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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the Class "B" Tavern and Tavern  
Amusement Cabaret Night Club Renewal Application

6

and a change in entertainment for

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Sean Rafaelli - Agent

Don Rafaelli - Owner

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RICKY'S ON STATE

2601 West State Street Street

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair

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

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ALD. JOSEPH A. DUDZIK

14

ALD. ROBERT PUENTE

15

ALD. WILLIE WADE

16

LICENSING DIVISION by RICHARD PFAFF

17

NEIGHBORHOOD SERVICES by PANDORA BENDER

18

HEALTH DEPARTMENT by JULIE HULTS

19

POLICE DEPARTMENT by SERGAENT CHESTER ULICKEY

20

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in  
the above-entitled matter, before the LICENSES  
COMMITTEE OF THE CITY OF MILWAUKEE, on  
the 18th day of July, 2006.

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CHAIRMAN WITKOWIAK: In the - - In the  
4th District, Sean Raffaelli, Agent for DLR,  
Incorporated. Class "B" Tavern and Tavern  
Amusement Cabaret Night Club Renewal Application  
and a change in entertainment for Ricky's on  
State, 2601 West State Street.

Good morning.

THE APPLICANT: (Sean) Good morning.

MR. LERNER: Good morning. Robert  
Lerner, Attorney for Ricky's, and for - - This is  
Don Raffaelli, who is the - - the owner, and his  
son, Sean, who has the - - who has - - is the  
registered agent.

CHAIRMAN WITKOWIAK: Okay. I don't  
know. Can we get one more chair at this table  
here. If you're the agent, I'd like you to be at  
the table. Yeah, just drag one of those up, from  
right over there.

MR. LERNER: Come sit by - - wherever  
you're comfortable.

CHAIRMAN WITKOWIAK: The cleaning crew  
must have stolen a couple chairs. Okay. Would  
you raise your right hands? We'll swear you in,  
please.

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1 (Whereupon those present were sworn.)

2 CHAIRMAN WITKOWIAK: You've stated your  
3 appearance already. Name and address for the  
4 record, please?

5 THE APPLICANT: Donald Raffaelli, 5615  
6 Grandview Drive, Greendale 53129.

7 CHAIRMAN WITKOWIAK: And?

8 THE AGENT: Sean Raffaelli, 6630 Hill  
9 Ridge Drive, Greendale, Wisconsin 53129.

10 CHAIRMAN WITKOWIAK: Okay. Do you  
11 admit to receiving notice in the mail there's a  
12 possibility your application could be denied  
13 because of items contained on the police report,  
14 and neighborhood objections to loitering,  
15 littering, loud music, noise, sales to and  
16 presence of underage, fights, shooting,  
17 prostitution, drug activity, disorderly operation  
18 of premises, failure to obtain the required  
19 licenses for the operation of the premises, and  
20 conduct which is - - has an adverse impact on the  
21 health, safety and convenience and prosperity of  
22 the neighborhood?

23 THE APPLICANT: Yes, I do.

24 CHAIRMAN WITKOWIAK: Okay. Health  
25 Department?

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1 HEALTH: The Health Department has no  
2 objections.

3 CHAIRMAN WITKOWIAK: Neighborhood  
4 Services?

5 DNS: No objections.

6 CHAIRMAN WITKOWIAK: No objections.

7 Okay. Sergeant Ulickey, the police report,  
8 please?

9 SERGEANT ULICKEY: On 12/5/05 at 11:10  
10 p.m., Milwaukee Police conducted a tavern check  
11 at Ricky's on State, 2602 West State.  
12 Investigation revealed several violations, and  
13 the manager, Michael Segal, was issued several  
14 citations for posting of occupancy, safe egress  
15 from door, license of permit required, and  
16 charges to be posted. Mr. Segal was found guilty  
17 of the occupancy, and found - - fined 3,000  
18 dollars. Found guilty of the license permit  
19 required, fined 212 dollars. Found guilty of the  
20 charges to be posted and fined 343 dollars. The  
21 safe egress was dismissed.

22 On 12/26 of '05 at 1:47, Milwaukee  
23 Police were dispatched 2601 West State for shots  
24 fired complaint, which was upgraded to a  
25 shooting. Investigation revealed no shooting

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1 occurred. However, eight nine millimeter casings  
2 were found outside the front door of Ricky's.  
3 There had been a large fight inside the tavern,  
4 which resulted in one patron firing a gun.  
5 Security camera showed the subject to be a black  
6 male wearing a dark jacket with white rings on  
7 the shoulders. A report was filed regarding this  
8 incident, and while there, officers also  
9 conducted a tavern check and found an underage  
10 subject in the bar. He was identified. Issued a  
11 citation for consuming alcohol. The bar manager,  
12 Michael Segal, was also cited for disorderly  
13 premise and presence of underage. He was found  
14 guilty of the disorderly premise and fined 354  
15 dollars. The presence of underage was dismissed.  
16 On 2/20 - - Sorry - - 2/7 of '06 at  
17 1:18, police were dispatched to Ricky's for a  
18 large fight inside the tavern. Upon arrival  
19 officers found no fight, but found several tables  
20 and chairs were overturned, as well as broken  
21 glass all over the floor. Five pa - - patrons  
22 were found left in the bar, and officers  
23 conducted FIs. One subject had a suspect alert  
24 for burglary. He was identified and taken into  
25 custody. Two other patrons were under the age of

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1 21, and told officers no one - - no one asked  
2 them for ID to gain entry. Both subjects were  
3 cited for underage drinking. There was also a  
4 citation for restrict - - or resisting and  
5 obstructing. Sean Raffaelli, licensee at  
6 Ricky's, was issued citations for disorderly  
7 premise and presence of underage. He was found  
8 guilty of this - - the disorderly premise, fined  
9 354 dollars. The presence of underage was  
10 dismissed.

11 On 2/13 of '06, Milwaukee Police  
12 conducted a tavern check and found the bar  
13 manager, identified as Michael Segal, operating  
14 as the manager with his manager's license expired  
15 since June 30th of '05. A citation was issued.  
16 He was found guilty and fined 175 dollars.

17 CHAIRMAN WITKOWIAK: Thank you,  
18 Sergeant. Do you have any questions of the  
19 police report?

20 MR. LERNER: No, can I - - Do you want  
21 me to respond to the police very briefly?

22 CHAIRMAN WITKOWIAK: Yes.

23 MR. LERNER: Okay. The officer did not  
24 mention the first three items that are in the  
25 letter in their report involving a Mr. Kopadek.

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CHAIRMAN WITKOWIAK: Okay.

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MR. LERNER: And the claim that he is a new stockholder. Mr. Kopadek was hired by Mr. Raffaelli to manage the place when he bought it in 2002. And in July of 2004 his employment was terminated, and Mr. Kopadek is not a - - a stockholder. There was a lawsuit brought by Mr. Kopadek in the Circuit Court for Milwaukee County that was - - was settled between the parties. He has had - - Mr. Kopadek has had nothing to do with this business for more - - for more than the last two years.

CHAIRMAN WITKOWIAK: Thank you.

MR. LERNER: As to - - As to each of the - - As to the citations, number four, the - - they passed over, so I'll pass over, since it doesn't appear there was anything wrong done by Ricky's, because a patron had a warrant from Illinois.

The incident on February 5th was resolved by no contest pleas in a Municipal Court after negotiations with the city attorney. That substantially reduced the - - the alleged fines and led to the dismissal of the charge of safe egress from the door. As to the charges to be

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1 posted, we had to agree that the - - the sign  
2 wasn't posted, but we would have been able to  
3 show that the sign had been up and had fallen  
4 down. But we decided it cost less to pay it than  
5 to - - to fight it.

6 The license and permit required was for  
7 a machine. Machines in the - - in the premises  
8 that while Mister - - while Ricky's is  
9 responsible to make sure that the - -the licenses  
10 are obtained, they are obtained by the owners of  
11 these machines. These machines are only leased  
12 to - - to Ricky's, and the company that leases  
13 them to Ricky's upon being notified, the next day  
14 of - - of the problem, immediately took care of  
15 getting the licenses - - getting the licenses in  
16 a timely fashion.

17 As to the occupancy, there was - -  
18 there was a dispute between the City and Ricky's  
19 as to how many people were in the - - in the  
20 place. But in any event, there were too many,  
21 and we worked out this resolution that  
22 substantially reduced the fine - -

23 ALDERMAN BAUMAN: I'm going to  
24 interrupt this. I thought this was going to be  
25 brief. I mean, he - - he's basically going to

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1 trial on convictions.

2 CHAIRMAN WITKOWIAK: We haven't gotten  
3 to the good stuff yet, so.

4 ALDERMAN BAUMAN: These are all  
5 convictions of record. So any explanation is  
6 essentially irrelevant. They're findings of  
7 guilt.

8 MR. LERNER: They are - - They are  
9 findings of guilt on a plea of no contest. A  
10 plea of no contest doesn't mean you admit you did  
11 anything wrong. I'm just trying to explain what  
12 happened in regard to these matters.

13 CHAIRMAN WITKOWIAK: Please go ahead  
14 and explain. Please be brief.

15 MR. LERNER: Okay. I'm trying to be.

16 CHAIRMAN WITKOWIAK: We're - - We're  
17 used to hearing this stuff.

18 MR. LERNER: Okay. I'm trying.

19 CHAIRMAN WITKOWIAK: You can go a  
20 little faster.

21 MR. LERNER: As to the incident on  
22 December 26th, again, at that time there - - the  
23 presence of underage was dismissed. A disorderly  
24 premise ticket was issued. That was issued  
25 because the people at Ricky's had called the

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1 police to come to the place, because their people  
2 were acting out inside the place, and they  
3 thought this was the safest way to take care of  
4 it.

5 Similarly, on the December 7th  
6 incident, same thing. At that time the bar - -  
7 the Ricky's had purchased a machine that every  
8 person who comes into the bar has to put their ID  
9 into, and we have a record of it. We never knew  
10 the names of any of these people until - - until  
11 now. And they were asked to gain - - to give  
12 IDs. And we - - we believe they had a - - they  
13 had a false ID, and - - and, again, the police  
14 were called because of - - because Ricky's called  
15 them to prevent a bigger disturbance. As to the  
16 tavern check for Mr. Segal, he had forgotten to  
17 renew his license, and he immediately did, and,  
18 in fact, this committee approved, with a warning,  
19 the renewal of his license in - - in May of this  
20 year.

21 CHAIRMAN WITKOWIAK: Questions by  
22 members of the committee?

23 ALDERMAN BOHL: Mr. Chairman.

24 CHAIRMAN WITKOWIAK: Alderman Bohl.

25 ALDERMAN BOHL: I'm wondering when - -

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1 when you obtained this - - this driver's license  
2 scanning device.

3 THE APPLICANT: I - - I took the - - I  
4 bought the license - - I bought the machine, I  
5 think it was in late January, and I - - I didn't  
6 know there was one available, and what it does is  
7 when you scan someone's card on there, it keeps  
8 the person's picture on a hard drive in a  
9 computer, so you're able to - - the police come  
10 in and say you didn't scan the person, we can go  
11 back and say, here's - - here's the hard drive or  
12 here's the tape or whatever it is. So you  
13 maintain a record of everybody that comes in  
14 that's - - that's carded. I didn't know some - -  
15 something like that was available. But I talked  
16 to the security department. I said, "Is there  
17 something I can do about this?" And they said,  
18 "Well, we have a machine," they can take to scan  
19 and keep it on the hard drive that you can give  
20 to the police.

21 ALDERMAN BOHL: So you - - you have  
22 that machine and have had it operational since  
23 late January then?

24 THE APPLICANT: Right. I don't have  
25 the exact date, but I could get the exact date

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1 for the committee. I have the receipt for the  
2 machine. Or we could call Central One Security  
3 who monitors the premises.  
4 ALDERMAN BOHL: You - - You did have  
5 that operating - - that machine operational then  
6 by February. Correct?  
7 THE APPLICANT: I believe I did, yeah.  
8 I should have the exact date, and I can give that  
9 to you.  
10 ALDERMAN BOHL: February 7th, two  
11 patrons were found in your establishment. One  
12 identified as Keith Brazer. Another one, Brandon  
13 Williams. Both were under the age 21. Told  
14 officer at the door that no one asked them for ID  
15 to gain entry.  
16 THE APPLICANT: If I had the machine at  
17 that time, I find that to be impossible. Because  
18 everybody does get scanned.  
19 ALDERMAN BOHL: Even during the early  
20 hours?  
21 THE APPLICANT: We almost never have  
22 any customers before nine o'clock.  
23 ALDERMAN BOHL: In the evening?  
24 THE APPLICANT: Right. Right. So  
25 rarely we get a customer before nine o'clock, but

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1 they do come in occasionally.  
2 ALDERMAN BOHL: What - - What are your  
3 - - What are your functional hours?  
4 THE APPLICANT: Seven o'clock until bar  
5 closing.  
6 ALDERMAN BOHL: And that is seven days  
7 a week or?  
8 THE APPLICANT: Seven days a week,  
9 correct.  
10 ALDERMAN BOHL: Thank you.  
11 CHAIRMAN WITKOWIAK: Any questions by  
12 members of the committee?  
13 ALDERMAN PUENTE: Mr. Chairman.  
14 CHAIRMAN WITKOWIAK: Alderman Puente.  
15 ALDERMAN PUENTE: Regarding the police  
16 report to the Sergeant or - - Michael Segal is  
17 not here. Is that correct?  
18 THE APPLICANT: No, he's not.  
19 ALDERMAN PUENTE: Is he still employed  
20 by you?  
21 THE APPLICANT: Yes, he is.  
22 ALDERMAN PUENTE: Okay. I noticed that  
23 the incident on 2/13/06 he was - - You got to  
24 give me a second here to get this computer - - He  
25 was cited for not having a license. Correct?

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1 THE APPLICANT: For not having a  
2 manager's license, yeah.  
3 ALDERMAN PUENTE: Correct.  
4 THE APPLICANT: Having an expired  
5 manager's license.  
6 ALDERMAN PUENTE: Right.  
7 THE APPLICANT: He has a bar license.  
8 ALDERMAN PUENTE: Yet there were two  
9 incidents prior - - It expired 6/30/05, but yet  
10 on 12/5/05 and 12/26/05 he was also cited. So at  
11 those two incidents he must have had an expired  
12 manager's license then, too. Is that correct?  
13 MR. LERNER: But he was not cited by  
14 - - He was there, but he was not given - - He was  
15 not given any citation by - - by the police for  
16 - - for not having - - for having a - - a license  
17 that was - - that had expired, as far as we know.  
18 ALDERMAN PUENTE: Exactly.  
19 MR. LERNER: I guess.  
20 ALDERMAN PUENTE: Even though it was  
21 expired.  
22 MR. LERNER: Apparently it was. I  
23 don't know when it expired, exactly. But if - -  
24 But if they're from year to year.  
25 THE APPLICANT: So June 30th, 2005.

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1 MR. LERNER: Right. 2005.

2 ALDERMAN PUENTE: So any time after  
3 that you should have been cited, but  
4 unfortunately, the police department did note  
5 cite him in these two other incidents that we're  
6 aware of at this time. Correct?

