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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the Extended Hours Establishment
renewal application for:

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IJAZ A. GILL

8

J J SUB

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800 N. 35th Street

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COMMITTEE MEMBERS

12

ALD. JAMES WITKOWIAK - Chair

13

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

14

ALD. JOE 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 P.O. TRACY TABIADON

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 27th day of March, 2007.

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P R O C E E D I N G S

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CHAIRMAN WITKOWIAK: In the 4th District, Ijaz Gill, Extended Hours renewal application for "JJ Sub" at 800 North 35th Street. Going once. Going twice. Ijaz Gill. That's the item that we're on in the 4th District. Come to the table, please. Would you raise your right hand, so we can swear you in?

(Whereupon the applicant was sworn.)

CHAIRMAN WITKOWIAK: This is for Mr. Gill. Are you Mr. Gill?

THE APPLICANT: Yes, sir.

CHAIRMAN WITKOWIAK: Name and add - - Pull the microphone towards yourself. Okay. Speak loudly - - loudly, clearly and into the microphone. Name and address for the record, please.

THE APPLICANT: My name is Ijaz A. Gill. I live 3401 West Wells.

CHAIRMAN WITKOWIAK: State your appearance, please.

MR. BANGERT: David Bangert, appearing as attorney for Mr. Gill.

CHAIRMAN WITKOWIAK: Thank you. Record show Alderman Bauman appears in this matter,

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1 also. Health Department?

2 HEALTH: No objection.

3 CHAIRMAN WITKOWIAK: Neighborhood

4 Services.

5 DNS: No objection.

6 CHAIRMAN WITKOWIAK: Mr. Gill, do you
7 admit to receiving a notice in the mail there's
8 a possibility your application could be denied
9 because of the following reasons. See the
10 attached Milwaukee Police Department Incident
11 Report number 070580020, which is 32 pages in
12 length, and detailed history of police call
13 number 070580126, which is four pages in length,
14 and neighborhood objections to disturbing the
15 peace, illegal drug activity, public drunkenness,
16 drinking in public, harassment of passersby,
17 gambling, prostitution, sale of stolen goods,
18 public urination, armed robbery, theft, assaults,
19 battery, vandalism, excessive littering,
20 loitering, illegal parking, loud music, noise,
21 traffic violations, cruising, curfew violations,
22 lewd conduct, gunfights, and shootings, and
23 conduct which is detrimental to the health,
24 safety and welfare of the neighborhood. Did you
25 get one of those notices?

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1 THE APPLICANT: Yes, sir.
2 CHAIRMAN WITKOWIAK: Okay. Could we
3 hear the report from the police department,
4 please?
5 P.O. TABIADON: As you said, it's just the
6 incident report.
7 CHAIRMAN WITKOWIAK: Okay.
8 P.O. TABIADON: The 32 pages. There is no
9 other attachment.
10 MR. SCHRIMPF: Well, Mr. Chairman, and
11 perhaps - -
12 CHAIRMAN WITKOWIAK: I'd like a
13 synopsis of it.
14 MR. SCHRIMPF: - - we have it
15 summarized?
16 CHAIRMAN WITKOWIAK: That's what I
17 would like.
18 P.O. TABIADON: District police squads
19 responded to fights, shots fired, and at 24 hour
20 business on North 35th, and they submitted the
21 police report.
22 CHAIRMAN WITKOWIAK: What time -- What
23 time were they called?
24 P.O. TABIADON: They were sent at 2:22 on
25 2/27 of 2007.

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1 CHAIRMAN WITKOWIAK: 2:22 a.m.
2 P.O. TABIADON: Yes.
3 CHAIRMAN WITKOWIAK: Okay. Continue.
4 P.O. TABIADON: They were sent for a
5 reckless use shooting. That's what was - - That
6 was filed by the CID in our Police Department.
7 CHAIRMAN WITKOWIAK: Okay.
8 ALDERMAN BAUMAN: Well, Mr. Chair, with
9 all due respect. I think we need a little more
10 detailed exposition of exactly what happened,
11 such as the fact that the gunshots were inside
12 the establishment. Correct?
13 P.O. TABIADON: I said inside the 24 hour
14 business.
15 CHAIRMAN WITKOWIAK: Yes. Could
16 somebody give us a - - a greater description of
17 what occurred here? Or should I just - - Do you
18 want me to read all 23 pages? We'll be here
19 until midnight.
20 ALDERMAN BOHL: Mr. Chairman.
21 ALDERMAN BAUMAN: Well - - I mean, I'll
22 - - I'll describe what the police reports
23 indicate.
24 CHAIRMAN WITKOWIAK: Alderman Bauman.
25 ALDERMAN BAUMAN: I mean, it appears

