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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 Dance
application for:

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DENNIS B. ROBINSON
"DRND Corporation"
"DBR's II"
2691 S. 6th Street

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COMMITTEE MEMBERS

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ALD. JAMES BOHL - Chair

12

ALD. MILELE COGGS, - Vice-Chairman

13

ALD. ASHANTI HAMILTON

14

ALD. T. ANTHONY ZIELINSKI

15

ALD. TERRY WITKOWSKI

16

LICENSING DIVISION by REBECCA GRILL

17

POLICE DEPARTMENT by SEARGENT CHET ULICKEY

18

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 April, 2009.

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P R O C E E D I N G S

CHAIRMAN BOHL: Dennis B. Robinson,
Agent for "DR - - DRND Corporation", Class "B"
Tavern and Tavern Dance applications for "DBR's
II" at 2691 South 6th Street. Good afternoon.

THE APPLICANT: Good afternoon.

CHAIRMAN BOHL: Mr. Arena, you just
want to state your appearance, please.

MR. ARENA: Yes. Dennis Robinson and
DBR, Incorporated, appears by Attorney Andrew P.
Arena. Also appearing is Deb Nadboralski, a
shareholder, significant shareholder in the
business.

CHAIRMAN BOHL: And do you have a
spelling of that name?

MS. NADBORALSKI: N-A-D, as in dog, B,
as in boy, O-R-A-L-S-K-I.

CHAIRMAN BOHL: Thank you. And - - And
for - - for you two, we'll need to swear you each
in, if you could raise your right hands, please?

(Whereupon the applicants were sworn.)

THE APPLICANTS: I do.

CHAIRMAN BOHL: And for our agent here,
if you could provide us name and address for our
record, please.

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1 THE APPLICANT: Dennis Robinson, 2927
2 North 40th Street, Milwaukee, Wisconsin.

3 CHAIRMAN BOHL: Thank you. And, sir,
4 I'm going to ask you if you acknowledge receiving
5 notice of today's meeting with the possibility
6 your application could be denied with potential
7 denials over a police report and outline of
8 neighborhood objections that should have been
9 sent on the cover sheet notice, as well as a
10 possible denial based on the location being
11 previously found by the Common Council to be
12 over-concentrated with alcohol beverage outlets?

13 THE APPLICANT: Yes.

14 CHAIRMAN BOHL: Okay. Thank you. Ms.
15 Grill, any holds?

16 MS. GRILL: There is - - Neighborhood
17 Services has a hold for occupancy, and the Health
18 Department has a hold for inspection.

19 CHAIRMAN BOHL: Thank you. Sergeant,
20 police report, please?

21 SERGEANT ULICKEY: During the last five
22 years on 2/28 of '04, the applicant received a
23 citation for license premise immediate police
24 entry required, 2691 South 6th Street. He was
25 cited, found guilty and fined 343 dollars.

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1 CHAIRMAN BOHL: Thank you. Any
2 questions, comments to that item on the police
3 report?

4 MR. ARENA: We have no questions. We
5 do have comments about the police report.

6 CHAIRMAN BOHL: About the police
7 report? Go ahead.

8 MR. ARENA: Thank you, Mr. Chairman.
9 The issue in the police report just discussed,
10 that actually, if people here aren't aware, Mr.
11 Robinson, his wife has owned the building since
12 2000 - - July of 2000. There's been a tenant in
13 the building for that entire period of time. On
14 the night in question it was his common practice
15 to sometimes go in and check and see what was
16 going on and check. He was meeting with the
17 owner in the office, and there was a knock at the
18 door, and the police were apparently - - had the
19 door - - when Mr. Robinson came out, he was the
20 one that did let them in, and he did receive a
21 citation. He wasn't the licensee at the time.
22 And what happened is he didn't go to court,
23 because he had left - - he was on vacation and he
24 - - he paid the fine. But he is aware of the
25 responsibility to let the police in, in fact,

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1 ordered the people that were in the bar cleaning
2 and working to let the police in. Why it was
3 they got a citation, I'm not certain. Maybe they
4 didn't open the door fast enough. Sometimes it
5 happens. But it was actually at his direction
6 that the door was opened.

7 Anything else on his record, it's - -
8 it's old. Everything else is over nine years.
9 He's learned his lesson on each and every one of
10 those. At this point he's 56 years old. He
11 comes before you a much more mature person, and
12 he is, I think, in a position to properly run
13 this location. He has a partner. They've
14 invested a substantial amount of money, and I'll
15 go into that later. At this time I would like to
16 submit a business plan and a map to the
17 neighborhood that was done. I believe there's
18 six copies here.

19 If you would like, I could go on and
20 address the issue of over-concentration.

21 CHAIRMAN BOHL: Okay. At this time,
22 Mr. Arena, if you'll hold on. We'll have
23 Alderwoman Coggs move to make the - - the two
24 documents, including the - - the plan of
25 operation and the - - the submitted map of the

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1 2600 block of 6th - 7th Street part of the
2 official record in this proceeding. Hearing no
3 objections to that, so ordered. Please go on.
4 MR. ARENA: Thank you. If you look at
5 the plan of operation, there's a line on it. So
6 it's kind of hard to read, but what it
7 demonstrates and shows is that there has been
8 some thoughtfulness put into what their plan is,
9 what they're going to carry out here, and it - -
10 To me it shows that they are aware of what their
11 obligations are. They have invested about 30,000
12 dollars in remodeling and fixing the building up.
13 their plan is to make this more of an upscale
14 place. The hope is to appeal to a high quality,
15 older, distinguishing individual. They will have
16 security. They have added lights outside. They
17 have purchased the back lot, which is a parking
18 lot that holds about ten cars. So they do have
19 parking. The partner and the investor in the
20 business, Ms. Nadboralski, has been an employee
21 at US Bank for 26 years, and she works in a
22 capacity as an appraisal supervisor. She's
23 investing large chunk of money into the business.
24 It's her goal to have a business where a
25 reasonable rate of return is received. The plan

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1 isn't to get rich. She does have another career.
2 And my client's plan isn't to get rich. They're
3 not going to turn this into a Hip-hop place. But
4 they would like a nice quiet place, and they
5 would like to do a reasonable amount of business.
6 To my knowledge, this has been a tavern, a
7 licensed establishment in this area for a long
8 period of time. They're not seeking to add a new
9 place to the location. There is an over-
10 concentration map that was supplied. I would
11 note that they are in the far right-hand corner
12 of the concentration map. And there are places
13 on 13th Street. That is a large commercial
14 thoroughfare with a number of places. They're
15 kind of off and away from that. There is 18
16 residents there in that's on 7th Street in the
17 block behind them. They have put a fence up on
18 the parking lot. They plan to be responsive to
19 the neighbors. They will have people watching
20 that parking lot, making sure that nothing's
21 going on. They've added lights to the parking
22 lot to light up the parking lot. And they have
23 video surveillance to surveil the parking lot,
24 and to video the interior of the location. They
25 have also invested in a ID swiping recording

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1 device. I've been here before, and I speak
2 highly of these devices. I've found them to be
3 very effective in keeping people out that are
4 people that want to create problems or will
5 create problems, because now there's a record of
6 who they are, and it's known that they've been
7 there, and they could be tracked, and their
8 identity could be known, and I - - I think it's a
9 much more effective tool for managing crowd and
10 safety and security than a metal detector or
11 anything else. But that has already been
12 invested in.

