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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the Renewal Application for:
"Class B Tavern, a Billiard Hall and Video Game Center"

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BRENT T. ROCK
MITCHELL'S TAVERN
10433 West Appleton Avenue

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COMMITTEE MEMBERS

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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 28th day of April, 2006.

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P R O C E E D I N G S

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CHAIRMAN WITKOWIAK: Brent T. Rock,
Class B Tavern, a Billiard Hall and Video Game
Center renewal application for Mitchell's Tavern
at 10433 West Appleton Avenue.
MR. ARENA: Good morning, Mr. Chairman.
CHAIRMAN WITKOWIAK: Good morning.
MR. ARENA: Mr. Rock is present. And
he's represented by Counsel Andrew Arena.
CHAIRMAN WITKOWIAK: Would you raise
your right hand, we'll swear you in, please?
(Whereupon the witnesses were sworn.)
CHAIRMAN WITKOWIAK: State your name
and address for the record, please.
THE APPLICANT: Brent Rock, 5855 North

16 111th Street.
17 CHAIRMAN WITKOWIAK: And, Attorney
18 Arena, state your appearance again, please.
19 MR. ARENA: I'm sorry?
20 CHAIRMAN WITKOWIAK: State your
21 appearance again.
22 MR. ARENA: Brent Rock appears by
23 Counsel Andrew Arena.
24 CHAIRMAN WITKOWIAK: Just give me a
25 minute here to get acclimated.

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1 MR. ARENA: Looks like progress, Mr.
2 Chairman.
3 CHAIRMAN WITKOWIAK: I have it - - I
4 have it upside down right now.
5 MR. ARENA: Gone are the days of the
6 big binder.
7 CHAIRMAN WITKOWIAK: Do you admit to
8 receiving notice in the mail there's a
9 possibility your application could be denied
10 because of items contained in the police report,
11 and neighborhood objections to the renewal of
12 this license, based on loud music, noise,
13 cruising, racing cars, fighting, parking
14 problems, and conduct which is detrimental to the
15 health, safety and welfare of the neighborhood?
16 MR. ARENA: Yes.
17 CHAIRMAN WITKOWIAK: Health department?
18 HEALTH: No objection.
19 CHAIRMAN WITKOWIAK: Neighborhood
20 Services?
21 DNS: No objection.
22 CHAIRMAN WITKOWIAK: Sergeant Ulickey.
23 SERGEANT ULICKEY: The record was read
24 on 3/28 of '06. If you'd like me to read it
25 again, I will.

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1 CHAIRMAN WITKOWIAK: Please.
2 SERGEANT ULICKEY: On 7/30 of '05 at
3 1:06 a.m. Milwaukee Police were sent to 10433
4 West Appleton Avenue, Mitchell's Tavern,
5 regarding a battery complaint. Investigation
6 showed an argument began in the tavern and
7 spilled onto the front parking lot where a fight
8 began. Two patrons battered a third patron. The
9 victim suffered a skull fracture and bleeding to
10 the brain, was in a coma the next morning. A
11 girlfriend of one of the batterer's was in the
12 tavern, was involved in an argument in the
13 tavern, and the girlfriend was underage. Two
14 bartenders on the premise, Dorothy A. Hausman and
15 William C. Armstrong were on the premise.
16 At 8:15 - - I'm sorry. On 8/15/05 when
17 the officers finally contacted the licensee,
18 Brent Rock, he was found to be very intoxicated
19 as a patron of his establishment. He told the

20 officers to get the expletive out of his bar. He
21 also stated that he couldn't write them - - could
22 write him any tickets. As to the licensee, Mr.
23 Rock, received a citation for licensee of
24 responsibility. That is scheduled for a record
25 check in Municipal Court on 1/10 of '07. As to

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1 the bartenders, Hausman and Armstrong, they were
2 issued citations for presence of a minor. They
3 are also scheduled for a record check in
4 Municipal Court on 11/1 of '06.

5 And on three - - I'm sorry. On 8/31 of
6 '05 at 5:20 p.m. an underage Milwaukee Police
7 aide entered Mitchell's Tavern, 10433 West
8 Appleton Avenue, at the direction of Milwaukee
9 Police officers. The aide was able to purchase
10 beer from the bartender, Rex Platke. Platke was
11 - - was issued a citation for sale of underage.
12 Found guilty in Municipal Court.

