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CITY OF MILWAUKEE
UTILITIES & LICENSING HEARING

In the Matter of:
Secondhand Motor Vehicle Dealer Renewal Application
for:

JAMES LETIZIA
DIAMOND JIM'S AUTO SALES
5848 south 27th Street

COMMITTEE MEMBERS

ALD. JAMES BOHL, SR. - Chairman
ALD. JOE DAVIS, SR. - Vice Chairman
ALD. FREDRICK G. GORDON
ALD. JOSEPH A. DUDZIK
ALD. TERRY L. WITKOWSKI - 13th District

HEALTH DEPARTMENT by OSCAR BOND
NEIGHBORHOOD SERVICES by PANDORA BENDER, GARY ARMSTRONG,
and TOM CLEARY
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

DOMNITZ, MAWICKE & GOISMANN, S.C., by DENNIS
P. COFFEY, 1509 North Prospect Avenue, Milwaukee,
wisconsin 53202, appeared on behalf of the Applicant.

Proceedings had and testimony given in the
above-entitled matter before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the
9th day of March, 2004, before Terese M. Schiebenes of
Milwaukee Reporters Associated, Inc.

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PROCEEDINGS

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CHAIRMAN BOHL: We are moving on to our 2:00 agenda. This item is a continuation of some testimony that was provided at the last cycle, and it is for James Letizia, secondhand motor vehicle dealer renewal application for Diamond Jim's Auto Sales at 5848 South 27th Street in the 13th Aldermanic District. Sir, you would, I presume, be James Letizia?

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MR. LETIZIA: James Letizia.

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CHAIRMAN BOHL: And represented by Mr. Coffey. This is in Alderman Witkowski's district. At this point here, what we're going to do, Mr. Letizia, we're going to swear you in. This may be a continuation, Alderman Witkowski, but I'm going to have you sworn in again. Any individuals who are present who intend to testify either in favor or opposed to this matter, if we would have you raise your right hands now, and we'll just swear you in en mass.

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(Whereupon, all speakers were duly sworn.)

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CHAIRMAN BOHL: What we're going to do here is, Mr. Letizia, I'm going to ask you here again, and we'll just move forward, do you acknowledge receiving notice of today's meeting with the possibility that your application could be denied? It is cited for

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1 neighborhood objections, and unless Mr. Coffey wants
2 to stop me and otherwise acknowledge the notice here,
3 I will legally read the entire paragraph here.

4 MR. COFFEY: I'll stop you, but I would ask
5 just to comment briefly, because the notice that we
6 received with respect to today's hearing is
7 significantly different and significantly longer than
8 the one that we started the hearing with.

9 CHAIRMAN BOHL: Okay.

10 MR. COFFEY: And I'm making the comment I'm
11 making only to get your direction as to when it would
12 be appropriate for me to point out some issues I have
13 with the attachments received with respect to the
14 notice. There are 77 pages of those. By virtue of
15 the businesses involved and the dates of those
16 notices, I think they are inappropriately contained in
17 the file. And I'll address it later, or I'll address
18 it now.

19 CHAIRMAN BOHL: Your opportunity to do that,
20 Mr. Coffey, will be a little bit later.

21 MR. COFFEY: That's fine. Then we would
22 acknowledge receipt of the notice dated March 1
23 setting this hearing date.

24 CHAIRMAN BOHL: Thank you. And we'll just
25 -- we'll go around the horn. Health Department?

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MR. BOND: No objections.

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CHAIRMAN BOHL: Neighborhood Services?

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MS. BENDER: Neighborhood Services would

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like to give a point of information to the committee

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that in February of 2004, we received some complaints

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regarding some property located at 2424 West Goldcrest

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in regards to automobiles parked on a lot illegally.

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The inspector went out on February the 4th and issued

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three citations on the property that was there. Those

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citations were issued to a James Letizia for lack of

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permit for outdoor storage of motor vehicles, more

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than four vehicles parked outside on a lot containing

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a single family or a two family. That's just a point

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of information, Mr. Chair.

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CHAIRMAN BOHL: Okay.

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MR. SCHRIMPF: Mr. Chairman, I would ask if

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there are copies of those citations?

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MS. BENDER: Yes, there are. They are in

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the packet.

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CHAIRMAN BOHL: Those are in the packet.

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MS. BENDER: They are Exhibits 27, 28, and

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MR. SCHRIMPF: Okay. Thank you.

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CHAIRMAN BOHL: Mr. Coffey.

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MR. COFFEY: I'm sorry, and again, not

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1 trying to interrupt the process, but with respect to
2 those three exhibits, it was described as having been
3 issued to Mr. Letizia. A review of those three
4 documents would indicate that at the bottom of each of
5 those pages there is not, in fact, any court date
6 listed for return of the citations, and ultimately,
7 Mr. Letizia will testify that he has not been served
8 with those citations. So that's my only comment with
9 respect to the exhibits.

