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CITY OF MILWAUKEE

UTILITIES & LICENSES COMMITTEE

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In the Matter of:

KLAMANN, Joel J., Agent for "PTP Enterprises, Inc.",
Class B Tavern and Tavern Amusement (Cabaret/Nite Club)
renewal applications for "O'Briens" at 4928 West Vliet
Street.

* * * * *

COMMITTEE MEMBERS

- ALD. JAMES BOHL, Jr. - Chairman
- Ald. Joe Davis, Sr. - Vice Chairman
- Ald. Fredrick G. Gordon
- Ald. Joseph A. Dudzik

- DEPARTMENT OF NEIGHBORHOOD SERVICES by KAREN JACOBS
- HEALTH DEPARTMENT by KEVIN HULBERT
- LICENSING DIVISION by JAMES COPELAND
- POLICE DEPARTMENT by SERGEANT JOHN HOGAN
- OFFICE OF THE CITY ATTORNEY by EDWARD EHRLICH

Proceedings had and testimony given in
the above-entitled matter, before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE, on
the 9th day of June, 2003, reported by Donna
Gulczynski of Milwaukee Reporters Associated, Inc.

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P R O C E E D I N G S

(NOTE: All City Personnel Were Sworn Under Oath Prior to These Proceedings.)

CHAIRMAN BOHL: Good afternoon, this is resumption of the Common Council's Utilities and Licenses Committee. Today is Monday, June 9th. It is 1:40 in the afternoon.

I will go through a brief discussion. I am Alderman Jim Bohl. I'm chairman of the committee. To my far right is Alderman Fred Gordon of the 7th District. To my left is Alderman Joe Dudzik of the 11th District. Joining us shortly will be the vice chair of the committee, Alderman Joe Davis of the 2nd. Our staff assistant is Linda Elmer.

We're also joined at the table today by Kevin Hulbert of the Health Department, Karen Jacobs from the Department of Neighborhood Services, Ed Ehrlich from the City Attorney's Office. The Licensing Division manager to my far right is Jim Copeland, and from the License Investigation Unit of the police department, Sergeant John Hogan. At this point we will have to swear in our court reporter.

(Whereupon, the court reporter was sworn under oath.)

CHAIRMAN BOHL: Thank you very much. The

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1 first item on the afternoon agenda, the 1:30 agenda,
2 is for Joel Klamann, agent for PTP Enterprises,
3 Incorporated, Class "B" Tavern and Tavern
4 Amusement renewal applications, as agent for PTP
5 Enterprises, Incorporated for O'Briens at 4928 West
6 Vliet Street. Good afternoon.

7 MR. HUNT: Good afternoon. My name is E. J.
8 Hunt. I'm an attorney, and I represent Mr. Klamann
9 and the bar.

10 CHAIRMAN BOHL: Are you Mr. Klamann here?

11 MR. KLAMANN: Yes, I am.

12 CHAIRMAN BOHL: Okay, welcome. Mr. Klamann,
13 I will need you to raise your right hand.

14 (Whereupon, Joel Klamann was sworn under
15 oath.)

16 CHAIRMAN BOHL: And do you acknowledge
17 receiving notice of today's meeting with the
18 possibility that your application may be denied due
19 to items in the attached police report as well as
20 neighborhood objections to loitering, littering, loud
21 music and noise, patrons after hours, traffic and
22 parking problems, and conduct which is detrimental to
23 the health, safety and welfare of the neighborhood?

24 MR. KLAMANN: Yes, I do.

25 CHAIRMAN BOHL: Okay. Thank you very much.

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1 We'll go around the horn. Health Department?

2 MR. HULBERT: No objection.

3 CHAIRMAN BOHL: Neighborhood Services?

4 MS. JACOBS: No objection.

5 CHAIRMAN BOHL: Sergeant Hogan?

6 SERGEANT HOGAN: There's one issue since the
7 license was last renewed. That was on May the 9th,
8 2003. The Milwaukee Police Department received
9 information concerning O'Briens tavern located at 4928
10 West Vliet Street, and that this particular tavern had
11 been operating after legal closing hours.

12 The investigation determined that on
13 Thursday, April 17th, 2003, at approximately 2:20
14 a.m., and on Thursday, April 24th, 2003, at
15 approximately 2:20 a.m., the premises was operating
16 after hours; the patrons consuming alcoholic beverages
17 present.

18 During these violations, it was unclear if
19 the licensee was present during these violations
20 because the licensee, Joel Klamann, declined to answer
21 questions on the advice of legal counsel.

22 Based on the lack of cooperation from the
23 licensee, it was determined that there was one
24 bartender on duty on both of these dates, and one
25 person acting as a bartender without a valid Class

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1 "D" bartender's/operator's license.

