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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the:
"Extended Hours Establishment License"

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WAQAR HUSSAIN
LISBON PETROLEUM
5505 West Lisbon Avenue

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair
ALD. JAMES BOHL, JR., - Vice-Chairman
ALD. JOSEPH A. DUDZIK
ALD. ROBERT PUENTE
ALD. WILLIE WADE

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LICENSING DIVISION by REBECCA BARRON
NEIGHBORHOOD SERVICES by PANDORA BENDER
HEALTH DEPARTMENT by PAUL W. ZEMKE
POLICE DEPARTMENT by SERGAENT CHESTER ULICKEY
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 30th day of October, 2006.

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P R O C E E D I N G S

CHAIRMAN WITKOWIAK: In the 10th District, Waqar Hussain, Agent for "Lisbon Petroleum, LLC", Extended Hours Establishment application for Lisbon Petroleum at 5505 West Lisbon Avenue.

Good afternoon.

MR. MAISTELMAN: Good afternoon, Mr. Chair.

Attorney Mike Maistelman appearing on behalf of Waqar Hussain, who should be sitting next to me in a moment.

CHAIRMAN WITKOWIAK: Mr. Maistelman, I apologize for not getting to you any sooner. The - - In the 12th District most of the witnesses were lined up in multiple cases, and we knew that the 9th wouldn't take long, so.

MR. MAISTELMAN: Thank you.

CHAIRMAN WITKOWIAK: We - - We did the best we could. And - - And FYI in regards to your father, by the way, but we're all late for something today, so.

MR. MAISTELMAN: Could I have a lift to the airport after this?

CHAIRMAN WITKOWIAK: Pardon?

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1 MR. MAISTELMAN: Could I have a lift to
2 the airport after this?
3 ALDERMAN DUDZIK: My car's outside
4 waiting.
5 THE APPLICANT: It goes very, very
6 fast.
7 CHAIRMAN WITKOWIAK: Okay.
8 MR. MAISTELMAN: Mr. Chairman, as you
9 know, this is not the first time we're here.
10 It's not the second time we're here. It's not
11 - - Well, it is the third time we're here.
12 MR. ERDMAN: It's the third time.
13 MR. MAISTELMAN: And we've been to a
14 neighborhood meeting. Can I have my opening
15 statements now, or would you like to - -
16 CHAIRMAN WITKOWIAK: Oh, just - - I
17 just want to ask Mr. Hussain, do you admit to
18 receiving - - Oh, we have to swear you in.
19 Raise your right hand, please.
20 (Whereupon those present were sworn.)
21 CHAIRMAN WITKOWIAK: Name and address
22 for the record, please.
23 THE APPLICANT: My name is Waqar
24 Hussain. Address is 4550 South 123rd Street,
25 Greenfield, Wisconsin 53228.

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CHAIRMAN WITKOWIAK: Mr. Hussain, do you admit to receiving notice in the mail there's a possibility your application could be denied because of items contained on the police report and neighborhood objections to disturbing the peace, illegal drug activity, public drunkenness, drinking in public, harassment by passersby.

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THE APPLICANT: That's true.

9

CHAIRMAN WITKOWIAK: Gambling, prostitution, sale of stolen goods, public urination.

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THE APPLICANT: That's true.

13

CHAIRMAN WITKOWIAK: Robberies, threats, assaults, batteries, vandalism, excessive littering, loitering, illegal parking, loud music, noise, traffic violations, cruising curfew violations, lewd conduct, operating the business during the hours of 12 a.m. to five a.m. without the required licenses, and conduct which is detrimental to the health, safety and welfare of the neighborhood.

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MR. MAISTELMAN: We acknowledge receipt. Obviously we deny that those ever occurred on our premises.

CHAIRMAN WITKOWIAK: Okay. I think

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1 somebody in the license office stays up late at
2 night and figures out how to make these longer,
3 sentences longer all the time. Sergeant Ulickey,
4 the police report?

5 SERGEANT ULICKEY: On 6/3 of '06 at
6 12:50 a.m. Milwaukee Police were dispatched to
7 5505 West Lisbon for an armed robbery complaint.
8 Investigation revealed that the gas station was
9 open for business when the armed robbery
10 occurred, and did not possess a valid license to
11 operate between the hours of 12 a.m. to five a.m.
12 The armed robbery complaint was handled by
13 officers
14 - - detectives who were dispatched to the scene.
15 Officer Tavedon from the License Investigation
16 Unit issued a citation for license required to
17 open between 12 a.m. and five a.m. That citation
18 goes to Municipal Court on 11/8 of '06.

19 On 6/6 of '06 at 1:30 a.m. Milwaukee
20 Police were dispatched to 5505 West Lisbon for an
21 armed robbery complaint. Investigation revealed
22 that the gas station was open for business when
23 the armed robbery occurred and did not possess a
24 valid license to operate between the hours of 12
25 a.m. and five a.m. The armed robbery complaint

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1 was handled by officers and detectives. Officer
2 Kakowski from the License Investigation Unit
3 issued a citation for license required to open
4 between 12 a.m. and five a.m. That citation also
5 goes to Municipal Court 11/8 of '06.

6 On 7/9 of '06 Milwaukee Police received
7 notification from Alderman Murphy's office
8 regarding the gas station located at 5505 West
9 Lisbon Avenue operating 24 hours.

