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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of the Revocation of the Class B Tavern License and Tavern Dance License for:

6

Allyn J. Wasley  
WOLFGANG'S PUB  
3164 South 13th Street

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\* \* \* \* \*

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COMMITTEE MEMBERS

10

ALD. JAMES WITKOWIAK - Chair

11

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

ALD. JOSEPH A. DUDZIK

12

ALD. WILLIE WADE

13

LICENSING DIVISION by REBECCA BARRON

POLICE DEPARTMENT by SERGAENT CHESTER ULICKEY

14

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in

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the above-entitled matter, before the UTILITIES &

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LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on

19

the 14th day of September, 2005.

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P R O C E E D I N G S

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(Whereupon all the city employees were

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sworn.)

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CHAIRMAN WITKOWIAK: On the 1:30 agenda we have file number 050645, which is a motion to approve the recommendation of the Utilities and License Committee to revoke the Class B Tavern license and Tavern Dance license for Allyn J. Wasley, agent for Wolfgang's Pub, LLC, by a sworn written complaint as authorized under Chapter 90-12-4 of the City of Milwaukee Code of Ordinances. Good afternoon.

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ALDERMAN ZIELINSKI: Good afternoon, Mr. Chairman, members of the Committee.

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CHAIRMAN WITKOWIAK: Let the record show that Alderman Tony Zielinski, representing the 14th District, is here bringing the - - bringing the case forward. We will need to swear Alderman Zielinski.

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(Whereupon Alderman Zielinski was

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sworn.)

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CHAIRMAN WITKOWIAK: Would you please come to the table? Please raise your right hand to be sworn in.

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(Whereupon those present were sworn.)

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1                   CHAIRMAN WITKOWIAK: Pull the  
2 microphone towards you some. Your name and  
3 address for the record.

4                   THE LICENSEE: Allyn Wasley, 1408 - -

5                   CHAIRMAN WITKOWIAK: How do you - - How  
6 do you spell your last name?

7                   THE LICENSEE: W-A-S-L-E-Y.

8                   CHAIRMAN WITKOWIAK: Okay. Address.

9                   THE LICENSEE: 1408 American Avenue.

10 It's Waukesha, 53188.

11                   MR. WHITCOMB: Good afternoon, Mr.  
12 Chairman. My name is Michael Whitcomb. I am an  
13 attorney representing Mr. Wasley, individually,  
14 and as agent for Wolfgang's Pub, LLC. I  
15 understand we're here today on a complaint  
16 seeking the revocation of the license of Wolf - -  
17 Wolfgang Pub, LLC, and just for the record I  
18 would note that the - - the agenda, I believe,  
19 misstates the issue that we - - we address here  
20 today, as there has not yet been a recommendation  
21 from this committee to revoke the license of  
22 Wolfgang's Pub, LLC, but this is a hearing on the  
23 complaint seeking its revocation.

24                   CHAIRMAN WITKOWIAK: Thank you. And  
25 that's so noted.

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1 MR. WHITCOMB: And also, since this is  
2 a unique proceeding of the Statutes and the City  
3 Ordinances indicate that for this matter to  
4 proceed to hearing, it first must be determined  
5 as to whether or not the applicant, in this case,  
6 not the applicant, the licensee, denies the  
7 allegations in the complaint, and we so state, we  
8 do deny that the allegations in the complaint are  
9 sufficient to warrant the revocation of the  
10 license. So the matter is now at issue.

11 CHAIRMAN WITKOWIAK: Thank you.  
12 Alderman Zielinski, your opening statement,  
13 please.

14 ALDERMAN ZIELINSKI: Thank you, Mr.  
15 Chairman. I'd like to start with a phone call I  
16 got about a week after this establishment got  
17 their license. I got a phone call from a - - a  
18 female - -

19 MR. WHITCOMB: I would object, Mr.  
20 Chairman, to the testimony of any conversation an  
21 individual might have had with the alderman,  
22 based upon the grounds of hearsay, unless that  
23 person is here today to testify as to what she  
24 told the alderman.

25 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

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1 MR. SCHRIMPF: Mr. Chairman, in a  
2 revocation proceeding it's critically important  
3 to follow the rules of evidence, and yes, that  
4 would be a hearsay statement, unless there is  
5 some exception that I haven't yet heard. Um - -  
6 But we - - we have to be very, very careful about  
7 hearsay, stuff that's not of record, stuff that  
8 can't be cross-examined in a revocation  
9 proceeding is very critical.

10 CHAIRMAN WITKOWIAK: Alderman, just to  
11 - - to keep the record clean, if we would steer  
12 clear of any possible hearsay, we would  
13 appreciate it.

14 ALDERMAN ZIELINSKI: What I would like  
15 to say then is I told an individual, I'm not  
16 going to reference what any individual told me, I  
17 just would like to say I told an individual, who  
18 was - - made representations of being involved  
19 with Wolfgang's Pub, that I would not support a  
20 strip club at that location. And that will be  
21 the short story to avoid hearsay. I just want to  
22 state that for the record.

23 A few months later I got a phone call  
24 from constituents and other people in the area  
25 that indicated there was a big fight outside of

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1 the pub, or the Wolfgang's Pub. That's included  
2 in the - - in the document, in the revocation  
3 request document, about the police responding to  
4 a - - to a fight, a major fight outside his  
5 establishment. It required the use of a number  
6 of police officers to address. The - - The next  
7 experience I had with this establishment was when  
8 I was contacted and found out about a triple  
9 homicide at this location, triple homicide.

10 The following day, and this is all part  
11 of the complaint here, the following day the  
12 tavern squad from the police department found  
13 that there was topless dancers in - - in this  
14 establishment. This is the day after a triple  
15 homicide. There's topless dancers found in this  
16 establishment. Again, I want to remind the  
17 committee, I told the individuals that I do not  
18 support a strip club, and I will not support a  
19 strip club. So this was clearly, you know, an  
20 intent to - - to undermine our efforts to keep  
21 that place from becoming a strip club or  
22 something close to that.

23 On top of that, if that isn't enough,  
24 these individuals were 18 years old. So they're  
25 - - they're too young to even be there in the

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1 first place, and I respectfully submit to the  
2 committee that I think, you know, substantial  
3 fights outside the - - the building, a triple  
4 homicide, topless dancing without a cabaret  
5 license, with under - - with people who weren't  
6 old enough to be in there, warrants revocation of  
7 this license, and I would hope the committee  
8 would follow those recommendations.

9 ALDERMAN BOHL: Mr. Chairman.

10 CHAIRMAN WITKOWIAK: Thank you.  
11 Alderman Bohl.

12 ALDERMAN BOHL: I would move to make  
13 the - - the entire packet that constitutes the  
14 written complaint part of our legislative record  
15 in this matter.

16 CHAIRMAN WITKOWIAK: Motion by Alderman  
17 Bohl is to make the entire packet, that is the  
18 body of this complaint that's here in front of  
19 us, made part of the permanent record in this  
20 proceeding, and hearing no objections, so  
21 ordered.

22 Can we hear the police report, please,  
23 on the - - on the - - on the incident that - -  
24 that led to this - - that led to this request for  
25 revocation hearing?

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1                   SERGEANT ULICKEY: The first reference  
2 the alderman made was to a substantial battery,  
3 which occurred at 5/14 of '05, and the body of  
4 the report reads - - This report is written by  
5 Police Officer David Wagoner, assigned to  
6 District 2 late shift.

7                   On Saturday, 5/14/05, at 2:07 a.m.  
8 myself along with Squad 28, Police Officer  
9 Carmello Patti were dispatched to 1326 West  
10 Euclid to investigate a fight complaint. Once at  
11 the scene - - Or once on scene it was determined  
12 that the actual location of the fight was going  
13 to be in the parking lot of 3164 South 13th. An  
14 investigation revealed that the altercation  
15 between the victim, Harlem L. Sewell, a black  
16 male, 3/13/72, 1551 South 6th Street, Apartment  
17 A, unknown phone, and approximately eight to nine  
18 other individuals began with an argument inside  
19 Wolfgang's Pub, 3164 South 13th Street, and  
20 escalated into a fight in the parking lot just  
21 south of that location. The fight then spread  
22 onto the street in the 3100 block of South 13th,  
23 and on the southwest corner of West Euclid and  
24 South 13th Street. A detailed report regarding  
25 the incident, and then it gives a number, was



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1 filed by Squad 112.

2 MR. SCHRIMPF: Which - - Mr. Chairman,  
3 if I may?

4 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

5 MR. SCHRIMPF: Which document was the  
6 sergeant reading from?

7 MR. WHITCOMB: Attached to the  
8 complaint, Counsel.

9 MR. SCHRIMPF: Exhibits - -

10 SERGEANT ULICKEY: "C."

11 MR. SCHRIMPF: "C." Mr. Chairman, I  
12 think considering this is a revocation  
13 proceeding, a foundation should be laid for the  
14 document.

15 MR. WHITCOMB: No objection as to  
16 authen - - authentication of the - - to the  
17 reading of the document.

18 MR. SCHRIMPF: Okay. Thank you.

19 MR. WHITCOMB: If we may, so I can keep  
20 track of my questions and the sergeant's focus,  
21 may I just a few questions on this incident,  
22 knowing that I'm interrupting the full  
23 presentation?

24 CHAIRMAN WITKOWIAK: You may.

25 MR. WHITCOMB: Thank you, Mr. Chairman.

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1 Do your reports indicate, Sergeant, when the call  
2 came into the department for - - or indicating  
3 that a fight was occurring at that location?

4 SERGEANT ULICKEY: When the call came  
5 into the department?

6 MR. WHITCOMB: Yeah.

7 SERGEANT ULICKEY: No, sir.

8 MR. WHITCOMB: The report indicates  
9 that these officers were dispatched. I would  
10 interpret that to mean that someone had reported  
11 that a fight was occurring, and sent officers to  
12 the scene?

13 SERGEANT ULICKEY: Yes.

14 MR. WHITCOMB: Okay.

15 SERGEANT ULICKEY: It says that they  
16 were dispatched at 2:07 a.m. The call that's - -  
17 The time the call came into the department is not  
18 indicated on this report.

19 MR. WHITCOMB: Would a CAD report of  
20 the department for a licensed establishment  
21 indicate when a call would come in?

22 SERGEANT ULICKEY: I'm sorry. A CAD  
23 report, did you say?

24 MR. WHITCOMB: Yeah. Yeah.

25 SERGEANT ULICKEY: Yes.

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1 MR. WHITCOMB: Do we have those reports  
2 here today?

3 SERGEANT ULICKEY: No, sir.

4 MR. WHITCOMB: Okay. I have nothing  
5 further, Mr. Chairman. Thank you.

6 SERGEANT ULICKEY: The second incident  
7 the alderman was referring to is a homicide that  
8 occurred on 8/20 of '05. A narrative is as  
9 follows:

10 This report is written by P.O. Evelyn  
11 Lazo, assigned to District No. 2, early shift,  
12 Squad 242B. On Saturday, August 20th, 2005 I was  
13 notified by Sergeant Raden that at approximately  
14 one a.m. there was a confirmed shooting at the  
15 tavern called Wolfgang's Pub located at 3164  
16 South 13th Street. Sergeant Raden further  
17 informed me that there were three victims that  
18 were shot. The first victim was identified as  
19 Robert - - I'm sorry - - Roberto Vela, white  
20 male, 11/26/73, at 1512 Espejo Molena Road, Rio  
21 Bravo, Texas, who was shot to the neck, the  
22 abdomen, and deceased on the scene.

