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CITY OF MILWAUKEE
LICENSES COMMITTEE HEARING

In the Matter of:
MID CITY AUTO SALVAGE
2431 North 30th Street - 15th District

COMMITTEE MEMBERS

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

HEALTH DEPARTMENT by PANDORA BENDER
POLICE DEPARTMENT by SERGEANT CHET ULICKEY
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF
CAROL KIMBALL - Aldermanic Aide 15t District

OFFICE OF THE CITY ATTORNEY, by THOMAS BEAMISH

VICTOR PLANTINGA, JENNIFER BAUMAN, Attorneys-at-law,
appeared on behalf of the Applicant.

Proceedings had and testimony given in the
above-entitled matter before the LICENSES COMMITTEE OF
THE CITY OF MILWAUKEE on the 27th day of June, 2006,
before Terese M. Schiebenes of Milwaukee Reporters
Associated, Inc.

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PROCEEDINGS

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(All City Personnel were previously sworn.)

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CHAIRMAN BOHL: Good afternoon. This is a
4 resumption of the Common Council Licenses Committee
5 for Tuesday, June 27th, 2006. It is now approximately
6 1:35 p.m. We're resuming with the afternoon agenda.
7 We have one item on the agenda. That is for Alfred
8 Talyansky, Auto Wrecker, Junk Dealer, and Junk
9 Collector applications as agent for Lev & Ed, Inc. for
10 Mid City Auto Salvage at 2431 North 30th Street. If
11 the applicant is here, come forward to the table.
12 Mr. Talyansky, are you represented by counsel?

13

MR. PLANTINGA: Yes, he is.

14

CHAIRMAN BOHL: And if you could identify
15 yourselves, please.

16

MR. PLANTINGA: Victor Plantinga and
17 Jennifer Bauman on behalf of Mid City Auto Salvage.

18

CHAIRMAN BOHL: Thank you. Carol, you as
19 well as Mr. Talyansky will need to raise your hands,
20 we'll swear you in, please.

21

(Whereupon, witnesses were duly affirmed.)

22

CHAIRMAN BOHL: Mr. Talyansky, name and
23 address for the record, please.

24

MR. TALYANSKY: Home or business?

25

CHAIRMAN BOHL: Home, please.

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1 MR. TALYANSKY: 4327 North Madero Drive,
2 Mequon, Wisconsin, 53092.

3 CHAIRMAN BOHL: Your name for the record
4 officially?

5 MR. TALYANSKY: Alfred Talyansky.

6 CHAIRMAN BOHL: Do you acknowledge receiving
7 notice of today's meeting with the possibility that
8 your application could be denied? There are a number
9 of reasons cited, including matters contained in an
10 attached police report as well as objections to the
11 granting of such a license will have an adverse impact
12 on the public health, safety, welfare of the
13 neighborhood, creating litter, noise, traffic
14 problems, and other undesirable neighborhood problems,
15 that objections to the granting of such a license due
16 to the applications as an auto wrecker in the City of
17 Milwaukee without the required licenses and the
18 applicant's previous record of operating such a
19 business.

20 Additionally, the applicant has made
21 material misstatements in the application by
22 indicating that no one on the application has been
23 convicted of any federal or state laws. The police
24 report lists a conviction of concealing stolen
25 property in Milwaukee County Circuit Court. Do you

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1 acknowledge that notice?

2 MR. PLANTINGA: Yes.

3 MR. TALYANSKY: Yes.

4 CHAIRMAN BOHL: I also wanted to inquire

5 with you, because it is my understanding -- Mr.

6 Beamish, do you want to add anything?

7 MR. BEAMISH: Sure. Just for the record,
8 there are applications for two different licenses
9 before the committee, and I just noted to the chair
10 that your ordinances specify that the applicant is
11 entitled to a minimum period of time as far as notice
12 before a committee hearing, in one case five days'
13 notice, in another 10 business days, and it's my
14 understanding the applicant has waived the right to
15 the entitlement to have that period of time because of
16 the interest of having the committee take this matter
17 up, and I just wanted to be sure my understanding was
18 correct, and if there could be an acknowledge of that
19 by counsel or the applicant, that would be
20 appreciated.

21 MR. PLANTINGA: Yes.

22 CHAIRMAN BOHL: That would be a request of
23 your client whether or not he would be willing to
24 waive the statutory requirement.

25 MR. PLANTINGA: We do waive statutory time

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1 limits.

2 CHAIRMAN BOHL: Great. Thank you very much.
3 We will go around the horn. Do we have anything from
4 the Health Department?

5 MS. BENDER: Nothing.

6 CHAIRMAN BOHL: Neighborhood Services?

7 MS. BENDER: No objection.

8 CHAIRMAN BOHL: Sergeant Ulickey.

9 SGT. ULICKEY: On 6/10 of '01 at 5:05 a.m.,
10 Mid City Auto Salvage received a citation for no city
11 alarm. They were found guilty and fined \$250. On
12 7/15/01 at 11:40 p.m., Mid City Auto Salvage received
13 a citation for no city alarm license at 2431 North
14 30th. They were found guilty and fined \$374. On
15 10/27/01 at 10:10 p.m., Mid City Auto Salvage received
16 a citation for no city alarm license. That was
17 dismissed without prejudice.

18 On 7/28 of '03 at 10:00 a.m., Mid City Auto
19 Salvage received a citation for non-registration of
20 auto, et cetera, found guilty, fined 75.20. On 7/28
21 of '03 at 10:00 a.m., Mid City Auto Salvage received a
22 citation for failure to display vehicle license plates
23 at 2100 West North Avenue. He was found guilty of
24 failure to display license plates.

25 On 6/15 of '06 at 9:47 a.m., Milwaukee

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1 police were sent to 2431 North 30th Street, Mid City
2 Auto Salvage, regarding a licensed premise check.
3 Officers spoke to the manager identified as Sean
4 Williams Brayden, who was not able to provide officers
5 with the documents that the auto salvage had obtained
6 a license for junk collecting and auto wrecking.
7 Brayden was issued citations for operating auto
8 wrecker business without a license, operating junk
9 collection or dealer business without a license. The
10 owners, Edward and Alfred Talyansky, were out of town
11 and unable to be contacted. That case is set for a
12 future court date on 8/9 of '06.

13 On 6/16 of '06 at 1:30 p.m., Milwaukee
14 police were sent to 2431 North 30th to perform a
15 licensed premise check at 2431 North 30th, Mid City
16 Auto Salvage. Officers found the business was in
17 operation, observed several tow trucks delivering
18 junked motor vehicles to the yard. Officers located
19 one of the owners, Alfred Talyansky, who was on the
20 premise. Investigation revealed that the business was
21 operating without a junk collector's license and
22 operating auto wrecker business without a license.
23 Talyansky was issued both citations for the two
24 violations. Those citations also have a future court
25 date of 8/9 of '06.

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1 On 6/19 of '06 at 10:05 p.m., Milwaukee
2 police conducted a licensed premise check at 2431
3 North 30th Street, Mid City Auto Salvage. Officers
4 spoke to Sean Brayden, who was the manager on the
5 scene. Brayden advised officers that they have
6 applied for a license and showed officers the license
7 application dated November 25th of '05. Brayden also
8 provided officers with an expired auto wrecker license
9 M0000324 and an expired junk collector dealer license
10 M0000329, both of which expired on April 30th of 2003.
11 Officers then issued Brayden two citations for the
12 above offenses because the business was still actively
13 collecting junk autos. Those citations have a future
14 court date of 8/9 of '06.

15 And on 6/20 of '06 at 12:15 p.m., the
16 applicant received two citations for operating auto
17 wrecker business without a license and operating a
18 junk collector or dealer business without a license.
19 Those two citations have a future court date of 8/9 of
20 '06.

