

00001

1
2 CITY OF MILWAUKEE
3 LICENSES COMMITTEE
4 *****
5
6 In the Matter of: the Class "B" Tavern and Tavern
7 Amusement (Cabaret/NiteClub) renewal application for:
8 Agent: SAMAR L. ASAD
9 "LOUNGING AROUND, INC."
10 "ENVY LOUNGE & NIGHTCLUB"
11 715-717 South 5th Street
12 *****
13
14 COMMITTEE MEMBERS
15 ALD. JAMES BOHL - Chair
16 ALD. MEILE COGGS, Vice Chair
17 ALD. T. ANTHONY ZIELINSKI
18 ALD. NIK KOVAC
19
20 LICENSING DIVISION by RICHARD PFAFF
21 POLICE DEPARTMENT by SEARGENT CHET ULICKEY
22 OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF
23
24 Proceedings had and testimony given in
25 the above-entitled matter, before the LICENSES
COMMITTEE OF THE CITY OF MILWAUKEE, on
the 2nd day of June, 2010.

00002

1 PROCEEDINGS
2 CHAIRMAN BOHL: Samer L. Asad, Agent
3 for "Lounging Around, Inc.", Tavern Amusement
4 Cabaret renewal application as agent for Lounging
5 Around for "Envy Lounge and Nightclub" at 715-17
6 South 5th Street.
7 Good evening, gentlemen. Mr. Gimbel,
8 do you wish to state your appearance for the
9 record, please?
10 MR. GIMBEL: I do. Thank you very
11 much. My name is Franklyn Gimbel, and I am being
12 assisted tonight by my partner, D. Michael
13 Guerin, G-U-E-R-I-N.
14 And he's making his second appearance
15 here today, as well.
16 CHAIRMAN BOHL: Mr. Schrimpf, do you
17 just want to take a very brief moment here and
18 provide a summary as to why we are back here?
19 MS. SCHRIMPF: The committee the last
20 time around renewed the Class "B" Tavern License,
21 but denied renewal of the Tavern Entertainment
22 License. That was adopted by the Milwaukee
23 Common Council. An appeal was taken into the
24 Circuit Court of Milwaukee County, and Judge
25 Brash concluded that the evidence, at least as

00003

1 presented to him and at the point in time that he
2 was making this ruling, did have the benefit of
3 the transcript, I believe it was, of the Licenses
4 Committee meeting, felt that non-renewal of the
5 Tavern Entertainment License, given the testimony
6 that was then before the committee, was too
7 severe a penalty, I think it's fair to say. The
8 Judge remanded the matter to the Licenses
9 Committee for further proceedings, giving both
10 sides, objectors, as well as the licensee, the
11 opportunity to present any other evidence they
12 - - they may wish to present in this matter, and
13 to have the committee determine the matter in
14 light of any such new evidence. The Judge didn't
15 put any constraints on the committee, except
16 insofar as the record that was before the Judge
17 the last time around he felt was insufficient to
18 support a non - - a straight out non-renewal of
19 the Tavern Entertainment License.
20 The Judge, if I recall correctly and I
21 - - I apologize to the committee, because I don't
22 have a copy of the order with me. But the Judge,
23 I believe, retained jurisdiction of the matter,
24 and there's one other thing I want to mention.
25 MR. GIMBEL: I think you want to

00004

1 mention that he said we should take into
2 consideration the time that had elapsed - -
3 MS. SCHRIMPF: That's right. That - -
4 You're right.
5 MR. GIMBEL: - - between the suspension
6 and that April meeting.
7 MS. SCHRIMPF: Right. Because the
8 licensee has, it's my understanding, voluntarily
9 not operated under the, what he could have
10 operated under, a - -
11 MR. GIMBEL: TRO.
12 MS. SCHRIMPF: A TRO. He did not
13 pursue a TRO. The Judge did not issue a TRO.
14 And the licensee, therefore, it's my
15 understanding, has been operating the tavern as a
16 - - or operating the place as a Class "B" Tavern
17 with no entertainment. And the Judge did say
18 that he would, therefore, consider if - - if the
19 recommendation of this committee and the decision
20 of the Council was some sort of suspension, the
21 Judge would examine such a suspension in light of
22 the time the licensee has not had a tavern
23 entertainment license. I think that summarizes
24 it.
25 MR. GIMBEL: I agree with everything

00005
 1 that Mr. Schrimpf has said, up to the point of
 2 what I think we're here for tonight. And first
 3 and foremost, I want to say, Mr. Chairman, that I
 4 applaud all of you for staying here for 12 hours,
 5 and I know you convened at eight o'clock this
 6 morning. I also would observe that while there
 7 is no calendar, if you will, similar to a court
 8 calendar where if you're scheduled at a certain
 9 time on the calendar, that means that that's a
 10 time when you're likely to get the audience of
 11 the court. This matter was calendered today for
 12 4:30. And I can tell you that we had enlisted
 13 some people to testify here who just could not
 14 stay into the evening hours. I - - I say those
 15 two things, because I think that it should be a
 16 part of this record, irrespective of what the
 17 outcome of the proceedings are today, that I - -
 18 I would expect and observe that the committee is
 19 exhausted, and that's not an insult. It's an
 20 observation. And I think that the fact that you
 21 don't have control of your calendar, and that is
 22 also not an insult. That's just the nature of
 23 the beast. Does lead to some disabilities on the
 24 part of people who marshal folks to come before
 25 this committee at a designated time.

