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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 Renewal Application
and Request for Permanent Extension of the Class "B"
premises for:

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JOHN F. CARTER

8

"THE CARTER"

9

507 West North Avenue

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair

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

14

ALD. JOSEPH A. DUDZIK

15

ALD. ROBERT PUENTE

16

ALD. WILLIE WADE

17

LICENSING DIVISION by REBECCA BARRON

18

NEIGHBORHOOD SERVICES by PANDORA BENDER

19

HEALTH DEPARTMENT by KEVIN HULBERT

20

POLICE DEPARTMENT by OFFICER JAMES SANFILIPPO

21

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 21st day
of November, 2005.

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P R O C E E D I N G S

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(Whereupon all City Employees were duly

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sworn.)

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CHAIRMAN WITKOWIAK: In the 6th

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District, John F. Carter, Class "B" Tavern

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renewal application and request for a permanent

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extension of the Class "B" premises to include a

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four foot by six foot storage room in the

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basement of the current premises for "The Carter"

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at 507 West North Avenue.

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CHAIRMAN WITKOWIAK: Good morning.

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THE APPLICANT: Good morning.

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MR. GORDON: Good morning, Mr.

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Chairman.

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CHAIRMAN WITKOWIAK: Good morning.

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MR. GORDON: Good morning, members.

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CHAIRMAN WITKOWIAK: Alderman Gordon

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is here.

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MR. GORDON: Happy Thanksgiving to you

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all.

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CHAIRMAN WITKOWIAK: Thank you very

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much. Always great to have you - -

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MR. GORDON: Thank you.

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CHAIRMAN WITKOWIAK: - - have your

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presence noted in the room here.

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1 Would you all raise your right hands,
2 we'll swear you in, please?

3 (Whereupon those present were sworn.)

4 CHAIRMAN WITKOWIAK: Name and address
5 for the record, please.

6 THE APPLICANT: John Carter, 108 East
7 Meinecke, Milwaukee.

8 CHAIRMAN WITKOWIAK: John, do you admit
9 to receiving a notice there's a possibility your
10 application could be denied because of items
11 contained on the police report, and neighborhood
12 objections to loitering, littering, parking,
13 traffic problems, presence and sales to underage
14 persons, vandalism, public urination,
15 drunkenness, trespassing, loud music, noise, late
16 night disturbances, fights, shootings, criminal
17 activity, drug activity, prostitution, conduct
18 which is detrimental to the health, safety and
19 welfare of the neighborhood.

20 THE APPLICANT: Yes, sir.

21 CHAIRMAN WITKOWIAK: Okay. Health
22 department?

23 HEALTH DEPARTMENT: No objections.

24 CHAIRMAN WITKOWIAK: Officer
25 Sanfilippo. The police report, please.

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1 OFFICER SANFILIPPO: The applicant was
2 convicted in January of 2005 for presence of
3 minors from the November, 2004 incident, at - -
4 it looks like it was underage. Or the accusation
5 was it was a underage patron was killed in an
6 accident, or was involved in an accident.

7 In January of 2005 there was an
8 incident where a - - a person was kicked out of
9 the bar and said that she was going to go get her
10 pistol, and there were three to four shots fired
11 outside the place, or she heard three or four
12 shots fired. There was a arrest made, but this
13 was after a fight inside the tavern, between
14 patrons in the bar - - tavern.

15 In January of 2005 police were
16 dispatched to a shooting at 507 West North at
17 Carter's. Upon arrival four bouncers from
18 Carter's were standing in front. As officers
19 approached they asked them if they had heard or
20 seen anyone shooting a gun, or had there been
21 shots fired. All the bouncers responded by
22 saying no. At the time a green Cadillac was seen
23 driving away from 507 West North. About five
24 minutes later officers were dispatched to
25 investigate a shooting. That Cadillac had just

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1 dropped off a shooting victim. Officers returned
2 to the tavern on North Avenue. They identified
3 the driver as John Carter, the licensee. He told
4 officers a female patron got into - - into a
5 fight in the tavern, and she was removed. A
6 couple minutes later she came back to the tavern,
7 saying she had been shot. Carter was asked why
8 he did not tell officers he had the shooting
9 victim in the car. He drove away from the scene.
10 He said he did not know whether she had been
11 shot, and he wanted to get her to the hospital
12 quickly. He then became very uncooperative and
13 confrontational.

