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CITY OF MILWAUKEE
UTILITIES & LICENSING HEARING

In the Matter of:
PASSIONS
200 East Washington Street

COMMITTEE MEMBERS

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

LICENSE DIVISION by RICHARD PFAFF
POLICE DEPARTMENT by OFFICER JIM SANFILIPPO
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF
MICHAEL MAISTELMAN, ATTORNEY AT LAW, 3127 West
Wisconsin Avenue, Milwaukee, Wisconsin, appeared on
behalf of the Applicant.
Proceedings had and testimony given in the
above-entitled matter before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the
9th day of January, 2006, before Terese M. Schiebenedes
of Milwaukee Reporters Associated, Inc.

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CHAIRMAN WITKOWIAK: The first item on the 1:30 agenda in the 12th district is Katherine Wojnicz, agent for Elyly, Ltd., Class B Tavern and Tavern Amusement Caberet/Nightclub renewal application and request for permanent extension of the Class B premises to include a beer garden at the rear of the premises for Passions, at 200 East Washington Street. Could the applicant come forward, please. Good afternoon.

(LEON YOUNG was duly affirmed.)

CHAIRMAN WITKOWIAK: Name and address for the record, please.

MR. YOUNG: Leon Young, 2224 North 17th, Milwaukee, 53205.

CHAIRMAN WITKOWIAK: Thank you, Leon. Where is the agent?

MR. YOUNG: Unfortunately, they weren't able to get off work because we just got the hearing notice on Friday, and I'm part of the EYLY Corporation.

MR. SCHRIMPF: Mr. Chairman. What is your capacity with the corporation?

MR. YOUNG: One of the owners.

MR. SCHRIMPF: Are you a corporate officer?

MR. YOUNG: Yes.

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1 MR. SCHRIMPF: And what is your title?
2 MR. YOUNG: President.
3 MR. SCHRIMPF: But you're not the agent?
4 MR. YOUNG: Correct.
5 MR. SCHRIMPF: Mr. Chairman, I believe
6 Officer Sanfilippo has some testimony.
7 OFFICER SANFILIPPO: Mr. Young is listed on
8 the application as a shareholder holding 90 percent of
9 share.
10 MR. YOUNG: Correct.
11 OFFICER SANFILIPPO: No other title.
12 CHAIRMAN WITKOWIAK: Okay. Mr. Schrimpf, I
13 defer to you as to how we should attempt to proceed.
14 MR. SCHRIMPF: And you hold the title of
15 president?
16 MR. YOUNG: No. I take that back. I guess
17 I'm just a shareholder, and Katherine is the
18 president.
19 MR. SCHRIMPF: A corporation can only appear
20 by the agent or by an attorney. Let me ask you this:
21 Are you an attorney?
22 MR. YOUNG: No, I am not the attorney. But
23 the problem today is we got the hearing notice Friday,
24 and I was unable to get my attorney to appear. I just
25 happened to see my attorney just about 10 minutes ago.

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1 He was going to represent us, but I was unable to
2 contact him over the weekend.

3 MR. MAISTELMAN: I am here on another
4 matter, and I'm not prepared to go forward today, and
5 I would ask if it's at all feasible to -- And I
6 understand there might be some people here from the
7 neighborhood who might want to give testimony, and I
8 don't want to drag them down twice, but if it's
9 possible so that we could prepare a response, if we
10 could have a little bit of time to do that.

11 It's also my understanding that we just got
12 notice on Friday, and I was not available over the
13 weekend, so I did not have an opportunity to speak to
14 Mr. Young.

15 CHAIRMAN WITKOWIAK: Thank you. For the
16 benefit of those of you here in the audience and
17 interested in this matter, the reason for the late
18 notice and the short notice -- It wasn't late. By
19 law, it was correct?

20 MR. PFAFF: Right. We have three days.

21 CHAIRMAN WITKOWIAK: So the notice was
22 legally correct?

23 MR. PFAFF: Right.

24 MR. SCHRIMPF: Mr. Chairman, I would note
25 that the application for renewal was apparently filed

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1 on November 1st, 2005. So it was not -- The actual
2 application was timely filed, but it might be helpful
3 to have some explanation as to what was going on here.

4 CHAIRMAN WITKOWIAK: The reason that it
5 wasn't scheduled at a previous meeting was it was my
6 understanding from discussions, and some of them
7 secondhand, but that the license was going to be
8 surrendered right after the 1st of the year, and when
9 I spoke with Leon last week, he said that they had
10 decided to pursue the renewal, and that's the reason
11 why we had to go ahead and schedule this renewal
12 before the license expired because we're bound to do
13 that, which we did do. We did it legally and within
14 the time limits of the statute. So that's why we're
15 here today. What is your request at this point?

16 MR. YOUNG: We would like to adjourn so that
17 we can properly prepare legal representation.

18 MR. SCHRIMPF: Mr. Chairman, it is certainly
19 possible to adjourn the hearing. However, the
20 practical ramifications of that are going to be, as I
21 understand the scheduling of the committee, that this
22 matter then cannot be heard by the committee nor can
23 it be considered by the Common Council prior to the
24 expiration date of the current license, which is
25 midnight, January 31st, 2006, and I'm not sure when

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1 the next meeting of the Common Council is after that.

2 CHAIRMAN WITKOWIAK: We want to see when the
3 next regularly scheduled License meeting and Council
4 meeting is. When is the next License meeting?

5 THE SECRETARY: Next License meeting is
6 January 24th.

7 CHAIRMAN WITKOWIAK: January 24th would be
8 the next License meeting.

9 THE SECRETARY: Council is February 7th
10 after that.

11 CHAIRMAN WITKOWIAK: Council would be
12 February 7th.

13 MR. SCHRIMPF: So as a practical matter, Mr.
14 Chairman, this license would lapse at midnight on the
15 31st of January, and it could not be renewed then
16 until the Council would meet on February 7th.