00007
 1 different spin perhaps, or a new spin, those
 2 people who testified before you. And - - And
 3 curiously enough, the notice of this meeting
 4 included a transcript of the proceeding, so I
 5 think that - - that, at least, that was a
 6 recognition in the - - in the global arena of
 7 licensee operatus that we're working from that
 8 point forward and not from the beginning. And
 9 that would be the position that I'm asserting on
 10 behalf of my client.
 11 CHAIRMAN BOHL: Alderman Witkowiak.
 12 ALDERMAN WITKOWIAK: It's my
 13 understanding that if there was someone else that
 14 wished to testify or someone that wished to offer
 15 additional testimony, that that would be
 16 permitted at that point. I think as far as - -
 17 as far as starting from scratch, I don't think
 18 that's necessary. That's not what I understood.
 19 But maybe Mr. Schrimpf could - -
 20 MS. SCHRIMPF: Well, I agree. We're
 21 not on my understanding is we were going to start
 22 from scratch.
 23 MR. GIMBEL: Then we're on the same
 24 page.
 25 MS. SCHRIMPF: Yeah. But as I

00006
 1 The last thing that I'd like to say,
 2 which I think is most critical, is that I don't
 3 agree with Mr. Schrimpf that this proceeding is a
 4 hearing de novo. A hearing de novo is a Latin
 5 expression, and it means to begin. And - - And
 6 what I - - I heard Mr. Schrimpf suggest was the
 7 Judge's import with respect to why we're here
 8 today, that we would have an opportunity to hear
 9 objectors and supporters and rerun what happened
 10 here in March of the year 2010. I believe that
 11 that was not the intent of Judge Brash, and I
 12 believe that what Judge Brash did permit was this
 13 committee to reconsider the decision that he
 14 found unsubstantiated in his review of the
 15 transcript at that time as a matter almost like
 16 an Appellate Court would look again at its own
 17 operations with the intervention, if you will, of
 18 another set of eyes. And in this case the other
 19 set of eyes was Judge Brash. And so I would
 20 suggest to you, Mr. Chairman, that what we should
 21 do here tonight is we should address questions
 22 that may be helpful to the committee in light of
 23 the Judge's order, but I think it would be
 24 inappropriate for us to replay the hearing that
 25 occurred on March 8th, 2010 and re-hear with a

00008
 1 recollect what the Judge said is that if anybody
 2 has more information that they want to submit to
 3 the committee, they could do so. Well, we might
 4 disagree on that.
 5 CHAIRMAN BOHL: Well, we're going under
 6 that premise. And if not, we'll wind up probably
 7 back here again here. How about that?
 8 MR. GIMBEL: Well, I hope not.
 9 CHAIRMAN BOHL: And I'll - - And I'll
 10 - - I will duly note your objection on those
 11 grounds.
 12 MR. GIMBEL: It's recorded, too. Thank
 13 you.
 14 CHAIRMAN BOHL: Thank you. All right.
 15 Were there - - Were there individuals that were
 16 - - that are present here that wish to either
 17 provide new testimony or additional testimony
 18 that was not provided last time? If I could see
 19 a show of hands of those individuals? If we
 20 could swear them in, Madame Clerk, please. If
 21 you could raise your right hands, please.
 22 (Whereupon the witnesses were sworn.)
 23 CHAIRMAN BOHL: Of those individuals
 24 who are here, are there any individuals who are
 25 here as supporters of the license? Four. And

00009
 1 two individuals are objectors. We'll hear from
 2 the objectors first. I think we've all done the
 3 protocol. If you are unable to take and to use
 4 the standing microphone, there is an additional
 5 seat and we would then relinquish that to those
 6 individuals who do need that.
 7 Ms. Kaufmann, you've - - Actually,
 8 you've already been previously sworn in. You - -
 9 THE WITNESS: Julie Kaufmann. 602
 10 South 3rd Street. Briefly, since the last
 11 hearing I'd like to report that the operator has
 12 been a model neighbor, has been extremely
 13 proactive in reaching out to the neighborhood,
 14 has joined the association, has attended
 15 meetings, has made presentations, has been
 16 involved in other activities. And that's very
 17 appreciated. And that's new. I wanted to share
 18 that.
 19 I have one thing I was confused about,
 20 if I could just quickly clarify. You were saying
 21 as part of the court agreement, you know, he
 22 agreed to - - not to operate without that license
 23 that you denied the last time, pending this
 24 outcome. Is that accurate? Is that what - -
 25 CHAIRMAN BOHL: Correct.

00011
 1 happened. I'd be curious to know if he could
 2 just answer it honestly, then. But I don't have
 3 testimony. Thank you. That's all I have here.
 4 MR. GIMBEL: I have no questions of
 5 that witness.
 6 CHAIRMAN BOHL: Are there - - Does
 7 anyone - - committee have questions of the
 8 witness? All right. Thank you. Sir.
 9 THE WITNESS: My name is Jim Schroeder.
 10 I'm the manager at 703 South 5th. And I've got
 11 some more evidence right here of customers from
 12 Envy urinating on the side of the building.
 13 CHAIRMAN BOHL: And what is the
 14 evidence that you have there, sir?
 15 THE WITNESS: On film.
 16 CHAIRMAN BOHL: Okay. Is that - - Is
 17 that a - - Is that a DVD?
 18 THE WITNESS: Yeah. And then, also,
 19 this last Friday I seen two patrons go into Envy,
 20 and they threw two bottles down there. And I
 21 seen them go in there. I asked them to pick them
 22 up, and they told me, "No." They went right in
 23 there. It's not Sam's fault what goes on
 24 outside. Because I got a lot of respect for him.
 25 We - - We were on a project together, and we

00010
 1 THE WITNESS: So does that mean that
 2 that hasn't been dance and DJ music since
 3 expiration. Is that - - Can I just confirm?
 4 CHAIRMAN BOHL: Yes, that would - -
 5 MR. GIMBEL: That's not entirely true.
 6 He has music in there. Not DJ music or dancing.
 7 THE WITNESS: Not DJ or dancing.
 8 MR. GIMBEL: Correct.
 9 THE WITNESS: So is that right? Seeing
 10 there's been no DJ or dancing since the
 11 expiration of the license?
 12 MR. GIMBEL: Well, I - - Mr. Chairman,
 13 I know - - The witnesses should be - -
 14 CHAIRMAN BOHL: If you - - You actually
 15 could provide testimony. You may elicit a
 16 question. But if you're aware of something, I
 17 would just ask that you would state what you
 18 witnessed, please.
 19 THE WITNESS: I have no - - I have not
 20 personally directly witnessed dancing in the
 21 club. I'd be curious to know about it, because
 22 all I can go on is Sam's word, he's been giving
 23 his word that he's been a great neighbor since
 24 this happened. And he's now test - - His
 25 attorneys are representing that it hasn't