10 CHAIRMAN BOHL: Okay. Thank you. We'll
11 look forward to getting that testimony. What we're
12 going to do is, because our typical process allows for
13 neighborhood complainants to go first, and we already
14 saw some individual complainants who were here last
15 time, we would ask -- I'm going to move forward and
16 recognize Alderman Witkowski. He can provide any
17 summary he chooses. We'll hear from those individuals
18 who have neighborhood objections.

19 At that point, Mr. Coffey, as you well know,
20 you have the ability to cross-examine any individuals
21 who are here to provide testimony. At that point, the
22 ball will be in your court, and you'll be allowed to
23 bring forward any individual witnesses therefore that
24 you may so desire.

25 MR. COFFEY: Thank you.

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1 CHAIRMAN BOHL: Alderman Witkowski.

2 ALDERMAN WITKOWSKI: Thank you, Mr.

3 Chairman. My understanding of why we issue licenses
4 is that we want to make sure that business owners are
5 complying with local ordinances and that we reissue
6 them to also take a look at their compliance, to see
7 if they are good neighbors, if they are following the
8 city's laws and ordinances.

9 In this case, after being on the job for
10 eight days, I was called to a neighborhood meeting
11 with concerns about Diamond Jim's. The concerns, in
12 brief, include cars parked in the right-of-way on
13 Goldcrest, dealer's cars parked on 27th Street between
14 the sidewalks and the curb, causing a visibility
15 problem that included parking them at bus stops, the
16 concrete for bus stops, cars parked on both sides of
17 the street, causing a safety hazard and back-up on
18 Goldcrest. It's a 30-foot roadway.

19 The neighbors also complained of a pit
20 behind the building where cars sat forever, and they
21 also complained about a parking sign missing to me.
22 They've talked about cars being tested by potential
23 owners speeding on Ramsey and on Goldcrest, they've
24 talked about the dumpster being put in the
25 right-of-way, questioned whether or not wheel stops

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1 were needed.

2 Last time when we met, we had testimony that
3 cars were left in the street overnight that were for
4 sale, that a race car hauler was left in the street
5 overnight as well as a car hauler parked in
6 residential areas, a race car being started up at
7 night and moving onto the property, cars being parked
8 on the city right-of-way between the sidewalk and 27th
9 Street as well as those parked on Goldcrest, and that
10 generally cars parked in the corner spot that created
11 a tremendous safety hazard in the city right-of-way
12 were SUVs or big vehicles that block the view of
13 traffic, approaching traffic from people on Goldcrest.

14 There's a 40 mile an hour limit on Highway
15 241, which 27th Street is, which means cars are
16 probably going faster than that. My community meeting
17 was on August 6th. From that community meeting, I
18 went to the dealership to express the public safety
19 concerns and the quality of life concerns and met with
20 Mr. Letizia's son, who was not receptive, is a very
21 nice way of saying that he didn't want to listen to a
22 thing I said and any complaints that the neighbors
23 brought forward. It took me about 20 minutes to get
24 out about eight complaints while he yelled and ranted
25 about the fact that these weren't valid.

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1 Let me say that I did observe the cars
2 parked -- I personally observed almost all these
3 violations. I personally observed the cars parked in
4 a right-of-way on Goldcrest between the sidewalk and
5 the curb on 27th Street, the dumpster parked in the
6 right-of-way, those types of things I personally
7 observed and went back and forth through many months
8 here trying to get this corrected. The next morning I
9 had a 45-minute abusive call from Mr. Letizia, who
10 questioned what I had come in there for, and I again
11 tried to work it out, tell him what the complaints
12 were and again had about a 45-minute abusive phone
13 call.

14 By August 13th, not having any compliance
15 with anything that I had asked for, I asked for
16 enforcement, and that night 15 vehicles were ticketed
17 on the right-of-way on Goldcrest. Following that,
18 there was compliance, except for -- There was also
19 some discussions by phone after that. Things cleared
20 up except that a car parked on the very end of the
21 right-of-way kept reappearing and was there day after
22 day. It was a different car each time. A lot of
23 times it was an SUV, so it blocked the view of
24 approaching traffic.

25 That problem did not get cleared up until I

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1 called for a squad, and in turn, the officer on the
2 scene whose patrol area it was called for a sergeant,
3 and we talked with the manager at that point and
4 informed him that that was the squad from the area and
5 that any time he saw a car parked in that right-of-way
6 he would issue tickets. After that, the problem
7 cleared up.

8 Just shortly before a City Hall hearing, I
9 got a phone call asking what could be done, and I just
10 said comply with the law. The situation did clear up
11 except for the, as Ms. Bender mentioned, the 2424
12 Goldcrest, where I counted 17 cars. That was my
13 original complaint from constituents, that 17 cars
14 were being parked on a commercial property -- I mean
15 on a residential property. All of them had little red
16 Diamond Jim's license plates on them. I did take
17 pictures of that. Basically, we have a history here
18 of non-compliance unless enforcement is used, and it
19 seems to be a reoccurring problem.

20 The alderman before me did send a letter on
21 November 11th, 1997 indicating that he could not park
22 cars in the right-of-way, and I would submit that
23 letter. Basically, I would like to have constituent
24 concerns before I give a recommendation of my
25 summation.

