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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 License"

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WAQAR HUSSAIN
LISBON PETROLEUM
5505 West Lisbon Avenue

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COMMITTEE MEMBERS

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- ALD. JAMES WITKOWIAK - Chair
- ALD. JAMES BOHL, JR., - Vice-Chairman
- ALD. JOSEPH A. DUDZIK
- ALD. ROBERT PUENTE
- ALD. WILLIE WADE

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- LICENSING DIVISION by REBECCA BARRON
- NEIGHBORHOOD SERVICES by PANDORA BENDER
- HEALTH DEPARTMENT by KEVIN HULBERT
- POLICE DEPARTMENT by SERGAENT CHESTER ULICKEY
- 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 11th day of September, 2006.

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P R O C E E D I N G S

CHAIRMAN WITKOWIAK: In the 10th District, Waqar Hussain, Agent for "Lisbon Petroleum, LLC", Extended Hours Establishment application for Lisbon Petroleum at 5505 West Lisbon Avenue.

MR. MAISTELMAN: Good morning, Mr. Chair, or good afternoon, Mr. Chair.

CHAIRMAN WITKOWIAK: Good afternoon.

MR. MAISTELMAN: Mike Maistelman on behalf of Mr. Hussain, who appears in person, and Lisbon Petroleum, LLC.

CHAIRMAN WITKOWIAK: Can I see - - Can I see a show of hands? Who is here - - Who is going to testify on this matter today? Would you all - - Raise your right hand, so we'll swear you all in at the same time.

(Whereupon the witnesses were sworn.)

MR. MAISTELMAN: Mr. Chairman - -

CHAIRMAN WITKOWIAK: That was difficult getting past that first page there.

MR. MAISTELMAN: I'm happy to report, Mr. Chairman, that my client has never broken anyone's nose, never stabbed anybody in the head, and doesn't carry a gun or own a gun. I just

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1 want to make that clear for the record.

2 ALDERMAN BOHL: In that case, move

3 approval.

4 MR. MAISTELMAN: Thank you, Mr. Bohl.

5 CHAIRMAN WITKOWIAK: Okay. Could the

6 applicant identify himself for the record,

7 please?

8 THE APPLICANT: Yes. My name is Waqar

9 Hussain. I apply for a license for 24 hours at

10 5505 West Lisbon Avenue. This is a brand new

11 property. It's a big company before.

12 CHAIRMAN WITKOWIAK: Okay. Mr.

13 Hussain, do you admit to receiving notice in the

14 mail there's a possibility your application could

15 be denied because of neighborhood objections to

16 disturbing the peace, illegal drug activity,

17 public drunkenness, drinking in public,

18 harassment of passersby, gambling, prostitution,

19 sales of stolen goods, public urination, theft,

20 assaults, battery, vandalism, excessive

21 littering, loitering, illegal parking, loud

22 music, noise, traffic violations, cruising,

23 curfew violations, lewd conduct, fitness of

24 location based on concentration of extended hours

25 establishments in the neighborhood, and operating

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1 the business during the hours from 12 a.m. to
2 five a.m. without the required licenses, and
3 conduct which is detrimental to the health,
4 safety and welfare of the neighborhood.

5 MR. MAISTELMAN: We dispute all those
6 that you just referenced, but we acknowledge
7 receipt of that notice.

8 CHAIRMAN WITKOWIAK: Okay. Thank you.
9 Neighborhood services?

10 DNS: No objection.

11 CHAIRMAN WITKOWIAK: Health department.

12 HEALTH: No objections.

13 CHAIRMAN WITKOWIAK: I'd like to send
14 you home at this time, but we have one other item
15 after this, so please be patient. Okay. But
16 this item was here last cycle.

17 ALDERMAN BOHL: Yes, it was held.

18 CHAIRMAN WITKOWIAK: It was held.

19 MR. MAISTELMAN: And I'd like - -

20 ALDERMAN BOHL: Maybe in July.

21 MR. MAISTELMAN: - - the committee to
22 take acknowledgement of the other people that
23 came in at that point and testified in July on
24 behalf of the applicant. And I don't believe at
25 that time there was anybody, any neighbors

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1 objecting at that time. I'm not sure if there's
2 anybody here objecting today. I know there are
3 people here to - - to support us.

4 CHAIRMAN WITKOWIAK: Alderman Puente?

5 ALDERMAN PUENTE: Refresh my memory,
6 how many people came that time?

7 MR. MAISTELMAN: Alderman, I was not
8 here at that time. I - - Mister - -

9 THE APPLICANT: I don't remember
10 exactly, but it was five or six, you know,
11 approximately. And they all came to support me.
12 And this time around there is new people, you
13 know, that came to support me. All these people,
14 they live in the neighborhood, and they just came
15 here to support me.

16 ALDERMAN PUENTE: And why was it held
17 then?

18 MR. MAISTELMAN: I believe because one
19 of the alderman suggested that there be a
20 neighborhood meeting, which I, you know, to my
21 knowledge - - And we were at - - And all of the
22 individuals that were there on the sign-in sheet,
23 nobody apparently objected at that time to the
24 meeting. There were about 19 neighbors - - 19
25 people there, including myself, and Alderman

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1 Murphy's aide. And at that time there were no
2 objections. The people that were there supported
3 - - supported this. So we're happy to report
4 that back to the committee.