00012
 1 worked - - we put our differences aside. I have
 2 nothing against him. I got a lot of respect for
 3 him. It's just what goes on outside that I'm
 4 concerned about. Otherwise, inside, I think he
 5 does a good job. And, Sam, I got nothing
 6 personal against you.
 7 CHAIRMAN BOHL: Is there a desire to
 8 make this - - this - - Are these either photos
 9 that you, yourself, took Mr. Schroeder?
 10 THE WITNESS: No, I did not take them.
 11 And Mr. Fuente took them. Jose. I seen a few
 12 times - -
 13 CHAIRMAN BOHL: One moment. You said,
 14 Jose Fuente?
 15 THE WITNESS: Yes.
 16 MR. GIMBEL: I think he means, Zarate.
 17 CHAIRMAN BOHL: Mr. Zarate.
 18 THE WITNESS: I'm sorry. Do you want
 19 me to spell his name? I didn't know his last
 20 name.
 21 CHAIRMAN BOHL: Mr. Zarate? Do you
 22 know - -
 23 MR. GIMBEL: Mr. Chairman. I have to
 24 object to you engaging in questions of people in
 25 the audience. They're not under oath. They're

00013

1 not here, not part of the proceeding. And this
 2 witness has just said that he does not have the
 3 capacity to lay a foundation for what he's asking
 4 you to consider. And I object to it.
 5 CHAIRMAN BOHL: Mr. Schrimpf? I
 6 obviously was going there, because it was my
 7 question that elicited and got you to that point
 8 here, Mr. Gimbel. So I object to your objecting
 9 to me, because I'm doing my job properly. How
 10 about that?
 11 MS. SCHRIMPF: I don't want this to be
 12 a habit on my part, Mr. Chairman, but I happen to
 13 agree with Mr. Gimbel.
 14 CHAIRMAN BOHL: Yes, well, I - - Well,
 15 I mean, that was - - That was my point in terms
 16 of even asking the question right away if - - if
 17 - - in inquiring whether he took those photos.
 18 So - -
 19 ALDERWOMAN COGGS: Mr. Chairman.
 20 CHAIRMAN BOHL: Alderwoman Coggs.
 21 ALDERWOMAN COGGS: Is the person who
 22 took the photos present? So couldn't that person
 23 introduce them?
 24 CHAIRMAN BOHL: I mean, if - - If
 25 there's a desire of swearing him in and taking

00015

1 here. Mr. Schroeder, you had no additional
 2 testimony here at this time. Were there any
 3 questions the committee has for this witness? Do
 4 you have any questions of Mr. Schroeder?
 5 MR. GIMBEL: No.
 6 CHAIRMAN BOHL: Okay. There is - -
 7 There is nothing that's showing up on either
 8 mechanism. It's coming up as an error. Ms.
 9 Elmer, do you want to - - Would you please just
 10 swear in Mr. Zarate?
 11 (Whereupon Mr. Zarate was sworn.)
 12 CHAIRMAN BOHL: Again, name and
 13 address.
 14 THE WITNESS: I'm Jose Zarate. 625
 15 South 5th Street. Mr. Schroeder came up to me
 16 and said one of his tenants was - -
 17 MR. GIMBEL: Object. Hearsay.
 18 THE WITNESS: He asked me if I could
 19 take - -
 20 MR. GIMBEL: Just a minute.
 21 CHAIRMAN BOHL: Actually, I - - If it's
 22 pertaining to a tenant here, I will concur and
 23 ask you to either redirect the statement here.
 24 THE WITNESS: Okay. Mr. Schroeder
 25 asked me to go to my - - my cameras and record

00014

1 testimony here, but, you know, that should have
 2 been provided here. Is there a desire - -
 3 Supposedly we've already done - - gone down this
 4 route here. If you raise your right hand, we'll
 5 swear him in.
 6 MR. GIMBEL: Let me make another
 7 objection. I think it is inappropriate for
 8 members of this committee to be advocates for
 9 objectors, and that's the impression I'm getting
 10 from the comments of the committee, okay.
 11 ALDERWOMAN COGGS: Just a moment. I
 12 object for the record.
 13 MR. GIMBEL: And I respect - - And I
 14 respect the committee - -
 15 ALDERWOMAN COGGS: Again, I just - -
 16 What were you doing - - checking?
 17 CHAIRMAN BOHL: Well, before we even
 18 get - - You want to - - Do you want to check it?
 19 All right. But I don't - - I don't want anything
 20 that's official here. Let's just - -
 21 MR. PFAFF: It won't allow us to play
 22 it, using Windows Media Player. It gives us
 23 error messages and a counter problem.
 24 CHAIRMAN BOHL: Just one moment,
 25 please, Mr. Zarate. Well, why don't we hold on

00016

1 something for him, some people urinating on his
 2 building.
 3 CHAIRMAN BOHL: Okay. Now is this - -
 4 Was this done from a camera that takes pictures,
 5 or was it from a video camera?
 6 THE WITNESS: It's a video - - a video
 7 camera.
 8 CHAIRMAN BOHL: And you did, indeed, do
 9 that?
 10 THE WITNESS: Yes.
 11 CHAIRMAN BOHL: When did that occur,
 12 Mr. Zarate?
 13 THE WITNESS: It occurred - - It
 14 occurred - - Actually, there are four occurrences
 15 here. The - - There was one on 4/23, another one
 16 on 5/01, and 5/02, I think. The same night there
 17 were twice.
 18 CHAIRMAN BOHL: Is this another copy of
 19 the very same disk that we just tried and - -
 20 THE WITNESS: This should be one that
 21 works, yes.
 22 CHAIRMAN BOHL: All right. We'll give
 23 it a shot.
 24 ALDERMAN ZIELINSKI: Mr. Chairman.
 25 CHAIRMAN BOHL: Alderman Zielinski.

