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CITY OF MILWAUKEE
UTILITIES & LICENSING HEARING

In the Matter of:
THE PARK BAR
788 North Jackson Street

COMMITTEE MEMBERS

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

HEALTH DEPARTMENT by PANDORA BENDER
BUILDING INSPECTION DEPARTMENT by JIM MORAWETZ
POLICE DEPARTMENT by OFFICER JIM SANFILIPPO
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF
ALDERMAN ROBERT BAUMAN - 4th DISTRICT
MICHAEL WHITCOMB - Attorney for Applicant

Proceedings had and testimony given in the
above-entitled matter before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the
4th day of June, 2004, before Terese M. Schiebenes of
Milwaukee Reporters Associated, Inc.

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PROCEEDINGS

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(All CITY PERSONNEL were previously sworn.)

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CHAIRMAN WITKOWIAK: In the 4th Aldermanic
District Daniel Goumenos, agent for Bailey's, Inc.,
Class B Tavern & Tavern Dance Amusement Renewal
Applications for Park Bar at 788 North Jackson Street.

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(Whereupon DANIEL GOUMENOS and NICHOLAS
MURADO were duly sworn.)

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CHAIRMAN WITKOWIAK: State your names and
addresses for the record.

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MR. GOUMENOS: I'm Ben Goumenos, 730
Fleetwood Court, Brookfield, Wisconsin.

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MR. MURADO: Nicholas Murado, 924 East
Juneau Street, Milwaukee, 53202.

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MR. WHITCOMB: Good afternoon, Mr. Chairman.
Attorney Michael Whitcomb appearing on behalf of the
applicant. We do acknowledge receipt of the notice
for today's hearing, including neighborhood objections
together with the attached police report.

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CHAIRMAN WITKOWIAK: Neighborhood Services?

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MS. BENDER: No objection.

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CHAIRMAN WITKOWIAK: Health Department?

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MR. MORAWETZ: No objection health.

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CHAIRMAN WITKOWIAK: Milwaukee Police

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Department?

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1 OFFICER SANFLIPPO: In the last license
2 period in April 2003, officers responded to a trouble
3 with subject at the Park Bar. They were told a female
4 threw a candle holder at a male victim. She also bit
5 another person while being escorted out of the
6 premises. She was cited for disorderly conduct.
7 In May of 2003, an underage police aide was
8 able to purchase alcohol in the bar. The bartender
9 was convicted for sale to underage. In June of 2003,
10 officers reported that -- indicates that several
11 hundred people were clustered in large numbers on the
12 sidewalk in front of the bar, in the parking lot to
13 the south, and in the street, which had already been
14 blocked off. The crowd was boisterous, unreasonably
15 loud, yelling, and shouting. This is at 1:50 a.m. it
16 probably should be noted. The security staff of the
17 Park Bar was unable to control the crowd or cause them
18 to disperse. Many small fights occurred in the crowd.
19 Several squads responded to assist with crowd control.
20 September of 2003, officers responded to a
21 property damage complaint at the Park Bar and were
22 informed that on August 31st at 1:15 in the morning
23 there was a fight inside the bar. About 10 officers
24 outside conducting crowd control. However, they did
25 not notify officers of the problem because security

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1 had handled the problem inside the bar. When they
2 returned, it was observed that there was a plasma TV
3 damaged. That was the reason for the property damage
4 complaint.

5 In November of 2003 at 2:27 in the morning,
6 officers responded to a shooting at Mason and Van
7 Buren. They found a victim who had been shot in the
8 right side. He stated he went to the Park Bar to pick
9 up his brother when he was jumped by five or six
10 males. Someone pulled out a gun and fired two or
11 three shots.

12 January of 2004, officers were dispatched
13 downtown to a hotel on a report of a sexual assault.
14 Officers were told three underage females ages 19 and
15 20 had gained entry to the Park Bar with false
16 identification. One of the three girls had been
17 having several drinks. While at the bar, they met
18 three patrons in the bar and went with them, where one
19 of the victims stated she was sexually assaulted.

20 In February of 2004, 1:29 a.m., officers
21 responded to a report of a fight in the parking lot of
22 the Park Bar. Upon arrival they found a large crowd
23 loitering, which required six squads to remain out of
24 service to deal with the crowd which failed to leave
25 after the tavern closing.

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1 Again in February 2004 at 1:49 a.m.,
2 officers responded to back up another squad regarding
3 an over capacity incident and a fight at the Park Bar.
4 Upon arrival, they were advised that the premises was
5 to be closed due to over capacity by patrons. A
6 sergeant was unable to move around inside the bar
7 because patrons were literally shoulder to shoulder.
8 The licensee stated that he was only 50 people over
9 capacity. He showed officers a hand-held counter
10 device, which indicated the capacity level at 779
11 patrons inside the bar. Officers could smell the
12 aroma of marijuana in the premises and found several
13 plastic baggies containing corners missing on the
14 floor in the men's room consistent with the use of
15 illegal narcotics. A total of nine squads were
16 dispatched to control the crowd. The licensee was
17 cited for posting of occupancy, and I do not have a
18 disposition on that case.

19 February 2004 at 9:20 p.m., officers
20 responded to the Park Bar for a follow-up
21 investigation regarding a February 23rd incident.
22 Officers spoke to an individual who identified himself
23 as the manager, though he was not licensed as a
24 manager. He stated that on February 23rd there was a
25 party on the premises. He informed the participants

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1 of the party that it was bar closing time and turned
2 on the interior lights. The patrons were told to
3 leave. They became boisterous and profane and many
4 refused to leave. Some began to leave under protest.
5 The manager then confronted one of the sponsors of the
6 party and informed him that the patrons had to leave.
7 The sponsor became profane and punched the manager in
8 the face. The manager admits to attempting to strike
9 the individual back. The manager did not report the
10 battery to the police but was advised he was required
11 as a manager of the premises to report the disorderly
12 patron. The licensee told officers the incident on
13 the premises started when the manager grabbed the
14 microphone from the DJ's hand, and the DJ attempted to
15 take the microphone back. The incident then
16 escalated. The officer indicates in his report that
17 licensee stated he did not contact the police
18 regarding the incident because he knows the police are
19 scrutinizing his business and he's afraid of losing
20 his license. The licensee is further quoted as saying
21 he needed to stay open for a few weeks so he can make
22 the money he needs to open a restaurant across the
23 street. He was cited for disorderly premise, and I do
24 not have a disposition on that.

25 On February 29, 2004 at 2:00 a.m., officers

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1 were assigned to monitor the Park Bar. They observed
2 200 to 300 patrons of the Park Bar loitering outside
3 after closing. There were several vehicles with loud
4 music playing, which could be heard a block away.
5 Several vehicles were stopped in the middle of Jackson
6 Street, which prevented normal flow of traffic.
7 Patrons were standing in the street yelling,
8 screaming, loud and boisterous. Several additional
9 squads were called for crowd control. Seven squads, a
10 total of nine officers, with a combined total of five
11 man-hours were required to disperse the loitering
12 crowd and vehicles and prevent cruising.

13 These next two are a little out of sequence.
14 Whoever typed this report didn't get them in the
15 proper sequence. On March 15th, 2001, 1:45 a.m., an
16 officer assigned to crowd control at Park Bar was
17 informed by three female patrons that they were struck
18 by a male patron still on the premise. The suspect
19 was located inside the club and issued a citation for
20 battery. The officer's report indicates that security
21 may have been unaware of the incident because of the
22 large crowd in the club.

23 Back to February 14th, 2004, 12:45 a.m., an
24 officer conducting a check of the premise observed
25 security personnel break up a large group inside the

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1 club and escorted several female patrons off the
2 premise for fighting. Those patrons were cited for
3 disorderly conduct.

4 March 7th, 2004 at about 1:00 a.m., an
5 officer on patrol was informed by a citizen of a fight
6 which occurred in front of the Park Bar. Officer then
7 observed two people, in fact, fighting on the sidewalk
8 in front of the premise and that one of the
9 participants was a security person from the bar.
10 The officer approached the bar. Several persons
11 walked away, including the participant of the fight.
12 Security person refused to tell officer what happened,
13 refused initially to say anything, and then denied
14 there was a fight at all. He eventually only said
15 that someone had tried to get into the club and he
16 stopped him. The security officer refused to identify
17 this individual until later in the investigation when
18 he pointed out an individual standing across the
19 street. This individual was initially standing
20 several feet away from the officer when they began to
21 question the security person about the fight but was
22 able to relocate before being identified. Officers
23 attempted to stop the individual but were impeded by a
24 large amount of vehicular and pedestrian traffic, and
25 the subject fled on foot.

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The officer's report also indicates at about 2:15 a.m. that day about 200 people were observed exiting the club and refused to leave the area. These persons were loud, yelling, loitering in the roadway, playing car stereos loud, and trespassing on private property. 11 squads, 13 officers spent about 2.8 man-hours to control the situation.

March 28th, 2004, 2:48 a.m. officers were sent for a report of a fight in the area of Mason and Jackson. Park Bar security personnel related that a fight did occur at the location between two groups of women that had been in the bar prior to closing and that the women were always arguing and fighting one another. Officers later took a battery complaint from one of the actors, who was uncooperative with the officers as to the incident and would only say that she was at the Park Bar to pick someone up and was attacked for no reason. The officer's report indicates that it required six squads, seven officers, and a supervisor, a total of eight man-hours.

Finally, May 10th, 2004, 6:30 p.m., officers investigated a report of a battery which occurred inside of the Park Bar on Sunday, May 9th, at about 2:00 a.m. The victim reported that he walked over to his girlfriend when an unknown male caused a laceration to

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1 his head by striking him with a glass bottle. The
2 victim further related that the club security did not
3 attend to his injury but the police nor medical
4 attention was summoned for him. The girlfriend's
5 victim related that while inside the Park Bar, she
6 took a look at her boyfriend, and a male subject tried
7 to make conversation with her, which she refused. The
8 victim's girlfriend stated that she requested that the
9 police and an ambulance be summoned, and after about
10 15 minutes, neither the police nor medical attention
11 had arrived. She conveyed her boyfriend to the
12 hospital herself. The security for the Park Bar
13 stated he observed a scuffle in his peripheral vision
14 and that the subject and two others immediately
15 attended to the victim's injuries and asked the victim
16 repeatedly if he wanted medical attention, but the
17 victim declined. The victim stated he was going to
18 the hospital and left the club. Security manager
19 called 911 to report the incident. However, there is
20 no record of this in the CAD, the computer-aided
21 dispatching system.