5 CHAIRMAN WITKOWIAK: Out of all the
6 people that are here to testify, is there anyone
7 here that's in opposition, that does not want
8 this to get 24 hour? Let the record show no one
9 acknowledges that question. Could we hear
10 comments from the Alderman's office, please?

11 MR. ERDMAN: Yes. We maintain our
12 opposition to this 24 hour license, based on the
13 postcard survey we initially provided. The
14 neighborhood meeting and subsequent phone calls
15 have changed two of those postcards, but we still
16 have a majority opposing a 24 hour license from
17 that postcard survey, which was approximately a
18 three block radius of the establishment.

19 ALDERMAN PUENTE: Mr. Chair.

20 CHAIRMAN WITKOWIAK: What - - Excuse
21 me, one second. What were the actual numbers on
22 that?

23 MR. ERDMAN: After changes based on
24 phone calls, which there were two, 18 to 26. 26
25 opposing.

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1 MR. MAISTELMAN: How many in favor?
2 ALDERMAN PUENTE: What was that again?
3 MR. ERDMAN: Eighteen. 18 to 26.
4 CHAIRMAN WITKOWIAK: 18 in favor. 26
5 opposed?
6 MR. ERDMAN: No comment.
7 CHAIRMAN WITKOWIAK: And what was the
8 radius of the - -
9 MR. ERDMAN: Approximately three
10 blocks. It's a diagonal street.
11 MR. MAISTELMAN: There were about 18 to
12 19 people just at the neighborhood meeting.
13 Correct?
14 MR. ERDMAN: Fourteen. Fourteen
15 residents.
16 MR. MAISTELMAN: Okay. I just
17 meant - -
18 MR. ERDMAN: Two or three employees,
19 Mr. Hussain and yourself.
20 MR. MAISTELMAN: But there was nobody
21 at the neighborhood meeting that objected.
22 MR. ERDMAN: Nobody there objected,
23 correct.
24 MR. MAISTELMAN: And we also have, I
25 think in the file, Mr. Hussain, who should be

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1 doing political campaigns because of his
2 grassroots efforts. I mean, he had the church
3 across the street supporting him, his letters
4 from the church, signatures, from over 125 people
5 who are either neighbors or who have some - -
6 some reason to go past that area, including the
7 church across the street. I think the record is
8 clear, that Mr. Hussain has put almost two
9 million dollars into this premises. Every time
10 that this board has had a meeting, there have
11 been neighbors coming to testify in favor of it.
12 Nobody's come to testify against it. And even if
13 we look at the - - the numbers, and I - - I - - I
14 think they're suspect, but 18 to 26, I still
15 think that there's plenty of support here, and
16 the people, even on a rainy day, there are new
17 people here coming out as opposed to the - -
18 They're not the same ones that came out two
19 months ago. There's - - There's really no reason
20 to - - to deny this.

21 Mr. Hussain has to, you know, pay for
22 the - - all the improvements that he's done to
23 the - - to the gas station. And by allowing it
24 to stay open 24 hours, that will help subsidize
25 having a quality gas station. There are people

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1 that work third shift that need a place to buy
2 gas, and need a place to buy diapers. That's
3 what the testimony was at the neighborhood
4 meeting.

5 MR. ERDMAN: Mr. Chair, let me comment
6 on the church petition, in particular.

7 CHAIRMAN WITKOWIAK: Please.

8 MR. ERDMAN: Among those, not a single
9 one is within walking distance of the station. I
10 contacted the church, based on that. They
11 indicated that they were supportive. I asked
12 what are their hours, and none of their hours of
13 operation or the hours of their activities
14 operations is anywhere remotely close to the 12
15 to five a.m. window we're looking at here.

16 MR. MAISTELMAN: There's somebody from
17 the church.

18 MR. ERDMAN: I'll admit that he's
19 gathered a number of signatures. I dispute the
20 relevance of those signatures. I - - I admit
21 that he's gone out to the people and asked them
22 to sign a piece of paper, and know a number of
23 them come into the station and sign it. I don't
24 think that bears on what the neighbors directly
25 next to his gas station, who did fill out

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1 postcards, and maybe can't get down here in the
2 middle of the day for a hearing, as a lot of
3 people that we all know can't. They are the ones
4 that are going to have to put up with the
5 increased traffic. If there's noise, if there
6 are litter issues, and I think in most 24 hour
7 gas stations you end up with these issues.

8 The other day we had a meeting with a
9 business owner in the area who said, "Please do
10 not allow this to happen. I can't get down there
11 to testify, but this is - - It's going to be - -
12 There's noise now. There will be more noise
13 later."

14 MR. MAISTELMAN: The - - The church
15 that's across the street, you would think would
16 have an issue if there were noise, pollution,
17 graffiti, other problems like that. I think that
18 they have a stake in this. And instead of
19 speaking on behalf of the church, there is a
20 representative from the church here who can speak
21 on behalf of why she thinks that this should be
22 granted.