00017
 1 ALDERMAN ZIELINSKI: How - - How long
 2 is the video?
 3 THE WITNESS: It's - - Each band is
 4 only about 40 seconds. Long enough to see the
 5 guys coming out of their cars and going to Envy.
 6 ALDERMAN ZIELINSKI: How many episodes
 7 of 40 seconds?
 8 THE WITNESS: There's four - - four
 9 episodes.
 10 CHAIRMAN BOHL: You're getting an
 11 error.
 12 Your testimony is you took video
 13 footage. You saw individuals leave their
 14 vehicles and go into Envy?
 15 THE WITNESS: Yes.
 16 MR. GIMBEL: I don't think that was his
 17 testimony. I think his testimony is he provided
 18 the disk to Mr. Schroeder. He didn't say he saw
 19 these things. He provided the disk. If I'm
 20 wrong, then he can correct me.
 21 CHAIRMAN BOHL: Mr. Zarate, did you
 22 indicate that you, yourself, took footage?
 23 THE WITNESS: I am the one that took
 24 the recording.
 25 ALDERMAN KOVAC: Then you can testify

00019
 1 gap is here, is did you set the camera and it's
 2 your camera, or did you actually hold the camera
 3 and watch the incident as it occurred?
 4 ALDERMAN ZIELINSKI: I know what's
 5 going on here. Mr. Gimbel is following the
 6 strict letter of - - of the law here. And so,
 7 when you're asking about the video, that's not
 8 firsthand testimony. So if you rephrase the
 9 question to Mr. Zarate, what did you personally
 10 witness with respect to urination and so forth,
 11 that is - -
 12 ALDERMAN KOVAC: He's got the question.
 13 All right. The Chair - -
 14 ALDERWOMAN COGGS: My question stands,
 15 Mr. Chairman. Can he answer the question?
 16 CHAIRMAN BOHL: Okay. I'll allow that
 17 question to be answered.
 18 THE WITNESS: I have a recording that
 19 goes - -
 20 ALDERWOMAN COGGS: Did you personally
 21 hold the camera as these incidents occurred, or
 22 did you set the camera stationary and check it?
 23 THE WITNESS: I have the camera
 24 stationary to that area.
 25 ALDERWOMAN COGGS: Thank you.

00018
 1 what you saw.
 2 THE WITNESS: Well, I see it here. For
 3 some reason it's not working in your computers.
 4 ALDERMAN ZIELINSKI: Your testimony
 5 is - -
 6 CHAIRMAN BOHL: Well, I'm just asking
 7 you. Could you relay what was in those videos?
 8 MR. GIMBEL: Well, I'm - - I'm
 9 objecting to what is in the videos. He can
 10 testify to personal knowledge.
 11 CHAIRMAN BOHL: Yes, that's right.
 12 Personal knowledge.
 13 MR. GIMBEL: Personal knowledge is not
 14 with a video. It's the event.
 15 CHAIRMAN BOHL: Of the event. That's
 16 what I'm asking.
 17 MR. GIMBEL: Of the event itself.
 18 THE WITNESS: Yes.
 19 CHAIRMAN BOHL: That's what I'm asking
 20 for.
 21 ALDERWOMAN COGGS: I think - - Mr.
 22 Chair.
 23 CHAIRMAN BOHL: Alderwoman Coggs.
 24 ALDERWOMAN COGGS: I think - - I think
 25 what Attorney Gimbel is alluding to and what the

00020
 1 THE WITNESS: Yes.
 2 CHAIRMAN BOHL: When you said that you
 3 had the - - What does that mean? I can set a
 4 camera here and walk away. And I'm thinking, you
 5 know - -
 6 THE WITNESS: Mr. Chairman, there has
 7 been a lot of - - a lot of loitering and a lot of
 8 disturbances around my place.
 9 CHAIRMAN BOHL: I understand that, but
 10 - -
 11 THE WITNESS: And I have many cameras
 12 around my buildings.
 13 ALDERWOMAN COGGS: Mr. Chair. Can I
 14 just do a follow-up?
 15 CHAIRMAN BOHL: Yes, please, do
 16 follow-up.
 17 ALDERWOMAN COGGS: Was the camera that
 18 taped the incidents that you're beginning to
 19 describe to us affixed to a building?
 20 THE WITNESS: Yes, they are.
 21 ALDERWOMAN COGGS: Thank you.
 22 CHAIRMAN BOHL: So your witness of it
 23 is based on your witness of a tape, and not your
 24 personally being present.
 25 THE WITNESS: No, I wasn't there at

00021
 1 that time, no.
 2 CHAIRMAN BOHL: Is there any additional
 3 testimony that you can provide of this firsthand?
 4 THE WITNESS: No. No. Whatever I said
 5 the last time is the same thing that I would say
 6 again. And one thing, though, Mr. Asad has been
 7 very - - He's employed some people to clean up
 8 the area after his club closes. And it seems
 9 like a couple of my guys go to his club. They
 10 enjoy his music. So, that's - - You know, they
 11 like dancing to that stuff.
 12 CHAIRMAN BOHL: Thank you. Questions
 13 by committee?
 14 ALDERWOMAN COGGS: Mr. Chair.
 15 MR. GIMBEL: No questions.
 16 ALDERWOMAN COGGS: Mr. Chair.
 17 CHAIRMAN BOHL: Alderwoman Coggs.
 18 ALDERWOMAN COGGS: I have a question of
 19 the applicant. Have you had a DJ since the
 20 findings of this committee previously?
 21 THE APPLICANT: No.
 22 ALDERWOMAN COGGS: Thank you.
 23 MR. GIMBEL: I want to correct that
 24 thought. He hasn't had a DJ since the Common
 25 Council finding had his license expire. He did