23 Second victim was identified as Daniel  
24 Vela, white male 8/3 of '73 of 1527 West  
25 Harrison, Milwaukee, Wisconsin 53215, who was

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1 shot twice to the head and deceased on the scene.

2 The third victim was identified as  
3 Amando Pena, a white male, 6/28/86 of 2112 West  
4 Orchard Street, Milwaukee, Wisconsin 53204, who  
5 was shot once to the head and conveyed to  
6 Froedtert Hospital, where he was taken off life  
7 support and later deceased.

8 I was also notified that CIB Squad 124,  
9 Detective Jones, Squad 125, Detective Casper,  
10 Squad 117, Detective Young and Stewart, and Squad  
11 138, Lieutenant Grams, responded to the scene to  
12 investigate the homicide. Refer to incident  
13 number 052320045. And the licensee was issued  
14 citation number 59026494 for presence of underage  
15 due to Pena, the victim being underage.

16 MR. SCHRIMPF: Mr. Chairman, I'm sorry.  
17 But I don't have a copy of what the sergeant just  
18 read from. What was that exhibit number?

19 SERGEANT ULICKEY: "E".

20 MR. SCHRIMPF: "D" like Delta.

21 SERGEANT ULICKEY: "E" - - "E" as in  
22 everybody.

23 MR. SCHRIMPF: "E" like Edward. "D",  
24 like David.

25 SERGEANT ULICKEY: Correct.

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1                   MR. SCHRIMPF: I don't have the second  
2 page of that, Mr. Chairman. Counsel, do you have  
3 that? The second page of "D"?  
4                   MR. WHITCOMB: Of "E"?  
5                   MR. SCHRIMPF: Delta.  
6                   MR. WHITCOMB: I do not. I just have  
7 the - - the cover page for that.  
8                   MR. SCHRIMPF: I think we're going to  
9 need the second page of that.  
10                  MR. WHITCOMB: Counsel, no objection.  
11 We take no issue with what was stated by the  
12 sergeant. We accept the authentication of his  
13 remarks and the reports from which they were  
14 contained.  
15                  MR. SCHRIMPF: Appreciate that. Thank  
16 you.  
17                  MR. WHITCOMB: But if - - if that  
18 document is missing from the file that was made  
19 part of the record, I would ask that that second  
20 page of D be made part of the record, so it would  
21 coincide with the sergeant's testimony.  
22                  MR. SCHRIMPF: Correct. I - - I  
23 certainly agree with that.  
24                  CHAIRMAN WITKOWIAK: And Alderman  
25 Dudzik so moves. Hearing no objections, so

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1 ordered. Sergeant.

2 SERGEANT ULICKEY: The third incident  
3 the alderman referred to is dated 8/20 of '05.

4 The narrative is as follows:

5 This report is written by Police Office  
6 Evelyn Lazo assigned to District 2, early shift,  
7 Squad 242B, boy. On Saturday 8/20/05 at 10:14  
8 p.m. myself and Squad 2E, Sergeant Keen, were  
9 dispatched to a tavern check at Wolfgang's Pub  
10 located at 3164 South 13th Street. Squad 282E,  
11 P.O. Rokus, and Squad 20E, P.O. Arce, A-R-C-E,  
12 and P.O. Waliszewski, W-A-L-I-S-Z-E-W-S-K-I, and  
13 Squad 25E, P.O. Peavy, P-E-A-V-Y, also responded.

14 The caller stated that a homicide  
15 occurred at this location the day prior, and they  
16 believe that the tavern was supposed to be  
17 closed. Upon arrival to the scene I observed  
18 several citizens standing in front of the tavern  
19 holding a vigil. The tavern appeared to be  
20 closed due to the exterior signs of the tavern  
21 not being illuminated. I also observed the front  
22 windows covered with cardboard boxes, and the  
23 front door locked from the inside. However, I  
24 was able to hear music playing from the inside of  
25 the tavern. P.O. Rokus knocked on the door

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1 several times before someone opened the door. I  
2 spoke to the bartender, Christine S. Peters, a  
3 white female, 9/15 of '62, of 713 College Avenue,  
4 South Milwaukee, Wisconsin, 559-2798, who stated  
5 that she was in charge of the tavern for the  
6 night. Peters stated that she locked the front  
7 door during the hours of operation, because they  
8 were having a private party. As I continued my  
9 tavern check, I observed a large crowd in the  
10 back of the tavern. I also observed a white  
11 female trying to hide behind a table. As I  
12 walked over to her I noticed that this female was  
13 only wearing a G-string. I then observed another  
14 black female run into a bathroom, who was also  
15 nude. I walked into the bathroom, I observed  
16 another white female quickly putting on her  
17 clothes. I asked the females why they were nude,  
18 and they stated that they were hired to be  
19 strippers. These females were later identified  
20 as Dominique L. Williams, a black female, 1924  
21 West Highland, Milwaukee, Wisconsin 53216, phone  
22 315-1802. Veronica C. Gonzalez, white female,  
23 9/14 of '85, 2400 West Maple Street, Milwaukee,  
24 Wisconsin 53204, phone 385-0798. Christine A.  
25 Schroedl, S-C-H-R-O-E-D-L, white female, 2/1 of

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1 '86, of 2141 South 81st Street, West Allis,  
2 Wisconsin 53219, phone 262-893-0357, who were all  
3 underage.

4 P.O. Waliszewski observed a patron who  
5 appeared to be underage and asked for his  
6 identification. The patron revealed that he was  
7 20 years old. This patron was later identified  
8 as Jonathan E. Lindquist, L-I-N-D-Q-U-I-S-T. I'm  
9 sorry. That's incorrect. It's L-I-N-D-U-I-S-T.  
10 He's a white male, 9/20 of '84, of 3906 West  
11 Cheyenne, Milwaukee, Wisconsin 53209. It should  
12 be noted that the tavern's rear door was also  
13 locked with a deadbolt. I contacted the  
14 licensee, Allyn J. Wasley, white male, 6/8/72, of  
15 1408 American Avenue, Waukesha, Wisconsin 53188,  
16 phone 262-513-8797, by phone the following day.  
17 Wasley stated that he was in Indiana, and that he  
18 advised - - he was advised about the homicide  
19 that occurred. However, he specifically told his  
20 employees that they were not to open the night -  
21 - open the tavern that night.

22 Wasley was issued citation number  
23 59039805 for presence of underage, citation  
24 59039794 for licensed premises accessible,  
25 citation 59026505 for certain conduct on Class



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1 "B" premises prohibited, and citation 59039783  
2 for safe egress from all entrance doors.  
3 Linduist was issued citation 59039724 for  
4 presence of underage. Williams was issued  
5 citation number 59039772 for certain performances  
6 and costumes prohibited, and citation 59039746  
7 for presence of underage. Gonzalez was issued  
8 citation 59039750 for presence of underage and  
9 citation 59039761 for certain performances and  
10 costumes prohibited. Schroedl was issued  
11 citation 59039735 for certain performances and  
12 costumes prohibited and citation 59039713 for  
13 presence of underage.

14 MR. SCHRIMPF: Mr. Chairman, I don't  
15 have anything that was just read.

16 MR. WHITCOMB: Nor I. I believe that  
17 - - I think it's identified at least on the list  
18 of exhibits.

19 CHAIRMAN WITKOWIAK: List of exhibits.

20 MR. WHITCOMB: As Exhibit "F." But I  
21 do not have Exhibit "F".

22 MR. SCHRIMPF: I don't have an Exhibit  
23 "F".

24 ALDERMAN WADE: Mr. Chair.

25 CHAIRMAN WITKOWIAK: Alderman Wade.

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1 ALDERMAN WADE: What was the address of  
2 that first young lady? It was something nine - -  
3 Was that 924 West Highland?

4 SERGEANT ULICKEY: 1924.

5 ALDERMAN WADE: Oh, 19. Okay. All  
6 right. Thank you.

7 MR. WHITCOMB: Maybe I can short  
8 circuit these entire proceedings by our - - ask  
9 the Chair and the committee to reserve judgment  
10 on what to do in light of the testimony of the  
11 sergeant without prior notice being given, at  
12 least apparent prior notice of the last  
13 recitation, pending a presentation of our  
14 defense, and it may resolve the issue.

15 MR. SCHRIMPF: If that's agreeable to  
16 the committee. I don't - -

17 CHAIRMAN WITKOWIAK: Proceed. Is there  
18 anything further from the complainants?

19 ALDERMAN ZIELINSKI: Yes.

20 CHAIRMAN WITKOWIAK: Okay.

21 ALDERMAN ZIELINSKI: Mr. Chairman, I  
22 just would like to mention a few other things,  
23 again. This licensee has had his license for  
24 less than one year. These are all the things  
25 that have happened in less than one year since

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1 this licensee took possession. I also have to  
2 add that I've been getting a number of reports  
3 and complaints from constituents that they're  
4 afraid to even - -

5 MR. WHITCOMB: Objection.

6 ALDERMAN ZIELINSKI: Hearsay. Excuse  
7 me.

8 CHAIRMAN WITKOWIAK: No hearsay.

9 ALDERMAN ZIELINSKI: I have some people  
10 that have first-hand experiences with the events  
11 that took place, and they would - - would  
12 appreciate an opportunity to be heard.

13 MR. WHITCOMB: Which events would those  
14 be? The August events?

15 ALDERMAN ZIELINSKI: I'm not sure which  
16 events. May and August events. Okay. Before we  
17 go to the defense.

18 MR. WHITCOMB: I think I can short  
19 circuit all these proceedings.

20 CHAIRMAN WITKOWIAK: We'll reserve the  
21 right to call those witnesses in a few minutes.

22 ALDERMAN ZIELINSKI: Okay.

23 CHAIRMAN WITKOWIAK: Go ahead.

24 MR. WHITCOMB: Rather than present the  
25 argument, I'll present the evidence. That

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1 effective July 1, 2005, Mr. Wasley leased the  
2 entire premises to an individual by the name of  
3 Jim Brown. Jim Brown took over the premises on  
4 July 1, 2005. He had a new name for the  
5 premises. He was calling it Dillon's. Pursuant  
6 to the lease, he obtained his commercial  
7 insurance policy for the premises. And  
8 subsequent to July 1, 19 - - or 2005, my client  
9 and Wolfgang's Pub, LLC had no right to occupy  
10 the premises and was not occupying the premises  
11 as a licensee or otherwise.