23 MR. SCHRIMPF: Mr. Chair.

24 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

25 MR. SCHRIMPF: Thank you. To either

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1 Mr. Maistelman or Alderman Murphy's aide, is the
2 church in question, Mother of Good Counsel?
3 MR. ERDMAN: I had Calvary Temple.
4 MR. MAISTELMAN: Do you frequent that
5 church, Mr. Schrimpf?
6 MR. SCHRIMPF: No, I'm unfamiliar with
7 the area.
8 MR. MAISTELMAN: Do you frequent any
9 church, Mr. Schrimpf?
10 ALDERMAN BOHL: MGC is 13 blocks west.
11 MGC is on 68th. This is 55th.
12 MR. SCHRIMPF: Only question.
13 ALDERMAN PUENTE: Mr. Chair.
14 CHAIRMAN WITKOWIAK: Alderman Puente.
15 ALDERMAN PUENTE: How many postcards
16 did you send out? I got the three blocks, but
17 how many?
18 MR. ERDMAN: I believe it was a little
19 over 300.
20 ALDERMAN PUENTE: 300.
21 MR. ERDMAN: Yes.
22 ALDERMAN PUENTE: And you got 44 back.
23 MR. ERDMAN: Correct.
24 ALDERMAN PUENTE: Thank you.
25 ALDERMAN WADE: Mr. Chair.

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1 CHAIRMAN WITKOWIAK: Alderman Wade.

2 ALDERMAN WADE: On those postcards, is
3 - - is a no response considered a yes vote or do
4 postcards indicate that?

5 MR. ERDMAN: No, there is no "no
6 response." It's either supportive or not. Some
7 people did not check response. There's one of
8 those. They said if you do it, you need more
9 police protection. I didn't count that in this
10 figure we are giving.

11 ALDERMAN WADE: Okay.

12 CHAIRMAN WITKOWIAK: Are there any
13 people here that did not testify last time who
14 wish to testify? Your name and address for the
15 record, please.

16 THE WITNESS: My name is Roshanna
17 Adams, and I live at 5002 North 90th Street,
18 Apartment 103, but I do - - but I am a consistent
19 member at Calvary Temple, and I have been over
20 five years. The reason I - - I am speaking on
21 the behalf of the gas station is because a lot of
22 our children, a lot of our members, a lot of our
23 visitors find that it is very accessible to us.
24 Not only because during the oper - - the times
25 that the - - or the hours of operation of the

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1 ministry, but we do have a church in Chicago, and
2 we do have one in Gary, and we do travel over
3 there a lot of times throughout the week where
4 we're coming back at midnight and two in the
5 morning and things like that. And if we're
6 running late, like me, as always, to go to
7 Chicago and we're loading up the bus, I don't
8 have time to get gas before I get on the bus in
9 my own vehicle. But when I do leave, I would
10 like to be at a gas station where I'm familiar,
11 where I feel safe, and where it's comfortable for
12 me to get gas, and there's easy access for me to
13 just go over and get gas and go home. So that's
14 why I'm supporting it, and I can speak that on a
15 lot of - - on behalf of the rest of the members
16 there. Like I said, a lot of the children go
17 over there. We are open Sundays or Saturdays.
18 We have some late hours on Friday nights where
19 we're in prayer, and sometimes we do have
20 overnight prayer where some of the members want
21 to go out and grab a snack and come back in, and
22 things like that. As far as the safety, we have
23 not had a problem since the church has been
24 located on 53rd and Lisbon. We have not had a
25 problem with safety issues. And as far as the

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1 polluting the area, we ourselves, as a member of
2 the - - of the ministry, go out and clean up the
3 neighborhood. We go out and pick up trash, and
4 we go out and, you know, support the
5 neighborhood. We invite them to our picnics and
6 things like that, which we just had one on this
7 past Saturday, a very large number of people from
8 the neighborhood came out in support of it. And
9 as far as polluting the area, you would think,
10 you know, that area right then and there on
11 Saturday would have been polluted with trash and
12 everything, because it was a - - a neighborhood
13 picnic. It was not. We have members that are
14 consistently working in the ministry, working
15 around the ministry, and I do believe there is a
16 police station not even three blocks away. If
17 there is any troubles, you know, so that's why I
18 - -

19 MR. MAISTELMAN: So the committee
20 members can get an understanding, how far is the
21 church from this gas station?

22 THE WITNESS: It's not even a half of a
23 block.

24 MR. MAISTELMAN: Right. You can see it
25 across the street.

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1 THE WITNESS: You can see it,
2 literally. It sits kitty-corner. I don't know
3 if you all are familiar with the church used to
4 be a funeral home, and it's like kitty-corner
5 from Doc's Jewelry, or whatever - - whatever it's
6 called. And the gas station sits right on the
7 right-hand of the corner, and we can see it.
8 When we come out, we look over there and we watch
9 our children walk over, especially a lot of the
10 teenagers, and they come right back. And we have
11 gotten good report from the store owners that we
12 don't - - out of our children, and there's
13 numerous, I mean, thousands of children that come
14 to our ministry, don't even give the gas station
15 trouble. Whereas, most gas stations there's a
16 sign saying, "One student at a time," "Two
17 students at a time." This gas station is
18 actually welcoming people into the gas station,
19 trusting them not to steal or, you know, to come
20 in and conduct business as usual. So I feel
21 comfortable with it, you know, being - - Although
22 I do not live in the neighborhood. But I am over
23 there. I'm over there Monday through Sunday, so,
24 or Sunday through whenever. I'm always there. I
25 was there today. So - - And there is a child

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1 care in the facility, where the workers do take
2 their breaks, and they want to walk over to a gas
3 station or something like that. And like I say,
4 grab a snack, or some things that's necessary for
5 the child care. And that business is open from
6 early in the morning, where some gas stations
7 aren't open at five in the morning in the
8 neighborhood.