7 THE APPLICANT: That's the way it  
8 appears.

9 ALDERMAN PUENTE: I'm sure you don't  
10 know why, right?

11 THE APPLICANT: I couldn't tell you  
12 that, but I would safely assume that he probably  
13 should have been cited in the other ones.

14 MR. LERNER: And I can assure you that  
15 if he had been cited the first time, he would  
16 have taken care of the license immediately after  
17 the first incident, as he did when he eventually  
18 was cited.

19 ALDERMAN PUENTE: All right. Thank  
20 you, Mr. Chair.

21 CHAIRMAN WITKOWIAK: Can I see a show  
22 of hands? Is there anyone here in the audience  
23 here to testify relative to 2601 West State  
24 Street? Okay. What I'd like to do is keep your  
25 right hands raised, please. Everybody who is

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1 going to testify. Right hand. One, two, three.  
2 I see five people. And we're going to swear you  
3 in at this time.

4 (Whereupon the witnesses were sworn.)  
5 CHAIRMAN WITKOWIAK: Okay. What I want  
6 you to do is come one at a time, stand by this  
7 microphone here. Give us your name and address,  
8 and then your testimony.

9 THE WITNESS: My name is Amy Theisen.  
10 I live at 2735 West State Street.

11 MR. SCHRIMPF: Could I have that,  
12 again, please?

13 THE WITNESS: Amy Theisen. It's T-H-E-  
14 I-S-E-N. 2735 West State.

15 CHAIRMAN WITKOWIAK: So you're  
16 approximately one block away?

17 THE WITNESS: One block away.

18 CHAIRMAN WITKOWIAK: Okay. And your  
19 testimony is?

20 THE WITNESS: The primary thing that  
21 I'm seeing where I live is I know they have  
22 security at the door, and I've heard this stated  
23 before. Yes, we have the security. Prostitutes  
24 work one block away. It's af - - Any - - Any  
25 time I'm driving home after ten o'clock at night

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1 there's going to be a hooker at 27th and State.  
2 There's going to be a hooker at 27th and  
3 Highland. And there will be one work - - working  
4 along between the two stretches of 27th Street.  
5 It's - - It's very continual. Absolutely  
6 guarantee you're going to see one there.  
7 They'll usually - - Because I'll make  
8 the stop at - - There's a stop sign at 27th and  
9 Highland, as I'm turning to come over to State  
10 Street. And they'll walk over. It's like as  
11 soon as they see I'm a woman, they'll walk away.  
12 And if it's a male driver, they'll - - If there's  
13 a male in the car, you know, I've had a friend  
14 coming where I'm giving them a ride home. I've  
15 been the designated driver. There's I'm in the  
16 - - I'm driving. He's in the passenger side.  
17 She'll come up and tap on the window. You know,  
18 "Do you want to party?" My dad's been approached  
19 when we've been coming home.

20 CHAIRMAN WITKOWIAK: Questions by  
21 members of the committee?

22 ALDERMAN WADE: Mr. Chair.

23 CHAIRMAN WITKOWIAK: Alderman Wade.

24 ALDERMAN WADE: Miss, how long has this  
25 been the case over there?

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1 THE WITNESS: It's been - - I've - -  
2 I've lived there - - I bought in July of '96, and  
3 it's been pretty continual since I - - since I've  
4 been there. If - - If I actually hear  
5 solicitation that I can testify, I call the  
6 police. But to be honest, in the 3rd District,  
7 prostitution calls are not going to be a highest  
8 rated when you're getting response.

9 ALDERMAN WADE: So - - But you have  
10 called the police?

11 THE WITNESS: Yes.

12 ALDERMAN WADE: Has it been instances  
13 where the police have - - you witnessed them  
14 showing up, doing something about it?

15 THE WITNESS: You - - Because usually -  
16 - Usually this time of night in this area, I'm  
17 going home and going to bed. So I haven't - -

18 ALDERMAN WADE: So when you call the  
19 police, you don't know if they come or not.

20 THE WITNESS: I call the police. I  
21 don't know if they come or not.

22 ALDERMAN WADE: Okay.

23 THE WITNESS: And it wouldn't show up  
24 as being pertaining to Ricky's, because they're  
25 not right in front of Ricky's. They're on the

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1 corners.

2 ALDERMAN WADE: And this goes on what  
3 days?

4 THE WITNESS: It's - - It's pretty much  
5 seven days a week. It - - Usually they - - they  
6 hit the corners. It's going to be, set, nine,  
7 ten o'clock is when they're out, and then they'll  
8 be out.

9 ALDERMAN WADE: Okay. I don't want to  
10 do too much of a commercial for them, but I just  
11 want to get an idea, because sometimes I'm riding  
12 around, and I want to ride through and just see  
13 if it's that obvious, and if it is that obvious,  
14 then we have our police department, whose job it  
15 is to ride around. I'm thinking that maybe they  
16 have seen it. And if they have, it's just  
17 surprising to me that it could con - - continue  
18 for ten consecutive years.

19 THE WITNESS: It's - - It's very  
20 obvious.

21 ALDERMAN WADE: Okay.

22 THE WITNESS: Unless - - Unless you're,  
23 you know, like I said my dad had no idea.  
24 Because I think I met one of your neighbors.  
25 It's like well, what did - - "Well, she wanted to

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1 party. And I said we're going - - we're going  
2 here." And it was like, "Dad, she was a hooker."  
3 He just went oh. Oh, I was going to give her a  
4 beer.

5 ALDERMAN WADE: Okay. Thank you.

6 CHAIRMAN WITKOWIAK: Do you have any  
7 questions of this witness?

8 MR. LERNER: Yes. When did this  
9 incident with your father occur?

10 THE WITNESS: It would have been last  
11 year. It was in the Springtime, because we were  
12 going to see - - we went down to - - We went to  
13 the MSO. We were coming back from the MSO,  
14 and - -

15 MR. LERNER: Spring of 2005?

16 THE WITNESS: Spring of 2005. I don't  
17 know the exact date. If I - - I could look at  
18 the concert dates.

19 MR. LERNER: Have you ever talked with  
20 Mister - - I'm sorry.

21 COURT REPORTER: I know, but you have  
22 to kind of use the microphone.

23 MR. LERNER: Okay. Yes.

24 COURT REPORTER: Pull it close to you.

25 MR. LERNER: Yes.

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1 COURT REPORTER: Don't lean back.  
2 MR. LERNER: Usually I'm not told I  
3 don't talk loud.  
4 COURT REPORTER: I know. Your back was  
5 away from this.  
6 MR. LERNER: I'm sorry. Have you ever  
7 talked with Mr. Raffaelli, this gentleman seated  
8 to my left, or anybody else at - - at Ricky's  
9 about this - -  
10 THE WITNESS: No.  
11 MR. LERNER: About this problem?  
12 THE WITNESS: No.  
13 MR. LERNER: You've never told them  
14 there's a problem.  
15 THE WITNESS: It's - -  
16 MR. LERNER: You have not told them - -  
17 THE WITNESS: I have not told them  
18 there's a problem.  
19 MR. LERNER: Okay.  
20 ALDERMAN BAUMAN: It's obvious.  
21 Correct?  
22 THE WITNESS: It's obvious.  
23 MR. LERNER: Okay. All right. And  
24 this problem was going on when you moved there.  
25 THE WITNESS: Yes.

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1 MR. LERNER: Okay. Have there been - -  
2 You live about a block and a half, two blocks  
3 from - -

4 THE WITNESS: A block and a half.

5 MR. LERNER: Okay. And you've noticed  
6 that there have been significant architectural  
7 improvements at Ricky's in the - - in that time?

8 THE WITNESS: Well, you destroyed  
9 something that was a historic building. No, that  
10 - - that isn't completely - - We're in a historic  
11 district, and we're all about preservation. If  
12 you tear it down to make it something that  
13 totally is out of character with the  
14 neighborhood - -

15 MR. LERNER: I'm glad you brought that  
16 up. Okay. And how - - I'm not going - - We'll  
17 talk about that later with others. All right.

18 And as far as you know, you never  
19 talked to the police about it?

20 THE WITNESS: About the hookers? Yes.

21 MR. LERNER: Okay. Have you talked  
22 with your alderman about it prior to this year?

23 THE WITNESS: Yes.

24 MR. LERNER: Did you talk to him about  
25 it before the license was up for renewal last

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1 year?

2 THE WITNESS: Yeah, I'm sure we have.  
3 Because, see, we were on the historic committee  
4 for the area board.

5 MR. LERNER: Fair to say you probably  
6 brought it to his attention almost every year  
7 since you moved in.

8 THE WITNESS: Yes.

9 MR. LERNER: Okay. That's all.

10 CHAIRMAN WITKOWIAK: Thank you for your  
11 testimony. Next witness, please.

12 THE WITNESS: My name is Charlene  
13 Wagner.

14 CHAIRMAN WITKOWIAK: Closer to the  
15 microphone, please.

16 THE WITNESS: It's Charlene Wagner. I  
17 live - -

18 CHAIRMAN WITKOWIAK: Closer to the  
19 microphone, please.

20 THE WITNESS: Now can you hear? Okay.  
21 It's Charlene Wagner. I live on Highland  
22 Boulevard. And I've only been in the  
23 neighborhood for about a year and a half. But a  
24 few months ago I was coming from a friend's that  
25 lived down further on State Street, and I was

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1 walking back. And I was walking like kind of  
2 near the Blood Center thing. And there was a  
3 girl and a guy - - Now, they say they don't open  
4 until seven, so I'm not too sure. I thought it  
5 was around five o'clock, because I get out of  
6 class at three. So I went home and then went to  
7 my friend's and then came back. But there were  
8 people, like loitering around, like the front of  
9 their place, and a girl and a guy walked across  
10 the street. And the girl looked like she was  
11 going to perform something for the guy, and then  
12 they saw me walking, and she got up and walked  
13 away real quick. And that was about two or three  
14 months ago.

15 CHAIRMAN WITKOWIAK: Where did you  
16 first see these people at? Where were they  
17 standing when you first encountered them?

18 THE WITNESS: They were standing - - It  
19 looked like they were right on the corner by  
20 Ricky's there.

21 CHAIRMAN WITKOWIAK: Okay.

22 THE WITNESS: So I didn't know if they  
23 came out of there or what? But then I saw them  
24 walk across the street, and then they saw me and  
25 stopped what they were going to do.

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1                   CHAIRMAN WITKOWIAK: How - - How close  
2 do you live to Ricky's?

3                   THE WITNESS: I live on 29th and  
4 Highland.

5                   CHAIRMAN WITKOWIAK: So you're how many  
6 blocks away?

7                   THE WITNESS: Hmm - -

8                   CHAIRMAN WITKOWIAK: Four blocks away  
9 or something?

10                  THE WITNESS: Yeah, something like  
11 that. But I had a friend that was living on 22nd  
12 and State, so.

13                  CHAIRMAN WITKOWIAK: Have you, other  
14 than that experience, have you observed any other  
15 - - any - - any other activities that appear to  
16 be prostitution or drug related?

17                  THE WITNESS: I can't really say,  
18 because my friend moved to, like, South  
19 Milwaukee, so I haven't really been down that  
20 way.

21                  CHAIRMAN WITKOWIAK: Okay. Do you have  
22 any - - Hold on.

23                  MR. LERNER: Yes. You don't know  
24 whether these two people that you saw had  
25 anything to do with Ricky's?

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1 THE WITNESS: Well, I thought at first  
2 they were coming out of there.

3 MR. LERNER: You don't know if they  
4 were. If it doesn't open until seven o'clock - -

5 THE WITNESS: Yeah.

6 MR. LERNER: - - they wouldn't have  
7 been coming out of there. Right?

8 THE WITNESS: No. But there was a few  
9 people like by the door and around like by the  
10 corner of it. So I don't know if they were  
11 waiting for it to open, or what, but - -

12 MR. LERNER: You don't know if any of  
13 those people were employed by Ricky's?

14 THE WITNESS: No. Because I wouldn't  
15 know any of the employees.

16 MR. LERNER: Okay. Did you - - Did you  
17 ever bring this to - - to the attention of the  
18 people at Ricky's?

19 THE WITNESS: No, because I had no idea  
20 who the people of Ricky's are. I'm not going in  
21 there, I mean.

22 MR. LERNER: Okay. Did you bring it to  
23 the attention of your alderman, Alderman Bauman.

24 THE WITNESS: I didn't know him at the  
25 time. I didn't meet him until this past summer.

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1 ALDERMAN BAUMAN: I - - I have a  
2 question. You - - You heard earlier they say  
3 that it was seven o'clock that they open. You  
4 could be confused about the time you saw this  
5 happen?

6 THE WITNESS: Yeah.

7 ALDERMAN BAUMAN: You told me before  
8 you absolutely saw them come out of the premises.  
9 Correct?

10 THE WITNESS: That's what I'm almost  
11 positive that they did, because that's what it  
12 looked like to me.

13 ALDERMAN BAUMAN: Thank you. Just so  
14 we're - - I mean, you don't - - Don't be confused  
15 by - - by timelines here. What you saw is what  
16 you saw. What you saw is somebody come out of  
17 the door of Ricky's, walk across the street - -

18 MR. LERNER: Excuse me.

19 ALDERMAN BAUMAN: - - with a woman.  
20 She attempted to give him a blow job.

21 MR. LERNER: If there's been - -

22 CHAIRMAN WITKOWIAK: All right. All  
23 right. All right.

24 ALDERMAN BAUMAN: Correct? Yes.

25 THE WITNESS: That's what I saw.

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1 ALDERMAN BAUMAN: That's what you saw.  
2 Thank you.

3 CHAIRMAN WITKOWIAK: Quiet, or I'm  
4 going to lunch. We'll finish this meeting at six  
5 o'clock tonight. Okay. Next witness, please.  
6 Name and address for the record.

7 THE WITNESS: Debra Fields, 2535 West  
8 Highland Avenue.

9 CHAIRMAN WITKOWIAK: How far are you  
10 away from this location?

11 THE WITNESS: One block. I can see  
12 them. I can see Ricky's out my back door or from  
13 my garage now.

14 CHAIRMAN WITKOWIAK: Okay. And your  
15 testimony?

16 THE WITNESS: I've lived there since  
17 1977 and Ricky's has been a problem ever since  
18 I've lived there. The prostitution. The  
19 prostitutes will walk. They stay on - - They'll  
20 come on 26th Street. I've literally driven them  
21 and their johns away by standing there, letting  
22 them know I'm observing them. The littering,  
23 when patrons come out of there, the throwing of  
24 the trash. They come by the carloads, the  
25 busloads. They park on Highland. Any time there

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1 are cars parked on Highland, there has been  
2 property destruction. There has been theft of  
3 property out of the cars. And some of these  
4 patrons have come out of Ricky's. Urinating on  
5 the streets and urinating behind the blood plasma  
6 building. I've seen all of these things myself.

