, this discussion did
21 come up. And I believe the chairman himself
22 brought up the issue that, "Well, you could mark
23 down this and then you could become a full-blown
24 hip-hop club." And he said, "Well, we're going to
25 do a lot of things. We're going to try salsa."

1 And they do salsa. "We're going to try this."
 2 And he talked about old school and things that he
 3 was aware of and remembered from his youth in high
 4 school, or something, and he said that they wanted
 5 to have dancing. Well, they applied for a dance
 6 license, they applied for all sorts of different
 7 types of music, and they haven't really changed
 8 that. And to say that, "Well, they couldn't make
 9 money and they admitted it themselves. They
 10 changed their plan of operation," that's what's
 11 disingenuous and not true. They have actually
 12 done what they said they were going to do from the
 13 beginning.

14 Item No. 5 on that PA-33, I submitted
 15 the video from the pole cam. I've observed that
 16 video, and I'm telling you, it is apparent and
 17 obvious that the crowd is coming out of 618 Live.
 18 It's got to be at least, I would say north of 250
 19 people, close to 300 people coming down that
 20 street. And you can see that people aren't being
 21 allowed entry into Club Bari. Was there fights on
 22 the street? Yes, there were. Was it Club Bari's
 23 fault? No. Mr. Morgese testified he was there.
 24 Mr. Cesarz was there. They locked the doors to
 25 prevent people from coming in and creating an

1 issue inside of Club Bari. They were already at
 2 capacity, they weren't allowing people in anymore.
 3 They had people trying to rush the door and get
 4 in. And you would see in the video that security
 5 people, four of them, are lined across the door,
 6 and they are keeping people out. Somewhere in
 7 that, people in that crowd did get into a fight,
 8 and you can actually see two fights in the video.
 9 That's all that I see. The other fights that were
 10 testified to, I don't, I didn't see them. But
 11 that is there for your consumption, it's submitted
 12 into the record.

13 I believe that there has been no
 14 misrepresentation of any intentions here. And I
 15 believe to say, "Oh, you're not an Italian-style
 16 lounge," that is so within the meaning of what
 17 somebody puts on that. To say that, you can't
 18 really label that, I mean, the police officers
 19 were testifying, "I've never been in one. I don't
 20 know what that is." They certainly were saying
 21 that, well, they hear all sorts of dance type of
 22 music. Does dancing go on? Yes. They applied
 23 for that license.

24 So what I would submit to you is that
 25 there hasn't been a change of operation. And I

1 don't think that that's, it would be appropriate
 2 to go down the road of saying, "Well, we have a
 3 hip-hop club in the 600 North Water Street, so we
 4 don't want any other clubs around it because that
 5 could become a hip-hop club." I think that is a
 6 dangerous road to go down, because now we're going
 7 to actually start spot zoning or creating zones
 8 without allowing the free enterprise system to
 9 exist. So I would urge you to approve this
 10 license. Thank you.

11 CHAIRMAN BOHL: Thank you.

12 With that, we're in committee.

13 ALDERMAN KOVAC: Mr. Chair.

14 CHAIRMAN BOHL: Alderman Kovac.

15 ALDERMAN KOVAC: I agree with Alderwoman
 16 Coggs' sentiment. I think the whole Committee did
 17 earlier today, we want to see quality hip-hop, we
 18 want to see quality music establishments and any
 19 kind of music that people in Milwaukee want to
 20 listen to. And I think if that's what was on the
 21 table, and we were -- and this applicant was
 22 sincere with their intentions, we would be having
 23 a different discussion. I believe I made the
 24 motion last time before this got remanded back and
 25 my motion was somewhat based on the police report,

1 neighborhood testimony, aldermanic testimony, but
 2 it was primarily based on the failure to follow a
 3 basic plan, and the credibility of this Committee
 4 that was called into question. And while I have
 5 become convinced today that most Milwaukeeans
 6 would have a hard time defining hip-hop, I think
 7 most people would, I don't think there's -- my --
 8 and really the issue isn't hip-hop; the issue is
 9 the age, the style, the type of crowd, the
 10 lateness of the crowd. Because when you say
 11 you're going to have big band-style, 30 to 40,
 12 that's really a code for saying, you're going to
 13 have people who come in for after-dinner drinks
 14 and nothing will be going on late at night. And I
 15 think it's pretty clear that is not what's going
 16 on at this place. Things are heating up late at
 17 night. Things are mixing -- this is a "late night
 18 come dance/come party-type" place, whatever kind
 19 of music you want to call it. That is not how it
 20 was represented. And even now, that is not how
 21 it's being represented. And I think it's clear to
 22 this Committee that there has been attempts to
 23 deceive this Committee and the public -- well, not
 24 the public. The public going to this bar, they
 25 know what's going on.

