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CITY OF MILWAUKEE
UTILITIES & LICENSING HEARING

In the Matter of:
PASSIONS
200 East Washington Street 12th District

COMMITTEE MEMBERS

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

CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF
MICHAEL MAISTELMAN, ATTORNEY AT LAW, 3127 West
Wisconsin Avenue, Milwaukee, Wisconsin, appeared on
behalf of the Applicant.

Proceedings had and testimony given in the
above-entitled matter before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the
24th day of January, 2006, before Terese M. Schiebenes
of Milwaukee Reporters Associated, Inc.

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PROCEEDINGS

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CHAIRMAN WITKOWIAK: Back on the record.

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January 24th, 2006, License Committee meeting 3:00

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p.m. agenda. Katherine Wojnicz, agent for Eyly, LTD,

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Class B Tavern Amusement (Cabaret/Nightclub) renewal

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application and a request for a permanent extension of

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the Class B premises to include a beer garden at the

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rear of the premises for Passions, at 200 East

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Washington Street. Good afternoon. Raise your right

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hands, we'll swear you in, please.

11

(Whereupon KATHERINE WOJNICZ and ERIC YOUNG

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were duly affirmed.)

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CHAIRMAN WITKOWIAK: Name and address for

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record, please.

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MS. WOJNICZ: Katherine Wojnicz, 2816-A

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South 14th Street.

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MR. YOUNG: Eric Young, 2752 North 53rd

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Street.

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MR. MAISTELMAN: Good afternoon, Mr.

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Chairman.

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CHAIRMAN WITKOWIAK: Counselor, state your

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appearance.

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MR. MAISTELMAN: Attorney Michael Maistelman

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on behalf of Eyly, Ltd, doing business as Passions.

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CHAIRMAN WITKOWIAK: Do you admit to

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1 receiving notice in the mail there's a possibility
2 your application could be denied because of items
3 contained on the police report and neighborhood
4 objections to loitering, littering, parking, cruising,
5 traffic problems, vandalism, public urination and
6 drunkenness, trespassing, loud music, noise, late night
7 disturbances, fights, gunshots, shootings, criminal
8 activity, drug activity, prostitution, and conduct
9 which is detrimental to the health, safety, and
10 welfare of the neighborhood?

11 MS. WOJNICZ: Yes.

12 CHAIRMAN WITKOWIAK: Thank you. Health
13 Department.

14 MR. ZEMKE: Health has no objection to the
15 Class B but would request an inspection and any plans
16 required for a permanent extension of a beer garden.

17 CHAIRMAN WITKOWIAK: Thank you.
18 Neighborhood Services?

19 MR. KAUFMAN: No objection.

20 CHAIRMAN WITKOWIAK: Health Department and
21 Neighborhood Services representatives are excused.

22 MR. SCHRIMPF: Mr. Chairman, we might want
23 to get the capacity of the location from Neighborhood
24 Services.

25 CHAIRMAN WITKOWIAK: Thank you, Mr.

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1 Schrimpf.

2 MR. KAUFMAN: The capacity is 60 for the
3 inside, but I have no capacity for the beer garden nor
4 the premises.

5 MR. MAISTELMAN: Point of inquiry. I don't
6 believe that it's 60 for the capacity.

7 MR. KAUFMAN: We have 60 on the system. Has
8 there been any application to upgrade that with the
9 new rules the IBC came out that if you reapply for an
10 occupancy, you can upgrade depending on the door
11 swings, the lavatories, and the square footage for
12 capacity? We can recalculate it.

13 MR. MAISTELMAN: Mr. Chairman, the manager
14 of Passions is also here. Maybe we could have Linda
15 swear him in, also, and then he can testify.

16 (MICHAEL RICHARDSON was duly affirmed.)

17 MR. RICHARDSON: Michael Richardson, 2224
18 North 17th.

19 CHAIRMAN WITKOWIAK: And you're the manager?

20 MR. RICHARDSON: Yes.

21 CHAIRMAN WITKOWIAK: Do you have a manager's
22 license, by the way?

23 MR. RICHARDSON: No, I don't.

24 MR. MAISTELMAN: We just retained him to
25 come in. He hasn't started those duties yet. Have

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1 they?

2 MR. RICHARDSON: Correct.

3 CHAIRMAN WITKOWIAK: So he's the possible
4 future manager?

5 MR. MAISTELMAN: With the proposal that
6 we're putting through is my understanding.

7 MR. SCHRIMPF: Mr. Chairman, just so that
8 everybody understands, an application has to be made
9 by this individual for a Class B manager's license.

10 CHAIRMAN WITKOWIAK: My only confusion at
11 this point is that this record says capacity of 150,
12 and you said the department says 80.

13 MR. KAUFMAN: On the system I checked this
14 morning, it said 60. Now, I don't know if the 150 is
15 to include the beer garden area and the interior
16 premise or if this is something that has been
17 recalculated under a new occupancy. I have no record
18 of that at this point. I can research back with DCD,
19 the Development Center, and see if anything is in the
20 works or if anything has not been entered on this
21 system that we use.

22 CHAIRMAN WITKOWIAK: So right now your
23 system says capacity 60.

24 MR. KAUFMAN: I can go check and see if you
25 want.

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1 CHAIRMAN WITKOWIAK: That's fine. I don't
2 know if that will be an issue or not, but it's good to
3 determine that at this point. Our representatives
4 from the Health Department, Neighborhood Services are
5 excused. Sergeant Ulickey, would you read the police
6 report for the record, please.

7 SGT. ULICKEY: On 5/1 of '05 at 1:53 a.m.,
8 officers were dispatched to a shooting at Passions
9 bar, 200 East Washington Street. An unknown person
10 fired numerous gunshots at two victims striking one to
11 the top left of the head, a graze wound, and the
12 second victim shot in the left chest area. Victims
13 conveyed to the hospital.

14 On 11/20 of '05 at 12:43 a.m., officers
15 responded to the licensed premises at 200 East
16 Washington Street, Passions, regarding a shooting.
17 Upon arrival, officers discovered one shooting victim
18 in the patio area of the tavern.

19 CHAIRMAN WITKOWIAK: Thank you. Do you have
20 any questions of the police report?

21 MR. MAISTELMAN: No, no, Mr. Chairman. I
22 just have an opening statement.

23 CHAIRMAN WITKOWIAK: Do you want to give an
24 opening statement at this time before we call
25 witnesses.

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MR. MAISTELMAN: Sure. Thank you, Mr.

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Chairman. Passions accepts the responsibility of the

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shootings and the seriousness of those shootings.

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However, the shootings did not occur in the facility,

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in the bar itself. Staff needs to be credited, when a

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problem started to arise in the facility, in the bar,

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they shuffled those people outside, and apparently

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those individuals went to their cars after the fact

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and allegedly committed those crimes.

10

You're going to hear testimony today from

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other neighbors that we've brought down, who are going

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to testify that other than the problems raised by the

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police report, they have not seen any of these other

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problems. The property is in an industrial area.

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Some of you may have already gone down there to see.

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A number of the neighbors have testified before

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actually live on the other side of Water Street. This

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is an industrial area. I wonder how a resident who

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lives maybe four or five blocks away could testify

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they've seen people urinating at or near their

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residence or loud music or unruly behavior.

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In addition, there's three other

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establishments; Rain, I believe, The Fire House, and

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Steny's, all within that area. Unless somebody can

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definitively say that they saw somebody walk out of

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1 our bar and commit a crime or an act of municipal
2 ordinance, I don't know how they can actually, with
3 any credibility, state that they can attribute it to
4 Passions.

5 Given that, we would like the alderman to
6 call a neighborhood meeting between now and the Common
7 Council meeting. My clients will pay for the mailing
8 and everything else, if it's okay with this committee
9 and with Alderman Witkowiak, to directly address the
10 concerns of the neighbors and to aggressively deal
11 with those issues. We're also willing to voluntarily
12 give up our license for a 30-day period and without
13 any objections so Mr. Schrimpf doesn't have to draft
14 additional documents of findings of fact and
15 conclusions of law. And we're going to be presenting
16 to this committee a plan for reform, a 13-point plan
17 for reform, which I'm hoping that the members have
18 already taken a look at. We tried to get it
19 distributed yesterday. I was also able to give some
20 copies to some of the neighbors that are here today to
21 show them what we're trying to do, and I can briefly
22 just go through those points.

23 We're going to employ the use of hand wand
24 metal detectors and screen all patrons upon entering
25 the establishment. We're going to have security

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1 detail with clear tee shirts on that identify who they
2 are, everybody will see and know who they are.

3 Passions will change its music, which is an
4 important thing, I think -- and the committee can
5 allow us to do this -- from hip-hop to rhythm and
6 blues and Latin music and top 40 music. That's going
7 to attract a different crowd. We're going to have a
8 strict dress code, which obviously this committee has
9 seen in the past; when you change the venue of the
10 music and you change the dress code, you change the
11 people that you attract. We're going to reduce the
12 time that we're open right now to four nights a week,
13 Thursday, Fridays, and Saturdays and maybe one other
14 day, with the blessing of the committee, so we're
15 reducing our time frame that there could be potential
16 trouble.

17 We're going to limit our capacity. When
18 this was initially drafted up, I believe it was our
19 understanding because we were asking for the beer
20 garden that we were going to limit it to initially
21 150. The bottom line is we're willing to reduce the
22 capacity, whether we get the beer garden or whether
23 it's the 60-patron limit. We will reduce capacity.
24 Should any patron misbehave inside or outside
25 Passions, they will be identified by security and

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1 permanently banned from Passions.

2 At no time will Passions allow a line of
3 more than 10 people to congregate outside. At closing
4 time security staff will be outside moving patrons
5 along so there's no congregation in the area, and they
6 will try to ensure that people get to their cars or
7 get to their houses, get out of the neighborhood and
8 don't cause any disturbance, and if we do identify
9 people, we'll self-report them to the police. We'll
10 work closely with Alderman Witkowiak, the police, and
11 the neighbors in distributing a sheet of names and
12 telephone numbers of our owners and security staff in
13 the event that they feel they need to contact us
14 around the clock.

15 Every Monday morning Passions will contact
16 Alderman Witkowiak's office to check in and request if
17 there are any issues reported to him from the prior
18 weekend. We'll host quarterly meetings with neighbors
19 if they want to discuss the club's progress. Lastly,
20 we're going to self-report any issues that involve the
21 police to Alderman Witkowiak immediately, even if the
22 police make no formal report for lack of evidence or
23 credibility.

24 I believe, I strongly believe that our 13-
25 point plan for reform will address the main issues

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1 that have been raised by the police, and that is of
2 the shootings. We're going to attract a different
3 crowd. Shootings, it's terrible, obviously, and we
4 don't condone those in any way, and we don't want
5 those to occur at our premises. Unfortunately,
6 sometimes they happen. We're going to take every
7 measure that we can to prevent those, but as this
8 committee heard twice today that I've been watching, I
9 believe Nostalgia had a shooting and a 20-day
10 suspension, and then the bar just previous to ours,
11 the tavern had a shooting where somebody was actually
12 killed.

13 We are putting forth a plan for reform that
14 will address these concerns, address the concerns of
15 the neighbor, we will do everything that we can. And
16 we strongly believe, knowing the council's, the
17 committee's previous position on progressive
18 discipline, that we can achieve the objectives that
19 the neighbors want and that the council wants. Just
20 on a progressive discipline, it's a longstanding
21 policy, as you know, of the Common Council and of the
22 committee to allow establishments who have had issues
23 such as these issues time to address them and
24 reestablish credibility.

25 The 30-day suspension that we're stipulating

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1 to today will send a serious message to the owners of
2 Passions and its patron and to the neighbors and to
3 the council that we're serious about taking these
4 matters and rectifying them immediately. With that, I
5 have nothing further to say. Thank you.

6 CHAIRMAN WITKOWIAK: Thank you. And are the
7 transcripts of the previous meeting -- at the request
8 of the owner, this hearing was adjourned --

9 MR. SCHRIMPF: That's correct.

10 CHAIRMAN WITKOWIAK: -- until this date.
11 And are the transcripts available from the previous
12 meeting at this time?

13 MR. SCHRIMPF: They are, we have them, and
14 they're part of the file. They should have been
15 distributed.

16 CHAIRMAN WITKOWIAK: Alderman Bohl would
17 move to make the police report in this matter and the
18 transcript from the previous meeting part of the
19 permanent record in this hearing. And hearing no
20 objections, so ordered.

21 MR. MAISTELMAN: Mr. Chairman. One
22 correction of some evidence that was entered into the
23 record at the last hearing. Mr. Young, Leon Young,
24 was under the impression typically the bar was not
25 open on Mondays. It typically is not. There were,

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1 however, a few times last year that it was, and I want
2 to clarify that for the record. I think we said it
3 was never open on Monday. It was open a few times, my
4 understanding, and we can have testimony to that from
5 the agent, but typically it was not open on Mondays.
6 There was that one clarification to set the record
7 straight.

8 CHAIRMAN WITKOWIAK: Can I see a show of
9 hands of people here that are here this afternoon to
10 testify in opposition to the renewal.

11 (Whereupon speakers in opposition were duly
12 affirmed.)

13 CHAIRMAN WITKOWIAK: And could you come one
14 at a time to this microphone and we'll accept your
15 testimony, please.

16 MR. MADDOX: Good afternoon. My name is
17 Dane Maddox, I live at 806 South 3rd Street. I own
18 residential properties in the neighborhood and
19 commercial properties in the neighborhood.

20 Mr. Chairman, committee members, I
21 appreciate the opportunity to testify today in
22 opposition to the renewal of the tavern license. I've
23 lived in the neighborhood for almost 25 years, and
24 I've watched the neighborhood go through some
25 wonderful growth and development, but one of the

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1 things that we still live with is the question that I
2 get asked when I tell someone where I live; is it
3 safe. And the fact that there have been two shootings
4 at a tavern in less than a year is illustration of the
5 fact and the impression that the neighborhood still
6 lives with and it has a direct significant impact on
7 my well-being, on the safety and well-being of my
8 tenants. I've asked people about renting; they said
9 that they wouldn't because it's unsafe. I've lost
10 tenants because of that.