7 CHAIRMAN WITKOWIAK: Thank you.  
8 Questions?

9 THE WITNESS: And the noise.

10 CHAIRMAN WITKOWIAK: Questions by  
11 members of the committee?

12 ALDERMAN BOHL: Yeah. Yes, Mr.  
13 Chairman.

14 CHAIRMAN WITKOWIAK: Alderman Bohl.

15 ALDERMAN BOHL: How - - How close do  
16 you live to this establishment?

17 THE WITNESS: Exactly one block. If I  
18 walk out my drive - - on my driveway I can see  
19 Ricky's. It's exactly one block.

20 ALDERMAN BOHL: You're - -

21 THE WITNESS: I'm on the corner of 26th  
22 Street.

23 ALDERMAN BOHL: One block south?

24 ALDERMAN BAUMAN: It's north?

25 THE WITNESS: North.

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1 ALDERMAN BOHL: You're a block north.

2 THE WITNESS: Yes.

3 ALDERMAN BOHL: And if you could, you  
4 mentioned lastly in terms of your comments,  
5 issues with noise. Could you better describe the  
6 type of noise that you've encountered?

7 THE WITNESS: When the patrons come  
8 out, they've been drunk, and they're - - they're  
9 laughing and loud, and - - and I can hear them.  
10 They've waken - - awakened me from my sleep. The  
11 cars and the noise that they're making with the  
12 cars when they're leaving and going on. Just all  
13 kinds of things. And sometimes trucks, the truck  
14 drivers and the noise and the trucks when they  
15 frequented the bar.

16 ALDERMAN BOHL: In terms of the - - the  
17 things that you have testified to, how frequent  
18 are these occurrences taking place?

19 THE WITNESS: I will admit they've been  
20 less frequent, because there seems to be less  
21 patronage, but at least a couple a times a month  
22 it used to be. And the picking up, it was  
23 nothing for us every Saturday morning to have to  
24 get up and clean up our yard, pick up trash from  
25 where they've come, and they've partied, and then

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1 they drop the trash, beer bottles, cans and  
2 things like that. So it was nothing a couple of  
3 times a week - - on Saturday mornings to get up  
4 and pick up trash.

5 ALDERMAN BOHL: In the last year, if  
6 you had to provide an estimation based on the  
7 noise that you testified to, how many times would  
8 you say in the last 12 months have you been  
9 awoken or disturbed?

10 THE WITNESS: In the last year, not a  
11 lot at all. But, again, that's because it's been  
12 not as many patrons going there as before. And  
13 my fear is that that number will increase again,  
14 and I'll be back to the situation we were before.  
15 If I had to give a number, maybe four, five, six  
16 times.

17 ALDERMAN BOHL: Four, five, six times  
18 in the last - - the last 12 months?

19 THE WITNESS: Yes.

20 ALDERMAN BOHL: Thank you.

21 ALDERMAN WADE: Mr. Chair.

22 CHAIRMAN WITKOWIAK: Alderman Wade?

23 ALDERMAN WADE: Thank you. Ma'am, you  
24 - - you heard the - - the lady that came prior to  
25 you express that it was obvious that prostitution

00032

1 was going on in this neighborhood. Is that  
2 something that you see on a daily basis?

3 THE WITNESS: Oh, yes. Yes.

4 ALDERMAN WADE: So - - So when she make  
5 - - When she makes a statement that any - - any  
6 day you go down there, it's just almost like they  
7 have a business there, that they're out there on  
8 a daily basis.

9 THE WITNESS: Yes.

10 ALDERMAN WADE: At those two locations,  
11 maybe more - -

12 THE WITNESS: 27th Street for sure.  
13 There's a lot of drug activity in that area, as  
14 well. And as I said, sometimes patrons coming  
15 out of Ricky's have been approached by - -

16 ALDERMAN WADE: Now, have you - - Have  
17 you or anyone who has visited you or left your  
18 house been approached by any of those - - those  
19 hookers out - - outside on the streets?

20 THE WITNESS: Not to my knowledge.

21 ALDERMAN WADE: Not to your knowledge.  
22 Okay. Thank you.

23 THE WITNESS: And I have - - We - - My  
24 husband and I have previously called the police.  
25 We've worked with our neighborhood association,

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1 Midtown Neighborhood Association, to try and deal  
2 with the issue. At the time when it was a real  
3 problem, when we moved there, Paul Henningson was  
4 our alderman. And so we had been continuously  
5 trying to work with that situation.

6 ALDERMAN WADE: So the prostitution has  
7 been going on for - -

8 THE WITNESS: Yes.

9 ALDERMAN WADE: - - at least ever since  
10 you've been there.

11 THE WITNESS: Yes.

12 ALDERMAN WADE: All right. Thank you.

13 ALDERMAN DUDZIK: Mr. Chairman.

14 CHAIRMAN WITKOWIAK: Alderman Dudzik.

15 ALDERMAN DUDZIK: Thank you very much.

16 I just want to make a positive link between  
17 Ricky's and the litter that you have been picking  
18 up. Can you tell me what type of beer bottles?  
19 Are they plastic? Glass? Are they - -

20 THE WITNESS: They've been - -

21 ALDERMAN DUDZIK: Give me some names.

22 THE WITNESS: What's - - What's the one  
23 in the gold can? It was - -

24 CHAIRMAN WITKOWIAK: Alderman Dudzik  
25 would know.

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1 MR. SCHRIMPF: Mr. Chairman, I believe  
2 that's Miller Genuine Draft.

3 THE WITNESS: I mean, and - - and the  
4 bottles are broken. And I - - So I'm not always  
5 looking - -

6 ALDERMAN DUDZIK: So they're glass  
7 and - -

8 THE WITNESS: Yeah, glass and - - and  
9 cans.

10 ALDERMAN DUDZIK: Besides the beer  
11 bottles and - - and these golden cans that you  
12 pick up, is there any other trash that you pick  
13 up?

14 THE WITNESS: Oh, yeah. We picked up  
15 needles and used condoms.

16 ALDERMAN DUDZIK: I'm just trying to  
17 make a link between the trash and - - and - - Is  
18 there any other liquor establishments? I'm not  
19 really familiar with the area.

20 THE WITNESS: Yes, there - - there is a  
21 liquor store right across the street on the  
22 southeast corner. And I believe there's a  
23 tavern, another tavern there. No? No.

24 ALDERMAN DUDZIK: Thank you very much.

25 CHAIRMAN WITKOWIAK: Counselor, do you

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1 have any questions of this witness?

2 MR. LERNER: Yes. These numbers when  
3 you were asked by, I believe it was Alderman  
4 Bohl, how many times. Those were guesses by you  
5 in the last year. Is that right?

6 THE WITNESS: That's correct.

7 MR. LERNER: Okay. And it's been going  
8 on for a long time. It may have been more than a  
9 year.

10 THE WITNESS: No, within a year.

11 MR. LERNER: Okay. And you did testify  
12 that - - that there was a lot less of the  
13 littering in the last year?

14 THE WITNESS: A lot less? I guess  
15 there's less. I don't know about a "lot less."  
16 There's less.

17 MR. LERNER: Do you know that Ricky's  
18 picks up litter two or three times every day?

19 THE WITNESS: They don't come by my  
20 house.

21 MR. LERNER: Oh, okay. On State  
22 Street.

23 THE WITNESS: They very well may do  
24 that.

25 MR. LERNER: Okay. You don't know

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1 where any of the people who - - who if they  
2 litter at your house, you don't know where they  
3 were?

4 THE WITNESS: Oh, yes. Oh, yes, sir.

5 MR. LERNER: How do you know they were  
6 at Ricky's?

7 THE WITNESS: Because they're - - When  
8 they - - they park on Highland, sir. And we see  
9 them going into the establishment. We see them  
10 getting back into their vehicles.

11 MR. LERNER: Do you know whether - -  
12 Strike that. That's all.

13 CHAIRMAN WITKOWIAK: Alderman Bauman,  
14 any questions?

15 ALDERMAN BAUMAN: No.

16 CHAIRMAN WITKOWIAK: All right. Next  
17 witness, please?

18 THE WITNESS: I live in the  
19 neighborhood.

20 CHAIRMAN WITKOWIAK: Name and address  
21 for the record.

22 THE WITNESS: My name is Rosanne  
23 Mathias, but I own a rental property at 2415 West  
24 Kilbourn, which is sort of right around the back  
25 door of Ricky's. I'm sorry that there aren't

00037

1 more people here today to talk to you. People  
2 have to work, and have other responsibilities.  
3 I'm sure the committee always takes that into  
4 consideration. The committee also has got to  
5 know that our neighborhood is a block grant  
6 neighborhood. That means that the Federal  
7 government has realized that we need special  
8 help. And we need special help in our  
9 neighborhood. Ricky's has long been an  
10 establishment that has not done anything positive  
11 for our neighborhood, even their rehab job two  
12 years ago.

13 CHAIRMAN WITKOWIAK: I don't want  
14 to - -

15 THE WITNESS: Ricky's has - -

16 CHAIRMAN WITKOWIAK: Rosanne, excuse  
17 me, please. I don't want to - - You have to  
18 testify - -

19 THE WITNESS: Right. Larry Mathias and  
20 I walk around our block. Right.

21 CHAIRMAN WITKOWIAK: Ma'am, please.  
22 You have to testify to items that are on the  
23 notice.

24 THE WITNESS: Rick - - Larry Mathias  
25 and I walk around the block, around our rental

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1 property. Ricky's door is often open. I'm not  
2 quite certain if there's a cover charge there at  
3 Ricky's. I've seen women entering with the door  
4 open, walking through. I have never seen the  
5 machine close to the door. There is definitely  
6 prostitution coming from there. I have seen, in  
7 our walks, sex acts being performed on 26th  
8 Street between State and Kilbourn. Ricky's is a  
9 hub for everything bad. Drugs, it's got to be.  
10 Liquor, again, and the prostitution. I don't  
11 know any more except that it's fairly obvious  
12 what happens in our neighborhood when Ricky's  
13 customers leave. It's amazing to me that they're  
14 only open from seven to bar closing time. I  
15 never knew that. It doesn't look like that's  
16 when you're open to me.

17 CHAIRMAN WITKOWIAK: Hold on. There  
18 might be some questions.

19 ALDERMAN DUDZIK: Mr. Chair. Ma'am.

20 CHAIRMAN WITKOWIAK: Questions,  
21 Alderman Dudzik?

22 ALDERMAN DUDZIK: Ma'am, have you  
23 personally witnessed anything? I mean, you - -

24 THE WITNESS: Yes, I've seen sex acts.

25 ALDERMAN DUDZIK: Can you testify to

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1 that and - - and that has to be within the last  
2 year, too. Or to drugs.  
3 THE WITNESS: Yes, it was May - -  
4 ALDERMAN DUDZIK: What did you see?  
5 THE WITNESS: I've seen a sex act  
6 performed along the side street.  
7 ALDERMAN DUDZIK: In May?  
8 THE WITNESS: Yes, sir.  
9 ALDERMAN DUDZIK: Okay. What about  
10 drugs?  
11 THE WITNESS: Well, I mean, there is  
12 drug selling - -  
13 ALDERMAN DUDZIK: What - - What have  
14 you seen?  
15 THE WITNESS: There's always drugs  
16 being sold on 26th Street.  
17 ALDERMAN DUDZIK: Have you seen that?  
18 THE WITNESS: Yes, sir.  
19 ALDERMAN DUDZIK: Okay. When was that?  
20 THE WITNESS: All the time. I mean,  
21 May, June, July. We walk all the time around our  
22 block.  
23 ALDERMAN DUDZIK: And you saw - -  
24 THE WITNESS: Yes.  
25 ALDERMAN DUDZIK: - - drug uses or drug

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1 transactions or?  
2 THE WITNESS: Drug transactions.  
3 ALDERMAN DUDZIK: What about  
4 prostitution?  
5 THE WITNESS: In the neighborhood women  
6 can't walk - - I mean, because people assume that  
7 they are there to sell sex.  
8 ALDERMAN DUDZIK: Have you been  
9 propositioned when you were in or around Ricky's?  
10 THE WITNESS: I have never been in  
11 Ricky's, but walking - -  
12 ALDERMAN DUDZIK: In or around.  
13 THE WITNESS: - - through.  
14 ALDERMAN DUDZIK: In the area, is what  
15 I'm trying to say.  
16 THE WITNESS: Um, No, sir, I have not  
17 been propositioned.  
18 ALDERMAN DUDZIK: But you have - -  
19 THE WITNESS: I've seen men  
20 propositioned.  
21 ALDERMAN DUDZIK: So you have witnessed  
22 it. Correct?  
23 THE WITNESS: Yes, sir.  
24 ALDERMAN DUDZIK: Anything else,  
25 regarding loitering or disorderly conduct or?

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1                   THE WITNESS: In terms of loitering  
2 I've also, walking up the street, have seen men  
3 and women in cars together. I mean, that's a  
4 huge thing in our neighborhood.  
5                   ALDERMAN DUDZIK: But that, in itself,  
6 is not illegal. What are the - -  
7                   THE WITNESS: I mean, sex acts  
8 obviously being performed.  
9                   ALDERMAN DUDZIK: Well, it's not  
10 obvious unless you tell us. I don't know what  
11 you have seen.  
12                   THE WITNESS: Well, yes, and I have  
13 called the police. Again, in our neighborhood  
14 you don't call 9-1-1. You call the community  
15 number and ask for a squad to come when they have  
16 time.  
17                   ALDERMAN DUDZIK: And what have the  
18 police done?  
19                   THE WITNESS: Well, the police patrol  
20 heavily, but I mean, there are other priorities  
21 for the police rather than patrolling Ricky's.  
22 Ricky's pays 3,000 dollars in property tax last  
23 year. I'm sure that they use well over the  
24 amount of public services.  
25                   ALDERMAN DUDZIK: What about littering?

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1 Have you seen anybody come out of Ricky's with  
2 open intoxicants or?

3 THE WITNESS: I've seen beer cans and  
4 things around Ricky's. If they have people  
5 picking up twice a day, I commend them.

6 ALDERMAN DUDZIK: But have you seen  
7 anybody come outside Ricky's - - from inside  
8 Ricky's - -

9 THE WITNESS: With a beer can, throw  
10 it. Sure. Yes, sir.

11 ALDERMAN DUDZIK: Within the last year.

12 THE WITNESS: Within the last year. I  
13 don't walk a lot in the wintertime, but these  
14 things that I've seen, I've seen this Spring.

15 ALDERMAN DUDZIK: Okay. Thank you.  
16 Thank you, Mr. Chair.

17 CHAIRMAN WITKOWIAK: Any - - Do you  
18 have any questions of this witness?

19 MR. LERNER: Yes. Are you aware,  
20 ma'am, that Ricky's does not sell beer by the can  
21 to anybody?

22 THE WITNESS: No.

23 MR. LERNER: That's all.

24 CHAIRMAN WITKOWIAK: Okay. Is there  
25 anyone else to testify?

00043

1                   THE WITNESS: My name is Eileen Hanley.  
2 I live at 945 North 29th Street. It's  
3 approximately two and a half blocks from Ricky's.  
4 That route home is not something that I do  
5 frequently at nine or ten o'clock at night. I'm  
6 guessing four to six times a year I may be  
7 passing State Street at that time of the night.  
8 So if I'm there between nine and ten o'clock at  
9 night and I see prostitution the four to six  
10 times of the year that I'm driving by there, I  
11 think it's safe to assume that it's happening  
12 more than those four to six times of the year  
13 that I'm at that corner. And I've seen it  
14 predominantly at 27th and State. I don't know if  
15 there's any direct connection to Ricky's. But  
16 any logical person would assume that if you got  
17 clientele, that is where prostitutes will ply  
18 their trade.