10 On 7/11 of '06 Officer proceeded to the
11 store and found that the store was open and
12 selling merchandise. The clerk working at the
13 time was identified as Karidin Abdullah - - or
14 Abdalah, I'm sorry. Officers made contact with
15 the owner, Waqar Hussain, who stated to officers
16 that he had an agreement with the licensing board
17 that he would only have to close his business
18 between two a.m. and five a.m. while his permit
19 was being approved. Officers investigation
20 proved this to be a false statement. A license -
21 - or citation was issued.

22 On 7/14 of '06 follow-up was again
23 conducted regarding the store's compliance with
24 hours of operation. At 4:45 a.m. a subject was
25 observed - - observed walking to the store and

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1 purchasing a pack of Newport cigarettes. Upon
2 speaking with the clerk Karidin Abdalah, Abdalah
3 stated, "Well, it's close to five a.m. and why
4 should I turn people away - - or turn away people
5 who want to buy things." Officers then
6 instructed the store closed until five a.m. and
7 advised there would be no exceptions. A citation
8 was issued to Waqar Hussain. Those two citations
9 are scheduled to go to Muni Court on 12/12 of
10 '06.

11 CHAIRMAN WITKOWIAK: Thank you. And,
12 Sergeant Ulickey, was this the same police report
13 that you gave us at the last two hearings?

14 SERGEANT ULICKEY: The - - At this
15 time, Mr. Chair, I don't recall exactly what was
16 read at the - - Let's see, the last one would
17 have been 9/26 of '06. That was Common Council.
18 9/11 of '06, I don't believe that all of this
19 information was contained on there at that time.

20 CHAIRMAN WITKOWIAK: Okay.

21 SERGEANT ULICKEY: I'll have to do some
22 further checking on that.

23 ALDERMAN PUENTE: Mr. Chair.

24 CHAIRMAN WITKOWIAK: Alderman Puente.

25 ALDERMAN PUENTE: What was the date of

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1 issuance for these licenses in item number three?
2 The incidents occurred in 7/9/06 and yet they're
3 going in 12/12/06 was - - It seems to me there
4 was some time in between the offense and when it
5 actually got issued, and then - - Well, answer
6 that question first.

7 SERGEANT ULICKEY: I wish I could. I
8 would have to have the citations here to give you
9 the date that they were, in fact, written.

10 MR. MAISTELMAN: I got a couple right
11 here. Or I - - I think the answer really is that
12 Jared called them up and told them to issue them
13 is what happened. Right, Jared?

14 MR. ERDMAN: I can't instruct the
15 police to issue citations. I can instruct them
16 to investigate allegations of illegal behavior
17 which, yes, we did.

18 MR. MAISTELMAN: All right.

19 ALDERMAN PUENTE: Oh, when was that,
20 Jared?

21 MR. ERDMAN: That was in seven - - in
22 July of '06.

23 ALDERMAN PUENTE: When - - If I may,
24 Mr. Chair.

25 CHAIRMAN WITKOWIAK: Go ahead,

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1 Alderman.

2 ALDERMAN PUENTE: If - - If you can,
3 I'd like the Sergeant to look at the citation to
4 verify and tell me what the date of issuance was
5 then, if you - - if you - - You're saying you did
6 this 7/09. Is that right, Jared?

7 MR. ERDMAN: Correct, on these two. On
8 the previous two we found out about the armed
9 robberies only in the last month or so, at which
10 point the citations were issued retroactively in
11 the assumption that the place was open and if
12 people were gasing up to rob - - and could be
13 robbed, then they were open illegally.

14 ALDERMAN PUENTE: So you're speaking of
15 items number - -

16 MR. ERDMAN: One and two.

17 ALDERMAN PUENTE: - - one and two?

18 MR. ERDMAN: Correct.

19 ALDERMAN PUENTE: And then those, the
20 police issued a citation after the court pro - -
21 or the hearings here. Is that correct?

22 MR. ERDMAN: Correct.

23 ALDERMAN PUENTE: You found out?

24 MR. ERDMAN: Yes.

25 ALDERMAN PUENTE: Which was - -

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1 MR. MAISTELMAN: September 11th.

2 ALDERMAN PUENTE: - - over three months

3 later?

4 MR. ERDMAN: Yes. We were unaware of
5 the armed robberies until then.

6 ALDERMAN PUENTE: Yeah, but the police
7 were - - weren't - - Were the police not aware
8 that they should not have been opened during 12
9 and five. Is that what they're saying?

10 MR. ERDMAN: My under - - My
11 understanding is that police do not always tie
12 license in their head to gas stations to hours of
13 operation, and so they didn't think to issue
14 citations for being open past 12 at the time. I
15 can't answer for the police department.

16 ALDERMAN PUENTE: I understand that.

17 MR. MAISTELMAN: Alderman Puente, Ms.
18 Elmer had sent me the transcripts from the past
19 two hearings where Mr. Erdman is acknowledging to
20 you that they had some issues with operating
21 after hours. I mean, they knew what was going
22 on, and my client - - Alderman Wade had asked my
23 client some questions. My client acknowledged he
24 was under the mis - - misinformation that he was
25 allowed to be open. He has not done anything

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1 wrong since the July - - July 18th hearing. He
2 has not violated any laws. He hasn't been cited
3 for any activity having - - that has occurred at
4 that premises after July 18th.

5 And in response to the - - the robbery,
6 we - - he hired a full time security guard, not
7 knowing that Mr. Erdman and the Alderman's office
8 was going to try to, you know, send us after the
9 fact with - - with municipal citations. The City
10 Attorney, who I've been working with on these
11 municipal citations said, you know, have the - -
12 the Licensing Committee grant him the license,
13 recommend it for granting it and then come back
14 to me, and he'll make, you know, he'll basically
15 take care of these with a slap on the wrist.