22 CHAIRMAN WITKOWIAK: Do you have any
23 questions of the police report?

24 MR. WHITCOMB: I do, Mr. Chairman, just
25 briefly, but what I'd like to do is at this time if

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1 the committee agrees is to go through the incidents
2 and present the position of the applicant, and then
3 during the course of that presentation, I just have
4 one or two points to bring out with Officer
5 Sanfilippo.

6 CHAIRMAN WITKOWIAK: Proceed.

7 MR. WHITCOMB: As regards incident -- I'll
8 relate to the incidents by number as it appears on the
9 incident report as opposed to date. As regards
10 incident No. 43, that was a boyfriend-girlfriend
11 argument inside the tavern. It was handled by the
12 security and the manager, who tried to calm the
13 participants but the female was unable to regain self-
14 control, so as they had been instructed, they
15 contacted the police. The police arrived and issued
16 the female a citation for disorderly conduct. We
17 don't have any independent knowledge concerning the
18 throwing of a candle stick or the biting.

19 The incident on May 8th, 2003, the sale to
20 an underage, it was a police sting operation. The ID
21 was requested by the doorman, but it was misread by
22 the doorman. The sting officer was admitted to the
23 establishment, was served beer, and the bartender paid
24 the citation. As I understand, he no longer works for
25 the establishment.

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1 The incident No. 45, which occurred on June
2 22nd, 2003, that was one of the crowd control
3 incidents this establishment to assist in maintaining
4 crowd control when the tavern closes and 300 to 400
5 people disperse at the same time. What they've done
6 is they close a half hour before bar time, they slow
7 down the music 15 minutes before that time, and they
8 turn on the lights, so they begin having people leave
9 the tavern 45 minutes before legal bar time.

10 They have installed high security cameras on
11 the exterior of the premises. Those regular patrons
12 that are not first timers are aware of it. They
13 quickly disperse from the area, and the tapes
14 disclose that from the time they close a half hour
15 before bar time to the time that the area is pretty
16 clear, it's usually about 20 minutes. But during that
17 time, it is a bit hectic on the street in front of the
18 establishment as it would be in front of the Bradley
19 Center or in front of the PAC when the theater is
20 empty.

21 Incident No. 46. This is a property damage
22 report reported by the establishment itself at the
23 request of their insurance company. There was a note
24 that the damage to the plasma TV wasn't noticed until
25 after the establishment had closed. That was the

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1 extent of that incident reported by the management.
2 Incident No. 47, that occurred well after
3 the establishment had closed and had emptied at 2:30
4 in the morning. Security had just completed their
5 customary personnel sweep of the area. All 15
6 security officers after the bar is empty patrol and
7 police the surrounding area to make certain their
8 patrons get into their cars and leave the area. After
9 they do that, they police the area by cleaning up any
10 noticeable debris on the streets. After the security
11 personnel return to the establishment at about 2:30,
12 they had heard what sounded to be gunshots from the
13 distance. They went outside and they saw nothing. 15
14 minutes later the police arrived and they inquired as
15 to whether or not anything was observed. It was not.
16 However, the establishment did provide the department
17 copies of their videotapes from the exterior of the
18 evening when the place was emptied in the event that
19 it was helpful in the investigation. They have no
20 knowledge, independent knowledge, of the incident or
21 of the shooting.

22 I would note -- It is a question for
23 Officer Sanfilippo. For these particular incidents,
24 do you have the PA-33 reports?

25 OFFICER SANFLIPPO: No, I do not.

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1 MR. WHITCOMB: It didn't appear in the
2 incident report. I have a copy. I'll show it to
3 Sanfilippo so he can verify that it is. And what I
4 note is that the incident report, it appears that this
5 incident happened while an individual was being picked
6 up from the Park Bar. We don't know that to be the
7 case, but the PA-33 indicates that some patrons were
8 jumped in the parking lot behind the building.

9 OFFICER SANFLIPPO: That is what it
10 reflects.

11 MR. WHITCOMB: The applicant doesn't want
12 the committee to have the impression that something
13 happened in front of the facility.

14 As regards incident No. 48, it is the Park
15 Bar's policy to check every patron for identification
16 no matter the age. The only identification accepted
17 is a valid State ID, valid driver's license, or valid
18 passport. High powered security cameras monitor this
19 practice continually, and the Park Bar has accumulated
20 quite a collection of confiscated fake IDs. The Park
21 Bar has no knowledge of the incident regarding these
22 three women who went to the hotel. We dispute that
23 they gained entry to the tavern. I've had experience
24 in the cases I represent that oftentimes when women
25 are caught up in hotel situations that are underage,

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1 they indicate that they were drinking at the first bar
2 that comes to mind, and I submit that these
3 individuals were not in the Park Bar.

4 Incident No. 49. This was an incident that
5 was called to the attention of the department by the
6 establishment. The floor supervisor, who is here
7 today, called the police because he saw a disturbance
8 in an adjacent parking lot. The police arrived. With
9 the assistance of security, the disturbance quickly
10 ended. The Park Bar has been advised that when
11 disturbances do occur, especially outside the
12 premises, contact the police, do not attempt to deal
13 with them yourself. And I've talked to Mr. Goumenos,
14 and if at any time that the department incurs
15 extraordinary personnel to assist in dispersing the
16 crowd outside the Park Bar, he was certainly willing
17 to compensate the city or the department for that
18 additional expense. He does not intend to impose any
19 additional financial burden on the city and will bear
20 that expense.

21 Item No. 50. This was an over capacity
22 incident. That is pending in Municipal Court. The
23 Park Bar has a legal capacity of 704 and a capacity of
24 729 when they have the outside patio open. At their
25 establishment, they have four personnel staff with

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1 clickers. Patrons are clicked in, patrons are clicked
2 out, and then they keep track of patrons admitted
3 without paying a cover charge. There's also a
4 separate clicker for the number of patrons that goes
5 to the upstairs. The clickers that they had for that
6 evening showed that there are 754 total patrons
7 admitted the entire night and that 205 had left that
8 evening, so the maximum amount of people that could
9 have been there at the time the police arrived was
10 well beneath their capacity. I believe that there was
11 not total communication between Mr. Goumenos and the
12 sergeant at the time when they were discussing the
13 clickers and the capacity numbers.

14 As regards the report concerning the drug
15 paraphernalia found in the bathrooms, the Park Bar
16 employs people inside the bathrooms, the bathroom
17 attendants. Their primary purpose there is to keep
18 watch over it and prevent and deter illegal activity.
19 If anything would have occurred that evening, it would
20 have been found and stopped by the bathroom attendant.
21 Perhaps these corners were found inside the stalls as
22 opposed to on the outside area. But they do employ
23 attendants to minimize that type of activity as much
24 as humanly possible.

25 Item No. 51, that was a private NBA

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1 promotional party at the Park Bar. When the patrons
2 were asked to leave, they were somewhat hesitant.
3 There was a disagreement, an argument, but eventually
4 the party or the party host came to their senses, and
5 they left peaceably. Officer Sanfilippo indicated his
6 report does not indicate the disposition of the
7 citation. I tender to the committee a letter from the
8 City Attorney's Office indicating that they refused
9 prosecution regarding that event. That was not a
10 regular Saturday or Friday night, that was a private
11 event, and most of the -- a good portion of the
12 attendees were out-of-towners and not as respectful as
13 people usually are in their own home towns.

14 Item No. 51-A. There's two 51s. The Park
15 Bar policy, as I indicated before, is to close at
16 least a half hour before legal bar time. Exterior
17 video cameras have proven time and again that the Park
18 Bar is clear of patrons from outside loitering and
19 leaving in their cars before legal bar time arrives,
20 and that assists, from their perspective, so their
21 patrons don't coincide with all other patrons in the
22 area that are leaving the taverns at bar time.

23 The incident No. 52, this appears to be an
24 incident that occurred very quickly inside the
25 establishment. It was not reported to security. It

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1 is possible that this brief encounter, these young
2 ladies being slapped, was missed by security
3 personnel. They immediately left the establishment
4 afterwards. I suspect that the dispute may have been
5 briefly noticed but was quickly resolved without
6 complaint, and the female patrons left. We have no
7 independent knowledge concerning that incident.

8 Incident No. 53. Security personnel
9 intervened in an argument between female patrons. As
10 the patrons were being escorted off the premises, they
11 ran into the police who were entering doing a routine
12 check. At that point, the police took over the matter
13 and escorted them from the facility. By the time the
14 police arrived, the security had resolved the
15 situation.

16 On incident No. 54, the floor supervisor was
17 conducting a routine check of the entire facility. He
18 had noticed that there was a squad on Jackson Street
19 and inquired of the external security if there was any
20 problems. There were none. Approximately 15 minutes
21 later an individual attempted to gain admission but
22 was denied because of his hostile demeanor and
23 improper dress. The individual became very upset and
24 threatened security and had to be restrained from
25 forcibly attempting to gain entry into the premises.

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1 I think that's perhaps what the officer saw from his
2 vantage point. Shortly afterwards the individual left
3 without further incident and the PA-33 report
4 indicates that the security manager did -- the
5 security person at the door did point out the
6 individual to the police eventually, but they were
7 unable to apprehend him.

8 Incident No. 55. This is best described as
9 a cat fight that occurred on the street about an hour
10 after the Park Bar had closed and a half hour after
11 all the patrons had left and dispersed the area. Park
12 Bar has no further knowledge regarding the incident or
13 the individuals involved. It doesn't show in the
14 report, but I show Officer Sanfilippo again that the
15 female victims indicated to the police that they were
16 denied admission to the Park Bar.

17 OFFICER SANFILIPPO: The PA-33 does reflect
18 that they were refused. They tried to get in and were
19 refused entry.

20 MR. WHITCOMB: Thank you. Finally, the
21 incident on No. 56. This was at closing. It was
22 probably right after the time they turned the lights
23 on at about 1:45, indicating to people that the bar
24 was going to close very shortly and they should begin
25 leaving. The floor supervisor saw what appeared to be

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1 a commotion. As he approached the scene of the
2 commotion, three individuals fled from the premises.
3 The supervisor, who is here today, then noticed that
4 one of the individuals who remained was bleeding. It
5 was a young man. The patron was taken into the men's
6 room with security personnel to administer first aid.
7 While there, he refused to be taken to the hospital.
8 He did not want ambulance assistance. He was advised
9 to wait for professional medical technicians. He did
10 not. He left, and he left the premises. The Park Bar
11 did call 911, although from what the report indicates,
12 it didn't appear on CAD. Perhaps it didn't because
13 the person who took the 911 call said that they were
14 not going to dispatch a squad because the person who
15 had been injured had left the premises.