21 CHAIRMAN BOHL: Thank you, Sergeant. Does
22 the applicant or his counsel have any questions or
23 comments?

24 MR. PLANTINGA: I do have comments. This is
25 not a case where they have flouted the requirement to

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1 have licenses. Up until 2003, they did have the auto
2 wrecker's license. They were under the impression
3 that after 2003, when they employed an independent
4 contractor to do their towing, that they no longer
5 needed an auto wrecker license. I don't think that
6 position, by the way, can be sustained. I think it's
7 clear that given their present operation, they do need
8 this auto wrecker's license, but I think that
9 certainly in the past they had arranged and made
10 proper arrangements to have that license available.

11 As for the junk collector's license, I think
12 there we may take issue with whether they are required
13 under the applicable ordinances to have a junk
14 collector's license. That matter is now pending in
15 the court, and we intend on challenging that. If this
16 committee believes that it would be prudent for us to
17 obtain that junk collector's license, we will do that,
18 as well. It was noted in the report that they have
19 applied for both those licenses. We fully intend to
20 obtain those licenses, if this committee grants us
21 permission for that.

22 The reason, as I explained before, that they
23 didn't have this auto wrecker license is that they
24 thought with the change in their business they were no
25 longer required to have it. It wasn't a case where

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1 this committee or any other committee denied them that
2 license. Had they in 2003 paid the applicable cost of
3 that, they likely would have been issued that license
4 and would have continued to have it up until today's
5 date. So speaking to that, I think it's important
6 that the committee recognize that.

7 The other problems that were noted, a lot of
8 them date back to 2001, having to do with the city
9 alarm problem. There was a time when they had a
10 third-party contractor, who was then notified of any
11 breach of the premises there. That alarm company was
12 very proactive in having the police respond to all
13 those. That's a problem that was true of many
14 businesses in that time period. I think what the
15 record really shows is that despite being in business
16 20 years at that location, they've had relatively few
17 police contacts, and certainly it appears that they
18 provided some stability to that neighborhood in terms
19 of economic support, and they have not been in
20 constant problems with the police in any regard.

21 CHAIRMAN BOHL: Counsel, let me ask you
22 this: You indicate that there was a question as to
23 whether or not your applicant believed that he needed
24 these licenses.

25 MR. PLANTINGA: Yes. The auto wrecker's

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1 license.

2 CHAIRMAN BOHL: The auto wrecker's license.

3 MR. PLANTINGA: Yes. I'm not saying that
4 that's a correct position on the law. Had they
5 consulted with us back in that time frame, I, having
6 read the ordinance, would have told them yes, you need
7 it. They thought because they had changed their
8 business and were having other towing companies bring
9 it to them that they didn't need it. They do.

10 CHAIRMAN BOHL: Which may explain, perhaps,
11 giving him the benefit of the doubt, the duration of
12 time in which he did not have a license. Now,
13 obviously on the 15th of June, just, what, a
14 week-and-a-half ago, he had an application before this
15 committee at that time, did he not?

16 MS. BAUMAN: He applied for one, yes.

17 CHAIRMAN BOHL: So he knew he was applying
18 for that license. Now, I'm going to ask you, Mr.
19 Talyansky, do you believe that if you don't have a
20 driver's license that it's prudent to get into a car
21 and to drive around and make illegal U-turns in front
22 of the police station?

23 MR. TALYANSKY: No, I don't.

24 CHAIRMAN BOHL: So you get cited on the
25 16th, you're in operation, the police department come

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1 out, they issue you citations telling you that you are
2 operating illegally. You know that you have Licenses
3 applications pending before the Common Council, and
4 yet they show up a day later, you've already been told
5 and cited with the fact that you shouldn't be
6 operating. Now, Counsel, I'll let you respond to this
7 one, because you tell me that when I get pulled over
8 by the police department without a valid driver's
9 license and they tell me you know mister, you're not
10 supposed to be driving and when I start to drive
11 around that same police station making illegal U-turns
12 the next day and they pull me over again, for me to
13 come before the judge five days later and say well, I
14 didn't know.

15 MR. PLANTINGA: A couple things could be
16 said there, and one is is that as for the June 15
17 contact with the police, both Mr. Talyansky, Edward
18 and Alfred, were out of town, and that's reflected in
19 the narrative. The other thing is is that they do
20 have, in addition to the operations that they conduct
21 there, they do have an Internet sales business, which
22 arguably would not require an auto wrecker or junk
23 collector license, and they do carry out those
24 operations out of that location.

25 CHAIRMAN BOHL: Item No. 9 on the police

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1 report, he was cited on the 16th. He was present
2 because it says officers found the business officers,
3 located one of the owners, Alfred Talyansky. And then
4 they're also cited on the 19th and on the 20th. How
5 can you explain that adequately to me?

6 MS. BAUMAN: And there may have been some
7 poor communication between client, our office, and the
8 police department, because I did take a call on or
9 about the 16th when the police came down. I actually
10 spoke with a police officer, and I said here's the
11 application. We were under the impression at that
12 point because the application -- and I'm not excusing
13 the behavior because, obviously, there is a need for a
14 license -- but they have nine employees. We didn't
15 want to lay off all the employees at that time.

16 So we were in the process. We thought we
17 were doing everything right. We were calling the
18 alderman. I know Attorney Rose in our office had met
19 with the alderman. We were under the impression as
20 long as the application was pending and they had some
21 of the other licenses that at that point they could
22 still be in operation.

23 CHAIRMAN BOHL: Should he ask you for a
24 refund? I've never heard of something so silly in
25 terms of advice that an attorney provides for their

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1 client. Do you believe that if he applies for the
2 Board of Zoning Appeals, if he's got his license in
3 that he can just start operating until such a point as
4 they even rule on it?

5 MS. BAUMAN: There was still a question
6 at that point whether or not the licenses were
7 required by this business in that we had licenses to
8 operate an auto salvage yard.

9 CHAIRMAN BOHL: What type of licenses did he
10 have to operate an auto salvage yard?

11 MS. BAUMAN: A state license at that point,
12 and there was some other --

13 CHAIRMAN BOHL: I'm aware that if you have a
14 state license to operate a child care facility and
15 you're a business, you still have to get local zoning
16 approval. You can't do one and just say hey, I've got
17 a state license, I can walk into any shop and start
18 operating today, the state says it's okay. For
19 somebody that's been an operator 20 years, there's no
20 excuse. You literally took a knife before you walked
21 into this hearing and started dragging it across your
22 throat. Alderman Puente.

23 ALDERMAN PUENTE: Thank you, Mr. Chair. To
24 the applicant; when your manager Sean got cited the
25 day before you did, did he tell you the police were

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1 there?

2 MR. TALYANSKY: Yes. He showed me the
3 tickets.

4 ALDERMAN PUENTE: So you knew. Did the
5 officers tell the manager that day not to operate
6 anymore?

7 MR. TALYANSKY: That I don't know.

8 ALDERMAN PUENTE: How about you?

9 MR. TALYANSKY: They told me that we're not
10 supposed to be bringing in cars into the yard and
11 sell, and at that point, we could not stop it because
12 there were cars coming from other cities that we
13 bought prior to these citations.

14 ALDERMAN PUENTE: Did you bring that to the
15 attention of the officers?

16 MR. TALYANSKY: I know I gave them -- I was
17 told that if we applied for the license, as long as we
18 hang it on the board that it's applied, that we can
19 operate like that.

20 ALDERMAN PUENTE: Who told you that?

21 MR. TALYANSKY: I think -- No. The police,
22 when they came in and they said do you have a license
23 and I said we have applied for that, we have license
24 applied for that, he said show it to me. It's all the
25 way from 11th month. I said we're still trying to be

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1 heard. But then they said that you cannot bring cars
2 in the yard anymore. And I don't know if you guys
3 know then after that last citation, we closed, we were
4 not open for business, we were not taking any cars,
5 our doors were closed.