19                   And I am also on the promotions  
20 committee for Main Street So Hih, and Ricky's is  
21 not part of the future of 27th Street. It does  
22 not in any way is not in any way, an asset to the  
23 community.

24                   CHAIRMAN WITKOWIAK: Any questions by  
25 members of the committee? Alderman Puente?

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1 ALDERMAN PUENTE: Thank you. Have you  
2 seen anything else besides prostitution there?

3 THE WITNESS: Personally, no, I  
4 haven't. Other than we have a very well  
5 connected neighborhood group, both on List Serve  
6 and a lot of one on one contact. And so what  
7 I've heard is hearsay by people who live nearby  
8 and describe the problems. I personally haven't  
9 seen it.

10 ALDERMAN PUENTE: All right. Thank  
11 you. Thank you, Mr. Chair.

12 CHAIRMAN WITKOWIAK: Counselor, do you  
13 have any questions of this witness?

14 MR. LERNER: No.

15 CHAIRMAN WITKOWIAK: All right. Thank  
16 you very much. Anyone else here to testify?  
17 Okay. Thank you. Alderman Bauman.

18 ALDERMAN BAUMAN: Thank you, Mr. Chair,  
19 members of the committee. I'm here to ask the  
20 committee to not renew this license, any part of  
21 this license. Not the Class "B" tavern nor the  
22 Cabaret license, and absolutely not allow them to  
23 add DJs, which they're now requesting. As we  
24 look on their entertainment form, which they  
25 indicate what they're requesting to have licensed

00045

1 for, I noticed that this has basically become a  
2 hip-hop club with the addition of strippers.  
3 Hip-hop is crossed off, as well as exotic  
4 dancers, strippers, and now they want a disc  
5 jockey as well.

6 Frankly, my district can't tolerate any  
7 more of this. We had two homicides on Sunday  
8 morning at a club on Old World Third Street,  
9 which didn't have - - Although they didn't have  
10 the opportunity, but didn't have half the  
11 incidents that this establishment has had over  
12 the last year. We have six findings of guilt  
13 through municipal citations. Six in the last  
14 license period. The Sergeant read them off. I'm  
15 not going to repeat them, other than the two that  
16 are the most troublesome for me, and that is the  
17 one where there was gunfire and fighting on  
18 December 26th. And fighting on February 7th.  
19 These are the classic signs, the early warning  
20 signs of trouble in River City. Of trouble that  
21 will eventually spill out into the neighborhood,  
22 eventually end up in Ms. Field's backyard, a long  
23 time taxpaying resident of this community, and a  
24 community acti - - community activist, as well.  
25 Eventually, spill over into Ms. Theisen's

00046

1 neighborhood, one block to the west. Sooner or  
2 later there will be trouble. There is trouble  
3 there. There's trouble. Six convictions  
4 involving two - - And two of the incidents  
5 involving shootings, guns, and fighting. It's  
6 time we put a halt to this. It's time we hold  
7 these establishments accountable. It's time we  
8 have zero tolerance for this behavior anywhere in  
9 the City.

10 And this - - Before we get to the  
11 issues that the neighborhood has testified to.  
12 We have established the existence of  
13 prostitution, and just like a magnet, the - - for  
14 prostitution. I see the - - I can testify under  
15 personal knowledge. I'm - - I'm under oath. I  
16 live three blocks from this establishment. I've  
17 been going by this establishment as long as I've  
18 been going by Pick and Choose. And there is  
19 never a time passing by this establishment in the  
20 vicinity of 27th and State that you are not  
21 motioned to by a female walking the street.  
22 There is never a time late at night when that  
23 does not happen.

24 I have transported visitors past this  
25 establishment to my home, and they remark, "Why

00047

1 do you keep this place in business?" I says,  
2 "Well, it's not exactly my call all the time."  
3 It's the committee's call. We have a record here  
4 which goes - - which - - which easily will  
5 sustain a non-renewal. Six convictions,  
6 gunshots, fighting, and that's just within the  
7 last year. Coupled with neighborhood testimony  
8 and neighborhood objections indicating that  
9 there's prostitution, litter, loitering and noise  
10 by individuals with personal knowledge who have  
11 testified to their personal knowledge.

12 I'm asking this committee to non-renew  
13 this license and allow our police, allow our  
14 citizens to live in some peace and quiet in this  
15 particular part of the City. Thank you.

16 CHAIRMAN WITKOWIAK: Thank you,  
17 Alderman Bauman.

18 ALDERMAN PUENTE: Mr. Chair.

19 CHAIRMAN WITKOWIAK: Alderman Puente  
20 moves to make the entire police report part of  
21 the permanent record in this hearing. And  
22 hearing no objections, so ordered.

23 ALDERMAN PUENTE: You read my mind.  
24 Also, I have a question.

25 CHAIRMAN WITKOWIAK: Alderman Puente.

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1 ALDERMAN PUENTE: Alderman Bauman, you  
2 have referred several times in your comments just  
3 now about two shootings that occurred there. And  
4 I - - I've looked over and over, and I can't find  
5 the second one. I - - I can't - -

6 ALDERMAN BAUMAN: Well, did - - If I -  
7 - If I said two, I am mistaken. I was referring  
8 to the one on December 26th.

9 ALDERMAN PUENTE: Okay. Thank you. I  
10 just want to make sure we're on the same page.

11 ALDERMAN BAUMAN: There were two  
12 fights, however, documented.

13 ALDERMAN PUENTE: Yeah, we got that.  
14 All right. Thank you, Alderman.

15 CHAIRMAN WITKOWIAK: I'd like to ask  
16 the - -

17 MR. LERNER: I would ask, if I may - -

18 CHAIRMAN WITKOWIAK: Mr. Pfaff, from  
19 the license division, is that - - is that true,  
20 looking at the previous tavern supplement, is  
21 hip-hop new and DJ new?

22 MR. PFAFF: That's correct.

23 CHAIRMAN WITKOWIAK: The previous year?  
24 That's correct. Okay. Now, go ahead.

25 MR. LERNER: We do - - We do not

00049

1 request any hip-hop. If it was put in there, it  
2 wasn't meant to be.

3 THE APPLICANT: I filled out the form,  
4 and it's got to be a mistake, because I did not  
5 request hip - - hip-hop at all for that club. In  
6 fact, we even - - We even have a jukebox in there  
7 where we've absolute - - we've absolutely taken  
8 the music and screened it before it's on there.  
9 So - -

10 CHAIRMAN WITKOWIAK: How - - How could  
11 you make a mistake on there - -

12 ALDERMAN BAUMAN: And last year has  
13 hip-hop checked.

14 THE APPLICANT: Well, then - - Well,  
15 then it's a mistake on my part. Because I have  
16 never - - never condoned hip-hop in the place.  
17 And since the place has been - - And about the  
18 DJ, since the place - -

19 MR. LERNER: I'm going to ask that  
20 Alderman Bauman be told to - - He doesn't have to  
21 gesture while everything is going on here. I'm -  
22 - I don't think it's appropriate, with all due  
23 respect.

24 CHAIRMAN WITKOWIAK: So noted.

25 THE APPLICANT: And there's - - Since I

00050

1 bought the place in 2002, and there was a DJ  
2 there. So I don't know what the meaning of DJ  
3 is, but there's someone who plays music for the  
4 dancers. So I'm not sure what is meant by DJ.  
5 It's a different interpretation that I'm thinking  
6 of. But it's - - It's obviously a mistake,  
7 because hip-hop was - - was something that I  
8 don't even - - I don't do at all.

9 MR. SCHRIMPF: Mr. Chairman.

10 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

11 MR. SCHRIMPF: Thank you. Mr. Pfaff,  
12 are you examining the documents as filed by the  
13 licensee?

14 MR. PFAFF: Yes, I am.

15 MR. SCHRIMPF: And is hip-hop checked?

16 MR. PFAFF: It's checked for the  
17 current application, and it's checked in the  
18 previous license period.

19 MR. SCHRIMPF: And is DJ checked?

20 MR. PFAFF: We have a change in form  
21 types. It's not checked in the previous license  
22 year, but it is checked for this application.

23 MR. SCHRIMPF: Is that instrument  
24 signed by anyone?

25 MR. PFAFF: By Donald Raffaelli.

00051

1 MR. SCHRIMPF: Is it signed under oath?

2 MR. PFAFF: It is.

3 MR. SCHRIMPF: Mr. Chairman, perhaps a  
4 copy of that document should be made a part of  
5 the record of the proceedings?

6 ALDERMAN BOHL: So moved.

7 CHAIRMAN WITKOWIAK: A copy of the  
8 tavern supplement will be made a part of the  
9 permanent record, being moved by Alderman Bohl.  
10 Hearing - -

11 ALDERMAN BOHL: Mr. Chairman, that  
12 would be - - that would be the tavern supplement  
13 from last year, as well as this year.

14 CHAIRMAN WITKOWIAK: The tavern  
15 supplement last year, as well as this year.  
16 Hearing no objections, so ordered. Now I have  
17 two questions, sir. So you've been operating  
18 this place for how - - how many years?

19 THE APPLICANT: 2002.

20 CHAIRMAN WITKOWIAK: Okay. And you've  
21 always had a DJ.

22 THE APPLICANT: There's always been a  
23 DJ there playing music for the - - for the  
24 ladies. Correct.

25 CHAIRMAN WITKOWIAK: So - -

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1 THE APPLICANT: There never has not  
2 been one there since I've been there.

3 CHAIRMAN WITKOWIAK: So it appears to  
4 me that you were operating that part of it  
5 illegally in the past, and now you want to  
6 straighten that out?

7 THE APPLICANT: No, I - - I really  
8 don't know what you're talking about as far as a  
9 DJ. I'm not understanding what - -

10 CHAIRMAN WITKOWIAK: Inadvertently.  
11 You have to - - You have to say that you want to  
12 have a disc jockey in order to have a disc  
13 jockey. It has to be part of your tavern  
14 supplement and it wasn't in the past.

15 THE APPLICANT: I don't know. I'm  
16 confused about the DJ portion of it.

17 CHAIRMAN WITKOWIAK: And I - - And I'm  
18 not - - I'm not accusing you purposely of  
19 breaking the law. I think that this is - - You  
20 took over the place in '02?

21 THE APPLICANT: Correct.

22 CHAIRMAN WITKOWIAK: And there was a DJ  
23 at the time?

24 THE APPLICANT: Correct.

25 CHAIRMAN WITKOWIAK: You just - -

00053

1 THE APPLICANT: Just kept doing  
2 whatever I was doing. Whatever I was doing, they  
3 were doing before. And by checking something and  
4 not checking something, I didn't intend to change  
5 anything from what we were doing in 2002.

6 CHAIRMAN WITKOWIAK: My other question  
7 was, do you wish, as we proceed here, do you wish  
8 to amend your application in any way before we  
9 proceed?

10 MR. LERNER: We would certainly like to  
11 remove the request for hip-hop. I haven't seen  
12 the license. I haven't seen the form, so it's  
13 hard without - - If I could see it, if we could  
14 look at it, we could tell you if - - if there  
15 were other - -

16 THE APPLICANT: I didn't know I was  
17 requesting hip-hop.

18 CHAIRMAN WITKOWIAK: Okay.

19 THE APPLICANT: So, I guess, I would  
20 like to change it.

21 CHAIRMAN WITKOWIAK: Okay. Did you  
22 sign the form?

23 THE APPLICANT: Yes, I did.

24 CHAIRMAN WITKOWIAK: I think I would  
25 have kind of read it before I signed it. Who

00054

1 checked the boxes then?

2 THE WITNESS: I guess I - - I would  
3 have checked the box, yeah. I don't recall, like  
4 I said. I would not have signed up for hip-hop  
5 or DJs. It was just part of the - -

6 CHAIRMAN WITKOWIAK: So the application  
7 is - - Can we do that verbally, Mr. Schrimpf?

8 MR. SCHRIMPF: If it's executed under  
9 oath, I think there's going to be a new  
10 application.

11 CHAIRMAN WITKOWIAK: Then what.

12 MR. SCHRIMPF: What?

13 CHAIRMAN WITKOWIAK: Can he amend this  
14 application to remove the hip-hop?

15 MR. SCHRIMPF: Well, he can - - He can  
16 amend it on the record, but I think it should be  
17 followed up with a - - written instruments.  
18 Otherwise, we have to keep a transcript with the  
19 file.

20 MR. LERNER: We will do that.

21 ALDERMAN BAUMAN: And no disc jockey  
22 and no exotic dancers, as well?

23 CHAIRMAN WITKOWIAK: Well, what I'm  
24 trying to do here is I'm trying to - - So as not  
25 to complicate things. I'm just trying to compare

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1 an apple with an apple here. And although the -  
2 - you have the disc jockey checked as new, you've  
3 been doing that in the past.

4 THE APPLICANT: When I took over the  
5 club in 2002, nothing has changed as far as the  
6 disc jockey, and I'm - - I'm confused - - Excuse  
7 me. I'm sorry.

8 CHAIRMAN WITKOWIAK: I don't - - Oh, go  
9 ahead. I mean, I don't know how the rest of the  
10 committee feels, but I think that it's just been  
11 advertently stated.

12 ALDERMAN BOHL: Mr. Chairman.

13 CHAIRMAN WITKOWIAK: The rest of the  
14 committee can decide what right means, Alderman  
15 Bohl.

16 ALDERMAN BOHL: Mr. Raffaelli?

17 THE APPLICANT: Yes, sir.

18 ALDERMAN BOHL: Have you been the - -  
19 You were the owner. You were not the agent. Is  
20 that correct?

21 THE APPLICANT: I am the owner. My  
22 son's the agent.

23 ALDERMAN BOHL: You - - You are the  
24 gentleman, though, who is responsible for pulling  
25 out the - - the tavern application and the tavern

00056

1 supplement application. Is that right?

2 THE APPLICANT: Yes, I did, yes.

3 ALDERMAN BOHL: And you've done that  
4 for years. Correct?

5 THE APPLICANT: Yes, I did.

6 ALDERMAN BOHL: You indicate that you  
7 have not had hip-hop, and that that was  
8 inadvertent in terms of the listing of - - of  
9 that on your - - on your supplement?

10 THE APPLICANT: Yes, it - - Yes, it  
11 was.

12 ALDERMAN BOHL: So it was inadvertent  
13 this year. Last year it was inadvertent, as  
14 well, too. Correct?

15 THE APPLICANT: I assume, if that's  
16 what this says from last year.

17 ALDERMAN BOHL: I - - Mr. Chairman, I'm  
18 going to, at this point, move to make the - - the  
19 application from even 2003 part of the record,  
20 and the tavern supplement, and what I want to say  
21 is at this point in 2003 it was - - it was  
22 actually Sean Raffaelli who had the signature  
23 here that year.