16 And then I'll address at this time any
17 questions relating to these incidents. I do have some
18 brief closing remarks after my mouth is no longer dry.
19 But if there's any questions at this time as to
20 particular incidents, we would address them now.

21 CHAIRMAN WITKOWIAK: Questions by committee?

22 ALDERMAN DUDZIK: Mr. Chairman, only because
23 I think there's an inconsistency between the Park Bar
24 and the City of Milwaukee, Ms. Bender, what is the
25 capacity of the Park Bar?

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1 MS. BENDER: The current occupancy that I
2 have is 408.

3 ALDERMAN DUDZIK: Not 750 or whatever number
4 you so chose, which would indicate that on that
5 evening that the Park Bar believed that they were in
6 compliance with the occupancy, they were, in fact, over
7 by almost double.

8 CHAIRMAN WITKOWIAK: Alderman Puente.

9 ALDERMAN PUENTE: The city attorney did not
10 issue on the citation that you gave us, 5850791-2 the
11 reason why the charge was not issued. Do you know?

12 MR. WHITCOMB: I do not, sir.

13 MR. SCHRIMPF: I do not.

14 OFFICER SANFLIPPO: I do not.

15 ALDERMAN PUENTE: I guess I won't get the
16 answer to my question then.

17 CHAIRMAN WITKOWIAK: And Alderman Puente
18 would move to make this letter stating that the
19 citation had been refused prosecution dated April
20 20th, 2004 from the City Attorney's Office, make this
21 part of the record. Hearing no objections, it is so
22 ordered.

23 MR. WHITCOMB: Just in response to your
24 question, Alderman. Confirmed by my client but also
25 contained in the PA-33 report of February 22nd, 2004,

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1 the report indicates that Sergeant Prachet stated that
2 the posted legal capacity was 704 persons inside the
3 bar and 25 persons on the patio deck. Did I read that
4 correctly?

5 OFFICER SANFILIPPO: You did.

6 ALDERMAN DUDZIK: Thank you.

7 MR. WHITCOMB: So there's a discrepancy we
8 can't resolve right now.

9 ALDERMAN DUDZIK: We have someone looking
10 into it.

11 CHAIRMAN WITKOWIAK: Alderman Wade.

12 ALDERMAN WADE: Just for curiosity purposes,
13 Item No. 51, you mentioned that there were out-of-town
14 patrons involved in this particular incident. Were
15 those patrons professional athletes, if you recall?

16 MR. WHITCOMB: One was that appears in the
17 PA-33 report.

18 ALDERMAN WADE: Was that from NBA, major
19 league baseball, hockey?

20 MR. WHITCOMB: NBA, National Basketball
21 Association.

22 ALDERMAN WADE: Thank you.

23 CHAIRMAN WITKOWIAK: Alderman Bauman.

24 ALDERMAN BAUMAN: Thank you, Mr. Chair. I
25 have some comments, but I first have a question

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1 directed to all of you as well as Mr. Schrimpf and
2 Officer Sanfilippo, because essentially Mr. Whitcomb's
3 position here is that these police reports are either
4 inaccurate, exaggerated, misleading, incomplete, or
5 irrelevant. Now we have a dispute over what the
6 capacity is at this establishment, they are either at
7 double their capacity or they're within the ballpark
8 and it's arguably not a big deal.

9 Those are significant factual differences.
10 So what weight do we accept these police reports and
11 the narratives that we've been read as presumptively
12 correct absent cross-examination of the officers and
13 the witnesses and a full-fledged trial? Because if
14 that's the standard we have to use, then Mr. Whitcomb
15 has raised some questions regarding these incidents.

16 On the other hand, on the face value of
17 these narratives, this establishment deserves a
18 significant sanction, in my opinion. The consumption
19 of police manpower for one bar in downtown Milwaukee
20 is extraordinary. I counted -- Mr. Whitcomb was
21 effective in taking each individual incident and
22 basically discrediting the police report as being
23 either wrong or irrelevant. What was never contested
24 was the statements of the police resources utilized at
25 this facility.

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1 Seven incidents required large police
2 responses, six squads, 11 squads, seven squads. I
3 believe the 1st District at this time of night
4 typically has only has one squad on duty, which means
5 squads are being pulled from other parts of the city,
6 which means many citizens of the City of Milwaukee
7 were without police protection, were without police
8 coverage. Perhaps there were incidents. And why were
9 the police not arriving promptly to the calls we
10 constantly get? They didn't come for an hour. Why
11 are they all down at the Park Bar dispersing 200
12 people?

13 And to compare the hectic circumstances of
14 the Park Bar emptying out to the Bradley Center or
15 the PAC emptying out is an insult. This is not the
16 Bradley Center and PAC, gentlemen. They do not need
17 11 squads to assist people emptying out of the Bradley
18 Center.

19 But my bottom line point here is there does
20 appear to be a procedural issue that if we are to
21 accept these narratives at face value, then I think
22 the record is here for a significant sanction, at
23 least as severe as the bar received last Wednesday,
24 the H2O, at least as severe as a 90-day suspension.
25 There there were a few neighbors complaining about

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1 noise. Nowhere in that incident did you have the
2 consumption of police resources that we have here.
3 I'm generally of a mind that downtown gets a
4 little more leeway, establishments downtown should get
5 a little more leeway than establishments in
6 neighborhoods. We don't have noise complaints here.
7 I haven't received complaints from neighbors, but
8 believe me, I'd get complaints from neighbors if the
9 neighbors knew that the reason the police weren't
10 coming to their house is because they were all
11 downtown monitoring this establishment. You'd be darn
12 sure we'd be getting complaints about that if they
13 knew that was going on. I'm inclined to give downtown
14 establishments some leeway on a lot of these issues
15 because it is an entertainment focus of the city.
16 Personally, I think that's where the bars and clubs
17 should be, more so than in residential neighborhoods,
18 but this, I believe, has gone over the top.
19 In just the months of March and February of
20 this year, I counted up eight incidents in just a two-
21 month period of time. That's basically one every
22 weekend, in essence, and that indicates a club that is
23 either poorly managed or of a size and offering a
24 product which is unmanageable by its very nature, and
25 I think this committee should send a very strong

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1 message that something must be done to address the
2 consumption of police resources, and now with a new
3 condominium just going up across the street from this
4 this establishment which heretofore had not been
5 there, I'm going to start hearing the complaints about
6 noise and about crowds and about boisterous behavior,
7 and it's not like the PAC and it's not like the
8 Bradley Center. Thank you.

9 ALDERMAN BOHL: I would move at this time to
10 make the entire police report part of the record.

11 CHAIRMAN WITKOWIAK: The motion by Alderman
12 Bohl is to make the entire police report part of the
13 report. Hearing no objection to that, so ordered.

14 Is there anyone here in the room that wishes
15 to speak on this matter? Raise your hands.

16 (Whereupon, all speakers were duly sworn.)

17 CHAIRMAN WITKOWIAK: Could you come one at a
18 time up to the microphone here and just state your
19 name and address for the record and then give us your
20 testimony, please.

21 MR. BOHJANEN: Timothy Bohjanen, 808 North
22 Van Buren, Milwaukee.

23 CHAIRMAN WITKOWIAK: Proceed.

24 MR. BOHJANEN: I live in the vicinity of
25 bar, and I see the area around the bar as being

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1 residential, and since the opening of Park Bar,
2 there's been a noticeable disturbance, especially on
3 Friday and Saturday night. On a Friday and Saturday
4 night, I am awakened every single Friday and Saturday
5 night that I am home. It is noise and patrons, et
6 cetera, that are leaving bars.

7 Prior to Park Bar -- And I know there are
8 other bars in close proximity that probably use the
9 same areas for parking. I've never noticed the noise
10 problems before. Alderman Bauman stated that he has
11 never gotten any complaints. Had he chosen to check
12 the records of the alderman before him, he would have
13 noticed there were complaints of noise by residents in
14 the area. They are there. I have made them.

15 Also, myself and other people who could not
16 be here have made calls to the police department by
17 disturbances in parking lots not part of the Park Bar
18 but by patrons from there. I don't feel on a Friday
19 and Saturday night when this bar is letting out it is
20 safe to be out on the street. I either have to be
21 home before the bar is letting out or not leave until
22 well after they have dispersed.

23 MR. SCHRIMPF: Mr. Chairman.

24 CHAIRMAN WITKOWIAK: Go ahead, Mr. Schrimpf.

25 MR. SCHRIMPF: Thank you. Mr. Bohjanen, I

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1 have one question for you. You indicated that you
2 observed patrons carrying on disturbances in parking
3 lots, and apparently this is differentiated from the
4 Park Bar, but you also said that they are patrons of
5 the Park Bar.

6 MR. BOHJANEN: I would assume because prior
7 to the Park Bar opening, there wasn't any of these
8 problems.

9 MR. SCHRIMPF: That was going to be my
10 question. You didn't see these people actually leave
11 the Park Bar?

12 MR. BOHJANEN: I cannot see the front door
13 of the Park Bar. No, I cannot say verbatim that that
14 is where they walked out of.

15 MR. SCHRIMPF: But you did not experience
16 this problem before the Park Bar opened?

17 MR. BOHJANEN: Absolutely not.

18 MR. SCHRIMPF: When did the Park Bar open,
19 if you know?

20 MR. BOHJANEN: I don't know the exact 2001,
21 2002, I don't know the exact date, no. And upon the
22 opening, those first few months, it did not start. It
23 has escalated. And if you check the police reports
24 and if the Alderman would check the prior Alderman's
25 records, he would probably find when the complaints

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1 started.

2 CHAIRMAN WITKOWIAK: How far away physically
3 do you live from the Park Bar? Is it a block away?

4 MR. BOHJANEN: I'd say a block-and-a-half.
5 I have not walked it off exactly.

6 CHAIRMAN WITKOWIAK: Any other questions?

7 MR. BOHJANEN: I have one other thing. The
8 other thing since the Park Bar has been there is the
9 amount of litter in the neighborhood. Not only do you
10 see disposable cups, et cetera, strewn about the
11 street, there is also a large number of flyers
12 attached to cars. I see them on my car all the time,
13 and I know what they're advertising, and the Park Bar
14 has been advertised by flyers on my car. I don't
15 think any bar has a right to go and distribute this
16 stuff in a neighborhood, especially when the majority
17 of it is on the street and applying it to other
18 people's personal property.