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1 that on the early morning of February 27, 2007
2 there was a group of people in the store. This
3 is not a restaurant. This is a food dispensary.
4 There's about a ten foot by five foot lobby area,
5 separated by bulletproof plexiglas from the
6 kitchen area with a pass-through device that
7 allows food and money to be passed through
8 without the staff ever having any contact with
9 the customers, other than through this - - this
10 win - - spinning window device. Apparently there
11 was a crowd gathering in there. Several people
12 were - - were apparently waiting to place orders.
13 Various arguments broke out between several
14 females and several males. One - - At least one
15 person left the premises, came back, was armed.
16 Entered the store while armed, causing some other
17 patrons to leave the establishment, causing a
18 fair amount of disorder and panic. The gun was
19 apparently discharged inside the store, and then
20 later discharged outside the store, as well, as
21 indicated by several eye witnesses to the
22 transaction that took place that night. So in
23 total there were upwards of half a dozen shots
24 fired, arrests were made within several blocks of
25 the establishment, and I believe a weapon was

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1 recovered.

2 CHAIRMAN WITKOWIAK: So that's the - -

3 ALDERMAN BAUMAN: Charges were filed
4 and - - several charges were filed, I believe.

5 CHAIRMAN WITKOWIAK: That's the method
6 for getting to the front of the line when it's
7 crowded over there?

8 ALDERMAN BAUMAN: Apparently. Well,
9 apparently there was some discussion of
10 prostitution and other such activities among the
11 parties before the gunfire erupted.

12 CHAIRMAN WITKOWIAK: Counselor, do you
13 have something to?

14 MR. BANGERT: Well, only I've read the
15 report, and my summary, I guess, is I'm not
16 disput - - There's no dispute about the - - that
17 there was this incident. It was pretty much as I
18 think described by Alderman Bauman. Mr. Gill's
19 front windows were broken by the - - by shots
20 fired from outside. Now the - - He received a
21 letter just recently that there were no charges
22 issued against the - - Although there were
23 arrests made, but for whatever reason, and I'm
24 not familiar with the reasoning either, why - -
25 why the individuals that were involved were not

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1 charged, at least at this point. But the - -
2 From my reading of the incident report, also,
3 there - - there was a discussion of two females
4 that were in line. One male accused them or made
5 some reference to them being - - looking like
6 prostitutes. I don't think there's any reference
7 to there being any activity involving any kind of
8 prostitution or anything like that. People were
9 apparently waiting in line, trying to get the - -
10 get food.

11 Now I don't know if you want me to
12 continue in terms of my take on Mr. Gill's
13 position regarding the incident and, you know,
14 the history of - - of the establishment.

15 CHAIRMAN WITKOWIAK: Why don't you? Go
16 ahead.

17 MR. BANGERT: Well, this incident, you
18 know, while a bad incident was, according to Mr.
19 Gill, is the first such incident that he's been
20 familiar with since he's been operating the
21 establishment. He's been there, it's going to be
22 six years in June. He's been the owner for four
23 years, and was the manager of a - - of another
24 restaurant on that location for about two years
25 before he became the owner. There have been no

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1 other incidents. It's a, as Alderman Bauman
2 described, it's basically a food dispensary.
3 There's no, really there's no loitering that goes
4 on, because people, many times, most of the time
5 call in their order, come in and pick it up, and
6 - - and leave.