2 The licensee was issued a citation for
3 patrons after hours as licensee responsibility, seven
4 counts for the first date; and a second citation for
5 patrons after hours as licensee responsibility, three
6 counts, concerning the date of April 24th, 2003.

7 The bartender was issued a citation for the
8 Class "B" bartender's license -- correction, -- Class
9 "B", tavern patrons after hours, and the person acting
10 as the bartender without a Class "D" operator's
11 license. Bartender's license was issued a citation
12 for Class "B" bartenders's/operator's licensed
13 required.

14 These matters are pending in review in
15 municipal court for July 16th, 2003 at 9:15 a.m. I
16 will add to the committee that the information I just
17 read almost word-for-word is all the information that
18 was provided me. The matters are pending in municipal
19 court. There are also pending personnel matters of
20 the Milwaukee Police Department, and I have no further
21 comment.

22 CHAIRMAN BOHL: Thank you, Sergeant Hogan.
23 Mr. Hunt, are there any questions or comments that you
24 would like to make relative to the police report as it
25 was read into the record here?

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1 SERGEANT HOGAN: No, Your Honor.

2 CHAIRMAN BOHL: You can call me Mr. Chairman
3 or Alderman Bohl. Questions by committee at this
4 point? Okay. Alderman Murphy is here with us.
5 Alderman Murphy, we need to swear you in, I believe
6 here.

7 (Whereupon, Alderman Murphy was sworn under
8 oath.)

9 CHAIRMAN BOHL: Alderman Murphy, I will let
10 you begin.

11 ALDERMAN MURPHY: Thank you very much,
12 Mr. Chairman and committee members. I have received
13 two complaints from two citizens who had objections to
14 this license; one who has withdrawn her objections,
15 and her name is Barbara Hayes-Dineen, and she held a
16 neighborhood meeting with the neighbors just a week
17 and a half ago, upon which I've been informed that the
18 neighbors were pretty much unanimously in support of
19 this license. The other individual I don't believe is
20 present, David Capon, from Washington Boulevard.

21 I've had no problems with this tavern as a
22 result of the last several years in which it has been
23 licensed. I've received no complaints from neighbors
24 other than one rare complaint. And, in fact, the
25 neighbors have -- in my experience involving matters

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1 involving licenses before this committee in the last
2 14 years, I've not ever received so many calls in
3 support of a tavern, which is a testament to the two
4 owners. They have done a good job of being responsive
5 to the neighbors.

6 Now, this doesn't mitigate the fact that
7 they made an extreme error in poor judgment to say the
8 least. It's pretty clear -- I think anyone who's had
9 an opportunity to watch the Channel 4 segment saw a
10 situation which was unacceptable. We had a situation
11 where Milwaukee police officers, who should know
12 better, were acting contrary to the law by attending
13 this establishment when it should have been closed.
14 They know better, and obviously that's a disciplinary
15 matter that the Milwaukee Police Department is
16 handling and should handle.

17 The owner should receive a fine and should
18 have his day in court, and I believe they're guilty,
19 clearly, at least in my opinion, and I think they
20 should be fined by the municipal court judge. But I
21 have not received any request from any of the citizens
22 in my district asking for this tavern license to have
23 any revocation of this license or suspension.

24 So what I would like to hear is for the
25 applicant to talk to this committee, talk to the

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1 community at large, at what they're going to do about
2 making sure that this never occurs again.

3 Obviously I don't think the police
4 department will be having any an-after hour parties
5 there again or riding cars in the streets, but
6 notwithstanding that, I want to hear from the
7 applicant how he plans to acknowledge this as an error
8 in poor judgment and how he plans on addressing this
9 issue.

10 CHAIRMAN BOHL: Mr. Hunt, if you'd like to
11 respond on behalf of your client.

12 MR. HUNT: Forgive me this question about
13 the procedure in regard to this hearing. Mr. Klamann
14 will present a statement, and he will answer the
15 alderman's very legitimate questions about corrective
16 measures.

17 I would just like to indicate for the
18 record, and hopefully this is the appropriate time,
19 that willing to present a statement on behalf of this
20 tavern application and present here today are Kimberly
21 Floyd, Marilyn Sehmer, and Greg Moran. I'd also
22 indicate that a Dr. Elliott has a letter that he
23 wanted to submit in support of --

24 CHAIRMAN BOHL: We are not able to take
25 records of those nature. That was something that was

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1 explicitly stipulated as well too, that we're not
2 allowed to take -- Unless individuals are here able to
3 testify to items, we cannot accept petitions, we
4 cannot accept letters.

5 MR. HUNT: Dr. Elliott is here. He just has
6 a brief letter, and a Mary Pat Collins and a Jill
7 Sanders-Trachde, who are present here as well. It
8 appears that the committee received a letter of
9 support from an Al Jacoby, from the Washington Heights
10 Neighborhood Association. He's president of that
11 association. I don't believe that he is here.