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

11 ALDERMAN DUDZIK: Mr. Chairman.

12 CHAIRMAN WITKOWIAK: Alderman Dudzik.

13 ALDERMAN DUDZIK: Ma'am, just so I'm
14 clear. What position do you actually hold at the
15 church?

16 THE WITNESS: I am a - - I'm in a
17 leadership position where I teach young children,
18 the youth, bible classes. And also, I do - - I
19 am on the cup ministry, which is the clean-up.
20 So that's why I can, you know, say that we do
21 clean up the area inside and outside of the
22 ministry.

23 ALDERMAN DUDZIK: So is it safe to say
24 that you're a lay - - layperson for the church
25 and - - and not actually one of the pastors or

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1 the like?

2 THE WITNESS: I'm - - I am a laymember,
3 if you want to call it that. I'm not a pastor.

4 ALDERMAN DUDZIK: Okay. And - - And
5 you've mentioned that you sometimes have
6 overnight prayer. How often does that happen?

7 THE WITNESS: It happens pretty much
8 roughly I'd say about once or twice a month.

9 ALDERMAN DUDZIK: And you may not be
10 able to answer this question, but could you tell
11 me the percentage of the congregation that
12 actually lives in the neighborhood?

13 THE WITNESS: Yes. For one, the pastor
14 does. She stays on 51st. So she lives in the
15 neighborhood. Some other members live in the
16 neighborhood. I would say approximately about
17 half of them do live in the neighborhood.

18 MR. MAISTELMAN: Have you talked to the
19 pastor about this issue?

20 THE WITNESS: Yes, she is aware of it.

21 MR. MAISTELMAN: Does she support open
22 24 hours?

23 THE WITNESS: Yes, and that's why I'm
24 here.

25 MR. MAISTELMAN: She asked you to come

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1 here?

2 THE WITNESS: Yes.

3 ALDERMAN DUDZIK: That would be
4 hearsay, though.

5 MR. MAISTELMAN: Okay. I've been
6 hearing it all day long, so - - I know. So have
7 I.

8 ALDERMAN WADE: Just for the record,
9 postcard survey is hearsay, too. Just for the
10 record, the postcard survey is hearsay.

11 ALDERMAN DUDZIK: And so is the
12 petition.

13 ALDERMAN WADE: Right. All of that's
14 hearsay. So the postcard survey, it turned out
15 some numbers that give us indication, they really
16 - - it's hearsay. People need to come in here
17 and present their case. And if they're not here
18 presenting their case - -

19 ALDERMAN DUDZIK: Well, Mr. Chairman, I
20 think the - - I think the postcard survey is a
21 tool that any alderman can use to gage where he
22 should - - or she - - he should be on the topic.
23 So, you're right. I - - Both - - Jared hasn't
24 presented the postcards. Merely numbers.

25 CHAIRMAN WITKOWIAK: We refer to that

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1 as taking the temperature of the neighborhood.

2 MR. MAISTELMAN: Your temperature's
3 just been taken.

4 CHAIRMAN WITKOWIAK: Could we see the
5 next person that has not testified about this
6 previously?

7 THE WITNESS: Well, I live in the
8 neighborhood, just a block away, so.

9 MR. MAISTELMAN: Yeah, ma'am, what is
10 your name?

11 THE WITNESS: Geraldine.

12 MR. MAISTELMAN: Oh, here's - - This is
13 of the hearing today. Okay. She's just showing
14 you that she was notified about this hearing, and
15 she's here.

16 CHAIRMAN WITKOWIAK: Geraldine, what's
17 your last name?

18 THE WITNESS: Koperski.

19 CHAIRMAN WITKOWIAK: How do you spell
20 that?

21 THE WITNESS: K-O-P-E-R-S-K-I.

22 CHAIRMAN WITKOWIAK: And what's your
23 address?

24 THE WITNESS: 2414 North 54. 2414
25 North 54th.

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1 CHAIRMAN WITKOWIAK: And roughly how
2 far away is that from the gas station?

3 THE WITNESS: Hardly a block.

4 CHAIRMAN WITKOWIAK: Okay. What's your
5 testimony? What - - What do you think - - What
6 do you think of all this?

7 THE WITNESS: Well, it's a place that's
8 needed. And I go there quite often, and - -
9 since it's been built, and I'm glad it's there.

10 CHAIRMAN WITKOWIAK: How long have you
11 lived there, Geraldine?

12 THE WITNESS: Well, I've had the house
13 for 30 years.

14 CHAIRMAN WITKOWIAK: 30 years. And how
15 long ago did this gas station come along?

16 THE WITNESS: A couple years.

17 CHAIRMAN WITKOWIAK: A couple years.

18 And you've been pleased - -

19 THE WITNESS: Yes.

20 CHAIRMAN WITKOWIAK: - - with the
21 results of how he runs the business there?

22 THE WITNESS: Yes. That's why I
23 usually go there.

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

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ALDERMAN WADE: Mr. Chair.

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CHAIRMAN WITKOWIAK: Alderman Wade.

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ALDERMAN WADE: Ma'am, did you -- You
got that letter and just came here because you
got the letter or?

6

THE WITNESS: Well, they came around to
the house, too, before that.

7

8

ALDERMAN WADE: Okay. And they came
and talked to you.

