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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the Class "A" Malt
renewal application for:

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JATINDER SINGH
PICK N CHOOSE, INC.
1904 West State Street

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair
ALD. JAMES BOHL, JR., - Vice-Chairman

12

ALD. TERRY WITKOWSKI

13

ALD. ROBERT PUENTE
ALD. WILLIE WADE

14

LICENSING DIVISION by REBECCA BARRON
NEIGHBORHOOD SERVICES by TOM WESSEL

15

HEALTH DEPARTMENT by PAUL ZEMKE
POLICE DEPARTMENT by SEARGENT CHET ULICKEY

16

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in
the above-entitled matter, before the LICENSES
COMMITTEE OF THE CITY OF MILWAUKEE, on
the 26th day of July, 2007.

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P R O C E E D I N G S

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CHAIRMAN WITKOWIAK: Back in the 4th District, Jatinder, Singh, Agent for "Pick N Choose, Inc." Class "A" Malt renewal application with a change of agent for "Pick N Choose" at 1904 West State Street.

Can you raise your right hand, we'll swear you in?

(Whereupon the applicant was sworn.)

CHAIRMAN WITKOWIAK: Sir, your - - Speak into the microphone. Your name and address for the record, please.

THE APPLICANT: Yes. My name is Jatinder Singh. I live on 6129 South 13th Street, Apartment number eight, Milwaukee, Wisconsin, 53221 zipcode.

CHAIRMAN WITKOWIAK: Mr. Ledesma, just state your appearance, please.

MR. LEDESMA: Attorney Roberto Ledesma, appearing on behalf of Mr. Singh.

CHAIRMAN WITKOWIAK: Okay. And?

MR. MISHEFSKE: Good morning. Tom Mischefske, Department of Neighborhood Services Operations Manager.

CHAIRMAN WITKOWIAK: Does Mr. Singh

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1 admit to receiving a notice in the mail, there's
2 a possibility his application could be denied
3 because of neighborhood objections to loitering,
4 littering, unruly behavior, drug and criminal
5 activity, and conduct which is detrimental to the
6 health, safety and welfare of the neighborhood?
7 And, furthermore, objections to the renewal of
8 this license due to the blighted condition of the
9 premises and the applicant's failure to remodel
10 the premises as promised at the last renewal
11 hearing in 2006. Do you recall, did he receive
12 that notice?

13 MR. LEDESMA: Received it yesterday by
14 mail. Is that sufficient notice? Okay.

15 CHAIRMAN WITKOWIAK: Yes. And can I
16 see a show of hands? Is there - - Is there
17 anyone in the audience here to testify rel - -
18 besides the people at the table, relative to 1904
19 West State Street. Anyone here in the audience
20 to testify relative to 1904 West State Street?
21 Okay. Let the record show, no one else
22 acknowledges that question.

23 Who wants to lead off here? Do you
24 want - - Would you like to open up, please, and -
25 -

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1 MR. LEDESMA: Sure. We're here just
2 asking the committee to renew the license for the
3 premises located on 19th and State. Apparently
4 there was a hearing last week. Some information
5 has been provided to the Alderman, and I'd like
6 to provide further information on some
7 construction work and remodeling that was done on
8 the building, as well as equipment purchases that
9 were done in the last year.

10 Starting off with the invoice for
11 10,032 dollars from August of 2006 for work done
12 on some coolers. Copies of those documents.
13 There's also work that was conducted on September
14 10th of 2006, which is totaling three - - 3,820
15 dollars for some flooring removal and
16 replacement, as well as work that was done on
17 September 7, 2006 for work done on the facade of
18 the building totaling 5,000 dollars. There was
19 some work done in October of 2006 to repaint and
20 improve the exterior of the building, totaling 17
21 - - 1,790 dollars, as well. And a final invoice,
22 which was from July of 2007 for additional work
23 that was completed on the exterior of the
24 building, specifically the area around the
25 windows, which I believe is an issue of

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1 contention.

2 Aside from that, my client is trying to
3 be compliant with the City code violations
4 regarding building and maintaining the premises.
5 I believe there was some information provided
6 through statements and through some photographs
7 that there - - if there was construction,
8 renovations have been completed on the facade of
9 the building. Security cameras are in place.
10 There's "No Loitering" signs in place. A removal
11 of a pay phone was done over the last year. In
12 fact, my client is still paying fees on a phone
13 that is no longer there, due to a contract that
14 was entered into some time ago.

15 Aside from that, I did receive just
16 recently, about 20 minutes ago, a notice
17 regarding an inspection from the Health
18 Department on July 25th, 2007. I reviewed that.
19 My client indicates he's willing to comply with
20 whatever requirements are necessary to have this
21 license come - - or this premise come into
22 compliance with the Health Code.

23 Aside from that, he's cooperative in
24 whatever matter, whatever way possible to obtain
25 this license.

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1 CHAIRMAN WITKOWIAK: Thank you. Now
2 this is a packet containing five documents. Is
3 that correct?

