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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.)

\* \* \*