6 ALDERMAN PUENTE: You were told this on the
7 16th, you personally were told that?

8 MR. TALYANSKY: The day after they gave it
9 to Sean, yes.

10 ALDERMAN PUENTE: That's June 16. Then you
11 get cited -- well, Sean does again on the 19th, and
12 then on the 20th again, too, correct?

13 MR. TALYANSKY: I don't know exactly when.

14 MS. BAUMAN: That's the date they closed.

15 ALDERMAN PUENTE: So why did you keep doing
16 it after you were told not to do it?

17 MR. TALYANSKY: I don't know. I don't know
18 what to say, I don't know what to say.

19 ALDERMAN PUENTE: Real quick, if I may, Mr.
20 Chair, to the Sergeant. I'm sure it's a technical
21 thing or typo, but on Item No. 8, they have Sean's
22 birth date as 9/5/62, and then on Item No. 10, the
23 same person has a date of birth of 9/5/67. That's
24 five years' difference. Is it one in the same people,
25 so if I'm starting to ask questions I'm sure who it

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1 is?

2 MR. TALYANSKY: They were copying a lot of
3 information from the old tickets, just so you know.

4 ALDERMAN PUENTE: Was he born in '62 or '67?

5 MR. TALYANSKY: I don't know when he's born.
6 I'm born in '67. They took his citation, they were
7 just copying a lot of information to make it faster.

8 SGT. ULICKEY: Mr. Talyansky's birthday is
9 4/5/67, and I can't answer for that except to say that
10 it's a typo.

11 ALDERMAN PUENTE: Thank you, Mr. Chair.

12 CHAIRMAN BOHL: Other questions by committee
13 relating to items in the police report at this time?

14 ALDERMAN DUDZIK: Mr. Chairman.

15 CHAIRMAN BOHL: Alderman Dudzik.

16 ALDERMAN DUDZIK: Perhaps Ms. Barron can
17 explain to me. What's the dollar amount on these
18 licenses?

19 MS. BARRON: The auto wrecker is \$250. I'll
20 have to check about the junk collector. I'm sure the
21 fine is about the same.

22 ALDERMAN DUDZIK: That was going to be my
23 next question. Just exactly what is your -- because
24 we don't have any adjudication on any of this stuff,
25 can you tell me what fine has been levied against your

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1 client?

2 MR. TALYANSKY: Well, there's two tickets in
3 the sum of close to \$500 every time you guys came out.

4 MS. BARRON: The junk dealer license is
5 \$250 and the junk collector license is \$125 per
6 vehicle.

7 ALDERMAN DUDZIK: Per vehicle?

8 MS. BARRON: Yes. But if you're a junk
9 dealer, you can collect junk, also. The junk
10 collector trucks are usually for people that pick up
11 cars and take them to different places to have them
12 compressed. So when the applicant came in our office
13 on Friday, I advised him he didn't need both the junk
14 collector truck and the junk dealer license.

15 ALDERMAN PUENTE: I make a motion to make
16 the police report part of the permanent record.

17 CHAIRMAN BOHL: The motion by Alderman
18 Puente is to make the entire police report part of our
19 permanent record in this matter, and hearing no
20 objections to that, so ordered.

21 ALDERMAN PUENTE: If I may continue.

22 CHAIRMAN BOHL: Go ahead.

23 ALDERMAN PUENTE: Sir, you say you stopped
24 on 6/20/06?

25 MR. TALYANSKY: After the last ticket, Doug

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1 called me, which is the other attorney, and he says
2 just close, close your shop, I guess you cannot
3 operate, even though you applied for the license and
4 you got it hanging, you cannot operate anymore.

5 ALDERMAN PUENTE: Four citations later you
6 came to that conclusion or your attorney did?

7 MR. TALYANSKY: I guess.

8 ALDERMAN PUENTE: Thank you.

9 ALDERMAN WADE: Mr. Chair. Thank you.
10 Correct me if I'm mistaken, but we had this item
11 before us in the past maybe about a year ago; is that
12 correct?

13 CHAIRMAN BOHL: I don't even believe it was
14 that long ago.

15 MS. BARRON: The application for the auto
16 wrecker was before the committee on April 25th, 2006.

17 ALDERMAN WADE: April 25th, 2006, so it
18 wasn't even that long ago. I know the last time they
19 were there they were doing some illegal operations and
20 we spoke on it. We had a couple people come in here
21 and speak against them about the business that they
22 were conducting, and at that time, this committee
23 explained to them that they didn't have their house in
24 order, that they needed to get their house in order,
25 and here we are again down the road dealing with some

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1 of these exact same issues, and it's being stated to
2 us that we didn't know, we weren't aware, we didn't
3 understand, and this is coming from a business that
4 has operated for 20-some years, and for you to come in
5 here and tell us that after we told you before, we
6 explained to you before, now you in here again telling
7 us that you just don't know, you don't understand, you
8 don't comprehend, I don't understand -- What are you
9 asking us to do? I don't understand -- You have to
10 know. We've told you, the police have told you, the
11 alderman's office have told you, the customers have
12 told you, and yet you still come in here and you tell
13 us that you don't know what's going on, you don't
14 understand.

15 CHAIRMAN BOHL: I believe at the time,
16 Alderman -- I may stand corrected -- when Mr.
17 Talyansky first appeared before us, there was a
18 request by the alderman's office for this committee to
19 hold the matter. I don't know if it was to engage in
20 a neighborhood meeting or a meeting between you and
21 the alderman's office.

22 MR. TALYANSKY: No. Doug Rose met with the
23 alderman. I wasn't even here the first meeting.

24 CHAIRMAN BOHL: I believe that was the
25 request, was it not?

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1 MR. TALYANSKY: And he met with him. I
2 don't know which alderman it was he met.

3 CHAIRMAN BOHL: Alderman Hines.

4 MR. TALYANSKY: Hines. And he met with him
5 last Thursday.

6 CHAIRMAN BOHL: Is that individual you're
7 speaking of a business partner?

8 MR. PLANTINGA: He's an attorney in this
9 firm. He's in court in another case today and
10 couldn't get that rescheduled.

11 CHAIRMAN BOHL: Are there any other
12 questions by committee members at this point of the
13 police report? If you have something to add, I'm
14 going to hear from you. I want to hear from the
15 alderman's office, and we'll allow you to make an
16 opening statement, if you will. If your comments are
17 in that regard, why don't you hold off. If you have
18 something relating to the police report here that you
19 want to add, I'll certainly give you that possibility
20 right now.

21 MR. PLANTINGA: I don't think there's
22 anything I need to add regarding the police report. I
23 think I've made the comments that I think are
24 important.

25 CHAIRMAN BOHL: I do want an opportunity to

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1 hear from the alderman's office here.

2 LEGISLATIVE AIDE: Good afternoon, Mr. Chair
3 and members of the committee, Carol Kimball, staff
4 assistant to Alderman Willie Hines.

5 Alderman Hines does not support Mid City's
6 practices, however, he does acknowledge the length of
7 time that they have been in the community, and they
8 have had a sustained business. We are not prepared at
9 this time to say that all of the negative behavior of
10 the past couple of years should be offset by 17 prior
11 years of good practices because the negative practices
12 that are before the committee are far outweighing
13 those positive practices from the past. Because,
14 quite frankly, laws have been broken and we conveyed
15 to Attorney Rose that they should not be in operation
16 without the license, that Alderman Hines supported
17 again the length of time that they had been a
18 contribution to the community, but we could not not
19 acknowledge the practices that they've had of late.

20 We have compiled information, we've gone to
21 the Department of Agriculture, Trade & Consumer
22 Protection because we've had a number of complaints
23 into our office weekly about business practices at Mid
24 City, and we cannot not acknowledge them. We did
25 discuss this with Attorney Rose. We were assured that

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1 the practices would curtail and that Mid City would
2 close until coming before the License Committee. And
3 Alderman Hines did ask for you all to hold, for it to
4 be held before committee because he wanted to meet
5 with them to discuss the matters at hand. And as he
6 stated, you all saw them April, and they met last
7 Thursday, so that is the first that we have had a
8 response from Attorney Rose.