13 There - - The plan is to run a well-run
14 quiet establishment with adequate security. My
15 client has had some experience in this business
16 years ago. He did learn from those experiences,
17 and certainly would not want to repeat any of his
18 history at - - at that location. But he - - And
19 I think that he is able to properly run this
20 establishment.

21 In looking at the issue of
22 concentration, I believe there's a location on
23 2685 South 9th that's closing. That's number
24 seven. There's one location that engages in
25 banquet business only. That's number two on the

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1 map. That's Manitoba Banquets. I have been made
2 aware that Mick's Anvil Inn is really open and/or
3 closed, and Bobby Lane's, number 23, actually
4 closes for the summer. And if you go to that
5 area, if you're familiar with it, on 6th Street
6 there, that really is a remote kind of spot where
7 there really isn't a lot going on. There's a mix
8 of businesses. There's a trucking company.
9 There's some mechanics shops. There's another
10 bar that's called Hank's Place, which would be on
11 the same side of the street that this location
12 is, but up two blocks. I think this is a very
13 mixed neighborhood with some limited residences,
14 and I believe that it would be their plan to, and
15 they will go door to door and see if there's
16 problems, it would be their plan to be responsive
17 to the neighbors and to have adequate control of
18 the location to make sure that there are no
19 problems. In looking at the history, I think the
20 history is really unremarkable for - - for many
21 of the types of issues at this point.

22 And what I would just stress is that
23 Ms. Nadboralski is not going into business with
24 some fly-by-night operation to make a lot of
25 money. She's a long time employee at a major

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1 bank in this town, a respected bank. She has
2 thought this through, and she's going to be
3 present regularly, and she will be there to - -
4 to help and to protect her investment. She has
5 trust in Mr. Robinson. I believe Mr. Robinson is
6 capable of doing an adequate job. And I would
7 request that this location be granted the
8 license, that this application be granted, and I
9 would just note on the concentration issue, once
10 again, they're not seeking to add a location to
11 this map. They're in the far right side of it,
12 which I find a little bit strange that they're in
13 one corner and not in the center of the
14 concentration map, but in looking at it, if there
15 is a - - a concentration issue, it would appear
16 that it would be on 13th Street. But even still,
17 the - - the map says there's 42 licenses in this
18 one square mile area. I - - I don't think that
19 that is an extremely high amount when you
20 consider that it looks like one, two, three,
21 four, five, six - - You know, a third of them are
22 on 13th Street, which apparently is an area that
23 has developed into, you know, a large tavern
24 area.

25 CHAIRMAN BOHL: Are there any questions

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1 at this time? Let me just, before we get - - we
2 get to that - - to hearing from Alderman
3 Zielinski. This item is cited for - - for
4 neighborhood objections. Are there any residents
5 here to testify? We have one. Alderman
6 Zielinski, do you want to make an opening at this
7 point here, or do you want to defer to the
8 resident?

9 ALDERMAN ZIELINSKI: Okay. I'll - -
10 I'll defer to the resident at this time.

11 CHAIRMAN BOHL: Okay. It sounds like
12 we have two that want to say something here.

13 THE WITNESS: There's actually more,
14 but they have school. Okay.

15 CHAIRMAN BOHL: We'll have to swear you
16 in, if we could get you to raise your right hand
17 here, please.

18 THE WITNESS: Okay.

19 (Whereupon the witness was sworn.)

20 CHAIRMAN BOHL: And I'll need your name
21 and address for the record please.

22 THE WITNESS: It's Mia Diaz, and I live
23 at 2688 South 7th Street.

24 CHAIRMAN BOHL: Okay. And how close?
25 Are you across the alley roughly from the

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1 establishment? How close are you?

2 THE WITNESS: Right. I'm right behind
3 them.

4 CHAIRMAN BOHL: Okay. And who is this
5 that you brought with us here today?

6 THE WITNESS: This is my ten month old
7 son.

8 CHAIRMAN BOHL: And he's starting to
9 - - to reach his vocal stages here, isn't he?

10 THE WITNESS: Yes, and I apologize.

11 CHAIRMAN BOHL: That's okay. I like
12 that - - I like that sound better than cell
13 phones, which despite our sign outside, please,
14 folks, if you have them on, I heard the fifth one
15 go off today. I don't know how it is people can
16 walk past that sign without it grabbing you, and
17 asking if you could please just shut them down.
18 Ms. Diaz, why don't you tell us your - - your
19 testimony here, please?

20 THE WITNESS: Well, I was the one that
21 was here last year with all the kids to complain
22 about the - - Okay. I was the one that was here
23 last year to complain about this bar. It - - It
24 really has not gotten any better. Oh, I believe
25 it was May 11th, which was about a month after

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1 their 90 day suspension, when it was Cleveland's
2 Lounge. I know they're switching it. But they -
3 - There was a shooting right into the bar. I
4 don't know that anyone was hurt or not, but I
5 believe it was May 11th that that happened. And
6 there's just the - - the loud music. It is
7 waking up my children. It's just hor - - They
8 have no respect for our neighborhood at all. The
9 - - The people who come to this establishment,
10 I'm not saying necessarily Mr. Robinson here.
11 But he - - he has been - - He was the bartender
12 at Cleveland's Lounge when it was Cleveland's
13 Lounge. He was the one that was there all the
14 time. So now he's trying to tell us that this is
15 not going to happen again. When it happened
16 again after his suspension, leads me to believe
17 that that is not true. I really am concerned
18 about, you know, just - - just last month there
19 was a fight right outside our house from patrons
20 from that bar. And we had to call the police.
21 They woke us - - And mind you, I don't get much
22 sleep, because he wakes up to eat and - - So with
23 that, also, on the weekend I don't get much sleep
24 because of the bar and the fights and the loud
25 music and the standing in the middle, keeping

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1 your cars in the middle of the street, and people
2 honking at them. It's just
3 - - It's horrible. We have enough bars in our
4 community, and I really don't think we need
5 another one.

6 I would love to see some type of
7 community establishment to help families right
8 now in their time of need instead of this, you
9 know. And I - - I don't know if they have given
10 anything into our community or helped our
11 community at all since they are there. I mean,
12 that's a big concern of mine. They are making
13 money off the people in our community, but are
14 you giving back to them. You know. I would - -
15 I would not like to see them get their license.

16 CHAIRMAN BOHL: Thank you. Questions
17 by committee? Alderman Zielinski?

18 ALDERMAN ZIELINSKI: I have a question
19 for the applicant. Last couple weeks, how is
20 your operation - -

21 MR. ARENA: Can I have questions of the
22 witness first, so we go in an orderly fashion
23 here? I didn't know we were opening this up to
24 question the applicant.

25 CHAIRMAN BOHL: Mr. Arena, we'll get to

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1 that.