14 In January, 2005 the tavern was found
15 to be opened. The license had been granted, but
16 it wasn't issued yet. He was cited, but that
17 citation was dismissed.

18 July, 2005 officers conducted an
19 inspection of the tavern. They found that it was
20 over capacity by 20 - - 32 patrons. And that
21 didn't include the seven - - seven employees. He
22 was cited for posting an occupancy, which he was
23 - - he was convicted of.

24 And in October of 2005 there was a
25 triple shooting occurred at 507 West North. An

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1 unknown person fired several shots into the crowd
2 on - - on a crowded sidewalk. The licensee
3 stated that as he was closing - - closing the
4 tavern he heard a gunshot, and then he heard
5 several more gunshots. There were three victims.
6 One with a gunshot in the knee. One was wounded
7 in the ankle, and third in the bicep. The victim
8 drove himself to the hospital. All of the
9 victims, according to the report, were customers
10 of the tavern.

11 CHAIRMAN WITKOWIAK: Thank you. Do you
12 have any questions of the police report?

13 ALDERMAN BOHL: Mr. Chairman.

14 CHAIRMAN WITKOWIAK: Alderman Bohl?

15 ALDERMAN BOHL: I would just move to
16 make the entire police report part of the record.

17 CHAIRMAN WITKOWIAK: Motion by Alderman
18 Bohl is to make the entire police report part of
19 the permanent record in this matter, and hearing
20 no objections, so ordered. Any questions on the
21 police report?

22 MR. GORDON: We have no questions on
23 the police report, Mr. Chairman. We just wish to
24 respond to the allegations included in the
25 incident report.

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CHAIRMAN WITKOWIAK: Okay. Go ahead.

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MR. GORDON: Thank you, Mr. Chairman.

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Members. As to the incident on 1/19/05 at 1:53

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a.m. Mr. Carter has concern about the way that

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he was represented in this particular paragraph.

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What happened, based on his assertion to me, was

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that he was transporting a gunshot victim to the

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hospital. This took place after his

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establishment was closed. Apparently there was

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some words had between this person and some other

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people who drove by. And this person was shot.

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Mr. Carter, who again, had closed his

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establishment and was getting people away from

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the area, sought - - She sought Mr. Carter's

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help. Mr. Carter took her to the hospital,

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whereupon her - - She was shot in the leg, I

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believe.

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THE APPLICANT: In the leg, yes.

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MR. GORDON: And she was taken to the

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hospital by Mr. Carter, who then returned to the

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scene, that is, to his establishment. And he was

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fully cooperative with the police department

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during that period of time. He was questioned

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for well over two hours by the police department

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inside of their squad car. So to the extent that

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1 this statement that he was uncooperative and
2 confrontational, he was not.

3 I have known Mr. Carter since he was a
4 teenager. He's 38 years old. He's a single
5 parent. He has two collegebound sons who are
6 going to college next year. This is his second
7 entrepreneurial effort in this neighborhood. He
8 has a clothing store located at 1000 East Center
9 Street, which he recently has opened up. And,
10 again, I'm here as a personal friend of Mr.
11 Carter, because of our longstanding relationship.

12 The over capacity situation that is - -
13 that is described on 7/25/05, he was in the
14 process of expanding his capacity, which is now
15 approximately 66 people, and he was ticketed as a
16 result of that. Mr. Carter has worked very
17 extensively with Alderman McGee. This
18 neighborhood is part of the Bronzeville District,
19 and during the Spring and Summer months there was
20 quite a bit of gunplay in the area. Mr. Carter
21 has 14 cameras that he has installed since he
22 took ownership of this establishment in March of
23 this year. He has a security force, some of the
24 members are here. Would you all stand up? Let
25 the committee see. These are members of the

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1 security detail, approximately six or seven guys
2 who work for him. We also have the bartender.
3 This is a gentleman who works at the bar. Would
4 you stand up, sir? He is here. He works part-
5 time for Mr. Carter.

6 Mr. Carter is one of these budding
7 entrepreneur, who over the years has taken
8 responsibility and is attempting to make a living
9 for himself and his family here in the City of
10 Milwaukee. The last time I was before this
11 committee and we were talking about some of the
12 trials and tribulations that licensees have in
13 certain neighborhoods in our community. Mr.
14 Carter has worked very hard with Alderman McGee's
15 office. Although we understand fully that this
16 situation did involve some illegal use of weapons
17 in the sense that gunplay was taking place, and
18 we understand the committee's concern about that.
19 Thus, we have a recommendation that I believe the
20 alderman supports for a ten day suspension, and
21 that's what we would like to proffer to the
22 committee at this time. Thank you.