17 CHAIRMAN WITKOWIAK: Should that be the will
18 of the Council.

19 MR. SCHRIMPF: Correct.

20 CHAIRMAN WITKOWIAK: So you're cognizant of
21 that, you're aware of the ramifications?

22 MR. YOUNG: Yes.

23 CHAIRMAN WITKOWIAK: Do the committee
24 members have any questions? My concern at this point
25 is just that we have some residents that came here to

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1 testify. And we can do one of two things, I believe.
2 We can either take their testimony now and make them
3 part of the record and then if the applicant's
4 representative, attorney, at the time of the next
5 hearing would like these people present, then they'd
6 have to be subpoenaed, or if everyone here in the
7 audience that has a desire to testify --

8 We will schedule this for sure on January
9 24th. There won't be any special meeting, there won't
10 be any changes to that, it will be scheduled for
11 January 24th for sure. If the people that are here to
12 testify can come back, can all come back the 24th, I
13 don't want to lose anybody's testimony because they
14 came down this time and they can't come back on the
15 24th. Mr. Schrimpf, should I read the notice?

16 MR. SCHRIMPF: Yes, sir.

17 CHAIRMAN WITKOWIAK: We don't have an
18 applicant here to answer it. As a stockholder of the
19 corporation, are you aware of the agent receiving a
20 notice that there's a possibility that the application
21 could be denied because of items contained on the
22 police report and neighborhood objections to
23 loitering, littering, parking, cruising, traffic
24 problems, vandalism, public urination, drunkenness,
25 trespassing, loud music, noise, late-night

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1 disturbances, fights, gunshots, shootings, criminal
2 activity, drug activity, prostitution, and conduct
3 which is detrimental to the health, safety, and
4 welfare of the neighborhood?

5 MR. YOUNG: I have not seen anything, so I'm
6 not aware of that.

7 CHAIRMAN WITKOWIAK: You have not seen the
8 notice?

9 MR. YOUNG: No. I don't have information.

10 CHAIRMAN WITKOWIAK: It would have been
11 mailed to the agent.

12 MR. MAISTELMAN: We can stipulate that it
13 was received by the agent.

14 CHAIRMAN WITKOWIAK: Thank you. Now, can I
15 see a show of hands of people that are here to testify
16 on this matter? And let the record show we have six
17 respondents. Is there anyone here that would prefer
18 just to testify today and could not come back on the
19 24th?

20 AUDIENCE MEMBER: I don't have my calendar
21 with me, so I don't know.

22 CHAIRMAN WITKOWIAK: I don't want to
23 dissuade anyone from offering testimony today, but
24 should the agent's counsel at the time of this hearing
25 on the 24th decide that they wish to question a

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1 witness that would give testimony today, they'll be
2 subpoenaed, and they'll have to come anyway.

3 MR. SCHRIMPF: That is correct.

4 CHAIRMAN WITKOWIAK: It is my guess that
5 they would ask everyone that testified to come, I
6 think. It's just my guess.

7 MR. MAISTELMAN: It's hard to know until we
8 know what the testimony is going to be, obviously.

9 CHAIRMAN WITKOWIAK: Right.

10 AUDIENCE MEMBER: Can I just say that we're
11 at the same disadvantage that they are. They could
12 have been just as prepared as we are.

13 CHAIRMAN WITKOWIAK: And I agree with you on
14 that.

15 AUDIENCE MEMBER: We only had a three-day
16 lead time to put neighborhood testimony together, and
17 he should have been able to do the same thing.
18 There's really no excuse that the agent couldn't have
19 been here.

20 MR. MAISTELMAN: Mr. Chairman, I would
21 stipulate to -- I presume that the testimony of the
22 neighbors is probably going to be somewhat consistent
23 through all of them, I presume, that if they wanted to
24 elect one person, should we choose to have somebody
25 come back here, we could have one person whose

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1 schedule is somewhat free on the 24th. That would be
2 the one person that we would all -- the only person we
3 would call as a witness, to make it more convenient
4 for the neighbors. Understanding where they're coming
5 from, understanding that they're here taking time out
6 of their day, I don't want to make make it more
7 inconvenient for them. So if one of them was able to
8 come back on the 24th, we would be happy with that.

9 MR. SCHRIMPF: And I don't quite understand
10 this, Mr. Chairman. Mr. Maistelman, are you saying
11 that anybody can testify today, but insofar as for
12 purposes of coming back, just one would come back?

13 MR. MAISTELMAN: Presuming that the
14 testimony today is relatively consistent with the
15 facts and what they're stating, then I don't have a
16 problem having just one be kind of a representative of
17 what they're saying, presuming or assuming that their
18 testimony is consistent.

19 ALDERMAN WADE: Mr. Chair.

20 CHAIRMAN WITKOWIAK: Alderman Wade.

21 ALDERMAN WADE: Attorney Schrimpf, in a
22 situation like that, that individual that they
23 designate the representative could only testify to
24 their own personal hearing, seeing, listening of the
25 incident, they wouldn't be legally able to testify on

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1 what any of the other members did or saw; is that
2 correct, legally?

3 MR. SCHRIMPF: It could be correct legally,
4 but I'm getting the inference from Mr. Maistelman's
5 remarks that you would, in effect, waive the hearsay
6 objection.

7 MR. MAISTELMAN: To make it more convenient,
8 obviously. They came down here, they're prepared,
9 we're not prepared. We'll give them the benefit of
10 the doubt. And they would be under oath testifying
11 today anyway.

12 MR. SCHRIMPF: Mr. Chairman, if counsel is
13 willing to waive the hearsay objection, then the
14 committee can take, receive, and use the hearsay
15 evidence.

16 CHAIRMAN WITKOWIAK: Let me ask, Attorney
17 Maistelman, will you be representing the agent at the
18 meeting on the 24th? Have you been retained for that
19 purpose? The reason I'm asking this is might we have
20 a different attorney who would not agree to that.

21 MR. SCHRIMPF: It's a good point, Mr.
22 Chairman.

23 MR. MAISTELMAN: I'll be here.

24 MR. SCHRIMPF: And you will be the attorney?

25 MR. MAISTELMAN: I will be the attorney, or

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1 someone that looks like me will be the attorney.