2 ALDERMAN ZIELINSKI: Yeah, let me - -

3 CHAIRMAN BOHL: Do we have questions of
4 the witness here?

5 ALDERMAN ZIELINSKI: Yeah, I have a
6 couple questions here.

7 CHAIRMAN BOHL: Is that an official
8 objection from him, as well?

9 ALDERMAN ZIELINSKI: Well, I'd like to
10 begin with - - with a question of the licensee
11 with respect to some of the testimony.

12 CHAIRMAN BOHL: Well, if - - if we
13 could - - If we could, that way we can release
14 the witness, because I think that when she
15 provides her testimony, I don't know that she
16 wants to - -

17 ALDERMAN ZIELINSKI: Okay.

18 CHAIRMAN BOHL: She's got her hands
19 kind of full at this time here.

20 ALDERMAN ZIELINSKI: I just want to
21 clarify, ma'am, since the suspension occurred
22 last year - - There was a 90 day suspension for
23 the tavern/dance license because of numerous
24 issues, including, you know, shots being fired
25 and so forth. Did you - - Did you say there

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1 really hasn't been any kind of improvement with
2 respect to noise or anything else?

3 THE WITNESS: No.

4 ALDERMAN ZIELINSKI: Okay. That's it.

5 CHAIRMAN BOHL: Has - - Has the place
6 been closed down now recently?

7 THE WITNESS: Yes. For like the, I
8 believe, the past month they haven't been open.

9 CHAIRMAN BOHL: Have you - - Have you
10 noticed - -

11 THE WITNESS: Yes.

12 CHAIRMAN BOHL: - - the difference?

13 THE WITNESS: Yes.

14 CHAIRMAN BOHL: Is it noticeable?

15 THE WITNESS: Yeah, yeah, it really is.

16 There - - There is a bar in front of us that, you
17 know, they do have their problems. And I assume
18 with any bar you're going to have problems, you
19 know, but it's not as loud as this Cleveland's
20 Lounge has been. There's not the loud music, you
21 know, nothing. And I do see the bartender come
22 out and tell people, you got to get out of here.
23 You got to go home.

24 CHAIRMAN BOHL: Is that at the other
25 place or is that with Cleveland's?

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1 THE WITNESS: Yes, that's the other
2 place. That's Hank's Again. That's across from
3 us.
4 CHAIRMAN BOHL: Okay.
5 ALDERMAN ZIELINSKI: Thank you.
6 CHAIRMAN BOHL: Other - - Other follow-
7 up questions of this witness?
8 MR. ARENA: I would like to ask some
9 questions, please?
10 CHAIRMAN BOHL: None from committee?
11 Mr. Arena.
12 MR. ARENA: Thank you. It's Ms. Diaz?
13 THE WITNESS: Yes, sir.
14 MR. ARENA: And you live at 2688 South
15 7th Street, and the front of the building that
16 you reside in faces 7th Street. Is that correct?
17 THE WITNESS: That's correct.
18 MR. ARENA: So your - - your front - -
19 Do you have a - - a rear door at that location?
20 THE WITNESS: Yes, sir.
21 MR. ARENA: And attached to the back of
22 your location, I believe, is some sort of a
23 garage. Correct?
24 THE WITNESS: Yes.
25 MR. ARENA: And is that a - - a

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1 business garage? Is it open for business?

2 THE WITNESS: I believe so. I don't
3 know. That's our landlord. We rent there.

4 MR. ARENA: Okay. And so you see him
5 fixing cars regularly?

6 THE WITNESS: Yes.

7 MR. ARENA: And you don't know if he
8 charges money for that or you assume that he
9 does?

10 THE WITNESS: I don't know.

11 MR. ARENA: Are there cars there often?

12 THE WITNESS: I believe so.

13 MR. ARENA: And then, from your
14 residence, do you live on the upper or the lower
15 floor?

16 THE WITNESS: I live on the upper.

17 MR. ARENA: And are there - - Describe
18 the building that you live in. Is the garage a
19 two-story garage, as well?

20 THE WITNESS: No. It's on the first
21 floor.

22 MR. ARENA: And on the back side of
23 your building, do you have windows that face
24 towards the corner of 6th?

25 THE WITNESS: We have a door that is

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1 opened up that goes, I believe we discussed this
2 last time, also, that it - - our door goes out to
3 above the garages. That's where our grill is and
4 stuff. And the door that we have is glass on the
5 top of it, so we can look out, or we can open up
6 our door and look right outside.

7 MR. ARENA: And so there are no windows
8 that - - that somebody would look out or windows
9 along the room?

10 THE WITNESS: There is a door that can
11 be opened.

12 MR. ARENA: Okay. And there is an
13 alley between this garage that your landlord owns
14 and a vacant parking lot. Correct?

15 THE WITNESS: No. There is the
16 garages, the alley, and then there's like a
17 little parking, like a two-car parking for
18 Cleveland's Lounge, and then there's Cleveland's
19 Lounge.

20 MR. ARENA: Okay. So there - - There
21 is a parking lot and an alley between your
22 building and - - and this bar.

23 THE WITNESS: A two-car parking lot.

24 MR. ARENA: Okay.

25 THE WITNESS: It's not a parking lot.

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1 I wouldn't call two-car parking a parking lot.

2 MR. ARENA: Okay. You had said that
3 previous to this there was a previous licensee
4 that, I believe, his name was Frank?

5 THE WITNESS: I believe that was his
6 name.

7 MR. ARENA: And you said that you
8 believe that Mr. Robinson was a bartender
9 regularly at this location?

10 THE WITNESS: Yes, sir.

11 MR. ARENA: And how do you know - -

12 THE WITNESS: I still see - -

13 MR. ARENA: And how do you know that
14 he's a bartender there? Have you ever gone
15 inside and saw him tending?

16 THE WITNESS: I never go in there, but
17 his truck is always there, the Toyota Highlander.
18 It's tan.

19 MR. ARENA: Okay. And but you're - -

20 THE WITNESS: And it's - -

21 MR. ARENA: You're unaware that - -

22 whether or not he's actually a bartender.
23 Correct?