12 I think what we have here, in fact, is  
13 Mr. Brown operating a tavern without a license.  
14 I can present to the committee a copy of the - -

15 MR. SCHRIMPF: Do you have a copy of  
16 the lease, Mr. Whitcomb?

17 MR. WHITCOMB: I have a set of five  
18 copies of the lease. Also, perhaps most  
19 pointedly, I have a copy of a letter from Mr.  
20 Brown's attorney addressed to Wolfgang's Pub and  
21 Al Wasley dated August 26, 2005, where he states  
22 on behalf of his client, "Although the term - -  
23 term of the lease expired on August 10th, 2005,"  
24 because it was by that time Mr. Brown was to  
25 purchase the property, and since he could not

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1 secure property, the lease provided that he pay  
2 2,000 dollars a month until he did buy the  
3 property. But quoting from the letter, it  
4 states, "Although the term of the lease expired  
5 on August 10th, 2005, Mr. Brown/Dillon's Pub, LLC  
6 remains in possession of the premises after that  
7 date. Please be advised that Mr. Brown is  
8 terminating the lease with Wolfgang's Pub, LLC  
9 effective immediately. In addition, he has  
10 contacted the companies providing utilities and  
11 other services to the premises in order to  
12 discontinue the services." He had placed the  
13 utilities in - - in his name or the name of his  
14 corporation. It also states, "Mr. Brown is also  
15 terminating any insurance coverage that Dillon's  
16 Pub, LLC has on the premises effective August 31,  
17 2005." And then they declared - - Then he states  
18 in conclusion, "It is my understanding that you  
19 and Mr. Brown entered into an offer to purchase  
20 for the property in April of this year. That  
21 offer is null and void." This was, you know,  
22 three or four days after the triple homicide. My  
23 client was out of town that week, and Mr. Wasley -  
24 - I'll tender to the committee, copies of the  
25 letter from the attorney, and I also tender to

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1 the committee, copies of the insurance policy  
2 that Dillon's, Mr. Brown obtained for the  
3 premises, the effective date July 1, 2005,  
4 expiration date 2006. It's an application for a  
5 policy, but as indicated by the letter from the  
6 attorney, that policy was issued, as he  
7 indicated, he would cancel the coverage by the  
8 end of the month.

9 ALDERMAN BOHL: Mr. Chairman.

10 CHAIRMAN WITKOWIAK: Alderman Bohl.

11 ALDERMAN BOHL: I would move to make  
12 the document provided by - - by Mr. Whitcomb,  
13 that on the top indicates "Commercial Lease  
14 Agreement," part of our record.

15 CHAIRMAN WITKOWIAK: Motion by Alderman  
16 Bohl is to make this document that was presented  
17 to us, which reads on the top of the first page,  
18 "commercial lease agreement," a five page  
19 document, the last page is signed by Al Wasley  
20 and Jim Brown, dated 7/1 of '05 as part of the  
21 permanent record in this proceeding. Hearing no  
22 objection, so ordered.

23 ALDERMAN BOHL: Mr. Chairman, if I - -  
24 if I may follow up.

25 CHAIRMAN WITKOWIAK: Go ahead.

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1 ALDERMAN BOHL: Mr. Whitcomb, according  
2 to the term on this commercial lease agreement it  
3 indicates that - - that there was a lease of the  
4 premise that was to initiate between July 1st,  
5 2005 and August 10th, 2005.

6 MR. WHITCOMB: Yes. The intention of  
7 the parties at the time the lease was executed in  
8 June was that by August 10th, 2005 Mr. Brown  
9 would purchase the real estate. If you continue  
10 on to paragraph two of rental the last sentence  
11 states, "If tenant fails to purchase the property  
12 by the set date, tenant - - tenant must pay 2,000  
13 per month towards rent." And he - - He paid  
14 Wolfgang - - Wolfgang Pub, LLC 2,000 dollars for  
15 the month of August. The intent of Mr. Brown was  
16 to close the sale or his purchase of the real  
17 estate by the end of August.

18 CHAIRMAN WITKOWIAK: Alderman  
19 Zielinski.

20 ALDERMAN ZIELINSKI: Yes. Mr.  
21 Chairman. I believe that - - And I would defer  
22 to the city attorney on this matter. I know he's  
23 looking something up. I believe that given the  
24 fact that this individual is the licensee,  
25 irrespective of any sort of lease agreement with

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1 another individual, he is still the licensee.  
2 And he does not have the - - the legal authority  
3 to unilaterally revoke that - - that license  
4 without confirmation by the Common Council. So I  
5 would - - I would argue that, again, irrespective  
6 of any lease agreement, our records show that he  
7 is the licensee. We did not suspend that  
8 license. We did not remove that license. And,  
9 therefore, his license is still something that I  
10 would argue can be revoked, based on these set of  
11 circumstances, and again, I would defer to the  
12 city's attorney as to the strength of my  
13 position.

14 MR. SCHRIMPF: Mr. Chairman, I'm trying  
15 to find that provision of the ordinances dealing  
16 with notice of changes.

17 CHAIRMAN WITKOWIAK: Okay.

18 ALDERMAN BOHL: Mr. Chairman, I - -

19 CHAIRMAN WITKOWIAK: Alderman Bohl.

20 ALDERMAN BOHL: Just as a follow-up  
21 question in relation to that posed by Alderman  
22 Zielinski here. Mr. Schrimpf, did - - did your  
23 client at any point surrender his license - -

24 MR. SCHRIMPF: You said "Mr. Schrimpf."

25 ALDERMAN BOHL: Oh, I'm sorry. Mr.



00025

1 Whitcomb. I apologize. Mr. Whitcomb.

2 MR. WHITCOMB: No. No, he did not. He  
3 wasn't counseled to. There isn't any requirement  
4 to. The assumption is in transferring licensed  
5 establishments, that no establishment can have  
6 two licenses. When this committee approves the  
7 grant of a license to a new person for an  
8 existing establishment, the moment the Common  
9 Council approves it, the existing license  
10 basically expires and the - - the new license  
11 granted by the Common Council takes its place.  
12 There isn't any mechanism really to - - for the  
13 surrender of a license.

14 I - - I checked the State Statutes.  
15 I've checked the city ordinances. That would  
16 have been the prudent thing to do on behalf of my  
17 client or the corporation, and it would have been  
18 a benefit to the city, certainly. He had assumed  
19 that the license had been replaced. It had been  
20 secured. He sold the property as collecting  
21 rent. He was just waiting. He entered into a  
22 lease for the property pending closing on the  
23 purchase. He - - He had no - - Exercised no  
24 authority, either as an LLC or as an individual  
25 from July 1 through August at this location.

00026

1 It's - - It's a bit of a conundrum from - - from  
2 the local alderman's perspective, what he is  
3 attempting to achieve here is meritorious, but  
4 it's not directed at a license that exists.

5 I can represent to the local alderman  
6 and to this committee that Wolfgang's Pub, under  
7 their existing license, will not re-open. It  
8 expires in February. Correct?

9 During that period of time it his  
10 desire to sell the establishment, and then the  
11 new - - And he has a prospective buyer that has  
12 an existing tavern in the - - in the community  
13 now. And that that person would apply for a  
14 license, and if it meets the requirements of the  
15 district and of the regulations, that license  
16 would be granted and would supplant the license  
17 now being revoked.

18 Why is that important? It's important  
19 because of the - - the ordinances as they exist  
20 today, that if the revocation of this license  
21 under any standards would in any way relate to  
22 the location of the premises, he would be  
23 prohibited, in effect, to selling the property  
24 for a period of one year to recover his  
25 investment.

00027

1                   What transpired with Mister - - Mr.  
2 Wasley, he was - - he sold a bar in Oconomowoc.  
3 Correct?

4                   THE LICENSEE: Yes.

5                   MR. WHITCOMB: Wolfgang's Pub, in June  
6 of 2004. He went into the market to buy a new  
7 establishment. He found a place called Rookie's  
8 in Pewaukee?

9                   THE LICENSEE: Okauchee.

10                  MR. WHITCOMB: Okauchee. And he was  
11 attempting to negotiate with that - - for that  
12 location. That's where he wanted to be. But the  
13 negotiations fell through. Then he heard that  
14 Wolfgang's - - that Sassy Fox's - - that - -  
15 that's what it was called - - was up for sale.  
16 So in February he bought it, opened up, basically  
17 Wolfgang's Pub II, because he closed the previous  
18 one. Two months after he opened, the owner of  
19 Rookie's said he wanted to sell the - - sell the  
20 place in Oconomowoc. Okauchee, my - - In  
21 Okauchee. Therefore, that was the place he  
22 wanted. He, therefore, bought Rookie's in  
23 Okauchee. He closed in April, and at the same  
24 time he put an ad in the paper to sell Wolfgang's  
25 Pub, the license now before you. Mr. Brown

00028

1 responded to that ad. They entered into  
2 negotiations. They entered into an offer to  
3 purchase. The commercial lease was drafted by  
4 Mr. Wasley. He presented it to him. Gave him  
5 the keys effective July 1. Took 15,000 up front  
6 as a down payment for the purchase of the  
7 property that would be forfeited unless he closed  
8 by August 10th. He did not, but he paid the  
9 2,000 dollars rent - - rent for the month of  
10 August, because he could not, from what I  
11 understand, Mr. Brown could not arrange his  
12 starker transactions in order to purchase the  
13 property. But it was Mr. Brown's intention, at  
14 least in early August, to close at the end of the  
15 month. And it was Mr. Brown who had been running  
16 the establishment. My client had no employees at  
17 that establishment. All utilities were placed in  
18 Mr. Brown's name. He changed the name of the  
19 pub, as I understand it, to Dillon's Pub.

20 It's an unfortunate set of  
21 circumstances that - - To resolve this matter I  
22 would request to hold it in committee, if you  
23 don't want to dismiss a complaint outright,  
24 pending the application of the prospective buyer  
25 of the establishment for license at the location.

00029

1

MR. SCHRIMPF: Mr. Chairman.

2

ALDERMAN BOHL: Mr. Chairman.

3

MR. SCHRIMPF: I've got some questions

4

I want to get nailed down real quick.

5

CHAIRMAN WITKOWIAK: Mr. Schrimpf. Go

6

ahead.

7

MR. SCHRIMPF: All right. Number one,

8

what happened to the license that was on the wall

9

while you were operating it, Mr. Wasley? Where

10

is that physically now?

11

THE LICENSEE: I believe it's at my

12

house. I believe I brought it to his office.

13

I think I brought it to Mr. Whitcomb's

14

office to make a copy of it. I believe it's at

15

my house right now.

16

MR. SCHRIMPF: When was that taken down

17

and off the wall?

18

THE LICENSEE: It was taken down after

19

the incidents.

20

MR. SCHRIMPF: After the incidents?

21

MR. WHITCOMB: August 20th?

22

THE LICENSEE: Yes.

23

MR. SCHRIMPF: So it was up there until

24

August 20th.

25

THE LICENSEE: Yes.

00030

1 MR. SCHRIMPF: Okay. Secondly, alcohol  
2 had to be ordered. In order to order alcohol it  
3 is necessary that the wholesaler deal with a bona  
4 fide licensed retailer. How was that being  
5 handled between August the 1st and August the  
6 20th.