00023
 1 support of the license?
 2 MR. GIMBEL: No. No, Mr. Chairman. I
 3 don't think we're going to put in any testimony
 4 on the basis of the record. We have the record
 5 that's been established.
 6 CHAIRMAN BOHL: Okay.
 7 MR. GIMBEL: I might clarify one thing.
 8 I think it would be useful to the committee.
 9 There was a point in time after April the 9th,
 10 2010 when police officers came into the
 11 restaurant and challenged the fact that there was
 12 some radio music being played. The next day the
 13 police came back. Our office provided Mr. Asad
 14 with the ordinance relative to what is
 15 appropriate background music for a Class "B"
 16 licensed establishment. When the police got
 17 that, he hasn't seen or heard from them since.
 18 ALDERMAN WITKOWIAK: Mr. Chairman, it's
 19 not a restaurant. I'd be hard pressed to find
 20 any food.
 21 MR. GIMBEL: I said a Class "B".
 22 ALDERMAN WITKOWIAK: You said a
 23 restaurant.
 24 MR. GIMBEL: Oh, I apologize. I meant
 25 a Class "B".

00022
 1 between the time - -
 2 ALDERWOMAN COGGS: Yes.
 3 MR. GIMBEL: Okay. I just wanted to be
 4 accurate.
 5 ALDERWOMAN COGGS: Thank you.
 6 ALDERMAN WITKOWIAK: What date was
 7 that?
 8 MR. GIMBEL: April 9th. I do believe
 9 it was the day the last license expired. And,
 10 Richard, can you confirm that?
 11 MR. PFAFF: April 8th.
 12 MR. GIMBEL: April 8th.
 13 CHAIRMAN BOHL: That's probably at
 14 midnight of April 8th.
 15 MR. GIMBEL: Right.
 16 MR. PFAFF: The Council date was
 17 3/24/10. The expiration of the license was
 18 4/8/11. I mean, 4/8 - - 4/8 - -
 19 CHAIRMAN BOHL: So it would have been
 20 at midnight.
 21 MR. GIMBEL: That's correct. Midnight.
 22 MR. PFAFF: 4/8/10.
 23 CHAIRMAN BOHL: Yeah. 4/8/10. There
 24 was additional testimony that wanted to be
 25 provided by other individuals here who were in

00024
 1 ALDERMAN WITKOWIAK: Be hard pressed to
 2 find a slice of food in there.
 3 CHAIRMAN BOHL: Alderman Witkowiak,
 4 were there some additional comments you wanted to
 5 make?
 6 ALDERMAN WITKOWIAK: You know, Mr.
 7 Chairman, members. I - - The - - I received
 8 comments from people in the neighborhood since
 9 the Council first ruled on this, that it's become
 10 a little more peaceful on the block since this
 11 took place. But - - But I have to tell you, the
 12 one thing that troubles me, and I did receive a
 13 e-mail that says on - - on Wednesday night, this
 14 would be May 5th, that there was a DJ, loud music
 15 and many people dancing, from one of my
 16 constituents that went into the place. So
 17 somebody's not - - Somebody's lying to us. I
 18 don't know if - - I did not observe that
 19 personally, but I did personally receive this e-
 20 mail, so.
 21 MR. GIMBEL: Well, you know, if
 22 somebody did speak to Alderman Witkowiak, and I
 23 have utmost affection and respect for Alderman
 24 Witkowiak, I doubt that that person took an oath,
 25 nor was that person subject to Frank Gimbel's

00025

1 cross-examination. Ergo, I wouldn't put much
 2 stock in it.
 3 CHAIRMAN BOHL: And it is just that,
 4 hearsay. And then I know that Alderman Witkowiak
 5 recognized that, as well, too, that person isn't
 6 present. Any additional comments, Alderman
 7 Witkowiak?
 8 ALDERMAN WITKOWIAK: You know, I just
 9 want to say, I'll go back to what I said in the
 10 first hearing. That we - - We - - We're talking
 11 about - - We have one club here whose license
 12 we're dealing with today. You're talking about
 13 a neighborhood where we - - over - - over the
 14 last 20 years, tens of millions of dollars of
 15 investment by people. This neighborhood was - -
 16 was - - You couldn't give this neighborhood away
 17 20 years ago. Nobody wanted to be there. The
 18 first - - The first restaurant that drew a
 19 substantial amount of people in there from
 20 outside the neighborhood was Rudy's. And Rudy
 21 hired a couple full time guys that were Vietnam
 22 Vets just to simply walk back and forth on the
 23 block while the people were there. And still,
 24 with all that surveillance going on, personal
 25 surveillance, people were - - were breaking

00027

1 concept that came along sounded like a good idea.
 2 But it seems that some of the owners of these
 3 places went off in a little bit different
 4 directions than they originally came to the table
 5 with what they said they were going to do. And
 6 this has caused great concern, havoc in the
 7 neighborhood, which is the case of what - - what
 8 happened with Envy.
 9 So if we - - If we want to say we're
 10 just going to allow this to happen, the 20 years
 11 worth of work and investment that went into the
 12 neighborhood is basically diminishing, because of
 13 the - - because of what's happened with - - with
 14 the few new places that have opened up in the
 15 area. This is harming the neighborhood. It's
 16 harming the revitalization of the neighborhood.
 17 So I would hope that the committee
 18 would stand by its decision. I think the - - the
 19 idea of having lounges, as they were originally
 20 proposed to us, is probably still a good idea for
 21 the neighborhood. But having - - having a full
 22 blown all out dance clubs that - - that stay open
 23 until - - until closing time, disperse unruly
 24 people out in the neighborhood, it just isn't
 25 working. It just isn't working. And - - And all