19 CHAIRMAN WITKOWIAK: Thank you. Mr.
20 Whitcomb, do you have any questions of this witness?

21 MR. WHITCOMB: Do you live on Van Buren
22 north of Kilbourn?

23 MR. BOHJANEN: No. I live directly behind
24 the Cathedral, 808.

25 MR. WHITCOMB: In the flyers about which you

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1 complain, those are flyers from the Park Bar or flyers
2 in general?

3 MR. BOHJANEN: Not always from the Park Bar,
4 but I have seen Park Bar advertised. They were not in
5 the neighborhood before the opening of the Park Bar.

6 MR. WHITCOMB: For the record, how many
7 other bars are within two blocks of where you live?

8 MR. BOHJANEN: I believe it would be
9 Edwardo's within two blocks, because Elsa's is three
10 blocks, Louise's is three blocks.

11 MR. WHITCOMB: What about parties or events
12 at the Scottish Rite building?

13 MR. BOHJANEN: To my knowledge, they are
14 always out by midnight, and I have never experienced a
15 disturbance from there that has awakened me, et
16 cetera.

17 MR. WHITCOMB: Are you assuming that these
18 patrons are from the Park Bar because they're
19 African-Americans?

20 MR. BOHJANEN: No. That seems like an odd
21 question. I do not go down to the street to evaluate
22 the people that's causing the disturbance ethnic
23 background.

24 MR. WHITCOMB: No other questions.

25 CHAIRMAN WITKOWIAK: Thank you, Mr.

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1 Bohjanen. Could we have our next person come and
2 testify, please.

3 MR. MURRELL: Good afternoon, Mr. Chairman.
4 Jeff Murrell. My address is 1660 North Prospect
5 Avenue. I am here before you as a resident of
6 District 4 and as a busy professional who does a lot
7 of my work out of the Milwaukee Bar Association, which
8 is just down the street from this establishment. That
9 address is 424 East Wells Street. I do have to
10 confess it feels a little strange to be on this side
11 of an application.

12 I feel compelled to object to the renewal of
13 this license primarily because of -- well, two
14 reasons. One, when I have a Monday morning
15 appointment downtown, I have clients meet me at the
16 Milwaukee Bar Association. It's very convenient. And
17 it seems like it's always a Monday morning when I go
18 to meet someone there in the morning, and there's just
19 trash. It's wall-to-wall trash. It shouldn't be that
20 way. And I know it's not Elsa, I know it's not
21 Louise's. I guess I shouldn't say I know for sure but
22 figure the odds. If it walks like a duck and it
23 quacks like a duck, it's a duck, and I think this
24 place is a nuisance. It's become a nuisance property.
25 And I've had clients comment to me about --.

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1 MR. WHITCOMB: Objection, hearsay, and I'd
2 ask the witness to testify only as to the facts and
3 not to testify as to legal conclusions that he may
4 have concerning this establishment. What he has seen
5 and what he has heard. You know the rules, Counsel.

6 MR. MURRELL: I will withdraw the statement.
7 I do have to comment the applicant has an excellent
8 attorney, by the way.

9 MR. WHITCOMB: That is factual.

10 ALDERMAN BAUMAN: Objection, hearsay.

11 MR. MURRELL: I guess the second point I'll
12 make as a District 4 resident, I will not travel down
13 Wells Street late at night on a weekend to get home to
14 get up to Prospect Avenue and then around to where I
15 and my wife live at 1660 North Prospect. The reason
16 for that is even before closing time at that place,
17 it's just mayhem. My wife and I are afraid to drive
18 that path. We'll stay way over on Wisconsin Avenue or
19 we'll come up wherever we're coming from, we'll go out
20 of our way to avoid the area at that time. It just
21 seems like it's day and night literally. And
22 reversed. During the day, it's a very serene and
23 tranquil area. At night, it's wild.

24 And I will make one third point, and this is
25 more a professional observation. As counsel for the

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1 applicant has noted, I am an attorney, I know the
2 rules. I do a lot of this -- well, not a lot
3 recently, but I have in the past done a lot of
4 the liquor license application representation. That's
5 got to be the worst police report I've ever heard. As
6 far as a sanction --

7 MR. WHITCOMB: Objection. Once again, his
8 opinion is invading the province of this committee,
9 who makes its own judgment as concerning the impact of
10 the police reports.

11 MR. MURRELL: I have standing to give an
12 expert opinion in that regard.

13 MR. WHITCOMB: You haven't been qualified as
14 an expert, sir, and I've seen far, far many more
15 reports worse than this one.

16 MR. MURRELL: That might be true, but I
17 haven't. Some of the members of this committee,
18 Alderman Bohl, for example, Alderman Witkowiak, they
19 know I've represented some real doosies in front of
20 them. That's all I've got to say. Thank you.

21 CHAIRMAN WITKOWIAK: Yes, sir. Any further
22 questions?

23 MR. WHITCOMB: Yes.

24 CHAIRMAN WITKOWIAK: Go ahead.

25 MR. WHITCOMB: A closing statement.

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1 I thought he was representing the entire --

2 MR. SCHRIMPF: No. You objected on hearsay.

3 MR. MURRELL: I am here in my own capacity
4 as a District 4 resident. Do you have any questions
5 for me, Counsel?

6 MR. WHITCOMB: No.

7 MR. MURRELL: Then I'll take a seat.

8 CHAIRMAN WITKOWIAK: We're going to take a
9 break.

10 (Break.)

11 CHAIRMAN WITKOWIAK: Back on the record at
12 approximately 1:06 p.m. Could we have our next
13 witness, please. Name and address for the record,
14 please.

15 MR. BOWEN: David Bowen, 1622 East Allis
16 Street. I'm recently hired as the general manager of
17 the Humphrey Scottish Right, and the basic goal of our
18 events is to have them family oriented. We are
19 concerned about the safety and cleanliness of the
20 neighborhood.

21 Previous to this, I was the manager of the
22 Elks Lodge on Good Hope Road, and we would hold
23 certain events where they got out of hand, and we'd
24 have to call the police and potentially -- We had
25 riots at one time last summer.

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1 MR. WHITCOMB: What are you speaking of, sir,
2 just so the record is clear?

3 MR. BOWEN: Pardon me?

4 CHAIRMAN WITKOWIAK: Were the riots related
5 to the tavern?

6 MR. BOWEN: It was related to parties that
7 we had at the Elks Club that were sports entertainers
8 and those types events. We get solicited at the
9 Scottish Rite for those types of events, and there is
10 a real security concern that you have to really look
11 at and to be concerned about in your community, and
12 unless you can address the security aspect of it and
13 keep it safe, we would say that we would not be in
14 favor of it.

15 CHAIRMAN WITKOWIAK: Hold on a second here.
16 Questions by committee? Mr. Whitcomb.

17 MR. WHITCOMB: How long have you been
18 general manager at the Scottish Rite?

19 MR. BOWEN: Approximately 12 months.

20 MR. WHITCOMB: And you do have 18 and over
21 underage events there; is that correct?

22 MR. BOWEN: We have a theater. We have all
23 kinds of events there.

24 MR. WHITCOMB: You have events open to the
25 public that you advertise on V-100 for those 18 and

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1 over, correct?

2 MR. BOWEN: I don't recall any, no.

3 MR. WHITCOMB: Have you had any events while
4 you've been general manager at the Scottish Rite open
5 to the public for those 18 and over?

6 MR. BOWEN: I believe we have. I'd have to
7 check the records. We have a lot of events there.

8 MR. WHITCOMB: Have you ever had police
9 squads at the Scottish Rite to assist in dispersing
10 the crowds there?

11 MR. BOWEN: Absolutely.

12 MR. WHITCOMB: I have nothing further.

13 ALDERMAN DUDZIK: Mr. Chair.

14 CHAIRMAN WITKOWIAK: Thank you. Alderman
15 Dudzik.

16 ALDERMAN DUDZIK: Before you leave -- I'm
17 sure it's in the brochure that you've handed us --
18 but can you tell us the capacity of the Scottish Rite?

19 MR. BOWEN: Our main dining room is 500, our
20 theater is 450.

21 ALDERMAN DUDZIK: And events do take
22 place --

23 MR. BOWEN: In either two of those areas,
24 and then there's also the Schroeder Lounge, which is
25 about 200.

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1 ALDERMAN PUENTE: Mr. Chair.

2 CHAIRMAN WITKOWIAK: Alderman Puente.

3 ALDERMAN PUENTE: When you stated the police
4 were involved dispersing the crowd, by chance do you
5 know how many officers were there?

6 MR. BOWEN: I would say a half a dozen. It
7 was Easter night, we had a problem with a concert that
8 was booked on Easter evening. I had arrived and saw
9 that it was a security problem, so I was the one who
10 called the police.

11 ALDERMAN PUENTE: Were there any other
12 incidents at your location other than the one you're
13 talking about within the last year?

14 MR. BOWEN: Very minor ones. Damage to a
15 door. That's primarily it.

16 ALDERMAN PUENTE: As it pertains to crowd
17 control?

18 MR. BOWEN: Yes. Every so often an event
19 would be thrown. We had one where Tim Thomas of the
20 Bucks would throw an event, and we did become
21 overcrowded, and we'd have to close the doors, and the
22 patrons wouldn't take no for an answer. We'd say
23 we're sold out, we can't let anybody else in, and they
24 tend to hang out on the street and cause disturbances,
25 so we're no longer permitting those types of events.

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1 ALDERMAN PUENTE: And that happened within
2 the last year?

3 MR. BOWEN: Right.

4 ALDERMAN PUENTE: The incident on Easter,
5 how long were the police there before things got under
6 control or actually dispersed? How long were they on
7 the scene?

8 MR. BOWEN: 20, 25 minutes.

9 ALDERMAN PUENTE: Thank you.

10 ALDERMAN WADE: Mr. Chair.

11 CHAIRMAN WITKOWIAK: Alderman Wade.

12 ALDERMAN WADE: Mr. Bowen, what's your
13 alcohol policy when you open your events up to the
14 public?

15 MR. BOWEN: They have to do a contract with
16 County Beer & Liquor, Top Shelf Services, and they're
17 considered private events. We have a contract that
18 says it's a private event invitation only.