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1 CHAIRMAN BOHL: Alderman Witkowski, do you
2 have a copy that you can provide Mr. Coffey of that
3 letter here at this point?

4 ALDERMAN WITKOWSKI: Yes, I do.

5 CHAIRMAN BOHL: Just before you bring it
6 -- Hold on a second here, let Mr. Coffey take a look
7 at that. Is it one letter or two letters?

8 ALDERMAN WITKOWSKI: It's one letter.

9 CHAIRMAN BOHL: Before you disseminate it
10 out, let's just bring it in.

11 ALDERMAN GORDON: I think Counsel has an
12 objection.

13 CHAIRMAN BOHL: Alderman Dudzik would move
14 to make this letter part of our record. Is there any
15 objection to that? Hearing none, so ordered. Mr.
16 Coffey, do you want to take the opportunity to express
17 your objection to the admittance of this?

18 MR. COFFEY: Yes. This is a letter dated
19 November 11, 1997. I assume it came from some file in
20 the city. I don't question that it addresses at least
21 some of the issues, but I think there's a notice
22 problem, and quite frankly, having scanned it, I don't
23 think it addresses really the issues that are before
24 the committee today, so I object.

25 CHAIRMAN BOHL: And that will be duly noted.

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1 What I will say is this is taken for what it is.
2 Clearly we cannot use this as any consideration toward
3 the license here today. If anything -- and I don't
4 speak for Alderman Witkowski -- I think that he in
5 many respects may be trying to relay that parking
6 concerns have been a concern that has been ongoing.

7 ALDERMAN GORDON: Mr. Chairman.

8 CHAIRMAN BOHL: Alderman Gordon.

9 ALDERMAN GORDON: The only question I would
10 have is, given the date of this letter, my assumption
11 is that this license has been before this committee
12 since that time and that it's been approved.

13 MR. COPELAND: The license has not been
14 before the committee for a hearing, because in prior
15 years, the ordinance did not set forth a hearing
16 procedure.

17 CHAIRMAN BOHL: That is correct. I was the
18 sponsor of that ordinance, and that ordinance
19 heretofore did not allow for neighborhood objections
20 to come forward on these matters, it did not allow for
21 there to be any discretion other than an up or down
22 vote on these type of matters, and now there is
23 greater latitude and discretion for those things. Are
24 there any questions by committee of Alderman Witkowski
25 in regards to the testimony?

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1 MR. SCHRIMPF: Mr. Chairman.

2 CHAIRMAN BOHL: Mr. Schrimpf.

3 MR. SCHRIMPF: Thank you. I just want to
4 nail something down here. As I go through the packet,
5 I'm observing a series of color pictures appearing as
6 Item 24 and then a diagram, which is Item 25.

7 Alderman Witkowski, do you know anything about these?

8 ALDERMAN WITKOWSKI: These pictures were
9 taken by me.

10 MR. SCHRIMPF: And you took them when?

11 ALDERMAN WITKOWSKI: I don't have the date
12 in front of me as to when I took them.

13 CHAIRMAN BOHL: I see a date on the bottom
14 left of some of the photos.

15 MR. SCHRIMPF: 2/4/04, does that sound about
16 right?

17 ALDERMAN WITKOWSKI: That would be about
18 correct.

19 MR. SCHRIMPF: And the diagram, was this
20 drawn by you or by someone else, which is 25?

21 ALDERMAN WITKOWSKI: In that case, I'll
22 stand corrected. These were probably taken by DNS. I
23 did take pictures, they are the same cars, but the
24 Department of Neighborhood Services may well have
25 taken these pictures.

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1 MR. SCHRIMPF: Do you know the whereabouts
2 of Item 25, how that came to be?
3 ALDERMAN WITKOWSKI: I would think that
4 that's DNS because I didn't do it.
5 MR. SCHRIMPF: Okay. That's all I have.
6 ALDERMAN WITKOWSKI: I notice that this one
7 has 12 cars, and there were 17 when I was out there.
8 MR. SCHRIMPF: That's all I have.
9 MS. BENDER: Mr. Chairman.
10 CHAIRMAN BOHL: Ms. Bender.
11 MS. BENDER: The items, Exhibit 24 and
12 Exhibit 25, were taken by Inspector Gary Armstrong,
13 and he is the one that also provided Exhibit 24.
14 These were photos taken by him of the cars on
15 Goldcrest.
16 CHAIRMAN BOHL: Is Mr. Armstrong present
17 with us?
18 MS. BENDER: Yes, he is, sir. He's sitting
19 next to me.
20 CHAIRMAN BOHL: Mr. Armstrong, have you been
21 sworn in?
22 MR. ARMSTRONG: No, I haven't.
23 (Whereupon, GARY ARMSTRONG was duly sworn.)
24 CHAIRMAN BOHL: Mr. Schrimpf.
25 MR. SCHRIMPF: Mr. Armstrong, where are you