00026

1 windows, ransacking cars, everything. It was a
 2 struggle. That was 20 years ago. Again, you
 3 wouldn't - - You wouldn't go to - - You would not
 4 go to 5th and National unless you wanted to - -
 5 to buy cocaine or heroine or - - or get a hooker.
 6 And - -
 7 AUDIENCE: I got a problem with that,
 8 sir.
 9 ALDERMAN WITKOWIAK: After - - Thank
 10 you. After so many years of work that this
 11 neighborhood put in on this place, for people to
 12 come in from the outside and say we're going to
 13 change the direction that this thing is going
 14 now, it's just plain wrong. The fact that - -
 15 The fact that the places initially got their
 16 license, as in the case of Envy, was that this
 17 was going to augment what was already going on in
 18 the neighborhood, where basically when the
 19 restaurants, there's - - there's three or four
 20 very successful, popular restaurants there. When
 21 the restaurants would begin to get near the end
 22 of the night and to slow down, that the people
 23 would have someplace to go, other than leaving
 24 the neighborhood and going downtown or going to
 25 the east side. And the concept, the lounge

00028

1 that work and all that investment we put in all
 2 those years is - - is going down the drain
 3 because of this.
 4 So I hope that the - - the committee
 5 would stick with their original recommendation.
 6 The place opened as a lounge, which was proposed
 7 originally by the applicant, is just fine. But
 8 not - - not renew the dance license and, you
 9 know, I mean, why do we - - Do any of us sit here
 10 and fear that - - that the applicant's going to
 11 take us to court and the Judge is going to say
 12 something? We have a City Attorney to represent
 13 us. It's - - It's our decision. Otherwise, why
 14 not just throw all these cases in the hands of
 15 the court and let them stay until nine o'clock at
 16 night and let them make the decision. So I'd ask
 17 the committee to stick with their original
 18 decision to not renew the Tavern/Dance License.
 19 Thank you.
 20 CHAIRMAN BOHL: Thank you.
 21 MR. GIMBEL: Mr. Chairman, members of
 22 the committee. I know you're tired, and I don't
 23 want to keep you here any longer than necessary.
 24 This is a case where I think it's - - it's a
 25 emblematic example of the fact that it's

00029
 1 dangerous to evaluate a license application, a
 2 license renewal on the basis of neighborhoods.
 3 Mr. Asad is entitled to individual consideration
 4 of his operation. I heard a proceeding here
 5 earlier this evening in the same neighborhood.
 6 There are other clubs in the neighborhood that
 7 have had issues that apparently follow a certain
 8 kind of music presentation in nightclubs. But at
 9 the end of the day and to date we're getting
 10 close to that for this particular day, Judge
 11 Brash told the City Attorney and Mr. Asad's
 12 lawyer that he was not satisfied that this
 13 committee had a factual basis from the evidence
 14 that you received in March to take the action you
 15 took. He sent it back for additional information
 16 that was different.
 17 What we've heard here that's different
 18 is not different in a sense that would justify
 19 your repeating the same action. That is, non-
 20 renewal of the Tavern/Dance. So, I'm suggesting
 21 to you that what you've heard is positive
 22 information. And I - I salute the folks who
 23 sat here for at least five hours to give their
 24 testimony for having been candid enough to say
 25 that they saw marked improvement in Club Envy's

00031
 1 Tavern Amusement, which is a Cabaret Nightclub,
 2 which is - -
 3 MR. GIMBEL: Yeah.
 4 MR. PFAFF: - - what's before us.
 5 MR. GIMBEL: The one that was before
 6 you. I may have mislabeled it. I'm sorry.
 7 ALDERWOMAN COGGS: And how much - - How
 8 many days were there between today's hearing and
 9 the last licensing hearing?
 10 MR. GIMBEL: It would be just short of
 11 60 days. April to June.
 12 ALDERWOMAN COGGS: That's the last - -
 13 MR. SCHRIMPF: What was the date?
 14 ALDERWOMAN COGGS: - - The vote of last
 15 month.
 16 CHAIRMAN BOHL: There was - - There was
 17 a - - Adjournment on the part of Mr. Gimbel at -
 18 -
 19 MR. PFAFF: May 10th.
 20 ALDERWOMAN COGGS: It wasn't April,
 21 though.
 22 MR. PFAFF: May 10th hearing.
 23 ALDERWOMAN COGGS: Okay.
 24 MR. GIMBEL: May 10th. So it's a month
 25 ago.

00030
 1 business with the conscientious efforts of Mr.
 2 Asad, who has dealt with them hand-to-hand. So
 3 I'm asking you today to renew this license with a
 4 warning letter, and not with a suspension,
 5 because actually, there's already been in effect
 6 a suspension that's voluntary. And you might
 7 recall, Mr. Chairman, the last time we were on
 8 the agenda when it was looking like it was going
 9 to be another midnight call, that we asked to put
 10 this matter over, and we did it conditioned on
 11 our agreement to you that we would not go back to
 12 court and get an injunction, and we would not
 13 have Tavern/Dance music and dancing going on. We
 14 lived up to our end of the bargain.
 15 I'm asking this committee to recognize
 16 the sacrifices Mr. Asad has made in terms of his
 17 - - the commerce of his business, and renew his
 18 Tavern/Dance license with a warning letter.
 19 Thank you.
 20 ALDERWOMAN COGGS: Mr. Chair.
 21 CHAIRMAN BOHL: Alderwoman Coggs.
 22 ALDERWOMAN COGGS: Just for clarity.
 23 That non-renewal was of a Cabaret license.
 24 Right? Not a Tavern/Dance. Mr. Pfaff?
 25 MR. PFAFF: Right, it was a - - Right,

00032
 1 MS. SCHRIMPF: And that would have been
 2 60 days.
 3 MR. GIMBEL: 60 days off the - - off
 4 the radar.
 5 MS. SCHRIMPF: Right now, Mr. Chairman,
 6 you're at 84 days. I just calculated.
 7 MR. PFAFF: And he can't do anything
 8 until the Common Council meets.
 9 MS. SCHRIMPF: And that's true.
 10 MR. PFAFF: So it will be whatever it
 11 is from today's date until the 15th, which I
 12 believe is Common Council.
 13 CHAIRMAN BOHL: I'm going to ask right
 14 now for committee. Any more questions? Because
 15 when I take it to committee, I don't want to get
 16 the - - You know, the afterwards. Any questions
 17 by committee?
 18 ALDERMAN KOVAC: Yeah. I have one
 19 question. Looking back at my memory of the
 20 hearing last time, there was - - And I don't know
 21 if this is what the Judge based his decision on.
 22 It was - - But if Mr. Gimbel brings it up again,
 23 there was some issue about how much could we
 24 pinpoint what was really coming out of this bar
 25 versus general neighborhood. So what - - what