11 And the point is that by their counsel's own
12 admission, they admit to the shootings. One of the
13 interesting things about what's happening before you
14 is it seems as though the proposal of the tavern owner
15 constantly keeps changing. I was unable to make the
16 hearing on the 10th, I was out of town, but it's as
17 though there's an admission that there's problems.
18 And if they have a plan of operation that they want to
19 propose, they should submit that plan of operation,
20 apply for a new application. And I strongly encourage
21 this committee to revoke the license for Passion. If
22 they want to start a new business, a different venue,
23 a different operation, submit the plan of operations
24 in the proper process and apply for a new application.
25 Thank you.

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1 CHAIRMAN WITKOWIAK: Thank you. Any
2 questions, Counselor, any questions?
3 MR. MAISTELMAN: Thank you, Mr. Maddox, for
4 your comments. You live at 806 South 3rd Street?
5 MR. MADDOX: That is correct.
6 MR. MAISTELMAN: How far is that from
7 Passions?
8 MR. MADDOX: It's probably five or six
9 blocks.
10 MR. MAISTELMAN: Are there any other bars in
11 that area?
12 MR. MADDOX: Of course there are. You
13 stated some of them before. Yes. There weren't
14 shootings at those two taverns. There weren't two
15 shootings at the other taverns is my point.
16 MR. MAISTELMAN: The shooting occurred
17 outside the tavern.
18 MR. MADDOX: Fine. That's not what the
19 police report says, but go ahead.
20 MR. MAISTELMAN: I'm sorry, did the police
21 report say the shootings occurred inside the tavern?
22 SGT. ULICKEY: The report states that the
23 unknown person fired numerous shots at two victims.
24 Victims conveyed to the hospital. I do have
25 information that in one of the shootings there were

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1 shots fired inside the tavern. The other shooting it
2 appears to be directly outside on the patio area.

3 MR. MAISTELMAN: My question, though, sir,
4 is what other bars are in your area that you live in?

5 MR. MADDOX: There are several bars in the
6 area. As I mentioned, I've lived there for 20-plus
7 years, and with very few exceptions there have been
8 few problems, and to my knowledge, I cannot recall any
9 shootings which occurred in Passion.

10 MR. MAISTELMAN: The testimony from last
11 week before you were here was that there were a lot of
12 other problems, public urination.

13 MR. MADDOX: I can't -- Go ahead, but
14 that's irrelevant to what I testified to.

15 MR. MAISTELMAN: Right. I'm just wondering
16 if you have any first-hand knowledge of that.

17 MR. MADDOX: Firsthand knowledge of what,
18 sir? You heard my testimony. If you have any
19 questions about my testimony, I'm certainly willing to
20 entertain them.

21 MR. MAISTELMAN: You've never been privy to
22 witnessing anybody urinating or doing any other
23 illegal behavior?

24 MR. MADDOX: I didn't testify to that. That
25 has nothing to do with what's before us today.

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1 MR. MAISTELMAN: Could you just ask him to
2 answer the question, please, Mr. Witkowiak.

3 CHAIRMAN WITKOWIAK: Just hold on a second
4 here. He's stating that he stated his testimony, and
5 you're supposed to ask him questions concerning his
6 testimony. I think you've made your point that
7 somebody that lives five blocks away can't look out
8 their window and see somebody walking out of the bar
9 and urinating in public. You made that point, and I
10 can't agree more with you.

11 MR. MAISTELMAN: Thank you. No further
12 questions.

13 CHAIRMAN WITKOWIAK: Questions by members of
14 the committee of this witness?

15 ALDERMAN WADE: Mr. Chair.

16 CHAIRMAN WITKOWIAK: Alderman Wade.

17 ALDERMAN WADE: For clarification point, is
18 it agreed upon that the shooting or one of the
19 shootings occurred inside of Passions, is that
20 factual?

21 SGT. ULICKEY: What I can tell you,
22 Alderman, was that the reports that I was able to
23 obtain regarding the shooting has several witnesses
24 stating that the shots were fired inside the premises.
25 That's regards to the shooting of 5/1 of '05. The

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1 other shooting it appears occurred on the patio area
2 outside of the tavern, so there were shots fired
3 inside the building. The witnesses state that. The
4 information I have doesn't have the actual victim
5 statement on it, but the witness states shots were
6 fired inside the building.

7 CHAIRMAN WITKOWIAK: Alderman Bohl.

8 ALDERMAN BOHL: A patio area on same
9 licensed premises?

10 SGT. ULICKEY: It was described as a patio
11 area in the report.

12 CHAIRMAN WITKOWIAK: This would be there's a
13 patio area directly north attached to the north end of
14 the building.

15 ALDERMAN BOHL: Would this be the same area
16 for which an extension of premises is being applied
17 for for a beer garden?

18 MS. WOJNICZ: Yes.

19 ALDERMAN BOHL: Has that been utilized by
20 patrons?

21 MS. WOJNICZ: We don't use it. What he did
22 was he ran in and kicked our gate in to try to get
23 back in the club once the shooting started, and they
24 followed him in, and he got shot. But the doors were
25 locked to the club.

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1 ALDERMAN WADE: Mr. Chair.

2 CHAIRMAN WITKOWIAK: Alderman Wade.

3 ALDERMAN WADE: This is to the bar owner.

4 Is your understanding that none of the shootings, none
5 of the two shootings, neither of the two, occurred
6 inside your premises?

7 MR. YOUNG: That's my understanding.

8 ALDERMAN WADE: That's what you're stating?

9 MR. YOUNG: Right.

10 ALDERMAN WADE: So if the police report says
11 that witnesses testified that the shooting went on
12 inside the premises and we don't have those witnesses
13 here to state that to be fact or to contradict what
14 the owners are saying under oath is fact that it did
15 not occur inside their building -- and this is for
16 you, Mr. Schrimpf -- how do we handle information that
17 comes to us in that fashion?

18 MR. SCHRIMPF: The police reports are police
19 reports that are part of the regular conduct of
20 business of the Milwaukee Police Department. You've
21 got sworn testimony, which is the highest form of
22 evidence that you can get in our traditional system.
23 An exception to the hearsay rule are reports that are
24 kept in the regular and ordinary conduct of business
25 particularly by a governmental agency, which is the

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1 Milwaukee Police Department. The Milwaukee Police
2 Department has reports indicating that witnesses said
3 something as to where a shooting occurred, then that
4 has a certain degree of reliability to it, and you can
5 use it. It's a classic exception to the hearsay rule.

6 ALDERMAN WADE: So if we don't have anyone
7 to come before us to contradict what they're saying,
8 then that has more weight?

9 MR. SCHRIMPF: Weight is something to be
10 attributed by the committee. It traditionally is
11 given more weight.

12 MR. MAISTELMAN: I agree.

13 ALDERMAN WADE: Thank you, sir.

14 MR. YOUNG: She'd like to add clarification.

15 MS. WOJNICZ: The first shooting happened
16 outside. After we cleaned out the club, we called the
17 police. After the club was cleared and we thought
18 everything was okay outside, a guy walked back in and
19 shot an empty club. Only people that were in there
20 were us and employees. He shot like two times and
21 then walked out the club. So that's the report, like
22 I'm one of the witnesses that's on the police report.

23 CHAIRMAN WITKOWIAK: The shooting took place
24 inside the building?

25 MS. WOJNICZ: The shooting took place

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1 outside, but once everything died down, the police
2 were called, the only people that were there was like
3 six people, the employees. The door was not locked.
4 One of the shooters walked in, shot twice in the club
5 at the door, and then walked back out the club. So
6 that's why there's reports that the shooting happened
7 in the club, but the people already shot outside, so
8 that's what the report is.

9 CHAIRMAN WITKOWIAK: There was two
10 incidences of shooting that one night, the shooting
11 that took place outside and then --

12 MS. WOJNICZ: The same person that shot
13 outside walked in the club after the club was cleaned,
14 right.

15 CHAIRMAN WITKOWIAK: And shot again.

16 MS. WOJNICZ: We had the club cleaned before
17 the shootings took place, so it was within minutes.
18 Everything happened within minutes. So that's what's
19 on the record.

20 ALDERMAN PUENTE: Mr. Chair. For
21 clarification, again -- and we tried it several times
22 -- there was a shooting inside the tavern?

23 MS. WOJNICZ: If that's what you want to
24 say, there was a shooting in the tavern.

25 ALDERMAN PUENTE: That's what you said,

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1 ma'am, that's not what -- I'm getting clarification
2 from you.

3 MS. WOJNICZ: What I'm saying is you're
4 making it sound like people were shot in the club.
5 There was gunshots in the club, yes.

6 ALDERMAN PUENTE: That's all we're asking.
7 So that's a true statement?

8 MS. WOJNICZ: That is a true statement.

9 MR. YOUNG: That's the way I was taking it.
10 Nobody was shot in the club.

11 MS. WOJNICZ: That's the impression we were
12 getting from you, that somebody was shot in the club.

13 CHAIRMAN WITKOWIAK: Were they shot on the
14 patio outside?

15 MS. WOJNICZ: See, I don't know about that.

16 MR. YOUNG: We don't know where he was shot.
17 The police department knows, but from what I heard, I
18 thought he was shot outside, then ran inside and was
19 shot and laid down after he got shot from the outside.

20 CHAIRMAN WITKOWIAK: I'm going to let
21 Alderman Wade continue, but were you there the night
22 of the shooting?

23 MR. YOUNG: The second one.

24 MS. WOJNICZ: I was there for both.

25 CHAIRMAN WITKOWIAK: From start to finish?

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1 MS. WOJNICZ: Start to finish.

2 CHAIRMAN WITKOWIAK: You sir?

3 MR. RICHARDSON: I was there for both.

4 CHAIRMAN WITKOWIAK: Alderman Wade,

5 continue.

6 ALDERMAN WADE: Now, was there physical
7 evidence that the person that got shot in the patio
8 area broke into the fence? Did they break the latch?
9 How did he get in?

10 MR. YOUNG: We keep the back gate open.

11 ALDERMAN WADE: So it was not locked?

12 MR. YOUNG: No. When he came back towards
13 the club on the patio, he threw a chair at the back
14 window, tried to get in that way first because the
15 door was locked. So that's why we said we don't know
16 if he was shot then. We're assuming he was shot
17 before that. I don't know if they found any evidence.

18 ALDERMAN WADE: Casings or anything of the
19 firing going on in that area?

20 MR. YOUNG: Correct.

21 ALDERMAN WADE: One more question. When
22 that individual that shot outside the bar shot inside
23 the bar, was it after bar hours or during bar hours?

24 MR. RICHARDSON: It was still during bar
25 hours. It was before closing, hours, hours.

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1 CHAIRMAN WITKOWIAK: Mr. Maddox, something
2 to add?

3 MR. MADDOX: Just one question on this.
4 From what I just heard, although the person was not
5 shot in the tavern, the person was shot on the
6 property, and also, there were shootings that occurred
7 in the tavern. Thank you.

8 Also, if there's a question -- And I
9 assumed this hearing only had to do with the renewal
10 of the license. I have strong objections for
11 different reasons to any extension of premises because
12 of density, location, and concentration. And so if
13 that's a subject before this hearing, then I would
14 like to testify to that. If it's not, I'm done.

15 CHAIRMAN WITKOWIAK: That is a subject of
16 this hearing. It's part of the notice.

17 ALDERMAN DUDZIK: Mr. Chairman. But if I
18 read the notice, it doesn't discuss density or any of
19 the things that he just mentioned.

20 MR. SCHRIMPF: Alderman Dudzik is correct,
21 the notice does not include concentration of outlets.

22 MR. MAISTELMAN: I never heard of any
23 concentration issues. It's an industrial area.
24 There's a junkyard across the street. If you'd like
25 to describe the area --

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1 CHAIRMAN WITKOWIAK: We can't testify to
2 concentration issues, but what the permanent extension
3 of premises would bring to the location relative to
4 the other things in the notice can be discussed;
5 noise, litter, public urination, those things can be
6 discussed.

7 MR. MADDOX: Parking, et cetera. Thank you.
8 I'm opposed to the permanent extension of premises.
9 As I said before, I would encourage the committee to
10 revoke this license and if it so wishes to consider a
11 different operation, I would encourage them to have
12 the applicant submit to the proper process. Thank
13 you, sir.

14 CHAIRMAN WITKOWIAK: Thank you. Next person
15 to testify, please.

16 ALDERMAN BOHL: I just have one question for,
17 I believe, Mr. Richardson.

18 MR. RICHARDSON: Yes.

19 ALDERMAN BOHL: On the occasions of two
20 shootings, were you at this club?

21 MR. RICHARDSON: On the May 1st, I was not
22 employed at all, I was just there. On the November
23 date or whatever, I was working as -- I think I was
24 bartending at the time.

25 CHAIRMAN WITKOWIAK: Do you have a

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1 bartender's license?

2 MR. RICHARDSON: Yes.

3 CHAIRMAN WITKOWIAK: Anyone that testified
4 the first meeting and they come up and testify again,
5 just please make note for the record that you did
6 testify at the first meeting, and because we entered
7 the transcript into the record, if your testimony is
8 essentially the same as it was last time, then just
9 state that and then that will be your testimony unless
10 you have something further to add. Name and address
11 for the record, please.

12 MS. JAGGARD: Thank you, Alderman.
13 Jacquelyn Jaggard, 1113 South 3rd Street, about four
14 blocks, three-and-a-half blocks straight west on
15 Washington from the tavern.

16 CHAIRMAN WITKOWIAK: Your testimony.

17 MS. JAGGARD: I did testify two weeks ago,
18 and I'm testifying now to again urge the committee to
19 deny this license, based on the violence that was
20 there. I also have asked the police department to
21 provide me with what they call CAD reports, calls for
22 service to that specific address directed to that
23 tavern, not someone went speeding down the street and
24 we don't know if it's this tavern. I would like to
25 enter these in evidence, these reports, one of which

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1 is the shooting in May, which I might want to say, also,
2 that one of the female callers on the shooting stated
3 that there was a male that was shooting, there was
4 also a female that was shooting and that both subjects
5 were inside the bar.

6 In addition to that, Officer Lazo from the
7 Tavern Squad is here. She can answer whatever
8 questions any of the committee members have on these
9 police department CAD reports that I am submitting in
10 this matter.