24 THE APPLICANT: Okay.

25 ALDERMAN BOHL: It did not have the

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1 check at that point in terms of type of music and  
2 had to actually be written in by hand. There are  
3 two listed type of music. Rock and Roll and hip-  
4 hop. I'd be more than happy to show you, Mr.  
5 Raffaelli, because I'm going to ask you a  
6 question on whether or not this is your  
7 handwriting here.

8 CHAIRMAN WITKOWIAK: Alderman Bohl  
9 moves to make the application for the year 2003  
10 part of the permanent record. Hearing no  
11 objections, so ordered.

12 ALDERMAN WADE: Mr. Chair.

13 CHAIRMAN WITKOWIAK: Alderman Wade.

14 ALDERMAN WADE: Sir, do you play hip-  
15 hop at your - - at your establishment?

16 THE APPLICANT: I have a DJ, and I'm  
17 not really - - The DJ question, again.

18 CHAIRMAN WITKOWIAK: So just - -  
19 Alderman Bohl, just stay there. Alderman Wade,  
20 go ask your question again.

21 ALDERMAN WADE: Do you play hip-hop at  
22 your establishment?

23 THE APPLICANT: I - - I'm not exactly  
24 sure what hip-hop is. If it's the music where  
25 those gangsters and killing and all that stuff, I

00058

1 do not. I mean, they don't - - If you hear music  
2 where somebody is going to say cursing and  
3 they're going to kill people and shoot people,  
4 then the answer is no.

5 ALDERMAN WADE: Okay. Obviously, Mr.  
6 Chair, we have a cultural divide.

7 CHAIRMAN WITKOWIAK: Correct me if I'm  
8 wrong, Alderman Wade. There's gospel hip-hop,  
9 too, isn't there?

10 ALDERMAN WADE: There is. So, you  
11 know, I don't think we're going to be able to  
12 address my question. But, I mean, because, you  
13 know. You know, personally I think it's going to  
14 be difficult for you to have dancers dancing  
15 without hip-hop music the way dance establishment  
16 and dance trends are in the country right now.  
17 So I'm assuming that you probably do play hip-hop  
18 music.

19 THE APPLICANT: Okay.

20 ALDERMAN WADE: Because your dancers  
21 are probably younger people, and younger people  
22 are of the hip-hop generation. So I doubt if  
23 they're stripping to, you know - -

24 CHAIRMAN WITKOWIAK: Tony Bennett.

25 ALDERMAN WADE: Yeah. But the reason

00059

1           why I ask that is because I think that if you  
2           check hip-hop music or not, it may be a spot on  
3           there for Top 40, and if you check Top 40, then  
4           within that Top 40 range there will be some hip-  
5           hop music in that range. So you may want to  
6           consider that piece of it, if you want to  
7           continue to do what you try to do, depending on  
8           what the will is of this body, that you could  
9           check Top 40, and it could include the latest  
10          hottest hip-hop records that are out, which is  
11          probably what some of the dancers probably enjoy  
12          dancing to. So you might want to consider that  
13          when you're doing your check list.

14                 THE APPLICANT: I certainly will look  
15          over the application a little closer before I  
16          check any boxes.

17                 ALDERMAN WADE: I can't imagine them  
18          dancing to - - Well.

19                 THE APPLICANT: Well, actually, you get  
20          a very eclectic mix of people in the club. You  
21          get people on Saturday night, couples coming over  
22          from Coerpers for after dinner, come over. And  
23          we have bachelorette parties where girls want to  
24          come in and have their own party before they get  
25          married. And so, the group of people that come

00060

1 in there is very eclectic. I mean, it's just - -

2 ALDERMAN WADE: Okay.

3 THE APPLICANT: You just don't ever  
4 know on a particular night what's going to come  
5 in the club.

6 ALDERMAN BAUMAN: People armed.

7 ALDERMAN WADE: All right.

8 THE APPLICANT: No, people cannot come  
9 in armed, because everybody is patted down before  
10 they come into the club. So, male and female is  
11 patted down, as opposed to Mr. Bauman's  
12 statement. People are not armed. In fact,  
13 people have told me they come there because they  
14 feel comfortable that people are patted down.

15 CHAIRMAN WITKOWIAK: Alderman Bohl, you  
16 had a question? Do you want it put on the  
17 record?

18 ALDERMAN BOHL: I just - - Mr.  
19 Raffaelli, I - - I know that I showed you the  
20 tavern supplement from 2003. You indicated to me  
21 that this was not your - - this was not your  
22 printing in terms of the type of music. Is  
23 that - -

24 THE APPLICANT: (Sean) That's my  
25 signature. That is not my printing.

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1 ALDERMAN BOHL: Do you know who might  
2 have made the - - who might have written the type  
3 of music there?

4 THE APPLICANT: (Sean) It could have  
5 been the owner. It could have been the manager.  
6

7 ALDERMAN BOHL: So, you know, the - -  
8 the type of music, because there is a diversity  
9 within hip-hop, I think I - - I like dance  
10 rhythm. I like a fair amount of hip-hop. I  
11 think a lot of it is just pure garbage, and I  
12 think that it's - - it's very difficult when one  
13 tries to typecast and say that hip-hop is all  
14 associated necessarily with gangster rap. But  
15 that being said, the - - the fact that you had  
16 this on here isn't so disturbing to me, as the  
17 fact that I believe that you two have been lying  
18 before this committee.

19 THE APPLICANT: That's absolutely not  
20 true.

21 ALDERMAN BOHL: Well, you know what?  
22 I'm - - I'm entitled to my opinion.

23 THE APPLICANT: I'm sorry.

24 ALDERMAN BOHL: And I'm expressing it  
25 to you that I believe that you have lied. And,

00062

1 you know, it's just for me when one lies about  
2 - - When somebody lies to me about one thing, it  
3 makes me question what else they're telling the  
4 truth about. It just does. It question - - It  
5 provides for me a question of credibility. You  
6 know, I understand that hip-hop has - - has  
7 certainly had a bad name. It's like the - - the  
8 big "L" word, the liberal one. Nobody - - Nobody  
9 wants to say that they're a liberal anymore.  
10 They - - They run from that and they're all  
11 progressive, and, perhaps, you know, hip-hop's  
12 going to come up with some new name to it. But  
13 the fact is you just - - year in and year out, I  
14 just fail to believe that somebody inadvertently  
15 blindly, you know, just checked and put their  
16 signature on and didn't even know what they were  
17 checking, year in and year out. I mean, if it  
18 had happened once, that would have been one  
19 thing. It happened year in, year out, and the  
20 fact is is even one of the years it was  
21 handwritten out. So don't tell me you just  
22 didn't know better. I'm sorry. It doesn't wash.  
23 ALDERMAN BAUMAN: Alderman Bohl, if I -  
24 - In following up on that notion, if you look at  
25 last year's supplement form, there were one, two,

00063

1 three, four, five categories of music checked off  
2 including dance, pop, hip-hop, jazz, rap and  
3 techno. This new year's app - - The application  
4 for the current renewal only hip-hop and the jazz  
5 are the same. Classic R&B and classic rock have  
6 been added. Dance pop is not checked off. Rap  
7 is not checked off. Techno is not checked off.  
8 So it indicates to me, a very deliberate process  
9 of filling out the form, rather than just a  
10 random casual process. A very deliberate  
11 studying and a very conscious administration of  
12 the filling out of this form, rather than just  
13 inadvertence.

14 CHAIRMAN WITKOWIAK: Okay. We've  
15 established that. Now, do you have a comment on  
16 this?

17 MR. LERNER: I do. I don't believe  
18 that Mr. Raffaelli willfully misrepresented any  
19 facts. What he certainly meant was that the  
20 gangster rap that people don't like, as he sort  
21 of indicated, is what he, in his mind, takes to  
22 mean what is what would not be appropriate. And  
23 - - And I think the Chair has already said, at  
24 least in his mind, that he believes that this was  
25 inadvertent error, and if I - - if I - - If I'm

00064

1 - - If I'm recalling correctly.

2 CHAIRMAN WITKOWIAK: I want to ask Mr.  
3 Raffaelli a question. Did you fill out the form  
4 for this year?

5 THE APPLICANT: Yes, I did.

6 CHAIRMAN WITKOWIAK: Okay. When you  
7 - - You're under oath now.

8 THE APPLICANT: Yes, I am.

9 CHAIRMAN WITKOWIAK: When you filled  
10 out that form for this year, did - - were you  
11 looking at last year's form when you filled out  
12 this year's form?

13 THE APPLICANT: I had - - I had last  
14 year's form with me. But I was - - I don't  
15 recall looking at it. I recall just filling it  
16 out. And I think it might have changed. It  
17 might not have changed. I don't know. And I  
18 also understand I'm under oath, and I'm - - and  
19 I'm - - I'm not lying under oath as - - as  
20 opposed to - -

21 CHAIRMAN WITKOWIAK: The reason I asked  
22 that question, and - - and - - Well, you didn't  
23 help me in one way or another with your answer.

24 THE APPLICANT: Yeah, I don't - - I - -  
25 Right.

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1                   CHAIRMAN WITKOWIAK: But the reason I  
2 asked that question is because if I - - I could  
3 understand if somebody is filling that form out  
4 and you have music that's on the borderline of  
5 this or that, you say, gee, I can't remember if I  
6 checked that last year. Just to be safe, I'll  
7 check this one. But if you're actually looking  
8 at the form from the previous year, and then you  
9 were checking the boxes off while looking at that  
10 one, then I would question why you were changing.

11                   THE APPLICANT: Yeah. But there's no  
12 intention to change anything on it.

13                   CHAIRMAN WITKOWIAK: Okay.

14                   MR. LERNER: Can we make - - make a  
15 presentation?

16                   CHAIRMAN WITKOWIAK: Go ahead.

17                   MR. LERNER: I would like to give to  
18 each of you.

19                   ALDERMAN BAUMAN: I'm going to object  
20 to the relevancy of the first item.

21                   MR. LERNER: It's to - -

22                   CHAIRMAN WITKOWIAK: Well, let - - Let  
23 me - - Well, let's see it.

24                   ALDERMAN BAUMAN: Totally irrelevant.

25                   MR. LERNER: Hear me out, first.

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1                   CHAIRMAN WITKOWIAK: I want to see it,  
2 first. I'll tell you what. On this side of the  
3 table, you are only going to talk at one time.  
4 Otherwise, I - - I am - - It's noon, and I'm  
5 going to break for lunch. I've been known to  
6 take three hour lunches. Then you're all going  
7 to sit here. The only guy that's going to  
8 benefit is the lawyers who are being paid by the  
9 hour. So you only can have one person at a time  
10 on that side of the table, and we'd sure  
11 appreciate it. Plus, you're upsetting the Court  
12 Reporter.

13                   ALDERMAN BAUMAN: And I might add the  
14 letter is also hearsay and is inadmissible.

15                   CHAIRMAN WITKOWIAK: We will - -

16                   ALDERMAN BAUMAN: Ms. Moverly could be  
17 subject to cross-examination by me. She is not  
18 here.

19                   CHAIRMAN WITKOWIAK: Yeah, we will not  
20 accept the letter.

21                   MR. LERNER: Ms. Moverly is not here  
22 because of medical reasons. We heard testimony  
23 of fathers and other people, and friends and  
24 neighbors and - -

25                   ALDERMAN BAUMAN: I object and asked

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1 for a ruling, and the ruling has been that the  
2 letter is not admissible.

3 CHAIRMAN WITKOWIAK: I - - I do not  
4 wish to accept the letter.

5 MR. LERNER: Okay. As to the - - the  
6 list of - - of monies that have been spent. I  
7 believe it's relevant. It's certainly relevant,  
8 following the comments that many members of this  
9 committee made on many of the other applications  
10 here.

11 CHAIRMAN WITKOWIAK: And you - - you  
12 may speak to that.

13 ALDERMAN BAUMAN: And then they put the  
14 quality of the work in question. I will speak to  
15 what they did to that building. Then that  
16 becomes relevant.

17 CHAIRMAN WITKOWIAK: Alderman - -  
18 Alderman Bauman.

19 ALDERMAN BAUMAN: Then the testimony of  
20 the neighbors about what it looks like becomes  
21 relevant, if they want to put in the cost - -

22 ALDERMAN DUDZIK: Mr. Chairman -- Mr.  
23 Chairman, are you running this committee or is  
24 Alderman Bauman?

25 CHAIRMAN WITKOWIAK: I'm running this

00068

1 committee.  
2 ALDERMAN BAUMAN: Well, Alderman  
3 Dudzik, if they want to put in the cost to  
4 renovate, then I should be allowed - -  
5 CHAIRMAN WITKOWIAK: Alderman Bauman.  
6 ALDERMAN BAUMAN: - - to offer  
7 testimony on the quality of the renovation.  
8 ALDERMAN DUDZIK: Alderman - - Alderman  
9 Bauman, I totally agree with you, but - -  
10 ALDERMAN BAUMAN: - - there's a time  
11 and place for your objection.  
12 CHAIRMAN WITKOWIAK: What - - What I'd  
13 like you to do, because this isn't actually part  
14 of the notice. All right. But I - - I just want  
15 you to say real briefly, you - - you contend here  
16 that you spent 389,000 dollars on the building.  
17 MR. LERNER: Yes.  
18 CHAIRMAN WITKOWIAK: Okay.  
19 ALDERMAN BAUMAN: Including the  
20 purchase price.  
21 CHAIRMAN WITKOWIAK: And - - And we'll  
22 comment on the quality on it - -  
23 ALDERMAN BAUMAN: Right.  
24 CHAIRMAN WITKOWIAK: - - or - - or what  
25 the people's opinions are of it, but you're

00069

1 saying here you spent 389,000 dollars improving  
2 the building.

3 MR. LERNER: Not all improvements.  
4 Some of it's paying the purchase price.

5 CHAIRMAN WITKOWIAK: Okay.

6 MR. LERNER: Okay?

7 CHAIRMAN WITKOWIAK: All right. I see.  
8 Thank you.

9 MR. LERNER: What happened is Mr.  
10 Raffaelli originally purchased the building in  
11 - - in 2002. I think it might even be better if  
12 I left him explain why they did - - and then in  
13 2003 they closed for several months to do  
14 extensive remodeling and rebuilding of the  
15 building. And - -

16 CHAIRMAN WITKOWIAK: I don't think we  
17 need to get into that, but - -

18 MR. LERNER: Okay. And - -

19 CHAIRMAN WITKOWIAK: - - what - - So  
20 then was anything done substantially from 2003  
21 after that major remodeling?

22 MR. LERNER: Then we're - - An addition  
23 in - - There are some additional costs that have  
24 been just done recently. There is this license  
25 checker and number 23, that's the item that I

00070

1 referred when - - Mr. Raffaelli referred to  
2 earlier to - - to the machine to check to the  
3 licenses of the people.