9

10

THE WITNESS: Um-hnh. And then when I
walked in there, he said if would -- if I could
be here, that he would take me down here, too.
So I don't know if I would have come -- came
without him taking me, because my car is broke
down now. And that was the reason. I would have
taken the bus if I did go downtown, you know.

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CHAIRMAN WITKOWIAK: But you -- you
haven't -- You haven't been coerced into --

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THE WITNESS: No.

20

CHAIRMAN WITKOWIAK: No. This is your
free will, you're saying what you --

21

22

THE WITNESS: Yes.

23

CHAIRMAN WITKOWIAK: -- think.

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MR. MAISTELMAN: Ma'am, did you get a
-- a postcard in the mail from Alderman Murphy's

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1 office, do you recall?

2 THE WITNESS: I did get, yes, something
3 before that, before this.

4 MR. MAISTELMAN: Did you - - Did you do
5 anything with it, do you know?

6 THE WITNESS: I went there. I went to
7 the, it used to be Stauber School. I don't know
8 what it's called now. I've forgotten. And I
9 went there, and I signed - -

10 MR. MAISTELMAN: Oh, the neighborhood
11 meeting.

12 THE WITNESS: Yes.

13 MR. MAISTELMAN: You were at the
14 neighborhood meeting, that's right. Right.

15 THE WITNESS: Yes.

16 MR. MAISTELMAN: But I'm - - I'm
17 referring to the - - I'm wondering if Jared
18 has - -

19 MR. ERDMAN: I would have to look
20 through the stack of - -

21 MR. MAISTELMAN: You know, if - - if
22 you were one of the supporters or now it's - -

23 THE WITNESS: Oh, yes

24 MR. MAISTELMAN: - - up to, you know,
25 we have one more point than before. Now we have

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1 19. I'm just putting that out there, possibly.
2 CHAIRMAN WITKOWIAK: We're not playing
3 basketball.
4 MR. MAISTELMAN: Great. Because I'm
5 too short.
6 CHAIRMAN WITKOWIAK: That's for sure.
7 ALDERMAN PUENTE: That would be one
8 more point than they got.
9 MR. MAISTELMAN: This is at the three-
10 pointer.
11 CHAIRMAN WITKOWIAK: Geraldine.
12 MR. MAISTELMAN: Thank you very much.
13 CHAIRMAN WITKOWIAK: Thank you very
14 much for your testimony.
15 THE WITNESS: You're welcome.
16 CHAIRMAN WITKOWIAK: We appreciate your
17 coming down. Next person, please, that has not
18 test - - Ma'am, your name and address for the
19 record, please.
20 THE WITNESS: Bianca Fanroy. 2505
21 North 56th and Wright.
22 CHAIRMAN WITKOWIAK: And I didn't quite
23 hear your name.
24 THE WITNESS: Bianca Fanroy.
25 CHAIRMAN WITKOWIAK: Bianca. Okay.

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1 Bianca, how - - how close do you live to that gas
2 station?

3 THE WITNESS: Around the corner.

4 CHAIRMAN WITKOWIAK: Around the corner.
5 How long have you lived there?

6 THE WITNESS: You could say about three
7 years.

8 CHAIRMAN WITKOWIAK: Three years?

9 THE WITNESS: Yes.

10 CHAIRMAN WITKOWIAK: Okay. What's your
11 comment on all this?

12 THE WITNESS: Well, I feel like I like
13 the gas station, because when sometimes my nieces
14 or nephews get sick, I be able to walking around
15 the corner instead of driving all the way to like
16 a Walgreen's or Osco Drugs or whatever. And I
17 can just walk around the corner, knowing that
18 I'll be able to make it there, back and forth,
19 you know. And that is very clean. We have no
20 problem with people hanging outside the gas
21 station. It's clean, and, you know, it's not
22 junky. I mean, when we go in there, you know, I
23 just greet - - greet them as I go. They greet me
24 as I come in and leave, you know. And I feel
25 that 24 hours is a good thing, because they're

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1 - - they right around the corner. We ain't got
2 to go all the way down the street, or walk very
3 far if it's cold outside or whatever. And I feel
4 that, you know, the gas station, it really helps
5 a lot of people that live in the neighborhood,
6 that they don't have to go far out to just go to
7 a gas station, get some chips or a soda, as my
8 nieces and nephew. They like going to his gas
9 station, you know, going there. You know, he
10 always greet them, you know. He's - - He's very
11 nice to us, so I feel that he should stay open.

12 CHAIRMAN WITKOWIAK: What could you get
13 at that gas station if your nieces and nephews
14 were sick and - -

15 THE WITNESS: Pepto Bismol. Pepto - -
16 And cough syrup, you know.

17 MR. MAISTELMAN: Beef jerky is good.

18 THE WITNESS: Or like aspirins or
19 Excedrin like for headaches.

20 CHAIRMAN WITKOWIAK: Oh, they have all
21 that.

22 THE WITNESS: Yes, sir.

23 CHAIRMAN WITKOWIAK: Okay.

24 MR. MAISTELMAN: Diapers.

25 THE WITNESS: Yeah.

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1 MR. MAISTELMAN: Anybody knows that has
2 children.

3 THE WITNESS: No.

4 MR. MAISTELMAN: If they're stuck going
5 trying to find a Walgreen's open at 24 hours.
6 I've driven down to Brady Street, you know,
7 dealing with my infant that's sick. But if - -
8 if you have a store that's open 24 hours, you'll
9 be able to address that and your child's needs.