7 THE LICENSEE: At the end of June I  
8 called all of my vendors, and I had them cancel  
9 sending me - - I didn't want anything. I was not  
10 - - Let them all know that I would not be  
11 ordering any more alcohol.

12 MR. SCHRIMPF: What about the stock  
13 that was in the place?

14 THE LICENSEE: The stock that was in  
15 the place I left there.

16 MR. SCHRIMPF: And can you provide to  
17 this committee evidence of closing those accounts  
18 with the wholesalers?

19 THE LICENSEE: Yes.

20 MR. SCHRIMPF: I would also like to see  
21 copies of the utilities, heat, light, gas,  
22 whatever you were using, and provide copies of  
23 that to the committee indicating the termination  
24 of service at the old Wolfgang's Pub, which is  
25 what it was known then. Correct?

00031

1 THE LICENSEE: Yes.  
2 MR. SCHRIMPF: To whatever it became.  
3 I think that's all I have for right now, Mr.  
4 Chairman. But the license was not taken down  
5 until after the 20th.  
6 THE LICENSEE: Correct.  
7 MR. SCHRIMPF: Why did you leave it up  
8 there?  
9 THE LICENSEE: I have no reason. I  
10 don't know. I grabbed all of my personal  
11 property, and I had not stepped foot back in the  
12 property after July 1st until after the triple  
13 homicides. There was one item I was going to - -  
14 he was going to give me after we closed. It was  
15 a neon sign that said Wolfgang's Pub, and - - and  
16 that was it. Other than that, I had not stepped  
17 foot in there, had anything to do with the place.  
18 MR. SCHRIMPF: Oh, one thing other.  
19 The copy of the advertisement for the sale.  
20 MR. WHITCOMB: Of the day after the  
21 sale of Wolfgang's Pub you - -  
22 THE LICENSEE: Oh, for the ad? Oh, I  
23 can - - I'm sure I can get that.  
24 MR. SCHRIMPF: Right. That would be  
25 helpful, as well.

00032

1                   Mr. Chairman, a review of Section 90-11  
2 would indicate subsection 8 indicates that the  
3 City Clerk is to be notified of any changes made  
4 in a license, liquor or tavern business name  
5 within ten days of the change. So - - Now  
6 interestingly it does not provide who provides  
7 that notification. And typically, one would  
8 think that the successor organization would  
9 provide that notification as opposed to the - -  
10 the existing licensee. And I suppose that would  
11 have been if they bought the stock of the LLC,  
12 but that obviously did not occur, since the LLC -  
13 - LLC was intending on selling the premises.  
14 Correct?

15                   THE LICENSEE: Yeah.

16                   MR. SCHRIMPF: And the City Clerk shall  
17 notify the Chief of Police and the proper  
18 licensing committee of such changes. And it  
19 contemplates really a name change as opposed to a  
20 sale. The ordinances seem not to cover that  
21 particular angle of it.

22                   CHAIRMAN WITKOWIAK: I have - -I have  
23 a question first of Mr. Wasley. You're under  
24 oath now. You realize that, don't you? Did you  
25 have some kind of arms length or verbal agreement



00033

1 with the person you were selling the place to,  
2 this Mr. Brown? It's like why don't you just let  
3 my license hang up there until - -

4 THE LICENSEE: No.

5 CHAIRMAN WITKOWIAK: - - we complete  
6 the sale and then you can do all your paperwork  
7 and put it in your name?

8 THE LICENSEE: No, we did not. He was  
9 - - He had applied for the license, I believe, in  
10 - - I know that at the time of the fight while I  
11 was still operating it, May 14th, I don't know if  
12 he had applied, but I know he had already talked  
13 to Tony Zielinski in reference to him taking over  
14 the bar.

15 CHAIRMAN WITKOWIAK: Alderman  
16 Zielinski.

17 ALDERMAN ZIELINSKI: Yes. I'm glad  
18 that he mentioned that. So I won't have to worry  
19 about hearsay. When they contacted me, I said I  
20 would not support the sale of this property,  
21 based on previous problems with that  
22 establishment. So it just stands to reason this  
23 was a clear attempt to - - to undermine the  
24 efforts of - - of my efforts with respect to this  
25 property, by allowing this individual to proceed

00034

1 with that license. I made it very clear I will  
2 not support a change in the license of this  
3 establishment.

4 ALDERMAN WADE: Mr. Chair.

5 CHAIRMAN WITKOWIAK: Alderman Wade.

6 ALDERMAN WADE: Sir, you say that he  
7 filed the - - the application for a license for  
8 that premise.

9 THE LICENSEE: He did. He applied for  
10 one, I believe, in his wife's name. He - - And  
11 he applied for it with the City of Milwaukee?

12 THE LICENSEE: Yes. He was on the  
13 September's agenda.

14 MR. WHITCOMB: That's what we were told  
15 recently.

16 MR. SCHRIMPF: Mr. Chairman, I believe  
17 Sergeant Ulickey has some information on that.  
18 And perhaps even Ms. Barron might have some  
19 information.

20 MS. BARRON: Yes, I do.

21 MR. WHITCOMB: Excellent.

22 MS. BARRON: We received the  
23 application from Shelley Brown, agent for  
24 Dillon's Pub, LLC, on June 15th, 2005. That  
25 application was withdrawn by Ms. Brown on August

00035

1 29th, 2005.

2 MR. SCHRIMPF: After the events took  
3 place.

4 MS. BARRON: It wasn't going to be  
5 scheduled, because we had received it in our  
6 office a month - - We had received the police  
7 report a month after the application, saying that  
8 the applicant failed to submit fingerprints as  
9 required by ordinance, and then we subsequently  
10 got the finger - - got the completed police  
11 report on August 9th, but then the application  
12 was withdrawn.

13 MR. SCHRIMPF: Mr. Chairman. Just one  
14 thing, Ms. Barron. What was the date that the  
15 application from Ms. Brown was submitted?

16 MS. BARRON: June 15th.

17 MR. SCHRIMPF: Okay.

18 ALDERMAN BOHL: Mr. Chairman.

19 CHAIRMAN WITKOWIAK: Alderman Bohl.

20 ALDERMAN BOHL: Thank you. I'm  
21 wondering, Mister - - Mr. Wasley.

22 THE LICENSEE: Yes.

23 ALDERMAN BOHL: If you could tell me,  
24 when did you - - when did you begin operation of  
25 your new establishment in Okauchee?

00036

1 THE LICENSEE: April 6th of 2005.

2 ALDERMAN BOHL: April 6th of 2005. So  
3 there was a short period of time where you were  
4 concurrently running two establishments.

5 THE LICENSEE: Yes. And that's why I  
6 wanted to sell Wolfgang's Pub.

7 ALDERMAN BOHL: When - -

8 CHAIRMAN WITKOWIAK: Go ahead,  
9 Alderman.

10 ALDERMAN BOHL: When a club of - - of  
11 the size of the ones that you were operating are  
12 opened, how much stock do you usually keep on  
13 hand? Namely, how many - - What - - To fill the  
14 stock, what would it cost you if - - If I  
15 purchased a building and I wanted to fill it with  
16 a club the size of - - of what each one of your  
17 clubs was, how much inventory - - what would it  
18 cost me roughly?

19 THE LICENSEE: For initial starting?  
20 Initial starting, probably 1500 dollars worth of  
21 stock to get started.

22 ALDERMAN BOHL: The question I would  
23 pose for you is was there any part of your  
24 agreement where you - - You indicated that you  
25 just left the stock at - - at Wolfgang's club

00037

1 here on 13th and Euclid, you just left the stock  
2 there. Why, if you were concurrently running  
3 another pub, wouldn't you shift the - - the  
4 liquor bottles over to the other location?

5 THE LICENSEE: That's - - It is  
6 illegal. You do have to acquire your - - You  
7 cannot go to the liquor store or have your  
8 alcoholic beverages brought in by anyone other  
9 than the - -

10 MR. WHITCOMB: Wholesale dealer.

11 THE LICENSEE: - - wholesale dealer.

12 ALDERMAN BOHL: Well, I understand  
13 where you - - where you're allowed to purchase  
14 it, but you already legitimately purchased those  
15 items for your previously location, did you not?  
16 For the one in the City of Milwaukee?

17 THE LICENSEE: Yeah, the - - The  
18 inventory that was in the establishment I had  
19 purchased.

20 ALDERMAN BOHL: Are you telling me you  
21 can't legally transfer your inventory from one  
22 legal establishment where that was legally  
23 purchased to another? That's somehow tied to the  
24 address?

25 THE LICENSEE: From what I understand,

00038

1 no.

2 ALDERMAN BOHL: I fail to believe that.

3 THE LICENSEE: They're two separate

4 LLCs.

5 MR. SCHRIMPF: Mr. Chairman, he

6 believes there is a specific statute on that, and

7 we're checking that.

8 CHAIRMAN WITKOWIAK: Thank you.

9 ALDERMAN ZIELINSKI: Mr. Chairman.

10 CHAIRMAN WITKOWIAK: Alderman

11 Zielinski.

12 ALDERMAN ZIELINSKI: For one final

13 time, Mr. Chairman, again, I'd - - I'd like to

14 maintain that this - - this license was still in

15 place at this establishment, given the fact that

16 the city was not notified of any sort of change.

17 They left the license on the wall until August 20

18 - - 21st or whatever, clearly demonstrating that

19 not only was the license still in the licensee's

20 name, but they were attempting to purport that

21 this establishment was in their name. And while

22 Mr. Schrimpf states that the Statutes or the

23 Ordinances do - - do not stipulate on how to

24 address that particular matter, I would like to

25 know if the city attorney, what the city

00039

1 attorney's position would be if the city - - if  
2 the - - if this committee so decided that - - or  
3 took the position that this was still in the  
4 licensee's name. What would happen if this went  
5 to court?

6 MR. SCHRIMPF: That requires a whole  
7 great deal of research that I cannot do at this  
8 point in time, Mr. Chairman.

9 ALDERMAN ZIELINSKI: Okay. Well - -

10 MR. SCHRIMPF: It's really a lot of  
11 work that - - that's got to go into that. I  
12 can't give an opinion like that.

13 ALDERMAN ZIELINSKI: Well, Mr.  
14 Chairman, in - - in closing, I'd just like to say  
15 that what's been happening at this establishment,  
16 not even the close to a year being in business, I  
17 mean, it's - - This is a travesty to that  
18 neighborhood. It's caused tremendous pain and  
19 problems to that neighborhood. We have a special  
20 meeting tonight. People are afraid to leave  
21 their houses. I feel that it's important that  
22 this individual, again, left the license up.  
23 They - - They apparently entered into a lease  
24 agreement without notifying the city, et cetera,  
25 et cetera. I feel it's important for the city to

00040

1 send - - send a strong message that this type of  
2 behavior will not be tolerated, and we will act  
3 accordingly. And I would hope that the committee  
4 would still move forward with a recommendation to  
5 revoke this license, and let the matter go to  
6 court. And what will be will be.