16 Here we are, the aggravation is, is
17 this is the fourth public hearing, a fourth
18 public hearing. The first public hearing
19 Alderman Wade suggested and - - and - - and Mr.
20 Erdman agreed, claiming here, "I'd really like to
21 host a neighborhood meeting. This is Mr. Erdman.
22 I understand he's - - "I'd really like to host a
23 neighborhood meeting. We could put him to where
24 he's been closing the - - and give him the
25 residents' concerns." Alderman Wade said, "This

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1 matter is something that may be able to get
2 better resolved to a neighborhood meeting, and I
3 would like to give you the opportunity to have a
4 neighborhood meeting so yourself and the Alderman
5 can have some comfort." All right. That was on
6 July 18th. We come back here in August. I come
7 down from my vacation to attend that meeting.
8 And it was testified at the last meeting in
9 September 11th, nobody showed that was in
10 opposition. At least, that's what Mr. Erdman
11 said. Okay. And there were 15 - - 14 people
12 there that were in favor of it. At that time
13 unanimous, and we agreed. We have not really
14 screwed up since the July 18th hearing. You
15 granted - - Or you recommended to the Common
16 Council.

17 Mr. Erdman's been digging and digging.
18 He comes up with some things that have happened.
19 Although we acknowledge this - - these incidents,
20 and Mr. Erdman acknowledges that he was open in
21 his - - in his testimony the past two times. So
22 now it's here again. We have plenty of witnesses
23 here to testify, and Mr. Erdman has actually been
24 able to get, I think, three people from the
25 neighborhood to come. He couldn't do it at the

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1 first hearing. Couldn't do it at the second
2 hearing. Didn't get anybody at the neighborhood
3 meeting, but he's got three people now. And I'm
4 going to, with all due respect, object to having
5 any testimony, any additional testimony. I mean,
6 how many kicks at the cat does this guy get? I
7 think the issue is - - is - - is the new
8 information in the police reports, and I think
9 we've adequately addressed that. We've been open
10 and forthright. We told you what was going on,
11 and I just - - How many more times do they have
12 to come back here until they get it right?

13 We put two million dollars into the
14 premises. We - - We've done everything we can.
15 And by the - - by the testimony in the record,
16 you know, Alderman Wade at the time belief - -
17 with the Alderman - - Alderman Murphy's approval,
18 that let's have a neighborhood meeting and see
19 what happens. Well, we did. He still came back
20 and objected.

21 CHAIRMAN WITKOWIAK: I - - I'm going to
22 ask the other members of the committee - - I'm
23 going to ask for the will of the committee here
24 now, do you want to - - This is our fourth - -

25 MR. MAISTELMAN: This is the third

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1 hearing here, but we also had a neighborhood
2 meeting.

3 CHAIRMAN WITKOWIAK: It's the third
4 here, plus a neighborhood meeting. So this is
5 our third hearing here. I want to ask the will
6 of the committee, do you want to hear more
7 neighborhood testimony relative to this item?

8 ALDERMAN WADE: Mr. Chair.

9 CHAIRMAN WITKOWIAK: Alderman Wade.

10 ALDERMAN WADE: If I may speak on it.

11 CHAIRMAN WITKOWIAK: Please.

12 ALDERMAN WADE: We heard all of the
13 testimony. This gentleman admitted at this
14 council that he did not know that he was supposed
15 to be closed at 12 o'clock. What - - I don't
16 remember what day that was. What day was that?

17 ALDERMAN PUENTE: July 18th.

18 MR. MAISTELMAN: July 18th was the
19 hearing.

20 ALDERMAN WADE: July 18th he admitted
21 to this body that he was not supposed to be open.
22 And he said that he would not be open after 12
23 from that point forward.

24 THE APPLICANT: That's true.

25 ALDERMAN WADE: The incidents that

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1 occurred that are in question right now happened
2 before July 18th. So since July 18th, if he
3 hasn't been open after 12 since that day, we
4 don't really have any new, in my opinion, we
5 don't have any new information that's relevant.
6 The only information that we dealing with now is
7 information that he already readily admitted that
8 he was wrong on, because he did not know. And
9 after him giving us that testimony at the time we
10 unanimous - - unanimously granted him his
11 license.

12 Now, I don't know what's new about
13 what's going on now. I don't see anything that's
14 new. Personally, I'm not willing to hear any
15 more testimony.

16 MR. ERDMAN: Mr. Chairman, may I speak
17 to that?

18 CHAIRMAN WITKOWIAK: Thank you. Jared,
19 yes, identify yourself.

20 MR. ERDMAN: Jared Erdman, Legislative
21 Assistant for Alderman Michael Murphy.

22 CHAIRMAN WITKOWIAK: Okay.

23 MR. ERDMAN: The new information, Mr.
24 Chair, is the two armed robberies. The police
25 had not made us aware, and we could not then make

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1 you aware, the committee, of these armed
2 robberies. They go directly, not to the argument
3 that he was open after hours. We all admit that
4 that's been discussed and you voted as you voted
5 despite that. This goes to the public safety
6 issue in the community. The community was not
7 aware of these. In previous mailings we have not
8 - - Excuse me - - been able to make people aware
9 of these, because the police failed to make us
10 aware of them. This isn't the fault of the
11 community. This is the fault of, if anything,
12 the police department. Unfortunate, but the new
13 information here today, what got it brought back
14 from Council to this committee now, and I know
15 we're all very tired, but we're not just trying
16 to kick a dead horse here. Believe me I'm as
17 sick of it as you all are.