9 We have copies of the letters that we sent
10 to him, and he stated that he had never been contacted
11 by us. So upon meeting on last Thursday, he told us
12 that they were going to close business until the
13 meeting before you all today. As I said, we went to
14 the BBB, the Department of Agriculture, Trade &
15 Consumer Protection, and the police department to just
16 come up with a few of the complaints just so we knew
17 and were able to gauge whether their addition to the
18 community was being hindered by their current day
19 practices.

20 At one agency, there were over 100
21 complaints per month, and the Better Business Bureau
22 has closed the file on Mid City because they could not
23 put the man-hours and the money into the complaints
24 that were coming in. And so Alderman Hines's position
25 is he leaves it to the discretion of the committee

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1 because we do understand that they have employees and
2 those employees have lives and families, and we do
3 understand that they have been a longstanding
4 community partner in the past, but we do understand
5 that they have some huge issues that have to be dealt
6 with.

7 If it is just the Internet sales, they need
8 to identify that, if it is the sales and the services
9 within Mid City on the physical premises here in
10 Milwaukee, they need to identify and rectify those.
11 But the Alderman's position is he would like to leave
12 it to the discretion of the committee, and whatever
13 you decide, he will be in full support.

14 CHAIRMAN BOHL: Carol, in terms of your
15 office's inquiry into this particular auto salvage
16 dealer, what were the nature of the complaints that
17 you were able to investigate?

18 LEGISLATIVE AIDE: They were mainly people
19 who had called for parts or had gone online for parts
20 and services and identified Mid City as a competitive
21 price and then received merchandise that wasn't what
22 they had paid for or received no merchandise. So you
23 needed a trannie for your Beamer for your BMW, the
24 trannie never came, but you sent \$2,500.

25 CHAIRMAN BOHL: Thank you. Wasn't there a

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1 couple of very lengthy letters that were part of our
2 notice last time? They were not part of the record
3 this time.

4 MS. BARRON: They should have been part of
5 the record this time.

6 CHAIRMAN BOHL: I remember at least the
7 gentleman who's back with us was one of the persons
8 who had requested that his name be there and that
9 there was a rather lengthy letter from at least one
10 if not two individuals that were part of this.

11 MS. BARRON: Due to the lateness of
12 scheduling this application -- I'll pass along what I
13 have in the file.

14 CHAIRMAN BOHL: I'm going to request what we
15 do here I'm going to ask that we take a five-minute
16 recess, have the clerk make certain there are copies
17 for each of four Common Council members as well as a
18 copy for the attorney present here. It is 2:05. We
19 are going to be in recess for five minutes until
20 copies are made.

21 (Break.)

22 CHAIRMAN BOHL: We're back on the record as
23 a resumption of the Common Council Licenses Committee.
24 We are picking up the matter of Alfred Talyansky.
25 Counsel, you have been provided a copy of some of the

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1 complaints?

2 MR. PLANTINGA: Yes, I have.

3 CHAIRMAN BOHL: Again, I just want to afford
4 Council members an opportunity. Are there any
5 questions the committee members have at this point of
6 Ms. Kimball? Counsel, I'm going to give you an
7 opportunity to make an opening statement if you want
8 to do that, then we'll hear from the residents who are
9 here to testify. First I'm going to take objectors,
10 then any individuals in support, we'll allow a closing
11 statement, and then at the point, we will take this
12 into committee and render a decision. Please proceed.

13 MR. PLANTINGA: This is a business that's
14 been at that location for roughly 20 years. During
15 that time, there's a lot of businesses that have come
16 and gone. The business they operate is they own a
17 large parcel of land right in that area, and frankly,
18 without a license issued by this committee, it would
19 be very difficult for them to carry on any sort of
20 operation there whatsoever.

21 Probably fresh in your mind is what you've
22 been handed, and this references a complaint. I think
23 there's some background that needs to be provide here.
24 Roughly three years ago, Mid City started sales of
25 used parts over the Internet, and that has been both

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1 good news and bad news for them. It's been good news
2 because the volume of the business that they do over
3 the Internet is quite large. They may have as many as
4 6,000 transactions since they started doing Internet
5 sales. And the way those typically work is people
6 will contact them over the Internet and say I want to
7 buy an engine for this type of vehicle or they'll
8 describe the part, and then they will ship the part.
9 Sometimes the people on the other end specify the
10 wrong part, sometimes the person on the other end has
11 a mechanic who installs the part incorrectly, and
12 sometimes, as is the case outlined here with a Greg
13 Turner, Mr. Turner, is if Mid City does not have that
14 part, there's a network of people in the same business
15 who will share information. If they don't have, say,
16 an engine for a Dodge Intrepid, they will find someone
17 who does, and then the shipment is done from that
18 other location. It's sort of almost like a brokering
19 arrangement.

20 That's what happened in this case with Mr.
21 Turner. Cumberland, Rhode Island, it's Page 8,
22 Advanced Auto Parts is an outfit separate from Mid
23 City that had that part and shipped it. What Mid City
24 does is if they don't have the part, they rely on
25 those third-party contractors.

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1 So when you hear about complaints through
2 the Better Business Bureau, certainly the number is of
3 a concern, and they have done quite a bit to remedy
4 that. The nature of the business sometimes engenders
5 these complaints but also the volume of the business.
6 If they were getting these complaints and they had a
7 much smaller volume like they did before they started
8 Internet sales, I think that would be a more
9 significant commentary than it is with the volume they
10 do and the fact that they have to use third-party
11 contractors at times to effectuate these sales.

12 There was a presentation made by the
13 alderman's assistant that they met last Thursday, and
14 while that is true, it wasn't for lack of effort.
15 There's a letter in our file, May 12, where Doug Rose,
16 the attorney for Mid City, contacted Alderman Hines
17 and said look, I've tried to reach you by phone, I'd
18 like to meet. The fact that a meeting didn't happen
19 until last Thursday is not really a reflection on Mid
20 City's avoidance of the problem, it's just the way
21 scheduling sometimes works when you have two parties,
22 the alderman and Mr. Rose, who are quit busy, but they
23 did meet, and they are taking it seriously.

24 As far as the other attachments to the
25 complaint, there is a charge going back many, many

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1 years involving Mr. Talyansky. His impression or his
2 recollection about the receiving stolen property was
3 that the matter had been dismissed. In fact, it was a
4 conviction but only a \$400 fine. I can certainly
5 understand how he might believe that. It goes way
6 back in time. Since that time, he has operated this
7 business in what the alderman's office says has been
8 good business practices, and there have been an
9 upsurge of complaints in the last three years. Those
10 complaints really have to do with the volume of
11 business, the type of business they do, the fact that
12 it's Internet sales and the type of Internet sales
13 where you're selling used auto parts, where there may
14 not be always the level of sophistication on the other
15 end where people know how to describe the parts or
16 simply order the wrong part.

17 Mid City does refund for people who buy the
18 wrong part, but they insist on getting the part back
19 before issuing the refund. Sometimes the consumer on
20 the other end doesn't want to pay the shipping of
21 sending the part back, even though Mid City got it
22 right and sent them the part they, in fact, ordered,
23 and that may also be an explanation there.

24 I think I can incorporate some other
25 comments. They pay their taxes. They've been there

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1 many years, they're current on their taxes. There's
2 many employees. They have nine employees who provide
3 some stability to that neighborhood. This
4 neighborhood, like many others, faces challenges, and
5 if they were to go the way of some of the businesses
6 around them and not be able to operate at that
7 location, it would be difficult to find another
8 business that would go in and take either a part or a
9 whole of that parcel and operate a business. In that
10 area there has been a lot of turnover. They provide
11 some stability to that neighborhood, and for them to
12 continue, they're going to need to have a license, and
13 I ask on that basis that this committee issue them
14 that license.