24 THE WITNESS: No, I've heard from
25 residents that he is.

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1 MR. ARENA: Okay. Well, I'll move to
2 strike that as hearsay. And you're saying that
3 there was some incident on May 11th. Do you know
4 if the police were called?
5 THE WITNESS: Yes, I believe the bar
6 called the police.
7 MR. ARENA: And did you call the
8 police?
9 THE WITNESS: No, I don't believe that
10 I did.
11 MR. ARENA: And you said that there was
12 an incident where there was some people fighting?
13 THE WITNESS: Yes.
14 MR. ARENA: At what time of night was
15 that?
16 THE WITNESS: This was probably two in
17 the morning.
18 MR. ARENA: And what window were you
19 looking out when you witnessed this incident?
20 THE WITNESS: Right out the front
21 window.
22 MR. ARENA: And where were you at two
23 o'clock in the morning prior to witnessing this
24 incident?
25 THE WITNESS: I was upstairs in my

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1 room.
2 MR. ARENA: And are there windows in
3 your room?
4 THE WITNESS: Yes, there are.
5 MR. ARENA: What direction do they
6 face?
7 THE WITNESS: The front of my house.
8 MR. ARENA: And the front of your house
9 faces a bar on the corner of 7th Street.
10 THE WITNESS: That's correct.
11 MR. ARENA: And you looked out the
12 window and saw two individuals fighting.
13 THE WITNESS: No, three.
14 MR. ARENA: Three individuals fighting.
15 You did not see where they came from, though, did
16 you?
17 THE WITNESS: I did not see where they
18 came from.
19 MR. ARENA: Did you call the police?
20 THE WITNESS: Yes, I did.
21 MR. ARENA: And did the police arrive?
22 THE WITNESS: Yes, they did.
23 MR. ARENA: And were these people
24 arrested?
25 THE WITNESS: No. That's another thing

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1 I was highly upset about. They disturbed our
2 peace, and they were not arrested, and they were
3 allowed to go. And the whole reason they were
4 fighting was because one was drunk, and the other
5 one didn't want to let the other one drive drunk,
6 and so they got into a big fight. So - - But the
7 police let them go.

8 MR. ARENA: But you didn't see where
9 they came from?

10 THE WITNESS: No.

11 MR. ARENA: And there are other
12 licensed establishments in a relatively close
13 area to you. Right?

14 THE WITNESS: Yes, but I believe at
15 that time, Hank's Again, was - - Well, I can't
16 say for sure, but I believe they were closed.

17 MR. ARENA: So if you can't say for
18 sure, then you don't know. Right?

19 THE WITNESS: I guess, yes.

20 MR. ARENA: And there's a place called
21 the Five Star Bar & Grill.

22 THE WITNESS: I don't know where that
23 is. I don't - -

24 MR. ARENA: At 26 - -

25 THE WITNESS: - - don't frequent these

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1 places.
2 MR. ARENA: - - 90 South 8th Street.
3 THE WITNESS: I don't know.
4 MR. ARENA: And Brown's Place at 2874
5 South 7th Street. Are you - - Do you know where
6 that is?
7 THE WITNESS: No.
8 MR. ARENA: And what about Manitoba
9 Banquets at 3001 South 6th Street?
10 THE WITNESS: I don't know. Oh, that I
11 do know. Because - -
12 MR. ARENA: And how far away would you
13 say that is in walking distance from your
14 residence?
15 THE WITNESS: I don't know. Maybe
16 five, ten minutes walk.
17 MR. ARENA: Okay. And all of these
18 places have licenses and - - and they do play
19 music and whatever probably. Would you say that?
20 THE WITNESS: Manitoba is pretty far
21 from us, so I don't know - - I don't know what
22 they do.
23 MR. ARENA: Have you ever heard from
24 Hank's Again?
25 THE WITNESS: Yes.

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1 MR. ARENA: You have. Have you
2 appeared and asked any of these other locations
3 to be closed?
4 THE WITNESS: No.
5 MR. ARENA: And how long have you lived
6 at this address?
7 THE WITNESS: About three years.
8 MR. ARENA: And Hank's Again was there
9 when you moved in and so was Cleveland's Lounge
10 when you moved in?
11 THE WITNESS: Yes, sir.
12 MR. ARENA: And you do not own the
13 building. You have a landlord?
14 THE WITNESS: Yes.
15 MR. ARENA: And I believe you have a
16 number of children. Is it five?
17 THE WITNESS: That's correct.
18 MR. ARENA: And pretty much the
19 property that you live in, there's a garage and
20 there is no yard. Correct?
21 THE WITNESS: Correct.
22 MR. ARENA: Okay. So where is it that
23 your children play then?
24 THE WITNESS: In the front or I take
25 them to the park.

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1 MR. ARENA: Okay. Now you testified
2 that you think that people do not have respect
3 for your area. Have you kept a log and - - and
4 called the police when people have been making
5 noise outside?

6 THE WITNESS: Yes, but I did not bring
7 the log with me.

8 MR. ARENA: Okay. Don't you think that
9 would be kind of important today, if you want to
10 testify to certain incidents and you've been here
11 before testifying, that you'd bring this log?
12 Wouldn't it be important to do that?

13 THE WITNESS: It was, and I apologize.
14 But I did not bring it.

15 MR. ARENA: But you didn't bring it.

16 THE WITNESS: Right. I didn't.

17 MR. ARENA: So you have no way of
18 verifying or no information as to how many times
19 you've called the police, if ever, have - - do
20 you?

21 THE WITNESS: I believe the police
22 department is here. I'm sure they would have
23 record of that.

24 MR. ARENA: Okay. But you didn't bring
25 any record of that.

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THE WITNESS: No.

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MR. ARENA: Not a record that you kept
on your own by writing it down, or a record that
you received from the police department.

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THE WITNESS: Again, no.

6

MR. ARENA: And you - - Your room where
you would be at night faces to the - -

7

THE WITNESS: 7th Street.

8

MR. ARENA: 7th Street.

9

THE WITNESS: Yes.

10

MR. ARENA: And so you would have no
way of knowing if you heard noise if it came from
Hank's or any other location in your
neighborhood. Correct?

11

12

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THE WITNESS: Oh, I would, because my
children - - And I hear it. We hear - - Just
because we're facing this way does not mean we do
not hear this music and go downstairs and look to
see what's going on. I mean, I have children
down there that I have to make sure if there's
gunshots or something, we need to - - Let's come
in the middle of the house here so nobody gets
hurt. I - - I have to protect my children. So I
do come down, and I am a very light sleeper,
because I do have a baby. So I come down - -

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1 MR. ARENA: Do you live on two levels?

2 THE WITNESS: Yes, there's two levels
3 in that house. Well, our room is on the third
4 floor.

5 MR. ARENA: Okay. And you're saying if
6 you hear gunshots, you have to move your
7 children.

8 THE WITNESS: Yes.

9 MR. ARENA: And how - - How often has
10 that happened?

11 THE WITNESS: Oh, that happens - -
12 happened a lot. We've heard gunshots - -
13 Especially last year. I came - -

14 MR. ARENA: And this happens at night?
15 And your children are in bed?

16 THE WITNESS: Yes.

17 MR. ARENA: And - - And are you
18 typically in bed at two o'clock, one o'clock in
19 the morning?

20 THE WITNESS: Yes.

21 MR. ARENA: So how do you know where it
22 is that these gunshots came from and what caused
23 these gunshots to be shot?

24 THE WITNESS: Well, last year we got
25 woken up by a commotion, and then the gunshots

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1 happened. So we're down there, and we see it,
2 like the girl shooting the other girl's back
3 window out. We saw this whole thing.

4 MR. ARENA: And there's no police
5 report for that either. You didn't call the
6 police.

7 THE WITNESS: I believe last year when
8 I was here, they did have a police report on
9 that.

10 MR. ARENA: You're familiar with the
11 gang problem on the south side. How do you know
12 that you don't have gang members living at - -

13 THE WITNESS: Unless they're gang
14 members at the bar.

15 MR. ARENA: - - 86 and 82 and 76, in
16 any one of these houses on your street. There's
17 18 houses. Correct? Are you up and watching
18 each of those 18 houses to make sure that there
19 isn't crack being dealt out of them, or a gang
20 member - -

21 THE WITNESS: Actually, I'm very
22 observant in our neighborhood, and I - - I have
23 called on different occasions when I see drug
24 activity going on.