7 ALDERMAN BOHL: Mr. Chairman.

8 CHAIRMAN WITKOWIAK: Alderman Bohl.

9 ALDERMAN BOHL: One or two other  
10 follow-up questions for - - for the - - the  
11 applicant or the - - the agent of Wolfgang's Pub  
12 here. Mr. Wasley, when Jim Brown, when it  
13 appeared that Jim Brown was not able to make the  
14 full 15,000 dollar payment in the initial term of  
15 the - -

16 MR. WHITCOMB: He did that.

17 ALDERMAN WADE: He did it. He - - He  
18 paid the 15,000.

19 MR. WHITCOMB: He paid 15 grand.

20 ALDERMAN BOHL: He did pay the 15  
21 grand.

22 ALDERMAN WADE: And he accepted 2,000  
23 more at the beginning of the month. Is that  
24 correct?

25 MR. WHITCOMB: Yup. Because he



00041

1 couldn't close on purchasing the real estate by  
2 the 10th.

3 ALDERMAN BOHL: During the interim time  
4 you served as a landlord, so to speak.

5 THE LICENSEE: Right.

6 ALDERMAN BOHL: Was there any follow up  
7 that you had with - - with him in terms of this  
8 is your property? Did you ever come back into  
9 the City of Milwaukee?

10 THE LICENSEE: No.

11 ALDERMAN BOHL: Any - - Any follow up  
12 with him as to what he was doing with the  
13 property? Were you getting any - -

14 THE LICENSEE: My biggest concern, and  
15 I did speak with him a couple times after July  
16 1st, was I wanted to close on the property, and I  
17 wanted to resolve this, because it started in  
18 late April or early May, and we were supposed to  
19 have closed on the property before July 1st. And  
20 when I found out it was in - - I think around  
21 August 10th I started calling him in early August  
22 to find out if we were still, indeed, going to  
23 close on it. He told me that he was not ready.  
24 He still had two properties he was selling. He  
25 was going to starker that money into the property

00042

1 I was selling him, and that - - My biggest  
2 concern at that time was - - was closing on the  
3 property and just selling it, not having anything  
4 to do with it.

5 ALDERMAN BOHL: Okay. Mister - - Mr.  
6 Whitcomb, you contended earlier here that - -  
7 that it was your understanding or your client's  
8 understanding that on the initiation on the  
9 signing of - - of the commercial lease agreement,  
10 that from that point your client's interest in  
11 this location with a valid - - with a valid  
12 liquor license was then terminated, null and  
13 void, virtually, actually didn't exist. Is that  
14 correct?

15 MR. WHITCOMB: No. The Wolfgang Pub,  
16 LLC, as the earlier tenant when it had the  
17 license, no longer had a right to occupy the  
18 premises, because it was leased to Jim Brown. It  
19 had no right to be on the premises. He could not  
20 have operated with the license, because it had no  
21 right to be on the premises. And it basically  
22 conveyed the property, via the lease, as opposed  
23 to an outright purchase, which they were  
24 attempting to achieve.

25 ALDERMAN BOHL: Okay. It was - - It

00043

1           may have been my - - my misunderstanding. I  
2           thought that you had stated earlier that at that  
3           point the - - his - - his operation of a license  
4           with the City of Milwaukee was essentially non-  
5           existent. At that point a license is - - is tied  
6           to a location. Once I sign over ownership of  
7           that location my existence of a license ceases to  
8           exist. And the reason I - - I pose that, Mr.  
9           Whitcomb, is it seemed to me that you were  
10          implying at that time that your client was not  
11          culpable for the - - the injuries that were  
12          caused subsequent to August 1st, namely the  
13          triple homicide and the subsequent offenses with  
14          the strip - - with the private strip club at the  
15          same point, that I believe that later on you  
16          wanted to continue the operation of the license  
17          in his name, so that he would be able to sell it  
18          prior to the termination of - - of the one year  
19          term of - - of its lease here in February. In  
20          other words, you want your cake and eat it, too.

21                         MR. WHITCOMB: No. As indicated by the  
22          lawyer, the lease was terminated August 31st,  
23          2005. He was not going to pay any more rent at  
24          2,000 dollars a month on a month to month basis.  
25          And so from a period of July 1 to August 31st

00044

1 Wolfgang's Pub, LLC had no right to the property.  
2 It had no location under which to operate a  
3 liquor license, and then thereafter, effective  
4 September 1, the property is now back in the  
5 hands from a occupancy and ownership standpoint  
6 with Wolfgang Pub, LLC. He does not intend to  
7 reopen it under that name or under any name. But  
8 what he does intend to do is attempt to sell it  
9 to another proprietor.

10 ALDERMAN BOHL: Mr. Chairman, I would  
11 truly be interested if our court reporter could  
12 read back his earlier comments, because that's  
13 not what I recall. Maybe I miss - - Maybe I just  
14 misheard it.

15 MR. SCHRIMPF: Mr. Chairman. A read  
16 back can be done, and that's just fine. But it's  
17 - - In one of these it's very important for  
18 everybody to remember that nobody talks - -  
19 nothing - - during the read back. Otherwise, we  
20 lose the record.

21 COURT REPORTER: Can we just go off the  
22 record, so I can find it.

23 ALDERMAN WADE: Well, let me, Mr.  
24 Chair, if I may.

25 ALDERMAN BOHL: I don't know if anybody

00045

1 has interest in it.

2 ALDERMAN WADE: Okay. I - - I, you  
3 know, there are other committee members here, and  
4 I'm not exactly sure of what Mr. Whitcomb said,  
5 but it was my understanding that what he just  
6 stated is what he meant. That because he wanted  
7 his client to be able to get the full value of  
8 his property, that he wanted to keep the license,  
9 so he could sell it as a liquor establishment or  
10 a club, and he can get the full return on his  
11 investment. That's the way I understood it. I'm  
12 not exactly sure if that's how he stated it, and  
13 I'm not exactly sure if the rest of the committee  
14 understood it that way, but that was the  
15 understood - - standing I had that that was his  
16 most important reason for not wanting it to be  
17 revoked.

18 CHAIRMAN WITKOWIAK: However, I'm not  
19 sure that matters. Because - - Because you don't  
20 sell the license, and you don't transfer that  
21 license if somebody comes in and applies for a  
22 new license. So - -

23 MR. WHITCOMB: But if it's revoked,  
24 location related, no one can come in for 12  
25 months. And that - - That's the concern, as far

00046

1 as marketing the establishment, allow at least  
2 the next proprietor to come in and make his - -  
3 have a shot at getting a license within the next  
4 12 months.

5 CHAIRMAN WITKOWIAK: I see.

6 ALDERMAN DUDZIK: Mr. Chairman, I  
7 believe that Mr. Whitcomb stated that once  
8 already.

9 MR. WHITCOMB: I believe the question  
10 before the committee is whether a - - a licensee  
11 - -

12 MR. SCHRIMPF: That's what I thought.

13 MR. WHITCOMB: - - can be held  
14 accountable for conduct at a location to its  
15 license is attributable when the - - the - - when  
16 the licensee no longer has a right to occupy  
17 those premises. It's almost like a, what's the  
18 expression we use as lawyers - -

19 MR. SCHRIMPF: I'm looking at something  
20 else right now.

21 CHAIRMAN WITKOWIAK: I under - -  
22 understand your argument.

23 MR. WHITCOMB: He had no control of the  
24 premises, nor - - nor the conduct - -

25 CHAIRMAN WITKOWIAK: I understand your

00047

1 argument, but your problem is that license was  
2 still hanging in the premises.  
3 MR. SCHRIMPF: Mr. Chairman, with  
4 respect to the issue of disqualification, 90-12-8  
5 states, "Whenever any license is revoked, it  
6 shall be so entered of record by the City Clerk,  
7 and no other alcohol license shall be granted to  
8 such person." That would be this licensee.  
9 "From the date of the revocation of such license,  
10 any other person selling intoxicating liquors or  
11 fermented malt beverages on the premises,  
12 operated by the licensee, whose license has been  
13 so revoked. When any license is surrendered in  
14 lieu of a pending revocation or suspension  
15 proceedings, no other alcohol beverage license  
16 shall be granted to such person within 12 months  
17 of the date of its surrender, nor shall any part  
18 of the money paid for that license be refunded."  
19 So that's the Statute. That's the sections  
20 regarding a disqualification. "And no other  
21 intoxicating liquor license or fermented malt  
22 beverage license shall be granted within 30 days  
23 from the date of the revocation of such license  
24 to any other person to sell intoxicating liquors  
25 or fermented malt beverages on the premises."

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1                   So if you revoke this license, it  
2 effectively shuts it down for 30 days, not 12  
3 months. It would effectively shut it down 12  
4 months as to this licensee for that premises.  
5 We're talking about Wolfgang's Pub.

6                   MR. WHITCOMB: Isn't there - - I might  
7 be confusing sections. Isn't there a provision  
8 which states that when the nonrenewal or the  
9 revocation is related to the location of the  
10 establishment - -

11                   MR. SCHRIMPF: No, that's for a new  
12 license. That's - - That's a new license.

13                   MR. WHITCOMB: Location related three  
14 years?

15                   MR. SCHRIMPF: Right.

16                   ALDERMAN BOHL: No. That's one year.  
17 It's one year - - It's one year on a new license  
18 that's denied for the individual to reapply.  
19 Three years if it is deemed an unfit location.

20                   MR. SCHRIMPF: Unfit location, right.  
21 And then, even if it's deemed an unfit location,  
22 you can come in and change - - show changed  
23 circumstances.

24                   ALDERMAN BOHL: Correct.

25                   MR. WHITCOMB: Also, another legal



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1 point. Under State law the revocation of this  
2 license may affect his ability to maintain his  
3 license at his existing establishment. If my  
4 memory serves, and once again, what Mr. Schrimpf  
5 indicated, it's going to take some book work, at  
6 least as to the ramifications. I believe there's  
7 some Statutory provision that had - - that the  
8 revocation of one license will impact your  
9 ability to have a - - a license in another  
10 establishment. I think it's State law. It's not  
11 the municipal law.

12 MR. SCHRIMPF: Well, then it would be  
13 in 125-12.

14 MR. WHITCOMB: The qualifications?

15 MR. SCHRIMPF: And 125-12, "Effect" - -  
16 It's 4-C. "Effective revocation or suspension.  
17 When a license is revoked or suspended under the  
18 section, the Clerk of Court shall notify the  
19 authority which issued the license." Well, that  
20 would be after an appeal, no doubt. "If the  
21 license is revoked and no other license may be  
22 issued under this chapter to the person whose  
23 license was revoked or to any other person  
24 related to him or her, as owner, lessor, bailor,  
25 lender, within 12 months after the date of

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1 revocation, and no other license may be granted  
2 for the premises, covered by the revoked license  
3 within 60 days of the date of revocation." So it  
4 would affect him for 12 months anywhere under  
5 State law, and it would affect any other person  
6 for 60 days as to the premises.