15 CHAIRMAN BOHL: Thank you, Counsel. Are
16 there any questions that committee members have?

17 ALDERMAN PUENTE: Mr. Chair.

18 CHAIRMAN BOHL: Alderman Puente.

19 ALDERMAN PUENTE: Thank you. Sir, you
20 mentioned you have nine employees. Are those
21 full-time employees or part-time?

22 MR. PLANTINGA: Full-time employees.

23 ALDERMAN PUENTE: What is the average hourly
24 rate for those employees?

25 MR. TALYANSKY: Average between 10 and \$12

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1 an hour.
2 ALDERMAN PUENTE: Do you give benefits?
3 MR. TALYANSKY: Yes. Insurance, health
4 insurance.
5 ALDERMAN PUENTE: They get health insurance,
6 too?
7 MR. TALYANSKY: Yes.
8 ALDERMAN PUENTE: Thank you.
9 ALDERMAN DUDZIK: Mr. Chairman.
10 CHAIRMAN BOHL: Alderman Dudzik.
11 ALDERMAN DUDZIK: Just real quickly.
12 Counsel has indicated that a lot of their business is
13 Internet. Is that through eBay?
14 MR. TALYANSKY: No.
15 ALDERMAN DUDZIK: Do you have a Website?
16 MR. TALYANSKY: Yes.
17 ALDERMAN DUDZIK: Would you like to plug
18 your Website.
19 MR. TALYANSKY: Midcityautosalvage.com. It
20 doesn't come from that. What it is is there is like
21 four or five, six different companies that basically
22 advertise on the Internet where you send them your
23 request and then they forward it to me and other
24 vendors just like me. So most of the business comes
25 from them. Website is a website just to show that we

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1 are there, but all the e-mails come to these
2 particular Websites.

3 ALDERMAN DUDZIK: With regards to, you
4 brought up the Intrepid engine. Did that payment for
5 that engine come to you?

6 MR. TALYANSKY: Yes. The payment came to
7 me, we brokered an engine from Advanced Auto Salvage.

8 ALDERMAN DUDZIK: The way I'm looking at
9 this -- and I've done quite a bit of purchasing and
10 selling on eBay myself -- the way I'm looking at this
11 is no matter where that engine came from, Rhode Island
12 or Timbuktu, the fact of the matter is that you were
13 the one collecting the cash. My personal opinion and
14 when I deal with people on the Internet, I deal with
15 people that collect the cash just as the people that
16 deal with me when I sell something deal with me
17 because I'm collecting the cash. That's all for right
18 now. Thank you.

19 MR. TALYANSKY: Can I say something just
20 very simple?

21 CHAIRMAN BOHL: Go ahead.

22 MR. TALYANSKY: I'm just saying I understand
23 that I'm responsible for this sale even though I get
24 it somewhere else. Everything comes to me. He paid
25 me the money, you're right. And in fact, this

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1 particular guy, when he didn't like this engine, I
2 called Advanced Auto, and they said that they will
3 replace it and send him a replacement engine, and that
4 was the end of it, I never heard from the guy again.
5 I mean I know it's my responsibility because I'm the
6 guy who's collecting the money, no question about it.

7 CHAIRMAN BOHL: Other questions by committee
8 at this time? At this time, I want to see are there
9 individuals here in our audience who are here to
10 testify in this matter? Raise your hand if you intend
11 to testify. If I don't see your hand, you will not
12 testify. What we'll need to do is we will swear you
13 both in if you could raise your right hands.

14 (Whereupon, speakers were duly affirmed.)

15 CHAIRMAN BOHL: Are either of you gentlemen
16 here to testify in opposition to the license?

17 AUDIENCE MEMBER: Yes.

18 CHAIRMAN BOHL: We're going to hear from you
19 first if you want to come forward. Unless you have
20 difficulties, if you could come up to the microphone,
21 we will need your name and address for the record and
22 then any pertinent testimony. Thank you.

23 MR. DUBINSKI: William Dubinski,
24 D-U-B-I-N-S-K-I, 801-A Beach Street, Grafton,
25 Wisconsin, 53024.

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1 CHAIRMAN BOHL: Thank you. Please proceed.

2 MR. DUBINSKI: Okay. First of all, I
3 purchased an engine from Mid City Augo Salvage over
4 the Internet. I went on AOL to a finder's site, put
5 in what I wanted, they responded with a supposedly
6 low-mileage engine. I purchased the engine from them.
7 When I received the engine, the engine looked like it
8 had three times the mileage that they claimed. They
9 claimed it had 56,000 miles on it.

10 I called Mid City with my concerns, and I
11 was reassured that the engine was as in their Website
12 on their documentation, compression tested, oil
13 pressure tested, the whole nine yards guaranteed. My
14 mechanic advised me not to install the engine. I
15 insisted, he installed it anyways. The engine was no
16 good. It had one bad cylinder, it was spitting oil
17 out of the exhaust pipe. So I called Mid City, talked
18 to Sean Brayden. Now, Sean is like the manager there.
19 Sean didn't have another engine at the time. I
20 basically went and found another engine, replaced it
21 myself and returned the engine to Mid City Auto
22 Salvage. Sean himself came out and looked at the
23 engine in the back of my truck on a Friday, asked me
24 to come back Saturday because they had already locked
25 up the gates, he would be there. I was there. Now

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1 Sean claimed that they're never open on Saturdays.
2 They're open on Saturdays all the time. Sean wasn't
3 there. The guys in the yard would not unload it
4 without Sean's permission. Sean pretty much runs the
5 ship there.

6 As far as this Licensing Committee, being a
7 manager, shouldn't there be a background check done on
8 a manager, also? I'll bring up that point later.
9 They finally got ahold of Sean, they took the engine,
10 my son and I delivered it, they unloaded it, then I
11 received a lawsuit four months later. I had received
12 my money back from my credit card company. After I
13 put the engine in and it was no good, I immediately
14 called my credit card company, got my money back for
15 the engine, so I wasn't out any money. Mid City Auto
16 filed a lawsuit against me claiming that I never
17 returned the engine. They ended up dropping the case
18 because I pursued it.

19 Now, what the problem is is most of these
20 people are from out of state. One, it's very hard to
21 file a lawsuit against the company when you're from
22 Washington, Florida, Texas where most of these people
23 are from that are buying these engines over the
24 Internet. There are a few that have done it, that
25 have filed claims against this company, but by the

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1 number of complaints that have been filed with the
2 State of Wisconsin, I can't believe that Alderman
3 Hines's office is just kind of dropping this into your
4 lap and letting you guys decide, because there really
5 wasn't that much of a presentation on how many
6 complaints and the extent of it that has been going on
7 the last couple years with this company. And I'm kind
8 of the only local one around that can make it to this
9 meeting, so I'm the one that's here voicing my
10 opinion.

11 I don't think you should give these people
12 -- renew their license. They were told at the last
13 meeting I was at in April, their attorney, Rose, was
14 told that they were operating without a license, that
15 they could be fined every day, yet they continued. I
16 just called their number. They're still answering the
17 phones down there. Could you maybe send a squad over
18 there and see if they're still operating? I don't
19 think it would be that hard of a thing.

20 We're just getting the run-around down here.
21 They're snowing you people. I'm just here to let you
22 know that.

23 CHAIRMAN BOHL: Thank you. Now that you
24 mention it, I do recall at the previous meeting in
25 April that you were told that you were not to be open.

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1 I recall that vividly because I told you. Thanks for
2 the reminder.

3 MR. DUBINSKI: They were told that every day
4 that they were operating, and you kind of went into
5 the mathematics on how much the city was losing by not
6 issuing citations by the amount of days that they were
7 operating.