4 MR. LEDESMA: Yes, sir.

5 CHAIRMAN WITKOWIAK: The five documents
6 which you submitted?

7 And Alderman Puente moves to make these
8 five documents part of the permanent record in
9 this hearing, and hearing no objections, so
10 ordered. This is just to identify these properly
11 for the record. One is a invoice from Real
12 Estate and Financial Solutions, LLC, dated
13 September 10th, 2006. Then we have another
14 invoice from Real Estate and Financial Solutions,
15 LLC, invoice dated October 16th, 2006. And then
16 we have a third invoice from Real Estate and
17 Financial Solutions, dated October 16th, 2006.
18 No, I believe that's a duplicate. That's a
19 duplicate of the other one. We have the - - We
20 have a document from Pelzick Construction, which
21 is dated September 7th of 2006. And then we have
22 an invoice from Helping Hands Habitat, LLC, which
23 is dated July 20th of '07. Am I missing one? I
24 have - - So I have four. I had five pieces of
25 paper, but one was a duplicate. Am I missing

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1 one?
2 MR. LEDESMA: You might be missing - -
3 Are you missing this one?
4 CHAIRMAN WITKOWIAK: Ah, there you go.
5 And the fifth document is a invoice from AOK
6 Mechanical, which is dated - -
7 MR. LEDESMA: August 20th of 2006.
8 CHAIRMAN WITKOWIAK: August 20th of
9 2006. Thank you. And Alderman Puente has moved
10 to make these part of the permanent record in
11 this hearing. Hearing no objections, so ordered.
12 Did I - - Did I check in with Health Department?
13 HEALTH: No, you didn't.
14 CHAIRMAN WITKOWIAK: Oh, Health
15 Department?
16 HEALTH: We do not have any objections,
17 of course, we have existing orders.
18 CHAIRMAN WITKOWIAK: Existing orders.
19 Okay.
20 ALDERMAN BOHL: Mr. Chairman.
21 CHAIRMAN WITKOWIAK: Alderman Bohl.
22 ALDERMAN BOHL: I have a question for
23 the applicant relating to the - - the
24 documentation from Pelzick Construction, 525 East
25 Locust Avenue. My question is - - This is - -

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1 This is actually an estimate for work for 5,000
2 dollars.

3 THE APPLICANT: Yes.

4 ALDERMAN BOHL: And as I'm reading, the
5 work, in the description area, the bottom is, R&R
6 plexiglas windows, plexiglas front windows and
7 install glass. I'm assuming R&R is repair and
8 replace.

9 THE APPLICANT: Yes.

10 ALDERMAN BOHL: Or repair and/or
11 replace. Was - - This is, I see, is an estimate.
12 I - - I don't see - -

13 MR. LEDESMA: It should be notated near
14 the bottom, "paid." And that was work that was
15 done last September, and I believe those changes
16 were seen by Alderman Bauman and my client can
17 testify to those pages being done.

18 ALDERMAN BOHL: Well, the question I
19 guess I would ask at this point is where it says,
20 "Paint wood surfaces." The exterior of this
21 premise is vinyl.

22 MR. LEDESMA: It's vinyl on the top
23 half. Then they replaced it with windows, and
24 then there was wood surface installed.

25 ALDERMAN BOHL: The - - The bottom

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1 underneath the windows is actually vinyl siding.

2 MR. LEDESMA: Now it is. It was wood,
3 and they installed wood paneling.

4 ALDERMAN BOHL: They - -

5 MR. LEDESMA: That wood paneling.

6 ALDERMAN BOHL: And then there was
7 subsequently additional vinyl siding that was
8 done after that fact?

9 MR. LEDESMA: Yes. July 20th, 2006.

10 ALDERMAN BOHL: So - -

11 MR. LEDESMA: 2007, I apologize.

12 ALDERMAN BOHL: So that - - That vinyl
13 siding that was added was just added in the last
14 week.

15 MR. LEDESMA: Yes.

16 ALDERMAN BOHL: On the bottom.

17 MR. LEDESMA: Yes. Because Mr. Ahmad,
18 that was here last week, went back to the
19 building to go look at some of the work that was
20 done, based on representations made that day that
21 it was insufficient or did not meet criteria
22 which the City or Alderman Bauman was not
23 approving, and for some - - disliked. So he went
24 back and he felt that further improvements should
25 be made. So in September of 2006 construction

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1 work was done, and the change was made to the
2 building. But after listening to the committee
3 discuss this matter last week, he agreed on his
4 own to go back and to make further additional
5 repairs or corrections or improvements. And
6 that's what that prior invoice was for. But
7 aside from that, from 2005 to 2006, those
8 improvements were made and additional
9 improvements were made in July of 2007.

10 ALDERMAN BOHL: The follow-up question
11 I guess I have regarding this - - this estimate
12 of work relates to the repairing and replacing of
13 plexiglas from windows and the installation of
14 glass.

15 MR. LEDESMA: Yes.

16 ALDERMAN BOHL: Was that supposed to be
17 done in the front of the building?

18 MR. LEDESMA: That was in the front of
19 the building.

20 ALDERMAN BOHL: I went there, here, the
21 last couple of days. I think it was two days
22 ago.

23 MR. LEDESMA: Yes.

24 ALDERMAN BOHL: And I will tell you
25 that the windows that are in the front of that

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1 premises are plexiglas. I have not knocked on
2 the windows. They're not - - They're not glass.
3 So I don't know how - - how they - -

4 MR. LEDESMA: From what I understand,
5 what was done is the exterior wood framing around
6 the windows was wrapped in aluminum, and
7 additional siding was placed on the front of the
8 building.