7 It's - - Mr. Gill feels that aside from
8 the - - the extended hours, I believe that from
9 the previous license the hours he's been open
10 have been at ten a.m. to three a.m., Mondays to
11 Thursday, and then ten a.m. to four a.m., Fridays
12 and Saturdays. Other 24 hour or extended hour
13 establishments that are in the area, there's a
14 Walgreen's that's open a block away on 35th and
15 Wisconsin. That's a 24 hours. And then there's
16 apparently a fish store that has extended hours
17 at 35th and Vliet. There are a number of
18 individuals that are here today to support Mr.
19 Gill and - - and support the - - the hours
20 staying as they've been. Several of these
21 individuals that I've just discussed, that I've
22 had conversations with out in the hallway live
23 about a block away in a disabled housing project,
24 and they feel that this is one place that they're
25 treated well and that they can come to get food

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1 that's within their - - that's assessable to
2 them, that's within a reasonable distance,
3 anyway, of where they live. There is really
4 nothing else close. Mr. Gill, from information
5 I've been given, it's also a lot of his clientele
6 in the after hours by the way comes also from
7 Miller, aside from the immediate neighborhood,
8 comes from third shift Miller employees that as
9 they're either starting or leaving work.

10 So, you know, I think the main thing I
11 would point out this February incident is that it
12 was unfortunate that it seemed to be generated by
13 customers that were waiting in line in his
14 establishment, but from my review of the police
15 reports and the incident reports, I don't see
16 anything that could be looked at as finding fault
17 with the establishment itself in - - in terms of
18 in any way being responsible for the incident.
19 And secondly, I think it is important to note
20 that this is the first such incident that there's
21 been where there's been violence like that during
22 at least Mr. Gill's proprietorship of about six
23 years there.

24 CHAIRMAN WITKOWIAK: Thank you. Can I
25 see a show of hands? Is there anyone here to

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1 testify in opposition to this license? JJ Sub at
2 800 North 35th Street? Here to testify in
3 opposition? Who - - Let the record show that no
4 one acknowledges that question. Who is here, I
5 just want to see a show of hands, to testify in
6 support of this license, JJ Sub? One, two,
7 three, four, five, six, seven, eight, nine, ten,
8 11 and somebody who is not really sure. 11 and a
9 half. Okay. You must be the one that orders the
10 half a sandwich. The six inch sub. Okay.
11 Alderman Bauman.

12 ALDERMAN BAUMAN: Thank you. Mr.
13 Chair, members of the committee, I'm going to ask
14 the committee to not renew this extended hours
15 license. This facil - - This particular facility
16 is a blight on this neighborhood. It's been a
17 blight since it's been opened. If I could have
18 non-renewed this license a long time ago, I would
19 have done so. This incident, obviously, was a
20 very violent incident. It was extensive gunplay.
21 It was a miracle that there - - there was no one
22 actually killed at this incident. This is the
23 precise nightmare that extended hours operations
24 engender for all of us, especially in central
25 city neighborhoods, which this is. I live

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1 several blocks away from this location. I
2 receive frequent complaints about loitering. I
3 receive frequent complaints about late night
4 disorder, after the hours - - after midnight.
5 Now obviously for those who get their lunch and
6 dinner at this location it will remain open
7 between the hours of five a.m. and 12 midnight
8 every day. This is - - This action today is not
9 closing this business. It merely has to do with
10 the extended hours. The extended hours during
11 which we had a very violent incident involving a
12 substantial consumption of police time, and we
13 have to put our foot down. We have to draw a
14 line. We all know the pressures that our police
15 department is under. We all know the difficulty
16 of response times, and when we have situations
17 that we can control, such as the operation of
18 after hours establishments which we can guarantee
19 there will not be incidents at this establishment
20 in the future if it is not open for business
21 between 12 midnight and three a.m.

22 The - - The risk is too great. We have
23 a demonstrated incident, a very serious incident,
24 and it's not even a close case in my opinion. I
25 would ask that this be non-renewed.