18 But there are two armed robberies in a
19 three day period at this store, when they're open
20 illegally after hours. The argument has always
21 been that this will not make the neighborhood
22 safer, as he claims. It will make it less safe,
23 an attractive target for armed robbers, for drug
24 dealing, for cruising. The evidence is here. We
25 found out about it late. That's unfortunate. We

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1 didn't mean to drag on his proceedings or waste
2 any of our time. But the - - It's clear that
3 from his illegal use of after hours that legally
4 use of it could have the same effect. That is
5 the new information.

6 MR. MAISTELMAN: Mr. Chairman, we're
7 not disputing that the - - the committee cannot
8 discuss the issue of the - - of the citations
9 that Jared and his boss were so kind enough to
10 get to us three to four months after the fact.
11 And there's something that doesn't sit right with
12 me about how that was handled, but that's - -
13 that's a different matter. Okay.

14 The issue here is not - - I mean, we
15 have - - Could everybody raise their hand who is
16 in support of Mr. Waqar? Okay. We've got quite
17 a few people here, all right. We had quite a few
18 people here last time. We had quite a few people
19 here the last, last time. We had quite a few
20 people here at the neighborhood meeting. Okay.
21 I'm saying, I think the record reflects, and I
22 would ask - - And I have it right here, that he's
23 got the majority of neighborhood support that
24 came here. And I think, you know, the - - the
25 committee can decide whether the police reports

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1 are valid and what - - how much weight to give to
2 them. But to have neighbors come up who've had
3 already - - I mean, this is his fourth time.
4 You're opening up a can of worms, is this how the
5 committee's going to be run. Then if he wins on
6 this time, I'm going to ask to come back here in
7 another couple weeks, and hoping maybe nobody
8 will show up.

9 CHAIRMAN WITKOWIAK: Maybe I could get
10 transferred off this committee.

11 ALDERMAN WADE: Not before me you
12 can't.

13 CHAIRMAN WITKOWIAK: Alderman Puente
14 did such a fine job running the meeting while I
15 was taking a sandwich today. I'm thinking of him
16 for a replacement.

17 ALDERMAN PUENTE: You know, both my
18 brother, sister and father were all in the
19 military. Told me never to volunteer. Now I
20 know why.

21 CHAIRMAN WITKOWIAK: Alderman Puente,
22 you have the floor.

23 ALDERMAN PUENTE: Jared, you had
24 mentioned that the - - the armed robberies and
25 all that was new information.

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MR. ERDMAN: Yes.

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ALDERMAN PUENTE: You were here on July

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18th. Correct?

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MR. ERDMAN: Yes.

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ALDERMAN PUENTE: The first meeting.

6

And wasn't the armed robberies given to you at

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that time?

8

MR. ERDMAN: They were not.

9

ALDERMAN PUENTE: They were not part of

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the police report?

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MR. ERDMAN: They were not.

12

ALDERMAN PUENTE: Even though it was

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dated 6/6/06?

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MR. ERDMAN: Correct.

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ALDERMAN PUENTE: And the incident on

16

7/9/06?

17

MR. ERDMAN: Correct.

18

ALDERMAN PUENTE: Hmm. How can I

19

verify that?

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ALDERMAN WADE: That is true.

21

ALDERMAN PUENTE: That it was not given

22

to us?

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ALDERMAN WADE: I don't - - I don't

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think those two incidents showed up during that

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hearing.

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1 MR. ERDMAN: I wish they had. We
2 didn't want to do this three times either.
3 SERGEANT ULICKEY: Mr. Chair.
4 CHAIRMAN WITKOWIAK: Sergeant Ulickey.
5 SERGEANT ULICKEY: Excuse me, again.
6 Maybe I could shed some light on this. We had a
7 request in my office from Alderman Murphy's
8 office to look up crimes that occurred within, I
9 believe, it was a 300 foot area of that business.
10 This occurred approximately a month and a half
11 ago. And in looking at that, we did find the
12 armed robberies that occurred. The police
13 department does not normally - - Number one, the
14 License Investigation Unit, my office, does not
15 have all the information on all the license
16 premise every day. The way that we receive them
17 is through a PA-33, which is commonly called a
18 tavern report. That's actually a license premise
19 report. The - - As Jared mentioned before, the
20 officers were - - that investigated that - - the
21 detectives that investigated that were not aware
22 that every place that's open or mostly every
23 place, except for a full fledged food store,
24 that's open 24 hours, needs a license to operate
25 between 12 and five.

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1 Subsequent to these inquiries I've sent
2 a - - a departmentwide memo reminding the
3 officers that they do, in fact, that certain
4 convenience stores, gas stations, need a license
5 to operate between midnight and five. So while I
6 - - I don't recollect what I presented to the
7 committee in Jan - - I'm sorry - - January - - in
8 July, I can guarantee that it wasn't anything
9 regarding these armed robberies as this
10 information just came to light, pursuant to a
11 request from the Alderman's office.

12 MR. SCHRIMPF: Mr. Chairman.

13 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

14 MR. SCHRIMPF: For what it's worth, I
15 - - Through the miracle of computers I just
16 checked the transcripts of the previous hearings.
17 And I do not find a record that back in the
18 summer months, July or September, whenever it
19 was, that Sergeant Ulickey testified in these
20 proceedings. Which suggests to me, with a quick
21 review of the transcript, that for one reason or
22 another this information was not presented.