9 MR. MISHEFSKE: Mr. Chair - -

10 ALDERMAN BOHL: The win - - The win - -
11 I'm going to just tell you, the windows were
12 plexiglas. Not only that, but the framing on the
13 interior was - - was not finished. I mean,
14 ultimately the framing on the interior of the
15 building around the - - what was plexiglas
16 windows, was raw. It was exposed. I mean, it
17 was like the equivalent of somebody having put in
18 plank 2x4s, framed the windows, basically nailed
19 it in, never having covered it, you know, there
20 was no vinyl around it. There was no - - Or I
21 should say, aluminum around it. It wasn't
22 painted. It was literally exposed wood framing
23 from the interior. And the windows, themselves,
24 were plexiglas. They were not glass.

25 I - - I will just say that I - - I am a

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1 bit disappointed in - - in what was - - what was
2 described. And I - - I asked for it to be held,
3 just for verification here. And I just, based on
4 - - what I see here in terms of the estimate, I -
5 - I do question potentially whether or not work
6 was done. I'd have some real questions about
7 that.

8 MR. MISHEFSKE: Mr. Chair.

9 CHAIRMAN WITKOWIAK: Yes.

10 MR. MISHEFSKE: I do have some pictures
11 here that might help depict some of the work that
12 was done for the Alderman.

13 CHAIRMAN WITKOWIAK: Please - - Please
14 submit them. And while we're waiting for those
15 to come up, Alderman Puente moves to make part of
16 the permanent record, six pages, which Alderman
17 Bauman has submitted. One is a three page report
18 stapled together, routine food inspection, is
19 page number one. Page two is from the Health
20 Department Consumer - - Yeah, it's the same - -
21 It's a continuation of that report. And page
22 three is a convenience store inspection. The
23 fourth page is a series of two photos depicting
24 the placement and condition of the dumpster. The
25 next page is two photos showing pictures of the

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1 premises from - - viewed from across the street.
2 And the last page is three photographs, again,
3 shot from across the street looking towards the
4 location, where it appears that there is some
5 work going on at that time. So Alderman Puente
6 moves to make these six pages part of the
7 permanent record of this hearing. Hearing no
8 objections, so ordered.

9 Then at this time Alderman Bohl wishes
10 to make the six photographs submitted by the
11 Department of Neighborhood Services, which we
12 have lettered as A, B, C, D and E, part of the
13 permanent record in this hearing. And hearing no
14 objections, so ordered. Got all our documents
15 in?

16 At - - Go ahead. Proceed with your
17 testimony.

18 MR. MISHEFSKE: On July 19th, last
19 Wednesday, we were made aware that work was in
20 progress at this address, 1904 West State. We
21 did send out one of our inspectors, who spoke to
22 a gentleman named Larry McKenzie, to - - to let
23 him know that a permit was required for this
24 work, and there had not been one taken. Mr.
25 McKenzie indicated he wasn't aware that the

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1 permit needed to be obtained prior to the start
2 of construction. Mr. McKenzie subsequently did
3 obtain that permit on Friday, the following day,
4 July 20th. And that permit is currently open.
5 The work is, to my knowledge, not complete yet,
6 and our inspector will be following up to - - to
7 reinspect.

8 CHAIRMAN WITKOWIAK: Okay. Thank you.
9 Anything as part of the regular DNS inspection
10 report?

11 DNS: Being a renewal, we have no
12 official objections.

13 CHAIRMAN WITKOWIAK: Okay. Alderman
14 Bauman.

15 ALDERMAN BAUMAN: Thank you, Mr. Chair.
16 As the committee will recall, we were here about
17 ten days ago. And we focused on the transcript
18 from the previous hearing in July of 2006. And
19 in that transcript, the attorney for the
20 applicant, who has some relationship to the
21 owners of the building through family, made
22 representations regarding the repairs that were
23 going to be done to the exterior, and I quote
24 from that transcript the most pertinent portion,
25 that they were planning to, "cut into the siding,

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1 put some large - - larger windows. The idea is
2 aesthetic, as well as so that what's inside and
3 outside is more visible to us and to others."

4 MR. LEDESMA: What section are you
5 reading from?

6 ALDERMAN BAUMAN: Well, there it is.

7 MR. LEDESMA: I apologize.

8 CHAIRMAN WITKOWIAK: Get you both on
9 the same page.

10 ALDERMAN BAUMAN: That would be page
11 seven, starting at - - page eight, beginning at
12 line five, and then, of course, on page seven at
13 line four the - - Mr. Ahmad states under oath,
14 "It's funny she should mention the windows,
15 because we just got an estimate for 17,500
16 dollars and some change to actually put windows
17 on the building. We're actually trying to work
18 with the Milwaukee Economic Development Committee
19 to - - to ease - - soften some of the blow of the
20 17 plus thousand. That's just for the windows.
21 There are other improvement issues that we have
22 actually begun to undertake in terms of
23 remodeling the inside of the building. But, no,
24 we don't own - - specifically, we don't own the
25 building. It is in the family and it wouldn't -