00033

1 motivated me, and I supported the motion Alderman
 2 Hamilton made to non-renew the Cabaret, and the
 3 main factor in my decision, and I think it's
 4 clear when you read the transcript, was that you
 5 did not have a plan, and you wilfully concealed
 6 the plan from us. Because you said it was a
 7 "secret."
 8 MR. GIMBEL: If I - - If I may,
 9 Alderman.
 10 ALDERMAN KOVAC: So my question is, can
 11 you tell us the plan here?
 12 THE APPLICANT: If I may, I apologize,
 13 you know.
 14 CHAIRMAN BOHL: How was Nixon going to
 15 get us out of Vietnam?
 16 THE APPLICANT: Here's the situation.
 17 My - - My previous attorney, I feel didn't, you
 18 know, I asked him if he - - if he felt as - - as
 19 if as though he could handle taking my license
 20 hearing, and he said he could. However, he
 21 didn't really do the job. I kind of panicked,
 22 and I apologize for that. More or less, my
 23 operations, we have extremely buttoned down on
 24 dress code. Genre of music just overall people
 25 code, attitude code, making sure that we run - -

00035

1 an issue, I'd rather have it come out before
 2 license hearing and address it, so I don't have
 3 to wait an entire year to have their concerns
 4 addressed.
 5 ALDERMAN ZIELINSKI: Mr. Chairman.
 6 CHAIRMAN BOHL: Are you finished,
 7 Alderman?
 8 ALDERMAN KOVAC: Well, so it sounds
 9 like you're saying your plan is you're picking up
 10 litter, and you got a dress code, a tie and a
 11 suit coat.
 12 THE APPLICANT: We - - We've had - -
 13 ALDERMAN KOVAC: And you're keeping
 14 yourself out in the neighborhood.
 15 ALDERMAN ZIELINSKI: That's the secret
 16 plan that you couldn't share with us?
 17 THE APPLICANT: Like I said, I panicked
 18 and didn't really know what to say. I figured my
 19 livelihood's - -
 20 ALDERMAN ZIELINSKI: I can see why.
 21 The cat's out of the bag. Now, your - - your
 22 competitors are going to have a leg up on you.
 23 Now, I have to go back to something else you
 24 said.
 25 You said that you were trying to locate

00034

1 We clean up - - We clean up from 5th and National
 2 to 5th and Pierce, all the way from 5th and
 3 Pierce to 6th and - - South 6th and Pierce. We -
 4 - We clean that whole block area. I mean, we - -
 5 We - - I didn't know anything about the previous
 6 complaints up until I was at the license hearing.
 7 Since then, I think it was actually the same day,
 8 Ms. Kaufmann gave me her card. I believe I
 9 called her that very same day, and - - and spoke
 10 to her. So it was just more or less, I think,
 11 lack of communication, and I apologize. I did
 12 try to get in contact with the Walker's Point
 13 Association prior to - - way prior, months prior
 14 to my license hearing, but their website is - -
 15 it's
 16 - - It's in need of some repairs, and you click
 17 on different links and whatnot. It doesn't take
 18 you anywhere. So, you know, basically, I just
 19 want to make sure that we're an asset to the
 20 neighborhood. I definitely don't want to be a
 21 detriment, and I've set up an e-mail to make sure
 22 that neighbors can get a hold of me. I have no
 23 hard feelings against anybody that testified
 24 against me. I want to know these things, because
 25 I would rather have it come out - - If there is

00036

1 a contact person for the Historic Walker's Point
 2 area, and their website was all - -
 3 THE APPLICANT: Yes, sir.
 4 ALDERMAN ZIELINSKI: - - mangled. And
 5 so you couldn't contact them.
 6 THE APPLICANT: Correct.
 7 ALDERMAN ZIELINSKI: What about
 8 contacting the Alderman and asking him for the
 9 contact information?
 10 THE APPLICANT: I - - I actually did.
 11 I don't remember if I received an e-mail back.
 12 And if I did, I might have missed it. I have at
 13 least 400 messages in my e-mail.
 14 ALDERMAN ZIELINSKI: I'm glad to hear
 15 that, because I was going to call into question
 16 your problem solving ability. If you can't
 17 contact them because their website is down and
 18 don't have the presence of mind to contact the
 19 Alderman to get the contact.
 20 THE APPLICANT: I did, and I believe -
 21 - He might have sent it to me
 22 ALDERMAN WITKOWIAK: Yes.
 23 THE APPLICANT: - - but I - - I'm only
 24 - - Sometimes things slip me by.
 25 ALDERMAN ZIELINSKI: Okay. That's a

00037
 1 defensible line.
 2 ALDERWOMAN COGGS: Mr. Chair.
 3 CHAIRMAN BOHL: Alderwoman Coggs.
 4 ALDERWOMAN COGGS: I know we are joking
 5 about what you said at the last meeting about a
 6 change, but I'm actually reading the transcripts
 7 from that time, and aside from attitude code,
 8 clearly you - - you did give us the feeling that
 9 there were going to be some substantial change.
 10 I see here a mention of an upscale lounge area, a
 11 targeted market, a demographic, and a whole bunch
 12 of stuff that you alluded to before coming clean.
 13 It doesn't sound consistent with what you just
 14 said.
 15 THE APPLICANT: And here's - - The
 16 reason for that is what I was initially planning
 17 on doing I can no longer do because I spent the
 18 money on legal fees. So, that's really where the
 19 situation is.
 20 MR. GIMBEL: And that's not a bad
 21 thing.
 22 ALDERMAN ZIELINSKI: Did you update the
 23 - - the records here, as far as the new owner,
 24 partner? I vote we go into committee, Mr.
 25 Chairman.