25 MR. ARENA: But you don't bring any

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1 logs to show what you called the police for and
2 what days and times?

3 THE WITNESS: No, sir.

4 MR. ARENA: No further questions.

5 CHAIRMAN BOHL: Okay. I have a follow-
6 up for you, Ms. Diaz. Could you estimate how
7 many times in perhaps the last year or two years
8 that you've contacted the police, in your
9 estimation, on this, what you believe to be a
10 tavern at this location?

11 THE WITNESS: Oh, gosh. Maybe 50
12 times.

13 CHAIRMAN BOHL: 50 times in the last
14 couple of years? The - - And what I will say is
15 is at least the portion of the - - of the record
16 that was addressed regarding you having been told
17 that the applicant here was a bartender will be
18 stricken as hearsay, even though it was elicited -
19 - an elicited question. The - - The only other
20 thing that I will just make in terms of a comment
21 is because this is a new application, it has not
22 routinely been the policy of the police
23 department to have the previous establishment
24 premise report or police report listed as - - as
25 part of the police report here. And that's - -

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1 may explain why she may have called police on
2 occasions for the previous establishment, but
3 that it doesn't appear before us today.

4 ALDERMAN ZIELINSKI: Mr. Chairman.

5 CHAIRMAN BOHL: Alderman Zielinski.

6 ALDERMAN ZIELINSKI: Yeah, I'd just
7 like to have you stay there for a second. Mr.
8 Robinson, what type of vehicle do you drive?

9 THE APPLICANT: She said a Toyota.

10 ALDERMAN ZIELINSKI: A Toyota T-One
11 Highlander.

12 THE APPLICANT: Yup.

13 ALDERMAN ZIELINSKI: Okay. And so you
14 see that vehicle there very frequently?

15 THE WITNESS: Yes, all the time.

16 ALDERMAN ZIELINSKI: Okay. So - -

17 THE APPLICANT: That's because I go
18 there and play chess.

19 ALDERMAN ZIELINSKI: Okay. Well, so,
20 you know, I feel that the previous police record
21 is applicable to this application, given the fact
22 that this, you know, applicant has been there on
23 a very frequent basis. But before I go back to
24 that, Mr. Robinson, you - - Do you still hold a
25 Class "B" Tavern license for 401 North 35th

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1 Street?

2 THE APPLICANT: No.

3 ALDERMAN ZIELINSKI: You didn't?

4 THE APPLICANT: Say - - Say that again.

5 ALDERMAN ZIELINSKI: 401 North 35th

6 Street, did you ever hold a Class "B" Tavern
7 license?

8 THE APPLICANT: Yes.

9 ALDERMAN ZIELINSKI: Okay. Were you
10 ever denied renewal of the license due to fitness
11 of location?

12 MR. ARENA: I'll object. This is
13 irrelevant.

14 ALDERMAN ZIELINSKI: I - -

15 CHAIRMAN BOHL: No, I - - I actually
16 will - - will note your - - your objection, but I
17 do find it relevant, so I would ask that - -

18 MR. ARENA: And I would - - I would
19 also, just at this time, object to the statement
20 that because he's been there, the previous
21 licensee's record should be applied and taken
22 into account for him.

23 CHAIRMAN BOHL: Yeah.

24 MR. ARENA: And - - And really there is
25 no record before this body that one can judge

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1 these things. The witness, by her own admission,
2 never kept any proof or records of this.

3 CHAIRMAN BOHL: Although - -

4 MR. ARENA: She's here to testify
5 against the place. She should bring her
6 documentation with her and not walk in here and
7 say, well, I'm sorry I didn't bring it. That
8 doesn't make sense.

9 CHAIRMAN BOHL: I'll - -

10 MR. ARENA: It's incredible.

11 CHAIRMAN BOHL: Mr. Arena, thank you.
12 And I appreciate the commentary, and - - and your
13 - - your - - your concerns regarding that. What
14 I will say is, is that there is no legal
15 requirement that - - that residents provide
16 written documentation. She's a sworn - - She is
17 - - She is sworn and is providing testimony,
18 based on her knowledge. And that is what she - -
19 she did. And she was asked direct questions as
20 to how many times she has been, an - - an
21 approximation as to how many times she's called
22 on - - on the establishment operating at this
23 location, and she indicated in the last two years
24 approximately 50. Her being sworn in, we'll - -
25 I'll accept her at her word to that regard.

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1 I - - I think that the - - Certainly
2 the question, at least to the applicant's past
3 running of an establishment is - - certainly has
4 some relevance. So I'm going to allow that to
5 proceed forward.

6 ALDERMAN ZIELINSKI: So to repeat the
7 question, was your - - was your license denied
8 renewal based on fitness of location?

9 THE APPLICANT: Yes.

10 ALDERMAN ZIELINSKI: In going back to
11 the, you know, to the vehicle. The witness
12 testified to the fact that she sees the vehicle
13 there very frequently, also, even the fact you
14 are the owner of the - - of the present building?

15 THE APPLICANT: Of the building.

16 ALDERMAN ZIELINSKI: Correct, of the
17 building.

18 THE APPLICANT: Oh, no. My wife is the
19 owner of the building. I go there to play chess.

20 ALDERMAN ZIELINSKI: Okay. That's it
21 for the questions. Thank you.

22 CHAIRMAN BOHL: Okay. And, Alderman
23 Zielinski, I did check to see if - - if the
24 applicant has a valid bartender's license. And
25 according to - - to Ms. Grill, he does not.

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1 THE APPLICANT: And I never bartend
2 there.

3 CHAIRMAN BOHL: Other than at - - at
4 one point you could have if you were an owner at
5 an establishment, but you do not have a
6 verifiable bartender's license currently held.

7 THE APPLICANT: I go to - - went to
8 Cleveland to play chess, and I know Frank, so I
9 - - I go there. I play chess. And my chess
10 partner is also here. But I go to play chess.
11 That's why I'm there. And whenever there's a
12 problem, Frank calls me. So I go there.

13 MR. ARENA: And I would note that he
14 does not drink alcohol.

15 THE APPLICANT: And I don't drink.

16 ALDERMAN ZIELINSKI: Okay. Mr.
17 Chairman? Follow-up question, please.

18 CHAIRMAN BOHL: Go ahead.

19 ALDERMAN ZIELINSKI: Okay. Give - -
20 Given the fact that you go there to just play
21 chess and not really have anything to do with the
22 operation, how is it on February 28th of - - of
23 '04 when there was - - when you got cited for
24 license premise immediate police entry required,
25 or can you - - Just can you explain the

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1 circumstances?
2 THE APPLICANT: Now - -
3 ALDERMAN ZIELINSKI: That's kind of
4 hazy on here to me.
5 THE APPLICANT: I got there right as
6 the bar closed.
7 ALDERMAN ZIELINSKI: Okay. So you got
8 there at what? Two o'clock?
9 THE APPLICANT: I got there at two
10 o'clock.
11 ALDERMAN ZIELINSKI: You play chess at
12 two o'clock in the morning?
13 THE APPLICANT: No. I just walked in
14 at two o'clock.
15 ALDERMAN ZIELINSKI: Okay.
16 THE APPLICANT: Because something
17 happened at the bar. I was in the neighborhood.
18 I went to the bar. I was in the bar. There was
19 no one in the bar but employees. They had the
20 doors locked. Next thing I know the police
21 showed up. They knocked on the door. I told one
22 of the - - the people to open up the door. They
23 said they didn't open up the door fast enough.
24 ALDERMAN ZIELINSKI: Okay. So that
25 answers my questions. Ms - - Ms. Diaz, Mr.