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1 - and it won't matter. The landlord, again, is
2 my cousin, so he's not going to - - he's not
3 being asked to pay for any of this work. We're
4 going to take care of it on our own." And then
5 he goes on to say, "The siding is relatively new.
6 We're actually going to cut into that siding and
7 put some larger windows. The idea behind that is
8 aesthetic, as well as so that what's inside and
9 outside is more visible to us and to others."
10 Which is right. I fully agree that the store
11 should have nice big windows, so that the
12 activities inside the store are - - are visible
13 to passersby on the sidewalk, to police going by
14 in their squad cars. It frankly increases safety
15 for employees, for patrons, and actually might
16 make the store more inviting to prospective
17 customers, because they can see what's inside in
18 terms of the store's condition, what products are
19 sold there, et cetera, et cetera. For the same
20 reason the Boston Store opened up their show
21 windows and every place downtown wants to have
22 big windows so people can see in and are invited
23 in by the visible activity. That was apparently
24 what they were going to do. And I took that as
25 essentially amending their plan of operation.

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1 That this was going to be the new plan of
2 operation. And we were going to see these
3 changes made.

4 A year ensued. Apparently they - -
5 they did, indeed, paint the blue paneling white.
6 It was the same paneling. All I have to say is
7 if - - if - - Now I added these invoices up.
8 They're asserting through these invoices that
9 6,790 dollars worth of work was done on the
10 exterior of their building. And if that's a
11 fact, then they sure got gypped. Because if it
12 was 500 dollars worth of work done on the
13 exterior of that building, I'll eat my hat.

14 ALDERMAN WADE: That would be nine at
15 the most.

16 ALDERMAN BAUMAN: Right. Anybody can
17 submit an invoice and write "paid" on it. I
18 don't see any cancelled checks. I don't see any
19 proof of payment here. The invoices themselves
20 say that they were paid by check. Where are
21 these checks? They should be readily available.
22 I'll tell you if I'm presenting a case in court,
23 and I want to present proof of payment, I present
24 a cancelled check. I don't present an invoice
25 that somebody writes "Paid" on. That's nothing.

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1 Particularly without testimony from the person
2 who did the paying. In essence, this is hearsay.
3 Because this is a document purporting to - - It's
4 an out of court statement being offered in court
5 to prove the truth of the matter asserted, namely
6 that something was paid. Yet the person who did
7 the paying isn't present. This document is
8 technically hearsay, but fine, it's in the
9 record. It exists. I have no problem with that.
10 So as far as I'm concerned, because - - And the
11 documents themselves are questionable. The
12 Pelzick Construction, and Alderman Bohl reading
13 with his fine - - fine eye, picked up the fact
14 that they purportedly paid for the installation
15 of glass back in September of '06, yet there was
16 never any glass put in. So, I mean, I don't - -
17 These invoices don't make sense. Because the
18 work described hasn't been done. And that's
19 almost ten months ago.

20 The fine, we had a hearing last week,
21 and Mr. Ahmad made additional representations.
22 For example, he represented that there's never
23 dumpsters on the sidewalk. I submitted an
24 exhibit to you, which I took that night. In
25 fact, the following morning. It shows dumpsters

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1 on the sidewalk. The dumpsters have now been
2 moved, which is - - Thank you for moving the
3 dumpsters.

4 There was an assertion made there is
5 never loitering outside these premises, and Mr.
6 Ahmad asserted that, "See, the pictures that
7 Mister - - Alderman Bauman submitted don't show
8 loitering." Well, you have - - now have an
9 exhibit which does show loitering, which I took
10 the night of the last hearing, and that is the
11 photograph showing the corner, showing five
12 individuals standing on the corner, a photograph
13 that could be - - a scene that could be frozen in
14 time via photograph many, many times a day.

15 Mr. Ahmad also made certain additional
16 representations of fact, which I also took as
17 amending their plan of operation. One was that
18 they made all these interior renovations. They
19 run a clean store. It's a first class store, and
20 while there were a few code - - health code
21 issues some time ago, they've all been corrected.
22 Well, now we have in front of us a 16 count
23 complaint, 16 violations. And some of the
24 violations are very interesting. And for those
25 who shop at this store, I have received two or

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1 three calls from - - from patrons. I think it's
2 important for the patrons of this store to know
3 that among the violations, and I'll quote,
4 "Provide effective pest control methods to
5 eliminate pests." There is a significant fly
6 problem in the store. Eliminate the flies and
7 keep doors closed or screened. Then we go on to
8 another violation. "Several raw egg cartons and
9 milk products found expired in customer cooler.
10 Remove all expired grade A products from sale."
11 Go to another item. "Potential hazard - -
12 hazardous food must be held cold at 42 degrees,"
13 Fahrenheit, presumably. There is a cooler that
14 had raw bacon and other potentially hazardous
15 foods at 52 degrees. "Remove all potentially
16 hazardous foods and discontinue storing foods in
17 here unless cooler can be maintained foods at 41
18 degrees or less."
19 Then we go on to the convenience store
20 inspection violations, also done by the Health
21 Department. And this is Code Section 68-
22 4.3(2)(e). "The store is required to install,
23 maintain in proper working order and operate
24 during all hours the store is open to customer a
25 security camera which can produce retrievable

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1 reproducible digital color image." They say
2 security camera in this inspection yesterday
3 found no security camera, or at least wasn't
4 operable.