11 MR. MAISTELMAN: Mr. Chairman, I would
12 object to these records. There hasn't been a
13 foundation laid. I have no idea what they are.

14 MR. SCHRIMPF: Mr. Chairman. First of all,
15 in all due respect to the witness, police documents
16 coming in through a witness who is not a police
17 officer is probably not a good idea because it's not
18 really the basis or the way to lay a foundation for
19 them. Office Lazo is here. And let me explain for
20 the benefit of Mr. Maistelman. I sent a memo to the
21 City Clerk a number of months ago, which I believe was
22 circulated to the members of the Common Council,
23 indicating that CAD reports generally should not be
24 used in a hearing of this nature because you have
25 witnesses using them who, quite frankly, cannot

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1 explain all the information that's on them, and you
2 don't really get a good foundation for them by using
3 them in this way.

4 However, on Page 32 and Page 43 of the
5 transcript, which you've received into the record of
6 this proceeding, specific reference is made, I believe,
7 Ms. Jaggard was one of the witnesses -- Mr. Gonzalez
8 was the witness, I forget who the other gentleman was.
9 But at any rate, if the CAD reports can be properly
10 identified by a police department witness and if the
11 CAD reports also go to an issue, and one of the issues
12 that was raised last time around by both of these
13 witnesses was the fact that they had called the police
14 and they couldn't quite understand why there was
15 nothing in the police report.

16 Now, a CAD report will aid the committee in
17 assessing whether or not the police were called,
18 whether or not the police responded, what the police
19 found when they did respond. For that limited
20 purpose, if the committee wants to receive them -- I
21 think it would be more appropriate, however, to
22 receive them through the testimony of Officer Lazo, if
23 the committee wants to hear from Officer Lazo.

24 MR. MAISTELMAN: Mr. Chairman. Who would be
25 the records custodian that would have to get these

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1 records in?

2 MR. SCHRIMPF: Any police officer can
3 testify as to what they are, because, again, it's a
4 document kept in the ordinary conduct of business.
5 But the major thing about a CAD report is that a CAD
6 report carries a 10-code disposition, and very
7 frequently what witnesses will do is introduce the CAD
8 report not realizing that the 10 code, if translated
9 into English, means baseless.

10 MR. MAISTELMAN: But Mr. Schrimpf, if I
11 brought a document in that a witness has never seen
12 before and I only had control over them, how do we
13 know that they were what they are?

14 MR. SCHRIMPF: That's why you have a
15 qualified police department witness.

16 MR. MAISTELMAN: Right.

17 MS. JAGGARD: And that's also why I
18 questioned the 2nd District captain to please, please
19 provide a police officer that can verify that these
20 are CAD reports. See, I can't go to 2nd District and
21 get these CAD reports. I have to request them through
22 open records, and this is where I got these. Now, 2nd
23 District also ran a series of CAD reports, basically
24 what I got plus several more, and they were discussed
25 with Officer Lazo, and that is the reason she is here,

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1 to be able to answer any questions the committee or
2 you people might have with regard to these CAD
3 reports. Now, if you want, I can give these to
4 Officer Lazo, and she can submit them to the
5 committee.

6 MR. SCHRIMPF: I think Officer Lazo probably
7 already has them, and yes, it would be better, Mr.
8 Chairman, for them, if they come in at all, to come in
9 through the testimony of Officer Lazo.

10 MR. MAISTELMAN: We would object. I haven't
11 even seen the documents.

12 CHAIRMAN WITKOWIAK: Thank you. I'd like to
13 call Officer Lazo to the table, please.

14 MS. JAGGARD: I would just also just like to
15 again state that this particular type of activity in a
16 residential neighborhood that is less than two blocks
17 away compromises the health, safety, and welfare of
18 the entire community and any neighborhood.

19 MR. MAISTELMAN: Ms. Jaggard, I have a
20 question. You said it's a residential neighborhood.
21 Is there a junkyard across the street from the bar?

22 MS. JAGGARD: Yes.

23 MR. MAISTELMAN: There is. Where is the
24 closest residence? I know there's a junkyard. Would
25 you call it a residential area where the junkyard and

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1 Passions bar is?

2 MS. JAGGARD: I think there are two houses
3 about half a block west on Washington from this bar.

4 MR. MAISTELMAN: Do you know for a fact
5 people live there?

6 MS. JAGGARD: Yes.

7 MR. MAISTELMAN: I'm sorry, I think I'm
8 talking to you.

9 MS. JAGGARD: Yes. I know people live
10 there, and I know that there are people a block away
11 that live there.

12 MR. MAISTELMAN: Would you call this a
13 residential area?

14 MS. JAGGARD: Yes.

15 MR. MAISTELMAN: Okay.

16 MS. JAGGARD: Yes.

17 CHAIRMAN WITKOWIAK: Thank you.

18 MR. SCHRIMPF: Mr. Chairman, I've just been
19 informed Officer Lazo does not have copies of the CAD
20 reports, and I think it's appropriate that we have
21 copies of the CAD reports for Council and the
22 committee.

23 CHAIRMAN WITKOWIAK: We'll ask our staff
24 assistant to do that. We're going to take a recess.

25 (Recess.)

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1 MR. SCHRIMPF: Mr. Chairman, I don't know if
2 Officer Lazo has been sworn.
3 OFFICER LAZO: No, I have not.
4 (Whereupon, EVELYN LAZO was duly affirmed.)
5 CHAIRMAN WITKOWIAK: Name for the record,
6 please.
7 OFFICER LAZO: Evelyn Lazo.
8 MR. SCHRIMPF: Ms. Lazo, you are a member of
9 the Milwaukee Police Department?
10 OFFICER LAZO: Yes.
11 MR. SCHRIMPF: How long have you been a
12 member of the Milwaukee Police Department?
13 OFFICER LAZO: Four years.
14 MR. SCHRIMPF: Do you have a particular
15 assignment with the Milwaukee Police Department?
16 OFFICER LAZO: Yes. Right now, I'm assigned
17 to a licensed premise car.
18 MR. SCHRIMPF: Is that in some particular
19 district or is it generic?
20 OFFICER LAZO: District 2.
21 MR. SCHRIMPF: District 2 would cover the
22 area of approximately 200 East Washington Street?
23 OFFICER LAZO: Yes.
24 MR. SCHRIMPF: You were in the room before
25 and heard the start of this hearing, did you?

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1 OFFICER LAZO: Yes, I did.
2 MR. SCHRIMPF: Reference was made to an
3 Officer Lazo?
4 OFFICER LAZO: Yes.
5 MR. SCHRIMPF: Are you that Officer Lazo?
6 OFFICER LAZO: Yes, I am.
7 MR. SCHRIMPF: With respect to the documents
8 that are before you, I believe that there are eight
9 pieces of paper in front of you; is that correct?
10 OFFICER LAZO: Yes.
11 MR. SCHRIMPF: And what do you call these in
12 your trade or profession?
13 OFFICER LAZO: The CAD report.
14 MR. SCHRIMPF: And CAD stands for?
15 OFFICER LAZO: It's the CAD system, it shows
16 a record of date, time, place, who, what specific
17 squads being sent there, and what the disposition was.
18 MR. SCHRIMPF: But CAD stands for computer-
19 assisted dispatching?
20 OFFICER LAZO: Yes.
21 MR. SCHRIMPF: How did you come by these
22 documents, what physically did you do?
23 OFFICER LAZO: I had to print them out. In
24 our CAD system, it shows the history of how many times
25 the police have been sent to a specific area.

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1 MR. SCHRIMPF: As a police officer, do you
2 have access to a computer system that permits you to
3 see these?

4 OFFICER LAZO: Yes, in the district.

5 MR. SCHRIMPF: Are these documents kept in
6 the ordinary conduct of business of the Milwaukee
7 Police Department?

8 OFFICER LAZO: Yes.

9 MR. SCHRIMPF: And you personally obtained
10 these?

11 OFFICER LAZO: Yes, I did.

12 MR. SCHRIMPF: By going to the computer and
13 printing them?

14 OFFICER LAZO: Correct.

15 MR. SCHRIMPF: And first of all, I guess
16 just starting with the top page, and I don't know how
17 you would more particularly identify these, but
18 starting with the top page, which seems to have some
19 writing on it, tell us what this information portrays.

20 OFFICER LAZO: We're getting dispatched to a
21 fight or we put ourselves out with a fight. It was
22 myself and my partner, Sarah Poka. It shows that
23 there was an arrest made, and the disposition was a
24 C1, which means there was an arrest.

25 MR. SCHRIMPF: Okay. So in the line where

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1 it says 30411 clear, do you see that?
2 OFFICER LAZO: Yes.
3 MR. SCHRIMPF: 242BE, what does that stand
4 for?
5 OFFICER LAZO: That's my squad.
6 MR. SCHRIMPF: So that's you?
7 OFFICER LAZO: Yes.
8 MR. SCHRIMPF: And disposition is C1, which
9 would mean?
10 OFFICER LAZO: There was an arrest made.
11 MR. SCHRIMPF: And this was somebody who was
12 fighting?
13 OFFICER LAZO: Outside a nightclub, yes.
14 MR. SCHRIMPF: And what was the date of this
15 incident, can you tell that from this document?
16 OFFICER LAZO: Yes. February 20th.
17 MR. SCHRIMPF: February 20th of what year?
18 OFFICER LAZO: 2005.
19 MR. SCHRIMPF: Where do you see that?
20 OFFICER LAZO: Actually, it's right on the
21 top.
22 MR. SCHRIMPF: I see. Okay. In the little
23 box?
24 OFFICER LAZO: Yes.
25 MR. SCHRIMPF: Does it indicate who called

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1 on this particular occasion?

2 OFFICER LAZO: It looks like myself and my
3 partner put it out. We were monitoring the nightclub,
4 and a fight broke out that we witnessed.

5 MR. SCHRIMPF: With respect to the writing
6 that appears on the document, do you know how that got
7 there?

8 OFFICER LAZO: The writing? Those are my
9 notes.

10 MR. SCHRIMPF: So you made those?

11 OFFICER LAZO: Yes.

12 MR. SCHRIMPF: As to the second document,
13 please tell us what this is.

14 OFFICER LAZO: Trouble with subject. 218 is
15 getting dispatched and the caller states that Passions
16 club is letting out and the crowd is getting out of
17 control, not moving, blocking streets, no further
18 information.

19 MR. SCHRIMPF: And how did this call come to
20 your attention?

21 OFFICER LAZO: This was a dispatch. Someone
22 called, it looks like security officer is calling, and
23 they're calling in a trouble with subject at this
24 location.

25 MR. SCHRIMPF: And a security officer could

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1 have been a security officer actually employed by the
2 bar?

3 OFFICER LAZO: Could have been.

4 MR. SCHRIMPF: And from this document, are
5 you able to tell what the disposition of the call was?

6 OFFICER LAZO: Yes. 23R, looks like they
7 went on the air and said that they're talking to
8 security, nothing's going on, and they have C10,
9 meaning that they advised it.

10 MR. SCHRIMPF: So they advised, and that
11 simply means they were talking to the security people?

12 OFFICER LAZO: They talked to the security,
13 they probably weren't able to find other subjects, so
14 they C10'ed it.

15 MR. SCHRIMPF: As to the third document,
16 which I believe in the upper left-hand corner, I see
17 the numbers 050580157. Does that help identify what
18 this is?

19 OFFICER LAZO: I'm sorry, where do you see
20 that?

21 MR. SCHRIMPF: It says police call in upper
22 left-hand corner.

23 OFFICER LAZO: That's the police call. If
24 you're looking for a specific incident and you have
25 that number, you can punch that in, and this one

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1 incident will come up in the computer.
2 MR. SCHRIMPF: And it will give you
3 everything regarding this?
4 OFFICER LAZO: Just this specific one.
5 MR. SCHRIMPF: I see. What does that
6 document indicate?
7 OFFICER LAZO: This is an investigation. It
8 has myself, my partner, another squad monitoring club
9 Passions for closing.
10 MR. SCHRIMPF: And what, if anything,
11 occurred?
12 OFFICER LAZO: C18, we finished monitoring
13 the nightclub.
14 MR. SCHRIMPF: Does it show that anything
15 bad happened?
16 OFFICER LAZO: No, it does not.
17 MR. SCHRIMPF: So you were just monitoring
18 the club, and they closed, and that was that?
19 OFFICER LAZO: Correct.
20 MR. SCHRIMPF: As for the next page, police
21 call 050860081?
22 OFFICER LAZO: That's March 27, 2005,
23 trouble with subject. Caller states that the club is
24 about to close and some of the patrons are becoming
25 rowdie and combative with the security staff. So it

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1 was a dispatch call, the police arrived there, and
2 they C18'ed it, meaning that it was completed.

3 MR. SCHRIMPF: What does C15 mean?

4 OFFICER LAZO: C15 means that they could not
5 find the subjects.

6 MR. SCHRIMPF: But evidently the security
7 people from the club called and --

8 OFFICER LAZO: It looks like it was a Chris
9 from security, and it looks like it got a phone number
10 -- I'm not sure if this is an exact phone number from
11 the nightclub or not, if it's someone from inside the
12 nightclub that's calling.

13 MR. SCHRIMPF: Then police call 051280114.

14 OFFICER LAZO: We're monitoring the
15 nightclub again for closing, making sure that it
16 doesn't become a disorderly premise, so we're
17 monitoring. We put ourselves out there monitoring the
18 nightclub.

19 MR. SCHRIMPF: You were squad 242B?

20 OFFICER LAZO: Correct.

21 MR. SCHRIMPF: And apparently nothing
22 happened because --

23 OFFICER LAZO: We C18'ed it, meaning it was
24 complete.

25 MR. SCHRIMPF: As the police called

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1 053240080.

2 OFFICER LAZO: We have another call here
3 come from the Sheriff's Department, so obviously,
4 somebody called 911. It says that the location is
5 Passions, caller states there are subjects fighting
6 inside.