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1 Chairman, if I may? When you see the Toyota T-
2 One Highlander, is it there almost exclusively
3 during the day? Do you see it there frequently
4 at night time, too?

5 THE WITNESS: I have seen it there at
6 all - - I used to work at the airport, and I used
7 to get on the bus right at the corner there, and
8 this was like four or five in the morning. I
9 would get on the bus there, and that Toyota - -
10 Toyota Highlander was still there.

11 ALDERMAN ZIELINSKI: It sounds like you
12 are a serious chess player. I don't want to play
13 you. It sounds like you get a lot of practice
14 in. That's all, Mr. Chairman.

15 CHAIRMAN BOHL: Were there any other
16 questions for - - for Ms. Diaz at this time here?
17 All right. Mr. Robinson, have you ever - - Have
18 you ever filled in as - - as a - - as a bartender
19 just sort of at request under the supervision of
20 another?

21 THE APPLICANT: No, I have never
22 bartended.

23 CHAIRMAN BOHL: Okay. I just wanted to
24 - - to check that. All right. Any other
25 questions at this point by committee members?

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1 Mr. Arena, did you want to just take the time to
2 provide a general closing, or if you have
3 additional - -

4 MR. ARENA: I would just like the - -
5 the committee to hear from - - from his partner
6 who is - - She can sum up what the plan is and
7 what they're doing, and they're intention would
8 be to address any concerns that she may have, and
9 that would be it.

10 CHAIRMAN BOHL: Thank you, Ms. Diaz.

11 THE WITNESS: Thank you.

12 CHAIRMAN BOHL: We enjoyed your son, as
13 well, too.

14 THE WITNESS: I'm sorry about that.

15 CHAIRMAN BOHL: That's okay. Please
16 proceed here.

17 MS. NADBORALSKI: To be truthful, this
18 all started as a joke. Dennis and I have a
19 mutual friend, I was going out with someone, and
20 then his sister is a waitress at Amelia's, and
21 that's where we both were. And started talking
22 about it. And I just wanted to invest in
23 something, because I lost my husband
24 approximately nine years ago, and I needed to
25 make some kind of investment to get revenue, get

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1 some money from for monthly health. So he talked
2 about going back in business. I asked him if he
3 wanted a partner. It started as a joke, and it
4 came into something.

5 Because of the problems that were
6 happening at Cleveland, that's why Dennis and I
7 talked, and we're trying to make it into a
8 different place. We're trying to get better
9 clientele, trying to have more security. That is
10 our purpose. That is what we are trying to do.

11 THE APPLICANT: If I may something?

12 CHAIRMAN BOHL: Please.

13 THE APPLICANT: Last year when they got
14 the suspension, that's when we decided - - that
15 about that time is when we decided that - - to
16 start doing something towards taking it over. I
17 also told Frank about it. I also called Mr.
18 Zielinski's office twice, which I never got a
19 call back for. And we started - - We started
20 last year fixing up the bar for this today.

21 MS. NADBORALSKI: Now can I say
22 something in the - -

23 THE APPLICANT: We painted the outside.

24 MS. NADBORALSKI: That's why his car
25 was there a lot. He was doing work in that bar

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1 at night when it was closed.

2 THE APPLICANT: We painted the outside.
3 We put halogen lights over the - - the parking
4 lot. And at the time we didn't even own the
5 parking lot. We own it now, because we just
6 bought it in December.

7 MS. NADBORALSKI: To make it better.

8 THE APPLICANT: We put lights on the
9 - - on - - on Cleveland, on - - on the streets,
10 halogen lights on the streets to make it more lit
11 up. We have been doing work - - We've been
12 working for this. And I'm sorry to say, but half
13 of the stuff she said is a lie. I wish I could
14 have said it when she was here, but she's lying.

15 Number one, no car windows got shot out
16 last year.

17 MS. NADBORALSKI: There's no report.

18 THE APPLICANT: Or any other time.

19 MS. NADBORALSKI: No report of that at
20 all.

21 THE APPLICANT: But she says it - - it
22 happened. And he follows whoever cries the best.

23 ALDERMAN ZIELINSKI: Mr. Chairman - -

24 MR. ARENA: How many cars does the
25 parking lot hold?

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1 THE APPLICANT: Parking lot has ten
2 cars, ten parking spots. Like I said, at the
3 time we didn't even own it.

4 MS. NADBORALSKI: Uh-uh.

5 THE APPLICANT: We just bought it when
6 we formed our corporation in December, we just
7 bought that parking lot. This past December.

8 MS. NADBORALSKI: Yes.

9 THE APPLICANT: We just bought it.

10 ALDERMAN ZIELINSKI: Mr. Chairman.

11 THE APPLICANT: And the fighting and
12 shooting, that ain't happening. I will admit,
13 May 11th, the bar was shot into. It was Mother's
14 Day. Because I was in the bar when it happened.

15 CHAIRMAN BOHL: Okay. Thank you.
16 Alderman Zielinski?

17 ALDERMAN ZIELINSKI: I just want to
18 state for the record that if - - if my
19 recollection serves me correctly here, I wasn't
20 even at the committee meeting last year when you
21 got the 90 day suspension.

22 THE APPLICANT: I didn't say you were.

23 ALDERMAN ZIELINSKI: Okay. So when - -
24 When the statement is made, I just listen to - -
25 to the people who complain the most, I wasn't

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1 even here, and the committee gave your
2 establishment, Cleveland Lounge, a 90 day
3 suspension without - -
4 MR. ARENA: It wasn't his establishment
5 at that time.
6 THE APPLICANT: It was not my
7 establishment, so stop - -
8 MR. ARENA: That's irrelevant.
9 CHAIRMAN BOHL: All right. All right.
10 I know - - Please - -
11 ALDERMAN ZIELINSKI: Excuse me. You
12 own the building, and whether you're working on
13 the building, or you're playing chess, whatever,
14 the lady testified, and when she's lying through
15 her teeth, she correctly identified your vehicle
16 as being there all throughout the day and night,
17 all kinds of hours, for - - for two years.
18 MS. NADBORALSKI: Sir, could I just - -
19 CHAIRMAN BOHL: No, ma'am. Ma'am. You
20 know what? I - -
21 MS. NADBORALSKI: I apologize.
22 CHAIRMAN BOHL: Hold on. And now I - -
23 I always do provide an opportunity there - -
24 MS. NADBORALSKI: I said, I apologize.
25 CHAIRMAN BOHL: Okay.