12 ALDERMAN MURPHY: But Al may be watching
13 this program, and that's Jacoby.

14 MR. HUNT: I'm sorry, Al Jacoby. If it's
15 the pleasure of the committee to hear from Mr. Klamann
16 first, and then if I could call those people to make
17 statements.

18 CHAIRMAN BOHL: If this is part of your
19 opening, that would be fine. What I'm going to tell
20 you, this item is cited for neighborhood objections,
21 so I do have to ask for the record, are there any
22 individuals who are present here today in opposition
23 to this license? Okay. Hearing and seeing none, we
24 would just ask you to briefly proceed at this point.

25 ALDERMAN GORDON: Mr. Chairman?

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1 CHAIRMAN BOHL: Alderman Gordon.

2 ALDERMAN GORDON: Given that we have no
3 opponents, what we could probably do, and normally
4 would do, is have individuals come up, give their name
5 and address and express their support. I don't think
6 that we're going to necessarily be here any longer
7 than that, and we can expedite this.

8 CHAIRMAN BOHL: Absolutely. I would concur,
9 Alderman Gordon. And I will just say ultimately, you
10 know, I'm certain that the testimony they will provide
11 is that this is a clean place, that they serve the
12 best burgers in town, and that ultimately it's a good
13 pub and the whole ball of wax, and I don't want to get
14 into testimony with anyone who's going to say nothing
15 but nice things as well, too, unless there's somebody
16 here to come forward in opposition, and we do not see
17 that.

18 If you want to do that, Counsel, we can
19 proceed along that path, and then if you want to make
20 a statement after that point with the applicant here,
21 we'll be happy to move forward along those lines,
22 okay?

23 MR. HUNT: Then I would like, first of all,
24 to call Kimberly Floyd who'd like to make a statement.

25 CHAIRMAN BOHL: And if you want to grab the

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1 microphone that's standing here, unless you have some
2 major problems where you can't stand for a minute or
3 two, that would be appreciated. Usually that helps to
4 expedite things as well, too. We have enough problems
5 with politicians because we tend to talk a lot. We do
6 need to swear -- Anybody who's going to come forward,
7 we do need to swear those individuals in. If you
8 could all raise your right hand, if you're going to
9 provide any testimony here on behalf of this place.

10 (Whereupon, all individuals present to
11 testify were sworn under oath.)

12 CHAIRMAN BOHL: And Miss Floyd, if you could
13 provide your name and your address for the record,
14 please.

15 MS. FLOYD: My name is Kimberly Floyd, and I
16 have two addresses, one building, but I'll give my
17 business address which is 5000 West Vliet Street in
18 Milwaukee, across the street from O'Briens.

19 I just wrote a letter, so I thought I
20 would read that, and it does have a lot of clean
21 premises and things of that nature. I've lived in the
22 Washington Heights area since 1995 and have witnessed
23 the transformation of what is now O'Briens and the
24 apartments above. O'Briens is a vibrant example of
25 what money and hard work can accomplish.

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Three years ago in July of 2000, I bought the building at 5000 Vliet feeling confident about the positive changes taking place on Vliet Street. For three years O'Briens has been neighbor and fellow business owners. They are hard-working, conscientious and caring.

In the winter O'Briens has shoveled my sidewalk. When my lawnmower broke, O'Briens has lent me theirs. When I needed help carrying something inside, Brian or Joey or another employer were always there to help. When someone suspicious or something suspicious was going on in the neighborhood, O'Briens was there. Every day, every year, O'Briens and the surrounding property is maintained and trash free.

Over the years I've watched O'Briens start and complete several projects that have not only improved O'Briens establishment, but Brian and Kate's house, which is about three doors down from my building. Brian of O'Briens has also just bought a property and has sunk money and labor into another rehab project that had previously been a dead zone. There are now additional viable businesses on our street and upgraded apartments.

Where do I eat on a regular basis?
O'Briens. Where do I meet friends and neighbors for

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1 Packer games and other events? O'Briens. When my
2 parents come up from Florida, we eat at O'Briens,
3 where they are even kind enough to turn down the
4 music. And I was even in a band that played at
5 O'Briens.

6 As a business owner, O'Briens is an
7 important asset. Not only do they maintain the
8 premises and are constantly on or about the premises,
9 but hundreds of people on their way to O'Briens stop
10 to peer in my windows.

11 Many of O'Briens patrons come from all over
12 the city as they participate in numerous team sports
13 at Wick Field. I have many customers who say they saw
14 my place coming or going from O'Briens. It is great
15 exposure. Also, that much foot traffic creates a safe
16 neighborhood. I have never, zilch, not once, have had
17 problems from O'Briens patrons. In conclusion,
18 O'Briens is a necessary and vital asset to my
19 neighborhood and my business.