5 The next - - And the final item is 68-
6 4.3(2)(a). "The cash register must be located so
7 that both employees and customers are visible
8 from outside during sales transactions." If
9 these - - Now these folks just supposedly spent
10 2500 dollars last week to redo the front of the
11 store the same way it was, when they could have
12 done it right. If they had just talked to
13 somebody. They could have gone to the
14 Development Center and said, "What are the
15 requirements?" We want to improve the appearance
16 of this store, as we were told they want to do.
17 We want to upgrade our image. We want to attract
18 new business. We want to be an asset to the
19 neighborhood. What's required of us? And as - -
20 And they - - Or they should have followed the
21 Chairman's advice a year ago, and consulted with
22 an architect for a half hour, for him to draw up
23 some rough schemes of what the windows should
24 look like proportional to the face of the
25 building. It's an 1888 building. This is - -

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1 This could be a very attractive store. It could
2 be an asset to the community.

3 So my position is very simple. This -
4 - This board has two criteria in considering a
5 renewal which can be considered for nonrenewal on
6 these facts. And those criteria are contained in
7 Section C-1-F of the Code, and it reads, "Failure
8 of the licensee to operate the premises in
9 accordance with the floor plan and the plan of
10 operation submitted pursuant to Section 90-5-1-C.
11 And I interpret the representations that have
12 been made here regarding the condition of the
13 premises, regarding its lack of health code
14 violations, regarding its maintenance of a "clean
15 store." Its representation that dumpsters are
16 not on the sidewalks, that no one litters here,
17 and the fact that we represented irrefutable
18 proof that those con - - those are not correct
19 representations or - - or accurate facts,
20 constitutes a violation of that plan of
21 operation.

22 And then, of course, the last criteria
23 that you gentlemen consider, C-1-G. "Any other
24 factor or factors which reasonably relate to the
25 public health, safety and welfare." And I would

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1 say the fact that we've received
2 misrepresentations of - - of fact and intention
3 from representatives of the licensee under oath,
4 constitutes other factors. Because if there's
5 one thing this body has to rely on, and that is
6 if the credibility of the applicants coming
7 before it, and if they say they're going to do
8 something at the time they're being considered
9 for nonrenewal and this body defers decision on
10 nonrenewal or - - or takes a vote on renewal or
11 nonrenewal based in part on those representations
12 of future action, and then those future actions
13 don't materialize, that is, indeed, falls under
14 the criteria that I just read, because this - -
15 this entire function would break down if we can't
16 believe people that come before us making
17 representations that they're going to improve
18 this, or they're going to change that, or they're
19 going to add security, or they're going to add a
20 machine to check IDs. All those stories - - All
21 the information we hear about how we're going to
22 improve, do better, not have the same problem
23 next year. We have to be able to rely on those
24 for you to make your decisions and for the full
25 Council to make its decision. If we can't

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1 believe what somebody's saying, we - - we'll just
2 - - a problem, just nonrenew everybody with any
3 problem, because we can't believe they're going
4 to ever change. So credibility is key.
5 Credibility under oath is the law. And when
6 somebody comes in and says they're going to spend
7 17,000 dollars, and then, in fact, spends at best
8 six, and not even that, probably, I think this
9 committee should send a message, the Code permits
10 us to nonrenew on those grounds, and I'm
11 requesting a nonrenewal on those grounds. Thank
12 you.

13 ALDERMAN BOHL: Mr. Chairman.

14 CHAIRMAN WITKOWIAK: Alderman Bohl.

15 ALDERMAN BOHL: I have a, I guess, a
16 question for Mr. Singh, as the agent. And that
17 is if - - if this invoice from Pelzick
18 Construction indicates that plexiglas windows
19 were going to be replaced, where glass was going
20 to be installed, how - - how he explains the fact
21 that the windows are still plexiglas?

22 MR. LEDESMA: Glass is what is
23 referenced, but plexiglas was installed before,
24 and it remains there. That's not an issue.

25 ALDERMAN BOHL: No, I - - It says,

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1 "R&R."

2 MR. LEDESMA: You need to take up the
3 issue with the contractor and the person who
4 agreed to make those payments to him, but
5 plexiglas is what they're using now, and what
6 they've used before.

7 ALDERMAN BOHL: Okay. If I may - - If
8 I - - Mr. Chairman, if I may have the floor.

9 CHAIRMAN WITKOWIAK: Yes.

10 ALDERMAN BOHL: I'll be happy to let
11 you finish.

12 MR. LEDESMA: Okay. Okay.

13 ALDERMAN BOHL: When you're finished, I
14 will pose my question and hope that you'll give
15 me time to pose that question.