7 ALDERMAN ZIELINSKI: Mr. Chairman.

8 CHAIRMAN WITKOWIAK: Alderman

9 Zielinski.

10 ALDERMAN ZIELINSKI: I think I have the  
11 perfect solution here. I'll be happy not to  
12 pursue and we withdraw the revocation request if  
13 this individual surrenders his license. If he  
14 surrenders his license right now, that doesn't  
15 negatively impact him at his other establishment.

16 MR. SCHRIMPF: I think it does.

17 ALDERMAN ZIELINSKI: It does?

18 MR. SCHRIMPF: Yeah.

19 MR. WHITCOMB: Because - - Because the  
20 surrender of the license. These proceedings can  
21 be dismissed as long as there's not a pending  
22 revocation hearing, a pending renewal hearing.

23 MR. SCHRIMPF: Are you done, Mr.

24 Whitcomb?

25 MR. WHITCOMB: No, no. Go ahead. I

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1 defer to you. You have the books in front of  
2 you.  
3 MR. SCHRIMPF: Okay. Mr. Wasley, how  
4 did you handle the transfer of stock between  
5 yourself and Mr. or Mrs. Brown?  
6 THE LICENSEE: Stock and trade?  
7 MR. SCHRIMPF: Pardon?  
8 THE LICENSEE: Stock and trade, you  
9 mean?  
10 MR. SCHRIMPF: Right. The alcohol in  
11 the place.  
12 MR. WHITCOMB: Just left it there.  
13 Right?  
14 THE LICENSEE: Yeah.  
15 MR. SCHRIMPF: Did you fill out what is  
16 called an alcohol beverage stock transfer?  
17 THE LICENSEE: No.  
18 MR. SCHRIMPF: I believe that should  
19 have been done.  
20 ALDERMAN WADE: Mr. Chair.  
21 CHAIRMAN WITKOWIAK: Alderman Wade.  
22 ALDERMAN WADE: I'm kind of confused on  
23 what our goal is here. If - - If the goal is for  
24 this gentleman from Wolfgang Pub, LLC to assume  
25 some of the responsibility for all of the things

00052

1 that went on during the time that he did not have  
2 control over an establishment that the city  
3 issued him a liquor license to have control over,  
4 his concern is he wants to get a return on his  
5 money and be able to operate in another location.  
6 He's already agreed to not open up at this spot  
7 and do business. What exactly are we trying - -  
8 What are we trying to do here? Because if we did  
9 - - If we - - The suggestion was for him to just  
10 give - - surrender his license, and if - - if we  
11 would have been able to do that, would that have  
12 brought us to the point that we needed to be as  
13 far as - - Because then he would surrender his  
14 license. He'd still be able to operate. But it  
15 still wouldn't assume any responsibility about to  
16 what happened in August.

17 What exactly are we trying to do here,  
18 is what I want to be clear on?

19 CHAIRMAN WITKOWIAK: It was the city  
20 - - assistant city attorney, I believe, explained  
21 that, if he - - if he surrenders his license  
22 while there is a pending revocation hearing, then  
23 he would not be able to hold a license in any  
24 premise in the State of Wisconsin for a period of  
25 one year. Is that correct? Did I understand

00053

1 that correctly?

2 MR. SCHRIMPF: That's basically it,  
3 yeah.

4 ALDERMAN WADE: So if he keeps his  
5 license but agrees not to operate at this  
6 location, does that or does that not achieve the  
7 same thing, and then he still gets to sell his  
8 business and make whatever profit he needs to  
9 make off of him - - his investment. He will no  
10 longer will be operating at this location. We're  
11 all - - We've all been assured of that. If - -  
12 If we're not going to hold him responsible for  
13 this, him keeping his license and moving on,  
14 doesn't that serve the same intention?

15 ALDERMAN ZIELINSKI: Mr. Chairman.

16 CHAIRMAN WITKOWIAK: Alderman  
17 Zielinski.

18 ALDERMAN ZIELINSKI: Thank you, Mr.  
19 Chairman. I can share with the committee that  
20 there's been problems at this establishment prior  
21 to this individual obtaining this - - this  
22 license, and after speaking with - - with the  
23 neighborhood they do not want - - It seems like  
24 there's a black cloud hanging over this place.  
25 They do not want another liquor establishment at

00054

1 this location. There's just been too many bad  
2 things going on, and this is the worst of the  
3 worst, and they don't want to take a chance on  
4 having to go through what they've been going  
5 through. So I want to maximize our chances and  
6 our opportunities to ensure for the people in  
7 that area that they do not have to deal with - -  
8 with another liquor establishment at that  
9 location.

10 I'm not - - I - - My intent is not to  
11 harm this individual at another location. I  
12 think that if we could remove this license at  
13 this location, that would achieve our goals.  
14 However, things are complicated now because it  
15 has been brought to our attention that if this  
16 license is revoked, and if I was to withdraw my  
17 - - my request to revoke this license, and he  
18 were to proceed to surrender the license, that  
19 still would negatively impact him at his other  
20 location. Is that correct, Mr. Schrimpf?

21 MR. SCHRIMPF: No.

22 ALDERMAN WADE: Mr. Chair.

23 CHAIRMAN WITKOWIAK: If there's a

24 pending - - There's a pending - -

25 ALDERMAN ZIELINSKI: So if I withdraw

00055

1 it.

2 ALDERMAN WADE: Mr. Chair, can I ask a  
3 question?

4 ALDERMAN ZIELINSKI: If I withdraw that  
5 under agreement that - - that he'll surrender it,  
6 then I think that's the solution.

7 CHAIRMAN WITKOWIAK: But he does not  
8 have to do that. If - - If we withdraw this - -  
9 If we end this hearing and he walks out of here,  
10 I believe he could go down the street and reopen  
11 the place if he wanted to.

12 ALDERMAN ZIELINSKI: Well - - Well,  
13 then I would hope that the committee then would  
14 pursue a revocation action against this - -  
15 against this licensee. The behavior that has  
16 taken place at this - - at this property is  
17 despicable, and this cannot - - this cannot go  
18 unchecked. There has to be some accountability  
19 here.

20 CHAIRMAN WITKOWIAK: You've documented  
21 that. Mr. Schrimpf, am I correct? If we - - If  
22 we make a gentleman's agreement to end this  
23 hearing and he walks out of here and decides  
24 tomorrow to open that place up.

25 MR. SCHRIMPF: He could do so.

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1 ALDERMAN ZIELINSKI: Okay. But I could  
2 come back, the following cycle, and reintroduce  
3 my revocation request. Is that correct?

4 MR. SCHRIMPF: That's true, as well.

5 ALDERMAN ZIELINSKI: Okay. So that  
6 would be - -

7 ALDERMAN WADE: Mr. Chair. Mr. Chair,  
8 can I ask - - Can I ask a question?

9 CHAIRMAN WITKOWIAK: Alderman Wade.

10 ALDERMAN WADE: Thank you. Even if - -  
11 Even if he - - If he decides to sell this  
12 establishment to another business person, they  
13 have to come before us, and we have to give - -  
14 we have to give them our blessing that they can  
15 operate a liquor establishment in that location.  
16 Now if we have the alderman, the residents in the  
17 area, et cetera, et cetera, saying that they  
18 don't want this location. He's selling his  
19 business and - - and the person buys it, you  
20 know, that - - that is - - that's something that  
21 we will be able to address and move forward on at  
22 a different time on a different day. We still  
23 have control over it. Even if he - - Even if he  
24 wanted to reopen it, we have control over when  
25 his license is renewed, so on and so forth. So



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1 this committee, the way I see it, will have a big  
2 say on what business goes there after he leaves.  
3 The key thing now is him leaving, and the Mr.  
4 Brown or whoever that is, is not occupying this  
5 location.

6 ALDERMAN ZIELINSKI: But I - - I  
7 believe it's easier though to - - to get a  
8 license at an existing location if there's an  
9 existing license at that - - at that location.  
10 Whereas if there's a license that's been revoked  
11 or it's been surrendered, that makes the - - the  
12 hurdle that the next individual has to cross - -

13 ALDERMAN WADE: But it all comes in  
14 front of this committee.

15 ALDERMAN BOHL: It's irrelevant.

16 ALDERMAN ZIELINSKI: Okay. I - - I  
17 believe that it's important to send a message to  
18 - - to the people in this community and other  
19 people that they won't want to play games with  
20 the Common Council and the licensing procedures  
21 by engaging in these - - in these secret leasing  
22 deals and - - and all this other, you know,  
23 complicated stuff. I believe we have a - -

24 MR. WHITCOMB: I have to object to  
25 that. There's absolutely no evidence of any

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1 wrongdoing on behalf of my client. All we have  
2 is - -

3 CHAIRMAN WITKOWIAK: Your objection is  
4 noted. I - - I think that someone with his  
5 experience, he's not a newcomer in this - - I do.  
6 What I don't understand, what I absolutely don't  
7 understand was why when - - especially with his  
8 experience. If this was his first time he ever  
9 had a bar and - - and he didn't know anything  
10 about this. But with his experience I don't  
11 understand why you went through that place, you  
12 took out your personal property. You took out  
13 everything of value, and you did not take that  
14 license off the wall. That just bothers the heck  
15 out of me. That bothers the heck out of me. You  
16 know what I would have done? The first thing I  
17 would have done was take that license off the  
18 wall.

19 ALDERMAN ZIELINSKI: I think the  
20 solution is simple. I will agree to withdraw my  
21 - - my revocation request in return for Mr.  
22 Wasley's agreement to, after the meeting, to go  
23 downstairs and surrender his license. This way  
24 it will not affect him at his other property.  
25 And everything will be fine. If he doesn't want

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1 to - - If he doesn't want to do that and agree  
2 with that, then I will pursue my revocation  
3 complaint.

4 I feel - - Just in my closing comments,  
5 I feel, again, that the behavior of the - - I  
6 said it. I promise I won't say it again. But  
7 this has caused tremendous turmoil in my  
8 district. Triple homicide. And I've spoken to  
9 many people about this matter. We're having a  
10 special meeting tonight, and I think it's  
11 important to send a strong message that we will  
12 not tolerate this type of behavior, and I think  
13 it warrants this type of action. And I'm trying  
14 to be as fair as possible by affording him this  
15 opportunity, and I'm willing to withdraw it. I  
16 think that's a good compromise.

17 ALDERMAN WADE: Mr. Chair.

18 CHAIRMAN WITKOWIAK: Alderman Wade.

19 ALDERMAN WADE: If - - If that's the  
20 agreement that can be agreed upon at this table,  
21 then he can just do that right here while we're  
22 sitting here. He don't have to go anywhere.

23 MR. WHITCOMB: I can't counsel him on  
24 that. Because I have to look into it further, as  
25 to the impact of his existing license. I can't

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1 make that judgment call, as his counsel, right  
2 now today, that I - - I can't convincingly and  
3 confidently tell him today if you surrender your  
4 license today, it won't have an adverse impact on  
5 either your existing establishment or your  
6 ability to have - - for a purchaser to get a  
7 license at the new location.