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1 CHAIRMAN WITKOWIAK: Thank you. I - -
2 I would like to see the - - I would like to hear
3 from the - - because we have some vehement
4 objections from the Alderman, I want to hear from
5 the supporters. We're going to make this very
6 brief. Let me explain to you how we're going to
7 do this. I'm going to have you all raise your
8 right hands at the same time, the people that are
9 going to testify, and then we'll swear you in.
10 Just hang on a second. Let me finish the
11 instructions here. And then I want you to come
12 up one at a time to the standing microphone over
13 here. I want you to state your name, your
14 address for the record, and then I want you to
15 tell us how far away you live from that
16 establishment. Because you, you know, I mean,
17 you - - you may be supporters of the place and
18 you may, you know, enjoy going there after hours
19 to pick something up, but - - but you may not be
20 directly affected if you're not - - if you're not
21 a close neighbor. So we're going to take that
22 into consideration. And then please don't be
23 redundant. It's your - - It's your opportunity
24 to say a couple words about the establishment.
25 But try not to go over and over again if you - -

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1 if you get too lengthy, we'll - - we'll cut you
2 off, because it's getting late in the day. We
3 got a lot of people. But I respect the fact that
4 you all came down here today to testify, and I
5 want to hear what you have to say. So anyone who
6 is going to testify, please raise their right
7 hands. We'll swear you in all at the same time.
8 Even the person with a half a sandwich back
9 there, you want to - - You don't want to? Okay.
10 All right. Right hands - - Right hands if you're
11 going to testify. Okay. Go.

12 (Whereupon the witnesses were sworn.)

13 CHAIRMAN WITKOWIAK: Okay. It's not
14 like you're getting married or anything. Okay.
15 One at a time to the microphone here, and state
16 your name, address, and then I want to know how
17 close you live to the place, and your brief
18 testimony.

19 THE WITNESS: Okay. My name is James
20 Rand. I live at 812 North 35th Street. I'm
21 about maybe 50 feet from the establishment. And
22 the incident that you're talking about, I know
23 very well, because I live right there. And as
24 far as I'm concerned, it was a misunderstanding,
25 a bunch of people, gunplay was brought, but there

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1 was nothing you could do. And as far as him
2 having his establishment open until four o'clock,
3 I think it's all right. Because if I had any
4 complaints, I'll tell you, I'd be going right to
5 my Alderman, and all my neighbors in that area,
6 and that place would be closed. But as far as it
7 going now, it's working beautiful. I went to the
8 police academy out there for robberies. I don't
9 think the police department ever checked any of
10 those businesses to find out if they went through
11 them. But I did. And we keep the snow off the
12 street. I pick up all the garbage. There has
13 been no muggings, no robberies there, once I put
14 my foot down. And he's been working with me, and
15 the neighbors in the area has been working with
16 me, and we keep it up. We're trying to keep
17 everything - - We're trying to keep the police
18 out of it. We like to keep our own community
19 right.

20 I've been living there for 89 - - since
21 1989. And I've seen it, the neighborhood improve
22 100 percent since we got rid of the other
23 Alderman. Now, we got a new Alderman, and he's
24 doing a real good job. So that's all I got to
25 say. I'm in favor of it. But he gets a lot of

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1 calls from people that don't live in the area
2 that get mad at us because we don't like them,
3 they get mad at us. So they'll call the
4 Alderman. McDonald's is open until four o'clock
5 in the morning. They have robberies there,
6 muggings, raping all the time. But not around
7 our place.

8 CHAIRMAN WITKOWIAK: Just stay up there
9 for a second. Are you an employee of this
10 person?

11 THE WITNESS: No.

12 CHAIRMAN WITKOWIAK: You're not, okay.

13 THE WITNESS: No. I work across the
14 street and help the guy out at the liquor store.

15 CHAIRMAN WITKOWIAK: Okay.

16 THE WITNESS: I worked at Midtown
17 Foods, too. The guy doesn't have any brains.

18 MR. SCHRIMPF: Mr. Chairman.

19 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

20 MR. SCHRIMPF: Thank you. Sir, I'm
21 just wondering, do you use this restaurant
22 between midnight and five a.m.?

23 THE WITNESS: Yeah. I - - What I do is
24 when I get done work, I go across town to 30th
25 and Forest Home Avenue, because I used to live

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1 over there. And it's a real quiet bar. And then
2 the bus leaves at 12:41. I hop on the bus. I
3 get off the bus. I don't see no activities
4 there. But it's a good convenience that he's
5 open, because if he - - if they did close him,
6 I'd have to have the bus move next door to me,
7 because I don't want to cross Wells Street when
8 the traffic's going. Because they don't stop
9 half the time.