13 CHAIRMAN WITKOWIAK: Do you have any
14 questions of the Sergeant?

15 MR. ARENA: No.

16 CHAIRMAN WITKOWIAK: Do you think - -
17 Is that a fairly accurate description of the
18 police record?

19 MR. ARENA: Yes. We don't object to
20 the description of the record.

21 ALDERMAN PUENTE: Mr. Chair.

22 CHAIRMAN WITKOWIAK: Alderman Puente.

23 ALDERMAN PUENTE: Recommend the police
24 re - - police report become part of this
25 permanent record.

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1 CHAIRMAN WITKOWIAK: And Alderman
2 Puente moves to make the entire police report
3 part of the permanent record in this hearing, and
4 hearing no objections, so ordered.

5 Can I see a show of hands? Is there
6 anyone here in the audience to testify on 10433
7 West Appleton Avenue? Anyone here to testify,
8 10433 West - - Oh, one person. Okay. Would you
9 come to the table, please? You can actually have
10 a seat over here.

11 Could you raise your right hand,
12 please? We'll swear you in.

13 (Whereupon the witness was sworn.)

14 CHAIRMAN WITKOWIAK: Name and address
15 for the record.

16 THE WITNESS: My name is Nanci
17 Henschke. N-A-N-C-I, Henschke, H-E-N-S-C-H-K-E.
18 4315 North 76th Street.

19 CHAIRMAN WITKOWIAK: Okay, Nanci. And
20 your testimony?

21 THE WITNESS: I'm here just as a - - a
22 long term friend of Brent. I've known him for
23 over 20 years. I've also been a licensed

24 bartender for the City of Milwaukee. Next month
25 it will be 20 years I've had my license. I've

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1 worked every side of town, every kind of bar in
2 this town. I've helped Brent out on occasion,
3 and Brent runs a very good establishment. Yes,
4 there was an occurrence, but you've got to admit,
5 almost every bar has occurrences. But on the
6 whole, he has a good staff. He has good patrons.
7 And that's basically what I'm here to tell you.

8 CHAIRMAN WITKOWIAK: So you're in favor
9 of the renewal of this license.

10 THE WITNESS: I'm - - I'm in favor of
11 Brent.

12 CHAIRMAN WITKOWIAK: Okay. Any
13 questions of this witness?

14 MR. ARENA: I just have one question.
15 Are you currently employed as a bartender at
16 Mitchell's Tavern?

17 THE WITNESS: No. On occasion when he
18 needs some help I would come in and do an
19 occasional shift for him, but I am not an
20 employee.

21 MR. ARENA: Okay.

22 CHAIRMAN WITKOWIAK: Thank you. Any
23 questions by committee? Okay. Any - - Thank you
24 very much for your testimony.

25 Is there anyone else here to testify on

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1 this matter? Let the record show that no one has
2 acknowledged.

3 Questions by members of the committee?

4 ALDERMAN BOHL: Mr. Chairman.

5 CHAIRMAN WITKOWIAK: Alderman Bohl.

6 ALDERMAN BOHL: More a comment than
7 question. This tavern is in my Aldermanic
8 District. I have had some difficulties in the
9 past in - - in communicating with Mr. Rock and
10 his sister, who I think functionally, jointly run
11 the place. There have been a number of occasions
12 where I have left messages at the tavern, and not
13 had returned phone calls. It is - - It was - -
14 Although there are times where I - - I'm - - I'm
15 going to guess that he may dispute perhaps some
16 of the comments that may be alleged in - - in one
17 of the police in - - incidents here. But for - -
18 for my liking, and I relayed this here to Mr.
19 Arena in a phone conversation here yesterday, I -
20 - my expectations are that - - that you be much
21 more proactive in terms of your dealings with my
22 office. I expect you to check in periodically.
23 Doesn't have to be every week, but if you want to
24 do it every month, every 60 days, multiple times
25 a year. If there is an incident where the police

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1 are called out and - - and there is a citation

2 written, I would hope that you would contact my
3 office so we can discuss the situation. That I -
4 - That it not just turn up here. I want to kind
5 of nip these things in the bud.

6 You - - They do a couple of car shows
7 every year on Memorial Day and Labor Day. They
8 were - - They were proactive last time around in
9 contacting me. I - - I did ask them to submit a
10 plan of operation. But I - - What I wanted to do
11 is I wanted to get them proactive in terms of
12 trying to ameliorate a few minor incidents that
13 had occurred in the past, and things went well.
14 So it's - - it's hope - - I'm hopeful that - -
15 that type of communication would be able to be
16 established here at this point.