20 CHAIRMAN BOHL: Boy, they couldn't have
21 gotten a better advertising than that, I imagine.
22 Are there questions by committee of Miss Floyd here?
23 Okay. Go ahead, Mr. Hunt.

24 MR. HUNT: Thank you. The next person I
25 would call is Dr. Elliott.

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1 CHAIRMAN BOHL: Okay. Mr. Hunt, I'm going
2 not going to -- I'm going to ask that we not get into
3 redundant testimony. We've heard how they are
4 terrific neighbors, how they lend materials and how
5 the place is clean, and how they got great burgers,
6 etcetera. I don't want to get where every person is
7 going to try to make a more glowing statement here
8 because -- well, just in the issuance of the
9 committee's time.

10 MR. HUNT: All right. Will the committee
11 then consider some letters from these people just --

12 CHAIRMAN BOHL: Sir, your name for the
13 record is?

14 MR. ELLIOTT: William Elliott.

15 CHAIRMAN BOHL: And Mr. Elliott, what is
16 your address?

17 MR. ELLIOTT: 1553 North 51st Street.

18 ALDERMAN BOHL: Mr. Elliott, if you want to
19 be very brief, your testimony.

20 MR. ELLIOTT: I agree with everything that
21 was said before. I think it is an asset to the
22 neighborhood. I certainly don't condone them being
23 open after hours. I do know the owners. I think they
24 have learned from that, and I hope they continue to be
25 a part of our neighborhood.

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1 CHAIRMAN BOHL: Okay. Questions by
2 committee? Thank you, Mr. Elliott.

3 MR. HUNT: In light of the Alderman's
4 suggestion, I will not call any more witnesses, but I
5 will indicate for the record -- Thank you, Doctor. I
6 will indicate for the record the names of the
7 individuals I have.

8 CHAIRMAN BOHL: I think -- Mr. Hunt, I think
9 it would be preferable if we do bring them up, and at
10 the very least they can just provide their name, their
11 address for the record, and then if they substantially
12 agree with everything and they're in support of it,
13 they can say, "I substantially agree, and I'm in
14 support of the license being renewed."

15 MR. HUNT: That sounds like a good process.
16 Mary Pat Collins?

17 MS. COLLINS: Hi. Mary Pat Collins. I live
18 at 1452 North 50th Place. I do agree with everything
19 they have to say, and we've never had any problems
20 with sound. We live three doors up and down the
21 alley, and we've lived there for nine years, and it's
22 been great. Thank you.

23 CHAIRMAN BOHL: Thank you, Miss Collins.

24 MR. HUNT: Marilyn Sehmer, S-e-h-m-e-r.

25 CHAIRMAN BOHL: Good afternoon, Miss Sehmer.

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1 MS. SEHMER: Good afternoon. I'm Marilyn
2 Sehmer. I live at 1421 North 59th Street, and I've
3 lived there all my life, so I'm well aware of what has
4 gone on on that corner, and I would just like to add
5 one more thing that I think was important.

6 When O'Briens began having live music on
7 Saturday nights, it became obvious their sound-
8 proofing was not adequate for the bass, especially
9 with today's music. I spoke to O'Briens, and the
10 problem was taken care of. They actually stood on my
11 front porch to be sure their measures took care of the
12 problem. Otherwise I agree with everything else.
13 They're terrific neighbors.

14 CHAIRMAN BOHL: Thank you, Miss Sehmer.
15 Anyone else?

16 MR. HUNT: Greg Moran?

17 MR. MORAN: My name is Greg Moran. I reside
18 at 1421A North 49th Street. I agree with everything
19 that's everybody's testified to here today. I'm very
20 much in support of O'Briens' license being renewed.

21 CHAIRMAN BOHL: Okay. Thank you, Mr. Moran.

22 MR. HUNT: Finally I believe Jill Sanders-
23 Trachde. I'll give the spelling. S-a-n-d-e-r-s dash
24 T-r-a-c-h-d-e.

25 MS. SANDERS: I agree with everything, so

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1 that's it.

2 CHAIRMAN BOHL: All right, thank you.

3 Let me just, for my own clarification here, and
4 Mr. Ehrlich, we're going to put you on the hot seat.
5 The question is, I do have -- I am in possession of a
6 tape that was played on Channel 4 in terms of the
7 news. At the request of the City Attorney's Office,
8 Mr. Freedman, the reporter of that series, was
9 summoned. I do not see him present in the audience
10 here today.

11 The question I have is if there is not
12 sufficient information to lay a foundation, can and
13 should that tape be used at all?