10 THE WITNESS: Yes.

11 MR. MAISTELMAN: Ma'am, did you recall
12 getting one of those postcards in the mail from
13 the Alderman's office?

14 THE WITNESS: No, I was outside that
15 day when they came.

16 MR. MAISTELMAN: So you never got it.

17 THE WITNESS: No.

18 MR. MAISTELMAN: Okay.

19 THE WITNESS: Not that I know of. My
20 mother probably have, but not me.

21 MR. MAISTELMAN: Okay. So that's 20
22 now, okay. 20 to 26. Thank you.

23 CHAIRMAN WITKOWIAK: And I understand
24 that that does not mean that those postcards
25 weren't sent, because we send - - we send those

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1 surveys out all the time in my neighborhood. And
2 I think people just ignore their - - their mail
3 or think it's not something.

4 ALDERMAN WADE: They make paper
5 airplanes out of them.

6 CHAIRMAN WITKOWIAK: Yeah. And they
7 say, "Oh, I never got that survey," and you
8 checked and sure as heck, they did, but - - Okay.
9 Any other questions of this witness? Thank you
10 for your testimony, ma'am.

11 THE WITNESS: Thank you.

12 CHAIRMAN WITKOWIAK: Your testimony,
13 please? Name and address for the record, please.

14 THE WITNESS: Ricky Benson.

15 CHAIRMAN WITKOWIAK: Ricky Benson. And
16 you're address?

17 THE WITNESS: It's 2505 North 56th.

18 CHAIRMAN WITKOWIAK: Okay. And how
19 long have you lived there, Ricky?

20 THE WITNESS: Two years.

21 CHAIRMAN WITKOWIAK: Okay. So you must
22 know Bianca.

23 THE WITNESS: Yeah.

24 CHAIRMAN WITKOWIAK: Okay. All right.
25 What's your testimony?

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1 THE WITNESS: I like it. That's all I
2 can say, you know.

3 CHAIRMAN WITKOWIAK: I mean, is it - -
4 is it - - Does it make a difference to you if
5 it's open 24 hours or not, though?

6 THE WITNESS: Don't make no difference,
7 you know. I just like it.

8 CHAIRMAN WITKOWIAK: I mean, the - -
9 the reason that we're here is - - The station
10 will continue to stay open, but the reason we're
11 here is they are applying for a license to stay
12 open 24 hours.

13 THE WITNESS: Well, there be times
14 like, you know, if I get up, I might come and go
15 to the corner store, whatever, you know. Be
16 always sometime, you know.

17 CHAIRMAN WITKOWIAK: All right. Any
18 questions of this witness?

19 ALDERMAN DUDZIK: Mr. Chair.

20 CHAIRMAN WITKOWIAK: Alderman Dudzik.

21 ALDERMAN DUDZIK: Sir, only because
22 it's mentioned in the notice, how - - what's the
23 nearest, closest operation that's open 24 hours
24 to your home right now?

25 THE WITNESS: Say that again?

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1 ALDERMAN DUDZIK: What's the - - What's
2 the - - What's the closest operation - - What's
3 the closest convenience store? What's the
4 closest Walgreen's? What's the closest gas
5 station that's open 24 hours right now?
6 THE WITNESS: I don't think there's no
7 gas station open 24 hours.
8 ALDERMAN DUDZIK: There's no 24 hour
9 operations in your area?
10 THE WITNESS: No.
11 ALDERMAN DUDZIK: Thank you.
12 CHAIRMAN WITKOWIAK: Jared, would you
13 comment on that?
14 MR. ERDMAN: Yes. There is one just up
15 the road, just south of Center on Appleton.
16 CHAIRMAN WITKOWIAK: How far away is
17 that? How many blocks?
18 MR. ERDMAN: Two blocks away.
19 THE WITNESS: See, I don't go that far
20 down, you know.
21 ALDERMAN DUDZIK: Thank you.
22 CHAIRMAN WITKOWIAK: Any other
23 questions of this witness? Sir, did you want - -
24 wish to testify?
25 THE WITNESS: Yes.

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1 CHAIRMAN WITKOWIAK: No, there is one
2 - - Do you wish to testify?
3 THE WITNESS: No, I work in gas
4 station. Can I - -
5 MR. MAISTELMAN: Sure.
6 CHAIRMAN WITKOWIAK: Okay. You're an
7 employee.
8 THE WITNESS: Yes.
9 CHAIRMAN WITKOWIAK: Obviously you're
10 in favor of it being open.
11 MR. MAISTELMAN: No, he's going to have
12 to work later now.
13 THE WITNESS: No, I work overtime to
14 the best of my knowledge.
15 CHAIRMAN WITKOWIAK: Oh, your name and
16 address for the record, please.
17 THE WITNESS: I'm Hamez.
18 CHAIRMAN WITKOWIAK: Could you spell
19 that, please?
20 THE WITNESS: H-A-M-E-Z.
21 CHAIRMAN WITKOWIAK: H-A-M-E-Z. Okay.
22 Hamez?
23 THE WITNESS: Hamez.
24 CHAIRMAN WITKOWIAK: Hamez. Okay. And
25 - - And where do you - - where do you live?

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1 THE WITNESS: 55 - - On south side.
2 1343 South 38th.