4 Number 24, is for - - is when - - when  
5 Mr. Raffaelli got the - - the citations for the  
6 incident of December 5, I think, there was some  
7 question as to whether he would be eligible or  
8 not to - - to have a higher capacity than the  
9 capacity that was on the building. And it was  
10 suggested by the Assistant City Attorney that we  
11 talk to - - that we look into ways to see if the  
12 capacity could be increased. And Mr. Raffaelli  
13 went to the Department of Neighborhood Services  
14 in that regard, and obtained a permit to - - to  
15 do certain things. He was told by the Department  
16 that he needed to do these fresh air ducts. And  
17 - -

18 ALDERMAN BAUMAN: Relevancy here?

19 CHAIRMAN WITKOWIAK: All right. Just  
20 hang on a second. Alderman Bohl moves to make  
21 this - - this document showing the investment  
22 part of the record in this matter. Hearing no  
23 objections, so ordered. Okay. Here's where  
24 we're going to go with this. I just want to - -  
25 So - -

00071

1 MR. LERNER: I want - -  
2 CHAIRMAN WITKOWIAK: So - - So I'm - -  
3 I'm going to - - I'm going to take your word that  
4 this amount of money was invested in the  
5 building. I understand that probably the  
6 objections are that this - - this was not done in  
7 a historical restoration sort of character.  
8 ALDERMAN BAUMAN: It's an eyesore.  
9 MR. LERNER: He can talk to that. Let  
10 Mister - - I'll let Mr. Raffaelli - -  
11 ALDERMAN BAUMAN: It's an eyesore.  
12 CHAIRMAN WITKOWIAK: And that - -  
13 MR. LERNER: I object to him objecting  
14 before I - -  
15 ALDERMAN BAUMAN: I object, as well.  
16 CHAIRMAN WITKOWIAK: We're in recess.  
17 (Whereupon a recess was taken.)  
18 CHAIRMAN WITKOWIAK: So having had a  
19 little time to think about this, what I'm going  
20 to do is I'm going to read the - - I'm going to  
21 read the notice one more time here. And then I'm  
22 just going to speak to the subject of relevancy.  
23 The notice mentions the police report, which  
24 we've covered. And neighborhood objections to  
25 loitering, littering, loud music, noise, sales

00072

1 and presence of underage, fights and shootings,  
2 prostitution, drug activity, disorderly operation  
3 of the premises, failure to obtain the required  
4 licenses for operation of the premises, and  
5 conduct which has an adverse impact on the  
6 health, safety or convenience and prosperity of  
7 the neighborhood.

8 Now, I've allowed - - We've brought  
9 this into the - - one item into the record which  
10 shows an investment of 389,000 dollars, and I  
11 think just for the purpose of establishing a  
12 substantial investment, that that's okay with me.  
13 As far as the commenting on how - - how this  
14 money was spent and the subsequent, if you want  
15 to call them, improvements or changes to how the  
16 place looks, that's not really relevant, because  
17 it's not part of the notice here. So we're just  
18 going to drop discussion on that completely. So  
19 I - - I have allowed you to - - I have allowed  
20 you to show our committee that you've made a  
21 substantial investment, but beyond that, I don't  
22 want to hear anything from either side about how  
23 the place appears, because it's not part of the  
24 notice.

25 And going into - - We're going to speak

00073

1 one person at a time. I'll decide, just because  
2 I'm the committee's chair, not because I'm - -  
3 I'm trying to be difficult on anybody today.  
4 I'll decide who is going to talk and when they're  
5 going to talk. And right now, I would like to  
6 - - I want to hear from the - - I'd like to hear  
7 a closing statement from the applicant, after  
8 which time I'll - - I would like to hear comments  
9 from Alderman Bauman, and then we'll take this  
10 matter into committee and make our  
11 recommendations. Okay? Does everybody  
12 understand the - -

13 MR. LERNER: I understand. May I be  
14 heard? Make my - -

15 CHAIRMAN WITKOWIAK: Go ahead.

16 MR. LERNER: I would like to make my  
17 objection to that ruling, if I may stay - - say  
18 why. I'll be very brief on saying why.

19 CHAIRMAN WITKOWIAK: Go ahead. Tell me  
20 why.

21 MR. LERNER: I believe that there is a  
22 lot of evidence that ought to come in, that will  
23 bear on whether you make a decision, when you  
24 make a decision, whether - - what level of  
25 discipline you would impose if you decide that

00074

1 some discipline is appropriate. And I believe a  
2 lot of the things, including the information  
3 about the investment in the building, the efforts  
4 that he has made, we'll talk - - we would talk  
5 about the efforts he's made to cooperate with  
6 Captain Harpol at the district station and with  
7 the police, the efforts that he makes to - - to  
8 clean up the property on a daily basis, and other  
9 things that they have done that - - And about Mr.  
10 Raffaelli, personally, as a man and as a citizen  
11 in this community. They are relevant to what, if  
12 anything, you do in this case. And I - - I think  
13 we have not had an opportunity to be heard. With  
14 all due respect to the Chair, most of this  
15 hearing has gone to allowing Mister - - the Alder  
16 - - Alderman Bauman to - - to call his witnesses.  
17 We have - - Every time we have started or  
18 attempted to start, he has continuously  
19 interrupted, and we have not been able to make  
20 our presentation in any - - in any way. We have  
21 a number of facts to present to you that we  
22 believe are relevant to your decisions in regard  
23 to this matter. And - -

24 CHAIRMAN WITKOWIAK: Okay. And I thank  
25 you. But I - - I want to say the amount of money

00075

1 spent, I don't believe, is relevant to the items  
2 contained on this notice. So.

3 MR. LERNER: I - - I would agree, but I  
4 believe it is - - it is relevant to what you do.

5 CHAIRMAN WITKOWIAK: Well, I - - I have  
6 allowed this into the record to show that there's  
7 a substantial investment made.

8 MR. LERNER: Okay. If I may, one other  
9 thing I want to - - If I may.

10 CHAIRMAN WITKOWIAK: Go ahead.

11 MR. LERNER: And I was going to do it  
12 before - - before the adjournment, but I didn't  
13 have a chance.

14 CHAIRMAN WITKOWIAK: Okay.

15 MR. LERNER: Alderman Bauman makes a  
16 big deal about a shooting on December 26th. We  
17 don't believe there was any shooting in the  
18 tavern, at all. And the report at paragraph six  
19 is - - is to say the least, confusing. First, it  
20 says, "We went - - we were dispatched for 'shots  
21 fired'." Which was upgraded to a shooting. And  
22 then when they say, "Investigation revealed no  
23 shooting occurred." However, "casings were found  
24 outside". And then it goes on - - And it goes on  
25 like that. I got the citation that was issued to

00076

1 Mr. Segal on that incident, which is - - which we  
2 paid, because we called the police to come to the  
3 premises. It says nothing about a gun. I can  
4 read it to you.

5 CHAIRMAN WITKOWIAK: Read it to me.

6 MR. LERNER: It says, "Subjects inside  
7 of license establishment were fighting, creating  
8 a disorderly premise." That is all it says, and  
9 that's all we were ever told. We - - There was  
10 never any claim when I was meeting with the City  
11 Attorney's office about these cases, trying to  
12 resolve this, of any shooting going on in that  
13 tavern.

14 CHAIRMAN WITKOWIAK: Okay. So we've  
15 established a fight occurred, and there is some  
16 shades of gray about the shooting.

17 ALDERMAN PUENTE: Mr. Chair, please,  
18 if I may.

19 CHAIRMAN WITKOWIAK: Alderman Puente.

20 ALDERMAN PUENTE: Regarding the  
21 citation, if I can ask the Sergeant. Sergeant,  
22 isn't it not typically that the front of the  
23 citation is just a - - a small synopsis of what  
24 went on, especially as it pertains to the charge,  
25 and then there's a backside to it, a narrative,

00077

1 if you will, of the citation that gets a little  
2 more lengthy and more descriptive?

3 SERGEANT ULICKEY: That - - That is  
4 correct.

5 ALDERMAN PUENTE: So what he read is  
6 not the complete part of the incident.

7 MR. LERNER: I - -

8 SERGEANT ULICKEY: That's correct.

9 MR. LERNER: I agree with that.

10 SERGEANT ULICKEY: That statement that  
11 he read establishes the criteria for the  
12 disorderly premise, and that's all that's - -

13 ALDERMAN PUENTE: Right. Probable  
14 cause.

15 SERGEANT ULICKEY: That's all it needs,  
16 yes.

17 ALDERMAN PUENTE: All right. Thank  
18 you. I just wanted to make sure the members  
19 realized that.

20 ALDERMAN BAUMAN: Well, Mr. Chair, if I  
21 could.

22 CHAIRMAN WITKOWIAK: Alderman Bauman.

23 ALDERMAN BAUMAN: I mean, the applicant  
24 is now challenging a conclusion of the license  
25 investigation unit's report to this committee,

00078

1           which I'm asking this committee to rely on as a  
2           basis to non-renew this license. I think if  
3           they're challenging the truth of that, that - -  
4           we should establish, is that true or not? Was  
5           there what - - Is there a police report that  
6           indicates there was a shooting or not a shooting?

7                   CHAIRMAN WITKOWIAK: Sergeant Ulickey,  
8           would you read that part of the police report  
9           over again and - - and give us your comments on  
10          it?

11                   SERGEANT ULICKEY: I think I - - If - -  
12          If I may, Mr. Chair, without going - - I can  
13          explain the difference in terms that we use. And  
14          it's police jargon is what it boils down to.

15                   CHAIRMAN WITKOWIAK: Okay.

16                   SERGEANT ULICKEY: A "shooting" is  
17          normally what we've determined or what we call  
18          - - or what we call when somebody gets shot. A  
19          "shots fired" is just that. That somebody's out  
20          there shooting a gun. So if - - if a call is  
21          upgraded to a "shooting," that means that  
22          somebody got shot. Once we get there and  
23          determine that there is no, again, "shooting"  
24          that occurred, we still make the determination  
25          that shots were fired. And that's what happened

00079

1 in this case. A shooting does not mean  
2 necessarily that someone just shoots someone. It  
3 means - - Or it normally means in our jargon that  
4 somebody has been shot. In this case, we get  
5 numerous calls or different calls over the radio.  
6 We don't know what we have until we get there. I  
7 hope that explains it.

8 ALDERMAN BAUMAN: So is it fair - - Is  
9 it fair to say, Sergeant, that based on the  
10 records kept in the ordinary course of business  
11 by the Milwaukee Police Department there was a  
12 finding that a shooting - - that shots were fired  
13 on this particular occasion at these premises?

14 SERGEANT ULICKEY: Correct.

15 ALDERMAN BAUMAN: Thank you.

16 CHAIRMAN WITKOWIAK: And I'm clear on  
17 that, and I appreciate that - - that explanation.  
18 The shots were fired, as evidenced by the - -  
19 Well, first the report, and then it was verified  
20 by the casings being found. But it could not be  
21 found that any person was hit with those shots.  
22 Therefore - - And that would be called a  
23 shooting.

24 ALDERMAN PUENTE: Mr. Chair.

25 CHAIRMAN WITKOWIAK: Alderman Puente.

00080

1 ALDERMAN PUENTE: Sergeant, isn't it a  
2 fact that you do your police report that is  
3 before us from a report that is a PP-42, a tavern  
4 report, as often referred to in the department?

5 SERGEANT ULICKEY: It's a PA-33.

6 ALDERMAN PUENTE: That's what it is.  
7 It's been a while. PA-33. Excuse me. PP-42 is  
8 a conveyance for an ambulance. Right?

9 SERGEANT ULICKEY: Yes.

10 ALDERMAN PUENTE: I got to check up on  
11 my PPs, I guess. But anyways, the PA-33. And  
12 don't you take that information and then  
13 transform it onto what we see before us?

14 SERGEANT ULICKEY: That's correct.

15 ALDERMAN PUENTE: Which is, again, a  
16 synopsis of - - of what occurred.

17 SERGEANT ULICKEY: That's correct.

18 ALDERMAN PUENTE: Thank you.

19 CHAIRMAN WITKOWIAK: I would like the  
20 - - At this time I would like applicant and/or  
21 his attorney to give us like a closing statement.  
22 You can talk about anything that's relative to  
23 the notice. I don't want to hear anything about  
24 how good or bad the building looks or - -

25 MR. LERNER: I wasn't going to put in

00081

1 anything about how good or bad the building  
2 looks. The - - The City approved the building.  
3 The architectural plans.

4 CHAIRMAN WITKOWIAK: You've established  
5 your investment and DNS says it's okay to be  
6 operating, so I'm fine with that.

7 MR. LERNER: I've known Mr. Raffaelli  
8 for close to 40 years. He was employed for many  
9 years as - - as a national sales manager here in  
10 Milwaukee for a large company that is listed on  
11 the New York Stock Exchange, and he now still  
12 works in sales. He sells advertising for the  
13 Milwaukee Journal/Sentinel, and that was the  
14 business he was in before - - before he went to  
15 work for the Milwaukee Journal/Sentinel.

16 He - - He bought this business. It was  
17 an ongoing business that had been in operation at  
18 that location for - - from before the time he  
19 moved to Milwaukee in 1968. I remember Ricky's  
20 being here when I moved here in 1964. He bought  
21 that. He has put substantial amounts of money  
22 into the building, into maintaining the building.  
23 He has tried to be a good neighbor to all of his  
24 neighbors in the - - there. Not one person,  
25 including this Alderman, has ever, since he owned

00082

1 the - - bought the building four years ago, ever  
2 come to him and said one word about any of these  
3 complaints that are in the - - these papers. Not  
4 once did anybody come to him. And I assume they  
5 didn't come here, either, because this matter has  
6 - - this has been approved. His license has been  
7 approved every year up until now. And - - And  
8 from the testimony of his witnesses, things are  
9 better now than they were before he got there.

10 And - - And he's making every effort to  
11 do a good job. He has this thing to take the  
12 pictures. He has security. Has - - has given  
13 that security - - He has allowed the police in  
14 cases having nothing to do with his - - with his  
15 business to review the tapes on the outside in  
16 regard to investigations of incidents that have  
17 happened in the neighborhood that are not  
18 involving him at all or his business.

19 He has a policy of patting down every  
20 person who comes into that bar for weapons, and  
21 they're not allowed to come in. He has a  
22 clientele that isn't served most place - - in  
23 most other places in this City. They may not be  
24 - - It may not be where you'd want to go, but  
25 there are obviously people who like to go there

00083

1 and watch - - watch the girls dancing. The  
2 overwhelming majority of his patrons are African-  
3 Americans who work in jobs. He's willing, if it  
4 would help, for instance, to - - to put a 25 year  
5 old minimum age to keep out the real young people  
6 if they are trying to come in there. He's  
7 willing to do that. He's not looking for  
8 trouble. He's looking to make - - make money so  
9 he can pay - - he has 30 some people who work for  
10 him, either as employees or the dancers who work  
11 as - - they're independent contractors who work  
12 there. He has payroll of over 100,000 dollars  
13 for just the employees, not talking about the  
14 dancers. These people will be without a job if  
15 they're closed.

16 He has - - He has done everything to  
17 bring this place up. When he bought the place  
18 and they started looking at it, one of the  
19 reasons they - - they did all the - - the  
20 refurbishing of the place, and there can be  
21 arguments about whether it was a good - - a good  
22 job or not, was that there were numerous,  
23 numerous building code violations in place when  
24 he bought the place that had to be taken care of.  
25 He has done everything he can to try and - - and

00084

1 bring the place up. When it - - He - - When we  
2 talked about the idea of increasing the - -  
3 increasing the occupancy, he decided eventually  
4 not to do that because he didn't want to do that.  
5 He doesn't run that kind of business. You will  
6 never see in any newspaper or in the, what's it  
7 called, The Shepherd Express, or any of those  
8 papers that come out, you'll see lots of adds for  
9 - - for gentleman's clubs and dancers and all  
10 that, you never see. He doesn't run any ads. He  
11 doesn't go out looking for to bring in lots of  
12 people here.