7 MR. SCHRIMPF: What does NFI stand for?

8 OFFICER LAZO: No further information. It
9 looks like it was advised.

10 MR. SCHRIMPF: So nobody was taken into
11 custody on this occasion?

12 OFFICER LAZO: No.

13 MR. SCHRIMPF: Does this normally indicate
14 that the fighters have left the scene?

15 OFFICER LAZO: Actually, this one leads to
16 another call, which is 11/20. I'm not sure if that's
17 the same day of the shooting. Somebody is calling
18 about the fight breaking inside. There's another
19 number on here, which links to another CAD system that
20 they link that together, so this is probably regarding
21 the shooting. I'm not sure if the shooting was on the
22 20th or not, November 20th, 2005.

23 MR. MAISTELMAN: Yeah, according to the
24 records.

25 OFFICER LAZO: Someone's calling in about

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1 the fight.

2 MR. MAISTELMAN: It's around the same time,
3 too.

4 OFFICER LAZO: This is probably the first
5 phone call we received for the shooting.

6 MR. SCHRIMPF: So this is related to the
7 shooting?

8 OFFICER LAZO: This is related to the
9 shooting.

10 MR. SCHRIMPF: Then police call 053290103?

11 OFFICER LAZO: Monitoring the tavern, they
12 put themselves out monitoring the tavern. And it
13 looks like they were preempted, and it was sent to a
14 different call.

15 MR. SCHRIMPF: So whatever was happening,
16 there was a higher priority call, and they left for
17 that?

18 OFFICER LAZO: Exactly.

19 MR. SCHRIMPF: That's all I have, Mr.

20 Chairman.

21 CHAIRMAN WITKOWIAK: Thank you. Counselor,
22 any questions?

23 MR. MAISTELMAN: I have no objection to
24 entering these into evidence. I do have a few quick
25 questions. Officer, thank you for your testimony. So

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1 this is over a year period?

2 OFFICER LAZO: Yes.

3 MR. MAISTELMAN: When is the time frame for
4 this?

5 OFFICER LAZO: A year. That's 2005.

6 MR. MAISTELMAN: Which is the only time that
7 the club's really been operating is last year; is that
8 correct?

9 OFFICER LAZO: We only printed out 2005.
10 There was previous calls, but we only took last
11 year's.

12 MR. MAISTELMAN: Of all the calls that
13 happened last year, these seven, there was only one
14 that you actually witnessed in here a fight taking
15 place; is that correct?

16 OFFICER LAZO: I believe so.

17 MR. MAISTELMAN: Is this an average of the
18 calls one would get in that district for the bars, or
19 is this a lot more than most clubs get in a year
20 period, in your experience?

21 OFFICER LAZO: I can't compare to the other
22 bars. This is the one that is being in question, so I
23 can't answer that. You're asking me to compare them
24 to different bars, and every bar has different
25 situations.

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1 MR. MAISTELMAN: What I want to know,
2 there's seven pages here of incidences -- which I was
3 actually expecting a heck of a lot more, given
4 everything that's happened -- and then when I look at
5 this, there's one fight that you witnessed, and then
6 there was, obviously, the shooting. I kind of want to
7 get an idea if most bars in that area, they'll get one
8 of these reports maybe once a year, seven is way too
9 many. I want to get that understanding, well, this
10 really isn't out of the ordinary or it really is out
11 of the ordinary because you notice Steny's, they'll
12 call the police once on Steny's or never on Steny's in
13 a given year.

14 OFFICER LAZO: I can't answer that because I
15 won't be at every single location, if there's a tavern
16 violation sent to at this time of violation, so I
17 won't be able to answer that.

18 MR. MAISTELMAN: All right. Thank you.

19 CHAIRMAN WITKOWIAK: Questions by members of
20 the committee? Thank you very much. We hope that you
21 would stay here for the remainder of the hearing in
22 case we need to call you back. Next person to
23 testify. And Alderman Bohl moves to make the CAD
24 reports part of the permanent record in this hearing,
25 and hearing no objections, so ordered.

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1 MR. GROSS: Good afternoon. My name is
2 Cliff Gross. I have a cabinet shop at 125 East
3 National, which is about two blocks north of the
4 Passion club.

5 First of all, the question of who sees
6 urination seems to be important to you, Counselor, so
7 I have seen public urinating at the corner of Barclay
8 and Washington among groups standing out in front of
9 Passion. There are no other bars around there, so my
10 presumption was as I drove by that that was from
11 Passions. I doubt that it was from George's. I might
12 offer to you that when you compare Passions to
13 Steny's, the closer bars to compare behavior to might
14 be George's, which is next door and The Boot Camp,
15 which is two blocks away, and Triangle Bar, which is
16 two blocks away. So those bars may be closer as a
17 test of what appropriate behavior is on Barclay
18 Street, not The Fire House, which is significantly
19 further away or Steny's.

20 Nevertheless, those are all quibbles. If
21 your getting a renewal to this license has something
22 to do with the business plan that you read to us a
23 little bit ago, then it seems to me that the business
24 plan or your new plan of action is really the most
25 salient part. First of all, I don't understand why or

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1 if you've spent -- if you or the management of that
2 bar has spent any time in the neighborhood to
3 categorize it as industrial in the sense of drop
4 forges and smokestack industries, it's preposterous
5 because there is no industry left there anymore. What
6 that is is a neighborhood in transition. As we speak
7 Andy Bussalachi is tearing Grady Foundry, he's putting
8 up offices on the back side of Barclay, he's also
9 invested humongous amount of money in the AP Green
10 building, which is only a half a block away. Bill
11 Krotzky I don't think is here, I don't know him, but I
12 spoke with him on the phone. He owns the building
13 across the street from Passion and can no longer get
14 his people to come down because of the shooting. He
15 wants to put in classy office space. And I'm in the
16 process of selling my building and buying a different
17 building a block south of Passion because I love that
18 neighborhood so much, but it has nothing to do with
19 industrial as in the old time Milwaukee industrial
20 stuff.

21 When I saw what I thought was odd behavior
22 for Barclay Street, based on my being there
23 four-and-a-half or five years, it was based on driving
24 around at all hours of the night. I drive with myself
25 and sometimes my wife comes down to the shop and

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1 sometimes late at night I even have clients, so for
2 you to say oh, it's industrial as if anybody can pee
3 anywhere and the fact that there are residents at some
4 other distance.

5 And you might wish to notice that the
6 junkyard across the street, which is immaculately
7 maintained as far as their office building, was busy
8 this summer doing environmental plantings along the
9 side of their building because the Mineral Pointe
10 Antique Center has gone in, and they've revived
11 that whole stretch. So that part of your business
12 plan has something to do with this is some kind of
13 industrial backwater and there aren't really people
14 around or humans, not to mention that the people who
15 operate the Triangle Bar live scarcely two blocks from
16 you, the people who operate The Boot Camp live
17 scarcely two blocks from you, and there's an 86-year-
18 old woman with her epileptic son that lives just down
19 the street, so there's humans around.

20 And no one needs to be subjected to unusual
21 and aggressive behavior, which your management there
22 has brought. For as long as I've been next to the
23 Triangle Bar, I never see their guys. As long as I've
24 been next to The Boot Camp, I never see them. Rain
25 has an exuberant and noisy crowd, but when I drive by,

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1 they look at me and go oh, geezer, go on, pass on,
2 pass on. When I come to your corner, it's hostile.
3 There's people that walk from the -- this is this past
4 summer -- people that walk from the middle of the
5 intersection -- why are they standing there -- towards
6 my car. Why would they do that? What would be the
7 point of that? What kind of rational behavior is
8 that? So that you've attracted that, that bar has
9 brought that to that neighborhood.

10 But still, another part of your plan that
11 was exotic, I thought, was that when you start
12 crowding up with more than 10 people, security will
13 come and chase them away. I find that preposterous.
14 How many security people are you going to have to
15 escort how many people to how many cars, and what
16 are you going to do exactly to return them where? So
17 if you're trying to attract that type of turn-away
18 crowd as a standard feature of your business, then how
19 are you going to deal with it? You're going to like
20 tell them to go back to their cars? So that's a
21 little murky. Maybe you could read that again.

22 And most importantly, if the ownership of
23 this bar in my opinion -- these are nice people, and
24 they work for the bar owner -- but if he didn't want
25 to invest the money at the get-go but now he's

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1 investing the money, I would say where's he going to
2 get it from? Because to do that renovation of the
3 beer garden, that thing's a wreck back there. So to
4 do the renovation is going to cost 20, 30, \$40,000 at
5 the minimum, so now he's going to borrow it? If he
6 had the money in his own pocket to begin with, why not
7 invest it at the beginning? This all seems like
8 feeble remediation.

9 Lastly, another part of your plan I really
10 don't like is I have to come here now cutting time out
11 of my scheduled to act on this, to voice my opinion,
12 but now you want another neighborhood meeting. You're
13 not part of the neighborhood, you don't know any of
14 these people. Your management hasn't spent any time
15 in the last two years going up and down the street
16 schmoozing, meeting who's who. You don't know who
17 Adrienne is, you don't know who Rain is. All those
18 people live there, they're there.

19 I'm there 12 hours. I'm not a resident, but
20 I'm there. So parts of the plan strike me as being
21 intelligent but not practical from a business point of
22 view because you're going to throw money at a problem
23 after, after it's out, after the horse is out of the
24 barn, so to speak. So unless I've misunderstood some
25 of those points, how is that going to change the fact

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1 that the management was inept for two years? It's
2 still the same management. If he didn't know that
3 there was going to be an attraction of aggressive
4 people through hip-hop music at the beginning, now
5 we're suppose to be now, he's smart, now, it'll be
6 different now.

7 It's pretty obvious if you select that type
8 of music that there would be some kind of potentially
9 aggressive crowd. But if your view of it was that it
10 was just because it was an industrial neighborhood it
11 wouldn't be noticed, it's noticed, we notice.
12 The industrial people that you would call industrial
13 because kind of dumb-looking buildings and they just
14 sit there, we notice the behavior because we come back
15 first thing in the morning at 6:00 and have to clear
16 up the beer bottles and have to clear up all the
17 broken glass and have to pick up the crunched side
18 fenders, so our remediation of bar owners' behavior is
19 just ongoing.

20 CHAIRMAN WITKOWIAK: Thank you, Mr. Gross.
21 Do you have any questions?

22 MR. MAISTELMAN: Just one.

23 MR. GROSS: Shoot.

24 MR. MAISTELMAN: I think Alderman Witkowiak
25 asked people when they came up where they resided.

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1 MR. GROSS: No, no, no. That's why I'm
2 here. I don't have any grounds to --

3 MR. MAISTELMAN: Where do you reside?

4 MR. GROSS: I live at 5805 South 39th
5 Street.

6 MR. MAISTELMAN: How many blocks away is
7 that from here?

8 MR. GROSS: You don't know where 5800 South
9 is relative to that bar, and you're presenting a
10 business plan? I live 5800 South.

11 MR. MAISTELMAN: Mr. Witkowiak.

12 CHAIRMAN WITKOWIAK: He clarified himself
13 when he came here, he said that he has his shop two
14 blocks away, he spends 12 hours a day there, drives up
15 and down the neighborhood for various reasons because
16 he's there 12 hours a day, and that's when he
17 witnessed public urination, and as far as I'm
18 concerned, that's fine with me.

19 MR. GROSS: I was told I couldn't say
20 anything unless you're right there, unless you have a
21 reason, that you're close to the neighborhood. It's
22 not hearsay.

23 MR. MAISTELMAN: You stated you witnessed
24 urination, correct?

25 MR. GROSS: Sure.

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1 MR. MAISTELMAN: When?

2 MR. GROSS: This for normal people is not
3 something I write down on calendars. It was this
4 summer, it would have been a Friday or a Saturday, it
5 would have been in the middle of the summer when it
6 was warm. And that's about as close as I'm going to
7 be able to get for you because it's not exactly a red
8 letter day for me.

9 MR. MAISTELMAN: So you saw it once?

10 MR. GROSS: Once, once is a good statement.
11 But the other --

12 MR. MAISTELMAN: That's fine. I'm asking
13 questions.

14 MR. GROSS: The milling and aggressive
15 crowds I was party to three times.

16 MR. MAISTELMAN: You said unusual and
17 aggressive behavior.

18 MR. GROSS: Aggressive, yes.

19 MR. MAISTELMAN: You said unusual and
20 aggressive behavior.

21 MR. GROSS: Unusually aggressive, yes, yes.
22 When people stand in the middle of the street and walk
23 towards you at night on Barclay Street, by my
24 definition of having been there for four-and-a-half
25 years, that's unusual and aggressive, yes.

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1 MR. MAISTELMAN: When did this take place?

2 MR. GROSS: This would be exactly the same
3 answer I just gave you because I don't write it down.
4 It's in the middle of the summer, Friday or Saturday
5 night late. That's as close as I'm going to get on
6 that because I don't write it all down. I think it
7 would be preposterous to go back and put that in the
8 day planner.

9 MR. MAISTELMAN: It's important. You're
10 testifying today under oath that you've witnessed
11 certain things, and you're objecting based upon that,
12 and I'd like to know exactly when you saw it and what
13 you saw.

14 MR. GROSS: Yeah. Had I known that that
15 would be critical, I would have kept a better record,
16 and I'm sorry. So if you need to discount it, let's
17 just discount that and work on your inept business
18 plan, please. I mean, you know --

19 MR. MAISTELMAN: Mr. Witkowiak, I would ask
20 you to ask the witness to act in --

21 MR. GROSS: If it needs that kind of date
22 stamp on it, I agree, because now it's hearsay, even
23 though I actually reside -- or I actually have my
24 business there, it's not good enough. Okay, that's
25 fine. I should have date stamped it.

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1 CHAIRMAN WITKOWIAK: Are there any questions
2 by members of the committee of this witness? Thank
3 you very much.

4 MR. GROSS: Thank you.

5 ALDERMAN WADE: Mr. Chair. I think the
6 attorney had asked a question, and I don't know if he
7 accurately answered the question.

8 MR. GROSS: I'm sorry.

9 ALDERMAN WADE: Maybe he did, and maybe I'm
10 just not following. But you asked him a question
11 about the unusual behavior and aggressive behavior.
12 Did he answer that?

13 MR. GROSS: Should I demonstrate it?

14 ALDERMAN WADE: Can I talk to him, please?
15 Let me talk to who I want to talk to.

16 MR. GROSS: I didn't understand. I thought
17 you were talking to me.

18 ALDERMAN WADE: I know who you are, I know
19 you name, I will address you. I'm addressing this
20 gentleman. And you can get out of hand with him, but
21 you're not going to be getting out of hand with me.
22 Let me talk to who I want to talk to. Thank you. Did
23 he properly answer your question?