16 My reading of the estimate, which you
17 indicate is a, indeed, a bill, a paid bill, says,
18 "R&R," which I again will assume is repair or
19 replace - - repair or replace plexiglas from
20 windows and install glass. I'm going to tell you
21 that glass is not the same as plexiglas. I know
22 what each is, and it indicates that plexiglas - -
23 will remove and replace plexiglas from windows
24 and install glass. It wasn't done. So I want to
25 hear from the - - the agent here whether, indeed,

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1 this work was done, and whether or not this is a
2 fair representation of work that was done.
3 That's question number one. And I'll be happy
4 to - -

5 MR. LEDESMA: Last, I believe, two
6 years ago when you were first here, a photo was
7 taken and presented as evidence, indicating there
8 was a blue facade on the building with windows
9 covered. Okay. After that hearing, it was in
10 July - -

11 ALDERMAN WADE: Could you talk into the
12 mic, please?

13 MR. LEDESMA: After the hearing in
14 July, in September of '06 - - in July of 2006, in
15 September of 2006 they had work done to the
16 building. They replaced the windows with - - put
17 in their plexiglas and then framed it out. And
18 then they continued with the work by putting wood
19 paneling on the lower half. Okay. That was what
20 was done. So from 2005, 2006, this is - - this
21 is how it was 2005.

22 MR. SCHRIMPF: Let the record reflect
23 that counsel is showing a picture of the building
24 that was previously received into the record as
25 of, I would guess, the summer of 2005.

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1 MR. LEDESMA: Sure. Put that in the
2 record. And the following, I have a photo that
3 was taken on June 28th by one of the inspectors,
4 and this is what it - - the building looked like.
5 It had plexiglas in there with numerous dividers
6 in the windows. And then you can see from photos
7 indicating, that were just recently taken, that
8 those windows were replaced. So my
9 understanding, I mean, and that's just a guess,
10 because I'm not contractor by my business, those
11 windows were replaced again, and a new framing
12 was put in there, as well as new glass,
13 plexiglas. The building looks significantly
14 different than it did two years ago. And perhaps
15 there is still not what the Alderman is looking
16 for, but they had made significant improvements,
17 and from what I understand, based on hiring
18 contractors, they come in and do their estimate,
19 and they get paid, they do the work, and then
20 they get final payment. So - -

21 ALDERMAN BOHL: According to that very
22 same construction estimate, that very same
23 document that's been submitted.

24 MR. LEDESMA: Sure. And these are
25 documents my client submitted. I'm not trying to

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1 - -

2

3 ALDERMAN BOHL: Mr. Chairman.

4 CHAIRMAN WITKOWIAK: Go ahead.

5 Alderman Bohl.

6 ALDERMAN BOHL: Do I have - - Thank

7 you.

8 CHAIRMAN WITKOWIAK: Go ahead, Alderman

9 Bohl.

10 ALDERMAN BOHL: Thank you. It says,
11 "R&R vinyl siding that is damaged." In looking
12 at the two photos, the before and after, could
13 you - - could you or the - - the agent describe
14 for me where the vinyl siding was that was
15 replaced that was damaged?

16 MR. LEDESMA: Sure. There was no vinyl
17 siding below the windows, and vinyl siding was
18 added to the windows.

19 ALDERMAN BOHL: I - - I don't believe
20 that that was the case, because the estimate that
21 I'm looking at relates to September 7th of 2006.

22 MR. LEDESMA: Okay.

23 ALDERMAN BOHL: Now we know as of last

24 week - -

25 MR. LEDESMA: That - - That vinyl

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1 siding was for the top half of the building.

2 ALDERMAN BOHL: But it already existed
3 in the photos that you - - that were previously
4 submitted prior to this work being done. The
5 siding already existed. I mean, the - - the
6 photos look like the only thing that happened is
7 there was some framing of windows and ultimately
8 the blue panel was painted white. I'm asking - -
9 I'm asking where the vinyl siding that was,
10 "repair or replace vinyl siding," placed?

11 MR. LEDESMA: I don't know, to be
12 honest with you. I - - That, I don't know.

13 ALDERMAN BOHL: Mr. Chairman, I just -
14 - I - - So your contention is this is, indeed,
15 work that was done.

16 MR. LEDESMA: That was information
17 given to me by my client. I'm presenting it here
18 today, that we believe it is reliable and
19 credible information.

20 ALDERMAN BOHL: May - - May I ask
21 you - -

22 MR. LEDESMA: Sure.

23 ALDERMAN BOHL: Is - - Are you, as
24 counsel, not going to allow this agent to answer
25 my question?

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1 MR. LEDESMA: He can answer.

2 THE APPLICANT: No, this work is done.

3 ALDERMAN BOHL: So this is - - This is
4 what you will tell me is this is an absolute
5 accurate representation of work that was done.
6 And this was paid for - - every - - everything
7 that was paid for, this is - - this 5,000 dollars
8 was, indeed, a check, there should be a check
9 that was paid for this work, and the
10 representation is this work was done. Is that
11 correct?

12 THE APPLICANT: Yes.

13 ALDERMAN BOHL: And I'm - - We're
14 talking about the estimate or the bill from 9/7
15 of '06 for Pelzick Construction. Is that
16 correct?

17 THE APPLICANT: Yes.

18 ALDERMAN BOHL: Mr. Chairman, I - -
19 That's all I have in terms of question. I - - My
20 only brief comment at this point is, is that I
21 think that Alderman Bauman is absolutely correct.
22 That if this was 6,000 dollars in work, I'm in
23 the wrong business, because frankly I can do that
24 work, have done that work, and I can tell you
25 that it is absolutely nowhere near 5,000 dollars

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1 worth of work that - - that frankly was done
2 there. And - - And vinyl siding doesn't cost
3 that much. To get plexiglas windows cut is not
4 all that difficult. You can actually purchase it
5 at - - at any Home Depot or other center, and
6 actually based on your specifications, have that
7 work - - have that - - that done. It doesn't
8 even take a rocket scien - - scientist to
9 actually measure and frame a window. If that was
10 5,000 dollars worth of work, as I said, maybe I'm
11 in the wrong business and ought to be - - ought
12 to be doing some additional work on weekends
13 here. Because I could sure use some additional
14 dollars to support my kids education, college
15 education fund.