13           There were people here who talked about  
14 busloads of people coming. That was referring  
15 to, I believe, Hoops, when it was in business  
16 across the street a number of years ago. No  
17 busloads of people, no people come by bus to - -  
18 to Ricky's. It's not advertised that way. If  
19 you look at the outside, there's no big neon sign  
20 or anything else to encourage people to come  
21 there. The woman talked about well, there's this  
22 back - - this door people were going in. That's  
23 the employees' door. Everything is - - is not as  
24 terrible as it seems to be. There were - - There  
25 were - - There was this, as far as I was

00085

1 concerned, as a lawyer and as a citizen, I  
2 thought the biggest violation was having too many  
3 people in there that one time. That was a result  
4 of a promotion over the radio by one of the  
5 stations to get people to come there. As soon as  
6 that incident happened, they stopped that,  
7 because he doesn't - - he doesn't need to have  
8 all that kind of people in there, or that many to  
9 do - - to do a good job and to make a decent  
10 living out of that place.

11 He - - There have been fights in the  
12 bar. There have been fights in every bar in the  
13 - - in the City at one time or another. Probably  
14 including in the - - in the Pfister Hotel or - -  
15 or - - or the Metro or whatever. And I don't  
16 think a person should lose his license, because  
17 he called the police to ask them to come because  
18 of the fight. They were - - They were trying to  
19 avoid a bigger problem, and so they had - - they  
20 called the police to come on both of these  
21 occasions.

22 Now I know there's a lot of concern in  
23 the community about these incidents of last  
24 weekend, and rightfully so, but this is not the  
25 kind of place. He was not violating his license

00086

1 at the time. He was doing what had - - what he  
2 - - what he was legally entitled to do. It seems  
3 to me he's, at a minimum, he is entitled to  
4 another chance to perhaps a warning. You've  
5 given warnings to others today. I've seen  
6 warnings to other people for - - that are less  
7 likely to be taken care of, I think, than - -  
8 than any warnings that he would give - - be  
9 given.

10 But he should not - - He's - - This is  
11 a major investment that he's made, and he's going  
12 to lose a lot of money if you close him down.  
13 And I don't believe it's fair, given that the  
14 license has been approved for all these other  
15 years, and - - and for now, to say this.

16 Alderman Bauman, when I called him to  
17 try and talk with him, when I finally was able to  
18 get through after trying several times, and he  
19 didn't return my calls. Said he didn't want a  
20 strip - - a strip joint in his neighborhood.  
21 That may - - He may not want that. That's not  
22 the issue before - - before you today. They  
23 lawfully have a license. They've relied on their  
24 right to have it. It's not a place that's brand  
25 new. This is a place that's been ongoing for - -

00087

1 for 44 years or more. And they should not - -  
2 They should not just simply be put out of  
3 business, based upon the evidence that you've  
4 heard today. We're not - - We can't say that  
5 there weren't some violations. We got citations.  
6 We negotiated a deal with the City Attorney to -  
7 - to pay some of them. Two of them were because  
8 they called the police. The message you would  
9 give, if you find that those two are the ones,  
10 are a basis for taking away his license, would be  
11 that bar owners shouldn't call the police for  
12 help if there - - if things are getting out of  
13 control in their tavern, because they're going to  
14 use it as a basis to take away your license. It  
15 seems to me that would be - - that would be  
16 counter-productive at - - at best. The other  
17 citations for having underage people, we don't -  
18 - we don't dispute that they were underage, but  
19 they did not show any ID that was underage to  
20 them, and we believe that in all those cases, and  
21 we've never known the names of these individuals,  
22 we don't know - - have any way to get a hold of  
23 them to find out how they got into the place. We  
24 believe they had IDs that were phony, and when  
25 the police came in, they dumped them. And that's

00088

1 - - He has a policy. Why would he put all this  
2 money in this business to let a couple - - to let  
3 a couple kids come in? What's he going to get  
4 out of it?

5 That woman testified about beer cans.  
6 They don't sell any beer by the can. This is a  
7 neighborhood that's had a lot of difficulties for  
8 many years. I moved to Milwaukee right before  
9 the riots in 19 - - in - - in the late 1960s.  
10 And 27th Street has been a difficult area for  
11 many years. And to blame it on Ricky's, to say  
12 that there is prostitution in the area, there's  
13 no connection shown. There's absolutely no  
14 connection been shown that any prostitution that  
15 is in the neighborhood, and I don't doubt that  
16 there is, happens because Ricky's is there. I  
17 would suspect that the - - My guess is as much as  
18 the guess of these - - of the witnesses who  
19 testified today or guesses that you would make.  
20 My guess is that that Blood Center where people  
21 are going in and selling their blood and getting  
22 cash, that probably draws more drug traffic  
23 problems and - - and - - and prostitution  
24 problems than - - than anything that - - that  
25 happens at Ricky's. People come to Ricky's.

00089

1 There's - - There's just no evidence that - -  
2 There's been no evidence that anybody from  
3 Ricky's, who has ever been a patron of Ricky's  
4 was ever arrested as - - as being a patron of a  
5 prostitute in the vicinity of Ricky's at any  
6 time, ever. Certainly not this year, and  
7 certainly not in any years prior to this. Your  
8 job isn't to be - - isn't to just guess, and you  
9 need - - there needs to be evidence.

10 There is - - There is a lot - - There  
11 is a lot of emotion involved in all of this, and  
12 I appreciate the problem, the difficulties these  
13 women are talking about. We appreciate it, and  
14 that's why Don does and started, since he's taken  
15 over that property, he has taken over and has  
16 attempted to keep the area clean. They clean up  
17 on a regular, on a daily basis. They clean up in  
18 the neighborhood. They cooperate with - - with  
19 - - with the police, and - - Mister - - Alderman  
20 Bauman brought in these people, but he didn't  
21 tell you about the three people who have  
22 neighboring businesses who he called and - - and  
23 asked about this, and they told him that - - that  
24 they were fine with this license being here. And  
25 I - -

00090

1 ALDERMAN BAUMAN: That's an absolute  
2 lie.  
3 CHAIRMAN WITKOWIAK: Wait, wait, wait.  
4 ALDERMAN BAUMAN: That's a bald-faced  
5 lie.  
6 CHAIRMAN WITKOWIAK: Wait a minute.  
7 ALDERMAN BAUMAN: That's a bald-faced  
8 lie and you know it.  
9 MR. LERNER: I don't know it.  
10 CHAIRMAN WITKOWIAK: Wait a minute.  
11 Wait a minute.  
12 MR. LERNER: I don't know it, at all.  
13 CHAIRMAN WITKOWIAK: Quiet. I'm going  
14 to throw you all out of here in a minute. Don't  
15 test me anymore. All of you. I'll throw you all  
16 out of here. He's talking. You will get your  
17 turn. One more - - I'll tell you - - I'll tell  
18 you what. One more time somebody at this table  
19 talks out of line, and I'm going to hold this  
20 matter to the Call of the Chair, and that's going  
21 to be when hell freezes over. And you can go to  
22 court and talk to any judge you want and say this  
23 committee was unfair to you, and I don't care.  
24 Okay. Please, finish.  
25 ALDERMAN BAUMAN: I'm - - I - -

00091

1                   CHAIRMAN WITKOWIAK: Alderman Bauman,  
2 please be silent.  
3                   MR. LERNER: We don't - - I don't want  
4 to go to - - I hope we don't have to go to court.  
5 I don't want to go to court. I want to - - I  
6 want this business to be able to continue. If  
7 you feel some sort of warning is necessary, I  
8 believe - - I - - I can't say that's  
9 inappropriate. I - - I - - Even though I think  
10 that Don Raffaelli knows what he has to do, and  
11 he knows that - - that things - - that he has a  
12 difficult - - there's difficulties in the  
13 neighborhood, and there's difficulty with the  
14 Alderman. There's absolutely no doubt about it.  
15                   There is - - My understanding, there is  
16 some building of new apartments going on on 27th  
17 Street. The builders of those apartments must  
18 know that Ricky's is right around the corner, and  
19 they don't - - They obviously don't feel that  
20 that it is such a detriment to the neighborhood  
21 that they won't be able to rent or sell those  
22 apartments.  
23                   Mr. Raffaelli is - - wants to run a  
24 legitimate business. I think I'm probably  
25 getting repetitious. I think it's important that

00092

1 I repeat that .. He is not out here to - - to  
2 pull the wool over anybody's eyes. He wants to  
3 run a legitimate business. He believes he is  
4 doing the best he can, and he is doing well at  
5 running the business. There are many, many  
6 places where - - I've been to Brew City, and I've  
7 been to other bars on Water Street, and there  
8 have been plenty of fights in those bars, but  
9 they don't seem to be held to the same standard,  
10 because - - because they're sort of yuppie  
11 places, and they don't have the clientele that  
12 Mister - - Mr. Raffaelli has at - - a this place.  
13 And, therefore, I ask that - - that his license  
14 be re - - that the license be renewed.

15 CHAIRMAN WITKOWIAK: Thank you.

16 Alderman Bauman, please be brief in your closing.

17 ALDERMAN BAUMAN: Thank you, Mr.

18 Chair. First - - First I'm going to state  
19 it's an absolute bald-faced lie that I  
20 contacted any neighboring businesses. I did  
21 not contact any neighboring businesses. But  
22 I've had numerous discussions over the years  
23 with neighborhood residents. And this fac -  
24 - this operation has been the scourge of  
25 this neighborhood. And it's very

00093

1 interesting some of the comments that  
2 Attorney Lerner has made, which precisely  
3 reinforces my point. This perception that  
4 the west side has difficulties, so,  
5 therefore, it's okay to have a strip club  
6 and a hip-hop club, and to have nine  
7 citations in one year, six judgments of  
8 guilt in one year, and have rampant  
9 prostitution in the neighborhood, which they  
10 claim has nothing to do with them, of  
11 course. That is all okay, because the  
12 neighborhood has difficulties. Ms. Fields  
13 has lived there since the late '70s. Maybe  
14 she should leave now, because obviously this  
15 neighborhood has difficulty. Let's chase  
16 her out. Let's chase Amy Theisen, who  
17 purchased her home on 27th Street, and has  
18 invested a far higher percentage of her net  
19 worth, I can guarantee you, in her home than  
20 Mr. Raffaelli has as a percentage of his net  
21 worth. Maybe we can get into a study of  
22 whose net worths have been invested to a  
23 greater degree in this neighborhood. I  
24 don't know. But these are homeowners,  
25 stakeholders, people who have invested in

00094

1           this community to live there and pay taxes  
2           there. Not to live in Greendale and then  
3           come into the City and extract their wealth  
4           from the City. We have to hold them to a  
5           high standard.

6           And I love the argument that's given,  
7           well, there's fights in every bar in the City.  
8           Well, as far as I'm concerned, that argument can  
9           stop being made, because we should hold every  
10          licensee to the same high standard. If there are  
11          two fights in a licensed period verified by  
12          police record. If there are shots fired in an  
13          establishment verified by the police record. Six  
14          convictions and nine citations, that's not every  
15          bar in the City. I - - In my two years in  
16          office, I have never come before this committee  
17          with a record this - - this full of judgments of  
18          conviction within a single year, nor citations  
19          within a single year. Nine citations, six  
20          convictions. Never, not one establish - - Da  
21          Jungle, who we gave a 90 day suspension to, had  
22          zero citations and zero convictions. So by the  
23          standard of Da Jungle that we heard in the 4th  
24          District, this should absolutely be a non-  
25          renewal, because they got a 90 day suspension for

00095

1 no convictions, no citations, and no evidence of  
2 there ever being any incidents within the  
3 establishment. Here, there's un - - undisputed  
4 evidence of incidents within the establishment.  
5 Fighting, twice. Gunshots, once. Six citations.  
6 Six convictions, nine citations. That's coupled  
7 with the neighborhood objections, eyewitness  
8 testimony, which also meets the standard.  
9 Absolutely has to be consequences to this  
10 continuing behavior. We see what happens when  
11 there aren't consequences. I do not want to be  
12 standing before a microphone and some news media  
13 outlet tells me why did you renew that license  
14 when there are bodies covered with sheets,  
15 sitting outside the door at 26th and State  
16 Street.

17 CHAIRMAN WITKOWIAK: This matter is in  
18 committee.

19 ALDERMAN BOHL: Mr. Chairman.

20 CHAIRMAN WITKOWIAK: Alderman Bohl.

21 ALDERMAN BOHL: Mr. Chairman, at this  
22 time I would move for renewal of the Class "B"  
23 tavern license with a 30 day suspension. I will  
24 also move at this point for renewal of the Class  
25 "B" - - I'm sorry - - of the tavern amusement

00096

1 renewal - - I will move for renewal of the  
2 tavern amusement cabaret license with the  
3 issuance of a 90 day suspension.

4 On my motion, Mr. Chairman, I - - I  
5 just want to say a couple things. I - - I - - I  
6 take - -

7 CHAIRMAN WITKOWIAK: Before you go any  
8 further. No one at this side of the table can  
9 talk when we're in committee, okay. There will  
10 be no comments from anyone. Continue, Alderman.

11 ALDERMAN BOHL: I - - I have some real  
12 concerns regarding some of the comments that were  
13 made here by counsel. I understand that there  
14 was some testimony of - - from residents who said  
15 that they were concerns, and that the noise has  
16 been mitigated, and that there's been a - - a  
17 reduction - - a slight reduction in the amount of  
18 litter in the neighborhood. What I just will say  
19 is if a - - If a person is awoken six times in  
20 one year from a sound sleep, that's six times too  
21 many. So if it were ten or 15 times the year  
22 before, that - - that doesn't mitigate the fact  
23 that the concern is - - is - - is such that it  
24 ought to be brought to bear in terms of the  
25 license.

00097

1                   The argument was made that no one has  
2                   come to the applicant to make known the concerns.  
3                   What I will tell you this much with all due  
4                   respect is a good operator, the places that takes  
5                   the burden on themselves and doesn't have to be  
6                   told that there are problems in their own  
7                   neighborhood. A good operator is the - - the  
8                   type of person who is out there and visible at  
9                   closing time. Will walk out and actually  
10                  visually make a note of what's going on on the  
11                  scene, and makes changes to account for problems  
12                  and does those kind of things pro-actively.  
13                  Doesn't have to rely on a neighbor to contact  
14                  them and tell them that the problem has gotten  
15                  this bad. With all due respect, I'm sorry, I  
16                  call that bad, bad business. That's a bad - -  
17                  That's a problematic operator in my eyes. You  
18                  know, you're placing the burden on the somebody  
19                  else to - - to contact you. The fact is, is if  
20                  your business is - - is creating those problems,  
21                  you, as a good operator, ought to be out there  
22                  and ought to be dealing with those things on your  
23                  own accord, without having to be told that.  
24                  Without having to have the - - the Alderman  
25                  contact you. You're the type of operator who

00098

1 should, when you have those kind of issues, ought  
2 to be on the phone with the Alderman saying, "You  
3 know what? There was something that went on this  
4 weekend. This is what occurred, and I just want  
5 to let you know. I want to talk about this issue  
6 with you. I want to discuss how we're going to  
7 remedy this to insure that that it never happens  
8 again." That's what I expect out of my  
9 businesses, because the burden and the ball is in  
10 your court, not the other way around. That's  
11 just the way I see a good operation.