1 So I make this motion, obviously
2 mentioning the -- I don't know if it will pass,
3 we'll see, but the police reports, all of the
4 items from this year, I think are relevant.

5 Do you need me to list those off, Mr.
6 Chair?

7 CHAIRMAN BOHL: No, unless you --

8 ALDERMAN KOVAC: No, I'm not going to --

9 CHAIRMAN BOHL: I think all of them
10 here --

11 ALDERMAN KOVAC: And then based on the
12 testimony of the police department, especially in
13 relation to the police, direct police officer
14 observation that was going on and direct police
15 officer commander observations about the resources
16 that need to be deployed, based on that. So based
17 on police testimony and the police report and
18 aldermanic testimony, I move nonrenewal of this
19 license.

20 CHAIRMAN BOHL: The motion by Alderman
21 Kovac is to recommend nonrenewal of the licenses,
22 the Class B Tavern and Tavern Dance Licenses, due
23 to Item Nos. 1 through 6 in the police report as
24 well as additional testimony by the police
25 department and the additional submissions of the

1 local alderman. Is there a discussion on that
2 motion? No discussion on the motion?

3 Why don't we do a roll call vote on the
4 motion for nonrenewal of both licenses?

5 THE CLERK: Alderman Hamilton.

6 ALDERMAN HAMILTON: Aye.

7 THE CLERK: Alderman Kovac.

8 ALDERMAN KOVAC: Aye.

9 THE CLERK: Alderwoman Coggs.

10 ALDERWOMAN COGGS: Objection; no.

11 THE CLERK: Alderman Zielinski.

12 ALDERMAN ZIELINSKI: Aye.

13 THE CLERK: Mr. Chair.

14 CHAIRMAN BOHL: Aye. The motion will
15 carry 4 to 1.

16 Mr. Stephens.

17 ATTORNEY STEPHENS: Thank you, Mr.
18 Chair.

19 The Committee will be doing a report of
20 its finding of facts and conclusions of law
21 recommending to the Milwaukee Common Council that
22 your license be nonrenewed. You will receive a
23 copy of that report. You have an opportunity to
24 file written exceptions. If you do, they must be
25 received by the city clerk's office by 4:45 p.m.

1 on July 20, 2011. If you resubmit written
2 objections, you also have the opportunity to
3 appear before the Milwaukee Common Council when it
4 hears this matter on July 26, 2011 in the council
5 chambers of this building located on the same
6 floor but at the other end of the building.

7 Please be advised that this report of
8 the Committee is a recommendation to the full
9 Common Council. The Common Council makes the
10 final decision whether your license will be
11 renewed, renewed with a suspension between 10 and
12 90 days or nonrenewed.

13 Do you understand that?

14 MR. MORGESE: Yes.

15 ATTORNEY STEPHENS: Mr. Cesarz, do you

16 --

17 MR. CESARZ: Yes.

18 ATTORNEY STEPHENS: And Mr. Arena, will
19 you accept service on behalf of your client?

20 ATTORNEY ARENA: Yes.

21 ATTORNEY STEPHENS: Thank you, Mr.
22 Chair.

23 CHAIRMAN BOHL: Thank you. Thank you
24 all. And thank you to those of you who have been
25 waiting here very patiently.

1 (Proceedings concluded.)

1 STATE OF WISCONSIN)
) SS:
2 COUNTY OF WALWORTH)

3
4

5 I, KAREN RENEE, Court Reporter and
6 Notary Public in and for the State of Wisconsin, do
7 hereby certify that the above hearing was recorded by
8 me on July 11, 2011, and reduced to writing under my
9 personal direction.

10 I further certify that I am not a
11 relative or employee or attorney or counsel of any of
12 the parties, or a relative or employee of such attorney
13 or counsel, or financially interested directly or
14 indirectly in this action.

15 In witness whereof I have hereunder set
16 my hand and affixed my seal of office at Burlington,
17 Wisconsin, this 17th day of August, 2011.

18
19

20 _____
 Karen Renee
 Court Reporter and Notary Public
 In and for the State of Wisconsin

21
22

23 My Commission Expires: March 11, 2012.

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