23 ALDERMAN BOHL: Mr. Chairman.

24 CHAIRMAN WITKOWIAK: Alderman Bohl.

25 ALDERMAN BOHL: Mr. Chairman, I - - I

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1 just want to go back to the incident of 1/10/05.
2 This - - This allegedly was a fight that broke
3 out in the establishment itself. Is - - Is
4 that - -

5 THE APPLICANT: What happened that
6 night - -

7 ALDERMAN BOHL: - - a disagreement of
8 some sorts?

9 THE APPLICANT: One of the bartender
10 - - Well, she was the bartender. She wasn't
11 working at the time. She did have words with
12 another young lady. She was on the other side of
13 the bar.

14 ALDERMAN BOHL: She was there as a
15 customer.

16 THE APPLICANT: As a customer. They
17 got into it. Where this gun came from, I don't
18 know. She shot in the air at the girl, outside,
19 and she was convicted of it. She's in jail now,
20 I think. She was fired immediately after. All
21 of the January incidents that happened, I was not
22 the owner at the time. I worked there. I was
23 managing the place. I didn't take legal license
24 until February 1st. So they - - I was always
25 there is why my name is on everything. All of

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1 January. I didn't take over the bar until
2 February.

3 ALDERMAN BOHL: The - - The other
4 question right now. What is - - What is the
5 legal capacity of record here now?

6 THE APPLICANT: We got it up from - -
7 from 25 to 66.

8 ALDERMAN BOHL: And - - And when did
9 that particular number change? When was that
10 changed, the capacity?

11 THE APPLICANT: A week after I was
12 cited and fined for over capacity, I was in a - -
13 doing the work which I only anticipate it's going
14 to be about 5,000 dollars to make those
15 improvements. And I ended up spending about 8200
16 dollars. I did that. Got the capacity.

17 ALDERMAN BOHL: The ingress/egress of
18 door. Was that one of the - -

19 THE APPLICANT: Yes. Doors. I had to
20 have - - redid, was drywalling. I did concrete
21 work. I found a back stair where I had to level
22 off the back to where they can come out on level
23 ground. Did quite a bit of work in the back for
24 the second exit.

25 ALDERMAN BOHL: Thank you.

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1 CHAIRMAN WITKOWIAK: Any questions by
2 members of the committee?

3 ALDERMAN DUDZIK: Mr. Chairman.

4 CHAIRMAN WITKOWIAK: Alderman Dudzik.

5 ALDERMAN DUDZIK: Mr. Carter, it does
6 state in the police report, however, even as far
7 back as November of last year, that you were the
8 manager at this location?

9 THE APPLICANT: Yes, sir.

10 CHAIRMAN WITKOWIAK: Any other
11 questions by members of the committee? Can I see
12 a show of hands here? Is there anyone in the
13 audience that is here to testify in opposition to
14 this location? Anyone here to testify in
15 opposition to 507 West North Avenue. Let the
16 record show that no one acknowledges. Comments
17 from the alderman's office, please?

18 LEGISLATIVE AIDE: The alderman would
19 like to - - to say that he's trying to present
20 Bronzeville as a safe place, and - - and so it
21 does concern him because of some of the things
22 that are happening, specifically with Carter's.
23 And he is working with the police department to
24 try to clean that area up. Once again, I want to
25 say that he does - - he does want to give the ten

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1 day suspension to Carter's. That's his
2 recommendation.
3 ALDERMAN PUENTE: Mr. Chair.
4 CHAIRMAN WITKOWIAK: Alderman Puente.
5 ALDERMAN PUENTE: Would you have her
6 identify herself?
7 CHAIRMAN WITKOWIAK: Oh, please, for
8 the record.
9 LEGISLATIVE AIDE: I'm sorry. I'm
10 Juanita Dix. I'm legislative assistant to
11 Alderman McGee.
12 CHAIRMAN WITKOWIAK: Thank you,
13 Juanita.
14 ALDERMAN WADE: Mr. Chair.
15 CHAIRMAN WITKOWIAK: Alderman Wade.
16 ALDERMAN WADE: Sir, are you saying you
17 didn't - - you didn't own the place until
18 February of 2005.
19 THE APPLICANT: Yes. I didn't take
20 over the license until February.
21 ALDERMAN WADE: So before, you were an
22 employee - -
23 THE APPLICANT: Yes.
24 ALDERMAN WADE: - - of the former
25 owner.