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1 employed, sir?
2 MR. ARMSTRONG: City of Milwaukee
3 Neighborhood Services.
4 MR. SCHRIMPF: And what is your job title?
5 MR. ARMSTRONG: At the present, zoning
6 enforcement.
7 MR. SCHRIMPF: With respect to zoning
8 enforcement and in examination of Pages 24 and 25 of
9 the attachments to this notice, are you familiar with
10 these two documents?
11 MR. ARMSTRONG: Yes, I am.
12 MR. SCHRIMPF: Tell me how you're familiar
13 with these documents.
14 MR. ARMSTRONG: Page 24 is some pictures
15 that I took at 2424 West Goldcrest on February 4th,
16 2004.
17 MR. SCHRIMPF: You took these pictures?
18 MR. ARMSTRONG: Yes, I did.
19 MR. SCHRIMPF: And how was it that you came
20 to take these pictures?
21 MR. ARMSTRONG: We received a complaint
22 regarding numerous vehicles parked at this premises.
23 MR. SCHRIMPF: And the address of 2424
24 Goldcrest did you say?
25 MR. ARMSTRONG: Yes.

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1 MR. SCHRIMPF: Is that residential or a
2 commercial property?

3 MR. ARMSTRONG: Residential.

4 MR. SCHRIMPF: And did you personally check
5 the zoning on that to make sure it's residential?

6 MR. ARMSTRONG: Yes, I did.

7 MR. SCHRIMPF: And what, if anything, were
8 you able to ascertain about these cars that you took
9 pictures of?

10 MR. ARMSTRONG: Most of the vehicles had
11 Diamond Jim license plates on the back of them, and
12 there were some that had for-sale signs.

13 MR. SCHRIMPF: And I notice there are prices
14 on some of them; is that right?

15 MR. ARMSTRONG: Yes.

16 MR. SCHRIMPF: Then there's a diagram, which
17 is Page 25. Are you familiar with this document?

18 MR. ARMSTRONG: Yes, I am.

19 MR. SCHRIMPF: How are you familiar with
20 this document?

21 MR. ARMSTRONG: I created it. It's just a
22 sketch.

23 MR. SCHRIMPF: And does 24 and 25 go
24 together in some way?

25 MR. ARMSTRONG: Yes, they do.

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1 MR. SCHRIMPF: And the numbers, do they
2 correspond with the pictures?

3 MR. ARMSTRONG: Yes, they do.

4 MR. SCHRIMPF: So, for example, No. 1 is No.
5 1 of the vehicle that was parked at 2424 and is a tan
6 Cougar, is that how I'm supposed to read this thing?

7 MR. ARMSTRONG: That's correct.

8 MR. SCHRIMPF: What, if anything, did you do
9 as a result of this?

10 MR. ARMSTRONG: As a result of this
11 inspection, I issued three citations.

12 MR. SCHRIMPF: And are those citations Pages
13 27, 28, and 29 of the attachments?

14 MR. ARMSTRONG: Yes.

15 MR. SCHRIMPF: Counsel noted that there is
16 no summons for a time to appear in the Municipal
17 Court, and as I look at Pages 27, 28, and 29, that
18 appears to be the case. Were these citations served
19 on Mr. Letizia somehow?

20 MR. ARMSTRONG: I can't say for sure.

21 MR. SCHRIMPF: What did you do with the
22 citations when you were done with them?

23 MR. ARMSTRONG: Basically, when I finished
24 preparing the citations, they were given to my
25 supervisor. From that point, they normally go to the

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1 Court Section for service.
2 MR. SCHRIMPF: Who is your supervisor?
3 MR. ARMSTRONG: Chris Kragel (phonetic).
4 MR. SCHRIMPF: So you don't know what
5 happened to them after you gave them to her?
6 MR. ARMSTRONG: I don't know directly. Him.
7 MR. SCHRIMPF: Him. Okay. What would be
8 the normal course of events after you give a citation
9 to your supervisor?
10 MR. ARMSTRONG: Normal course of events
11 would be that my supervisor would get those citations
12 to the Court Section, and they would prepare them for
13 summons and serve them and get it scheduled for court.
14 MR. SCHRIMPF: Now, there also appears to be
15 an e-mail, which is Page 26. Are you familiar with
16 this at all?
17 MR. ARMSTRONG: Yes, I am.
18 MR. SCHRIMPF: And what does this -- First
19 of all, did you prepare this document?
20 MR. ARMSTRONG: Yes, I did.
21 MR. SCHRIMPF: And what does this document
22 do?
23 MR. ARMSTRONG: Basically, this was
24 information regarding what I found at this building
25 and the steps that we were taking to get enforcement.

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1 MR. SCHRIMPF: Do you know whether or not
2 Mr. Letizia operates a business known as Diamond
3 Jim's?

4 MR. ARMSTRONG: As far as I know, he does.

5 MR. SCHRIMPF: And where is Diamond Jim's
6 located, to the best of your knowledge?

7 MR. ARMSTRONG: To the best of my knowledge,
8 I believe it's 5848 South 27th Street.

9 MR. SCHRIMPF: And how far is that from 2424
10 Goldcrest?

11 MR. ARMSTRONG: I would say two-and-a-half
12 blocks, roughly.

13 MR. SCHRIMPF: And have you had an
14 opportunity to go to the location of Diamond Jim's on
15 South 27th and observe whether or not vehicles are
16 parked at Diamond Jim's with plates on them that say
17 Diamond Jim's?