17 I'd be - - The incidents do raise
18 concern to me. For me, you know, I - - I am - -
19 I'm somewhere between the issuance of a warning
20 letter and a ten day suspension. I will not make
21 the motion, because I will allow - - and just
22 allow the - - the discretion of my colleagues
23 here in terms of their - - their own feelings on
24 this matter to come forward. But it's my hope
25 that - - that that most recent communication that

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1 we had where you were working with me to get that
2 - - that extended premises here is the type of
3 communication that we would have from here - -
4 here forward.

5 THE APPLICANT: Oh, definitely.

6 CHAIRMAN WITKOWIAK: Thank you,
7 Alderman.

8 ALDERMAN PUENTE: Mr. Chair.

9 CHAIRMAN WITKOWIAK: Alderman Puente.

10 ALDERMAN PUENTE: Sir, what is the
11 status of the two bartenders in item seven,
12 Dorothy and William? Are they still working for
13 you?

14 THE APPLICANT: Yes, they do.

15 ALDERMAN PUENTE: And what is the
16 status of the bartender in number eight? Rex?

17 THE APPLICANT: He is still employed,
18 also, yes.

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

21 ALDERMAN DUDZIK: Mr. Chair, I - - I'm
22 just going to - - If I can, I'm just going to
23 elaborate on it. Have any of these people
24 received any disciplinary actions against them?

25 THE APPLICANT: Yes, they did.

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1 ALDERMAN PUENTE: All three of them?

2 THE APPLICANT: Yes, they did. They
3 all got a three day suspension.

4 MR. ARENA: And they're actually all on
5 a - - a probation. If they have any type of an

6 incident or violation, they will be terminated.
7 I've discussed that with Brent and his sister,
8 who helps him manage the place.
9 Let me just briefly address that issue
10 on - - on number seven. First of all, I've - -
11 I've tried the location a couple of times. I
12 think it's unique in the City of Milwaukee that
13 somebody has good neighbors as he actually does.
14 He has a parking lot, and he doesn't really offer
15 any entertainment. So he has really no idea when
16 he'll be busy or not. But like number seven, the
17 issue is a weird thing happened, and it was
18 busier than expected, and there wasn't enough
19 employees there to keep track of what's going on.
20 So in that regard, him and his sister will be
21 there more. More employees have been hired. And
22 that's really the issue. I don't think he has a
23 location where he needs to go overly wild with
24 security and have 15 security guys. But he needs
25 a couple extra people around to be the eyes and

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1 ears of the people who are serving the customers,
2 because they get overly busy and they really
3 don't know what's going on. And that's really
4 his issue. We've talked about that, and he's
5 going to address it.

6 One other thing to address in issue
7 number seven was his comment. If you noticed,
8 the police were there to contact him and talk to
9 him approximately two weeks later. There were
10 multiple contacts and essentially what had
11 happened is he was being treated rudely by the
12 police officer, in his mind. Whether or not
13 that's true or correct, I don't know, but that's
14 how he perceived it. And he had a knee-jerk
15 reaction that he shouldn't have had. He regrets.
16 And, of course, we've talked about that sort of
17 thing, and I don't expect that to happen again.

18 He does do good things for the
19 community. He runs a couple of benefits for
20 Make-A-Wish Foundation every year. Last year
21 they raised approximately 12,000 dollars that was
22 turned over to Make-A-Wish Foundation. The two
23 car shows that he has, they are somewhat popular
24 events. They - - They draw 80 to 100 cars as
25 entrants and a large amount of people. However,

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1 that event is over by five o'clock in the
2 evening. Early in the going there was a problem
3 back in the record of cars doing burn-outs.
4 That's been ceased. Everybody knows not to do
5 that. Last year he did run the car show
6 successfully. And he will attempt to do so again
7 this year. I think that he's very capable of
8 running it successfully.

9 But if you look at - - He's been in

10 business approximately six years. If you look at
11 his overall record, I see there's a lack of
12 violence. There's a lack of weapons. He doesn't
13 have those types of issues going on. There are
14 issues that say you need more staff in here. He
15 did purchase a card reader to check IDs. All the
16 employees now are told they have to check I.D.s
17 on everybody, and if they have a violation
18 they're going to be terminated. His sister and
19 himself are more in contact, so they're aware if
20 they need to get extra people on if it becomes
21 busy. And as a matter of course, now he's going
22 to actually keep an extra bartender on at night.
23 So those issues I think are being addressed.