16 But - - Mr. Chairman, one - - one final
17 question if I may.

18 CHAIRMAN WITKOWIAK: Yes. Go ahead.

19 ALDERMAN BOHL: And that is for - - for
20 Mr. Schrimpf. Mr. Schrimpf, I - - I still - - I
21 want to know perfectly clear, because I want to
22 be very fair in terms of - - of where we are in
23 this hearing, and - - and that is there are - -
24 There is a specific neighborhood objection that -
25 - that deals with the issue on whether or not the

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1 license is - - is blight - - a blighted - - in
2 blighted condition, which I would argue, while it
3 - - I don't think it's - - It doesn't represent
4 new and along the lines of what you would find
5 elsewhere. I - - I wouldn't argue necessarily
6 that the condition is blighted in its current
7 state. But it does also indicate that the
8 applicant's failure - - failure to remodel the
9 premises as promised in the last renewed hearing.
10 If, indeed, there is a genuine understanding on
11 members on this committee that there - - there
12 was misrepresentations made and/or not followed
13 up, does this committee, indeed, have grounds to
14 util - - utilize that component of the
15 neighborhood objection to sanction and/or
16 nonrenew this license?

17 MR. SCHRIMPF: There are a couple of
18 Wisconsin Supreme Court cases that go back
19 basically to the '60s, that point out that when
20 you are using a police regulation, as Health,
21 Safety and Welfare is, and Alcohol Beverage
22 licensing, in particular, that, yes, indeed, the
23 - - the Council can use information or knowledge
24 that comes to its attention even though these are
25 factors and criteria and that may not necessarily

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1 be recited in the Statute. Talking - - And
2 they're talking there about the, I think it's
3 four factors, perhaps five factors, that are set
4 out in Section 125.12. But that where there are
5 factors that implicate the Health, Safety and
6 Welfare by the operation of a premises, that the
7 Council can use that in determining what they're
8 going to do with a license in terms of renewal,
9 nonrenewal, suspension, et cetera.

10 CHAIRMAN WITKOWIAK: Okay. Thank you.
11 At this time Alderman Bohl moves to make the two
12 photographs that I have in my hand here, one is
13 with the - - below the windows with the paneling
14 painted blue, and the other one is a later photo
15 which is dated 6/28/07, with the paneling - - or
16 the material blue, the windows painted white.
17 And these are duplicates of ones that already
18 exist in the record of a previous meeting on this
19 matter. But Alderman Bohl moves to submit these
20 and make them permanent part of this hearing, and
21 hearing no objections, so ordered. Questions in
22 rebuttal, Mr. Ledesma.

23 MR. LEDESMA: The only concerns that I
24 have is commun - - is the lack of communication
25 between my client and the representatives of the

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1 City. What they are looking for in businesses
2 that have been in existence for 30 years. This
3 building has been in the family for 30 years.
4 They have tried to maintain the business
5 according to City regulation. I find that there
6 are some regulations that have not been adhered
7 to, which I believe are not part of the record
8 for denial of this license. The City, this
9 committee has a record of denying licenses for
10 lack - - for concentration of businesses in the
11 area, police objections, as well as neighborhood
12 objections. I believe those do not exist in this
13 case.

14 My client is willing to work with
15 whatever committees or neighborhood committees
16 are out there so that there is an improvement in
17 the area, but there - - that there is an
18 improvement in the particular business. This is
19 a store which is conveniently located for
20 numerous residents in the area. I have been at
21 the store. I was there when estimates were being
22 obtained to complete work this last - - this - -
23 this month. And I think my clients have made a
24 genuine effort to improve the exterior of the
25 store. There's always room for improvement, and

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1 my client is flexible and open-minded to any type
2 of improvements. He's also open-minded to
3 discussions with the Alderman, so that he feels
4 that this location, this business, is maintained
5 in the proper way so that it's attractive to
6 individuals driving by on State Street. Thank
7 you.

8 ALDERMAN BAUMAN: Mr. Chair, I just
9 have one question.

10 CHAIRMAN WITKOWIAK: Alderman Bauman,
11 go ahead.

12 ALDERMAN BAUMAN: Mr. Ledesma, who do
13 you exactly represent here? The building owner,
14 who has been there for 30 years, or this
15 gentleman, he's not been there for 30 years.

16 MR. LEDESMA: No. I represent both of
17 them.

18 ALDERMAN BAUMAN: So your statement
19 about longevity does not relate to the applicant.

20 MR. LEDESMA: No. No, no. He's
21 operating the store right now. He's maintaining
22 it. My - - My client has a warehouse on 26th and
23 Lisbon. And he's been in the area 30 years.
24 He's invested close to 700,000 dollars in the
25 area, in both construction, employment, tax base.