18 MR. ARMSTRONG: I've driven by past Diamond
19 Jim's, but I wasn't involved in the enforcement of
20 Diamond Jim's current dealership. I was just involved
21 in Goldcrest.

22 MR. SCHRIMPF: I understand that, but my
23 question is, when you have gone past the location
24 known as Diamond Jim's, have you seen cars parked on
25 the lot with plates that say Diamond Jim's, red plates

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1 and white letters that says Diamond Jim's?

2 MR. ARMSTRONG: Yes, I have.

3 MR. SCHRIMPF: Reminiscent, in fact,
4 identical to the plates that you see on Page 24?

5 MR. ARMSTRONG: Yes.

6 MR. SCHRIMPF: That's all I have, Mr.
7 Chairman.

8 CHAIRMAN BOHL: Thank you, Mr. Schrimpf.

9 Are there questions by committee of Mr. Armstrong at
10 this point? Mr. Coffey.

11 MR. COFFEY: Thank you. Mr. Armstrong, if
12 you would look at your e-mail, Item 26. The e-mail
13 suggests you inspected the property, and you found 12
14 vehicles of which 11 had Diamond Jim plates on them.
15 Do you see that?

16 MR. ARMSTRONG: Yes.

17 MR. COFFEY: If you look at your Exhibit 25,
18 the diagram, there are notations along the right-hand
19 side, at least as I read this, that would indicate
20 vehicles Nos. 11 and 12 actually had registrations not
21 related to Diamond Jim; is that right?

22 MR. ARMSTRONG: I didn't check the
23 registration for vehicle No. 12, but vehicle No. 11
24 it's a high possibility that it was an ownership -- in
25 fact, there was an ownership other than Diamond Jim.

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1 MR. COFFEY: In fact, your diagram would
2 indicate the VIN number listed to a Susan M. Scott on
3 Ridge Road in Menomonee Falls?
4 MR. ARMSTRONG: That would sound familiar.
5 MR. COFFEY: Exhibit 25, that's the diagram
6 you did, right?
7 MR. ARMSTRONG: Yes, right, right.
8 MR. COFFEY: Did you get that information,
9 or did someone else in your department?
10 MR. ARMSTRONG: I got that information.
11 MR. COFFEY: And then No. 12 is listed as
12 having personalized plates that say Funky B?
13 MR. ARMSTRONG: That's correct.
14 MR. COFFEY: Now, at the point that you were
15 sent to this location, you said you received a
16 complaint, you were investigating a complaint.
17 MR. ARMSTRONG: Yes.
18 MR. COFFEY: By whom?
19 MR. ARMSTRONG: A complaint is confidential
20 information. I'm not allowed to disclose the source.
21 MR. COFFEY: Well, was it the alderman?
22 MR. ARMSTRONG: It was a complaint to our
23 department.
24 MR. COFFEY: On the day you did this
25 investigation, according to this e-mail, you

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1 determined that Mr. Letizia had recently purchased
2 this property at 2424 West Goldcrest, right?

3 MR. ARMSTRONG: Can you repeat the question,
4 please?

5 MR. COFFEY: Sure. According to this
6 e-mail, it suggests that Mr. Letizia had just or
7 recently purchased the property located at 2424 West
8 Goldcrest?

9 MR. ARMSTRONG: That's correct.

10 MR. COFFEY: Did you have occasion on the
11 day in question to go to the Diamond Jim car lot?

12 MR. ARMSTRONG: On which day in question are
13 you referring to?

14 MR. COFFEY: The day you took the photos
15 that are found in Exhibit 24.

16 MR. ARMSTRONG: No, I did not. I drove past
17 there after I did my inspection.

18 MR. COFFEY: And did you see snow removal
19 going on at that location at that time?

20 MR. ARMSTRONG: I don't recall seeing snow
21 removal.

22 MR. COFFEY: Do you recall them having dump
23 trucks there trying to remove snow from the parking
24 lot?

25 MR. ARMSTRONG: No, I don't.

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1 MR. COFFEY: At least on the photos you have
2 produced, it is clear that there is snow on the
3 ground, right?

4 MR. ARMSTRONG: That is correct.

5 MR. COFFEY: With respect to your Exhibits
6 27, 28, and 29; that is, the three citations, once
7 you've handed them over to some supervisor, you have
8 absolutely no idea what happened with them, right?

9 MR. ARMSTRONG: Not directly. I know what
10 the procedures are.

11 MR. COFFEY: But you don't know what
12 happened to these three citations?

13 MR. ARMSTRONG: No, I don't.

14 MR. COFFEY: So you can't say that Mr.
15 Letizia was ever served with any citations or ordered
16 to appear in court to respond to them?

17 MR. ARMSTRONG: I cannot testify as far as
18 service.

19 MR. COFFEY: Would you agree with me that
20 looking at those citations, there is no court date
21 listed?

22 MR. ARMSTRONG: On the original copy,
23 there's no court date.

24 MR. COFFEY: Well, are you aware of some
25 other copy that you would have court dates?

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1 MR. ARMSTRONG: It's a possibility.