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1 THE APPLICANT: Yes.
2 ALDERMAN WADE: So it was under your
3 man - - your management after February.
4 THE APPLICANT: Yes.
5 ALDERMAN WADE: Okay. All right.
6 ALDERMAN BOHL: Mr. Chairman.
7 CHAIRMAN WITKOWIAK: Alderman Bohl.
8 ALDERMAN BOHL: I'm wondering, when the
9 official date of when the - - this gentleman came
10 before us as an applicant. Does Ms. Barron have
11 that?
12 THE APPLICANT: December 7th.
13 MS. BARRON: Mr. Chair.
14 CHAIRMAN WITKOWIAK: Yes.
15 MS. BARRON: The application came
16 before us on December 7th, 2004. It was
17 recommended for approval at the Common Council
18 granted application on December 21st, 2004.
19 Application - - The license was not issued until
20 February 1st, 2005. I don't have any record of
21 any manager's license at this location for Mr.
22 Carter. Do you have - -
23 THE APPLICANT: I was a bartender. I
24 was like a head bartender.
25 MS. BARRON: Oh, I thought you had said

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1 you were a manager.
2 THE APPLICANT: No. I managed over the
3 place. I had a bartender's license at the time.
4 ALDERMAN BOHL: The other question that
5 I have is with the Mary Anderson was the previous
6 - - previous buyer at this - - of this
7 establishment. When did - - Did she have an
8 overlapping license and reg - - Mr. Carter
9 applied for license but did not come to claim it,
10 and she had to have continuation of her license?
11 Is - -
12 MS. BARRON: Her license expiration
13 date was July 30th.
14 ALDERMAN BOHL: Of 2005.
15 MS. BARRON: Right.
16 ALDERMAN BOHL: Okay. Thank you.
17 CHAIRMAN WITKOWIAK: We heard from the
18 Health Department, did we? Yes. Neighborhood
19 services.
20 DNS: Hold for orders.
21 CHAIRMAN WITKOWIAK: Any other
22 questions by members of the committee?
23 ALDERMAN DUDZIK: Mr. Chairman.
24 CHAIRMAN WITKOWIAK: Alderman Dudzik.
25 ALDERMAN DUDZIK: Mr. Carter, how long

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1 has this location been known as a - - or titled
2 The Carter?

3 THE APPLICANT: Since February. Well,
4 actually we put this sign - - We - - We put the
5 sign up, January, like the middle of January,
6 because my license was there. I had some tax
7 problems that I had to take care of. So I was
8 still working under her until I took care of
9 that, and then I was taking over as soon as I
10 took care of that. And it was agreed with me and
11 her.

12 CHAIRMAN WITKOWIAK: Do you know what
13 was the name of the previous establishment?

14 THE APPLICANT: What Goes Up Must Come
15 Down. What Goes Up Must Come Down.

16 CHAIRMAN WITKOWIAK: Okay. Any other
17 questions by members of the committee? Anything
18 you'd like to say in closing before we take this
19 matter into committee?

20 MR. GORDON: Only that Mr. Carter will
21 continue to work with Alderman McGee in making
22 the neighborhood safer. It's one of those
23 situations where, as a budding entrepreneur, you
24 know, he's had to make several adjustments, and I
25 think that he's well on his way to doing that.

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1 And as I've said, I've known him since he was a
2 teenager, and I'm real pleased to see him
3 realizing his dream, as an entrepreneur in the
4 City of Milwaukee. And we think that the
5 suspension will be appropriate. It would give
6 him another opportunity to work with the
7 alderman's office to further make the
8 neighborhood safer for patrons. Thank you.

9 CHAIRMAN WITKOWIAK: This matter is in
10 committee.

11 ALDERMAN DUDZIK: Mr. Chairman.

12 CHAIRMAN WITKOWIAK: Alderman Dudzik.

13 ALDERMAN DUDZIK: Only in an attempt to
14 be consistent, because I have hue and cry on this
15 committee, since I've been on this committee. I
16 don't know if I like the way that came out. But
17 I'm going to not support a ten day suspension. I
18 will direct the committee's attention and anyone
19 listening to a situation that occurred on
20 Wisconsin Avenue since I've been on this
21 committee, in which there was only a single
22 shooting that supposedly happened in or near the
23 establishment. It was known as Pure, I believe
24 it was at that point in time. There was
25 considerable concern about the shooting in an

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1 area that is up and coming at Wisconsin Avenue.
2 Up and coming for the past 30 years.