24 One other thing, just so that - - for
25 peace of mind of Alderman Bohl, I - - I've been
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1 retained and have been retained for the entire
2 year. And I'm going to be involved, so I'm
3 available to be contacted. But we will make sure
4 that he contacts you regularly. The car show
5 coming up on Memorial Day, he'll keep in contact
6 with you and he'll contact you right after that
7 event, as well.

8 So I hope that some of these issues
9 have been addressed. To me, it is troubling when
10 I see the comment made on number seven, but I
11 think he learned a lesson on that, and we've
12 talked about how he can handle himself better in
13 those situations. And he's capable of doing
14 that. He's worked there for a few years when it
15 was Jim Mitchell's. He's had the good fortune of
16 being able to purchase the location from Jim
17 Mitchell. He's been licensed there for six
18 years. And he's just got to tighten some things
19 up, and I - - and I think he's - - he's capable.
20 And I, of course, will be checking on it
21 periodically throughout the year, because now I'm
22 associated with it, and I don't want to be
23 associated with problems.

24 MR. SCHRIMPF: Mr. Chairman.

25 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

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1 MR. SCHRIMPF: Thank you. I take it in
2 item number seven, the schedule for a record
3 check as to both those items. Those were hold
4 opens.

5 THE APPLICANT: I believe so.

6 CHAIRMAN WITKOWIAK: Okay.

7 MR. ARENA: Correct.

8 ALDERMAN PUENTE: Mr. Chair.

9 CHAIRMAN WITKOWIAK: Alderman Puente.

10 ALDERMAN PUENTE: Mr. Rock, on
11 8/15/2005 in item number seven, what time of day
12 was that? When - - When did that occur?

13 THE APPLICANT: With the issue with the

14 officer?
15 ALDERMAN PUENTE: Yes.
16 THE APPLICANT: That was probably about
17 -- about 11 o'clock at night.
18 ALDERMAN PUENTE: Okay. And were you
19 working that night?
20 THE APPLICANT: I was there since
21 approximately six o'clock in the morning. So it
22 was a very long day.
23 ALDERMAN PUENTE: So the answer is yes?
24 Were you working at the time --
25 THE APPLICANT: Yes.

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1 ALDERMAN PUENTE: -- when the officers
2 came to talk to you?
3 THE APPLICANT: I had just got -- I
4 had just got off work.
5 ALDERMAN PUENTE: And then you also
6 stated that you purchased an ID machine. When
7 was that done?
8 THE APPLICANT: Beginning of 2005.
9 ALDERMAN PUENTE: Okay. So then the
10 sale to underage in item under eight, you had the
11 machine then?
12 THE APPLICANT: Yes.
13 ALDERMAN PUENTE: And Rex failed to use
14 it?
15 THE APPLICANT: Yes, he did.
16 ALDERMAN PUENTE: All right. Thank
17 you. Thank you, Mr. Chair.
18 CHAIRMAN WITKOWIAK: Thank you,
19 Alderman.
20 ALDERMAN DUDZIK: Mr. Chair.
21 CHAIRMAN WITKOWIAK: Alderman Dudzik.
22 ALDERMAN DUDZIK: Two real quick
23 questions. What's the capacity?
24 THE APPLICANT: 100.
25 ALDERMAN DUDZIK: 100. And on either

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1 of these events, item number seven or eight, was
2 there a car show on either one of those dates?
3 THE APPLICANT: No.
4 ALDERMAN DUDZIK: Thank you.
5 THE APPLICANT: Memorial Day and Labor
6 Day is when I run my car shows.
7 ALDERMAN DUDZIK: I'll keep that in
8 mind.
9 CHAIRMAN WITKOWIAK: I have a question
10 for Mr. Rock. Do you have -- Do you have like a
11 handbook or written policies for your employees?
12 THE APPLICANT: Yes, I do.
13 CHAIRMAN WITKOWIAK: Oh, you do. Okay.
14 And then every time you hire someone you -- you
15 explain it to them and you give them a copy
16 and --
17 THE APPLICANT: Correct.