2 MR. COFFEY: But you don't know?

3 MR. ARMSTRONG: I'm not the person that
4 serves summons for citations, at least not for the
5 ones I issue.

6 MR. COFFEY: Have you ever been to this
7 property at 2424 West Goldcrest before February 4th?

8 MR. ARMSTRONG: No.

9 MR. COFFEY: Have you ever returned to this
10 property after February 4th?

11 MR. ARMSTRONG: No.

12 MR. COFFEY: So you've never been there --
13 You were never there before and have not been back
14 since?

15 MR. ARMSTRONG: Never been there before and
16 have not been back since, that's correct.

17 MR. COFFEY: I have no other questions.

18 MR. SCHRIMPF: Mr. Chairman, I have one
19 follow-up.

20 CHAIRMAN BOHL: One second, Mr. Schrimpf.
21 Mr. Armstrong, do you recall when you received the
22 request to go out to the site? Do you have any
23 indication in your records in terms of the date for
24 service request?

25 MR. ARMSTRONG: I can't recall exactly, but

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1 it would have to have been, I would imagine, within
2 two or three days. What day was that on?

3 CHAIRMAN BOHL: The date of the photos were
4 the 4th of February.

5 MR. ARMSTRONG: Do you happen to know what
6 day of the week? A Wednesday. The complaint was
7 entered on our system on January the 28th, so I can't
8 recall exactly when I received it. It would have had
9 to have been Monday or Tuesday.

10 CHAIRMAN BOHL: It was entered on the 28th,
11 so whatever call or complaint came in would have had
12 the complaint registered with the city on Wednesday,
13 the 28th?

14 MR. ARMSTRONG: January 28th.

15 CHAIRMAN BOHL: And you're indicating that
16 you believe quite possibly it would have been February
17 2nd in which you would have received some type of
18 notification to respond?

19 MR. ARMSTRONG: That sounds pretty close.

20 CHAIRMAN BOHL: So if, for example, Mr.
21 Letizia were moving cars because there was a snowfall
22 and he needed to clear out his lot, there must have
23 been a lot of snow that week, huh? I know you can't
24 answer that one.

25 MR. ARMSTRONG: I can't say for sure. In

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1 fact, I was -- I would like to reiterate. I was
2 requested to go out there February the 3rd, which
3 would have been Tuesday.

4 CHAIRMAN BOHL: I assume that you garnered
5 VIN numbers from these vehicles, based on -- where you
6 were able to garner the ownership; is that correct?

7 MR. ARMSTRONG: Of one vehicle.

8 CHAIRMAN BOHL: Of only one vehicle?

9 MR. ARMSTRONG: Yes.

10 CHAIRMAN BOHL: Did you shoot photos
11 exclusively from the rear, or were you able to walk
12 amongst the vehicles to get the makes and models and
13 such?

14 MR. ARMSTRONG: Most of pictures I took were
15 from the west direction, facing west -- rather facing
16 north, and I was able to walk up and around some of
17 the vehicles, but there was quite a bit of snow, so I
18 didn't actually walk right up to all the vehicles.

19 CHAIRMAN BOHL: I know it's very difficult
20 to tell, but if you look at the photo on Item No. 24,
21 for example, or Exhibit 24, on the top right corner, as
22 an example, or the top left corner, do you recall if
23 there were tire tracks in the snow for the vehicles
24 that would be further away? For example, in the top
25 right corner of that exhibit, I see what looks like

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1 maybe a Cadillac or a GM product between Items No. 9
2 and 10 what are identified there. Do you have any
3 recollection as to a belief that would leave you to
4 believe that those vehicles would be very recently
5 moved to that location?

6 MR. ARMSTRONG: Some of the actual pictures
7 would give the impression that these vehicles, some of
8 these vehicles have been there for a while.

9 CHAIRMAN BOHL: Mr. Schrimpf.

10 MR. SCHRIMPF: Thank you, Mr. Chairman. Mr.
11 Armstrong, I want to direct your attention once again
12 to Pages 24 and 25 and vehicle No. 11, which is
13 identified in both of those documents. And I note
14 that you were able to determine that Susan M. Scott or
15 one Susan M. Scott, who lives in Menomonee Falls, was
16 the apparent registered owner of vehicle No. 11; is
17 that correct?

18 MR. ARMSTRONG: That's correct.

19 MR. SCHRIMPF: Turn back, please, to Page
20 24, and the vehicle which is noted as Item No. 11
21 appears to be a black or a dark colored SUV; is that
22 right?

23 MR. ARMSTRONG: It's a Ford Explorer.

24 MR. SCHRIMPF: And are you able to make out
25 the license plate which appears on that vehicle?

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MR. ARMSTRONG: Yes, I am.

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MR. SCHRIMPF: And what does the license
plate appear to be?

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MR. ARMSTRONG: It says Diamond Jim's.

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MR. SCHRIMPF: So it's not a State of
Wisconsin license plate; is that correct?