10 MR. SCHRIMPF: That's all I have.

11 THE WITNESS: But, no, I don't work for
12 him.

13 CHAIRMAN WITKOWIAK: Okay.

14 THE WITNESS: But I just - - I keep the
15 area clean for him. He gives me a few bucks here
16 and there for the garbage.

17 CHAIRMAN WITKOWIAK: Um-hnh.

18 THE WITNESS: Because we don't want the
19 garbage - - Because I don't want the garbage in
20 front of my house, because people pull up all
21 over from the City, throw their diapers out,
22 their garbage. Well, I don't care about the beer
23 cans, because I keep them.

24 CHAIRMAN WITKOWIAK: Amen. We make
25 some money off of those.

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1 THE WITNESS: Okay.
2 CHAIRMAN WITKOWIAK: Any other
3 questions of this witness? No. Thank you for
4 your testimony, sir. Next witness, please.
5 THE WITNESS: Sidney Riser, 3401 West
6 Wells.
7 CHAIRMAN WITKOWIAK: And how far are
8 you from that store?
9 THE WITNESS: Just right across the
10 street from it.
11 CHAIRMAN WITKOWIAK: Okay. And your
12 testimony, sir?
13 THE WITNESS: Well, you know, I guess
14 like, you know, he was saying a minute ago.
15 Crime is all over, but regardless, if you're
16 going to label the restaurant and change the
17 hours of his business and then like clubs that
18 stays open 24 hours, almost, and other places
19 that I think have more hazardous problems that
20 can come to his location that can create these
21 problems, they should be cut back. Maybe he
22 wouldn't have the problem. I don't think it's
23 food giving the people the ignorancy to carry out
24 the way they is. It's just human nature, but I
25 don't think he should be cut back on his hours if

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1 the other business can stay open until three
2 o'clock, 3:30 in the morning and make money, he
3 should be able to make money, too. His - - His
4 business is not a problem, not to the extent that
5 people is labeling it and making it a beast
6 neighborhood. In any neighborhood you're going
7 to make it to be what you want it to be. So he
8 shouldn't be prejudged.

9 CHAIRMAN WITKOWIAK: Thank you. Sir.
10 Any questions of this witness?

11 MR. SCHRIMPF: Mr. Chairman, I would
12 just ask the same question. Do you use this
13 restaurant?

14 THE WITNESS: Sure.

15 MR. SCHRIMPF: Between midnight and
16 five a.m.?

17 THE WITNESS: Sometime I go fishing. I
18 get home about one, two, you know. It varies.
19 But, sure, I use it quite - -

20 MR. SCHRIMPF: And you go in there to
21 get something to eat?

22 THE WITNESS: Yes. Yeah.

23 MR. SCHRIMPF: Okay. That's all I
24 have, Mr. Chairman.

25 ALDERMAN PUENTE: Mr. Chair.

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1 CHAIRMAN WITKOWIAK: Alderman Puente?

2 ALDERMAN PUENTE: Do you see any of the
3 illegal activity that was posted on the notice
4 today?

5 THE WITNESS: The only thing that we
6 got was the letter that said they were having a
7 meeting.

8 CHAIRMAN WITKOWIAK: No, sir. Alderman
9 Puente asked you if you - - do you ever see
10 anything disturbing the peace, illegal drug
11 activity, public drunkenness, drinking in public,
12 prostitution, gambling, public urination? You
13 ever see any - -

14 THE WITNESS: Not in front of his
15 restaurant. I never saw that. But on the side
16 streets, I mean, no matter where you go in the
17 inner City, I'll venture you're just about going
18 to see it. But in front of - - That's a business
19 street, so, I mean, it had to be really a low
20 life to take - - a public access to the streets
21 like that, but, sure, side of the streets, but
22 not in front of his establishment, no, never saw
23 it.

24 ALDERMAN PUENTE: Thank you.

25 CHAIRMAN WITKOWIAK: Thank you. Okay,

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1 ma'am, you're next.