19 ALDERMAN WADE: So you only serve alcohol
20 when it's a private event invitation only?

21 MR. BOWEN: Right.

22 ALDERMAN WADE: Do you sell alcohol at your
23 place at all?

24 MR. BOWEN: No.

25 ALDERMAN WADE: You don't sell alcohol?

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1 MR. BOWEN: No.

2 ALDERMAN WADE: Thank you.

3 ALDERMAN BUENTE: One more question, sir.

4 What are your hours of operation when you do open
5 normally?

6 MR. BOWEN: The business office, we'll be
7 open today. We have a lot of business meetings.
8 Northwest Mutual has business meetings in there, and
9 primarily weddings are normally there until midnight,
10 and then other functions can go to 1:00, 1:30.

11 ALDERMAN PUENTE: I was looking more when
12 you serve the alcohol. So like a wedding, what time
13 can they have the hall from, what time to what time?

14 MR. BOWEN: Generally our weddings are from
15 6:00 until midnight, six hours.

16 ALDERMAN PUENTE: Thank you.

17 CHAIRMAN WITKOWIAK: Next witness, please.

18 MR. LEYER: Robert Leyer, 2550 South 13th
19 Street, Milwaukee, Wisconsin.

20 I'd like to say, I was hired by Jeff Murrell
21 and Dave Bowen. I do the security for Scottish Rite.
22 My company is Wisconsin Security Solutions. They said
23 they were coming up for their license, and he says
24 we're getting accused of the noise, our neighbors were
25 concerned about noise, litter and stuff in the

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1 neighborhood. I said, right, I'll go down and do some
2 surveillance, which we did.

3 I went down on May 4th. I sat right in
4 front of the Wisconsin Humphrey Scottish Rite. I sat
5 there and I observed. The street was full. There was
6 nothing happening at the Scottish Rite that night. It
7 was empty. Every parking space was taken. I was
8 parked in the loading zone. I said, okay, let's watch
9 the Park Bar. I'm watching it. I observed people
10 jumping over the fence, I observed the police going
11 into the parking lot across the street giving out
12 tickets, driving away because he got a call, come
13 back, finish off his tickets, more cars coming in,
14 people urinating.

15 At the end of the night, I'm sitting there
16 observing this all. Crowds coming. All the people
17 that were parked there came to the Scottish Rite, all
18 the cars parked there and with the other gentleman
19 that was here earlier, Tim whatever his last name was,
20 I can't remember. Those stickers were on anybody's
21 car, and I'm sitting in my car, and I got one on mine.
22 Okay. Just taking notes, observing all this. And I
23 observed the noise, I observed the people fighting in
24 the street coming down with the crowd.

25 Now, someone could have come earlier from

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1 the different bars on the street, but the one I
2 observed coming over the fence where they were parked,
3 the ones that got the tickets behind their building,
4 if they had camera surveillance, then people should
5 have been out there stopping people urinating and the
6 fights. That's all I have to say, gentlemen.

7 CHAIRMAN WITKOWIAK: Questions by committee?

8 MR. SCHRIMPF: Mr. Chairman.

9 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

10 MR. SCHRIMPF: So you're saying that earlier
11 in the evening there were a number of individuals that
12 you saw engaging in this conduct that came from other
13 venues, but later on in the evening, by your personal
14 observation, these individuals that were jumping the
15 fence and urinating and going into the parking lot
16 were, in fact, coming from the Park Bar?

17 MR. LEYER: Park Bar.

18 MR. SCHRIMPF: Did you actually see them
19 exit the Park Bar and go to those locations?

20 MR. LEYER: Right from the doors is where
21 I'm parked. They came across and they jumped over the
22 fence, a couple rails, about four or five rails,
23 jumped over, and that's where the cars were parked.

24 MR. SCHRIMPF: Can you give us a number of
25 how many people you saw do this?

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1 MR. LEYER: Within a two-and-a-half hour
2 span, I'd say it was over 45 people.

3 MR. SCHRIMPF: That's all I have, Mr.
4 Chairman.

5 CHAIRMAN WITKOWIAK: Thank you. Mr.
6 Whitcomb.

7 MR. WHITCOMB: Mr. Chairman. But you did
8 not actually see these patrons walk out of the Park
9 Bar, you just saw them coming around the building that
10 the Park Bar is located in; is that correct?

11 MR. LEYER: That is right. I did not see
12 the front door, but I seen where the crowd's coming
13 like a sharp 90 degrees.

14 MR. WHITCOMB: This was on May 4th, 2004?

15 MR. LEYER: Yes.

16 MR. WHITCOMB: What day was that?

17 MR. LEYER: It was a Saturday night.

18 MR. WHITCOMB: A Sunday?

19 MR. LEYER: Saturday and Sunday.

20 MR. WHITCOMB: And about what time of night
21 was this?

22 MR. LEYER: I was there from 10:00 to 2:00
23 in the morning.

24 MR. WHITCOMB: So you would have been
25 located east of the Park Bar building?

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1 MR. LEYER: Right, parked right in front of
2 the Scottish Rite.

3 MR. WHITCOMB: And the Scottish Rite is
4 basically one full block over on Van Buren?

5 MR. LEYER: Right.

6 MR. WHITCOMB: And the stickers you found on
7 the car, did you find any stickers advertising the
8 Park Bar?

9 MR. LEYER: No. Actually, I handed it back
10 to the guy who gave it to me, but I have it on a tape.
11 I observed everybody's car and got license plates that
12 came from that bar. All the crowds that came over
13 there were parked in front of the building. I did put
14 it on tape.

15 MR. WHITCOMB: The stickers you found on the
16 car, were these advertising flyers you're talking
17 about?

18 MR. LEYER: Yes. They're little --

19 MR. WHITCOMB: I know what they are. We
20 call them flyers. Do you know whether or not those
21 flyers were from the Park Bar?

22 MR. LEYER: I could not say.

23 MR. WHITCOMB: Have you observed any
24 problems on Friday night, Friday night, Saturday
25 morning?

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1 MR. LEYER: I personally, just the loud
2 noise coming from the area, but that could be coming
3 from anywhere. I'm not normally there on a Friday
4 night. I'm at different locations.

5 MR. WHITCOMB: No other questions.

6 CHAIRMAN WITKOWIAK: Thank you. And our
7 next witness. Do we have one more? Please come
8 forward. Name and address for the record, please.

9 MR. PRASSE: Randy Prasse. My address is
10 916 Hayes Avenue, Racine, Wisconsin. I'm the
11 executive director of the East Town Association here
12 in Milwaukee downtown. Our geographical area is from
13 the river to the lake, from Clybourn to Ogden. I've
14 been the director for four years now. We have a lot
15 of members, we have 180 members in our association.
16 Many of them are bars, restaurants. RC was here
17 earlier from Louise's, Elsa's, Flannery's, going down
18 the line Milwaukee Street.

19 And I've never seen any bar in this
20 neighborhood that have had the attention from the
21 police department that the Park Bar has. Just within
22 -- I believe the record that was introduced today
23 started in May of 2003 or February of 2003?

24 ALDERMAN BOHL: Yes.

25 MR. PRASSE: I don't know what was on record

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1 prior to that. I don't know if that's relevant to
2 here. But this is something that has been
3 increasingly problematic over the last two or three
4 years. I'm down here a number of late evenings. We
5 produce Jazz In The Park, which last night was opening
6 night. I know they're not open on Thursday nights,
7 but there's a number of times I'm down here on Friday
8 and Saturday evenings late. A gentleman mentioned
9 earlier doesn't drive through that neighborhood or
10 through that intersection, which is really unfortunate
11 because the East Town is an entertainment district,
12 it's known as that. I believe that East Town is a
13 little different than other neighborhoods, and I don't
14 think there's any neighborhood in the City of
15 Milwaukee or any city that would like to have this
16 kind of establishment with this kind of attention and
17 goings on, property damage, trash --

18 MR. WHITCOMB: What property damage have you
19 observed, sir, and what trash have you seen? I ask you
20 to testify specifically as to what you have seen and
21 heard.

22 MR. PRASSE: Right.

23 MR. SCHRIMPF: Mr. Chairman, I think Counsel
24 has to wait until the witness is done, and then we
25 have cross-examination. I believe he's right now

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1 interrupting the witness.

2 CHAIRMAN WITKOWIAK: That would be correct.
3 But if I could ask you just to testify to things that
4 you've seen personally, not to the other things that
5 you've heard.

6 MR. PRASSE: Both. Our association works
7 very close with Beth Nicols in the Milwaukee downtown.
8 They have the Clean Sweep Ambassadors and Public
9 Servant Ambassadors. This has been an ongoing
10 conversation with Ms. Nichols to the fact of the --

11 MR. WHITCOMB: Objection, hearsay. What
12 you have seen and heard, sir.

13 MR. PRASSE: I physically have seen on
14 Monday mornings coming to work walking the
15 neighborhood, I've actually walked the streets around
16 that area. One of my board members is from
17 Northwestern Mutual. At his urging, I've also
18 walked --

19 MR. WHITCOMB: Objection, hearsay.

20 MR. SCHRIMPF: No.

21 MR. WHITCOMB: At his urging.

22 MR. SCHRIMPF: He's saying what he did at
23 his urging, he's giving testimony as to his personal
24 observations.

25 MR. WHITCOMB: He's testifying what someone

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1 told him who's not here to testify.

2 MR. SCHRIMPF: Not to the truth of the
3 matters.

4 MR. PRASSE: I've actually physically walked
5 and seen with my own eyes the neighborhood, the
6 parking lots, the streets, and the alleys surrounding
7 the area. I also accompanied a Clean Sweep Ambassador
8 as they were doing clean-up, witnessed glass bottles,
9 the beer bottles. This doesn't come from Park Bar
10 necessarily, but they were broken Crown Royal liquor
11 bottles that I've observed.

12 One of our board members is also from System
13 Parking, and they are managing the new parking
14 structure at Cathedral Place. I have physically
15 walked from the ground level up a number of floors. I
16 observed damage to that building that just recently
17 just since it's been opened I believe in May, the
18 brand new elevator had ceiling tiles and things busted
19 out, and it's actually prompted System Parking to no
20 longer have that parking structure open on Friday and
21 Saturdays nights. They literally put a barricade out
22 and no longer allow people in because of the property
23 damage that's realized since they've opened for the
24 public.