24 MR. MAISTELMAN: Not to the extent that I
25 really wanted. He said something about they walked in

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1 the middle of the street or something. I guess we
2 could have some clarification since there was a lot
3 going on, and maybe some members of the committee --

4 ALDERMAN WADE: Are you satisfied with that
5 answer? I thought it was vague, but if you're
6 satisfied with that answer, that's fine with me.

7 MR. GROSS: May I be clearer? Is that okay?

8 MR. MAISTELMAN: That's what I'd like.

9 MR. GROSS: What I define as unusually
10 aggressive behavior would be people standing in the
11 middle of Barclay Street at night walking towards me.
12 I have to stop on Barclay Street at Washington when
13 I'm going south, so I have to stop. So if I stop,
14 they stand in the middle of the street, and then they
15 walk towards me as a part of normal behavior. Am I
16 being vague on that? Why would somebody do that? And
17 it stuck out in my mind because it wasn't just once,
18 but it was twice, two different episodes.

19 CHAIRMAN WITKOWIAK: Let me ask you a
20 question.

21 MR. GROSS: Sure.

22 CHAIRMAN WITKOWIAK: Would you consider that
23 in the normal course of them crossing the street, or
24 would you consider that in the light of getting in
25 your face?

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1 MR. GROSS: Yes. It was during milling,
2 during spilling out in front of Passion at the corner,
3 spilling out to the middle, and then it had very
4 little to do with crossing the street, because, as the
5 attorney has said, across the street is only an empty
6 lot, across the street to the west is only an empty
7 lot, basically.

8 ALDERMAN WADE: I think what he asked was
9 a legitimate question, and I think your answer was a
10 legitimate answer, but before this I wasn't clear on
11 what it was.

12 ALDERMAN PUENTE: Mr. Gross, when you had
13 these three encounters, was there any physical or
14 verbal altercation?

15 MR. GROSS: No.

16 ALDERMAN PUENTE: Thank you.

17 MR. MAISTELMAN: This was after bar closing,
18 correct?

19 MR. GROSS: No, no. I don't stay out that
20 late. It would have been in the 9:00 to 10:30 range,
21 something in there.

22 MR. MAISTELMAN: Thank you.

23 CHAIRMAN WITKOWIAK: Next person, please.

24 MR. PECK: My name is Curtis Peck. I reside
25 at 1108 South 1st Street, which is a residence. I

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1 don't have any kind of industrial things around where
2 I live.

3 CHAIRMAN WITKOWIAK: How far away is that
4 from Passions?

5 MR. PECK: It is one block west.

6 CHAIRMAN WITKOWIAK: Thank you.

7 MR. PECK: I have two tenants, two rental
8 units that I'm also responsible for. I have great
9 concerns for my well-being, my family -- Well, the
10 residents and business owners have greatly improved
11 the properties and the way of life. This took many,
12 many years to improve the reputation of this
13 neighborhood, and all it takes is a couple of
14 instances to reverse the good fortunes we have worked
15 so hard to accomplish.

16 I have lived there for 18 years. I've seen
17 the good that is being accomplished with this
18 neighborhood. Passions takes us in the opposite
19 direction. So I am asking that the license renewal be
20 denied.

21 CHAIRMAN WITKOWIAK: Thank you very much.
22 Do you have any questions of this witness?

23 MR. MAISTELMAN: Yes. Do you have any
24 firsthand knowledge of witnessing?

25 MR. PECK: Witnessing congregation or groups

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1 of people just hanging around hanging out outside.

2 MR. MAISTELMAN: Were they committing any
3 crimes, though?

4 MR. PECK: Loitering.

5 MR. MAISTELMAN: No further questions.

6 CHAIRMAN WITKOWIAK: Any questions by
7 members of the committee? Thank you. Next person to
8 testify.

9 MR. MAISTELMAN: I'm sorry. Could you
10 describe the people that were loitering. What did
11 they look like?

12 MR. PECK: Just groups of people. I don't
13 know.

14 MR. MAISTELMAN: Business suits?

15 MR. PECK: No.

16 MR. MAISTELMAN: Can you describe them?

17 MR. PECK: I'm not sure if you want me to
18 identify all of them.

19 MR. MAISTELMAN: It was a group of people.

20 MR. PECK: Just groups of people, when I
21 drive by, I see groups of people standing around in
22 the street on the corner. Do I go up and look at
23 their faces and make a mental note? No. Groups of
24 people, that's all.

25 MR. MAISTELMAN: What were they wearing?

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1 MR. PECK: Coats, clothes.
2 MR. MAISTELMAN: And you know that they were
3 with Passions?
4 MR. PECK: There is nothing else down there.
5 MR. MAISTELMAN: Well, there's residences
6 down there, I thought.
7 MR. PECK: Yes, on 1st Street. When they're
8 standing right outside of Passions, it kind of makes
9 me think that they're patrons of Passions.
10 MR. MAISTELMAN: Were these white Anglo-
11 Americans?
12 MR. PECK: I don't understand what you're
13 trying to get at.
14 MR. MAISTELMAN: I'm trying to figure out
15 what kind of people --
16 MR. PECK: They were the clientele of
17 Passions.
18 MR. MAISTELMAN: Which are what?
19 MR. PECK: Which are human beings. Don't
20 try and turn this in a different direction, Attorney.
21 MR. MAISTELMAN: You're talking about seeing
22 groups of people, and I'm just kind of curious who
23 they are that you seem to be so concerned about.
24 MR. PECK: Mr. Alderman, this is going
25 nowhere.

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1 CHAIRMAN WITKOWIAK: Thank you for your
2 testimony. Next person to testify, please.

3 MR. QUIGLEY: My name is doug Quigley. I
4 live at 1108 South 1st Street. I was here for the
5 last testimony, and I just wanted to read just a
6 brief.

7 The extensive police calls to this operation
8 for the short period of time it has run should be
9 enough to decide the matter. Many things that have
10 happened since Passion opened are related and have not
11 been reported. Things that have never happened in
12 relationship to my neighborhood that have never
13 happened before Passion opened: I've never had to
14 pick shells up off a curb, I've never had -- gunshot
15 shells -- I've never had a windshield smashed in on
16 Washington Street less than a block away from Passion,
17 I've never before seen crowds lining outside that club
18 at night, heavy vehicle traffic on Washington Street
19 past my home with loud, thumping music, and late at
20 night.

21 The neighborhood is not just a place to make
22 a buck. We live here, play here, and work here. It's
23 gotten hard to convince my family, friends, and
24 customers of safety when I'm not convinced myself. My
25 brother, an ex-Milwaukee police detective, said we

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1 shouldn't have to be here testifying with the police
2 record that this place has. None of you committee
3 members, Aldermen, would accept this record in your
4 district and neither with would your constituents.

5 I have a deep lot. My tenants live less
6 than a block away from this tavern. This is their
7 home, and it's my home. And it is a home, it is a
8 residence.

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

11 MR. MAISTELMAN: Sir, you talk about the
12 extensive police calls; is that correct?

13 MR. QUIGLEY: Right.

14 MR. MAISTELMAN: Did you hear the testimony
15 of the police officer testimony today about those
16 calls, about the ones that she talked about? I
17 believe that there were seven in a 365 day time frame.
18 Did you hear those?

19 MR. QUIGLEY: Yeah. And I read the ones in
20 the paper about the multiple shootings, yes.

21 MR. MAISTELMAN: Objection. Those are not
22 the police records that were put into evidence today.

23 MR. QUIGLEY: But they are on record here,
24 they're part of the testimony.

25 MR. MAISTELMAN: I don't believe they are.

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1 MR. QUIGLEY: I was here last time. They
2 are part of the testimony. They were presented.

3 MR. MAISTELMAN: You referenced numerous
4 police calls. The police calls that we had the police
5 officer testify to today are the calls to this
6 address, it's my understanding. Correct me if I'm
7 wrong.

8 CHAIRMAN WITKOWIAK: Yes.

9 MR. MAISTELMAN: So I'm just trying to
10 understand if you're referring to the seven calls
11 here, are these extensive? Do you think that these
12 seven are extensive, yes or no?

13 MR. QUIGLEY: I think so.

14 MR. MAISTELMAN: Thank you.

15 MR. QUIGLEY: And I also think that the
16 multiple shootings constitute extensive, also.

17 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

18 MR. SCHRIMPF: Thank you. From your
19 testimony, Mr. Quigley, I'm a little bit confused, and
20 I just want to nail it down. You referenced music
21 from -- actually, thumping music from cars that drive
22 by.

23 MR. QUIGLEY: Washington Street has
24 traditionally been very quiet. It's not anymore.

25 MR. SCHRIMPF: Are you in a position to be

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1 able to say if these cars -- I take it you're
2 complaining about loud music coming from cars late at
3 night; am I right?
4 MR. QUIGLEY: Yes, yes.
5 MR. SCHRIMPF: And does this disturb you?
6 MR. QUIGLEY: Yeah. It doesn't make me
7 happy.
8 MR. SCHRIMPF: Some people it wouldn't.
9 I'm trying to figure out if it disturbs you.
10 MR. QUIGLEY: Yes.
11 MR. SCHRIMPF: And do you know if these cars
12 are associated with patrons of Passions?
13 MR. QUIGLEY: Yes. I walk my dog around the
14 block. Yes.
15 MR. SCHRIMPF: So you have seen the people
16 in these cars either exit or go to Passions?
17 MR. QUIGLEY: If they're parked in front of
18 the bar and leave the bar and head west, yes, I would
19 assume they are customers of Passion.
20 MS. WOJNICZ: That's not true.
21 MR. SCHRIMPF: And have you seen this?
22 MR. QUIGLEY: Yes.
23 MR. SCHRIMPF: How frequently do you see
24 that?
25 MR. QUIGLEY: During the summer, I saw it

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1 fairly often.
2 MR. SCHRIMPF: What's fairly often, once a
3 week, once a month, twice a month?
4 MR. QUIGLEY: Once a week.
5 MR. SCHRIMPF: Was there a particular night
6 that you saw it more than any other night, like a
7 Friday or a Saturday?
8 MR. QUIGLEY: I would have to guess
9 weekends.
10 MR. SCHRIMPF: You were talking about
11 picking up shells, and you specifically referenced gun
12 shells.
13 MR. QUIGLEY: Yes.
14 MR. SCHRIMPF: Were these shotgun shells?
15 MR. QUIGLEY: The one in front of my
16 building was just a slug, so I don't know what caliber
17 it was, but the ones in front of AAA Sign, they were
18 gun shells.
19 MR. SCHRIMPF: Do you know how those shells
20 got there?
21 MR. QUIGLEY: A gun had been fired.
22 MR. SCHRIMPF: Have you ever heard what you
23 believe to be gunfire at night?
24 MR. QUIGLEY: No.
25 MR. SCHRIMPF: So you cannot, I take it for

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1 purposes of this proceeding, you cannot link up those
2 particular shells with the discharge of a firearm that
3 disturbed you at any particular time?

4 MR. QUIGLEY: No, I can't.

5 MR. SCHRIMPF: That's all I have. Thank
6 you, Mr. Chairman.

7 CHAIRMAN WITKOWIAK: Thank you. Any other
8 questions by member of the committee? Thank you for
9 your testimony. Next witness, please.

10 MR. DIRTZ: I'm Tim Dirtz. I have a
11 business Lava Java Espresso Bar on 1100 South 1st
12 Street and also a member of the 5th Ward Development,
13 which does development in the area. I'm here to
14 protest in reference to them getting this license.

15 Since they've opened, we've renovated Lava
16 Java Espresso Bar, and we've put in a tremendous
17 amount of effort to bring back that neighborhood and
18 do something positive for that neighborhood, and we
19 redid the rooming houses, turning those into loft
20 apartments. We fully leased them up when we opened up
21 the coffee shop, and as a direct result to the
22 shootings, we lost three of the four tenants. They no
23 longer feel safe in the neighborhood. They gave us
24 notice, they said keep the security deposit, we don't
25 feel safe here, and we lost three of the four that

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1 way.

2 So we've seen a dramatic change in the
3 neighborhood over the last year. It's very apparent
4 to people that are there daily. And with the coffee
5 shop in mind, we have customers that say, well, we saw
6 the shootings down the street from you guys, how does
7 it affect your business? Well, it has a major effect
8 on our business. People are afraid, people think that
9 it's regressing, it's getting back to the point where
10 people are afraid to come down to our establishment.
11 So this business has had a direct effect on my
12 business in a number of different ways, and it's
13 pushing that neighborhood in a very negative
14 direction.

15 So that's all I really have to say. It's
16 just straightforward and blunt. It's a very negative
17 environment. And I'm all for businesses coming to
18 that neighborhood, we need it tremendously, however,
19 this type of establishment is not what we need.

20 And secondly, initially when they came to
21 bring in the bar, I talked to the owner of the
22 building, and they were going to do blues at that
23 point, and somewhere along the line they decided that
24 that wasn't working and switched to hip-hop. So I
25 don't know if that's going to happen again, but I just

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1 urge you to think this over and think of it very
2 seriously. There's a lot of people that want to do
3 good in this community, and what they're trying to do
4 or what they're doing there is not positive. That's
5 all I have to say.

6 CHAIRMAN WITKOWIAK: Thank you, Tim. How
7 far is Lava Java from Passions?

8 MR. DIRTZ: We are less than a block. We're
9 on the corner.

10 CHAIRMAN WITKOWIAK: Now, just so I can set
11 the stage for the rest of this meeting, there's going
12 to be no personal attacks going on from either side
13 back and forth. When I say stop, I mean stop. I
14 don't want anybody yelling, I don't want anybody
15 talking out of turn. We're going to run this meeting
16 well disciplined. I don't want anybody getting out of
17 hand. If I feel a question has been answered
18 adequately, I'm going to say it's been answered
19 adequately, and that's that. You're not going to make
20 a circus out of this. Do you have any questions of
21 this witness? Alderman Wade.