2 THE WITNESS: Hi. My name is Trina
3 Stovall. I stay at 3401 West Wells. That's
4 across the street from JJ Subs, and I like going
5 to JJ Subs because it's very convenient for me.
6 I work third shift. Sometimes when I get off and
7 I can go there, you know, and I don't drive, so
8 it's convenient. It's right across the street.
9 I don't have to go across town to get nothing.
10 And I never witnessed any violence as far as the
11 times I went, as far as one o'clock in the
12 morning or so, probably a little later.

13 CHAIRMAN WITKOWIAK: Okay. All right.
14 Any questions of this witness? Next person to
15 testify, please. Name and address for the
16 record.

17 THE WITNESS: My name's Franklin Combs.
18 Address, 834 North 35th Street. I stay like a
19 block away from JJ's.

20 CHAIRMAN WITKOWIAK: Okay.

21 THE WITNESS: Like they said, as far as
22 I'm concerned, I didn't see no violence there.
23 When I was working third - - second shift, JJ's
24 was a good place for me to come there and get
25 food, like by 1:30, two o'clock in the morning

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1 then, because I didn't have no other place to go.
2 And as far as I'm concerned, like they said, no
3 violence I can recall.

4 CHAIRMAN WITKOWIAK: Okay. Any
5 questions of this witness? Thank you. Next
6 person to testify, please.

7 THE WITNESS: Hello. My name is Samuel
8 Brown. I live at 834 North 35th, apartment 209.
9 I use JJ's Subs practically every other night. I
10 buy my food. I play Dominoes up to three, four
11 o'clock in the morning. I'm very independent,
12 you know. I go out. It's like one, two, three,
13 four - - like half a block down. It's a half a
14 block. I just come out of my apartment, just
15 roll on and roll into JJ Sub to get my food, you
16 know, but I don't see no prostitution, none of
17 that. I mean, it's right there on 35th and
18 Wells, come on. No loitering. It's just a fast
19 food restaurant. I can get my food. Call, get
20 my food, and leave, you know. I'm right there.
21 Right there, like four - - You live four houses
22 from somebody, right there, like four houses. I
23 can see any - - everything.

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

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1 THE WITNESS: For once.

2 CHAIRMAN WITKOWIAK: Yes.

3 THE WITNESS: Taking away from the
4 blind and the elderly, too, because we buy our
5 food there. We's a 16 unit building, and there's
6 a lot of people in wheelchairs that buy their
7 food there.

8 CHAIRMAN WITKOWIAK: But do you buy
9 your food often between midnight and five in the
10 morning?

11 THE WITNESS: Yes, a lot of us do. We
12 play Dominoes, have card games. We get together
13 and we buy our food, sometime one and two o'clock
14 on Saturdays and Fridays. We do buy our food
15 like that.

16 CHAIRMAN WITKOWIAK: Okay. Thank you.
17 Thank you for your testimony.

18 THE WITNESS: Mr. Rushing, Roy. 834
19 North 35th Street. As Samuel was saying, I stay
20 in that same building. It's like three houses
21 from there. But what I don't understand is he
22 mentioned the loitering. Because the police
23 constantly controlling the area. And I never
24 seen no loitering. And I will have to say, I'm
25 the runner for the building for the disabled on

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1 the weekends, so I'm constantly going there. And
2 let's keep it fair, it was only one incident.
3 And I've been there for two years, and things are
4 happening everywhere now, but it's not a bad
5 place, though, at all.

6 VICE-CHAIRMAN BOHL: Thank you, Mr.
7 Rushing. Questions by committee of Mr. Rushing?
8 Mr. Rushing, hold on one second. Alderman
9 Bauman, anything? Thank you. Sir, your - - your
10 name and your address for the record, please.