14 MR. EHRLICH: Mr. Chairman, a miracle just
15 happened. I was just handed an affidavit that I
16 requested from counsel for The Journal Company that
17 owns TMJ. Their counsel is Foley & Lardner. The
18 attorney involved is David Lucy.

19 I spoke to Mr. Lucy late last week, and I
20 think we both came to the conclusion that Freedman
21 probably would not actually be in a position to lay an
22 appropriate foundation, and I did ask that in lieu of
23 Freedman, if an affidavit could be supplied to the
24 committee.

25 Unfortunately it didn't come in until this

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1 morning, and I've just been handed it, so I have not
2 even had a chance to review it, but I think this
3 affidavit probably would be sufficient. If it
4 contains what I think it contains, I think it would
5 be sufficient to lay an appropriate foundation.

6 CHAIRMAN BOHL: Okay. Did you want to take
7 a moment here to kind of page through that? At this
8 point here, I believe that we can allow Mr. Hunt, if
9 you want to proceed with having a statement here at
10 this point for Mr. Klamann or something to that effect.

11 ALDERMAN GORDON: Mr. Chairman?

12 CHAIRMAN BOHL: Alderman Gordon.

13 ALDERMAN GORDON: Can we see a copy of that?

14 MR. EHRLICH: She just brought down one.

15 I'm going to look it over first, and then --

16 CHAIRMAN BOHL: You know, why don't we --
17 What we're going to do at this point is we'll take a
18 brief three-minute recess to allow Mr. Ehrlich time to
19 take a look at that, and we'll reconvene -- let's keep
20 the committee members here, -- at 2:03.

21 (Recess held.)

22 CHAIRMAN BOHL: This is a resumption of the
23 Common Council's Utilities and Licenses Committee.
24 It's approximately 2:05 in the afternoon on Monday,
25 June 9th.

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1 Our Assistant City Attorney and counsel to
2 the committee, Ed Ehrlich, has had the opportunity to
3 review the affidavit that has come forward on behalf
4 of Journal Broadcasting Group. It's an affidavit of
5 Ray LaPine.

6 Mr. Ehrlich, do you want to shed any light
7 in terms of the affidavit that we've now been
8 proffered?

9 MR. EHRLICH: This affidavit was supplied
10 to me by counsel for TMJ 4 at our request. The
11 affidavit, I believe, lays the sufficient foundation
12 for the tape to be accepted by this committee into
13 evidence in that it accurately depicts the events that
14 took place at the time alleged and at the location
15 alleged. I think that this affidavit would be
16 sufficient.

17 The problem with the affidavit at the
18 moment is that it is not executed because it was just
19 delivered here at the last moment. I've spoken to
20 counsel about it, and I told him that I'm going to
21 suggest to the committee that this affidavit be
22 accepted as is, but the record should remain open, and
23 the record should be supplemented with an executed
24 affidavit, and that I think an executed affidavit
25 would meet the requirement to lay the foundation for

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1 the use of the videotape.

2 CHAIRMAN BOHL: Do you have any comments?

3 MR. HUNT: Yes. I just wanted to register a
4 very brief procedural objection. Mr. Ehrlich, to his
5 credit, acknowledges that technically speaking this
6 isn't really an affidavit. It hasn't been executed,
7 hasn't been signed, it hasn't -- The person that
8 details information or purports to detail information
9 doesn't sign this after being sworn under oath, and as
10 such, my objection is that it should not be considered
11 by the committee, and that the tape should not be
12 considered because there isn't proper foundation, and
13 I have nothing more than that.

14 CHAIRMAN BOHL: Okay. At the advice of
15 counsel here, I will have Alderman Dudzik duly noting
16 the objection of Mr. Hunt, move to make this
17 affidavit, or the document herein, as part of our
18 record, and to keep this item open so that it may be
19 filled in between now and the council date. Are there
20 any objections to that by committee? Hearing none, so
21 ordered.

22 At this point we do have -- we are receiving
23 the tape. Before we proceed, unless there's an
24 objection from the committee, we will have the -- I
25 believe it's approximately a five-minute segment of

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1 the tape played at this point here.

2 (Whereupon a videotape was shown.)

3 CHAIRMAN BOHL: Okay. Thank you. Alderman
4 Gordon will move to make this tape part of our record.
5 There being no objection, --

6 MR. HUNT: And I object.

7 CHAIRMAN BOHL: It will be noted that
8 counsel will object to the tape being admitted.
9 Are there any objections by committee? Hearing
10 none, so ordered.

11 At this point, Mr. Hunt, we'll allow you to
12 proceed if you would like to provide additional
13 testimony or additional statements at this time, we'll
14 allow for questions, and then we will take this into
15 committee.