18 CHAIRMAN WITKOWIAK: Because you're
19 talking about things like suspensions and
20 probation - -

21 THE APPLICANT: Um-hnh.

22 CHAIRMAN WITKOWIAK: - - stuff like
23 that. Just so you know, you have to have that in
24 writing to actually back it up.

25 THE APPLICANT: Yeah.

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1 CHAIRMAN WITKOWIAK: All right. Any
2 other questions by members of the committee?

3 MR. ARENA: I just might add on - - on
4 point number eight, in my opinion in going to the
5 location, the problem is that he's understaffed.
6 So I think that that issue will be addressed with
7 some additional staff. You know, the ID machine
8 is there. The bartender is by himself. He's too
9 busy. He doesn't check it. Bring in a couple
10 extra people, now it can be addressed, and I
11 think that's all.

12 ALDERMAN PUENTE: What effort does it
13 take to - - I'm sorry. Mr. Chair.

14 CHAIRMAN WITKOWIAK: Alderman Puente.

15 ALDERMAN PUENTE: What effort does it
16 take to swipe an ID card?

17 MR. ARENA: It doesn't take effort, but
18 when you have a bar full of customers and - -

19 ALDERMAN PUENTE: Well - -

20 MR. ARENA: - - people are sitting
21 around - -

22 ALDERMAN PUENTE: Less time than to
23 serve a drink, I can guarantee you that, sir.

24 MR. ARENA: That's - - That's possible.

25 ALDERMAN PUENTE: I'm sure it is.

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1 Thank you, Mr. Chair.

2 CHAIRMAN WITKOWIAK: Anything further
3 by members of the committee? This matter is in
4 committee.

5 ALDERMAN DUDZIK: Mr. Chairman.

6 CHAIRMAN WITKOWIAK: Alderman Dudzik.

7 ALDERMAN DUDZIK: Many of the things
8 that I've heard seem to be positive, and I'm
9 going to hope that - - that, in fact, they do
10 keep closer tabs with Alderman Bohl's office.
11 I'm hesitant to only move forward with this
12 license as an approval with a - - a warning
13 letter, because I really believe warning letters
14 are little more than paper and - - and don't
15 really get anybody's attention. By the same
16 token, I think that a ten day suspension when
17 you've already given the bartenders that were
18 involved in the infractions a three day
19 suspension, it just might be a little overboard.
20 But unfortunately, that's - - that's where I'm
21 going to fall, and I'll see what the committee

22 has to say. But I think that approval of this
23 license with a ten day suspension would be
24 appropriate.

25 CHAIRMAN WITKOWIAK: Motion by Alderman
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1 Dudzik is to recommend approval of the renewal of
2 this license with a ten day suspension, based on
3 items contained in the police report. That's the
4 motion. Any discussion on the motion.

5 ALDERMAN PUENTE: Mr. Chair.

6 CHAIRMAN WITKOWIAK: Alderman Puente.

7 ALDERMAN PUENTE: I'm going to support
8 that motion, based on what Alderman Bohl - - or
9 Dudzik already said. Also, that he received a -
10 - a warning last renewal period, so.

11 CHAIRMAN WITKOWIAK: Okay. Motion is
12 renewal with a ten day suspension, based on items
13 contained in the police report. Are there any
14 objections to that motion? Hearing none, so
15 ordered.

16 MR. SCHRIMPF: Mr. Arena, the committee
17 is going to be doing findings of fact and
18 conclusions of law recommending renewal of this
19 license with a ten day suspension. You will
20 receive a copy of that. You will have an
21 opportunity to submit written objections to that
22 report, as well as appear before the Milwaukee
23 Common Council when it meets on this matter on
24 May 9th, 2006 in the Common Council Chambers of
25 this building at approximately nine a.m. Will

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1 you accept service on behalf of Mr. Rock?

2 MR. ARENA: Yes.

3 MR. SCHRIMPF: Okay. Thank you.

4 MR. ARENA: You're going to do service
5 by mail to my office?

6 MR. SCHRIMPF: Sure.

7 MR. ARENA: That's fine.

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2 STATE OF WISCONSIN)

3 MILWAUKEE COUNTY)

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5 I, JEAN M. BARINA, of Milwaukee Reporters
6 Associated, Inc., do certify that the foregoing
7 transcript was reduced to writing under my direction
8 and that it is a true and accurate transcription of
9 the Licenses Committee Hearing held on April 28th
10 2006.

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JEAN M. BARINA - COURT REPORTER

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Dated this day of May, 2006

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