11 THE WITNESS: McKinley Simpson. 834
12 North 35th Street, apartment 304.

13 VICE-CHAIRMAN BOHL: Okay. Mr.
14 Simpson.

15 THE WITNESS: You don't need another
16 foreman, do you. Oh, boy. I am - - In my
17 opinion, I've seen a lot of Milwaukee PD, you
18 know, Milwaukee Police Department eat there, and
19 it gives me a sense of security knowing that they
20 know the place, and that even if they're not
21 working that area, they'll probably go there to
22 eat. Usually when I go to the hospital or the
23 doctor's office, I come home, probably late at
24 about five, six, sometimes eight o'clock, and I'm
25 too tired to fix anything to eat or go anywhere,

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1 so I usually wake up late after I get back. And
2 I have to go there. Now the nearest place is
3 down Vliet, and - - But they - - then they have a
4 place called either Michael's or Michelle's
5 that's like on 22nd Avenue. People that have
6 power chairs aren't always able to have - - have
7 power in them, you know, they don't have - - The
8 chairs aren't powered up, and they can only go so
9 far before they just run out of, you know, juice.
10 So going next door or going to this place so
11 close, it's just like essential, you know.
12 That's - - I'm kind of nervous about being on
13 camera, but - -

14 CHAIRMAN WITKOWIAK: You're doing fine.

15 THE WITNESS: Boy, I'll tell you.
16 Anyway, yeah, it's just been a big help for me, I
17 mean, I appreciate that, you know - - you know,
18 it gets busy, but there's no sit-down in there.
19 That's - - You know, you just come and you go.
20 You get your food and you go. I've never seen
21 anything crazy happen in there, and I had to be
22 told about this shooting incident. I'm not deaf,
23 but I must have been asleep, you know. Because I
24 - - Anyway, it's been - - It's been, you know, a
25 good thing to have the place there. I'm finished

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1 now.

2 CHAIRMAN WITKOWIAK: Any questions of
3 this witness?

4 ALDERMAN BAUMAN: Mr. Chair, if I
5 could.

6 CHAIRMAN WITKOWIAK: Alderman Bauman.

7 ALDERMAN BAUMAN: Just want to make
8 sure that the witness understands that what this
9 committee is deciding today is merely whether
10 this establishment can - - can remain open
11 between midnight and five a.m.

12 THE WITNESS: Yes, sir. I - -

13 ALDERMAN BAUMAN: Even if we - - Even
14 if this committee rules against renewing that
15 license, they'll still be open 19 hours a day,
16 seven days a week, and you feel that that's not
17 enough time for your - - you and your neighbors
18 to go next door or down the block to get food?
19 Those 19 hours of available time?

20 THE WITNESS: No, sir. That's - - I
21 think that it's - - it's nice to have, you know,
22 that the - - You know, that the police department
23 frequents there, too, that they eat there, that
24 they know about the place, and to know that
25 they're going to be there, you know, throughout

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1 the evening, somebody from there, that - - that
2 gives it more of a sense of security, you know.
3 So maybe that's why this is the only incident
4 that has occurred since he's been there, because
5 the police are in that area.

6 MR. SCHRIMPF: Mr. Chairman.

7 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

8 MR. SCHRIMPF: I just - - Because now
9 I'm confused. Sir, do you use this restaurant
10 between midnight and five a.m.?

11 THE WITNESS: Yes, I do.

12 MR. SCHRIMPF: How frequently?

13 THE WITNESS: Twice a week.

14 MR. SCHRIMPF: Okay. That's fine. All
15 right. That's all I have, Mr. Chairman.

16 CHAIRMAN WITKOWIAK: Sir, if you'd like
17 to see yourself on TV, this gets replayed
18 starting at seven p.m. tonight.

19 THE WITNESS: I really don't want to
20 see myself on TV.

21 CHAIRMAN WITKOWIAK: I was going to
22 tell you, you have until about 3:15 this morning.

23 THE WITNESS: If I would have known I'd
24 be on camera, I would have dressed different, you
25 know what I mean?

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1 CHAIRMAN WITKOWIAK: You look great. I
2 think you'll be in the next round of American
3 Idol.

4 Anyone else to testify on this matter?
5 No. Okay. Closing remarks, counselor?

6 MR. BANGERT: Really nothing to add,
7 after, you know, just kind of summarizing the
8 comments that I made previously, and - - and,
9 also, the comments of the witnesses. You know, I
10 think that - - that it's important for the
11 committee to realize that the - - this is - - is
12 one incident, as a number of them have pointed
13 out, and from my review of the incident report,
14 it's an incident that happened in that location
15 of this restaurant, but it in no way involved any
16 - - any kind of precipitation or fault by the
17 restaurant. It would seem to me that the same
18 kind of thing could have occurred at the
19 Walgreen's that's, you know, open a block away.
20 It's unfortunate, but it was only one time.

