

031487

COMMON COUNCIL
CITY OF MILWAUKEE

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Recommendation of the Utilities and Licenses Committee,
Renewal with a 15-day suspension of the Class "B" Tavern
and Tavern Amusement License of Ricardo McKenzie for
the premises at 2035 West Fond du Lac Avenue,
"Leoric Sports Club Bar & Grill"

* * * * *

Proceedings had in the above-entitled
matter, commencing at 9:00 a.m., November 3, 2004,
in the Common Council Chambers, 200 East Wells Street,
Milwaukee, Wisconsin, reported by Donna Gulczynski of
Milwaukee Reporters Associated, Inc.

A P P E A R A N C E S

JAMES J. HALL, 324 East Wisconsin Avenue,
Milwaukee, Wisconsin, 53202, appeared on behalf of the
Licensee.

BRUCE SCHRIMPF, Assistant City Attorney,
200 East Wells Street, Milwaukee, Wisconsin, 53202,
appeared on behalf of the City of Milwaukee.

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P R O C E E D I N G S

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2 CITY CLERK: The Utilities and Licenses
3 Committee recommends approval of File No. 031487,
4 motion to approve recommendations of the Utilities and
5 Licenses Committee relative to issuance, denial,
6 renewal, nonrenewal, suspension or revocation of
7 licenses and extension of premises.

8 Included in the file are the following
9 recommendations: Recommendation of nonrenewal of the
10 Public Passenger Vehicle Driver's license of Charles
11 Barbee. No written exceptions have been filed.

12 Recommendation of renewal of the Class "B"
13 Tavern license with a 10-day suspension of Maria Renta
14 for the premises located at 1734 West Greenfield
15 Avenue known as Domino Club in the 12th Aldermanic
16 District. No written exceptions have been filed.

17 Recommendation of renewal of the Class "B"
18 Tavern and Tavern Amusement (Cabaret/Nite Club)
19 license with a 15-day suspension of Leonie and
20 Ricardo McKenzie for the premises located at 2035 West
21 Fond du Lac Avenue known as Leoric Sports Club Bar &
22 Grill in the 15th aldermanic district.

23 Recommendation of nonrenewal of the Class
24 "A" Malt license of Mohammad El-hassan for the
25 premises located at 416 East North Avenue known as

1 Quick Stop Foods in the 6th aldermanic district. No
2 written exceptions have been filed.

3 Written exceptions were filed regarding the
4 15-day suspension.

5 PRESIDENT HINES: Have the members of the
6 Common Council read the Report and Recommendations of
7 the Utilities and Licenses Committee, and any written
8 exceptions, if filed, in this matter? Will the City
9 Clerk please call the roll.

10 CITY CLERK: Alderman Hamilton?

11 ALDERMAN HAMILTON: Aye.

12 CITY CLERK: Davis?

13 ALDERMAN DAVIS: Aye.

14 CITY CLERK: D'Amato?

15 ALDERMAN D'AMATO: Aye.

16 CITY CLERK: Bauman?

17 ALDERMAN BAUMAN: Aye.

18 CITY CLERK: Bohl?

19 ALDERMAN BOHL: Aye.

20 CITY CLERK: McGee?

21 ALDERMAN MCGEE: Aye.

22 CITY CLERK: Wade?

23 ALDERMAN WADE: Aye.

24 CITY CLERK: Donovan?

25 ALDERMAN DONOVAN: Aye.

1 CITY CLERK: Puente?
2 ALDERMAN PUENTE: Aye.
3 CITY CLERK: Murphy?
4 ALDERMAN MURPHY: Aye.
5 CITY CLERK: Dudzik?
6 ALDERMAN DUDZIK: Aye.
7 CITY CLERK: Witkowiak?
8 ALDERMAN WITKOWIAK: Aye.
9 CITY CLERK: Witkowski?
10 ALDERMAN WITKOWSKI: Aye.
11 CITY CLERK: Zielinski?
12 ALDERMAN ZIELINSKI: Aye.
13 CITY CLERK: Mr. President?
14 PRESIDENT HINES: Aye.
15 CITY CLERK: Fifteen ayes.
16 PRESIDENT HINES: Fifteen eyes.
17 CITY CLERK: Are any of the following
18 applicants or their Counsel present and wish to
19 address the Council? Charles Barbee? Maria Renta?
20 Leonie or Ricardo McKenzie.
21 MR. HALL: Here.
22 CITY CLERK: Mohammad El-hassan?
23 Let the record reflect that counsel for Leonie and
24 Ricardo McKenzie is present.
25 PRESIDENT HINES: Yes. Alderman Witkowiak