25 Now, prior to just recently within the last

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1 year, that was first a surface parking lot, then
2 during the last two or three, two-and-a-half years
3 it's been under construction, so there hasn't been any
4 reason or any ability for the public to get into that
5 facility, but since they've been open for parking,
6 they have observed problems to the point where they've
7 shut down the parking structure.

8 The association isn't in the business to
9 oppose any business that wants to come into the
10 downtown. We're, in fact, very aggressively going out
11 and trying to encourage people to open businesses. In
12 my four years, this is the first time that I've ever
13 appeared before this committee in opposition. In
14 fact, I'm usually on the other side, I'm usually all
15 in favor of businesses. 311, when he started his
16 business, came in front of the committee in favor of
17 it.

18 So this was something we feel pretty
19 strongly. I'm here representing the entire East Town
20 Association, our Board of Directors with us. I have
21 nothing else.

22 CHAIRMAN WITKOWIAK: Thank you. Just stay
23 up there. Questions by committee? Mr. Whitcomb.

24 MR. WHITCOMB: So you found the neighborhood
25 in the vicinity of the Park Bar is substantially

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1 littered with trash on Monday mornings; is that your
2 testimony?

3 MR. PRASSE: Right, one specific Monday
4 morning. It's not a weekly patrol that I do.

5 MR. WHITCOMB: And you were at a meeting
6 with me and the gentleman sitting next to me with
7 Captain More, Beth Nichols, we had Paul Weeze there
8 from System Parking, we had John Williams there, the
9 general manager of the Pfister, and that was a meeting
10 on May 4th, 2004. You were there, correct, sir?

11 MR. PRASSE: Correct.

12 MR. WHITCOMB: And that was a meeting that
13 the Park Bar representatives asked to have, correct?

14 MR. PRASSE: Correct.

15 MR. WHITCOMB: And at that meeting it was
16 represented that over the last two or three months
17 prior to that meeting after the Park Bar had been
18 notified by Captain More of concerns of the Park Bar
19 that there had been a great deal of improvement in the
20 operation of the establishment, correct?

21 MR. PRASSE: I did not state that.

22 MR. WHITCOMB: I didn't say you stated that.
23 That was what was stated at and during the meeting,
24 correct?

25 MR. SCHRIMPF: Mr. Chairman, I would note

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1 that this is hearsay.

2 VICE-CHAIRMAN BOHL: Mr. Whitcomb, we'll ask
3 you to move on in terms of questions. Cuts two ways.

4 MR. PRASSE: The general feeling, I believe,
5 at the end of that meeting was that it was seen that
6 there was some attempts on Mr. Goumenos' part to
7 improve. However, this hearing, just the timing of
8 it, if I don't appear right now to voice concern, I
9 don't know what the next window of opportunity is. So
10 on one hand, you might have felt the things that we
11 said, okay, everything is fine --

12 MR. WHITCOMB: Sir, how do you feel that
13 meeting ended? As long as we're talking about
14 feelings, how do you feel that meeting ended? How
15 confident were you that the Park Bar would abide by
16 the concerns that were expressed by the meeting going
17 into the future? After that meeting, how did you
18 feel?

19 MR. PRASSE: I hesitate the use the word
20 optimistic. Guardedly optimistic. I feel that it
21 was --

22 MR. WHITCOMB: Why were you guardedly
23 optimistic?

24 MR. PRASSE: Because this is something that
25 you don't just change. Earlier in another hearing

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1 today --

2 MR. WHITCOMB: Prior to two months before
3 that meeting, when did you or any representative of
4 your association, of which the Park Bar is not a
5 member, ever address Mr. Goumenos or any member of
6 this establishment concerning the concerns of East
7 Town?

8 MR. PRASSE: I have never addressed it
9 directly with Mr. Goumenos. I've addressed it with
10 Joe Lee, the building owner.

11 ALDERMAN BAUMAN: I'm going to object on
12 behalf of my constituents. This is all irrelevant.
13 Who cares what happened at a meeting two months ago?
14 That's completely irrelevant to the police reports and
15 the factual record that's been put forth in front of
16 this committee. Who cares what Mr. Prasse felt after
17 a given meeting. The record speaks for itself. I
18 believe that's what's relevant to this committee's
19 consideration, not who said what or who inferred what,
20 who felt what following a meeting two months ago.
21 There's no legal standing and is of no relevance to
22 this committee.

23 MR. PRASSE: I would like to add one thing.
24 I believe -- and the police report might reflect this
25 -- but the date of the meeting you indicate was May

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1 4th. I don't have my calendar here. Within that
2 week, was there an incident where a person was hit in
3 the face with a glass bottle inside the Park Bar.
4 What is the date on that last report that was read in
5 the record?

6 CHAIRMAN WITKOWIAK: May 10th.

7 MR. PRASSE: Was that, in fact, where the
8 person was hit in the face with a bottle?

9 CHAIRMAN WITKOWIAK: Yes.

10 MR. PRASSE: That was five days after our
11 meeting, and I guess the answer to your question is I
12 felt guardedly optimistic but within four days, it
13 reverted back to the exact same concern that brought
14 us altogether in the first place. So based on that, I
15 don't see any improvement based on that.

16 MR. WHITCOMB: So it's your objection, your
17 association's objection is to the type of patrons that
18 are attracted to the Park Bar; is that correct?

19 MR. PRASSE: That's not correct. It's the
20 fact that management does not seem to be able to
21 control the patrons. Regardless of who the patron is,
22 they're not controlling the patron. That is the exact
23 same problem we have with the Rocks Nightclub and the
24 City Club Nightclub in the lower level of my building,
25 of which we still have a bullet scar above our door.

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1 Those bars both went out of business before it came up
2 to a hearing, otherwise, this would not be my first
3 time up here in front of this committee.

4 When gunshots are fired and there's fights
5 and the street is closed, that's a problem.

6 MR. WHITCOMB: Object. This is
7 argumentative.

8 CHAIRMAN WITKOWIAK: All right, all right.
9 Let's just wrap this up now. I think we got -- Not
10 to get in anybody's face over here, but it has to be
11 personally witnessed by the person testifying, it has
12 to be relevant to the matter at hand.

13 ALDERMAN DUDZIK: Mr. Chair, Ms. Bender has
14 some information that I've requested.

15 MS. BENDER: This may or may not answer a
16 couple of questions. In 1990, there was a capacity of
17 480 and on September 6th of 1994 when the bar was
18 called Club Marilyn's-Metropolis they did get a
19 capacity of 704 for the first and second floor and the
20 south third of the building. Also, that may or may
21 not explain why they removed 15 people or they may or
22 may not have issued the citation.

23 MR. WHITCOMB: They expanded the place.

24 CHAIRMAN WITKOWIAK: While I remember this,
25 Neighborhood Services, any objections?

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MS. BENDER: No.

CHAIRMAN WITKOWIAK: Health Department?

MR. MORAWETZ: No objection.

MR. SCHRIMPF: Mr. Chairman, one thing.

Alderman Bauman raised a question regarding the -- I don't know if it's the weight or the fact that there has been some questions raised about police reports, and I'd like to address them because I think those are good and proper questions.

CHAIRMAN WITKOWIAK: Please.

MR. SCHRIMPF: The statements made by Officer Sanfilippo are made under oath, and the committee has before it a report of the Milwaukee Police Department, and that's one of a series of reports that are kept in the ordinary conduct of business of the Milwaukee Police Department, so they are a classic exception to the classic hearsay rule.

Counsel for an applicant is certainly entitled to cross-examine on those points, and Counsel certainly did that on a few items, invited Officer Sanfilippo to cross-check some things that were in the PA-33s, which are also document kept in the ordinary conduct of business of the Milwaukee Police Department. Mr. Whitcomb is extremely good, and I compliment him, and effective at explaining things

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1 that are in police reports, but his statements are
2 statements of counsel.

3 They are, A, not under oath, although they
4 are statements of an attorney to an adjudicatory body,
5 so they are given weight. Secondly, to the extent
6 that Mr. Whitcomb puts in countervailing evidence of
7 the same quality, in other words, either classic
8 exceptions to the hearsay rule or sworn testimony,
9 those are certainly things that would balance against
10 what may be in the police report. Ultimately, it's
11 the weight the committee chooses to give the
12 particular police reports. I hope I've shed some
13 light on that issue.

14 CHAIRMAN WITKOWIAK: Thank you very much for
15 that eloquent explanation. Are there any other
16 questions by committee?

17 MR. WHITCOMB: Mr. Chairman, if I may. I
18 forgot the document that I wanted to ask Mr. Prasse
19 about. It will only take a second.

20 CHAIRMAN WITKOWIAK: Mr. Prasse, could you
21 come to the microphone, please. Let's keep this
22 relevant, orderly.

23 MR. WHITCOMB: I show you what's a printout
24 of an e-mail message from the East Town Association.
25 Are you familiar with that?

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1 MR. PRASSE: Yes, I am.
2 MR. WHITCOMB: And that was authored by you?
3 MR. PRASSE: Yes, it was.
4 MR. WHITCOMB: And to whom did you send that
5 e-mail?
6 MR. PRASSE: This went out to the entire
7 East Town Association membership that we have on
8 e-mail file.
9 MR. WHITCOMB: There are 180 members?
10 MR. PRASSE: Correct.
11 MR. WHITCOMB: And did any of those 180
12 members appear here today?
13 MR. PRASSE: No. I'm appearing on behalf of
14 the Association.
15 MR. WHITCOMB: Did any of those 180 members
16 send any written communication concerning the Park
17 Bar?
18 MR. PRASSE: Not to me. I don't know if
19 they submitted anything to Mr. Copeland.
20 MR. WHITCOMB: That's all.
21 MR. PRASSE: I'm sorry. Humphrey Scottish
22 Rite is a member, and they did appear here today.
23 MR. WHITCOMB: Thank you.
24 CHAIRMAN WITKOWIAK: Alderman Dudzik would
25 move to make a copy of this e-mail dated Friday, May

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1 21st, 2004, 2:33 p.m. into the record. Hearing no
2 objection to that, so ordered.

3 MR. WHITCOMB: Also move into the record, if
4 it already hasn't been, the letter from the City
5 Attorney's Office.

6 CHAIRMAN WITKOWIAK: It's already in.

7 MR. WHITCOMB: Thank you. Closing?

8 CHAIRMAN WITKOWIAK: Please.

9 MR. WHITCOMB: I'll try to be as brief as
10 possible, give you a bit of history of the
11 establishment, especially for the newer aldermen.