22 ALDERMAN WADE: This is your first
23 testimony, right? You didn't testify last time,
24 right?

25 MR. DIRTZ: Correct.

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1 ALDERMAN WADE: Why didn't you come last
2 time?

3 MR. DIRTZ: I didn't get notice, I didn't
4 physically get it. It could have been one of the
5 employees of the coffee shop didn't put it in my
6 mailbox or something of that nature, but I very much
7 would have been here if I would have known about it.

8 ALDERMAN WADE: Do you sell alcohol at your
9 establishment?

10 MR. DIRTZ: Yes, we do.

11 ALDERMAN WADE: Are you open at nighttime?

12 MR. DIRTZ: No. We close at 6:00.

13 ALDERMAN WADE: You close at 6:00 in the
14 evening?

15 MR. DIRTZ: Correct.

16 MR. MAISTELMAN: Thank you for being here.
17 Actually, I've been at your establishment, and I like
18 it. Although I was there for an evening event, we
19 were drinking. Really great apple martinis you guys
20 were making, and it was late in the evening, and they
21 were good.

22 MR. DIRTZ: Gallery nights, special
23 occasions, and we did start off being open later in
24 the beginning.

25 MR. MAISTELMAN: Have you seen anything

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1 firsthand, any crimes being committed, problems that
2 you can accurately attribute to Passions?

3 MR. DIRTZ: I have not seen anything
4 firsthand.

5 MR. MAISTELMAN: Thank you.

6 CHAIRMAN WITKOWIAK: Further questions by
7 member of the committee? Thank you for your
8 testimony. Next witness, please.

9 MR. FOX: My name is Jason Fox. I'm also
10 part owner in Lava Java and 5th Ward Development, so
11 I'll keep my testimony short, as well.

12 I'm opposed to the license for several
13 things my business partner has said. One thing I'd
14 like to add is that our employees that we've had in
15 the coffee shop, it's been very difficult to keep them
16 because they have not felt safe coming to that
17 neighborhood. They hear about the things that happen,
18 and they just don't feel safe coming there very early
19 in the morning to open up the store or to stay late at
20 night after dark. I don't think it's fair to them or
21 to us, because we're trying to run a quality
22 establishment, as well, and provide a good service.
23 So that's all I have.

24 CHAIRMAN WITKOWIAK: Questions of this
25 witness?

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1 MR. MAISTELMAN: You've got great martinis.
2 Have you seen anything firsthand?

3 MR. FOX: No, I have not.

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

7 MR. KRATZKI: William Kratzki, 1100 South
8 Barclay, across the street from -- I'm about 100 feet
9 from their building.

10 CHAIRMAN WITKOWIAK: Do you reside there or
11 just work there?

12 MR. KRATZKI: No. I work there.

13 CHAIRMAN WITKOWIAK: You own the building?

14 MR. KRATZKI: I own the building.

15 CHAIRMAN WITKOWIAK: And your testimony?

16 MR. KRATZKI: One of my tenants didn't feel
17 safe in the neighborhood anymore, they left. It's a
18 warehouse, 20,000 square feet. But when you lose one
19 tenant, you lose \$4,000 a month income.

20 I have never witnessed any actual events
21 going on down there. I have picked up beer bottles
22 and stuff like that when it was Fannie's before then.
23 I've been down there almost a decade. When these
24 people came in, the area did take a big turn for the
25 worse. I don't have employees going down there at

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1 night anymore because they don't feel safe.

2 I mean, I've got a whole building. I'd like
3 to be able to use it any time I would like. I don't
4 want to have to say, well, it's after 5:00, don't go
5 down there anymore. It's just not worth getting shot
6 over or something like that. I know the owners aren't
7 the ones discharging firearms -- I'm going to make a
8 distinction between getting shot and discharging a
9 firearm -- but the people that they're bringing in
10 are, and those are the people that we don't want in
11 the neighborhood.

12 I'm sure they can run a great business, but
13 maybe they can find another location for it, but what
14 they're doing in that neighborhood is not working, and
15 we just have to close the books on this thing and move
16 on. Even the landlord is saying, well, they want to
17 give them one more chance. I think they've struck out
18 already.

19 CHAIRMAN WITKOWIAK: Thank you. Counselor,
20 do you have any questions?

21 MR. MAISTELMAN: What kind of business do
22 you have out there?

23 MR. KRATZKI: We do like ornamental iron
24 like benches you see like if you drive along North
25 Avenue, those wrought iron benches and stuff are built

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1 there.

2 MR. MAISTELMAN: How would you describe that
3 area where your business is, where Passions is?

4 MR. KRATZKI: It's a mixed use. Passions,
5 Rain, which is down the street, I know one of the
6 owners lives across the street, there are some homes
7 around there, but there are a lot of -- there are also
8 two salvage yards. But the idea that somebody may be
9 living there or working there, I mean shot is shot.
10 If somebody doesn't want to go down there, where do
11 they spend some of their time? They spend some of
12 their time at work and some of their time at home.

13 I don't live down there, but I do own a
14 business down there, and I want to be able to go down
15 there at 11:00 at night if I have to pick up a piece
16 of equipment or something and take it somewhere else
17 or if I need it the next morning. I don't want to
18 have to say I better wait until morning because
19 Passions is open.

20 MR. MAISTELMAN: Thank you.

21 CHAIRMAN WITKOWIAK: Any further questions
22 of this witness?

23 MR. MAISTELMAN: No.

24 CHAIRMAN WITKOWIAK: Questions by members of
25 committee? Next witness, please. Anyone else to

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1 testify in opposition to the renewal of this license?
2 Is there anyone here to testify in support of this
3 license other than the people sitting at the table?
4 Would you please come forth one at a time here. Have
5 you all been sworn in?

6 (Whereupon, speakers in support were duly
7 affirmed.)

8 CHAIRMAN WITKOWIAK: Name and address for
9 record.

10 MS. KOLEN: Mary Kolen, 2069 Cambridge
11 Avenue.

12 CHAIRMAN WITKOWIAK: You do not live in the
13 neighborhood; is that correct?

14 MS. KOLEN: No.

15 CHAIRMAN WITKOWIAK: Your testimony, please.

16 MS. KOLEN: I've been to Passions several
17 times, and I haven't seen any urinating around, I
18 haven't seen loitering. Usually the people that come
19 there, they don't park -- they park either in the
20 parking lot or on the side streets, because they don't
21 want to walk that far to go to a club or whatever.

22 I was there for one of the shootings, and
23 there was a fight that broke out out by the club, and
24 the shooting did happen outside the club.

25 Basically, it's a safe environment. A lot

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1 of my college friends do go there to have a martini or
2 drink, and I've been to several fraternity parties
3 there and never witnessed really any loud music or
4 anything negative there.

5 CHAIRMAN WITKOWIAK: Thank you. Counselor,
6 any questions of this witness?

7 MR. MAISTELMAN: You've heard some of the
8 testimony about people walking up to cars on the
9 street. When you were there, did you ever witness
10 loitering or people harassing the public or anything
11 like that?

12 MS. KOLEN: No. Usually when I park, I park
13 close to Rain, and there's a lot of young people
14 around there looking for parking and walking around
15 the neighborhood drunk and stuff but not at Passions.

16 MR. MAISTELMAN: Do you know if people go
17 back and forth to both bars, to Rain add Passions?

18 MS. KOLEN: Yes. They go back and forth to
19 that club, to that club back and forth.

20 MR. MAISTELMAN: Did you say you were a
21 student?

22 MS. KOLEN: Yes.

23 MR. MAISTELMAN: Where do you go to school?

24 MS. KOLEN: University of Wisconsin -
25 Milwaukee.

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1 MR. MAISTELMAN: Thank you.

2 CHAIRMAN WITKOWIAK: Questions by members of
3 the committee? Thank you for your testimony. Next
4 witness, please.

5 MR. FLORES: My name is Sergio Flores, and I
6 live at 1034 South 4th Street, right on the corner of
7 4th and Washington.

8 I probably go there maybe twice a month. I
9 haven't seen any aggressive fights or anything.
10 Everybody's pretty friendly there. And I don't have
11 any complaints. I've been there -- I own my home.
12 I've been there 15 years, and I haven't had any
13 problems at all. Only problems I've known is when the
14 bars like Steny's and them guys have block parties,
15 and they start -- I witnessed them guys. You should
16 know about that. That's the only thing I've
17 witnessed, some guys at block parties in my
18 neighborhood because I'm five blocks from them.

19 I have three sons, and I'm not -- Our
20 neighborhood is safe. It's never been -- I don't
21 know why they're pointing that their club is unsafe
22 and it's bad for the neighborhood. It's not. There's
23 other bars there. Rain is right down the street from
24 them, and their crowd is way worse. I've been at
25 Rain, too, and their crowd is just unreal. They have

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1 people from Chicago coming down there.

2 Everybody should just work together.

3 Everybody just trying to make money, you know. And I
4 don't think it's fair, other people especially if they
5 don't live there, even they though own a business, but
6 they don't actually live there. They have to live in
7 the neighborhood to actually find out how the
8 neighborhood actually is. They got to try it out one
9 time, be one of us for that many years, because I know
10 because I've been there 15 years.

11 CHAIRMAN WITKOWIAK: Questions of this
12 witness?

13 MR. MAISTELMAN: How far do you live from
14 some of other neighbors? Do you recognize any of your
15 neighbors here?

16 MR. FLORES: She had just left, actually.
17 She's actually the head of the neighborhood watch.
18 She's actually a block away from me.

19 MR. MAISTELMAN: Jackie?

20 MR. FLORES: Yeah. She just walked out as
21 soon as I got up.

22 MR. MAISTELMAN: You've gone to Passions?

23 MR. FLORES: (Witness nods.)

24 MR. MAISTELMAN: You've been around in the
25 evening to watch the conduct and the behavior?

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1 MR. FLORES: Oh, yeah. I've been there 2:00
2 in the morning, 1:30. I witnessed one time -- Me and
3 my friend used to go out on Friday nights, and we were
4 at Rain one time, and at 1:30 you see kids out there
5 24, 25, gang signs and doing that, but at Passions
6 there isn't anything like that. You go there with
7 your friend, you drink, you have a good time, and
8 that's it.

9 MR. MAISTELMAN: Are there any other
10 establishments in that area?

11 MR. FLORES: Oh, yeah. You got Steny's, you
12 got Fire House, you got Rain, you got a couple other
13 bars right down the street from Passion. But it can
14 happen anywhere. 2:00, 3:00 in the morning, you don't
15 know what -- you don't go up to the guy and ask him
16 hey, what bar are you from when they're urinating on
17 the street. You know what bar it can be from, it can
18 be from Steny's, it could be from Fire House, it could
19 be from anybody.

20 It just seems like everybody is pointing the
21 finger at Passion, just Passion this, Passion that,
22 Passion this. Or a group of people, I heard one guy
23 said that there was a group of people on Barclay and
24 Washington. How do you know it wasn't the people from
25 Rain? How do you know exactly what group they're

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1 from? Were they blacks, were they whites, Hispanics?
2 He didn't say, he didn't answer the question. For me,
3 I feel he didn't answer the question right when he
4 asked what nationality were they, were they white,
5 black, Hispanic. He didn't say that, he just said a
6 group of people.

7 CHAIRMAN WITKOWIAK: You're rambling on now.
8 You're referring to something that's not pertinent.

9 MR. FLORES: I'm just saying it's been good.
10 I think you guys should renew their license. I rent
11 five block away from him, and I've been there 15
12 years.

13 CHAIRMAN WITKOWIAK: Any other questions of
14 this witness?

15 MR. MAISTELMAN: No.

16 CHAIRMAN WITKOWIAK: Questions by members of
17 the committee of this witness?

18 ALDERMAN WADE: Yeah, I got one, Mr. Chair.
19 You say you do go to Rain and Passions. Do you attend
20 any of those other bars?

21 MR. FLORES: Yes. Steny's, Fire House.

22 ALDERMAN WADE: You just do the whole
23 circuit?

24 MR. FLORES: Yeah.

25 ALDERMAN WADE: Since you do the whole

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1 circuit, how would you classify the problematic
2 situation at Passions or Rain? How would you classify
3 them as far as the differences in the bar and the
4 clientele?

5 MR. FLORES: The differences on how it is
6 come to bar close, you mean?

7 ALDERMAN WADE: Just in general, the type of
8 crowd, the rowdiness.

9 MR. FLORES: It just depends. Passions got
10 more mature people kind of. I'm 35, so I haven't had
11 any problem at any other bars that I go to, but their
12 bar is pretty cool.

13 ALDERMAN WADE: Passions caters to an older
14 crowd?

15 MR. FLORES: Yeah, pretty much.

16 ALDERMAN WADE: And Rain caters to a younger
17 crowd?

18 MR. FLORES: Yeah.

19 ALDERMAN WADE: What about those other two
20 bars you mentioned?

21 MR. FLORES: Steny's and Fire House is
22 pretty mixed with the younger crowd and also older
23 crowd.

24 ALDERMAN WADE: Would you say that each one
25 of those bars are pretty integrated bars?

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1 MR. FLORES: Steny's not integrated as much
2 it used to be.

3 ALDERMAN WADE: So it's predominantly
4 Hispanic?

5 MR. FLORES: No. Steny's is predominantly
6 more white than there is Hispanics or blacks. Fire
7 House is more Hispanics than white.

8 ALDERMAN WADE: Fire House is more mixed?

9 MR. FLORES: Um-hum.

10 ALDERMAN WADE: What about Rain and
11 Passions?

12 MR. FLORES: Rain and Passion are also the
13 same, they're integrated.

14 ALDERMAN WADE: So they are a mixed crowd?

15 MR. FLORES: Mixed crowd.

16 CHAIRMAN WITKOWIAK: Any other questions by
17 members of the committee? Thank you for your
18 testimony. Next person to testify, please. Name and
19 address for record, please.

20 MS. HILL: Maclenda Hill, 2218 North Martin
21 Luther King Drive.

22 CHAIRMAN WITKOWIAK: Your testimony.

23 MS. HILL: I just want to state that I work
24 at Passion, I've been employed there for over a year.
25 We have excellent staff. We do take full

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1 responsibility in what happened as far as the
2 shootings. When there's something going on as far as
3 a fight, an altercation, we do take care of the
4 situation as quickly as possible. If we feel that
5 we're in jeopardy of any endangerment as far as the
6 staff and the patrons, the people that are in the
7 situation are asked to leave, we escort them to their
8 cars, they leave, we make sure that they're gone so we
9 can continue to have a good night.