1 moves to go into the Committee of the Whole to hear
2 oral argument on behalf of the licensees in opposition
3 to the Report and Recommendations and a statement
4 presented by the City Attorney. Is there any
5 objection? Hearing none, we are now in the Committee
6 of the Whole.

7 Each side shall be limited to five minutes,
8 and the arguments shall be limited to the subject
9 matter of the Report and Recommendations and/or
10 written exceptions.

11 MR. HALL: Thank you. Good morning,
12 Alderman Hines, and other Council members. I'm James
13 Hall. I'm an attorney, and I represent Mr. and Mrs.
14 McKenzie. That's Ricardo and Leonie McKenzie, the
15 owners of Leoric Sports Club Bar & Grill located at
16 2035 West Fond du Lac. I would point out that Mr. and
17 Mrs. McKenzie are present. They're seated right
18 there.

19 Thank you for the opportunity to address you
20 this morning. I will be brief. May I ask, do the
21 Council members have the report? Do you have in your
22 packets the report? So I won't belabor this by
23 repeating what's in the report.

24 Let me just summarize briefly, Mr. and Mrs.
25 McKenzie have owned the property there at 2035 West

1 Fond du Lac for approximately seven years. They have
2 had a tavern there for approximately three years.
3 They have invested more than \$200,000 in the
4 renovation and upgrading of the property. They
5 maintain a quality business.

6 The neighbors -- It's mostly a commercial
7 neighborhood. There are very few tenants or residents
8 who live there. The neighborhood is very supportive
9 of them. That neighborhood includes Columbia Savings
10 and Loan and Legacy Bank. That corridor there was a
11 little, if I may use the word, dilapidated or not as
12 well built up as it might be. They have come in there
13 and put \$200,000 in the building. They have also
14 bought two buildings adjacent to that building where
15 they plan to establish a restaurant and a recording
16 studio, so they're committed to the neighborhood.

17 Now, there are a number of incidents cited
18 in the report as the basis for a 15-day suspension. I
19 would just point out that of those incidents, there's
20 one incident that -- that's the March 27th, '04
21 altercation, which was an incident where a patron in
22 the club got into an altercation with some other
23 patrons there.

24 They had security, contracted security
25 on-site, which immediately stepped in, broke up the

1 fight, the owners called the police, City of Milwaukee
2 police, got the police there, and the matter was
3 handled. My suggestion is that they acted
4 responsibly, they were accountable.

5 Since that time they have obtained an
6 additional security firm, so they now have eight
7 security officers, approximately, on the premises at
8 all times inside and outside. In other words, they
9 have taken measures to make sure that type of
10 occurrence does not happen again.

11 The only other incident of the incidents in
12 the report where there has been a finding of an
13 incident, was an incident where they entered a plea of
14 no contest of having -- At closing time they stack the
15 chairs and tables and close the door and were not
16 letting additional people in. There was a knock at
17 the door, and it was the City of Milwaukee police, so
18 they were cited for not -- They didn't open the door.
19 They thought it was a patron, as patrons often do
20 knock on the door after closing time, but it was the
21 police.

22 They were cited for not having, you know,
23 immediate access to the police, and they understand
24 that, and they won't allow that to happen again. But
25 of all the matters in the reports there are other

1 incidents that are pending in Municipal Court that
2 they have filed -- those are contested matters, and
3 they will go before the court, but the only matters
4 that you have before you that have actually been
5 incidents, you know, that there's a finding on are
6 the two that I referred to. The first one was the
7 altercation, which is not something that they want to
8 have in their place of business.

9 So their request is that -- They appreciate
10 the fact that the license application is being
11 recommended for renewal with a change of entertainment
12 that allows them to do poetry and readings and so
13 forth. That's appreciated. But the 15-day
14 suspension, we submit, we think is not warranted under
15 the circumstances, and we would ask the Common
16 Council's consideration in not imposing a 15-day
17 suspension upon them under all the circumstances.