12 Mr. Goumenos has been at this location for
13 23 years. The location has never received a citation.
14 He's had 40 years in the nightclub business. Just for
15 reference, within four blocks of the Park Bar, there
16 are 15 bars. His establishment on an annual basis,
17 roughly 300,000 people go through the doors.

18 I don't mean to take direct issue with
19 Alderman Bauman, but a lawfully-operated business that
20 is required by law to close at a particular time
21 certainly is entitled to and its customers are
22 entitled to some police direction, some police
23 protection at the time the establishment closes.

24 If there is issue with the size of the
25 capacity of this facility, the legal capacity, well,

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1 that's another issue, but if you have an establishment
2 that's licensed to conduct business that has a
3 capacity of 700 people, 500 of which are dispersed all
4 at the same time on a downtown street, it is going to
5 cause temporary traffic problems, and I do not believe
6 it's too much to require of our city police department
7 to address it, disperse the crowd, assist security in
8 doing it. We do it at ball games, we do it at the
9 Bradley Center. I don't think the comparison is
10 ludicrous. It's a legitimate business that by law has
11 to empty at a particular time.

12 You've heard testimony from some of the
13 witnesses about the problems with Friday and Saturday
14 nights. This establishment is not open to adults on
15 Friday night. It closes at 1:00. It's teen night.
16 Most of the teenagers that come there, 200 or 300, are
17 from the suburbs. They leave quite quietly and
18 peacefully. If there are any disturbances in that
19 particular area on Friday night, they're from other
20 taverns.

21 You heard about litter found in the area on
22 Monday mornings, especially the fellow counsel, Mr.
23 Murrell. I advise the committee this place is not
24 open on Sunday, so any trash which occurred that could
25 possibly be attributable to the Park Bar, it would

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1 have had to have been there from 1:00 on Sunday
2 morning until Monday morning. I submit that there's a
3 lot of activity in that particular area with a lot of
4 restaurants, hotels, and bars on Sunday, and perhaps
5 it is their patrons or the travelers in the area that
6 cause that litter between Friday and Monday.

7 The security staff at this establishment is
8 professional. They have 15 inside security people.
9 They are well trained. They have been advised not to
10 get into encounters with patrons, even when assaulted.
11 They have been advised to call the police, and they
12 do. They've had a very good work relationship with
13 the police department with unruly patrons. But over
14 the course of a night, if you have 700 people coming
15 through the door, as the records indicate that I
16 obtained because they received an over capacity
17 citation, you're going to have one or two or three bad
18 eggs over the course of the year that are going to
19 throw their weight around inside, they're going to be
20 escorted, they call the police, and there's going to
21 be an incident report.

22 They have extensive security cameras inside
23 the facility, and to assist them and also to assist
24 law enforcement, they have high resolution long
25 distance security cameras on the exterior that shoot

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1 all the way up to Wisconsin Avenue to the south and
2 all the way up to Van Buren -- excuse me -- Kilbourn
3 on the north. So any activity which occurs outside
4 the establishment at closing is all recorded. Those
5 tapes have, as I indicated earlier, been turned over
6 to the police at times when they have concern about
7 incidents which have occurred on the street.

8 The patrons that attend Park Bar. They do
9 cater to the African-American working class middle
10 class young professionals in the City of Milwaukee on
11 Saturday nights. They have for about 18 months. The
12 crowds there are not as great as they once were for
13 one reason really and one reason only; there are other
14 downtown night spots that are comfortable to
15 African-Americans in the City of Milwaukee now. It's
16 not that if you want to go downtown at night there's
17 only one place to go on Saturday night. Now, there's
18 four or five places.

19 At the request of the department, at the
20 suggestion of the Milwaukee Police Department, he did
21 reduce his capacity. He no longer allows people in to
22 full capacity. They haven't had the business over the
23 last three or four months because of I'd say competing
24 enterprises for African-American clientele. 311 is
25 one of them. It's a nice club. So is Sling. Even to

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1 a certain extent Pure. These are all nightclubs that
2 attend and cater to African-Americans in the City of
3 Milwaukee that want to come downtown for
4 entertainment. So it is no longer the only show in
5 town for Saturday nights for African-Americans.

6 The security they employ for those gaining
7 entry into the establishment, they're wanded, they're
8 physically searched. Hats are not permitted, pens are
9 not permitted, pencils are not permitted, combs are
10 not permitted. There aren't any incidents inside.
11 There hasn't been any shootings, nor will there ever
12 be. No one gets in with anything that approaches a
13 weapon.

14 I don't think I pointed it out to Sergeant
15 Sanfilippo, but the reports incidate and what they do
16 do at closing, especially Saturday nights, if they
17 have a lot of people who stay throughout the night and
18 leave at bar time, which is a half hour earlier than
19 normal, security is outside with a bullhorn directing
20 traffic, telling people to disperse. People are
21 dispersed from that location within 20 minutes after
22 the building is empty. Security attends to it, and
23 afterwards security polices the area and collects all
24 litter that is then visible.

25 We heard about the meeting with East Town

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1 Association. Captain More, which I believe is new to
2 the district, he contacted Mr. Goumenos. He said I
3 have concerns, I have concerns about the downtown
4 night life, and your club is one of the clubs, I'd
5 like to talk. He expressed to him, gave him some
6 ideas about why don't you reduce your capacity. He
7 did that. Why don't you not have lines outside. If
8 you're going to have lines, tell the people you're
9 full, you're not going to let anybody in, suggestions
10 of that nature so there's no lines outside. He did
11 that.

12 Because Captain More, not the East Town
13 Association, notified him that there were concerns
14 with businesses in the area, he asked for a meeting,
15 and he asked the East Town Association to use their
16 facilities and to invite those of its members that
17 have concerns. We sat for say an hour, an hour and 15
18 minutes. It was a great discourse, it was a great
19 exchange. It was represented at the meeting by Beth
20 Nicols, by a representative of the security system
21 that since Mr. Goumenos had been given a heads up that
22 there was some concern over this 20- to 30-minute time
23 frame when people leave his club, there was a
24 substantial improvement.

25 He further represented to them that he has

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1 addressed concerns in the past before. You've heard
2 testimony about flyers. They have not used flyers
3 advertising their club on cars for six to eight
4 months. They no longer advertise on the radio.
5 Captain More was quite wise when he said what you need
6 to pay attention to is something I had never thought
7 of is truly not the patrons that have gained
8 admission, but your guys at the door often have to
9 keep an eye on guys that are refused admission,
10 because oftentimes you refuse to admit them for a good
11 reason, and those characters are still in the
12 neighborhood, so pay special attention to those that
13 are refused admission, make certain they get back in
14 their vehicles or from wherever they came and not hang
15 out outside. Security has employed that.

16 As I have indicated, they have dropped their
17 capacity level to what they will allow admitted. They
18 don't go to the max anymore. They close early on
19 Saturday nights so that when their crowds leave on
20 Saturday night, the congestion in that part of the
21 city, the night life doesn't coincide with the
22 congestion from traffic leaving the other bars when
23 the patrons leave at bar time.

24 MR. SCHRIMPF: I just want to ask Counsel,
25 what is the capacity they have taken it down to?

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MR. WHITCOMB: 500, 550.

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ALDERMAN PUENTE: I just wanted to know when
the meeting was with Captain More?

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MR. WHITCOMB: It was May 4th.

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ALDERMAN PUENTE: Of this year?

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MR. WHITCOMB: Yes, sir. Captain More
stressed, as did -- I can't remember the lieutenant
that was also there, I don't have his name in my
records -- stressed that if there is problems, do not
handle it yourself, whether it be on the street or
inside the tavern. Call the police.

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ALDERMAN PUENTE: Lieutenant Schmurzy?

MR. WHITCOMB: You're correct. Thank you.

And because he recognized and there is hesitancy of
licensees not to contact the police because you end up
with incident reports that are read into the record
that affect their ability to maintain their license.
Some of the incidents that were recorded in this year
were basically crowd dispersing incidents. There was
a few incidents on the inside, damage to a plasma TV,
a lady getting slapped, a guy getting hit on the head
with a bottle, but that was contained. I mean, the
only thing that indicates lack of proper management
perhaps is not being able to devise a way of where you
can disperse 400 or 500 people or cause them to be

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1 dispersed in a period of time shorter than 20 minutes
2 when the place closes down.

3 They tone down the music 15 minutes before
4 they turn on the lights, so it's not the energy music.
5 It's the romance music, so people couple up, they calm
6 down so when they disperse they're not still in the
7 hyper attitude that good rock music will put you into.
8 Any suggestion is brought to Mr. Goumenos and his
9 staff as to how to improve the operation of the
10 facility, they have implemented, but they have to hear
11 about them.

12 I take issue with the littering. I don't
13 think that's attributable to them. They do police the
14 area. I take issue with the problems on Friday nights
15 because it's just teenage kids from the suburbs that
16 come down on Friday nights. The police reports are
17 what they are, but the police reports are one sided,
18 if you will. Two people are involved in an incident,
19 this is what the police department observed, this is
20 what we observed. That's my representation to the
21 committee from their vantage point. The police
22 department reports, they sound more cold and more
23 harsh than what really happened, but that's how
24 reports are written, and that's how I write briefs.

25 In reality, there isn't gang activity there,

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1 there isn't drug activity there, there isn't guns
2 activity there, there isn't fight activity there, they
3 don't have any infractions of sale to minor. A
4 bartender got nicked by a police sting. It's a well-
5 run establishment, but perhaps the real concern is
6 that it's in the middle of the downtown and it has a
7 capacity of 700 people, which he used legitimately,
8 that perhaps at that point the location was too much
9 for that area at night. He recognizes that. He took
10 a hit of about 20 percent of his income revenue from
11 the establishment on Saturday nights so as not to
12 cause those disturbances.

13 I've been advised that Building Inspection
14 will be providing him with an invoice for 286 bucks
15 because on one of the evenings the department thought
16 that the services provided was out of the ordinary.
17 He has no problem paying that. If the department
18 believes that the attention devoted to closing this
19 establishment -- not closing the establishment -- the
20 attention devoted to dispersing the patrons when the
21 establishment closes is beyond the ordinary, he'll
22 pick up the tab. But he's managed, he'll continue to
23 manage.