23 MS. BARRON: Mr. Chair.

24 ALDERMAN WADE: Mr. Chair.

25 CHAIRMAN WITKOWIAK: Ms. Barron.

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1 MS. BARRON: Reviewing the packet that
2 I have here, we did not list the police report on
3 the - - on the July 18th notice or on the
4 September 11th notice. This is the first notice
5 that we're listing the police report. So the
6 committee hasn't heard anything on the police
7 report prior to today.

8 CHAIRMAN WITKOWIAK: Alderman Wade.

9 ALDERMAN WADE: No, I don't - - I don't
10 want - - I don't need the floor. Thank you.

11 CHAIRMAN WITKOWIAK: Who was next in
12 line?

13 MR. ERDMAN: Mr. Chair, I just want to
14 make it clear. We're not trying to continue to
15 bring this back in the hopes of that - - that Mr.
16 Hussain will bring less people each time. We're
17 convinced that he can bring a number of people
18 down to support his gas station. The fact is he
19 never brought it forward to us when we didn't
20 bring it to him that these armed robberies had
21 occurred. When I talked to him on the phone, he
22 said he wasn't even aware that they had occurred.
23 This doesn't speak well to a positive influence
24 in the neighborhood. It seems to me that his
25 influence is far more parasitic.

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1 He - - He doesn't live next to places
2 that get robbed in Greenfield. He just runs his
3 business here.

4 MR. MAISTELMAN: I object to that. Mr.
5 Erdman, do you have the crime statistics of where
6 Mr. Hussain lives?

7 MR. ERDMAN: I do not.

8 MR. MAISTELMAN: Are you sure?

9 MR. ERDMAN: Quite.

10 MR. MAISTELMAN: So then what are you
11 basing your testimony on? Just a gut?

12 MR. ERDMAN: You got it.

13 THE APPLICANT: I want to say
14 something, okay.

15 MR. MAISTELMAN: No, no, no. Hold on a
16 second. Here we go again. We're just going
17 around. Mr. Hussain came to you both times, each
18 time he's come here under oath, told you that he
19 screwed up. That he was open after hours. Okay.
20 I mean, he didn't say he wasn't. I mean, the
21 testimony's in there. Alderman Wade was asking
22 him. He's being honest. He's being forthright.
23 Now - -

24 MR. ERDMAN: Not about robberies,
25 though.

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1 MR. MAISTELMAN: Right. Was that
2 question posed?

3 MR. ERDMAN: Honest and forthright
4 means bringing forth all the information that's
5 relevant.

6 MR. MAISTELMAN: Right, so. You know
7 what? Okay. So then Mr. Hussain's going to have
8 to like tell you everything he's done all his
9 life.

10 MR. ERDMAN: Just that armed robbery at
11 his establishment

12 MR. MAISTELMAN: Where he jay - - Where
13 - - Where he jaywalked.

14 MR. ERDMAN: Just what's happened here.
15 Just what affects the neighborhood. Just what's
16 going to get somebody killed one day.

17 MR. MAISTELMAN: Did you - - Did you
18 agree, though, at the neighborhood meeting - - at
19 the neighborhood meeting - - At this - - at the
20 first hearing you agreed with Alderman Wade that
21 you would have a neighborhood meeting to feel the
22 pulse of the neighbors. Is that correct?

23 MR. ERDMAN: That's correct.

24 MR. MAISTELMAN: All right. And you
25 got the pulse of the neighbors, and everybody

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1 there who showed up was in - - in favor of it.
2 And you still came back here and objected to it.
3 Not only did you do that, but you dug - - You
4 dug. You dug. You found more stuff. Then you
5 said to the police, hey, you didn't cite him
6 three months ago. Why don't you cite him then?

7 MR. ERDMAN: I'm very glad we dug. We
8 wouldn't have known about two armed robberies
9 that are entirely relevant to him being open
10 during those hours.

11 MR. MAISTELMAN: I understand that. I
12 understand that.

13 MR. ERDMAN: I'm not going to apologize
14 for digging. Of course we did. That's our job.

15 CHAIRMAN WITKOWIAK: I still want to
16 hear what the will of the committee is. Now I've
17 heard from Alderman Wade, and I want to hear from
18 the rest of you. Do you wish to take testimony?
19 Do you wish to take personal testimony from all
20 the people in this room, or are you of the
21 opinion that we've opened this up twice before to
22 testimony from the neighbors, and we're still
23 going to continue with this hearing, but I just
24 want to know about the - - What's the will of the
25 committee for accepting testimony from the people

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1 that came down here today?

2 ALDERMAN PUENTE: Mr. Chair.

3 CHAIRMAN WITKOWIAK: Alderman Puente.

4 ALDERMAN PUENTE: Do we know how many
5 people testified last time? I mean, if we decide
6 to hear testimony, I would not want to hear the
7 same people who testified last time. So.

8 MR. MAISTELMAN: I believe we have all
9 different people. I think there are roughly five
10 to six people per hearing. So we've had about
11 ten - 12 people the last two hearings. Is - - Is
12 anybody here - - Raise your hand if you've
13 already been here once and testified. Okay.
14 You've been here once and testified. Okay.

15 CHAIRMAN WITKOWIAK: So one person.

16 MR. MAISTELMAN: And it's going to be
17 redundant. The testimony is it's a - - it's a
18 good place. You know. And - - And the testimony
19 against it is going to be the same testimony you
20 probably heard, you're going to expect to hear.
21 It's a bad place.

22 CHAIRMAN WITKOWIAK: My - - My - - My
23 point in asking that question is, is that going
24 to be a major factor in you making your decisions
25 today.