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1 MS. NADBORALSKI: I'm sorry.

2 ALDERMAN ZIELINSKI: Okay. So, you
3 know, being the owner of the establishment and
4 being, you know, there on a regular, you know,
5 basis, I think that that does have some - - some
6 impact in terms of the process we have to go
7 through to - - to make a determination with
8 respect to the - - the transfer of this - - of
9 this license. Just like I - - I disagree with
10 your attorney about your - - the denial of one of
11 your license - - Class "B" Tavern license being
12 denied renewal based on fitness of location. I
13 think that that's applicable.

14 THE APPLICANT: And the Common Council
15 did - -

16 CHAIRMAN BOHL: Sir, I will - - This
17 will be the last time I'm going to ask. There is
18 an orderly process, and I will always provide an
19 opportunity to respond and raise additional
20 questions. But it is not an opportunity - - And
21 I understand that you may not like some of the
22 things being said, but you can't just jump in.
23 Alderman Zielinski.

24 ALDERMAN ZIELINSKI: I lost my train of
25 thought. But anyway, I just say, Mr. Robinson is

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1 - - is a nice, you know, gentleman, in terms of
2 my dealings with him, other than him saying
3 something about me not returning his phone calls.
4 I pride myself on returning - - I return Mr.
5 Arena's phone call, and I really don't enjoy
6 doing that. But - -

7 MR. ARENA: Initially, you told me you
8 didn't have a problem with it.

9 CHAIRMAN BOHL: All right, Mr. Arena,
10 okay.

11 MR. ARENA: But then you changed, so.

12 CHAIRMAN BOHL: Let's try to keep the -
13 - the side comments to a minimum here.

14 ALDERMAN ZIELINSKI: So that's all I
15 have to say for, you know - -

16 MR. ARENA: Well, he said something
17 about me.

18 CHAIRMAN BOHL: Both of your gentlemen,
19 please, okay.

20 ALDERMAN ZIELINSKI: So that's all, you
21 know, that I have to say for this point in time
22 with respect to the testimony of the previous - -
23 I doubt that this, you know, this lady - - And
24 other people have called me up, you know, are
25 just making all this stuff up, and the police

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1 report and all this stuff is just some
2 coincidence. And last year when I wasn't even
3 here the committee listened to everything, all
4 the testimony, and they felt that a 90 day
5 suspension was warranted. That's all I have for
6 now.

7 CHAIRMAN BOHL: Thank you. You did - -
8 If you wanted to provide some additional
9 commentary, please, go ahead.

10 MR. ARENA: I have to object and move
11 to strike his last statement that other people
12 calling me up. That's hearsay and it's not
13 appropriate to - - to - -

14 CHAIRMAN BOHL: I - - I will concur in
15 terms of that. They are not present. There is
16 one - - one witness. Go ahead.

17 THE APPLICANT: Okay. As far as my
18 other bar, and it was denied because of whatever,
19 not - - For some reason at that time, Alderman
20 Murphy was trying to get out a certain element
21 out of the neighborhood, and the neighborhood was
22 trying to get them out, and they hung out at the
23 bar. So they decided to close the bar. But even
24 at that, they told me you can get another bar,
25 just not at this location.

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CHAIRMAN BOHL: Well - -

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THE APPLICANT: And that's - - That
should be in your records. That was said.

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MR. ARENA: On fitness of location,
that doesn't have really much of a comment on his
ability to run the place, either. There's a lot
of things that can cause a location to be unfit.

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ALDERMAN ZIELINSKI: Mr. Chairman.

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MR. ARENA: Not necessarily his ability
to operate.

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ALDERMAN ZIELINSKI: Mr. Chairman.

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CHAIRMAN BOHL: Alderman Zielinski.

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ALDERMAN ZIELINSKI: Well, I could
understand a very strong defensible position
being made if it was a new license application
for a place that was already designated fitness,
you know - - you know, problems with a fitness of
location. But this was a renewal of a Class "B"
Tavern license. So that means he was the
existing licensee at the time when this was found
to - - to - - to not be renewed due to the
fitness of the location. So the fitness of the
location has to turn on the existing operator,
which would be the licensee, which was Mr.
Robinson. So I don't know how he cannot take any

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1 of the - - the blame for - - for having the place
2 designated fitness of location, when they
3 designated that as being a problem when he was
4 operating it. Because he was denied renewal of
5 the existing license. Now if he applied for a
6 new license, and they said, sorry, this is, you
7 know, the fitness of location is not appropriate
8 so we - - so we can't accept that. I could see
9 that. But you - - This was a renewal. You were
10 denied renewal of the existing license due to
11 fitness of location.

12 MR. ARENA: That's a fact, and he's
13 answered your question on that. He's already
14 admitted he was denied a license. But I'll tell
15 you what. That was on 35th Street at a time when
16 35th Street was full of garbage, junk, and gang
17 bangers and crap.

18 ALDERMAN ZIELINSKI: So we closed down
19 all the - -

20 MR. ARENA: You're making him
21 completely responsible for everything that
22 occurred on 35th Street 12 years ago.

23 ALDERMAN ZIELINSKI: Okay. So - - So
24 every business on 35th Street had their license
25 taken away.

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1 MR. ARENA: Many of them have. Some of
2 them are still closed to this day.

3 ALDERMAN ZIELINSKI: Okay. That's all
4 for my questions. Thank you.

5 CHAIRMAN BOHL: Thank you. Mr. Arena,
6 do you want to provide a closing here at this
7 time?

8 MR. ARENA: Well, I'll - - I'll sum it
9 up sim - - simply. I - - I think that this - -
10 this particular location has been a licensed
11 location a long time. I don't think it's
12 appropriate to deny this license on the issue of
13 concentration. In fact, I - - I think that
14 that's an improper use of concentration.
15 Furthermore, I think it's not appropriate to deny
16 this license based on the testimony of this
17 witness, who is really quite incredible, who says
18 that she looks out the front of her house in the
19 direction of another bar and sees some people
20 fighting, and automatically it must be from this
21 location. I take offense that all of that record
22 is actually applicable to this applicant. If
23 someone is going to go in there and turn it
24 around and straighten it out and put some care
25 into it, it - - there's nobody better to do it

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1 than him. He's owned the building for ten years.
2 The previous licensee, Frank, was 72 years old,
3 and quite frankly, was probably on his last legs
4 and really shouldn't have been trying to operate
5 it. This was seen and noticed, and the reality
6 was pointed out to Frank by my client. He was
7 able to - - to meet and discuss his plans with
8 - - with his partner here, who was able to invest
9 some money into turning it into something.