3 I - - I - - I have to be real honest
4 with you in an attempt to be consistent, when I
5 see a triple shooting occurring, I believe when
6 weigh everything similarly, I couldn't support a
7 ten day suspension, but I will - - When the time
8 is right, I will make my recommendation for a
9 suspension of this license.

10 CHAIRMAN WITKOWIAK: This matter is in
11 committee.

12 ALDERMAN DUDZIK: Then I'll - - I would
13 move a 45 day suspension.

14 CHAIRMAN WITKOWIAK: Motion by Alderman
15 Dudzik is to recommend renewal of this license
16 with a 45 day suspension, based on items
17 contained on the police report.

18 ALDERMAN WADE: Mr. Chair.

19 CHAIRMAN WITKOWIAK: Alderman Wade, on
20 the motion?

21 ALDERMAN WADE: On the motion. Most of
22 the incidents that occurred occurred before this
23 gentleman was actually the owner of the
24 establishment. The one incident with the triple
25 shooting on 10/29/05 is a serious matter. But

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1 according to what I'm reading, it happened
2 outside on the sidewalk.

3 THE APPLICANT: It actually happened
4 near the other end of the block, and we were
5 closed. I have videotape outside. I have five
6 cameras outside of my bar. None of that happened
7 on tape, and I cover most of the street going in
8 each way, each opposite way, in front of my bar
9 and on the side. This incident happened near the
10 laundromat, which is on the far west side of the
11 block. It was at 1:45, and normally that's when
12 incidents happen, is at 1:45. All the time that
13 we've been there we've had maybe two fights
14 inside of our bar, two. And that's the reason
15 why it's only happening outside.

16 ALDERMAN WADE: Okay. I - - I - - Just
17 looking at this, you know, and knowing the
18 neighborhood the way I do, that, you know, an
19 incident could happen on that block, and I don't
20 think you should be held responsible for every
21 incident that happened on that block.

22 THE APPLICANT: That's what's been
23 going on.

24 ALDERMAN WADE: Because of that, I
25 think that a ten day suspension is - - is

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1 appropriate, because in my estimation what I'm
2 saying that we're penalizing you for something
3 that went on on the block that didn't happen at
4 your establishment, in front of your
5 establishment, or had much to do with your
6 establishment. My committee members, if I'm not
7 reading this correctly, by all means, correct me.
8 Thank you.

9 CHAIRMAN WITKOWIAK: Thank you. Any
10 further discussion on the motion?

11 ALDERMAN DUDZIK: Mr. Chair.

12 CHAIRMAN WITKOWIAK: Alderman Dudzik.

13 ALDERMAN DUDZIK: I would just like to
14 point out the last sentence in the very last
15 item. It does indicate that the victims were
16 customers at the tavern. The fact that they
17 walked across the street or up the block to me
18 is - -

19 THE APPLICANT: But they - - They
20 weren't.

21 CHAIRMAN WITKOWIAK: No. You - -

22 THE APPLICANT: Oh, I'm sorry.

23 ALDERMAN PUENTE: Mr. Chair.

24 CHAIRMAN WITKOWIAK: Alderman Puente.

25 ALDERMAN PUENTE: In the incident it

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1 says that, "the triple shooting occurred at 507
2 West North Avenue," which is the address of the
3 establishment. Is that not correct?

4 CHAIRMAN WITKOWIAK: That's - - That's
5 what the report says.

6 ALDERMAN PUENTE: Okay. All right.
7 Officer Sanfilippo, do you say it occurred at 507
8 West North Avenue?

9 OFFICER SANFILIPPO: Mr. Chairman, when
10 the calls come into the police department, the
11 address given is when they - - when they call the
12 police, they might say, "There's been a
13 shooting." What's - - What's the address? 507
14 West North. That does not necessarily mean it
15 happened in or on the property. But from where
16 the - - From where the - - the call came in. So
17 - - And I'm sure as Alderman - - Alderman Puente
18 remembers when he was on the police department,
19 that's how these calls are - - are logged then,
20 by where the address is.