18 They have indicated certainly their hope and
19 expectation and the willingness to work with Alderman
20 Hines as well as the City of Milwaukee police. Thank
21 you.

22 PRESIDENT HINES: Thank you, Counsel.
23 Please remain. Are there any questions the Council
24 has of the representative? The chair recognizes
25 Alderman McGee.

1 ALDERMAN MCGEE: Good morning, Attorney
2 Hall. The question is in regards to how many times
3 in the past have the police requested to enter the
4 premises, and have they been denied any other time.

5 MR. HALL: That's the only time that the
6 police did not gain immediate access to the premises,
7 and that's in a situation where -- The police have
8 come there quite often, you know, for various reasons,
9 some of which we question, of course, but they have
10 always been granted immediate access.

11 I might also point out that police officers
12 not on duty come to the place as patrons, so it's not
13 a bad place at all, but the police officers -- that's
14 the only time immediate access was not granted.

15 PRESIDENT HINES: The chair recognizes
16 Alderman McGee.

17 ALDERMAN MCGEE: How many years has it been
18 in existence?

19 MR. HALL: Three years as a lounge-type
20 cabaret; is that right?

21 MR. MCKENZIE: Three years.

22 MR. HALL: Three years.

23 ALDERMAN MCGEE: Thank you.

24 PRESIDENT HINES: The Chair recognizes
25 Alderman Puente.

1 ALDERMAN PUENTE: Thank you, Mr. President.
2 The question is were the officers in uniform that
3 evening?

4 MR. HALL: The officers were in uniform.

5 ALDERMAN PUENTE: And is there a window on
6 the door so you could see out?

7 MR. HALL: Is there a little --

8 MR. MCKENZIE: It has blinds. The blinds
9 were closed.

10 MR. HALL: I am told that there were blinds
11 that were closed, so they did not look out immediately
12 and see that the officers were there.

13 ALDERMAN PUENTE: Regarding the incident,
14 they were cited for three different things, two of
15 them were dismissed, and a no contest plea on the
16 third. Can you answer me yes or no, was there a plea
17 agreement regarding this?

18 MR. HALL: Well, there was a discussion --
19 Well, yes, there was a discussion with the City
20 Attorney dismissing the other two.

21 ALDERMAN PUENTE: Okay.

22 PRESIDENT HINES: Thank you. Seeing no
23 additional questions, thank you, Attorney Hall. We
24 will now hear from the City Attorney.

25 MR. SCHRIMPF: Thank you, Mr. President and

1 members. I'm Bruce Schrimpf, an Assistant City
2 Attorney.

3 Mr. Hall is correct, the committee
4 specifically reserved judgment on the remaining Items
5 C, D and E because they had not yet been adjudicated,
6 and considered for purposes of this recommendation
7 only Items A and B, the apparent altercation that
8 occurred on March 27th, 2004, and the matter of the
9 patrons after hours and not immediate entry to police.

10 Where there is discussion with the City
11 Attorney and a plea agreement is reached, the typical
12 approach is to consider all of the citations even
13 though some may have been dismissed, and the fact of
14 the matter is, is that they were dismissed because of
15 an agreement, and there was a guilty plea to at least
16 one, and the committee made this recommendation of
17 renewal with a 15-day suspension.

18 Of course, whether or not you impose a
19 suspension for any particular length, or whether or
20 not you impose this suspension, is at your sound
21 discretion. If you have any questions, I'll be
22 happy to answer them.

23 PRESIDENT HINES: Thank you, Attorney
24 Schrimpf. Alderman Witkowiak moves that the Committee
25 now rise. Is there any further discussion on this

1 particular license? The chair recognizes Alderman
2 McGee.

3 ALDERMAN MCGEE: Yes. I was wondering, for
4 a point of information for those who missed the
5 committee meeting, I have a question for the committee
6 members as to -- I was there in attendance at that
7 committee meeting, and I wanted to know, is it true
8 that the alderman from that district had recommended
9 a 10-day suspension, and then the committee decided to
10 recommend 15 days?