2 MR. SCHRIMPF: Mr. Chairman, one other thing
3 I want to nail down. Mr. Maistelman, are you
4 cognizant of the fact that this license expires at
5 midnight on the 31st and the place must shut down
6 thereafter until the Common Council takes whatever
7 action it will take on the 7th of February?

8 MR. MAISTELMAN: I am quite aware of that.

9 MR. SCHRIMPF: And you waive any objections?
10 We're not going to be in court trying to keep the
11 place open?

12 MR. MAISTELMAN: Now you're going a little
13 bit further down the road. I'm not going to waive
14 those rights.

15 CHAIRMAN WITKOWIAK: What our assistant city
16 attorney is alluding to is that should the committee
17 recommend and the Council not renew this license, we
18 would -- I guess my question is I wouldn't want the
19 applicant and their attorney going to court and saying
20 well, we didn't have the actual testimony of the
21 people at the subsequent meeting.

22 MR. MAISTELMAN: I would waive that, I would
23 waive those objections that I'm waiving today of
24 hearsay issue on the testimony issue, but if there are
25 any other issues that come up between now and the 24th

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1 hearing that I think are actionable -- Now, the last
2 thing I want to do is drag any of you all down to the
3 courthouse, that's not how I do business, but if there
4 is something that's egregious and jumps out at me, I'd
5 like to retain that opportunity to exercise my
6 client's rights, with the understanding that we're
7 talking not about the hearsay issue, we're not talking
8 about the testimony that comes out here or those
9 issues here.

10 MR. SCHRIMPF: But Mr. Chairman, if the
11 committee does not go forward with the hearing today,
12 we are ensuring the fact that this license is going to
13 expire at midnight on the 31st and thereafter will
14 lapse until such time as the Council can take it up on
15 February 7th.

16 CHAIRMAN WITKOWIAK: Correct.

17 MR. MAISTELMAN: I thought we were talking
18 about this hearing would be adjourned until January
19 24th. Is that correct?

20 CHAIRMAN WITKOWIAK: Yes.

21 MR. MAISTELMAN: Right. And that's when the
22 Common Council is meeting, also; is that correct?

23 CHAIRMAN WITKOWIAK: No. It's February 7th.

24 MR. MAISTELMAN: I apologize.

25 CHAIRMAN WITKOWIAK: The committee meeting

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1 would be January 24th, and the subsequent Council
2 meeting would be February 7th.

3 MR. MAISTELMAN: Yes, I'm not going to
4 appeal. I understand where you're going.

5 MR. SCHRIMPF: I'm not concerned about your
6 appealing. If the Council on the 7th suspends or
7 takes away the license, I'm not concerned about your
8 right to appeal that, I'm concerned about the lapse of
9 the license between the 31st and the 7th.

10 MR. MAISTELMAN: The gap. We will not
11 object to that, and we will not try to exercise any
12 appeal rights that we may or may not have for the gap.

13 MR. SCHRIMPF: Between the 31st and the 7th?

14 MR. MAISTELMAN: That's correct, that's
15 correct.

16 MR. SCHRIMPF: That makes me happy, Mr.
17 Chairman.

18 CHAIRMAN WITKOWIAK: Why don't we proceed
19 and call some witnesses. Anybody here to testify in
20 this matter, we'd like them to raise their right hands
21 so we can swear you in at this time.

22 ALDERMAN WADE: Mr. Chair, before we move
23 forward with that, the attorney agreed that they could
24 have one representative here to testify on behalf of
25 the whole group. Is it necessary for one of them to

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1 agree to that at this point, or how does that part of
2 it work? What if they're saying they're not willing
3 to do it, then what happens?

4 CHAIRMAN WITKOWIAK: I would prefer, even
5 though the people are giving testimony today, I would
6 prefer for everyone to come back if they could, but if
7 you can't, if you're one of the people that testifies
8 today, someone else that's here that comes back the
9 second time will have to make reference to them.

10 Do we have at least one person that can also
11 come back on the 24th, somebody that's going to
12 witness this hearing that can come back on the 24th?

13 AUDIENCE MEMBER: If my calendar is clear.

14 CHAIRMAN WITKOWIAK: We have two people, at
15 least, three people.

16 MR. SCHRIMPF: Your show, Mr. Chairman.

17 CHAIRMAN WITKOWIAK: Everyone that's going
18 to testify, raise their right hand.

19 (All speakers were duly affirmed.)

20 CHAIRMAN WITKOWIAK: First person come to
21 the table.

22 MR. JORGENSEN: My name is Anthony
23 Jorgensen, I live at 828 South 3rd Street. Basically,
24 I just want to go on record saying I oppose the
25 renewal because of the two shootings that happened

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1 this summer. I have just zero tolerance for that type
2 of thing. Apparently, the management can't control
3 the behavior of their patrons. That's essentially it.

4 CHAIRMAN WITKOWIAK: Questions by member of
5 the committee? Alderman Bohl.

6 ALDERMAN BOHL: Thank you. Sir, how close
7 do you reside to the establishment in question?

8 MR. JORGENSEN: It's on Washington and
9 Barclay, and I live on 3rd and Walker. I walk my dog
10 around that place all the time because it's kind of an
11 industrial area.

12 ALDERMAN BOHL: In terms of blocks?

13 MR. JORGENSEN: Six or seven blocks.

14 ALDERMAN BOHL: As a follow-up question,
15 have you personally witnessed the concerning
16 activities?

17 MR. JORGENSEN: No. I've seen a lot of
18 activity outside the bar but nothing illegal.

19 ALDERMAN BOHL: And can you describe the
20 type of activity?

21 MR. JORGENSEN: It's busy, it's busy,
22 there's people coming and going all the time. It's a
23 busy bar.

24 VICE-CHAIRMAN BOHL: Other questions by
25 committee? Mr. Maistelman.

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1 MR. MAISTELMAN: Could we get your name
2 again, sir.