8 I respectfully submit that based upon  
9 the evidence that has been presented, the  
10 complaint that has been filed in this matter is  
11 not sufficient to sustain the revocation of the  
12 license, because the substantial majority of the  
13 proof warranting revocation relates to the  
14 allegations against respondent's, Mr. Wasley and  
15 Wolfgang's, LLC for having been responsible and  
16 for permitting the conduct on the establishment  
17 on August 20th, Friday night, the triple  
18 homicide, and then the following Saturday on the  
19 private strip party. He was not responsible for  
20 that. We've established that and proved that.

21 CHAIRMAN WITKOWIAK: The problem you  
22 have is that license is still hanging on the  
23 wall. That's - - That's the way I - - That's  
24 what I see is the problem.

25 MR. WHITCOMB: If that's going to be

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1 the grounds for revocation, then a new complaint  
2 must be issued that the - - that this license  
3 should be revoked for failure of the licensee not  
4 to maintain possession of his license when he  
5 vacated the premises and turned - - turned it  
6 over. We are not here today prepared to answer  
7 those charges. I - - I - -

8 CHAIRMAN WITKOWIAK: We were not - -  
9 This - - This body nor the license division was  
10 not informed of the transfer of ownership. So as  
11 far as we're concerned, he was still the licensee  
12 on - - on the night - - those nights of those two  
13 events. What do you think?

14 MR. WHITCOMB: I agree - - I agree, Mr.  
15 Chairman. But at these proceedings we have not  
16 been noticed that he could run the threat of  
17 having his license be revoked because he failed  
18 to notify the city that he was vacating the  
19 premises or because he failed to remove his  
20 license from the wall.

21 CHAIRMAN WITKOWIAK: I'm not saying  
22 that. I'm saying he was still running the place  
23 when these incidents occurred.

24 MR. WHITCOMB: He was not. There's no  
25 evidence to that effect.

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1                   CHAIRMAN WITKOWIAK: The license is  
2 hanging on the wall, and we weren't notified that  
3 there was somebody else in there. He was run - -  
4 He was running the place as far as I'm concerned.

5                   MR. SCHRIMPF: But, Mister - - But, Mr.  
6 Chairman, though Mr. Whitcomb and I rarely agree  
7 on things, there is one area where I think there  
8 is some agreement here. He is going to have to  
9 have time to figure out the effect of the  
10 proposal on his client, and I'm going to have to  
11 have time to figure out the effect of this on the  
12 City of Milwaukee in order to properly advise the  
13 committee. And in - - in addition, there - -  
14 there is the issue of - - of the license that  
15 wasn't removed, and I've got to be real honest  
16 with the committee, without a whole lot of  
17 searching, it seems to me there is a concern as  
18 to what his real legal requirement was to notify  
19 us of the sale. If we're talking about a change  
20 in the premises, I mean, there is - - there is  
21 something there. But it doesn't spell out who is  
22 required to notifying us of the changes. That's  
23 - - That's one thing.

24                   And the - - the other issue that's - -  
25 that's pending here is that in point of fact, if

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1 you - - if you will, there was a kind of a  
2 notification, because another license applicant  
3 was taking over the premises, or at least had  
4 made application to take over the premises. So  
5 there may have been some effective notification.  
6 And finally, I - - I want to check out this  
7 business of the transfer of stock, because - -  
8 And when I say stock, I'm talking about the  
9 liquor stock, the alcohol stock on the premises.  
10 Because there may be some regulations on that  
11 that are applicable, as well.

12 ALDERMAN BOHL: Mr. Chairman.

13 CHAIRMAN WITKOWIAK: Alderman Bohl.

14 ALDERMAN BOHL: I'm - - Mr. Chairman,  
15 I'm going to tell you what you're going to find  
16 out right now with no legal expertise,  
17 whatsoever. And that is it is the culpability of  
18 the license holder to turn that in, for one of a  
19 couple reasons. First off, I can purchase any  
20 building, what - - in the city, as long as I have  
21 the money and - - and meet the agreements,  
22 whether it's a nightclub or not. It doesn't mean  
23 that I'm going to open a nightclub there. So I  
24 could purchase a building that I just want to let  
25 it sit, and just - - and if - - and if I purchase

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1 his building where he's the license holder and he  
2 doesn't turn in his license, it's not my  
3 responsibility if I have no intentions of getting  
4 a liquor license there and never apply for one,  
5 to call up the city and say, well hey, you know,  
6 I bought it from Joe Blow, and Joe doesn't have a  
7 license anymore. I just thought I'd let you  
8 know. It's Joe Blow's responsibility. Because  
9 you know why? If something happens there that's  
10 culpable and it  
11 - - and it's run in terms of liquor, it's his  
12 license, his personal responsibility there.

13 It's - - It's his termination. It's  
14 not mine, my job to - - to call in and - - and  
15 tell him that. I mean, I think that that's what  
16 you're going to find, and I'm going to tell you  
17 that very candidly, I'll - - I'll bet the change  
18 in my pocket on that. And I'm carrying more than  
19 I normally do.

20 MR. SCHRIMPF: That may be the result.  
21 I mean, that may be correct.

22 ALDERMAN BOHL: But - - But beyond  
23 that, beyond that, I think - - I think that this  
24 committee ought to - - And, Mr. Chairman, I would  
25 make the suggestion that this committee provide a



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1 five or ten minute recess and allow the - - the  
2 two men with - - the two men with law degrees or  
3 two of the three here, to - - to sit down, do  
4 their thinking of minds, consider, look, find out  
5 what the ramifications are going to be, and move  
6 this on, because otherwise, I suggest that this  
7 body move forward with the revocation, create  
8 some findings, and then make you guys busy in a  
9 lot of other ways. Well, because - - because you  
10 know what? After 14 and a half hours, frankly,  
11 we don't deserve to be sitting around bantering  
12 on - - on decisions right now and today and  
13 tomorrow and coming back. I think we can move  
14 forward from - - Mr. Chairman, I would make the  
15 suggestion that we move forward then with this  
16 hearing, and then - - and then render a  
17 determination here and now. Allow - -

18 MR. SHRIMPFF: Well, Mr. Chairman, I  
19 can tell you that five minutes is not going to be  
20 sufficient.

21 ALDERMAN ZIELINSKI: Mr. Chairman.

22 CHAIRMAN WITKOWIAK: Alderman

23 Zielinski.

24 ALDERMAN ZIELINSKI: I - - I concur  
25 with Alderman Bohl's comments 110 percent. We

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1 all know full well that this individual's license  
2 would have been revoked had it not been for this  
3 secret lease, whatever, kind of deal.

4 MR. WHITCOMB: I object. Continue to  
5 object to those accusations. There's absolutely  
6 no evidence that my client was engaged in any  
7 wrongdoing, other than the unrequired obligation,  
8 it's not even an obligation, the un - -  
9 unrequired need in hindsight for him to have  
10 surrendered his license on June 1, 2005. There's  
11 no requirement in the law for him to do that.  
12 There's no obligation, liability or otherwise to  
13 do that. And these continued comments that he  
14 was engaged in some sort of wrongdoing, without  
15 evidence to support it, I have to object to.

16 ALDERMAN ZIELINSKI: Okay, I - -

17 ALDERMAN BOHL: Mr. Chairman, but there  
18 was a lawful requirement that he do so by June  
19 11, and he didn't. Furthermore, I still want  
20 that thing read, because I'm willing to tell you  
21 that Mr. Schrimpf said early on that his  
22 client - -

23 ALDERMAN ZIELINSKI: Mr. Schrimpf.

24 ALDERMAN BOHL: Mr. Whitcomb - - Mr.  
25 Whitcomb, I am certain that Mr. Whitcomb stated

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1 that his client had the lawful knowledge that at  
2 that time his license was null and void. At such  
3 time - - we'll accept it on face value, and say,  
4 you know what, on June 1 you thought it was null  
5 and void. It is null and void. We'll just  
6 finish it off for you right here. So, will  
7 counsel make the deal right here and now at the  
8 table?

9 MR. WHITCOMB: I - - I would ask - - I  
10 would suggest that this matter be held at the  
11 Call of the Chair. It will allow Mr. Schrimpf  
12 and I to determine the legal impact of what the  
13 local alderman is suggesting to resolve this  
14 matter, so I can adequately counsel my client.  
15 And then if we cannot come to an agreement, then  
16 Mr. Schrimpf would be in a further position to  
17 advise this committee of what it then may - - may  
18 do to further these revocation proceedings. I  
19 don't know if we're going to resolve it within  
20 the next five minutes as requested, but I  
21 understand the frustration.

22 CHAIRMAN WITKOWIAK: On the subject of  
23 this notification, the simple fact that someone  
24 else applied for a license in this location means  
25 nothing to me, because people speculate about

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1 buying taverns all the time, and an astute  
2 purchaser would make that a contingency in his  
3 offer to purchase, that he - - that he obtain a -  
4 - a license, so he could go down and apply.  
5 Happens all the time, while somebody else is  
6 running the place under their own license. So  
7 the simple fact that somebody else applied, I'm  
8 thinking, the simple fact that somebody else  
9 applied for a license on June 15, 2005 is not  
10 notification. That does not serve as  
11 notification that the other guy is - - is  
12 discontinuing his business.

13 MR. WHITCOMB: Mr. Schrimpf, the only  
14 adverse effect of surrender - - surrendering your  
15 license pending a disciplinary hearing on the  
16 license, that's just contained in City  
17 Ordinances. Correct?

18 MR. SCHRIMPF: Correct. That is not in  
19 the Statutes.

20 MR. WHITCOMB: Well, if we can have the  
21 assurances from this committee that the issue of  
22 surrendering the license today in exchange for  
23 the withdrawal of this revocation proceeding will  
24 not have an adverse effect on a subsequent  
25 applicant for a license at this establishment - -

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1 MR. SCHRIMPF: It will for 30 days.  
2 90-13-8B. "No other intoxicating  
3 liquor license or fermented beverage license  
4 shall be granted within 30 days from the date of  
5 the revocation of such license to any other  
6 person to selling intoxicating liquors or  
7 fermented malt beverages on the premises operated  
8 by the licensee whose license has been so  
9 revoked."

10 MR. WHITCOMB: No, I'm talking about  
11 surrendered. Surrendering a license, pending the  
12 revocation renewal hearing.

13 MR. SCHRIMPF: Oh, wait a minute.  
14 Right, 30 days, you're right.

15 MR. WHITCOMB: That's if it is revoked.  
16 What about surrenders?

17 MR. SCHRIMPF: I'm reading the  
18 surrender. "When any license is surrendered, in  
19 lieu of a pending revocation or suspension  
20 proceeding, no other alcohol beverage license  
21 shall be granted to such person within 12 months  
22 of the date of its surrender nor shall any part  
23 of the money paid for any license that has been  
24 surrendered shall be refunded."