3 CHAIRMAN WITKOWIAK: But you work at
4 the station.

5 THE WITNESS: Yes.

6 CHAIRMAN WITKOWIAK: Okay. And what's
7 your testimony?

8 THE WITNESS: I mean, I saw a lot of
9 people ask me if we needed open 24 hours. A lot
10 of people complain, you know, need - - certain
11 people need to go to work early in the morning,
12 like two o'clock's sometime people need, go to
13 work, ask me if we can open 24 hours. And a lot
14 of people ask me if you go in a gas station, to
15 ask the neighborhood, everybody like this gas
16 station. It's always clean. We got good
17 service. Everybody like it, you know. Like the
18 service, like to come in the gas station.

19 CHAIRMAN WITKOWIAK: Thank you.
20 Questions by members of the committee of this
21 witness? No. Okay. Thank you for your
22 testimony. No one else here to testify on this
23 matter? Did you - - Did the applicant wish to
24 say a few words?

25 THE APPLICANT: Yes.

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MR. MAISTELMAN: Yes.

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CHAIRMAN WITKOWIAK: Please.

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THE APPLICANT: You know, last time when we came, Mr. Jared, you know, he mentioned 28 or 26 people opposed. I just want to let the board know that, you know, I am the one - - I asked Jared give me the people who opposed me in the survey card, I want to talk to them, because I like to work with the neighbors. Whatever their objections are, I can try to work with them and try to, you know, convince them. So I go door to door myself and the God is witness, I'm not lying with that, all the 26 people he mentioned to me, there is almost 20 people told me, you know, they got confused, because, you know, the same time the post - - two kind of survey card, you know. One for me and one for the garage, you know. And they said, you know, most of the people told me they got confused, because they don't like that garage, you know, to be opened 24 hours, because I know they are making a lot of noise in the neighborhood, and they got confused, and they marked in the wrong box.

And, you know, I make, you know, make

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1 them convince and try to tell them, you know, if
2 whatever their issues are, tell me, and they said
3 they don't have any issues, because, you know,
4 all the neighborhood people like my gas station
5 and they call him, so many peoples, you know,
6 almost more tan 100 people call in his office and
7 support me, you know. They was from the
8 neighborhood, and he just trying to play very
9 mean role with me, I don't know why, you know.
10 No, I want to tell the board, okay. This is
11 true. And if I am lying, I die right now, okay.
12 There is more than 100 people call in his office
13 to support me, you know, and the neighborhood
14 people, and the, you know, he mentioned 26
15 peoples, you know, there is 26 - - 20 people call
16 him and tell him, you know, we are supporting
17 this guy. And last time when we was here, Mr.
18 Wade, he, you know, he told, you know, called the
19 neighborhood meeting, you know. He's the one who
20 told us call the neighborhood meeting. All the
21 neighborhood meeting, you know, he sent the post
22 - - you know, letter in everybody home to come in
23 the neighborhood meeting. He sent almost 300
24 letters in different people home. Nobody came
25 over there in the neighborhood meeting who

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1 opposed me. There was 19 or 16 people was there
2 to support me, you know. So where are those
3 people who opposed me?

4 I bring last time people who like my
5 gas station. I bring some people. You know,
6 where are the people who opposed me? If they
7 really want to oppose me, they should be here, or
8 they should be in the neighborhood meeting, you
9 know. Nobody was there.

10 MR. MAISTELMAN: And what Mr. Hussain
11 is saying is that the evidence, really the
12 evidence before you is the testimony that you've
13 heard. Not like Alderman Wade said, that really
14 the postcards, or the 126 signatures that we've
15 submitted to you. It's the testimony of the - -
16 of the neighbors. And un - - under both
17 scenarios you've had - - Last, two committees
18 ago, we had five or six neighbors - - neighbors
19 testifying in support. Likewise, today.
20 Alderman Wade - - I believe it was Alderman Wade.
21 I wasn't here, but somebody suggested that there
22 be a neighborhood meeting. There was a
23 neighborhood meeting. And as Jared will testify,
24 as he asked, nobody objected. The only people
25 there were the ones in support of it. Given

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1 that, given the almost two million dollars that
2 my client has invested in - - in this operation,
3 you know, I think it's appropriate. I think it's
4 - - it's the right thing to do, to allow him to
5 - - to - - to be open for 24 hours.

6 ALDERMAN PUENTE: Mr. Chair.

7 CHAIRMAN WITKOWIAK: Alderman Puente.

8 ALDERMAN PUENTE: Jared, did you send
9 out two different postcard surveys?

10 MR. ERDMAN: No, we did not, Alderman.
11 We sent out one postcard survey. I received
12 approximately 15 total phone calls on the issue,
13 not - - not even close to 100. Most were trying
14 to clarify information in the letter. The letter
15 very clearly stated what it was in regard to. We
16 had one of those people who was confused as to
17 which business we were referring to. She opposed
18 both strongly.

19 ALDERMAN PUENTE: Did you send any type
20 of postcard survey regarding the garage?

21 MR. ERDMAN: No.

22 ALDERMAN PUENTE: Never happened.

23 MR. ERDMAN: There is a - - a pending
24 BOZA matter on a garage up there, and they had
25 some issues with operating after hours, but we

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1 haven't postcard surveyed on it.