16 MR. HUNT: Thank you, Alderman. Mr. Klamann
17 would briefly like to address what corrective measures
18 are being employed in answer to Alderman Murphy's
19 question.

20 CHAIRMAN BOHL: Go ahead, please.

21 MR. KLAMANN: The evenings in question, I
22 did not work those evenings. I work those days.
23 That's the day that I do my ordering. I meet with
24 probably six to eight different distributors and take
25 care of all our product ordering for the week during

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1 the day on that day.

2 Since this story broke, since I was informed
3 of the situation, I have restructured my schedule so I
4 can be there at closing time so I know that this isn't
5 the sort of thing that goes on, because obviously this
6 is my livelihood, this is what I do. I'm half partner
7 at O'Briens, and I can't be there all the time.

8 I'm not on that videotape, and I can't
9 speculate as to why this was going on. All I can do
10 is say that it will not be going on from this point on
11 because I'll personally be there to know and to make
12 sure that this isn't happening.

13 CHAIRMAN BOHL: Okay.

14 MR. HUNT: I'd just like to put one question
15 to him if I may.

16 CHAIRMAN BOHL: Certainly.

17 MR. HUNT: What would the effect of a
18 suspension have, a suspension of even between seven
19 to ten days, on your employees and the number of
20 employees?

21 MR. KLAMANN: We employ approximately 20
22 people. These people have bills, they have
23 responsibilities. All these people do not work, you
24 know, these nights that are in question. And it
25 wouldn't be fair to them to put them -- you know,

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1 put them out of work for any period of time because
2 of someone's mistake or something that shouldn't be
3 going on.

4 This business that we run involves -- you
5 know, we're open from 11:30 in the morning till
6 closing time, and it would be quite unfair to the
7 amount of people that do work for us to put them out
8 of work for any length of time.

9 MR. HUNT: If I could ask just one final
10 question?

11 CHAIRMAN BOHL: Certainly. Go ahead.

12 MR. HUNT: Can you list some of the
13 community activities that your business has been
14 involved in?

15 MR. KLAMANN: I had them written down.

16 MR. HUNT: Just off the top of your head.

17 MR. KLAMANN: We've made various donations
18 to the Fire and Police Associations, we've held
19 fund-raisers for cystic fibrosis, the MACC Fund.
20 We've tried to do our part in the community to
21 better it, and I guess that's all I have to say.

22 MR. HUNT: Thank you.

23 CHAIRMAN BOHL: Okay. Are there questions
24 by committee of Mr. Klamann.

25 ALDERMAN DUDZIK: Mr. Chair?

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1 CHAIRMAN BOHL: Alderman Dudzik.

2 ALDERMAN DUDZIK: If I may, was anyone
3 disciplined from your business? I mean did you
4 discipline the bartender that happened to be working
5 that night? I realize you don't want to discipline
6 everybody with a 10-day suspension, but did you
7 address the bartender that was videotaped?

8 MR. KLAMANN: Everyone that was involved was
9 addressed. You know, I asked why this was going on
10 and, you know, I didn't get a lot of straight answers.
11 I took away shifts; you know, shifts where people make
12 money to try to discipline them so this wouldn't
13 happen again.

14 ALDERMAN DUDZIK: I guess the problem I'm
15 having with this is I have a bar in my district that
16 was cited for being open one minute after two.

17 MR. KLAMANN: Correct.

18 ALDERMAN DUDZIK: I just want to be clear.

19 MR. KLAMANN: Whether it's one minute or
20 not, it's against the law, whatever the case may be.

21 ALDERMAN DUDZIK: All right. Thank you.

22 CHAIRMAN BOHL: Other questions by committee
23 at this point? Alderman Murphy?

24 ALDERMAN MURPHY: Yeah. I'd like to hear,
25 though, a little bit more of, you know, an apology to

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1 the community. I mean, one, it's embarrassing to the
2 committee to having an-after hours establishment, and
3 I want to hear an apology.

4 MR. KLAMANN: I am sorry. There's no doubt
5 about that whatsoever. I mean this is not something
6 that I want to have happen again. I am sorry.
7 There's no reason why it should have been going on to
8 begin with. I wish I could explain it. I've worked
9 extremely hard at O'Briens for a long time and have
10 had a clean record. I'm sorry.

11 CHAIRMAN BOHL: Okay.

12 ALDERMAN GORDON: Mr. Chairman?

13 CHAIRMAN BOHL: Alderman Gordon.

14 ALDERMAN GORDON: Thank you, Mr. Chairman.

15 I just had a question after seeing the video as to
16 whether or not there was any disciplinary action taken
17 against the police officers, given that this happened
18 in April and May of this year.

19 CHAIRMAN BOHL: I believe that Sergeant
20 Hogan had indicated that this is still being
21 internally dealt with, and that there is no other
22 information.