21 Later on, as the investigation that was
22 not made part of the PA33, which is what we base
23 our synopsis report on, they may not have
24 necessarily put the actual address of where the
25 shooting, you know, where the - - where the

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1 trigger was pulled. So the address that we put
2 on the report there, 507 West North, is where the
3 call came in from.

4 ALDERMAN PUENTE: Mr. Chair.

5 CHAIRMAN WITKOWIAK: Alderman Puente.

6 ALDERMAN PUENTE: So you're saying the
7 - - the incident that you're reporting here you
8 - - you just got from the - - the PA33, and in
9 the body of that report it did not tell you where
10 the shooting occurred or the incident report,
11 which would have given the location of where the
12 shooting actually occurred?

13 OFFICER SANFILIPPO: Correct.

14 ALDERMAN PUENTE: Well, I would
15 recommend to you, Mr. Chair, then from this day
16 forth, we have to know exactly where these
17 incidents occur, and if the PA40 - - or PA33 has
18 not accurately depicted where these incidents are
19 occurring, we need to have that information. I
20 - - I think the incident report is the most
21 accurate one that shows where the incident
22 occurred. If we're not doing that, it's not fair
23 to this committee.

24 MR. GORDON: Mr. Chairman, I know we're
25 in committee, but just for the committee's

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1 verification, Mr. Carter in these incidents has
2 made the call to the police from his
3 establishment, which was for shots fired.

4 THE APPLICANT: It's 507.

5 MR. GORDON: But, again, he made the
6 call for assistance, and that's why the PA33
7 report has his address.

8 ALDERMAN WADE: Mr. Chair.

9 CHAIRMAN WITKOWIAK: Alderman Wade.

10 ALDERMAN WADE: On - - On the - - On
11 the - - On the motion, also, the gentleman is
12 saying that he has cameras outside his
13 establishment that shows that - - that the
14 incident didn't happen in front of his bar, that
15 he - - he can prove that that's not the case.
16 He's stating under oath that it didn't happen in
17 front of his bar. He made the call from his bar.
18 It happened down the street. This is the exact
19 situation that we have when we had that
20 communications file for how police reports end up
21 being detrimental to a business owner because
22 it's not exactly accurate. He's saying this
23 under oath. There's no reason for us not to
24 believe him. He's telling us he made the call
25 from that address, but the actual shooting didn't

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1 not happen in that - - at that address, and he
2 has documentation to prove that. For us to
3 penalize this gentleman for actually helping out,
4 being a good citizen, I don't think that's how
5 we're supposed to - - to - - to operate. I think
6 a ten day suspension is warranted, because there
7 may be some problems, the overcrowding situation.
8 But to hold him responsible for him being a good
9 citizen, I don't think that that's accurate.

10 ALDERMAN PUENTE: Mr. Chair.

11 CHAIRMAN WITKOWIAK: Alderman Puente.

12 ALDERMAN PUENTE: On what Alderman Wade
13 just said, I need to clarify, depending on the
14 cameras and where they're angled and such may not
15 depict any - - the incident. I had a shooting
16 unfortunately in my district on 22nd and Silver
17 Spring. The owners there said the exact same
18 thing. "We have cameras. We can prove that
19 these people were not on the property just prior
20 to the shooting." In talking with the captain
21 from the homicide division they did look at the
22 tape. It did not show them on there. But,
23 however, witnesses, including one of the persons
24 that were inside the vehicle when this man got
25 shot said, "Yes. Just prior to the shooting we

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1 were on that gas station lot." Whether the
2 videotape depicted it or not, to me does not give
3 100 percent insurance that they were or were not
4 there for accuracy. But once you get testimony,
5 once people through witnesses tell you that this
6 is what happened, then that's when it's more
7 likely happened that way than not seeing it on
8 the videotape.

9 ALDERMAN WADE: Mr. Chair, if I may.

10 CHAIRMAN WITKOWIAK: Alderman Wade.

11 ALDERMAN WADE: If those people were
12 here saying that under oath, then that would be a
13 whole different circumstance. This gentleman is
14 here saying that under oath that that's not the
15 case, and that's the evidence that's before us.