12 Now I just want to say that I do have  
13 some questions in terms of - - I - - I can  
14 appreciate that you've gone to - - to doing the  
15 photo ID. I will just say it was your testimony  
16 that the photo ID was placed in in January, and I  
17 noticed that it was in February where there were  
18 underage persons that were caught there. You've  
19 indicated in your own testimony that - - that you  
20 provide pat down searches to every one, and yet  
21 there's - - there's - - There may not have been  
22 someone shot, but there's - - there's no dispute  
23 over the fact that there were gunshots fired in  
24 your op - - in your operation.

25 The issue is is multiple years here

00099

1 that the statement was made we don't provide a  
2 certain type of music. You know, I'm not going  
3 to get into a dispute over whether - - That's  
4 good dance music, I guess, for - - for the type  
5 of operation that you provide. But the fact of  
6 the matter is is don't come here and say that you  
7 didn't check that thing, or that it was  
8 inadvertent, and then it goes back multiple,  
9 multiple, multiple years. You know, if - - If I  
10 was going to agree with - - with the counsel that  
11 this operation's gotten better, I wouldn't say  
12 that there were three full years of operation  
13 where there was not one citation that was  
14 written, where there was not one item in the  
15 police report, and all of a sudden I noticed that  
16 in the past operating - - in the past operating  
17 year there were multiple police items, and all of  
18 the citations that were written, other than  
19 something that was to the background of - - of  
20 someone who had some involvement in management  
21 here years and years ago. They all came in the  
22 last year. So I personally would disagree  
23 strongly with - - with - - with the argument that  
24 was made here.

25 You know, for me this type of operation

00100

1 is - - is frankly hanging on a limb, and - - and  
2 if I believe for one moment that there was the  
3 ability to yank this license, I would make a  
4 motion for non-renewal today. I just don't  
5 believe that this committee will support that. I  
6 think that you are, in my estimation, hanging on  
7 by that much of a threat and that if you get by,  
8 by the  
9 - - by the nary of your - - of your life, that  
10 you ought to employ changes. Not place the  
11 burden on the neighbors. Not place the burden on  
12 Alderman Bauman. Not say that Alderman Bauman  
13 needs to call you in advance. That you ought to  
14 self reflect about the way you operate the  
15 business, and - - and, you know what? I'm going  
16 to say this much in terms of the prostitution. I  
17 - - I do believe that there is some bearing, and  
18 I don't think that you, as an operator who I hope  
19 is - - are present during your hours of  
20 operation, I'm certain that you, yourself, are  
21 aware of what's going on there. Because I just  
22 think that you can't turn a blind eye to that.  
23 I'm not saying that it's coming directly out of  
24 your establishment. But at the very least, I  
25 would say that you, as an operator, who are

00101

1 involved enough with the Avenues West Business  
2 Association, that you bring this - - this letter  
3 here, ought to be going to June Moverly, ought to  
4 be sitting down with the Captain of - - of the  
5 3rd District Police Station, and ought to be  
6 saying, you know what? I don't want this black  
7 eye to - - to be drawn into the type of business  
8 that I'm operating there, because guess what?  
9 People are going to make those rightful  
10 assumptions. You ought to be actively and pro-  
11 actively dealing with the Alderman, and the - -  
12 and the Captain and this business association,  
13 saying we want that prostitution out of there,  
14 and I'm going to be calling the police department  
15 myself actively to say, you know what? I've got  
16 nothing to hide. Bring those cops out of there  
17 and get this type of activity out of this  
18 neighborhood. That's what I would do. And I'm -  
19 - I'm suggesting if - - if you live to - - to  
20 have another day here, that you put that burden  
21 on your own shoulders, and that you not say that  
22 the Alderman's got to send you a letter, telling  
23 you that - - that you ought to do X or you ought  
24 to do Y.

25 CHAIRMAN WITKOWIAK: Motion by Alderman

00102

1 Bohl is to recommend approval of the renewal of  
2 the Class "B" tavern license with a 30 day  
3 suspension, and the renewal of the tavern dance  
4 supplement license with a 90 day suspension,  
5 based on items contained on the police report  
6 and - -

7 ALDERMAN BOHL: And neighborhood  
8 testimony.

9 CHAIRMAN WITKOWIAK: - - neighborhood  
10 testimony.

11 ALDERMAN PUENTE: Mr. Chair.

12 CHAIRMAN WITKOWIAK: On the motion,  
13 Alderman Puente.

14 ALDERMAN PUENTE: On the motion, I just  
15 wanted to make sure that we understand this shots  
16 fired, as I will indicate, not a shooting. That  
17 Alderman Bohl stated that there was a shooting  
18 inside, and again, I'm reading this, and - - and  
19 I can't see that. It says, "Investigations  
20 revealed no shooting occurred, however, eight  
21 nine millimeter casings were found outside the  
22 front door of Ricky's." So I don't - - I'm not  
23 getting that from this text, that there was a  
24 shooting inside. Unless somebody can show me  
25 something else in here that says there was a

00103

1 shooting inside, I don't believe there was. I  
2 just wanted to clarify that.

3 CHAIRMAN WITKOWIAK: Is - -

4 ALDERMAN PUENTE: Because it makes a  
5 difference to me.

6 CHAIRMAN WITKOWIAK: Well, then your  
7 interpretation of the - - Your interpretation of  
8 the police report is somewhat different than  
9 Alderman Bohl's, and his further speaking on the  
10 motion.

11 ALDERMAN PUENTE: Or maybe he was  
12 speaking - -

13 Well, on the motion, I will not be in  
14 favor of it. Based on what we've had done in the  
15 past with previous similar incidents. I, too,  
16 would like to revoke this, but unfortunately, as  
17 been stated publicly by Alderman Bauman, other  
18 alderman, especially on this committee, that we  
19 are governed by State Statutes. We are governed  
20 by other rules and regulations that allow us to  
21 do certain things under certain instances and  
22 certain circumstances. And I, at this point, I  
23 don't see that, and I - - I will not be in favor  
24 of the motion. Thank you.

25 ALDERMAN BOHL: Mr. Chairman.

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CHAIRMAN WITKOWIAK: Alderman Bohl.

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ALDERMAN BOHL: I just want to be very brief. According to the synopsis in the police report here, it indicates that - - that casings were found outside the front door of Ricky's. It however does also indicate that - - that a fight had started in, which resulted in one patron firing a gun, and that a security camera showed this subject - - Obviously the security camera was from the in - - I'm taking that the security camera showed the subject to be then in the inside. But I will say that it is - - It - - The investigation did show that it was a patron of the establishment who fired a gun.

ALDERMAN PUENTE: Oh, absolutely - - I concur with that.

CHAIRMAN WITKOWIAK: So I think we're - - I think, at least from what I understand, Alderman Bohl and Alderman Puente are in agreement with the fact it was - - that - - that based on this police report it was a patron firing the gun. We just don't know where the gun was fired. It appears like it may have been fired outside.

ALDERMAN BOHL: And my view is - - is

00105

1 - - I don't know that - - I don't know that it's  
2 relevant one way or another. You know, the  
3 shooting that occurred on Old World Third Street  
4 was in the street, not in the club. Two people  
5 were killed. Does it matter whether or not they  
6 would have been killed inside the tavern or not?

7 ALDERMAN PUENTE: I just want to get  
8 the facts straight. I understand - -

9 ALDERMAN BOHL: Sure. I - - I  
10 understand. Yeah.

11 ALDERMAN PUENTE: I'm not weighing it  
12 one way or another, Alderman. I just want the  
13 facts out there.

14 ALDERMAN BOHL: Right.

15 ALDERMAN PUENTE: And when you're  
16 saying it's inside, I don't believe it is. And  
17 I'm not weighing it one way or - - or another,  
18 whether someone gets shot inside a tavern or  
19 outside. A homicide's a homicide.

20 ALDERMAN BOHL: Yeah, I can appreciate  
21 that.

22 CHAIRMAN WITKOWIAK: Any further  
23 discussion on the motion.

24 ALDERMAN WADE: Mr. Chair.

25 CHAIRMAN WITKOWIAK: Alderman Wade.

00106

1 ALDERMAN WADE: This is a interesting  
2 day at committee.

3 CHAIRMAN WITKOWIAK: Sure is.

4 ALDERMAN WADE: We need some lunch. I  
5 - - I agree with - - On the motion, I agree with  
6 Alderman Puente. It doesn't clearly state to me  
7 that the gunshots were inside the establishment.  
8 I don't think that's - - that - - I don't draw  
9 that conclusion.

10 But on the motion, it's - - it's - -  
11 It's a part of this that I want to be clear on.  
12 There were some things checked off on the  
13 operation of the business. I want to make sure  
14 that we're clear on exactly what's checked off  
15 and what will be allowed and what won't be  
16 allowed. And I think maybe the licensing  
17 division could help me clarify that. He will be  
18 allowed to have a DJ, and he will be allowed to  
19 play hip-hop music, or he won't be allowed to  
20 play hip-hop music. I need to have some  
21 clarification on that piece of it, it - - if, Mr.  
22 Chair, if we can.

23 CHAIRMAN WITKOWIAK: It's my  
24 understanding that, verbally, the - - the  
25 applicant has amended his tavern dance to remove

00107

1 hip-hop. However, I believe there was a  
2 discussion, although not a decision made, as to  
3 whether they wanted to add Top 40, in other  
4 words, change hip-hop. Exchange hip-hop for Top  
5 40. So what I -- To -- Just to, and I don't --  
6 -- I don't want to get involved in questions and  
7 answers with the applicant here. But I would  
8 like to see the application amended removing the  
9 -- removing the hip-hop and adding Top 40. That  
10 would -- That would be my understanding of what  
11 would make sense. So if that's the case,  
12 subsequently they'll go downstairs and change  
13 that application, and we can always -- You can  
14 always discuss this at the beginning of the  
15 meeting before the Council next week. We can --  
16 We can look at the amended application which I  
17 believe they're going to take care of.

18 ALDERMAN WADE: Now, about the issue of  
19 having a DJ. That's been cleared up. A DJ will  
20 be permitted.

21 CHAIRMAN WITKOWIAK: DJ is still on the  
22 application, and they have not amended the  
23 application to remove the DJ.

24 ALDERMAN WADE: Okay. I wanted to be  
25 clear on that piece of it. And as far as the --

00108

1 the length of the - - the - - the suspension of  
2 the 90 days for the cabaret portion of the - - of  
3 the license, I do believe that based on the - -  
4 the information about this establishment, that  
5 that is somewhat severe. So because of that 90  
6 day - - The other part I do agree with. I think  
7 the - - you do need to do a self-assessment, you  
8 know, gather your people and look at how you're  
9 conducting business, and I'm sure that you will  
10 do that. But a 90 day suspension, based on the  
11 information that's in front of us, tends to be  
12 somewhat severe. So because of that, and - - and  
13 not to say that I don't believe you should have a  
14 suspension, but 90 days is just a little more  
15 than I think is fair, based on the information  
16 and the testimony that I heard at this time.

17 So because of that I will not be  
18 supporting the motion made by my colleague from  
19 the 5th District.

20 CHAIRMAN WITKOWIAK: Motion is renewal  
21 with a 30 day suspension of the Class "B" tavern  
22 license, and a renewal with a 90 day suspension  
23 of the tavern dance license as amended. Let's  
24 take a roll call on that.

25 CLERK ELMER: Alderman Bohl?

00109

1 ALDERMAN BOHL: Aye.  
2 CLERK ELMER: Alderman Puente?  
3 ALDERMAN PUENTE: No.  
4 CLERK ELMER: Alderman Wade?  
5 ALDERMAN WADE: No.  
6 CLERK ELMER: Mr. Chair?  
7 CHAIRMAN WITKOWIAK: No.  
8 CLERK ELMER: Motion failed. One to  
9 three.  
10 CHAIRMAN WITKOWIAK: This matter is  
11 still in committee.  
12 ALDERMAN PUENTE: Mr. Chair.  
13 CHAIRMAN WITKOWIAK: Alderman Puente.  
14 ALDERMAN PUENTE: I would recommend a  
15 30 day suspension of the license, based on the  
16 police report and public testimony.  
17 CHAIRMAN WITKOWIAK: The Class "B" and  
18 the tavern dance?  
19 ALDERMAN PUENTE: Yes.  
20 CHAIRMAN WITKOWIAK: Motion by Alderman  
21 Puente is to recommend a 30 day suspension of the  
22 Class "B" tavern license and the tavern dance  
23 license, based on items - - as amended, based on  
24 items contained in the police report and  
25 neighborhood testimony. Please call the roll on

00110

1           that.  
2                   CLERK ELMER: Alderman Bohl?  
3                   ALDERMAN BOHL: No.  
4                   CLERK ELMER: Alderman Puente?  
5                   ALDERMAN PUENTE: Aye.  
6                   CLERK ELMER: Alderman Wade?  
7                   ALDERMAN WADE: Aye.  
8                   CLERK ELMER: Alderman Witkowiak, Mr.  
9           Chair?  
10                   CHAIRMAN WITKOWIAK: Aye.  
11                   CLERK ELMER: Motion is approved.  
12           Three to one.  
13                   MR. SCHRIMPF: Mr. Lerner, and the Mr.  
14           Raffaellis, the committee is going to be doing  
15           findings of fact and conclusions of law  
16           recommending renewal of the entire license,  
17           tavern related as well as the Class "B", with a  
18           30 day suspension. If you choose to contest that  
19           recommendation, you must file written objections  
20           by not later than the close of business, July 26,  
21           2006, with the City Clerk, second floor of this  
22           building.  
23                   If you file written objections, then  
24           you will also have the ability to argue the  
25           matter before the Common Council when it meets to

00111

1 consider this matter at approximately nine a.m.  
2 on July 31st, 2006 in the Common Council Chambers  
3 of this building. Understand all that?

4 MR. LERNER: July, what was that?

5 MR. SCHRIMPF: 31st at nine a.m. The  
6 26th for filing objections.

7 MR. LERNER: Yes, I have that. Thank  
8 you.

9 CHAIRMAN WITKOWIAK: And if I could  
10 just, Mr. Lerner, please - - please take care of  
11 amending that tavern dance thing, because that -  
12 - that will - - That does - - It's just going to  
13 complicate things.

14 MR. LERNER: We're going to go right  
15 there now.

16 CHAIRMAN WITKOWIAK: Thank you.

17 MR. LERNER: Thank you.

18 CHAIRMAN WITKOWIAK: Thank you.

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3 STATE OF WISCONSIN)

4 MILWAUKEE COUNTY )

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JEAN M. BARINA - COURT REPORTER

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Dated this            day of July, 2006

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