8 CHAIRMAN BOHL: Questions by committee of
9 this witness, Mr. Dubinski?

10 ALDERMAN DUDZIK: Mr. Chairman. I just want
11 to be real clear because this individual stated
12 earlier that after the initial sales and your initial
13 complaint about the engine he had no further contact
14 with you, and you're saying there was actually a
15 lawsuit filed by his company against you?

16 MR. DUBINSKI: Yes.

17 CHAIRMAN BOHL: Do you know what, the Chair
18 is not recognizing you. You're going to just hold
19 off. Go ahead, Alderman Dudzik. The only people I
20 want to hear from right now is Alderman Dudzik asking
21 the question, Mr. Dubinski responding.

22 ALDERMAN DUDZIK: I just want to be clear
23 because if I'm not, my decision is a little different.

24 MR. DUBINSKI: Sure.

25 ALDERMAN DUDZIK: After you had indicated to

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1 them that the engine was going back after you dropped
2 the engine off, their company initiated a lawsuit
3 against you?

4 MR. DUBINSKI: Correct.

5 ALDERMAN DUDZIK: Because, unless I'm
6 mistaken, again, this individual indicated that he had
7 no further contact with you after the initial
8 complaint?

9 MR. DUBINSKI: Correct.

10 ALDERMAN DUDZIK: Thank you.

11 CHAIRMAN BOHL: Thank you, Alderman. Other
12 questions by committee at this point?

13 MR. PLANTINGA: Yes. First of all, I
14 believe when you asked Mr. Talyansky if he had no
15 further contact he was speaking to Mr. Turner, who is
16 the complainant listed on the attachment, not to Mr.
17 Dubinski, who then testified later.

18 ALDERMAN DUDZIK: But they both bought
19 Intrepid engines.

20 MR. DUBINSKI: I bought an engine for a
21 different vehicle.

22 MR. PLANTINGA: It's a different consumer.

23 MR. DUBINSKI: Different claim.

24 MR. PLANTINGA: And I do have some questions
25 for Mr. Dubinski, if I may.

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1 CHAIRMAN BOHL: No. Was Mr. Turner here at
2 the last meeting? I don't believe that that was the
3 case. In fact --
4 ALDERMAN DUDZIK: I think this is the only
5 gentleman that's ever appeared.
6 CHAIRMAN BOHL: -- I believe it was only Mr.
7 Dubinski, and from my understanding of reading of
8 these e-mails, Mr. Turner may be from Lincoln,
9 Nebraska.
10 MR. PLANTINGA: That's correct.
11 CHAIRMAN BOHL: Any other questions by
12 committee members of Mr. Dubinski?
13 MR. PLANTINGA: May I ask a few questions?
14 CHAIRMAN BOHL: Yes. That's what I thought
15 I was recognizing you for earlier.
16 MR. PLANTINGA: Mr. Dubinski, your claim was
17 that you had returned the engine and therefore no
18 monies were due; is that correct?
19 MR. DUBINSKI: Correct.
20 MR. PLANTINGA: And you appeared in court
21 before a Court Commissioner Liska on January 16, 2006?
22 MR. DUBINSKI: Correct.
23 MR. PLANTINGA: And you made those same
24 arguments before Commissioner Liska; is that correct?
25 MR. DUBINSKI: Correct.

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1 MR. PLANTINGA: And Commissioner Liska,
2 after hearing your presentation, ruled against you; is
3 that correct?

4 MR. DUBINSKI: Correct.

5 MR. PLANTINGA: And he ruled in favor of Mid
6 City?

7 MR. DUBINSKI: Correct.

8 MR. PLANTINGA: And then you appealed?

9 MR. DUBINSKI: Correct.

10 MR. PLANTINGA: And then Mid City dropped
11 the matter; is that right?

12 MR. DUBINSKI: Correct.

13 MR. PLANTINGA: That's all I have. Thank
14 you.

15 CHAIRMAN BOHL: Thank you, Mr. Dubinski. Is
16 there anyone else to testify in opposition? Sir, come
17 up to the microphone, your name and your address.

18 MR. YAFNOV: Alxas Yafnov. I work at Mid
19 City two years. 5901 North Brown Deer Road.

20 CHAIRMAN BOHL: I'm going to guess it's
21 West. Please proceed.

22 MR. YAFNOV: I know about three mechanics
23 working in the shop who pull engine. Everybody
24 started this engine. Everybody I meet, 50 percent
25 risk if you buy something through Internet, because I

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1 buy through Internet. I go to buy parts and
2 afterparts, broke parts three times, four times. What
3 can I do? I call court? No. I go to ask him why. I
4 need this, not this. He give me second broke parts.
5 So I know about engines. The speedometer say 30,000
6 miles, you buy 30,000. I seen engine 15,000 miles
7 look like 100. What you can do? So you know this. I
8 know this, too. If engine don't start, somebody must
9 not sell this engine because engine bad.

10 CHAIRMAN BOHL: How long have you been
11 employed at Mid City?

12 MR. YAFNOV: Two years.

13 CHAIRMAN BOHL: And in terms of what was
14 stated here earlier, you do receive health benefits?

15 MR. YAFNOV: Yeah, I got benefits.

16 CHAIRMAN BOHL: Questions by committee of
17 Mr. Yafnov?

18 ALDERMAN WADE: Mr. Chair.

19 CHAIRMAN BOHL: Alderman Wade.

20 ALDERMAN WADE: Sir, how much do you receive
21 per hour for pay?

22 MR. YAFNOV: 12.50, 13.

23 ALDERMAN WADE: 12.50, 13?

24 MR. YAFNOV: Yeah.

25 CHAIRMAN BOHL: Other questions by

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1 committee? Thank you, sir. Is there anyone else who
2 wants to provide testimony in this matter, anyone
3 else? I see and hear no one. At this point, are
4 there any questions by the committee?

5 MR. TALYANSKY: Can I say just one more
6 word?

7 CHAIRMAN BOHL: I will recognize you in a
8 moment, sir. Any questions by committee? All right,
9 Mr. Talyansky, please proceed.

10 MR. TALYANSKY: Just a couple things. Since
11 the Internet started, as the attorney stated, it was
12 overwhelming, we could not keep up and probably
13 provide the quality that we should, but with every day
14 and every month we are getting better, where I
15 designated people to do nothing but customer service,
16 to answer complaints, and make sure that the customers
17 are taken care of no matter what. We used to do, even
18 if the customer would order wrong part, our
19 stipulation says that he will be responsible for
20 shipping back and 25 percent. We went away from that
21 totally. If the customer bought a part, he doesn't
22 need it, even though we're out the money, we're giving
23 100 percent refunds because we want to turn over a new
24 leaf.

25 We figure out -- I knew it took awhile. It

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1 took three years to figure out how to handle Internet.
2 It's a totally different animal than selling parts off
3 the street. And we will do anything it takes to get
4 it better and better, and if you look at the
5 complaints from BBB, they are getting smaller, much
6 smaller, and we're just -- I personally took charge
7 of the customer service issue myself so stuff like
8 that does not happen.

9 CHAIRMAN BOHL: Mr. Talyansky, your business
10 right now, is it open or is it closed?

11 MR. TALYANSKY: We're just doing
12 bookkeeping. There is couple guys there right now
13 just in the office.

14 CHAIRMAN BOHL: So if I called your business
15 right now and I asked to --

16 MR. TALYANSKY: If you're an Internet
17 customer, they will answer you, yes, but we're not.
18 answering to people off the street, because we were
19 told that we just not supposed to sell anything off
20 the street and bring any cars into the yard because we
21 don't have auto wrecker's license.

22 CHAIRMAN BOHL: So if I got on the phone
23 right now and I offered to drop off a vehicle, you're
24 telling me that your employees there who are answering
25 the phone will say sorry, we can't take anything at

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1 this point but if you want to call us back?