3 MR. JORGENSEN: Anthony Jorgensen,
4 J-O-R-G-E-N-S-E-N, 828 South 3rd Street.

5 MR. MAISTELMAN: Thank you, sir.

6 VICE CHAIRMAN BOHL: Next witness, please.
7 Name and address for the record, please.

8 MR. QUIGLEY: Doug Quigley, I live at 1108
9 South 1st. I oppose the renewal.

10 For the short time that that place has been
11 open, there's been -- Well, obviously, we all know
12 there's a double multiple shooting in my neighborhood.
13 I live less than a block away. And I was not in town
14 on May 1st, but I was in town for the November
15 shooting. I was at a bar on South Water Street, and
16 on my way home, I was detoured by the police, and the
17 intersection was cordoned off at all four streets.
18 There were multiple squads and paramedics around.
19 And I was with my brother Jay, and he's a firefighter,
20 and we were at the Firefighter Ball, and we were just
21 heading back to my house, so we had to detour back
22 onto 1st Street.

23 Anyway, I'm objecting because it's a growing
24 neighborhood, and it's a changing neighborhood, but
25 these type of changes we don't want. I don't need my

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1 family and friends to be afraid to come to my home. I
2 just removed this from the tree outside of Lava Java
3 on Friday when I got the notice. This was left over
4 from the November shooting. And it's hard for me to
5 convince my family and friends that my neighborhood is
6 safe when I'm beginning to have doubts myself, so I
7 object.

8 ALDERMAN BOHL: Mr. Quigley, question. You
9 indicated that you reside less than a block away from
10 the establishment?

11 MR. QUIGLEY: Yes.

12 ALDERMAN BOHL: Have you encountered any
13 other problems with the establishment other than the
14 fears you expressed relating to the shootings?

15 MR. QUIGLEY: Just heavy traffic.

16 ALDERMAN BOHL: Could you elaborate more, if
17 you will.

18 MR. QUIGLEY: Problems, I would say no, just
19 loud traffic.

20 ALDERMAN BOHL: Is that pedestrian or
21 vehicular?

22 MR. QUIGLEY: No. Vehicle.

23 ALDERMAN BOHL: Thank you.

24 CHAIRMAN WITKOWIAK: Before we call the next
25 witness, I'd like to have Officer Sanfilippo read the

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1 police report into the record.

2 OFFICER SANFILIPPO: On May 1st, 2005, at
3 1:53 a.m., officers were dispatched to a shooting at
4 the Passions Bar, 200 East Washington Street. An
5 unknown person fired numerous gunshots at two victims,
6 striking one in the left top of head, a graze wound,
7 and a second victim was shot in the left chest area.
8 The victims were treated at the hospital.

9 And on November 20th, 2005, at 12:43,
10 officers responded to the licensed premise at 200 East
11 Washington, Passions, regarding a shooting. Upon
12 arrival, officers discovered one shooting victim in
13 the patio area of the tavern, and that turned out to
14 be two shooting victims, and an incident report was
15 filed.

16 CHAIRMAN WITKOWIAK: Thank you. Do you have
17 any questions about the police report?

18 MR. MAISTELMAN: No.

19 CHAIRMAN WITKOWIAK: Did you wish to
20 cross-examine this last witness?

21 MR. MAISTELMAN: I just had the same
22 question that Alderman Bohl had, which is what
23 Alderman Wade had.

24 CHAIRMAN WITKOWIAK: Next witness, please.

25 MS. JAGGARD: Good afternoon, everyone. My

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1 name is Jacqueline Jaggard, I live at 1113 South 3rd
2 Street, and I have a statement that I typed up that I
3 would like to read.

4 I strongly object to any renewal of the
5 above tavern cabaret license for this establishment,
6 and I urge this committee to deny the same. This
7 establishment is a detriment to this entire community,
8 business, as well as residents, and has a long-term
9 negative impact on the overall economic well-being of
10 the neighborhood by frightening away potential
11 residents, businesses, and customers because of the
12 reckless behavior of patrons to this bar and the
13 inability of the licensee or staff to manage this
14 establishment. There have been two shootings at this
15 tavern, both within the last seven months, which
16 creates an immediate threat to the public health,
17 safety, and welfare by literally putting neighbors'
18 and visitors' lives in danger.

19 Despite Mr. Young's potestations that he
20 opened the club to, quote, give young people a
21 positive outlet, all he has done is attract a crowd
22 htat is prone to violence and a threat to the health,
23 safety, and welfare of this entire community. In
24 addition to the two people shot in the May 1st
25 incident, one of which was left in critical condition,

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1 it resulted in a very chaotic scene in the surrounding
2 neighborhood as patrons scrambled to flee the area.
3 There were two car crashes which occurred wherein one
4 woman was seriously injured after being thrown through
5 the windshield. The other accident was one car's
6 collision with the responding squad to the shooting.
7 The November 20th shooting left one man in critical
8 condition.

9 Incidents such as this place this entire
10 community in extreme danger and are not acceptable to
11 anybody in our community. We have several clubs that
12 operate in this neighborhood entirely violence-free,
13 and Mr. young should have made the same attempt. This
14 historic neighborhood is one of the oldest in the
15 city, and as such has many residents who have lived
16 here for 80-plus years. These seniors should be able
17 to take a walk in the evening without fear of injury
18 or death by a stray bullet from this gin mill. Newer,
19 younger resident families should be able to sit
20 outside in the evening with their children without the
21 same fear. All of us should be able to walk one-half
22 block to visit a neighbor without fear of being shot
23 or otherwise harassed or intimidated.

24 I used to be able to walk four blocks down
25 to visit my neighbors, and now I take my car when I

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1 have to drive half a block because of the violence in
2 the neighborhood. I've lived in this neighborhood for
3 over 15 years and have worked with the other neighbors
4 and businesses to make Walker's Point a safe and
5 desirable place to live. We have worked together to
6 eliminate graffiti, we have worked together to get rid
7 of the trash that floats around the streets, we help
8 each other, those that are disabled or elderly with
9 the snow shoveling in wintertime so all the streets
10 and sidewalk get cleared, and we try to protect the
11 seniors and children living here, and it is
12 unexcusable for Mr. Young to bring this type of
13 activity to our community.

14 Mr. Young had his chance last May following
15 the first shooting. The second shooting makes it
16 clear that he is not capable and possibly not worthy
17 of having a tavern license. For these reasons, I
18 again urge this committee to deny the renewal of this
19 license. Thank you.