10 As far as safety goes as far as the patrons
11 and the staff, we don't condone any violence in the
12 club. Yes, we play hip-hop, we play R & B. We have
13 black people that come to the club, we have white
14 people, we have Hispanic, Asian, it doesn't matter
15 what you are. It's a business, we love the business,
16 and if I didn't feel safe working there and if I felt
17 in jeopardy of my life, I would not be there. I've
18 been there. I'm always there.

19 So I understand where these people are
20 coming from they don't feel safe sometimes. Yeah,
21 certain places I go I don't feel safe. That's life,
22 that's the world. The world isn't safe. We
23 understand that, and that's why we're here to talk to
24 you guys to help us improve that and give us another
25 chance for that. So that's all I'm going to say.

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1 CHAIRMAN WITKOWIAK: Thank you. Any
2 questions of this witness?

3 MR. MAISTELMAN: No, thank you.

4 CHAIRMAN WITKOWIAK: Questions by members of
5 the committee?

6 MR. SCHRIMPF: Mr. Chairman. Just a couple
7 of quick questions. You said that whenever you see a
8 fight, there's a protocol or a procedure that security
9 gets involved, the people are separated, and you make
10 sure that the combatants are gone, leave the area?

11 MS. HILL: Yes.

12 MR. SCHRIMPF: Can you give the committee
13 some idea of how frequently a fight occurs in the bar?

14 MS. HILL: Not frequent at all. I've been
15 there for over a year. I've only seen two, and like
16 I said, it was over before anything could even happen.
17 You know, there's loud talk, there's maybe a push or a
18 shove or something like that, and then the people that
19 are in that altercation, if it's even an altercation,
20 is asked to leave, and they're gone within a matter of
21 minutes. So it's not like the security or the staff
22 isn't paying attention to what's going on and we're
23 just letting this go on.

24 MR. SCHRIMPF: All right. Thank you.

25 ALDERMAN PUENTE: Were you working the night

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1 of the two shooting incidents?

2 MS. HILL: The most recent one in November,
3 I believe I was, yes.

4 ALDERMAN PUENTE: Could you describe what
5 you observed that evening.

6 MS. HILL: I believe, if I can remember
7 properly, that it was two gentlemen arguing, which
8 involved a lady, I'm not sure about what it was for,
9 for what reason, there was some shoving and words
10 exchanged or whatever. Secured jumped in, they
11 handled it, the patrons were asked to leave, they
12 left, then we started hearing fire shootings outside.
13 We heard shots fired outside. Some patrons ran back
14 in. One of the guys kicked the gait open, came from
15 the patio. He was shot before he entered the patio
16 area. He was shot outside.

17 Then the other guy that was with him --
18 There was two gentleman together that got shot. The
19 second guy that got shot or grazed in the chest area
20 was outside, as well. He came through the patio area,
21 as well. They weren't inside.

22 ALDERMAN PUENTE: How do you know all this?

23 MS. HILL: Because I was back there.
24 There's two bars, there's a front bar inside the club,
25 there's a second bar. The second bar is back by the

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1 patio area, and that's where I work at, so I can see
2 -- We have a huge window that you can see outside to
3 the patio. So I was right there. I saw everything.

4 ALDERMAN PUENTE: Earlier did somebody come
5 into the bar then after that and discharge a firearm?

6 MS. HILL: No.

7 MR. MAISTELMAN: That was the May 2005. The
8 one we're talking about now is November.

9 ALDERMAN PUENTE: I got it. Just wanted to
10 make sure. Thank you.

11 CHAIRMAN WITKOWIAK: Thank you. Next
12 witness, please. Name and address for the record.

13 MR. SANTOS: 1034 South 4th Street, Jose
14 Santos. I go to Passion most of the time like Friday,
15 Saturday, you know. I never been there when the
16 shooting happened. And I go to Rain mostly all the
17 time, and I have no problem over there. I think it's
18 just the location. People complaining about being
19 safe, and like she said, like most everywhere now,
20 it's not safe.

21 CHAIRMAN WITKOWIAK: Questions.

22 MR. MAISTELMAN: Have you ever witnessed any
23 of the activity alleged in the reports, such as
24 loitering, prostitution I think was one of the things
25 listed --

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MR. SANTOS: No.

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MR. MAISTELMAN: -- public urination? You don't have to admit anything.

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MR. SANTOS: No.

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CHAIRMAN WITKOWIAK: Hold it. Questions by member of the committee? Thank you.

5

MR. MAISTELMAN: Thank you.

6

CHAIRMAN WITKOWIAK: Next witness, please.

7

MS. COGGS: Attorney Milele Coggs, 2156 West Morgan Avenue. Before I say my comment, just a quick question. Is there a reason why we have to stand here and the other people sat down?

8

CHAIRMAN WITKOWIAK: No. I'm sorry. It's been my policy all day to have people stand there, and somehow somebody started sitting here and the next few people did, but if you watch the meeting, don't think I'm treating you different.

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MS. COGGS: I was here earlier. I

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understand.

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CHAIRMAN WITKOWIAK: I was making all the other people stand. Somebody inadvertently sat down in that chair, and I didn't notice, and the next few people followed them. Now I went back to my regular format, which is why we have the microphone standing there in the first place. I'm not treating you

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1 different than anyone else. Now, your testimony,
2 please.

3 MR. MAISTELMAN: He's correct. I'm on your
4 side.

5 MS. COGGS: I just wanted clarification.

6 CHAIRMAN WITKOWIAK: It's been clarified.

7 MS. COGGS: Thank you. We don't want
8 obvious connection between hip-hop and aggression,
9 these people making our neighborhood turn for the
10 worse. These are all comments that I sat here today
11 and heard neighbors make about what they believe to be
12 the attenders of Passions Nightclub.

13 I, Attorney Milele Coggs, am an attender of
14 Passions Nightclub. I've never witnessed urination,
15 I've never witnessed loitering, and the people that
16 I've seen there have been a mixed crowd, the people
17 that I've seen there have been a respectable crowd,
18 and the people that I've seen there on the several
19 occasions that I've been there have been a respectable
20 crowd.

21 I think that you can almost cut the tension
22 in the room with a knife, and it appears to me that
23 whatever the vision is for this area, it does not seem
24 to be inclusive of people of color. "These people
25 making our neighborhood worse." Don't get me wrong,

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1 I believe that safety is important, and I believe that
2 the shooting incidents that did occur are unfortunate,
3 but I also believe that this is a company, a business
4 that is in its beginning stages, and it recognizes and
5 takes responsibilities for the negative incidences
6 that it admits have, in fact, happened, and it is
7 willing to take security measures necessary to attempt
8 to prevent these kinds of things in the future.

9 And in closing I just want to say it's not a
10 lot of outlets for young African-Americans in the city
11 to begin with, and there are many challenges,
12 unfortunately, security being one of them, that many
13 of these clubs face, and I do believe that Passions is
14 one that is attempting to address those issues and
15 should be given the opportunity by allowing them to,
16 in fact, be relicensed.

17 And also, I think that neighbors have to
18 work with a business just as a business has to work
19 with its neighbors. And as you place your judgment
20 today, I would just ask that it not be on the fears of
21 neighbors but that it be on the facts of what actually
22 has occurred, not speculation, not suggestion, because
23 I've seen Rain's crowd and a whole bunch other clubs
24 that are right near there, so a lot of things I would
25 suggest to be affiliated with the patrons at Passions,

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1 I don't think that it's fair or accurate to
2 necessarily assume that it was the patrons of Passions
3 who did those things. Taking that into account, I
4 would just ask that you be fair in your deliberations
5 and your judgment today and that Passions' license be
6 renewed.

7 CHAIRMAN WITKOWIAK: Thank you. Couple of
8 questions. What is your relation to the club? Do you
9 work there?

10 MS. COGGS: No. I'm just a patron.

11 CHAIRMAN WITKOWIAK: Are you related to the
12 any of the ownership?

13 MS. COGGS: Biologically, no.

14 CHAIRMAN WITKOWIAK: Then just FYI, our
15 neighborhood meeting as well as the 12th District I
16 can quote you the stats of that is composed of 61
17 percent people of color already, our neighborhood is.

18 MS. COGGS: When you hear things like "these
19 people" and things of that nature, it does appear to
20 me to sound racially derogatory.

21 CHAIRMAN WITKOWIAK: You may accuse other
22 people of that, but please don't accuse me of that.

23 MS. COGGS: Oh, not you.

24 CHAIRMAN WITKOWIAK: Questions of this
25 witness?

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1 MR. MAISTELMAN: You've done enough.

2 CHAIRMAN WITKOWIAK: Questions by members of
3 this committee? Thank you for your testimony. Next
4 person to testify, please. I'll give you time for
5 some closing statements, and we'll take this matter
6 into committee and render a decision.

7 MR. MAISTELMAN: Thank you, Mr. Chairman,
8 members of the committee. As you've heard the
9 testimony, what we know for fact is that there were
10 two shootings. What we don't know really to a fact is
11 was there urination, were they really attributed to
12 Passions or another nightclub, the individuals that
13 were confronting an individual, were they from our
14 club or another club. We have put forward a game
15 plan, and I think this committee has control over now
16 the content of the types of music. We plan on
17 changing that so we attract a different crowd. Some
18 of the neighbors were upset and rightly so that if
19 there was a hip-hop crowd, then they might be causing
20 some problems. We're changing that format. We're
21 presenting to this committee that we're going to
22 change the format.

23 And we have 13 other points, that I'm not
24 going to reiterate because it's getting late, where
25 we're really going to do a serious job addressing

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1 these issues, and I'm convinced that they will address
2 those issues. I know this committee in the past even
3 today when there's been a shooting, a death -- we
4 haven't had a death, thank God -- but the committee,
5 sometimes there will be a recommendation of a
6 suspension. We're willing and stipulating to a 30-day
7 suspension to work on the issues that we have. I can
8 tell you that if there is another incident -- and I'm
9 afraid to say this because it's like, well, you're
10 expecting it -- but I can assure you that if anything
11 happens similar to the reports that the police already
12 have that my clients will tender their license to you
13 immediately.

14 I am convinced, though, given the steps that
15 they're going to take, that that will not happen, that
16 they're going to be attracting a different crowd, and
17 therefore, the crimes that we know that were
18 committed, the shootings, will never ever happen
19 again. And as Ms. Coggs said, this community down
20 there is a diverse community, as the Alderman has
21 said. Diversity is good. We want to keep diversity
22 as long as it's safe, obviously, and we're prepared
23 with our 13-bullet plan to make it safe to ensure that
24 everyone, including the neighbors, including the
25 German Shepherd Dogs, everybody is safe down there,

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1 and I would hope that you would take into
2 consideration the credibility of the statements that
3 were made and give them proper due weight. Thank you
4 very much.

5 ALDERMAN BOHL: A couple of questions
6 relating to the format change that is being proposed
7 here. And I think that the testimony here
8 corroborates this, as well, too, that the
9 establishment has played rap and/or hip-hop music in
10 the past, in the past year.

11 MR. YOUNG: Yes, we have. We play a variety
12 of music.

13 ALDERMAN BOHL: I'm wondering who the
14 applicant of the establishment is.

15 MS. WOJNICZ: Me.

16 ALDERMAN BOHL: In the last year, do you
17 know if you were authorized by the Common Council to
18 play hip-hop music or rap?

19 MS. WOJNICZ: I actually don't know. We've
20 always played a mixture. Most of our nights were
21 Latin nights.

22 ALDERMAN BOHL: Were you aware that the City
23 ordinances stipulate that when you file for a tavern
24 supplement and are approved for that supplement, the
25 type of music that you check in terms of format is the

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1 music that you are allowed to play and only that
2 music?

3 MS. WOJNICZ: No, I didn't.

4 ALDERMAN BOHL: And I have your application
5 from last year. I know that you have a number of
6 music choices. Hip-hop and rap are not among them.

7 MS. WOJNICZ: When we first started, our
8 main menu was Latin music, period. We changed, got
9 maybe halfway through the year. We changed because we
10 lost our crowd.

11 ALDERMAN BOHL: I just want to make you
12 aware, though, that is why the Common Council
13 stipulates a music format. That's why there are times
14 when we pass and grant a license to a tavern, we don't
15 grant a tavern dance license because somebody could
16 want to open as tavern, not do well, and functionally
17 decide maybe I'll start operating a dance. If you do
18 so, you have to come back before the Common Council,
19 let the alderman, let the council know of your
20 intentions and determine whether or not the council
21 believes that that's something that needs to move
22 forward.

23 Item No. 4, institute a dress code where
24 gang-related or hip-hop clothing is not allowed. Was
25 there any type of dress code that was required of the

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1 establishment in the past year?

2 MS. WOJNICZ: Yes.

3 ALDERMAN BOHL: What would the dress code
4 require?

5 MS. WOJNICZ: We didn't allow tennis shoes
6 and tee shirts, we don't allow baseball caps.

7 ALDERMAN BOHL: Because it's your plan of
8 operation, what would you call hip-hop clothing, what
9 would that constitute?

10 MS. WOJNICZ: Big, bulky, all those
11 colorful leather jackets, which are -- they're nice
12 jackets, but we associate them with the hip-hop and
13 stuff. But that was something we allowed even though
14 we didn't allow tennis shoes and things, but we would
15 like to get rid of that, those big name brand leather
16 jackets and things like that is what we're talking
17 about.

18 ALDERMAN BOHL: In term of the capacity of
19 your club, the law stipulates that there must be a
20 posted capacity.

21 MS. WOJNICZ: It is posted. 150.

22 ALDERMAN BOHL: I know that our records may
23 not be correct.

24 MS. WOJNICZ: Right. It's 150, and it is
25 posted.

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1 ALDERMAN BOHL: That's my questions right
2 now, Mr. Chairman.

3 CHAIRMAN WITKOWIAK: Any other questions by
4 members of the committee before I take this matter
5 into committee? Alderman Puente.

6 ALDERMAN PUENTE: Thank you, Mr. Chair.
7 We've heard all the things you've done after the
8 shooting. What did you do prior to the shooting to
9 prevent any incidents from happening?