2 MR. TALYANSKY: They will not even take junk
3 cars off the street. We're not allowed to do that.
4 We only buy from auctions, we don't even buy cars off
5 the street. We buy from Colpart in Sussex. We don't
6 buy junk off the street anymore, we buy only from
7 auctions. That's every Tuesday, Wednesday, and
8 Thursday.

9 CHAIRMAN BOHL: Alderman Puente.

10 ALDERMAN PUENTE: So are you still doing
11 that right now?

12 MR. TALYANSKY: No. After they told me to
13 close down, we stopped buying cars.

14 ALDERMAN PUENTE: Are you doing any business
15 at this location?

16 MR. TALYANSKY: We're doing Internet sales
17 only. We're not selling anything out the door and
18 we're not bringing anything new that was already
19 bought previous to us closing the doors. We cannot
20 stop like semi companies that we ordered, say,
21 engines, we cannot stop them really from coming to us,
22 but we're not selling one dime off the street, and
23 we're not letting anybody in.

24 CHAIRMAN BOHL: I have a question for either
25 Ms. Barron or Mr. Beamish here; and that is, without

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1 the current auto wrecker, junk dealer, or junk
2 collector licenses, what exactly are they allowed to
3 do currently?

4 MS. BARRON: Well, the license isn't
5 specific to face-to-face customers or exempting
6 Internet sales, it's required for any person engaged
7 in those specific types of business, it doesn't exempt
8 Internet sales. So I don't know exactly what all they
9 do as part of their business, but anything under the
10 purview of these types of licenses wouldn't be
11 allowed, Internet or a face-to-face, without them
12 having a license.

13 CHAIRMAN BOHL: A junk dealer license would
14 allow them and junk collector would allow them to
15 purchase and to sell, the wrecker would allow them to
16 dismantle, is that essentially what these particular
17 licenses entail?

18 MS. BARRON: The auto wrecker is for
19 dismantling, disassembly for the process of dealing
20 parts out.

21 CHAIRMAN BOHL: Functionally, even if he had
22 purchased the vehicle two months ago and it was
23 sitting in his lot, technically speaking, he doesn't
24 have the authority as a business to dismantle that
25 engine without that license; is that a correct

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1 understanding?

2 MR. TALYANSKY: That is correct.

3 CHAIRMAN BOHL: Hold on, Mr. Talyansky, I
4 didn't recognize you. But I'm just going to say my
5 recollection from just a few minutes ago is that you
6 indicated that you're not purchasing anything anew but
7 that you're still dismantling things that are present.
8 If I've got to, I can always have the court reporter
9 read over the transcripts. Are you going to tell me
10 you didn't indicate that here just a moment ago?

11 MR. TALYANSKY: Can I answer now?

12 CHAIRMAN BOHL: Sure.

13 MR. TALYANSKY: We're brokering parts right
14 now, we're buying from other lenders and selling to
15 other customers, which is usually 50 percent of our
16 Internet sales to begin with.

17 CHAIRMAN BOHL: And I'm wondering if you
18 need a junk dealer's license.

19 MR. TALYANSKY: I don't know if there's a
20 junk dealer's for that, if I actually don't come in
21 contact with anything, I'm just brokering from one
22 yard to another.

23 MS. BARRON: We also have a used parts only
24 license that deals with people selling secondhand
25 motor vehicle parts, so if you're not actually

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1 dismantling, then you would probably need that
2 license. There's some type of licenses that are
3 necessary for any of the work that you're describing
4 at this point.

5 CHAIRMAN BOHL: And let me be perfectly
6 clear, an application for any of those does not
7 qualify as the ability to conduct that business. So
8 perfectly clear, you apply for one of those other ones
9 here, I don't want to hear you come back later on and
10 say well, I applied for it, and I thought I heard the
11 committee say that I could start doing it once I put
12 the application in. You cannot. Questions by
13 committee members? Mr. Talyansky, do you have any
14 other comments? We'll allow you to provide it, or
15 your counsel can make a closing statement if he so
16 desires here.

17 MR. PLANTINGA: Yes. This is a longstanding
18 business, it has employees. It pays those employees,
19 it provides health insurance. It provides some
20 stability to this neighborhood, and it's an asset to
21 this neighborhood. The police contacts with this
22 business have to do with licensing issues, which in
23 and of itself are very serious, but I do think it's
24 important to understand how this lapse of license
25 occurred.

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1 They had the appropriate licenses up until
2 2003. There was a misunderstanding as to why they
3 didn't renew those. It is not that this license was
4 taken away for any type of problem that was associated
5 with that business.

6 They expanded their business in 2003.
7 Perhaps they, like other businesses that started
8 Internet sales, didn't have their act together the way
9 they should have when they first started. They are
10 correcting those problems. They do a large volume of
11 business, and that, in part, explains the number of
12 complaints, but as Mr. Talyansky testified to, they
13 are improving their operations, and certainly there
14 aren't complaints from the neighborhood itself as to
15 their operations and how they conduct those
16 operations, so I would ask this committee to issue
17 them the license they sought to require for the auto
18 wrecker and the junk collector, if the committee
19 believes the junk collector is necessary. I'm not
20 sure it does, but if they want us to get that license,
21 they'd be more than happy to do that.

22 CHAIRMAN BOHL: Thank you. Ms. Kimball,
23 anything else you want to add from the Alderman's
24 office?

25 LEGISLATIVE AIDE: Yes, sir, Mr. Chair. If

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1 the committee granted the license, we would have to
2 very strictly monitor -- I don't even know if monitor
3 is the word -- the business practices and the daily
4 goings on at Mid City. That would just be the
5 Alderman's position.

6 CHAIRMAN BOHL: Thank you. Are there any
7 other questions by committee members? Hearing none,
8 we are in committee. Is there a motion?

9 ALDERMAN DUDZIK: Mr. Chairman. Based
10 primarily on the fact that they were told about these
11 problems back in April, quite vividly told, sternly
12 told of these lapses in their license, I would move to
13 hold this license at the call of the chair at least
14 until the fines or the citations have been
15 adjudicated. I think that it should be made again
16 painfully clear that there is to be no business of
17 this nature conducted at this location until such time
18 as those fines are either levied or waived by the
19 courts and until such time as this committee
20 reconvenes to hear this matter for a third time. So
21 my motion would be to hold at the call of the chair,
22 based on the police report.

23 CHAIRMAN BOHL: The motion by Alderman
24 Dudzik is to hold the matter at the call of the chair,
25 based on the outstanding nature of the police report;

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1 is that correct?

2 ALDERMAN DUDZIK: Yes.

3 CHAIRMAN BOHL: These particular items are
4 scheduled to appear August 9th, and because of our
5 Council cycle, that would mean at the earliest, if
6 these matters are indeed adjudicated during the month
7 of August, the earliest that we would be able to take
8 the matter up again would be in the month of
9 September, September 11th would be the first Licenses
10 Committee. Before we hear that matter, first off I
11 want to hear from Mr. Beamish from the City Attorney's
12 Office in terms of your feeling about -- I realize
13 it's a valid motion in terms of the ability to hold
14 the time of hearing. This is not a vested license.

15 MR. BEAMISH: No, it is not. But the police
16 department believes and apparently the committee on a
17 prior occasion has said you need these licenses to
18 conduct business, and I understand the committee's
19 concern when you've clearly articulate that to
20 individuals and the business does not stop but
21 continues. Nonetheless, I do have some concerns
22 putting an application on hold for two months if the
23 city is saying you need this license, but we recognize
24 it's disputed in the court system, so we'll let the
25 court system answer it. And the concern I have is

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1 that you are also saying you need the license, you
2 cannot conduct business without the license, but we're
3 not going to give you a decision for two months. That
4 does cause me some concern.