00039
 1 north on that same side of the street, his place
 2 is La Fuente, and there's another particular
 3 club, I believe it goes by the name of Texture.
 4 It has been a larger other problem that's been
 5 deemed by others. These two particular clubs, I
 6 think that some of the problems in the
 7 neighborhood, this was part of the - - the issue
 8 with the video footing tapeage that - - that came
 9 from Alderman Witkowiak and some of the
 10 discussion about the large number of violations
 11 that happened there. I believe that the
 12 consensus among others is that there are a number
 13 of establishments on the block, a couple of them
 14 that are primarily restaurants, but that the bulk
 15 of problems are coming from the two. I didn't
 16 have any confusion. I believe Judge Brash had
 17 confusion. I think that when we elicited from
 18 individuals, how do you know, and I - - I think
 19 that it was very clearly and concisely stated.
 20 Quite frankly, I don't know where Judge Brash's
 21 opinion came from, because I think he was totally
 22 wrong.
 23 I think that the evidence is clear that
 24 there is no secret plan. And I would welcome the
 25 Judge to come sit in my seat here for 13 hours,

00038
 1 CHAIRMAN BOHL: Any more questions,
 2 because - - We're in committee then. I'm going
 3 to pass the gavel. Madame Chairman.
 4 CHAIRWOMAN COGGS: Alderman Bohl.
 5 ALDERMAN BOHL: I don't do this very
 6 often. But I feel very compelled to in this
 7 instance. Based on the police report, based upon
 8 the testimony that was provided at the last
 9 hearing, I'm going to remove - - I'm going to
 10 move for the non-renewal of the Cabaret Nightclub
 11 application. Madame Chair, speaking on the
 12 motion. I, in reading transcripts, I believe the
 13 committee did a very decent job of trying to
 14 elicit additional information and clarify from
 15 witnesses the area.
 16 And personally, I believe that Judge
 17 Brash does not understand the block. There are -
 18 - There was testimony that there were problems at
 19 two particular clubs. One happens to be on the
 20 west side of the street, closer - - away from - -
 21 to National Avenue, and it is, relatively
 22 speaking, on that side of the block isolated by
 23 itself. There is another one, if you look at
 24 Mister - - Mr. Zarate's building, it would be
 25 across the street from him. He is further to the

00040
 1 because I'd welcome sitting in his. But I - -
 2 The Judge - - Judge Brash, you're just wrong.
 3 I'm sorry. If you read the transcripts on this
 4 one, you're wrong. And if a Judge thinks that
 5 going to remand this back to this committee, you
 6 know what, Judge? Move into my district and run
 7 against me for Alderman. Because I'm tired of
 8 that. I'm tired of the number of judges here
 9 that - - that frankly don't have the gumption
 10 from the bench to stand up to some attorneys when
 11 the record indicates clearly this Council knows
 12 - - this committee knows what it's doing.
 13 CHAIRWOMAN COGGS: The motion by
 14 Alderman - -
 15 ALDERMAN BOHL: And so I'll just - - I
 16 will close by saying I believe the record, based
 17 on the police report showed a substantial amount
 18 of violence at this place. I'm not talking about
 19 the - - the bags that were stolen. But we had a
 20 number of fights. We had a number of - - of
 21 fights that were clearly indicative of this
 22 place. I believe that the evidence from this
 23 committee clearly demonstrated that we elicited
 24 enough evidence to show that the testimony was
 25 directed at this place, and there was not

00041

1 confusion. As I said, if there was confusion, it
 2 was on the part of the Judge. Not, I don't
 3 believe, on the committee. I don't believe it
 4 was on part of the record that this committee
 5 considered. That's my motion for non-renewal.
 6 CHAIRWOMAN COGGS: The motion by
 7 Alderman Bohl is non-renewal of the
 8 Tavern/Amusement License. Any discussion on the
 9 motion?
 10 ALDERMAN ZIELINSKI: Madame
 11 Chairperson.
 12 CHAIRWOMAN COGGS: Alderman Zielinski.
 13 ALDERMAN ZIELINSKI: Did you include
 14 neighborhood testimony?
 15 ALDERMAN BOHL: It was based on the
 16 same - - same - - very same reason.
 17 ALDERMAN ZIELINSKI: Police report - -
 18 CHAIRWOMAN COGGS: Motion by Alderman
 19 Bohl is non-renewal for the Tavern/Amusement
 20 License, based on police report and neighborhood
 21 testimony. Any - - Any discussion on the motion?
 22 Any objections to the motion? Other than my own.
 23 The motion passes on a three to one.
 24 CHAIRMAN BOHL: Mr. Schimpf?
 25 MS. SCHRIMPF: The committee will be

00043

1
 2
 3 STATE OF WISCONSIN)
 4)
 5 MILWAUKEE COUNTY)
 6
 7 I, JEAN M. BARINA, of Milwaukee Reporters
 8 Associated, Inc., 5124 West Blue Mound Road,
 9 Milwaukee, Wisconsin 53208, certify that the foregoing
 10 proceedings is a full and complete transcript of "ENVY
 11 LOUNGE AND NIGHTCLUB" taken in the foregoing
 12 proceedings.
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22 Dated this day of June, 2010.
 23
 24
 25

JEAN M. BARINA
Court Reporter

00042

1 doing findings of fact and conclusions of law
 2 recommending non-renewal of the Cabaret License.
 3 You will have an opportunity to submit written
 4 objections to that. They must be received by the
 5 close of business, 4:45 p.m., June 10th of 2010
 6 in Room 205 of this building. If you submit
 7 written objections, then the - - You may also
 8 appear before the Common Council when it
 9 considers this matter on June 15th, 2010 at
 10 approximately nine a.m.
 11 * * * *