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6

MR. ARMSTRONG: That's correct.

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MR. SCHRIMPF: Notwithstanding the fact that
you were able to determine that Susan M. Scott was, in
fact, the registered owner of that vehicle; is that
correct?

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MR. ARMSTRONG: That's correct.

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

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CHAIRMAN BOHL: Any other questions?

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ALDERMAN DUDZIK: Mr. Chairman. Mr.
Armstrong, would it be possible for you -- because I
am curious about the citations and the lack of court
date -- would it be possible for you to contact your
immediate supervisor and either have him show up here,
given the fact that this is going to be rather
lengthy?

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MR. ARMSTRONG: We can try, but he might be
off work already.

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CHAIRMAN BOHL: Who is that individual

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1 again?

2 MR. ARMSTRONG: Chris Kragel. Tom's going
3 to call.

4 ALDERMAN DUDZIK: Thank you. If it's
5 possible, I'd like to talk to him. That's all.

6 CHAIRMAN BOHL: Ms. Bender.

7 MS. BENDER: Mr. Chair, if I could. I did
8 contact Karen Jacobs, who is in charge of the Code
9 Enforcement Section, and inquired about these three
10 citations. These citations, Mr. Letizia does not live
11 in the City of Milwaukee, so therefore, these
12 citations would have gone to a sheriff in the City of
13 Menomonee Falls for service. We are now currently
14 checking to see whether or not those citations were
15 issued to Mr. Letizia or whether or not they are being
16 prepared by the county sheriff.

17 CHAIRMAN BOHL: By law they must be
18 personally serviced, because at least the previous
19 administration would not drive Milwaukee police
20 officers to other municipalities. I don't know what
21 the present procedure is.

22 MS. BENDER: That is correct.

23 ALDERMAN DUDZIK: Thank you.

24 CHAIRMAN BOHL: Other questions of committee
25 of Mr. Armstrong? Mr. Coffey, do you have any

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1 follow-up?

2 MR. COFFEY: Just briefly. In light of the
3 conversation about citations and service, there is a
4 reference in your e-mail, Exhibit 26, you are
5 requesting that Vector Nuisance dismiss their order
6 that is pending due to the change in ownership. What
7 does that mean?

8 MR. ARMSTRONG: That means basically that
9 Vector Nuisance had issued an order previously to me
10 being out there, and the order that they issued was to
11 the previous owner, so it became an order that was
12 unenforceable because he had a change in ownership,
13 which was before the date that Vector Nuisance was out
14 there.

15 MR. COFFEY: Do you know what that order
16 related to?

17 MR. ARMSTRONG: Yes.

18 MR. COFFEY: What was that?

19 MR. ARMSTRONG: I believe it was regarding
20 more than four vehicles on a residential lot.

21 MR. COFFEY: That was related to some prior
22 owner?

23 MR. ARMSTRONG: It was related to the same
24 situation, but at that time when there was an
25 ownership check that was made by the inspector,

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1 evidently that's who they issued the order to.

2 MR. COFFEY: So they issued the order to a
3 prior owner for storing four vehicles on the premises?

4 MR. ARMSTRONG: Over four vehicles.

5 MR. COFFEY: And you aren't able to tell us
6 who that prior owner was?

7 MR. ARMSTRONG: I can tell you who the owner
8 of record was, as far as I know. The owner of record
9 shows Edward Stencil, a life estate of James Stencil,
10 also listing of Joyce Marcos and Julie West. That was
11 it.

12 MR. COFFEY: All right.

13 CHAIRMAN BOHL: Thank you, Mr. Armstrong.
14 Okay. What we're going to do here at this time is
15 hear from any residents who may still have testimony
16 in opposition to this license. I assume if you come
17 forward, please let us know if you have not yet been
18 sworn in, otherwise, we'll need your name and address
19 for the record and any reason as to your concerns.

20 At this time, this would be the opportunity.
21 Is there any person here who wishes to testify in
22 opposition to this license?

23 CHAIRMAN BOHL: Good afternoon. Were you
24 here last time?

25 MS. BARRETT: I was here last time.

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1 CHAIRMAN BOHL: Could you provide us your
2 name and your address again for the record.

3 MS. BARRETT: Mary Barrett, I live at 2280
4 West Goldcrest Avenue.

5 CHAIRMAN BOHL: Mrs. Barrett, please
6 proceed if there's anything additional here.

7 MS. BARRETT: These are some pictures that I
8 had taken, and they were indicative of recurrent
9 problems ongoing after he had paved over the city
10 right-of-way, and then they were using the city
11 right-of-way plus Goldcrest Avenue to operate the
12 business there, and it was just -- it was hard for
13 us to get in and out of our street. The way the cars
14 were parked, it impeded the view if you were trying to
15 make a left turn onto 27th Street, which is old
16 Highway 41 and the traffic moves there pretty briskly.
17 So it was a dangerous, it was a hazardous-type of
18 thing. And these are the pictures that I have.

19 CHAIRMAN BOHL: Ms. Barrett, are those
20 pictures part of our record? Is there an exhibit
21 number listed on the bottom right corner there? If
22 you could just relay that.