11 PRESIDENT HINES: Alderman Witkowiak or
12 Alderman Bohl, do you care to respond to that?

13 ALDERMAN WITKOWIAK: Mr. President, I think
14 it was a sound decision by the committee. Do you
15 recall if there was a -- Alderman Bohl, do you recall
16 if there was a recommendation made by -- or a request
17 made by someone for a shorter suspension? I believe
18 not. To the best of my knowledge there was not.

19 PRESIDENT HINES: Chair recognizes Alderman
20 Puente.

21 ALDERMAN PUENTE: Yes, there was. Their
22 legislative assistant did come before us and recommend
23 10 days on their behalf, but after listening to the
24 testimony and the totality of the incidents and that,
25 it was moved for a 15-day suspension.

1 PRESIDENT HINES: And it was approved?

2 ALDERMAN PUENTE: That is correct, sir.

3 PRESIDENT HINES: Does that answer your
4 question, Alderman McGee?

5 ALDERMAN MCGEE: Thank you.

6 PRESIDENT HINES: Thank you. Is there any
7 further discussion? Hearing no further discussion,
8 are there any other motions relative to this license
9 application attached to this file? Chair recognizes
10 Alderman Witkowiak.

11 ALDERMAN WITKOWIAK: Mr. Chairman, the
12 matter of Mohammad El-hassan, agent for Class "A" Malt
13 renewal for Quick Stop Foods, we conducted a short
14 Utility and Licenses Committee meeting prior to this
15 meeting, and there was a motion to reconsider, and
16 that motion was approved to send this matter back to
17 committee. I believe it was read earlier to deny this
18 license.

19 PRESIDENT HINES: All right, Alderman
20 Witkowiak. It will be referred back to committee.

21 ALDERMAN WITKOWIAK: Thank you.

22 PRESIDENT HINES: If there is no further
23 discussion, I would request a vote of those Council
24 members present to approve the recommendations of the
25 Utilities and Licenses Committee, as contained in

1 File No. 031487. Will the City Clerk please call the
2 roll.

3 CITY CLERK: Alderman Hamilton?

4 ALDERMAN HAMILTON: Aye.

5 CITY CLERK: Davis?

6 ALDERMAN DAVIS: Aye.

7 CITY CLERK: D'Amato?

8 ALDERMAN D'AMATO: Aye.

9 CITY CLERK: Bauman?

10 ALDERMAN BAUMAN: Aye.

11 CITY CLERK: Bohl?

12 ALDERMAN BOHL: Aye.

13 CITY CLERK: McGee?

14 ALDERMAN MCGEE: No.

15 CITY CLERK: Wade?

16 ALDERMAN WADE: Aye.

17 CITY CLERK: Donovan?

18 ALDERMAN DONOVAN: Aye.

19 CITY CLERK: Puente?

20 ALDERMAN PUENTE: Aye.

21 CITY CLERK: Murphy?

22 ALDERMAN MURPHY: Aye.

23 CITY CLERK: Dudzik?

24 ALDERMAN DUDZIK: Aye.

25 CITY CLERK: Witkowiak?

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ALDERMAN WITKOWIAK: Aye.

CITY CLERK: Witkowski?

ALDERMAN WITKOWSKI: Aye.

CITY CLERK: Zielinski?

ALDERMAN ZIELINSKI: Aye.

CITY CLERK: Mr. President?

PRESIDENT HINES: No.

CITY CLERK: Thirteen ayes, two no's.

PRESIDENT HINES: Thirteen ayes, two no's.

The file is adopted. Alderman Witkowiak moves for the adoption for recommendation of the Utilities and Licenses Committee which has taken place just now, and we will now dismiss the stenographer.

* * *

STATE OF WISCONSIN)
) ss:
MILWAUKEE COUNTY)

I, DONNA GULCZYNSKI, of Milwaukee Reporters Associated, Inc., 5120 West Bluemound Road, Milwaukee, Wisconsin, certify that the foregoing transcript, consisting of pages 2 through 15, inclusive, is a full and complete transcript of the proceedings taken in this cause.

Donna Gulczynski - Court Reporter

Dated this _____ day of _____, 2004

Milwaukee, Wisconsin