21 CHAIRMAN WITKOWIAK: Okay. Thank you.
22 Alderman Bauman.

23 ALDERMAN BAUMAN: I renew my request to
24 non-renew this extended hours, again. This
25 establishment will still be open for 19 hours a

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1 day to service the food needs of everybody in the
2 neighborhood. There are other restaurants in the
3 vicinity. I will agree, for someone in a
4 wheelchair, this is particularly close from 834
5 North 35th Street. But, again, there's 19 hours
6 out of the day where this establishment is open.
7 We have to weigh that fact against the problems
8 we're having with public safety in this
9 community. I receive frequent e-mails. What are
10 you doing about crime? What are you doing to
11 solve the crime problems in Milwaukee? And there
12 are certain things that we have a difficult time
13 dealing with. Other things are completely within
14 our control. Liquor licenses are completely
15 within our control. Extended hours licenses are
16 completely within our control, and I urge you to
17 take charge of those aspects of the public spirit
18 that we actually have some control over, such as
19 extended hours. If this establishment is not
20 open after midnight, it is almost guaranteed
21 there cannot be a shooting inside the
22 establishment. And I'm asking you to help me
23 take charge of my neighborhood and the district
24 that I represent by closing this establishment at
25 midnight.

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1 CHAIRMAN WITKOWIAK: Thank you. If we
2 haven't done it already, Alderman Puente moves to
3 make the entire - - the entire report, which we
4 refer to as the incident report, number
5 070580020, which is 32 pages in length, and - -
6 and report number 070580126, which is four pages
7 in length, part of the permanent record in this
8 hearing. Hearing no objections, so ordered. And
9 this matter is in committee?

10 ALDERMAN BOHL: Mr. Chairman, i would
11 move to - -

12 CHAIRMAN WITKOWIAK: Alderman Bohl.

13 ALDERMAN BOHL: - - deny, based on the
14 police report.

15 CHAIRMAN WITKOWIAK: Motion by Alderman
16 Bohl is to recommend denial based on the police
17 report. Is there any discussion on that motion?
18 Are there any objections to that motion?

19 ALDERMAN PUENTE: I'll object.

20 ALDERMAN WADE: I'll object, also, Mr.
21 Chair.

22 CHAIRMAN WITKOWIAK: Hearing two
23 objections, the motion carries on a vote of three
24 to two.

25 MR. SCHRIMPF: Mr. Bangert, the

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1 committee is going to be doing findings of fact
2 and conclusions of law recommending non-renewal
3 of this license. You will receive a copy of that
4 report. You will have an opportunity to submit
5 written objections to that report. If you decide
6 to do that, they must be received by the close of
7 business, which is 4:45 p.m. April 12th, 2007.
8 And if you file written objections, this matter
9 will be taken up by the Common Council at
10 approximately nine a.m. on April 17th, 2007, and
11 if you file written objections, you will have an
12 opportunity to appear and argue the matter in
13 front of the Common Council. Will you accept
14 service on behalf of the licensee?

15 MR. BANGERT: Yes, I will.

16 MR. SCHRIMPF: Thank you. Could I have
17 a card of yours, too.

18 CHAIRMAN WITKOWIAK: I want to thank
19 all of the residents that came down and testified
20 today. Your - - Your testimony is very valuable
21 to us and aids us in making decisions. So, thank
22 you, for - - for coming this afternoon.

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3 STATE OF WISCONSIN)

4)

5 MILWAUKEE COUNTY)

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8 I, JEAN M. BARINA, of Milwaukee Reporters
9 Associated, Inc., 5124 West Blue Mound Road,
10 Milwaukee, Wisconsin 53208, certify that the foregoing
11 proceedings is a full and complete transcript of the
12 JJ SUB taken in the foregoing proceedings.

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18 JEAN M. BARINA
19 Court Reporter

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21 Dated this day of March, 2008.

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