20 CHAIRMAN WITKOWIAK: Questions by members of
21 the committee?

22 ALDERMAN BOHL: Mr. Chairman.

23 CHAIRMAN WITKOWIAK: Alderman Bohl.

24 ALDERMAN BOHL: How close do you reside to
25 this establishment in question?

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1 MS. JAGGARD: Three blocks. I live on 3rd
2 and Washington.

3 ALDERMAN BOHL: In terms of concerns that
4 you have expressed of the establishment, you have
5 directly alluded to shooting incidents that are part
6 of the police report.

7 MS. JAGGARD: That's my main objection.

8 ALDERMAN BOHL: Have you had any other
9 experiences, any other negative experiences that you
10 can relate to the committee in terms of things you've
11 personally witnessed?

12 MS. JAGGARD: The only thing I have
13 witnessed, and it's maybe not negative negative, but
14 in Mr. Young's article in the paper, he indicated he
15 had increased security staff there. Now, I drive by
16 there on a regular basis to take a look at what's
17 going on. I have never once ever seen one single
18 security person outside that building.

19 So as far as the rest of it goes, we've had
20 an increase in trash floating around the neighborhood,
21 illegal parking, we had a home invasion last August,
22 which is going to trial the end of this month. It's
23 the only one I know of in at least 15 years, and yet,
24 I cannot attribute it to the Passion Restaurant, but I
25 can't not attribute it to the Passion Restaurant

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1 either, it's just unknown. But it's things like that;
2 this home invasion, we had child solicitation on the
3 street in early September, so it's just a general
4 increase in people being afraid to sit outside, afraid
5 to walk to their neighbors, an increase in trash in
6 the neighborhood, and we have a dental school and a
7 Head Start school right across the street from me.

8 And we've had a problem with illegal
9 parking, and I got up this morning at 5:30 to find
10 that there were five squad cars in my alley. So I
11 don't know how else to answer you. I don't frequent
12 the tavern other than to drive by, if I happen to be
13 out at night, which is very seldom because of unsafe
14 conditions.

15 ALDERMAN BOHL: Ma'am, you've indicated
16 you've driven by this club on a number of occasions.
17 Could you relate to me the general time in the day or
18 evening in which these drive-bys occurred.

19 MS. JAGGARD: It's generally between 9:00
20 and 11:00 in the evening when I may be on my way home
21 at night. I don't go out and take the car out
22 specifically just to drive by the tavern. Sometimes
23 it's once a week, sometimes it's a couple times in a
24 couple weeks, which is not real often, because I don't
25 go out at night to any major extent any longer,

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1 especially since the shooting.

2 ALDERMAN BOHL: Thank you.

3 CHAIRMAN WITKOWIAK: Other questions by
4 members of the committee? Any questions for this
5 witness?

6 MR. MAISTELMAN: Give us your name one more
7 time.

8 MS. JAGGARD: Jacquelyn Jaggard,
9 J-A-G-G-A-R-D.

10 MR. MAISTELMAN: Do you currently work?

11 MS. JAGGARD: No. I'm currently retired,
12 but I'm on a number of community service committees.
13 Well, I work part time.

14 MR. MAISTELMAN: Where do you work part
15 time?

16 MS. JAGGARD: Children's Service Society of
17 Wisconsin.

18 MR. MAISTELMAN: I have no further
19 questions.

20 ALDERMAN BOHL: At this point, I would move
21 to make the entire police report part of the official
22 record.

23 CHAIRMAN WITKOWIAK: The motion by Alderman
24 Bohl is to make the entire police report part of the
25 permanent record in this hearing, and hearing no

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1 objections, so ordered. Thank you. Next witness,
2 please.

3 MR. GONZALES: My name is Frank Gonzales, I
4 live at 1017 South 3rd Street. I'm also opposed to
5 the licensing of this tavern here.

6 I have lived in the neighborhood all my
7 life, I was born on 4th and Bruce, which is just a
8 block east of South 6th Street near Boys Tech there.
9 I've watched this neighborhood go up, go down, go
10 good, go bad, I've seen neighbors, and I've been with
11 neighbors, and I've fought to put this neighborhood
12 into shape, bring business back, which there is a lot
13 of business there now. Some of it is good and some of
14 it is bad, some I like and some I don't like. The
15 neighborhood is changing, as one of witnesses here
16 said, one of the speaker said, it's a changing
17 neighborhood. Personally, I like some of it and some
18 of it I don't like.

19 Now, the shooting, it's on east of 1st
20 Street, okay, which isn't really a residential area
21 except for a couple of houses that are down there on
22 Barclay. But distance, three blocks, four blocks,
23 five blocks, that doesn't make no difference. If
24 you're a mile away, you get affected when there's a
25 shooting. You get affected in the neighborhood when

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1 the reputation changes from being a good neighborhood
2 to a bad neighborhood. A couple more shootings, the
3 customers will not come down to the restaurants.

4 Even now, I have negative remarks from
5 people when I still mention my neighborhood, but when
6 I mention Walker Point, then it's a different story or
7 near Allen-Bradley. Oh, that's an up-and-coming
8 neighborhood. It is. A lot of the neighbors on South
9 3rd Street where I live have stuck around and seen it
10 go from bad and have fought to make it good, so it
11 would have a good reputation. So these developers,
12 some of them good and some of them bad, have come in
13 and started building these condominiums, the
14 restaurant business, a tavern business.

15 Personally, I think we have too many tavern
16 licenses down there now. They're springing up where
17 they never were before, never. Never had a license
18 before, and all of a sudden there's a tavern there.
19 With it comes traffic. There's been a mugging. A
20 couple years ago, my son got mugged on South 2nd
21 Street, a block away from my house.

22 Other incidents where neighbors are afraid
23 to go out. My wife, when we come home at night -- and
24 I travel the neighborhood, and I travel the
25 neighborhood at night, and I cruise the neighborhood

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1 to see what's happening, against the objections of my
2 wife. That's how bad it's gotten. She doesn't like
3 to go out in the traffic on account of she's scared.
4 Now, that's a difference from five years ago, when her
5 and I would walk the neighborhood, we would walk the
6 neighborhood. She doesn't like to walk the
7 neighborhood no more. There's too much traffic.