16 ALDERMAN BOHL: Mr. Chairman.

17 CHAIRMAN WITKOWIAK: Alderman Bohl.

18 ALDERMAN BOHL: On the motion. I will
19 support the motion. My reason for doing so has
20 to do with several items that are in the police
21 report. When - - When we look at several of the
22 incidents in January prior to Mr. Carter
23 indicating that - - or prior to Mr. Carter coming
24 in and actually being issued the license, I have
25 to know a few things.

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1 The incident of 1/10/05, I realize the
2 legality of when a new owner would come in and
3 receive the issuance of a license. However, if
4 there were one isolated police report that - -
5 that said something that may be misinformation, I
6 would have some questions. There's multiple
7 ones. 1/10/05, the driver was identified as - -
8 as Wetherall. This was the bartender. The
9 officers spoke to the licensee, John Carter, who
10 told us that Wetherall is the bartender at his
11 bar, and that she did get invited inside of the
12 tavern.

13 1/19/05, they identified the driver as
14 John Carter, the licensee, indicating that he was
15 uncooperative and confrontational.

16 1/26/05, Mary Anderson, the previous
17 owner indicates that she turned over the - - the
18 bar on - - I can't tell, because our information
19 is cut off. She is no longer involved with the
20 premises and does not receive any moneies from
21 Mr. Carter. She advised - - She was advised to
22 surrender her license, therefore.

23 It may be that - - that Mr. Carter here
24 received and finally was issued his license in
25 February. Now whether or not - - All we know is

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1 that he indicates that he was loosely the manager
2 or the head bartender, but that on multiple
3 incidents in January when police responded,
4 police reports indicate that he is the licensee.
5 So either - - Either on multiple occasions
6 information was being relayed falsely or there
7 was something more to this. And - - And with
8 that - - with that I have to believe that there
9 was some culpability here in terms of his running
10 the operation and the fact that the police report
11 even indicates the previous owner states that she
12 was no longer involved directly with the
13 establishment by 1/26.

14 I think that if we look at the entirety
15 of the police report, that Alderman Dudzik is
16 correct. There are - - There are establishments
17 that we've shut down for this police report. We
18 really have. I will - - I will bend in terms of
19 giving the benefit of the doubt from February on.
20 But from when I look at the entirety of the
21 police report in multiple incidents that list Mr.
22 Carter as the licensee, the owner and the
23 operator over and over again, I think that - -
24 that I have to draw the conclusion that there was
25 some type of arrangement that was - - that was

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1 kindled prior to - - prior to the issuance of his
2 license in February.

3 CHAIRMAN WITKOWIAK: Okay. Thank you.
4 The motion on the floor is for the - - by
5 Alderman Dudzik is for renewal of this license
6 with a 45 day suspension based on items contained
7 in the police report. Let's take a roll call on
8 this.

9 CITY CLERK: Alderman Bohl?

10 ALDERMAN BOHL: Aye.

11 CITY CLERK: Alderman Puente?

12 ALDERMAN PUENTE: Aye.

13 CITY CLERK: Alderman Wade?

14 ALDERMAN WADE: No.

15 CITY CLERK: Alderman Dudzik?

16 ALDERMAN DUDZIK: Aye.

17 CITY CLERK: Mr. Chair?

18 CHAIRMAN WITKOWIAK: No.

19 CITY CLERK: Motion approved, three to

20 two.

21 CHAIRMAN WITKOWIAK: Motion carries on
22 a vote of three to two. That it will be the
23 recommendation of the committee will be a renewal
24 of this license with a 45 day suspension, based
25 on items contained in the police report. Thank

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you.

MR. GORDON: Thank you, Mr. Chairman,
members.

MR. SCHRIMPF: Mr. Chairman.

CHAIRMAN WITKOWIAK: Mr. Schrimpf.

MR. SCHRIMPF: The committee will be
doing findings of fact and conclusions of law
recommending renewal of this license with a 45
day suspension. You'll receive a copy of that
recommendation and have an opportunity to submit
written objections as well as appear before the
Milwaukee Common Council when it meets on this
matter on December 13th, 2005 at approximately
nine a.m.

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STATE OF WISCONSIN)

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MILWAUKEE COUNTY)

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I, JEAN M. BARINA, of Milwaukee Reporters
Associated, Inc., do certify that the foregoing
transcript was reduced to writing under my direction
and that it is a true and accurate transcription of
the Licenses Committee Hearing held on November 21,
2005.

JEAN M. BARINA - COURT REPORTER

Dated this day of December, 2005