25 ALDERMAN WADE: Mr. Chair.

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1 ALDERMAN BOHL: If it's withdrawn, it's  
2 not pending.  
3 ALDERMAN WADE: Can I ask a question?  
4 MR. SCHRIMPF: If it's withdrawn, it's  
5 not pending.  
6 ALDERMAN BOHL: It's not applicable.  
7 MR. WHITCOMB: If that's the  
8 understanding - -  
9 ALDERMAN ZIELINSKI: So let me make  
10 sure I understand this.  
11 CHAIRMAN WITKOWIAK: First - -  
12 ALDERMAN ZIELINSKI: Thank you, Mr.  
13 Chairman. Okay. Let me make sure I understand  
14 this correctly. I withdraw my complaint. Mr.  
15 Wasley surrenders his license. This does not  
16 negatively impact him in his other establishment.  
17 We don't want to go that far. I just want to  
18 make sure that this place - - that there is a  
19 strong message sent with respect to this place  
20 here. Did I understand you correctly to say that  
21 you would agree to do that, provided that the  
22 committee were to understand that this would not  
23 negatively impact any future liquor application  
24 at this location?  
25 MR. WHITCOMB: I think we have an

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1 understanding that if the revocation proceeding  
2 - - that if there are not any pending revocation  
3 proceedings, that it wouldn't become an issue.

4 ALDERMAN ZIELINSKI: Correct.

5 MR. SCHRIMPF: Now, Mr. Chairman, let  
6 me just - - Let me just make sure of this here,  
7 because 90-13-7 says, "In the event that a  
8 licensee wishes to surrender his or her license  
9 after receiving notice of a hearing on revocation  
10 or suspension." That has happened. "The licensee  
11 must request in writing permission from the  
12 proper licensing committee of the Common Council  
13 to do so prior to the commencement of the  
14 hearing. The committee may approve the request  
15 or deny the request and proceed with the  
16 suspension or revocation hearing. In the event a  
17 licensee who has surrendered his license wishes  
18 to have the surrendered license returned,  
19 regardless of whether the licensee was  
20 surrendered pursuant to paragraph A, the licensee  
21 must request in writing permission from the  
22 licensing committee to do so and appear before  
23 the committee at day, time and place specified in  
24 a written notice provided to the licensee by the  
25 City Clerk. The committee may approve the

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1 request and return the license or may make a  
2 recommendation to deny the request." Okay.

3 The problem that you have here is that  
4 the licensee has received notice and we have  
5 commenced the hearing. You have two problems.

6 ALDERMAN BOHL: Mr. Chairman.

7 CHAIRMAN WITKOWIAK: Alderman Bohl.

8 ALDERMAN BOHL: If we get through all  
9 the mumble-jumble legalese, it's ultimately - -  
10 In layman's terms wasn't that saying, Mr.  
11 Schrimpf, that he, upon surrendering his license,  
12 could ultimately petition to have ability to be  
13 heard to have the opportunity to have another  
14 hearing again to take it back.

15 MR. SCHRIMPF: Yes.

16 ALDERMAN BOHL: We don't have to grant  
17 him that ability for the hearing. He could  
18 actually surrender his license and prior to the  
19 one year expiration of his license, his yearly  
20 expiration, he could come back in two months and  
21 say, I want an opportunity and I'd like to appeal  
22 for an opportunity to come back and - - it's an  
23 appeal to actually have the hearing. We deny the  
24 appeal. He never has another hearing. He  
25 doesn't come back.



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1 MR. SCHRIMPF: I think the solution  
2 would be for the alderman to withdraw the  
3 complaint. The committee to dismiss the  
4 complaint. The licensee give the license over to  
5 the license division. I think that's the  
6 solution.

7 ALDERMAN ZIELINSKI: That sounds good.  
8 MR. SCHRIMPF: Or for the committee - -  
9 Or for the committee simply to dismiss the  
10 complaint and the licensee to surrender the  
11 license to the license division.

12 ALDERMAN ZIELINSKI: That sounds like a  
13 - - like a very reasonable - -

14 MR. SCHRIMPF: Because then you have an  
15 adjudication on the complaint dismissal.

16 ALDERMAN ZIELINSKI: I think it's - -  
17 Mr. Chairman.

18 CHAIRMAN WITKOWIAK: Alderman  
19 Zielinski.

20 ALDERMAN ZIELINSKI: I think it's  
21 important if this license is surrendered today,  
22 that the people in that neighborhood know that  
23 there was action taken to address these severe  
24 instances that have occurred at that  
25 establishment, and that there is no longer a

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1 license at that establishment. So I would be - -  
2 I think that that's a fair and reasonable way to  
3 deal - - to address this issue.

4 MR. SCHRIMPF: And, Mr. Chairman, I  
5 believe the dismissal could be predicated on the  
6 fact that the licensee was not technically in  
7 possession of the premises at the time. Granted  
8 there was the license on the wall, and there may  
9 be issues regarding a collusive agreement and  
10 whatnot, but we have no investigation of that.  
11 Police department has no investigation of that.  
12 And - - And there is - - There is - - And it  
13 hasn't been noticed as a grounds for revocation,  
14 as counsel has pointed out.

15 ALDERMAN ZIELINSKI: One final - - One  
16 final question. I hate to mucky up the waters  
17 when I think we got a solution here. But let's  
18 say we do as you say and the matter is dismissed  
19 and they don't follow through on the - - on the  
20 surrendering of the license. I don't think we're  
21 in a position - -

22 MR. WHITCOMB: Surrender is just an  
23 expression of words.

24 ALDERMAN WADE: He can do that right  
25 here and now at the table.

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1 MR. WHITCOMB: It's not printed on a  
2 piece of paper.  
3 ALDERMAN ZIELINSKI: Okay. So he can  
4 sign it right here and now - -  
5 ALDERMAN WADE: Yeah, he can do that  
6 right now.  
7 ALDERMAN ZIELINSKI: - - for this  
8 establishment.  
9 MR. SCHRIMPF: Right.  
10 ALDERMAN ZIELINSKI: Okay. But he has  
11 - - But he has to do that after I with - - after  
12 I withdraw, then the committee.  
13 MR. SCHRIMPF: I think it's better if  
14 the committee dismisses the complaint.  
15 ALDERMAN ZIELINSKI: Okay. Let's  
16 say - -  
17 MR. SCHRIMPF: If you withdraw the  
18 complaint, there's nothing for the committee to  
19 dismiss. I think the committee has to dismiss  
20 it, based upon the fact that the licensee was not  
21 in actual possession of the premises at the time.  
22 And then, he turn over the complaint. I think  
23 that's the solution for handling this.  
24 ALDERMAN WADE: So you need someone to  
25 make a motion.

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MR. SCHRIMPF: Right.

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CHAIRMAN WITKOWIAK: Alderman Bohl, did you have some concerns before we proceed any further?

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ALDERMAN BOHL: That we get out of here sooner, rather than later.

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MR. SCHRIMPF: This didn't seem to be of concern yesterday.

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Is this acceptable? I just - -

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ALDERMAN BOHL: Mr. Chairman.

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CHAIRMAN WITKOWIAK: I will entertain a motion.

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ALDERMAN BOHL: Mr. Chairman, I would move to dismiss the complaint for a recommendation on seeking the revocation of the Class "B" and tavern dance license for Allyn Wasley, based upon the fact that there is insufficient evidence at the time that the given materials provided to committee in the commercial lease agreement, that there was insufficient evidence that the premises was in his - - was in his control at the time when the - - when the charges, the criminal charges alleged in the complaint took place. I would move for at this point dismissal of the charges.

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1                   CHAIRMAN WITKOWIAK: Motion by Alderman  
2 Bohl is to dismiss as read. Are there any  
3 objections to that motion? Let's take a roll  
4 call.  
5                   MADAME CLERK ELMER: Alderman Bohl?  
6                   ALDERMAN BOHL: Aye.  
7                   MADAME CLERK ELMER: Alderman Wade?  
8                   ALDERMAN WADE: Aye.  
9                   MADAME CLERK ELMER: Alderman Dudzik?  
10                  ALDERMAN DUDZIK: Aye.  
11                  MADAME CLERK ELMER: Mr. Chair.  
12                  CHAIRMAN WITKOWIAK: Aye.  
13                  MR. WHITCOMB: Mr. Chairman, if I may?  
14                  CHAIRMAN WITKOWIAK: Please.  
15                  MR. WHITCOMB: In light of the  
16 dismissal of the complaint, Mr. Allyn J. Wasley,  
17 as the agent for Wolfgang's Pub, LLC, will you at  
18 this time surrender your license to the premises  
19 3164 South 13th Street, Milwaukee, Wisconsin?  
20                  MR. WASLEY: Yes.  
21                  MR. SCHRIMPF: Now, I think, Mr.  
22 Chairman, there has to be a motion by the  
23 committee to accept the surrender.  
24                  ALDERMAN BOHL: Mr. Chairman.  
25                  CHAIRMAN WITKOWIAK: Alderman Bohl.

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1 ALDERMAN BOHL: I would move to - - to  
2 accept surrender of - - of Allyn Wasley, of the  
3 tavern and tavern dance licenses for Wolfgang  
4 Pub, as the licensed premises located at 3164  
5 South 13th Street.

6 CHAIRMAN WITKOWIAK: Motion by Alderman  
7 Bohl is to accept the surrender of the tavern and  
8 tavern dance licenses for the premises known as  
9 Wolfgang's Pub, 3164 South 13th Street. Any  
10 discussion on the motion? Let's take a roll call  
11 vote.

12 MADAME CLERK ELMER: Alderman Bohl?

13 ALDERMAN BOHL: Aye.

14 MADAME CLERK ELMER: Alderman Puente?

15 Sorry. Alderman Wade?

16 ALDERMAN WADE: Aye.

17 MADAME CLERK ELMER: Alderman Dudzik?

18 ALDERMAN DUDZIK: Aye.

19 MADAME CLERK ELMER: Mr. Chair.

20 CHAIRMAN WITKOWIAK: Aye. Vote is four  
21 to nothing in favor of accepting the surrender.

22 ALDERMAN ZIELINSKI: Thank you, Mr.

23 Chairman. Members of the committee.

24 SERGEANT ULICKEY: Mr. Chairman, may I  
25 make a comment. I'm not privy to all the rules

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1 of order. However, I would like to let the  
2 viewing public know that if an investigation such  
3 as a person operating a tavern under the guise of  
4 another person, namely the owner, if that  
5 violation is brought to the police department's  
6 attention, it will be investigated as a collusive  
7 agreement.

8 Just to clarify, so people don't think  
9 that they can just run taverns under somebody  
10 else's name.

11 CHAIRMAN WITKOWIAK: And we appreciate  
12 you - - We appreciate you making that public.  
13 And I - - I fear that this is happening in more  
14 than one place in the City of Milwaukee, as we  
15 speak. And I would - - And I - - I would support  
16 any - - any police department investigation into  
17 such matters.

18 SERGEANT ULICKEY: Thank you.

19 CHAIRMAN WITKOWIAK: Being no further  
20 business to come before this committee today, we  
21 stand adjourned.

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2 STATE OF WISCONSIN)

3 MILWAUKEE COUNTY )

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JEAN M. BARINA - COURT REPORTER

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Dated this            day of September, 2005

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