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1 He's a very significant contributor to the tax
2 base in this particular area. He's dedicated to
3 remain in the area. He's willing to make the
4 changes, like having Mr. Singh and him work
5 together to maintain this store. Mr. Singh is
6 there, and he wants to continue to maintain the
7 store in a way that's going to be beneficial for
8 the City. That's - - And Mr. Singh is here
9 telling me that he has eight years of experience
10 working in this type of business, and feels that
11 by granting this license he'll be able to
12 continue to - - to do good work for the
13 community, as well as the - - the City.

14 ALDERMAN WADE: Mr. Chair.

15 CHAIRMAN WITKOWIAK: Okay. Hold on a
16 second.

17 (Paper change for Court Reporter.)

18 CHAIRMAN WITKOWIAK: Okay. Alderman
19 Wade.

20 ALDERMAN WADE: Thank you. I think we
21 kind of got a little off base here. And you - -
22 You brought up the - - about your client, who is
23 the owner of the building and how he's such a
24 asset to the community. Well, I - - I don't
25 agree with that. I don't think he's an asset to

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1 the community, based on the way he keeps the
2 store in Alderman Bauman's district, and based on
3 the appearance of his store that I know about in
4 my district, which looks equally as pathetic as
5 that store.

6 And the way he sucks money out of the
7 community with his warehouse and his stores, and
8 don't take enough initiative or show enough
9 respect for the people in the neighborhood to put
10 some investment back into the property. Since we
11 - - we want to talk about the great landlord he
12 is, and you brought that up, I thought I'd put my
13 two cents in.

14 Now, I have yet to see any store that
15 he owned that looked like something that I'd call
16 respectable. So far as I'm concerned from what
17 I've seen, he has a history of being a neglectful
18 landlord. That's what I see. I don't know all
19 the stores he owns, but the ones that I have seen
20 are pathetic. And I shouldn't have to come to
21 him and ask him to take care of his property, nor
22 should Alderman Bauman have to come to him and
23 ask him to take care of his property. He's
24 sucking money out of the community. He should
25 have enough respect for the people that pay his

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1 bills to put property and stores in the district
2 in a manner that looks presentable.

3 Now as far as this gentleman is
4 concerned, he came in here and he told us he was
5 going to spent 17,000 dollars on putting it - -
6 We didn't ask him that. He told us that. He
7 said he was going to put glass in front of the
8 store. That's what he said. And then he come
9 back a year later and spent under a 1,000
10 dollars, and that's being generous. He claimed
11 he paid someone 5,000 dollars to take out
12 plexiglas and to put in glass, and it's still
13 plexiglas in the building. And he - - He claimed
14 he paid that bill. And you want us to believe
15 that this is an honest person we're dealing with.

16 MR. LEDESMA: Are you asking me a
17 question? Because I'll answer for you.

18 ALDERMAN WADE: You'll - - You'll get
19 your chance to answer. What I'm saying is the
20 evidence that's before us right now, if that's
21 any representation of this gentleman, or this
22 business owner, I've seen enough. I've heard
23 enough. Thank you, Mr. Chair.

24 CHAIRMAN WITKOWIAK: Mr. Ledesma, any
25 response to that?

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1 MR. LEDESMA: I - - I just want to tell
2 the court, or this committee, that my client is
3 presenting me documents, which he tells me he
4 spent over the last year on improving the
5 building, inside and outside. And if this
6 committee will give him an opportunity to
7 continue with the license, I'm sure other
8 improvements will be made.

9 CHAIRMAN WITKOWIAK: Okay. All right.
10 Anything further by members of the committee?
11 This matter is in committee.

12 ALDERMAN WADE: Move denial.

13 CHAIRMAN WITKOWIAK: Based on?

14 ALDERMAN WADE: All the information
15 that we've heard. What's in the - - All of the
16 contents that - - that's before us. The
17 pictures, the - - the conversation from the last
18 hearing, the stuff that he's cited for and stuff
19 from the Department of Neighborhood Services, all
20 of the information that has been presented before
21 us. Now I move denial based on all of those
22 things.

23 CHAIRMAN WITKOWIAK: Motion by Alderman
24 Wade is to recommend denial, based on items
25 contained in the notice, testimony heard at this

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1 meeting and the previous meeting, and evidence
2 presented today. Is there any discussion on the
3 motion? Are there any objections to the motion?

4 ALDERMAN PUENTE: I'm going to object.

5 CHAIRMAN WITKOWIAK: Hearing one
6 objection, the motion carries on a vote of four
7 to one.

8 MR. SCHRIMPF: Mr. Ledesma, the
9 committee is going to be doing findings of fact
10 and conclusions of law, recommending nonrenewal
11 of your client's license. You will receive a
12 copy of that. I need the clerk to tell me by
13 when you must file the objections. Okay. So you
14 will have to submit written objections by August
15 30 - - close of business, August 31st, 2007 in
16 the City Clerk's office of this building located
17 on the second floor. If you submit such
18 objections, then you will also have an
19 opportunity to address the Common Council
20 regarding this matter when it meets at
21 approximately nine a.m. on September 5th, 2007 in
22 the Common Council chambers of this building,
23 same floor but the opposite end. Understand all
24 that?

25 MR. LEDESMA: Okay. Thank you.