8 After 10:00, and I've heard this over and
9 over where they say the restaurants are down there,
10 they get a lot of business. After 10:00, they're
11 dead, they're not there no more. That stops the
12 traffic, that stops people on the sidewalk and brings
13 these other people in because the taverns are still
14 there, the ones that are partying. Now, I've got
15 nothing against people partying, I used to do it
16 myself quite often, maybe too much, okay, but you
17 know, when it starts affecting other people,
18 somebody's going to say something, and I've
19 experienced that, too.

20 So this is affecting people. People are
21 sitting here concerned. Otherwise, we wouldn't be
22 here speaking about it. Because we've stuck around it
23 and made the neighborhood good or what it is now. And
24 it wasn't the businesses that changed the
25 neighborhood, it was the people that change the

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1 neighborhood, and the businesses came in. Because the
2 neighborhood was good, the businesses came in, not the
3 other way around, which everybody likes to say it is,
4 and it isn't true. The grandma and grandpas, John
5 Jones down the block that stuck around and got rid of
6 the absentee landlords and the drug houses and gangs
7 that were down there, those are the people that
8 deserve a good neighborhood and not a business that's
9 going to create crime and make people afraid. Thank
10 you.

11 CHAIRMAN WITKOWIAK: Thank you. Any
12 questions of this witness? Mr. Maistelman?

13 MR. MAISTELMAN: Could you give us your name
14 one more time.

15 MR. GONZALES: Frank Gonzales.

16 MR. MAISTELMAN: I'm sorry to hear about
17 your son's mugging. Is he okay?

18 MR. GONZALES: He survived.

19 MR. MAISTELMAN: Did that take place
20 recently?

21 MR. GONZALES: No. This was a couple years
22 ago.

23 MR. MAISTELMAN: I wasn't sure if that was
24 another incident.

25 MR. GONZALES: Even that, though, it's

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1 spread. I've seen neighborhoods go from bad to good.
2 I'm 73 years old. I've seen neighborhoods change,
3 I've seen the city changes. When the neighborhood
4 changes, it doesn't change overnight, it's a course of
5 20, 25 years. That's what happens.

6 MR. MAISTELMAN: What else do you attribute
7 the crime problem in that area besides --

8 MR. GONZALES: More traffic.

9 MR. MAISTELMAN: Are there any other
10 establishments?

11 MR. GONZALES: Businesses, taverns.

12 MR. MAISTELMAN: So it's a bigger picture
13 than just --

14 MR. GONZALES: Sure. After the neighborhood
15 got cleaned up, I think -- well, I might be
16 exaggerating a little bit -- maybe there was four
17 taverns in the whole area. Jim, you would probably
18 attest to that. Now there's all kinds of restaurants,
19 but with the restaurants is a little bar, so you can't
20 have a restaurant without a bar, and I acknowledge
21 that, that's good for business, but when you have too
22 much of a spread of one thing. What we need is a good
23 drug store down there or tailor or dry cleaners, a
24 good dentist, a doctor, a lawyer, whatever.

25 MR. SCHRIMPF: Mr. Chairman. Mr. Gonzalez,

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1 how far away do you live from Passions?

2 MR. GONZALES: Three blocks. I live on 3rd
3 Street, and Passion is one block east of 1st Street.
4 It's four blocks away. I lie a little bit.

5 MR. MAISTELMAN: But at least you admit
6 you're lying, you're under oath.

7 CHAIRMAN WITKOWIAK: Next witness, please.
8 Good afternoon.

9 MR. PHILLIPS: My name is Mike Phillips, I
10 reside at 213 West Washington Street.

11 CHAIRMAN WITKOWIAK: And just because
12 somebody's going to ask you this later on, exactly how
13 far away is that from this license?

14 MR. PHILLIPS: It's two blocks away.

15 CHAIRMAN WITKOWIAK: Thank you. Your
16 testimony, please.

17 MR. PHILLIPS: My testimony regarding this
18 license is I hope that the Council would deny this
19 license, based on not only shootings, but there are
20 some other problems that have arisen from Barclay
21 Street in general, not just the single club Passion.
22 There's an increase of crime going on in the
23 neighborhood. I have four German shepards that I walk
24 daily and nightly. There's urination going on all the
25 time right in front my house, I have nieces and

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1 nephews that come over and see this when they're
2 leaving to go home at 10:00 or 11:00 at night from a
3 dinner. A number of break-ins into cars, not only my
4 own vehicles but my tenants' vehicles, and his
5 business I think also suffers because of some of the
6 traffic that comes from Barclay and down from the
7 Washington Street area.

8 I've had my building up for sale for a
9 little over a year, and I've had both Realtors say
10 that the area is diminishing in property value because
11 of the crime statistics and the traffic increase that
12 there's been in the last year-and-a-half to three
13 years. Walker's Point has certainly been a nice
14 neighborhood and a growing neighborhood, and there's
15 been a couple of bad businesses that come in, and
16 there's been a lot of good businesses that come in,
17 and because of the lack of police that we have on our
18 police force today, which far exceeds 500, there's
19 just not enough police to take care of the crime or
20 even make an appearance in the neighborhood any
21 longer.

22 But yet, I just can't believe that there's
23 only two incident reports from the police department
24 regarding 200 East Washington. The police, for about
25 a year-and-a-half, have been there more than any other

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1 street I've ever seen anywhere, and you can't get
2 justification from the police department, from the
3 district, or even from the chief, because they're like
4 invisible squads that are there. Why, I don't know.

5 There was another licensed establishment on
6 Barclay that came up just not too long ago, and nobody
7 in the neighborhood got any notice of that renewal,
8 but yet the police are there, and there was not one
9 police report for that location. And I really like to
10 know why. I really don't care, I just want to get out
11 of the county alive.