2 ALDERMAN PUENTE: Okay. Thank you.

3 ALDERMAN WADE: Mr. Chair.

4 CHAIRMAN WITKOWIAK: Alderman Wade.

5 ALDERMAN WADE: Jared, did you - - you
6 attended the neighborhood meeting?

7 MR. ERDMAN: I did.

8 ALDERMAN WADE: What's - - What's your
9 - - What do you surmise from the neighborhood
10 meeting?

11 MR. ERDMAN: The neighborhood meeting
12 appeared to be many people who already supported
13 it. There were - - Everybody that came to the
14 meeting already supported the gas station. They
15 didn't need to hear more information. I
16 presented them with some information. It was
17 very short.

18 ALDERMAN WADE: How many people?

19 MR. ERDMAN: I had 14 residents, a
20 couple of his employees, himself and his
21 attorney.

22 ALDERMAN WADE: And then how many
23 people at - - at the neighborhood meeting were
24 opposed?
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1 MR. ERDMAN: None. No. No one at the
2 neighborhood meeting opposed.
3 ALDERMAN WADE: Who did the mailing for
4 the neighborhood meeting?
5 MR. ERDMAN: Our office.
6 ALDERMAN WADE: Your office?
7 MR. ERDMAN: Yes.
8 ALDERMAN WADE: Okay.
9 CHAIRMAN WITKOWIAK: Okay. Is there
10 anything to say in closing from the Alderman's
11 office?
12 MR. ERDMAN: Yeah, I just wanted to
13 state again to Mr. Hussain and to the committee,
14 of course, I have no personal involvement either
15 way. I don't oppose his 24 hours. I don't
16 support it. I don't live in the neighborhood.
17 And it's most important that we think of those
18 who do. From the church, who I think the claim
19 that they would utilize those five hours that
20 we're talking about from 12 to five a.m. is
21 somewhat dubious. Perhaps now and again somebody
22 might like to go over there. There's another gas
23 station up the street that they can use at this
24 time.
25 I don't dispute that the station is

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1 clean. It is clean, and that Mr. Hussain is a
2 friendly operator. Absolutely the case.
3 However, I don't live next to a 24 hour
4 establishment. Mr. Maistelman does not live next
5 to a 24 hour establishment. Mr. Hussain does not
6 live anywhere near a 24 hour establishment. And
7 I think that were I to, I would be at this
8 committee taking a day off to oppose it. I
9 wouldn't want cars and traffic and the noise that
10 comes with them or for my backyard to become a
11 potential hot spot for cruising. That - -
12 That's our concern. It's obvious that he's got
13 some people that are very committed to this. I
14 think there's some confusion as to what they're
15 supporting. They support the gas station. I
16 don't know that they need that extra five hours.
17 So we oppose it.

18 CHAIRMAN WITKOWIAK: Okay. All right.
19 This matter is in committee.

20 ALDERMAN BOHL: Mr. Chairman.

21 CHAIRMAN WITKOWIAK: Alderman Bohl.

22 ALDERMAN BOHL: Given the preponderance
23 of evidence over two hearings, at this point I
24 would move approval of the license application.
25 What I can tell you is exactly that. The - - A

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1 postcard survey is a postcard survey. I have a
2 gas station on 76th and Lisbon. I had a
3 neighborhood meeting at that - - at - - regarding
4 their application for 24 hours. I had about 19
5 people show up. One of the persons worked for
6 the gas station. All 18 others were absolutely
7 opposed. I made it known to them that they must
8 get here if they felt strongly for it. In fact,
9 my general experience has been when there's
10 neighborhood meetings that are noticed, the
11 people who are most apt to show up are those who
12 are opposed, who have a strong feeling against
13 something taking place. That's been my
14 experience as an Alderman for six and a half
15 years. That fact of the matter is, is when I let
16 people know that. I understand people have to
17 take off of work and that it's sometimes a
18 burden. I had about eight people show up at this
19 particular meeting. The facts are what they may.

20 This 24 hour license is in existence
21 because I'm the one who authored it. And it was
22 because of my concern over preponderance of these
23 type of businesses. I certainly do not favor
24 them. However, we are bound by law, and by law
25 means that hearsay evidence is hearsay evidence,

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1 and it looks as though there's been two
2 opportunities for neighbors, who if they feel
3 strongly about something, have had an opportunity
4 to come forward and testify against this. We can
5 use the preponderance of evidence that comes
6 before this committee. If there's neighborhood
7 objections, it must be evidence that's testified
8 to here by neighbors. There has been none, other
9 than those in support. There is no police
10 report. The fact is what it is, is we have no
11 means to turn down this application. And if
12 those neighbors felt strongly, I'm sorry, then
13 - - then ultimately if there's a problem, they'll
14 have to get down here. But that is the way that
15 the law works. They may not like it. Before in
16 the past, they didn't have any ability to do
17 that. They do have the ability now, and the fact
18 is, is one way or another if there's 26 who felt
19 strongly, not one of them showed up. We can't
20 hold this. I move approval.

21 CHAIRMAN WITKOWIAK: Motion by Alderman
22 Bohl is to recommend approval, despite items
23 contained in the notice. Are there any
24 objections to that motion? Hearing none, so
25 ordered.

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MR. MAISTELMAN: Thank you very much.

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THE APPLICANT: Thank you, sir. I

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really appreciate it.

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2 STATE OF WISCONSIN)

3 MILWAUKEE COUNTY)

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JEAN M. BARINA - COURT REPORTER

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Dated this day of October, 2006

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