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1 ALDERMAN PUENTE: Okay. Then the
2 answer to that personally would be no. I've
3 heard enough testimony in favor of it. I - - I
4 heard no testimony against - - the opposition.
5 But obviously if there's two or three people here
6 opposed to it versus the 15 to 20 people who are
7 in favor of it, how is it - - You know. The - -
8 The weight is, let's say, 20 to three, so.

9 MR. MAISTELMAN: Alderman Dudzik, is
10 your car on Water Street?

11 ALDERMAN WADE: I'm telling you, you
12 don't want to ride with Alderman Dudzik.

13 MR. ERDMAN: He'll get you there
14 quicker.

15 CHAIRMAN WITKOWIAK: Alderman Dudzik,
16 let's - -

17 ALDERMAN DUDZIK: No, I would prefer
18 not to hear any more testimony. It's 5:30 and a
19 rather long day. We have had this come before us
20 a number of times. I think Alderman Puente makes
21 a good observation, it would be 20 to three.
22 I've always gone with the bulk, the majority of
23 people that show up at these meetings when I - -
24 when I base my opinion. And if that's, you know,
25 the numbers that we've got, it's clearly

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1 something that I - - I would support 24 hours.
2 And I'm not a big fan of 24 hours, all locations.

3 ALDERMAN WADE: Nor am I. I'm not
4 either.

5 ALDERMAN DUDZIK: Not at all. In
6 fact - -

7 MR. MAISTELMAN: I'm not either, but
8 he's my client

9 ALDERMAN DUDZIK: In fact, I would do
10 - - I would do as - - I would hope to do as good
11 a job as - - as Jared and Alderman Murphy in
12 digging, because that is our job to find this
13 stuff. But it's our job to find it in the early
14 stages, not, you know, four months down the road.

15 CHAIRMAN WITKOWIAK: I - - And I want
16 to say I'm not in favor of hearing any more
17 testimony either, but it's not because it's late,
18 and it's not because we've been here all day, not
19 because I have to get someplace. I'm - - Yeah,
20 this - - You have to go past midnight to get the
21 record out - - to beat my record, but - -

22 MR. SCHRIMPF: I think two a.m., Mr.
23 Chairman.

24 CHAIRMAN WITKOWIAK: It was two a.m. I
25 think you were at that hearing. Two a.m. And we

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1 don't have a Class B license here. But the - -
2 The reason I don't want to hear any further
3 testimony is that I'm just going to hear more of
4 the same. More of the same from different
5 people. I can't imagine what somebody would come
6 in here and say that would be so totally
7 different from anything I've heard before that
8 it's going to make a - - a huge difference. So
9 now that we've dispensed with that.

10 And by the way, everybody that did come
11 down here to testify, we most certainly
12 appreciate that you - - that you made the trip.
13 If you've watched us long enough, you understand
14 what we're - - we have a lot of issues to deal
15 with and we try to - - we try to focus in and get
16 to the crux of the - - of the issue, and that's
17 what we've just done here, I believe. Okay. I
18 want to ask, Attorney Maistelman, is your - - is
19 your client requesting to - - Is - - Is he going
20 to close at all, or does he want to stay open
21 24/7 or?

22 MR. MAISTELMAN: He would like to be -
23 - He's put in almost two million dollars in the
24 facility. If you've driven by it, it's a
25 beautiful facility. Even the - - the neighbors

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1 who were going to testify against it, and one of
2 them says she thinks it's a nice clean facility.
3 So at this point we would still like to have, you
4 know, he's got to recoup the money that he's put
5 into it. And we would ask that it be opened for
6 the 24 hours of the application that we put in.

7 CHAIRMAN WITKOWIAK: I want to ask you,
8 do you have - - do you have any kind of like
9 shielding or shading of your light from like
10 going across the street or something when you
11 stay open 24 hours?

12 THE APPLICANT: Sorry?

13 MR. MAISTELMAN: It's all commercial
14 across the street area, but do you have any - -

15 CHAIRMAN WITKOWIAK: Oh, it is - -
16 Okay.

17 MR. MAISTELMAN: Yeah.

18 THE APPLICANT: It's all commercial.
19 The most of the shops are closed in the
20 nighttime, and, you know, that is the one of the
21 last point.

22 MR. MAISTELMAN: Yeah, on Lisbon.

23 THE APPLICANT: You know. We watch
24 those businesses, because, you know, one shop got
25 robbed, you know, long time before. And there's

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1 going to be more crime to closing me down, you
2 know. So - -

3 MR. MAISTELMAN: The point is is that
4 the light pollution, if there's any, is just
5 reflected onto Lisbon Avenue and there's nothing
6 there.

7 CHAIRMAN WITKOWIAK: Okay. I just
8 remember one issue a few years back where
9 somebody, neighbors that come in and complain and
10 said, well, if he had more lighting, we'd go
11 along with that. And they put a lot of lighting
12 in, and then the people came back and said our
13 houses are like tanning parlors.

14 MR. MAISTELMAN: Which in the winter
15 time in Wisconsin is not a bad - - But if the
16 committee, at your will, wants us more - - to put
17 in more lighting?

18 CHAIRMAN WITKOWIAK: No.

19 MR. MAISTELMAN: If you want us to take
20 out lighting, we'll take out lighting.

21 CHAIRMAN WITKOWIAK: No. I was just
22 trying to find out if that was an issue. All
23 right. Questions by members of the committee.
24 Mr. Zemke.

25 MR. ZEMKE: Yeah, Mr. Chairman. DNS

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1 did leave a occupancy certificate that the
2 operator does need to obtain an occupancy permit.