12 The traffic that parks right in front of my
13 residence and in front of the business that's on my
14 property can sometimes be just ridiculous. You got
15 women squatting right next to the tree and guys
16 urinating right on buildings. It's just not right.
17 My dogs are unfriendly, and I take a lot of heat for
18 those dogs not being friendly from people that are
19 parking on my street that are going two blocks away.
20 I answer a lot of questions to where Passion is and
21 listen to just an incredible amount of noise coming
22 from these vehicles that are driving down Washington.
23 It's generally a quiet street. Actually, I'm the only
24 residential house on Washington between 1st and 3rd.

25 And I would hope that the committee looks at

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1 these shootings as the end. How much more can the
2 city take in our neighborhood? One shooting should
3 have been enough to take that license away at the next
4 License Committee meeting. And Jim, I know you've
5 been there, I know you've asked them to just not renew
6 or to turn it over before their renewal period. When
7 was this license due for renewal? Now today, the
8 agent doesn't show up, yet the neighbors do. When was
9 this supposed to be scheduled?

10 CHAIRMAN WITKOWIAK: Well, it expires the
11 31st of January.

12 MR. PHILLIPS: So in December there would
13 not have been a committee meeting?

14 CHAIRMAN WITKOWIAK: Well, the reason it was
15 not scheduled was it was my understanding that the
16 license was going to be -- When the second shooting
17 took place, I got several calls from constituents, and
18 they were asking about a possible revocation hearing,
19 and it was my understanding after communication with
20 the -- not with the agent, with some of the owners of
21 the club, that they would ask if they could just hold
22 out until they get to the end of the year through New
23 Year's Eve and then surrender the license. And the
24 reason that I felt comfortable with that was because
25 in the time it would take to put together a revocation

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1 hearing, which is more difficult than putting together
2 just a standard renewal, it would have almost been
3 this time anyway, so that's why the decisions were
4 made the way they were. And the only thing, I didn't
5 realize that they were going to pursue the renewal.

6 MR. PHILLIPS: And if this license was so
7 important to this establishment, I don't care where
8 this person works, they would have been here today.

9 CHAIRMAN WITKOWIAK: Thank you. Questions
10 of this witness?

11 ALDERMAN DUDZIK: Mr. Chair.

12 CHAIRMAN WITKOWIAK: Alderman Dudzik.

13 ALDERMAN DUDZIK: Just as a matter of
14 disclosure, I think it's important for me to say this
15 is almost like old home week. Both Mr. Quigley and
16 Mr. Phillips I've known from years gone by. I am
17 curious, Mr. Phillips, when you talk about the noise
18 and the disturbance in your neighborhood, when is that
19 generally occurring?

20 MR. PHILLIPS: A great deal on Monday
21 nights. Come on down, we'll have some coffee about
22 11:00.

23 ALDERMAN DUDZIK: I'm in bed. I got a job
24 to do Tuesday. Nothing over the weekend?

25 MR. PHILLIPS: Over the weekend it isn't so

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1 bad, but there's a lot of traffic at bar closing time,
2 there's a lot of traffic on the way to the bar.
3 Generally, they start to pick up about 10:30, 11:00,
4 and you've got some of the biggest speakers in the
5 smallest cars you've ever wanted to hear. It's
6 ridiculous. They use Mineral Street as well as
7 Washington.

8 ALDERMAN DUDZIK: Do you notice any other
9 criminal activity besides the public urination? Is
10 there anything other than what you've already stated
11 that comes to mind as far as what's going on over
12 there?

13 MR. PHILLIPS: The speeding, the reckless
14 driving, it's all coming from east on Washington,
15 especially when -- There's only a couple bars on that
16 southern end of Barclay, and they seem to coordinate
17 their opens days alike. There's two establishments
18 there. To say well, this establishment's cars are
19 going faster than the other establishment's, there's
20 no way to determine that. But there's a lot of
21 recklessness, there's a lot of screaming that goes on.

22 If you're on 1st Street, and the traffic on
23 1st Street is pretty heavy to begin with, you can hear
24 the noise from Barclay, which is a block over, whether
25 it's going to the bar or leaving the bar at 2:00.

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1 vicinity of this tavern?

2 MR. PHILLIPS: That would be from the
3 vicinity of that establishment going down Washington
4 and going through the stop signs in the neighborhood
5 that were put up to slow down traffic because of the
6 school zone, because of the elderly people in the
7 neighborhood, and generally to slow down traffic. The
8 freeway entrance to get onto the freeway is on 6th and
9 Mineral, and Washington is one block south of there.

10 MR. SCHRIMPF: And what is the other
11 establishment? You said there's two establishments.

12 MR. PHILLIPS: The other establishment is
13 called Rain, which was up for renewal, I believe, last
14 month without a notice coming to my house or any of
15 the neighbors that I have. Enough said about that.

16 MR. SCHRIMPF: Just so that I'm clear for
17 purposes of the record, in terms of the traffic and
18 the volume and the noise, you don't necessarily know
19 if Rain is responsible for it or Passions?

20 MR. PHILLIPS: I know Rain to be a busy
21 place, and I also know Passion to be a busy place
22 because there's people standing outside of both doors
23 waiting to get in at times.

24 MR. SCHRIMPF: Other than Rain and Passion,
25 are there any other licensed establishments in that

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1 vicinity that would be open, say, after 11:00 at
2 night?

3 MR. PHILLIPS: Further north at Greenfield
4 there are.

5 MR. SCHRIMPF: North at Greenfield but not
6 in this area?

7 MR. PHILLIPS: Not in this area. There used
8 to be some scrap yards there, and there's a couple of
9 recycling facilities still on Barclay within that
10 vicinity, but they close at, I believe, 5:00.

11 MR. SCHRIMPF: Thank you, Mr. Chairman,
12 thank you, Mr. Phillips.

13 MR. MAISTELMAN: Mr. Phillips, you stated a
14 moment ago in response to a question from one of the
15 aldermen of when most of the problems were occurring,
16 you stated Monday evening; is that correct?

17 MR. PHILLIPS: No, not just on Monday
18 evening. You have the weekend, and they're open on
19 Monday, which is like a weekend night. I've never
20 seen a bar that busy.