24 The music, he's changed the music format.
25 That toned down the crowd a little bit. But he is a

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1 good operator and has a good history in the City of
2 Milwaukee. He's not a one-time operator that's only
3 been in business for a year. Oftentimes this
4 committee has indicated to new licensees we're going
5 to give you a second chance. I think that this
6 committee with this licensee recognizes the success
7 that he's had in the city being in licensed business
8 for 40 years and recognize that there won't be similar
9 incidents over the last 18 months that he has had
10 there with a format he used on Saturday nights.

11 They now know, they now have learned, it's
12 been in business. There are not any longer too many
13 first-timers that come to the club. By first-timers,
14 I mean people for the first time come downtown at
15 night for the nighttime entertainment, and they really
16 do not know how to behave. The club now is mostly
17 regular clientele. They know what's expected of them,
18 they behave accordingly.

19 I respectfully submit that this is a
20 situation which does not warrant any type of
21 disciplinary action but perhaps a warning letter, that
22 Mr. Goumenos be encouraged to continue working with
23 the East Town Association, the downtown district, and
24 with the new local alderman, and I assure you that he
25 will do all that is recommended by anyone to maintain

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1 a successful business at that location. Thank you,
2 Mr. Chairman.

3 CHAIRMAN WITKOWIAK: You're welcome.
4 Members of the committee, anything further? Any other
5 questions?

6 ALDERMAN DUDZIK: I have a question, Mr.
7 Chair, please.

8 CHAIRMAN WITKOWIAK: Alderman Dudzik.

9 ALDERMAN DUDZIK: Mr. Whitcomb, they have
10 metal detectors at the door, do they not?

11 MR. WHITCOMB: They do a hand body search, a
12 female for females, male for males.

13 CHAIRMAN WITKOWIAK: This matter is in
14 committee.

15 ALDERMAN DUDZIK: Mr. Chairman, I happen to
16 agree with Alderman Bauman on a couple of points, and
17 I'm kind of frustrated because it seems to be a
18 recurring event where the race card is played. By
19 their own admission, this bar caters to clientele that
20 attends 311 and a number of other African-American
21 venues, and I think it's just ridiculous to say that
22 they can behave over here but they can't behave
23 someplace else.

24 It's also interesting to me that Attorney
25 Whitcomb brings up Pure, a location where one shooting

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1 occurred and I believe a single fight incident
2 occurred in their license year, and I believe this
3 committee saw fit to give them a 45-day suspension.

4 Recently with regards to Club H2O up on the
5 northwest side of town, I moved to revoke their
6 license, and I would do that in this particular
7 instance, as well, if it weren't for the fact that these
8 gentlemen have been in the business for a number of
9 years, and I --

10 This report is just stunning to me. I would
11 again concur with Alderman Bauman that the number of
12 police that are sent to this location undoubtedly
13 draws squads from other districts, and I don't know if
14 what Alderman Bauman said earlier about one squad
15 being in District 1 at this time of night is accurate,
16 but I know for a fact that in my district I don't have
17 any. Frequently I don't have any. I just have a real
18 hard time with this series of incident reports
19 allowing this to continue in the downtown area where
20 we are trying to attract more suburbanites, whether
21 they be kids or adults, and given the past
22 recommendations of other clubs in the downtown area, I
23 would move that this licensee be approved with a
24 90-day suspension.

25 CHAIRMAN WITKOWIAK: The motion by Alderman

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1 Dudzik is to recommend approval of this renewal with a
2 90-day suspension, based on items contained in the
3 police report and neighborhood objections. On the
4 motion anyone?

5 ALDERMAN WADE: Mr. Chair.

6 CHAIRMAN WITKOWIAK: Alderman Wade.

7 ALDERMAN WADE: With the testimony that I
8 heard today and by the testimony I've heard today, it
9 reenforces the discrepancy and penalties between
10 different social establishments. The Club H2O was
11 given a 90-day suspension for three to four noise
12 nuisance complaints, which they were willing to
13 address, and the Park Bar has over 50 police items,
14 including violence, they get the same 90 days. The
15 discrepancy speaks volumes to the inconsistency of the
16 penalties given out. That's a serious, serious,
17 serious concern of mine as a member of this committee.

18 My thoughts about the reasons for this
19 disparity is disturbing. It's disturbing to me as a
20 citizen of Milwaukee. My thoughts are that a
21 three-month suspension for this type of business at
22 this time of year is basically closing them down. 90
23 days for Club H2O for noise/nuisance disturbance and
24 90 days with over 50 police documentations, the
25 inconsistency just seriously disturbs me, and I would

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1 -- That's it, that's all I want to say.

2 ALDERMAN BOHL: Mr. Chairman.

3 CHAIRMAN WITKOWIAK: Alderman Bohl.

4 ALDERMAN BOHL: Mr. Chairman, as a veteran
5 member of this committee and a former chairperson, as
6 well, too -- I have utmost respect for my colleague of
7 what he's saying here, I don't want to get on the soap
8 box here, but I do want to correct a couple of myths
9 that I believe are getting dispelled here, and I think
10 we're getting on a slippery slope with regard to that.

11 No doubt this record is concerning, but I am
12 going to support the motion, albeit I do want to say
13 one thing. We have 50-some items going back from 1977
14 to the year 2004. In terms of items at an
15 establishment, these items are going back to at least
16 1986, 1985, 1984, we're going back 20 years. Club H2O
17 was approved two years ago and had 15 items in one
18 year and they were operating one night a week, uno,
19 one, not -- I don't know how many days they're
20 operating, I'm guessing they're operating at least
21 four, maybe five days a week, triple the capacity here
22 to Club H2O.

23 So if, for example, you have a small corner
24 bar with a capacity of 30 and there's 10 items from
25 that 30 capacity bar over a given year, to say that

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1 you have an establishment with a capacity of 500 and
2 they have 11 events, 11 incidents, you're talking
3 about day and night. You can't compare apples to
4 oranges. So I think that much too much is being made
5 of that. Circumstances are different, there's
6 problems at both locations, but when we start jumping
7 on this racial disparity and start playing up a racial
8 divide at a club that here there is at least admission
9 there is in some respects catering to African-American
10 card. I don't care if you're purple, you're white, if
11 you're European-American heritage, African-American
12 heritage, Asian-American heritage, conduct is conduct,
13 problems are problems, and pulling of police service
14 is something that this committee, the city has to
15 grapple with, we as taxpayers, we as citizens who live
16 in a neighborhood who have to enjoy peaceably our
17 neighborhood, businesses that are neighboring there
18 that have to deal with problems that will draw people
19 away, that is what we grapple with.

20 Please don't compare a club, a dance club
21 that's open one night a week for three or four hours
22 with a large nightclub in the heart of downtown that
23 has better than triple capacity, that's open multiple
24 nights a week that sees hundreds of thousands of
25 people come in in a given year. Problems here

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1 rightfully deserves a very stern, stern sanction, but
2 let's not jump on the racial bandwagon until we look
3 at the big picture. 20 years worth of incident
4 reports here, two years worth of 25 incident reports
5 at a club open one night a week. Please. Let's open
6 our eyes to the disparities, let's all look forward
7 and view each item separately, but I'm tired of this
8 racial divide that's being fueled with fire when the
9 parallels are not even comparable.

10 ALDERMAN WADE: Mr. Chair.

11 ALDERMAN BOHL: Mr. Chairman, I don't know
12 that we need to jump as we did the other day back,
13 forth, back, forth.

14 ALDERMAN WADE: I don't think you're the
15 chairman. I think you need to just be where you are
16 and let the chairman do what the chairman does, that's
17 what I think, and I have asked the chairman --

18 CHAIRMAN WITKOWIAK: Alderman, let me
19 recognize you first. Go ahead, speak.

20 ALDERMAN WADE: Just for the record, I
21 didn't state anything about race during this whole
22 thing. Race didn't come out of my mouth. What came
23 out of my mouth was the number of police incidents.
24 In the H2O situation, there were three to four noise
25 nuisance concerns. In this situation, it's 50

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1 different police incidents. Has nothing to do with
2 color, has nothing to do with race, it has to do with
3 the number of police incidents and what they're
4 regarding. The ones at H2O was about noise, which is
5 an addressable issue, and they were willing to address
6 it. This has violence involved. So just for the
7 record, I did not say anything about race. My thing
8 spoke directly to the number of police incidents.
9 Thank you.

10 CHAIRMAN WITKOWIAK: Alderman Puente.

11 ALDERMAN PUENTE: Mr. Whitcomb did make
12 reference to African-American people several times
13 when he spoke. Just to clarify, I don't think there's
14 anybody's pointing fingers here that I see. It was
15 brought up. Thank you.

16 CHAIRMAN WITKOWIAK: Thank you. Does anyone
17 wish to be further recognized on the motion? Please
18 call the roll on the motion. This is a motion to
19 renew the license with a 90-day suspension.

20 THE SECRETARY: Alderman Bohl?

21 ALDERMAN BOHL: Aye.

22 THE SECRETARY: Alderman Puente?

23 ALDERMAN PUENTE: Aye.

24 THE SECRETARY: Alderman Wade?

25 ALDERMAN WADE: Aye.

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1 THE SECRETARY: Alderman Dudzik?
2 ALDERMAN DUDZIK: Aye.
3 THE SECRETARY: Mr. Chair?
4 CHAIRMAN WITKOWIAK: Aye.
5 THE SECRETARY: Vote prevails five to zero.
6 MR. SCHRIMPF: Mr. Whitcomb, Mr. Goumenos,
7 the committee is going to be doing Findings of Fact
8 and Conclusions of Law recommending renewal of this
9 license with a 90-day suspension. You will receive a
10 copy of that report. You'll have an opportunity to
11 submit written objections to that report as well as
12 appear before the Milwaukee Common Council when it
13 meets on this matter on the 15th of June at
14 approximately 9:00 a.m. in the Common Council Chambers
15 of this building. What's the expiration date?
16 MR. WHITCOMB: Last day of June.
17 MR. COPELAND: Yes, yes, it is, the license
18 does expire on June 30th.
19 CHAIRMAN WITKOWIAK: Thank you, gentlemen.
20 * * *

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1 STATE OF WISCONSIN)
2)
3 MILWAUKEE COUNTY)
4

5 I, TERESE M. SCHIEBENES, of Milwaukee
6 Reporters Associated, Inc., 5120 West Blue Mound Road,
7 Milwaukee, Wisconsin 53208, certify that the
8 foregoing proceedings is a full and complete
9 transcript of my stenographic notes taken in the
10 foregoing proceedings.
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17 TERESE M. SCHIEBENES
18 Certified Shorthand Reporter
19

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21 Dated this day of , 2004.
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