23 ALDERMAN MURPHY: I can add that I've been
24 told that there has been disciplinary action taken,
25 and that some officers have been suspended.

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1 CHAIRMAN BOHL: Thank you. Mr. Hunt, did
2 you want to add anything?

3 MR. HUNT: To conclude just very briefly in
4 summation.

5 CHAIRMAN BOHL: Absolutely. Please go
6 ahead.

7 MR. HUNT: It's a real testament to our form
8 of government that we have commissions such as this,
9 bodies such as this, that take seriously as this
10 committee does the public trust, and it's also a -- I
11 think a measure of the success of democracy that
12 citizens like the community members that stepped
13 forward in support of the renewal of the license take
14 part in this public display of democracy, so on behalf
15 of my client, I want to thank all the committee
16 members and thank all the citizens that gave of their
17 free time, their work schedule, to voice their
18 support, their concerns.

19 I'm not going to spend much time addressing
20 the seriousness of these allegations. I believe that
21 they really speak for themselves. What I would like
22 to address, instead, is I think the prosocial values
23 that this establishment brings to the community, as
24 indicated by Ms. Floyd and by the testimony of other
25 people that came here to speak, and also by Alderman

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1 Murphy's remarks, and that if the court is inclined to
2 impose some administrative corrective measure, I ask
3 that the court consider -- or not the court, -- the
4 body, this body, --

5 ALDERMAN GORDON: The committee.

6 MR. HUNT: The committee. Too many years as
7 a trial attorney. I'd ask that the committee consider
8 no more than a two-day suspension.

9 CHAIRMAN BOHL: Okay. Mr. Hunt, just so you
10 are aware, in Chapter 90 the committee -- and the
11 committee only offers a recommendation for the entire
12 council. The entire council will take up committee
13 recommendations and can, and does at times, change
14 those recommendations. We are allowed legally either
15 to renew, nonrenew or provide a suspension from
16 anywhere of a minimum of 10 days, nor more than 90
17 days, so our options are 10 to 90 in terms of
18 suspension, renew or nonrenew.

19 MR. HUNT: I think with that clarification,
20 I definitely want my remarks to be interpreted as a
21 vigorous request for renewal of this license then.

22 CHAIRMAN BOHL: I'll say that you're
23 rounding down here on this one.

24 MR. HUNT: All right. Thank you.

25 CHAIRMAN BOHL: Okay. With that, this item

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1 is in committee. Is there a motion?

2 ALDERMAN GORDON: Mr. Chairman.

3 CHAIRMAN BOHL: Alderman Gordon.

4 ALDERMAN GORDON: Thank you. I certainly
5 want to thank the residents who came out this after-
6 noon and Alderman Murphy on his due diligence on this
7 matter, and I think that obviously the videotape
8 clearly shows what was going on and the obvious
9 complicity of the licensee in this regard to this
10 practice. And, you know, this committee doesn't see
11 that very often; that is, City of Milwaukee police
12 officers engaged in illegal activity. That's rare.
13 I don't think I've seen anything like this since I've
14 been on the committee, and that's been for 11 years.
15 But because the residents are supportive, because the
16 neighborhood association is in support of this
17 establishment, and because obviously the alderman is,
18 I think that renewal is certainly appropriate.

19 However, given, you know, the illegal
20 activity that's clearly been shown as to have taken
21 place on this premise with the tacit understanding and
22 approval of the management of the bar, I think a
23 suspension is obviously in order, and based on that,
24 based on the evidence that I've seen and that is
25 before the committee, I think a 15-day suspension is

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1 appropriate.

2 This committee generally believes in
3 progressive discipline upon infractions, and when you
4 have a clear and consistent violation of the law, some
5 sanction is appropriate, so that's my motion.

6 CHAIRMAN BOHL: Okay. The motion before us
7 is renewal of the Class "B" tavern and tavern
8 amusement licenses with a 15-day suspension. Are
9 there any comments on the motion at this point?

10 ALDERMAN DAVIS: Mr. Chair.

11 CHAIRMAN BOHL: Alderman Davis.
12 ALDERMAN DAVIS: Let me tell you that I'm
13 very disappointed. The attorney mentioned public
14 trust. Public trust in this particular instance has
15 been breached. Once I could understand. Twice, it's
16 getting kind of shady, but four weeks in a row with
17 the establishment not contacting the police department
18 is very concerning to me. And as I take a look at
19 things that an establishment who has the privilege of
20 applying for licenses, and also our department, our
21 police department, who is supposed to serve and
22 protect citizens of this city, I feel very
23 disappointed at this particular time, I really do,
24 because there is instances where we have to have
25 faith, and we have to make sure that we establish a

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1 good relationship, not only with the business owners
2 and bar owners, but with the police department.