10 MS. WOJNICZ: We do have a metal wand, we do
11 that anyway.

12 ALDERMAN PUENTE: This is all prior to the
13 shooting?

14 MS. WOJNICZ: Oh, prior to the shooting. We
15 always pat down, we've always done that. We have
16 cameras, we put in cameras all through the club. This
17 was after the first shooting. We put in the cameras
18 right away, and we hired more security.

19 ALDERMAN PUENTE: How many more security?

20 MS. WOJNICZ: We had four, we're up to six.

21 ALDERMAN PUENTE: So you had four prior to
22 the first one --

23 MS. WOJNICZ: Yes.

24 ALDERMAN PUENTE: -- and after the first
25 shooting, you had six?

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MS. WOJNICZ: Two more, correct.

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ALDERMAN PUENTE: Anything else?

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MS. WOJNICZ: Nothing that I can think of.

4

ALDERMAN PUENTE: Did you do anything in the community before the shooting, after the first shooting, or after the second shooting?

6

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MS. WOJNICZ: No, we did not.

8

ALDERMAN PUENTE: You got no involvement with the community whatsoever?

10

MS. WOJNICZ: Not to my knowledge.

11

ALDERMAN WADE: Mr. Chair. You say you went from four security personnel to six. When you have four security personnel, was part of their assignment to patrol the outside of the establishment?

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MS. WOJNICZ: Yes. We had two outside, two inside.

16

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ALDERMAN WADE: Now, how do you divide up the six that you have?

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MS. WOJNICZ: Three outside, like we have one inside the door, we have two outside the door to make sure there's nothing going on outside, and we have two walking around like the dance floor. We have them walking around, we have one that stands on the speaker so he can see over the crowd and everything, and they pretty much just walk around.

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1 ALDERMAN WADE: So you have enhanced the
2 outside security situation?

3 MS. WOJNICZ: Yes.

4 ALDERMAN WADE: When you say walk around
5 outside, what's their radius, where do they walk
6 around to?

7 MS. WOJNICZ: There's a parking lot next to
8 our building. They walk through there, there's cars
9 parked through there, then we have one to make sure --
10 because we try to keep people out of the patio because
11 we don't use the patio, but you never know. On the
12 side of the parking lot, that patio door you can get
13 through, the other ones are locked. So we just make
14 sure that no one's getting through the patio, we look
15 over the patio and pretty much walk where our fence
16 are just right around our building.

17 ALDERMAN WADE: Thank you.

18 ALDERMAN PUENTE: Mr. Chair, one follow-up
19 question regarding security. All of them are on foot,
20 correct?

21 MS. WOJNICZ: Yes.

22 ALDERMAN PUENTE: How are they
23 distinguished? Do they have jackets that says
24 security?

25 MS. WOJNICZ: They don't say security. They

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1 all wear black, they all wear black.

2 ALDERMAN PUENTE: Does anybody else in your
3 bar wear black?

4 MS. WOJNICZ: Patrons, but they're pretty
5 big, you can pretty much tell our security. And
6 they're carrying the wands.

7 ALDERMAN PUENTE: They don't have anything
8 that really stands out other than they're big and they
9 wear black?

10 MS. WOJNICZ: No.

11 MR. MAISTELMAN: Which is part of the
12 proposal.

13 CHAIRMAN WITKOWIAK: Any other questions by
14 members of the committee?

15 MR. SCHRIMPF: Mr. Chairman.

16 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

17 MR. SCHRIMPF: One of the objectors raised a
18 question about allowing a line of more than 10 people
19 outside. And actually, his rhetorical questions cause
20 me to wonder, first of all, how frequently do you have
21 a line that exceeds 10 people?

22 MS. WOJNICZ: We really don't, we really
23 don't. We very rarely have a line full of people
24 outside.

25 MR. SCHRIMPF: And what would be your

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1 proposal, let's say you do have 20, for example, what
2 would be your proposal for how to deal with them?
3 Where would they go? How would you deal with that
4 situation?

5 MS. WOJNICZ: I don't think they would go
6 anywhere. We have security out there making sure
7 nothing happens, because the whole point is you have a
8 line, you're at capacity, you can't really make them
9 go home. But people do leave. Like someone said
10 earlier, our customers go between Rain and us
11 because Rain is just a block away, block-and-a-half,
12 so when customers leave, four customers leave, we let
13 four more customers in. What can you do? Are you
14 going to tell them to go home if they are waiting to
15 get in and know people are going to leave eventually
16 and they would like to get in? Like I say, it's very
17 rare anyone is waiting outside for our club.

18 MR. SCHRIMPF: Okay. Thank you.

19 CHAIRMAN WITKOWIAK: Any other questions by
20 members of the committee? This matter is in
21 committee.

22 VICE-CHAIRMAN BOHL: The Chair recognizes
23 Alderman Witkowiak.

24 ALDERMAN WITKOWIAK: Mr. Chairman, I would
25 move to recommend non-renewal of the tavern, tavern

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1 dance license based on items contained in the police
2 report and neighborhood objections. It troubles me
3 much that there was one shooting there, and I met
4 personally with Mr. Leon Todd between the first
5 shooting and the second shooting, and he made to me a
6 bunch of promises about how he was going to clean it
7 up, he was going to change the operation, he was going
8 to soften the music, he was going to add food, he was
9 going to do all these things and everything would be
10 fine.

11 None of that occurred, not a single thing
12 that he promised me occurred, the improvements that he
13 was going to make. As a matter of fact, it continued
14 its downward spiral until the second shooting
15 occurred. And now you come in here, now it's renewal
16 time and there's the possibility of you not getting
17 your license renewed, now you come in here with a new
18 plan again. So why do you think that if I was told
19 that this was all going to be changed a long time ago
20 and it wasn't changed, now you're in jeopardy of not
21 getting renewed and you come and you tell me you're
22 going to change it again, why should I believe that if
23 I had been told this before and nothing has happened?
24 That's number one.

25 First of all, I just believe on the strength

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1 of the police report alone, two shootings that are
2 directly connected to this place in or around or
3 connected to this place I think is enough to ask for
4 nonrenewal of this license. You ask about the seven
5 calls on a CAD report, whether this is a significant
6 number, and I actually think it is. There's plenty of
7 bars in the city, there's close to 2,000 licenses
8 alcohol-related in the City of Milwaukee, and I would
9 venture to say a vast majority of them don't have one
10 of these sheets in their file, so if you want to say
11 seven is a large number or small number, there's a lot
12 of places in town that go a year, two, five, or 10
13 years and never get a single sheet of paper in their
14 CAD report for a call.

15 But in addition to that, there was from the
16 past hearing and some things I heard today, while
17 nobody ever witnessed the actual urination connected
18 with somebody, there was testimony about urination
19 today, there was testimony about loitering associated
20 with Passions, there was testimony about loud cars
21 associated with and coming from Passions. And also
22 significantly, the agreement that was made with the
23 entertainment sheet in your tavern license supplement
24 was totally violated, and by your own testimony three
25 or four of your own people said we play rap, we play

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1 hip-hop. That is not allowed. We control what kind
2 of music can be played there and what can't, and on
3 your -- we have the paperwork right here, Alderman
4 Bohl alluded to it before -- you were playing music
5 that is not on your tavern supplement. So that in
6 itself.

7 But the point of that, also, is that it
8 appears to me that in general you don't pay attention
9 to the rules, and that's real important. And
10 honestly, I mean, I've been the alderman of the 12th
11 district for a long time, I don't expect anybody to be
12 perfect. And you're having, I think, stupid arguments
13 over here, what kind of neighborhood is this. I'm
14 glad somebody besides me came up and said it's a
15 mixed-use neighborhood. Is it a residential, is it
16 industrial? It's like everything, it's a mixed-use
17 neighborhood. The fact is there are some people that
18 live near there, and there are some people that work
19 there a significant amount of time, and they have
20 these businesses, and the things that are happening in
21 the area because of what's happened at Passions is
22 hurting that neighborhood, it's hurting the people
23 that live nearby, it's hurting the businesses that are
24 nearby, it's hurting the investment.

25 There appears to be several attempts today

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1 of people to point this to different issues, being a
2 black/white issue or something like that. I've seen
3 attempts to do that. In fact, the 12th district is 61
4 percent people of color, it's the most ethnically
5 diverse population in the City of Milwaukee, and we
6 welcome more and more and more diversity. Have from
7 day one, always will, the welcome mat will always be
8 there.

9 But I don't care if something is Angelo,
10 Hispanic, African-American, Native American, Middle
11 Eastern, if they have general disregard for the rules
12 that we live by in our district in our city, I will
13 not support them, as is the case today. So I move for
14 non-renewal, based on items contained on the police
15 report and neighborhood objections and neighborhood
16 testimony as testified to.

17 VICE-CHAIRMAN BOHL: The motion by Alderman
18 Witkowiak is to move for non-renewal of the Class B
19 Tavern and Tavern Amusement licenses and a denial of
20 the, obviously, permanent extension of Class B
21 premises due to neighborhood objections and matters
22 contained within the police report. Is there any
23 discussion on the motion?

24 ALDERMAN DUDZIK: Mr. Chairman.

25 VICE-CHAIRMAN BOHL: Chair recognizes

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1 Alderman Dudzik.

2 ALDERMAN DUDZIK: I just want to caution the
3 committee members. We had a little tete-a-tete
4 earlier about consistency, and I just want to remind
5 all the members that we've had two other locations,
6 one of them, in fact, in the 12th Aldermanic District
7 in which there was shootings involved, and both of
8 those locations walked away with their license,
9 although one did receive a 20-day suspension and one
10 received a 10-day suspension. So I think I have a
11 real problem. I can understand the neighbors, and I
12 can understand the frustration that Alderman Witkowiak
13 expressed because if some tavern in my district had
14 this type of activity, came to me and basically BS'd
15 their way through a couple more months of operation,
16 I'd be pretty upset about it, as well. But I have a
17 real problem with going from a 10- or 20-day
18 suspension for a shooting at a given location to an
19 outright revoking of the license at another location.
20 That's all I'm going to say at this point in time.

21 ALDERMAN WITKOWIAK: Mr. Chairman.

22 VICE-CHAIRMAN BOHL: Alderman Witkowiak.

23 ALDERMAN WITKOWIAK: I appreciate Alderman
24 Dudzik's comments. The other tavern that you're
25 referring to in the 12th District, there was, in fact,

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1 a shooting incident that occurred relative to that
2 tavern. The neighborhood was noticed for this
3 meeting, and there were no neighbors. We had no
4 neighborhood testimony, and they were noticed
5 similarly to how this group was noticed for this
6 meeting.

7 ALDERMAN WADE: Mr. Chair. I think the
8 consistency of this body is very important to me as
9 long as I'm on the body, and Alderman Witkowiak is
10 correct, we didn't have any testimony in that
11 instance, but we also had a fatality in that instance,
12 and then we had an incident on the far north side
13 where there was a shooting, and there was testimony
14 from neighbors that came in, and it didn't rise to the
15 level of non-renewal. So I agree with my colleague
16 from the 11th District that I don't think that we're
17 being consistent if we go from where we were earlier
18 today to this extreme, based on the facts and the
19 evidence that we have in front of us.

20 It's very unfortunate that these things
21 happen, and trust me, I feel for Alderman Witkowiak
22 because I'm an elected official, and I feel this kind
23 of pressure all the time, but what we have to do down
24 here in my estimation is to be fair and stick to the
25 facts, and we also have to take into consideration

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1 that people deserve the opportunity to have a
2 corrective measure. For us to go from zero to
3 execution doesn't give them that opportunity.

4 So because of consistency of this body, I am
5 not in favor of a non-renewal of this application.
6 Thank you.

7 VICE-CHAIRMAN BOHL: Thank you, Alderman
8 Wade. Is there any additional discussion?

9 ALDERMAN PUENTE: Mr. Chair. I, too, am very
10 concerned about consistency, but also, more
11 importantly is to look at the totality of
12 circumstances given any incident, whether it's this
13 one or the other two that Alderman Dudzik referred to,
14 and given the totality of the circumstances, the
15 involvement of the licensee, the proactive rather than
16 the reactive bears consideration when deciding some of
17 these. And this is two shooting versus one shooting.
18 I say one shooting is too many. It is.

19 But again, look at the totality of the
20 circumstances given the facts of neighborhood
21 objection. What is the licensee doing to help the
22 neighborhood? Are they going around the neighborhood
23 and picking up, are they doing patrol on foot versus
24 patrol cars, are they taking that extra step to
25 prevent things from happening as we have heard in

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1 other testimony today? What other things are the
2 licensees doing to help not only their business but
3 their community and in the surrounding area?

4 And all three incidents that we heard
5 today all had different circumstances behind them, and
6 you really need to look at that rather than just the
7 shooting. What led up to the shooting, what other
8 incidents were there involved, et cetera? And that's
9 what I'm going to look at when I decide what to do
10 here. Thank you.

11 VICE-CHAIRMAN BOHL: The motion before us is
12 for non-renewal of the Class B Tavern/Tavern Amusement
13 license and denial of the request for permanent
14 extension based on matters contained in the police
15 report as well as neighborhood objections. Could the
16 clerk please call the roll.

17 THE CLERK: Alderman Bohl.

18 ALDERMAN BOHL: Aye.

19 THE CLERK: Alderman Puente.

20 ALDERMAN PUENTE: Aye.

21 THE CLERK: Alderman Wade.

22 ALDERMAN WADE No.

23 THE CLERK: Alderman Dudzik.

24 ALDERMAN DUDZIK: No.

25 THE CLERK: Mr. Chair.

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VICE-CHAIRMAN BOHL: Aye.

Motion prevails on a vote of three to two.

Mr. Schrimpf.

MR. SCHRIMPF: Mr. Maistelman, the committee is going to be doing findings of fact and conclusions of law recommending non-renewal of this license. You will receive a copy of that recommendation as well as have an opportunity to submit written objections to that recommendation. You'll also have an opportunity appear on this matter when the Common Council meets on this matter on February 7th, 2006, at approximately 9:00 a.m. in the Common Council Chambers of this building. Will you accept service on behalf of the licensee?

MR. MAISTELMAN: Yes, I will.

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