10 If this neighbor wants somebody that's
11 going to put something back into the community,
12 then this would be appropriate. They're fixing
13 the place up. They're going to make it much
14 better than it is. They're going to fence off
15 this parking lot. They're going to have security
16 there. And then maybe they'll get to the point
17 where they'll put more into the neighborhood.
18 Quite frankly, I don't see this neighborhood as
19 the greatest place to raise a family of five.
20 I'm sorry to point that out, but she moved in
21 between two taverns three years ago, two taverns
22 that have been there for years. It doesn't make
23 sense at this point. And - - And I'll tell you,
24 he's 56 years old, and she's 55 years old
25 investing her nest egg into the place. She's not

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1 about to let it go down the tubes, and she's
2 going to be there and paying attention to what's
3 going on. She has two grown children that are 35
4 years old. There's - - There's no desire here to
5 be a bad place or a dangerous place. Mr.
6 Robinson doesn't drink. He goes there and plays
7 chess once in a while, or - - And he's there and
8 around, and he's been doing a lot of work fixing
9 the place up. I don't think that there's
10 anything against him being present at this
11 property that his wife owns. He has a - - a
12 commitment to the neighborhood and to the
13 establishment, and I think that the license
14 should be granted. I really don't see any reason
15 why it shouldn't be, to be honest with you.

16 CHAIRMAN BOHL: Thank you. Any
17 additional closing here, Alderman Zielinski? You
18 want to - -

19 ALDERMAN ZIELINSKI: No. No, I'm just
20 - - We're ready to make a motion.

21 MR. ARENA: What is this closing? And
22 he's taking a very strong position, and I'm
23 objecting to him voting in committee under the
24 case of Maris versus City of Cedarburg. He can't
25 take a position and advocate one way against a

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1 license and then vote in that matter. And that
2 case is from the Supreme Court. It's on point
3 very direct and germane to this issue. And I
4 don't think that Mr. Zielinski should be allowed
5 to vote in this matter. His position has been
6 clear that he's opposed to this license, based on
7 his questioning. Any slight indication of bias,
8 according to the court, in Maris versus City of
9 Cedarburg, and in that case it was just
10 statements, he actually referred to a landlord as
11 somebody who should have the book thrown at them,
12 like some slumlord in New York. I forget her
13 name. But the point was just that statement
14 alone was enough to demonstrate bias, and I think
15 that the questioning and the attitude taken by
16 Alderman Zielinski has demonstrated a bias, and
17 under that case he should not be voting in this
18 matter.

19 ALDERMAN ZIELINSKI: Mr. Chairman, if I
20 could respond to that?

21 MR. ARENA: He's been giving testimony
22 and editorializing from the get-go - -

23 CHAIRMAN BOHL: All right.

24 MR. ARENA: - - and you've even
25 referred to him as asking him if he had anything

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to say in his closing.

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CHAIRMAN BOHL: Okay.

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MR. ARENA: We had this very issue many years ago, when Alderman Puente was on this - -

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CHAIRMAN BOHL: Mr. Arena - -

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MR. ARENA: - - on this committee.

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CHAIRMAN BOHL: That's fine. That's fine. I - - I think we've gotten - - I've gotten the gist. Okay.

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MR. ARENA: Okay.

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CHAIRMAN BOHL: And right now I'm going to hold the gavel and say no more talking on that side for the moment. Okay. Alderman Zielinski.

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MR. ARENA: I will be quiet.

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ALDERMAN ZIELINSKI: Thank you. Thank you, Mr. Chairman. Basically what I'm trying to do is gather more information. I feel that the police report is applicable with respect to this location, and so, I'm not voting whether this is up or down right now. What I'm - - What I would like to do is move to hold this over to the Call of the Chair, so that the committee could have the benefit of seeing what took place last year. And if our - - If our City Attorney feels that that's improper for me to make a motion to hold

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1 to the Call of the Chair so that this committee
2 could be provided with the full report of this
3 establishment, so that the City - - or so that
4 the committee can review that, you know, then I
5 won't make the motion, and I'll just let the
6 committee do whatever. But I think that that
7 information would be germane and is helpful to
8 - - to the committee to request that this be held
9 so the committee could get that information.

10 MR. SCHRIMPF: On the limited issue of
11 holding to the Call of the Chair, making that
12 motion, I think that would be all right.

13 ALDERMAN ZIELINSKI: Um-hnh.

14 MR. SCHRIMPF: I think, however, Mr.
15 Arena is correct.

16 ALDERMAN ZIELINSKI: Right.

17 MR. SCHRIMPF: On the other issues.

18 ALDERMAN ZIELINSKI: Sure. Okay. So -
19 - So my motion would be to hold to the Call of
20 the Chair, so that the committee could be
21 provided with the information with respect to
22 this location that received a 90 day suspension
23 last year. I believe that is germane to this.

24 CHAIRMAN BOHL: Okay. It's a valid
25 motion. The motion by Alderman Zielinski would

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1 be to hold this matter at the Call of the Chair.
2 Is there any discussion on the motion?

3 MR. ARENA: Mr. Chair, could I be heard
4 on that motion?

5 CHAIRMAN BOHL: We're in committee at
6 this point. There is a motion. Any discussion
7 on the motion? Are there any objections to the
8 motion? Hearing none, so ordered.

9 Mr. Arena, what - - I'll just provide
10 you as my assurances that we will schedule you at
11 the next available - - which at the next meeting,
12 next cycle. I don't want to provide - -

13 MR. ARENA: Well, I have to be after
14 May 17th.

15 CHAIRMAN BOHL: What's that?

16 MR. ARENA: I have - - I have to be
17 after May 17th. I'm going to be gone for - -
18 until May 17th.

19 CHAIRMAN BOHL: Well, then we'll - -
20 You know, we can schedule you either at the next
21 meeting, the next available meeting, which would
22 be my preference, or if you can't make that,
23 we'll do it at the - - the following one. But
24 whatever would be the wishes of the applicant.
25 My hope would be to try to expedite it as quickly

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1 as possible. Because I'm going to guess that
2 that would be their preference. That you'll have
3 to work out between you - - between you and them,
4 but my hope would be to schedule it the next
5 meeting that they so desire.

6 MR. ARENA: What is that next meeting
7 date?

8 CHAIRMAN BOHL: Tobie, can you provide
9 that?

10 MS. GRILL: May 11th.

11 MR. SCHRIMPF: It's May 11th, Mr.
12 Chairman. That's the next meeting.

13 CHAIRMAN BOHL: All I will ask is that
14 the applicants make their wishes known. The
15 following meeting should be three weeks after
16 that, June 1st, that you would express by
17 contacting within the next couple of days, the
18 License Division to let them know which of those
19 two dates you prefer. Whatever you would prefer,
20 we'll schedule you on. Okay? All right. And if
21 we could, to please if we could make a note, I
22 would like a copy of transcripts from this
23 particular hearing present with this item, as
24 well, too. All right. Thank you.

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3 STATE OF WISCONSIN)

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5 MILWAUKEE COUNTY)

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8 I, TERESE M. SCHIEBENES, of Milwaukee

9 Reporters Associated, Inc., 5124 West Blue Mound Road,

10 Milwaukee, Wisconsin 53208, certify that the foregoing

11 proceedings is a full and complete transcript of

12 DBR's II taken in the foregoing proceedings.

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TERESE M. SCHIEBENES

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Court Reporter

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Dated this day of April, 2009.

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