3 And you have a role, you have a specific
4 role as a bar owner, whether it's the police
5 department or any other patron, to make sure that you
6 uphold the law.

7 And I guess that's the reason why I'm
8 disappointed is because as a business, you had an
9 opportunity to really set the record straight, even
10 with these police officers. And I know it's going on
11 out there, because sometimes I have to deal with my
12 constituents asking me questions of credibility of law
13 enforcement, so I'm -- I will support the motion of a
14 15-day suspension.

15 But to tell you the truth, I was ready
16 to move for nonrenewal, because I was very, very
17 disturbed to find out that this type of activity
18 happens at a particular establishment after hours,
19 and no one was ever -- you know, that whatever
20 district that's in your area, I think it's the 3rd
21 District, was never notified that this type of
22 activity was happening, so I would -- That's how
23 I feel, Mr. Chair.

24 CHAIRMAN BOHL: Thank you.

25 ALDERMAN DUDZIK: Mr. Chair?

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1 CHAIRMAN BOHL: Alderman Dudzik.

2 ALDERMAN DUDZIK: Just a point of
3 clarification. I haven't been on this committee all
4 that long, but as a form of progressive discipline,
5 wouldn't we normally start at a 10-day suspension and
6 ask for a vote on that?

7 CHAIRMAN BOHL: The answer to that is
8 progressive discipline, there is no formal -- there is
9 no formal working practice of progressive discipline.

10 If you were to inquire with Mr. Schrimpf, he
11 would tell you that such a thing does not exist,
12 although it has been an established practice from time
13 to time on the part of some committee members. There
14 is no working document, nor is there anything in the
15 code that says it must be progressive discipline, and
16 each case is separate from each other case.

17 ALDERMAN GORDON: Just as an aside,
18 Mr. Chairman, to Alderman Dudzik, he's absolutely
19 right, the chairman is, and I think 15 days in this
20 particular situation is appropriate.

21 As Alderman Davis had indicated, you know,
22 the public trust was breached in this matter, and
23 other people are going to be watching how this
24 singular situation is going to be handled by this
25 committee.

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1 Granted, the neighbors are supportive,
2 and that's a good thing, and the licensee has pretty
3 much conducted himself appropriately but for this
4 incident, but this is a major incident. There
5 certainly could have been a greater suspension levied,
6 and I'm offering this motion primarily because the
7 establishment has the support of residents and
8 Alderman Murphy.

9 CHAIRMAN BOHL: Okay, Alderman Dudzik?

10 ALDERMAN DUDZIK: That's fine. It was just
11 a point of clarification for myself.

12 CHAIRMAN BOHL: Alderman Murphy, we are in
13 committee. I will allow you, if you want to be very
14 brief, if you want to add anything else to that.

15 ALDERMAN MURPHY: No.

16 CHAIRMAN BOHL: Again, the recommendation is
17 for renewal of the Class "B" Tavern/Tavern Amusement
18 licenses with a 15-day suspension. Are there any
19 objections to that motion?

20 ALDERMAN DAVIS: Mr. Chair, I object.

21 CHAIRMAN BOHL: Okay. With hearing one
22 objection, so ordered. Mr. Ehrlich?

23 MR. EHRLICH: Thank you, Alderman. The
24 committee has voted a suspension. Be aware of the
25 fact that the Utilities and Licenses Committee will be

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1 preparing Findings of Facts and Conclusions of Law
2 contained in the report, and you'll receive a copy of
3 that report.

4 You will have an opportunity to submit
5 written objections to that report as well as appear
6 before the Common Council when it meets on this
7 matter -- I believe at 9 a.m. on Tuesday, June 24th;
8 is that correct?

9 CHAIRMAN BOHL: That is correct. Tuesday,
10 June 24th.

11 MR. EHRLICH: -- in the Common Council
12 Chambers of this building. Mr. Hunt, do you want the
13 notice sent to your office or to your client?

14 MR. HUNT: You can have it sent to my
15 office.

16 MR. EHRLICH: I believe I have one of your
17 valuable cards, and I'll send it to your office.

18 CHAIRMAN BOHL: With that, we have one
19 remaining item on the afternoon agenda. We'll take
20 that in two minutes. We just have to make a few
21 technical changes here, so we will reconvene here at
22 2:32, in two minutes.

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4 MILWAUKEE COUNTY)

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I, DONNA GULCZYNSKI, of Milwaukee Reporters
Associated, Inc., 5120 West Bluemound Road, Milwaukee,
Wisconsin, certify that the foregoing transcript,
consisting of pages 2 through 33 inclusive, is a
full and complete transcript of the proceedings taken
in this cause.

Donna Gulczynski - Court Reporter

Dated this day of , 2003
Milwaukee, Wisconsin