21 MR. MAISTELMAN: But I thought you said that
22 it was Monday nights which seemed to be one of the --

23 MR. PHILLIPS: The weekends are the same. I
24 have people parking in front of my house on Washington
25 right there, in addition to the urination and

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1 defecation, sex in the car until 4:00.

2 MR. MAISTELMAN: You've witnessed this?

3 MR. PHILLIPS: Sure. And I've called the
4 police. There should be police reports for every
5 incident that I called, and I call a lot.

6 MR. MAISTELMAN: Do you know that Passions
7 is not open on Monday nights?

8 MR. PHILLIPS: Yes, I do.

9 MR. MAISTELMAN: There's a question, and now
10 I have a follow-up question. You answered the
11 question, sir, with all due respect. We're here
12 talking about Passions.

13 MR. PHILLIPS: Passions has been open on
14 Mondays.

15 MR. MAISTELMAN: I want the record to
16 reflect that the gentleman stated earlier that
17 Passions, a lot of the problems -- and the record will
18 reflect this -- a lot of the problems occurred Monday
19 night; is that correct? That's what you said.

20 MR. PHILLIPS: I said Monday night there are
21 a lot of problems.

22 MR. MAISTELMAN: Right. And then you stated
23 that -- That was in discussions about Passions.
24 That's why we're here, correct?

25 MR. PHILLIPS: Correct.

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1 MR. MAISTELMAN: But then I pointed out that
2 Passions wasn't open on Monday nights, and then you
3 acknowledged that. All I want to do -- I know
4 there's probably a lot of problems going on down
5 there, and there are two bars which -- My job is to
6 try to figure out what the problem is and see if we
7 can address it to everybody's satisfaction. So I'm
8 just trying to find out if it is Passions on Monday
9 night that are causing these problems or if you're
10 aware of that, it's not Passions, who the other
11 perpetrators of these problems are, and maybe we
12 can --

13 MR. PHILLIPS: You're telling me that
14 Passion has not been open in the past year-and-a-half
15 on Monday night?

16 MR. MAISTELMAN: My client just informed
17 me --

18 MR. PHILLIPS: It's never been open on
19 Monday night, so I look at the police reports, there
20 would never be a squad called to that location on a
21 Monday night?

22 MR. MAISTELMAN: That's correct.

23 MR. PHILLIPS: I will go look at the CAD
24 reports.

25 MR. MAISTELMAN: One follow-up question, and

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1 I do appreciate your coming down here. You said there
2 have been problems in the last three years in this
3 area.

4 MR. PHILLIPS: In the last three years,
5 there has been a significant increase in problems.

6 MR. MAISTELMAN: What else do you attribute
7 those problems to besides --

8 MR. PHILLIPS: I have no idea. It's just
9 been a gradually growing problem in our neighborhood,
10 and having gunshots being fired certainly has a great
11 negative impact on the entire neighborhood.

12 MR. MAISTELMAN: But you don't have any
13 recollection as to what other bars, restaurants,
14 entities had been causing the problems three years
15 ago?

16 MR. PHILLIPS: It's just general problems in
17 the neighborhood, break-ins. How would you know where
18 these people are coming unless there's cameras on
19 every corner?

20 MR. MAISTELMAN: Thank you.

21 CHAIRMAN WITKOWIAK: Any other questions of
22 this witness? Okay. Thank you very much. Anyone
23 else here to testify? Is there anyone else here to
24 testify on this? Let the record show no one else
25 acknowledges.

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MR. PFAFF: Mr. Chair.

2

CHAIRMAN WITKOWIAK: Yes.

3

4

MR. PFAFF: The plan of operations filed with the application indicates that currently on Monday they are open from 9:00 p.m. to 2:00 a.m., and they indicated they would be open those same hours in the license period.

8

CHAIRMAN WITKOWIAK: Plan of operation shows open on Monday, but you say operational you're not?

9

MR. YOUNG: Yes, we're not open on Mondays.

10

11

CHAIRMAN WITKOWIAK: When was the last time you were open on a Monday?

12

MR. YOUNG: It just doesn't happen.

13

14

CHAIRMAN WITKOWIAK: Okay. Any other questions by members of the committee?

15

16

MR. SCHRIMPF: Mr. Chairman. I'm looking at the plan of operation. Maybe we ought to make it part of the record. It's somewhat confusing because it says Monday closed, and then it says current hours of operation 9:00 p.m. to 2:00 a.m. and proposed same.

17

18

19

20

21

MR. PFAFF: That left-hand column is for an example.

22

23

MR. SCHRIMPF: I see. You want to have it part of the record, Mr. Chairman.

24

25

CHAIRMAN WITKOWIAK: Alderman Dudzik moves

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1 to make the plan of operation part of the permanent
2 record in this hearing. Hearing no objections, so
3 ordered. Is there any further testimony coming before
4 us today? Do I hear a motion?

5 MR. MAISTELMAN: I would like to make, Mr.
6 Chairman, the record clear that from the limited
7 communication I had with your office, Alderman, I can
8 state that I know that you were under the impression
9 that they were going to allow their license to lapse,
10 and I don't want the neighbors to think that something
11 was going on. That's why it wasn't put on the agenda.
12 I just want to make sure that the public is aware of
13 that.

14 CHAIRMAN WITKOWIAK: Thank you very much.

15 ALDERMAN DUDZIK: At this point, I would
16 move to hold to the call of the chair, please.

17 CHAIRMAN WITKOWIAK: Motion by Alderman
18 Dudzik is to -- Let me ask Mr. Schrimpf, should we
19 make this date specific?

20 MR. SCHRIMPF: Probably it would be a good
21 idea.

22 ALDERMAN DUDZIK: Then I would move to hold
23 this until our next regularly scheduled meeting, which
24 my understanding is is January 24th, 2006.

25 CHAIRMAN WITKOWIAK: Motion by Alderman

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1 Dudzik is to hold this matter until the next regularly
2 scheduled License Committee meeting, which is January
3 24th. Are there any objections to that motion?
4 Hearing none, so ordered.

5 MR. MAISTELMAN: Thank you.

6

* * *