3 CHAIRMAN WITKOWIAK: Okay. So if
4 you're - - If you're granted this privilege, you
5 will have to apply for it. Is that correct?
6 Apply for an occupancy permit?

7 MR. ZEMKE: For the extended hours.

8 CHAIRMAN WITKOWIAK: Or yeah, extended
9 hours occupancy permit.

10 Okay. So to me, let's see if I
11 understand this properly. The - - The further
12 issue at this table today is that the robberies
13 have occurred.

14 MR. ERDMAN: Correct.

15 CHAIRMAN WITKOWIAK: At a time which
16 you say if they closed at midnight, the place
17 would have been closed, and therefore, the - -
18 the robbers would have - - Well, it wouldn't have
19 occurred there.

20 MR. ERDMAN: Correct.

21 CHAIRMAN WITKOWIAK: They would have to
22 go someplace else for those robberies to occur.
23 And that is the new piece of evidence which we're
24 considering today in our decision.

25 MR. MAISTELMAN: We've also employed a

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1 security guard from three to at this time about
2 one, so that the person closing can leave. We
3 - - We did that before we knew Jared was on a
4 vendetta. That's a joke. All right.

5 MR. ERDMAN: I tell you - -

6 MR. MAISTELMAN: I mean, we take - - We
7 took measures in a response to what happened, not
8 in response to thinking that it would make us
9 look better in your eyes.

10 MR. ERDMAN: We weren't aware of what
11 happened.

12 MR. MAISTELMAN: I didn't hear that.

13 MR. ERDMAN: It's okay.

14 ALDERMAN PUENTE: Mr. Chair.

15 CHAIRMAN WITKOWIAK: Alderman Puente.

16 ALDERMAN PUENTE: And it's my
17 understanding you have security cameras in there,
18 too, on the inside and outside.

19 MR. MAISTELMAN: That's correct.

20 Smile.

21 MR. ERDMAN: Which couldn't be used in
22 the officer's investigation, because his staff
23 was unaware of how to take them off and give them
24 to the police.

25 THE APPLICANT: Because, you know, the

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1 office key, I have it, and nobody make - -
2 Employees are not allowed to go in my office to
3 run my video camera, you know. You know, so he
4 may - - employees told the police if - - He said,
5 you know, if you want the recording, come
6 tomorrow and he going to get you. If he come
7 after seven or eight days, that computer has
8 certain days to keep the memories, you know. So
9 that is the - - You know, like my employees are
10 not allowed to go in my office and - -

11 MR. MAISTELMAN: For obvious reasons.

12 MR. ERDMAN: I guess that's my point.
13 It is an armed robbery, and then three days later
14 there's another armed robbery, and you don't
15 think to save the video? How - - How is this
16 making a neighborhood safe?

17 MR. MAISTELMAN: No, no, no. Hold on a
18 second. You know, we're closing. We're done.
19 We have nothing else to say. Okay.

20 ALDERMAN PUENTE: I'll say something
21 real quick about that, if I may, Mr. Chair.

22 CHAIRMAN WITKOWIAK: Alderman Puente,
23 you may.

24 ALDERMAN PUENTE: It's the
25 responsibility of the police to do it. Okay.

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1 They have what they call a follow-up, and the
2 follow-up should have been done in a timely
3 manner. Okay. These - - These tapes are
4 automatically recycled at whatever time, if it's
5 seven days, ten days. Sometimes it's 24, 48
6 hours.

7 MR. ERDMAN: Um-hnh.
8 ALDERMAN PUENTE: Okay. And not
9 everybody does have access to get in there for a
10 lot of different reasons. One could be that the
11 robber would tell them to go in there and get the
12 tape out. And if they don't have - - can't do
13 it, then guess what, the robbers can't get it.
14 So part of it should be that the follow-up should
15 have been done in a timely manner. If he's
16 saying that hasn't been done, then it should have
17 been done.

18 MR. ERDMAN: I would have to look at
19 the specific notes to see when they came back.
20 The part that it says clearly is that the
21 attendant couldn't help them. I don't think the
22 details about a follow-up is - -

23 MR. MAISTELMAN: We explained that.

24 ALDERMAN PUENTE: Yes, it does.

25 MR. ERDMAN: And it was after that

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1 time?

2 ALDERMAN PUENTE: It was not done in a
3 timely manner. That's what I will say.

4 MR. ERDMAN: Okay.

5 MR. MAISTELMAN: Chocolate cookies on
6 my Midwest Express flight.

7 CHAIRMAN WITKOWIAK: Okay. Any further
8 questions by members of the committee? No. Mr.
9 Maistelman, nothing to say in closing, or are
10 you?

11 MR. MAISTELMAN: I'm just going to
12 reiterate what we've done, and the facts are
13 before this committee, you know. I don't see any
14 real reason why you shouldn't allow him to stay
15 open. And the fact that he's come back time and
16 time and again with - - with neighbors, different
17 neighbors except for one today, you know, we got
18 everybody at the neighborhood meeting. I - - I
19 think that the facts before you would allow you
20 to - - to grant it at this point. I have nothing
21 further.

22 CHAIRMAN WITKOWIAK: Jared, anything to
23 say in closing?

24 MR. ERDMAN: You've heard it. Just
25 being open from 12 to five is going to make

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1 neighbors less safe. It has when it was in the
2 past, and that - - If the neighborhood wishes to
3 be less safe, I think we've got some people here
4 today that wanted to speak up against being less
5 safe, but I - - I don't think that arguments in
6 the past that he will somehow make the
7 neighborhood safer. I don't believe the security
8 guard is going to be able to prevent armed
9 robberies. If the police made mistakes and
10 that's going to mean he gets his license, then
11 that's the case. That's unfortunate.