5 On the other hand, you have to weigh what
6 has been presented on the applicant's behalf, and
7 there's mixed information presented to you, but there
8 are some explanations as to the prior conduct, and
9 your judgment on that is your own discretion, but they
10 are saying, nonetheless, they would like prompt
11 action, and in fact, have waived the ordinance's
12 application period to get before you.

13 CHAIRMAN BOHL: If I'm not incorrect about
14 the way the law reads, the committee can take pending
15 charges and consider them within these matters; is
16 that not correct?

17 MR. BEAMISH: The ordinance does say that,
18 yes.

19 CHAIRMAN BOHL: Alderman, before we proceed
20 Alderman Dudzik, I'm going to have Alderman Wade move
21 to make the packet that was photocopied and presented
22 to committee members as well as counsel part of our
23 official record in the proceedings. It is a multipage
24 packet that includes a number of items, including
25 e-mails with the first being an e-mail from Greg

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1 Turner dated September 10th, 2005 is the top of the
2 packet. Hearing no objections to that, so ordered.
3 MR. BEAMISH: The other point that I might
4 add at this time -- I recognize you're in committee --
5 but just to read into the record what the ordinance
6 and definition of the two ordinances specifies. With
7 respect to the question what they can do there and
8 what the ordinances cover, auto wrecker is defined as
9 every person who buys any motor vehicle for the
10 purpose of dismantling or disassembling or who
11 dismantles or disassembles any such motor vehicle for
12 the purpose of dealing in the parts thereof.
13 And the other ordinance -- That was defined
14 in 93-1 of the code of ordinances -- 92-3, which is
15 the junk collector's and dealer's ordinance, junk
16 dealer is defined as a person, firm, partnership, or
17 corporation that buys, sells, gathers, delivers, or
18 stores junk and maintains a yard and building
19 therefore as a principal place of business. Junk has
20 a very broad definition in 2-A, but it encompasses
21 rubber, non-ferrous metals, other metals that I think
22 because of the broad nature of it, it's arguably
23 applicable here, and they are applying for that.
24 CHAIRMAN BOHL: We're still in committee.
25 Alderman Dudzik, do you wish to proceed forward with

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1 your motion?

2 ALDERMAN DUDZIK: Correct.

3 CHAIRMAN BOHL: The motion by Alderman
4 Dudzik is to hold this matter at the call of the chair
5 for the reason of receiving adjudication on the
6 outstanding charges. Is there any discussion on the
7 motion?

8 ALDERMAN WADE: Mr. Chair.

9 CHAIRMAN BOHL: On the motion, Alderman
10 Wade.

11 ALDERMAN WADE: They haven't had a valid
12 license to conduct this type of business since 2003;
13 is that correct?

14 MS. BARRON: Yes.

15 ALDERMAN WADE: 2003. And at the last
16 committee, which was April 25th, we stated to them
17 that they were not to conduct business. They were
18 cited on June 16th, which means that more than likely
19 they were conducting business between the time we
20 requested that they don't conduct business all the way
21 up until the first day they were cited, and they
22 actually conducted business after they were cited. It
23 doesn't appear to me that they're taking what we're
24 telling them serious by their actions. It just
25 doesn't appear to me.

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1 They want to hide behind they employ
2 individuals and they're such a great asset to the
3 neighborhood. Maybe so, but we got rules and
4 regulations that we make up that we need to respect.
5 And we allowing people to come in here and disrespect
6 the laws we make up blatantly, I don't know what that
7 -- Anybody watching today, this was a good day to be
8 in front of the committee, you caught us on a good
9 day, but I won't be supporting that motion. I don't
10 think it sends the correct message to this business or
11 any other business in the city about us being serious
12 about the laws and respecting the laws that we make
13 up. Thank you.

14 CHAIRMAN BOHL: Thank you, Alderman. Is
15 there any other discussion on the motion? I'll just
16 say ever so briefly that I concur with the remarks of
17 Alderman Wade. I don't need to hold out until there's
18 adjudication. I think that you've burned your bridges
19 for my own liking at the point. Unless I figure
20 otherwise, Alderman Dudzik, we have a two-two.

21 ALDERMAN WADE: Wait, wait, wait. Let's
22 call the roll.

23 CHAIRMAN BOHL: A two-two is a fail. Two
24 people already indicated they are going to vote
25 against the motion.

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1 ALDERMAN PUENTE: It might be three.
2 CHAIRMAN BOHL: Definitely call the roll.
3 THE CLERK: Alderman Puente.
4 ALDERMAN PUENTE: No.
5 THE CLERK: Alderman Wade.
6 ALDERMAN WADE No.
7 THE CLERK: Alderman Dudzik.
8 ALDERMAN DUDZIK: Aye.
9 THE CLERK: Mr. Chair.
10 CHAIRMAN BOHL: No.
11 THE CLERK: Motion fails one to three.
12 CHAIRMAN BOHL: Motion fails one-three. We
13 are still in committee. Is there a motion? Don't be
14 too shy here. I'll pass the gavel, Mr. Chairman.
15 VICE-CHAIRMAN WADE: Alderman Bohl, you have
16 the floor.
17 ALDERMAN BOHL: Mr. Chairman, at this time,
18 I would move for denial of all three applications on
19 grounds including items contained in the enclosed
20 police report as well as neighborhood objections,
21 including objections that the granting of this license
22 will have an adverse impact on the welfare of the
23 neighborhood and of the public, as well that there
24 have been misstatements that have been applied here
25 present, and I frankly, in all candor, I just find it

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1 very unbecoming of this business to conduct in a
2 manner when they were very, very I believe
3 straightforwardly directed to not conduct any business
4 at the April meeting of this committee.

5 I don't buy one bit the statements that have
6 been made that they didn't understand following the
7 first time the police department came out, the second
8 time, the third time. Frankly, I believe that if we
9 would have continued and not heard this item for
10 another three weeks there there probably would have
11 been at least another five citations that would have
12 been forthcoming, as well, too. I think that at some
13 point you need to learn your lesson, you need to pay
14 the pied piper.

15 And Mr. Talyansky, the only thing that I
16 would encourage you to do is go out and apply for an
17 application in Mequon where you live because maybe
18 they'd like to put up with the type of practices that
19 you've engaged in. Frankly, I just don't think that
20 because it's the City of Milwaukee that we ought to
21 take the crap that we're taking.

22 VICE-CHAIRMAN WADE: The motion is before
23 you. The motion is for denial, based on the evidence
24 in the police report, the testimony heard at this
25 hearing. Are there any comments on the motion?

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1 ALDERMAN DUDZIK: Mr. Chairman.

2 VICE-CHAIRMAN WADE: Alderman Dudzik.

3 ALDERMAN DUDZIK: Mr. Talyansky, make no
4 mistake, I don't disagree with anything that's been
5 said by Alderman Wade or Alderman Bohl. I'm a firm
6 believer in corrective discipline, I'm a firm
7 believer, as Alderman Bohl indicated, that there would
8 be five more citations between now and when these
9 issues were adjudicated, and we would have the
10 opportunity to take your license away at that
11 point in time. I don't disagree with anything they
12 just said. I just don't think that taking your
13 license away at this point in time is the correct
14 move, so I won't be supporting the motion.

15 VICE-CHAIRMAN WADE: Are there any other
16 comments on the motion? Are there any objections to
17 the motion?

18 ALDERMAN DUDZIK: Just mine.

19 ALDERMAN WADE: Hearing one objection, the
20 motion carries.

21 CHAIRMAN BOHL: Thank you, Mr. Talyansky.
22 This is not a renewal, so there's no official record,
23 and there is no ability for him to come forward.

24 MR. BEAMISH: I assume this is a
25 recommendation that goes to the Common Council?

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ALDERMAN BOHL: My belief, ultimately, yes,
but there are no appeals.

MR. BEAMISH: Just for the record, on your
address, the notice lists as West Madero Drive.

MR. TALYANSKY: I think it's North.
(Proceedings concluded at 3:00 p.m.)

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