12 CHAIRMAN WITKOWIAK: And - - And a note
13 for the neighbors that came to speak in
14 opposition to this today, and you've obviously
15 stayed very late here, and we appreciate it. I
16 don't want you walking out of City Hall saying I
17 came to give them my two cents. They wouldn't
18 even let me come to the table.

19 (Witnesses speak from audience.)

20 CHAIRMAN WITKOWIAK: Well, we have to
21 - - Yeah.

22 THE WITNESS: I'm not in support. I'm
23 not either against it. My whole concern was the
24 safety issues.

25 CHAIRMAN WITKOWIAK: Well, we have to

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1 - - We have to - - We have to sort of set policy
2 and be careful of - - of precedence. And we - -
3 In the case of new evidence coming forth, which
4 was this evidence of the armed robberies, I'm all
5 in favor of bringing it back to committee and
6 saying we have to accept that. But the fact is
7 that there were - - there were cards sent and
8 invitations made to previous meetings. And - -
9 And as - -

10 THE WITNESS: I never got one.

11 CHAIRMAN WITKOWIAK: And as the
12 committee Chair - - And I - - As the committee
13 Chair, and the members of this committee I think
14 would agree with me, we - - we can't just keep
15 bringing in like more and more people. It's just
16 kind of like piling on. It's like, well, let's
17 get some more for this side, and now we'll get
18 some more for that side.

19 THE WITNESS: We weren't aware of the
20 neighborhood meeting. That's why - -

21 CHAIRMAN WITKOWIAK: Well, I - -

22 MR. MAISTELMAN: I can bring people
23 back that will say they didn't know about
24 tonight's hearing, too, that will say they're in
25 support.

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1 THE WITNESS: We're just concerned
2 about the robberies. We did not know.

3 CHAIRMAN WITKOWIAK: But I - - I don't
4 - - But I don't - - I don't do the notices for
5 those neighborhood meetings. So I don't know
6 how - -

7 MR. MAISTELMAN: That would be Jared.

8 CHAIRMAN WITKOWIAK: I - - I don't know
9 why you were informed or not informed. What I'm
10 saying is we - - Most - - Most cases like this we
11 spend - - And we've given this - - We've given
12 this a lot of time and a lot of thought and a lot
13 of consideration. In most cases like this we - -
14 we - - we consider the whole hearing start to
15 finish in half hour. Now this is our third time.
16 We've probably spent three hours on this so far,
17 maybe four hours. And we have thousands of
18 licenses in the City to deal with. So I don't
19 want you to feel that you were short-changed.
20 You can say what you want when you leave here,
21 but the - - we - - we can't - - Otherwise, every
22 alderman could just keep sending everything back
23 to committee and say I got some new information
24 and bring in some other people and say, now I got
25 more people to testify on my side, and then - -

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1 It would get out of hand. We would lose - - We
2 would lose control of something we're barely
3 hanging onto already.

4 ALDERMAN WADE: Speaking of that, I'd
5 like to make a motion.

6 CHAIRMAN WITKOWIAK: This matter's in
7 committee.

8 ALDERMAN WADE: I motion to grant him
9 24 hour operation.

10 CHAIRMAN WITKOWIAK: Motion by Alderman
11 Wade is - - is to grant the Lisbon Petroleum,
12 LLC, the license to operate 24 hours, extended
13 hours operation. Is that what that's called?

14 ALDERMAN WADE: Yes.

15 MR. ZEMKE: Yes.

16 CHAIRMAN WITKOWIAK: Any discussion on
17 the motion?

18 ALDERMAN BOHL: Mr. Chairman, briefly.

19 CHAIRMAN WITKOWIAK: Alderman Bohl.

20 ALDERMAN BOHL: I will not support the
21 motion. As you know, I made the motion on the
22 first occasion, and my - - my rationale at the
23 time was that this committee did not have no - -
24 did not have an official police report and there
25 were no neighbors to object.

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1 As the individual who was the sponsor
2 originally of the 24 hour license it is the
3 concern of those type of late night activities
4 that - - that led me to create that license to
5 begin with. And that would have provided me
6 sufficient rationale in the first go-around. It
7 wasn't there. And so I do believe given that
8 time, that that was the correct motion to make.
9 I - - I do feel it a somewhat unfortunate
10 circumstance that ultimately you - - we could get
11 to a point where we have precedent set of
12 bringing back items over and over again until
13 such time that individual shows up. And I - -
14 I'm not in favor of that, but - - but the police
15 report does cause me some concern.

16 CHAIRMAN WITKOWIAK: Okay. Motion by
17 Alderman Wade is to recommend approval of the
18 extended hours application for this location at
19 5500 West Lisbon Avenue. Is there any further
20 discussion on the motion?

21 Are there any objections to the motion
22 besides Alderman Bohl?

23 Then the motion carries on a vote of
24 four to one.

25 MR. MAISTELMAN: Thank you.

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STATE OF WISCONSIN)
MILWAUKEE COUNTY)

I, JEAN M. BARINA, of Milwaukee Reporters
Associated, Inc., do certify that the foregoing
transcript was reduced to writing under my direction
and that it is a true and accurate transcription of
the Licenses Committee Hearing held on October 30,
2006.

JEAN M. BARINA - COURT REPORTER

Dated this day of November, 2006