23 MS. BARRETT: This is 8 through 14.

24 MR. SCHRIMPF: Mr. Chairman.

25 CHAIRMAN BOHL: Mr. Schrimpf.

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1 MR. SCHRIMPF: I'm showing the witness the
2 color renditions of the pictures 8 through 14.
3 And is it your testimony, ma'am, that these
4 are the pictures you took?
5 MS. BARRETT: Yes, it is.
6 MR. SCHRIMPF: And they were taken on or
7 about July 29th, 2003?
8 MS. BARRETT: They were taken on July 29th,
9 2003.
10 MR. SCHRIMPF: Which direction are we
11 facing?
12 MS. BARRETT: You would be facing west.
13 This is 27th Street there.
14 MR. SCHRIMPF: Let the record reflect that
15 the cross street with the stop sign immediately in
16 front of it is indicated by the witness to be 27th
17 Street.
18 And are you standing on Goldcrest right
19 here?
20 MS. BARRETT: I am here. This is my car.
21 I'm standing on Goldcrest taking a picture facing
22 westward.
23 MR. SCHRIMPF: The witness indicated that
24 the portion of the rear of a car showing a gas tank
25 door is what she is standing next to.

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1 And are the vehicles pictured in these
2 pictures vehicles that held Diamond Jim plates?

3 MS. BARRETT: Oh, absolutely. All of these
4 were right up to the street, because this has been
5 paved over there within the city right-of-way. And
6 this car is parked in the street.

7 MR. SCHRIMPF: The witness is referring to
8 the car which appears towards the left facing us and
9 immediately in front of some cars that are parked
10 perpendicular to it. Is that correct?

11 MS. BARRETT: Yes.

12 MR. SCHRIMPF: And what does Exhibit 9
13 demonstrate, ma'am?

14 MS. BARRETT: Exhibit 9 is then I'm looking
15 -- this is pictures taken facing the east, and you can
16 see there's a car on the left, a car on the right, and
17 you can see that Diamond Jim's cars are all the way up
18 to the street there.

19 MR. SCHRIMPF: We don't know who the owners
20 of two cars in the street are, do we?

21 MS. BARRETT: No. They were probably
22 customers.

23 MR. SCHRIMPF: And Exhibit 10, what does
24 this demonstrate?

25 MS. BARRETT: Exhibit 10 is the very corner,

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1 and this car is parked there so that if you -- this is
2 looking west off 27th Street -- and if you pulled up
3 there and you needed to make a left turn, you would
4 almost have to pull out into 27th Street to get a view
5 of the oncoming traffic from the left. That car is
6 parked over the curb over into the street.

7 MR. SCHRIMPF: And what does Exhibit 11
8 demonstrate, ma'am?

9 MS. BARRETT: Exhibit 11, again, is the other
10 side of the street. They use both sides of the street
11 to park cars.

12 MR. SCHRIMPF: Are we on Goldcrest?

13 MS. BARRETT: You're on Goldcrest.

14 MR. SCHRIMPF: Are we facing west?

15 MS. BARRETT: You're facing west, and this
16 is the right side of Goldcrest, and Diamond Jim you
17 can see the license plates on the cars there. They
18 use both sides of the streets. They bottleneck
19 Goldcrest.

20 MR. SCHRIMPF: And what does Exhibit 12
21 demonstrate, please?

22 MS. BARRETT: That is a truck that is just
23 there and not there and then it's there again. It's a
24 hideous looking thing, it takes up a lot of room. It
25 was parked sometimes on the north side, sometimes on

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1 the south side of Goldcrest. It was just there all
2 the time.

3 MR. SCHRIMPF: Is there any indication as to
4 who the owner of that truck is?

5 MS. BARRETT: There is on some -- It had a
6 dealer's tag on it, and on one of the photos I jotted
7 down the dealer tags on it.

8 MR. SCHRIMPF: You mean the dealer tag
9 number?

10 MS. BARRETT: No -- Yeah, it had a number,
11 yes. And I have that, too, if you need it.

12 MR. SCHRIMPF: And Exhibit 13 demonstrates
13 what?

14 MS. BARRETT: This is the carrier that was
15 parked various times. One time this carrier was
16 parked in front of my house to let me know how it felt
17 to be inconvenienced I was told. But it's there, it
18 comes, it goes.

19 MR. SCHRIMPF: Is there any indication as to
20 who the owner is of this vehicle?

21 MS. BARRETT: Yes. It's Diamond Jim's
22 because they haul, they put things in and out. There
23 are other pictures where I took a picture of the
24 inside there, they were putting in the race car or
25 something in there.

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1 MR. SCHRIMPF: Are we on Goldcrest at this
2 point?
3 MS. BARRETT: On Goldcrest, yes.
4 MR. SCHRIMPF: Are we facing west?
5 MS. BARRETT: You're facing west, and you
6 can see there just would be no room for a car to come
7 in and out there.
8 MR. SCHRIMPF: Exhibit 14 demonstrates what,
9 please?
10 MS. BARRETT: It demonstrates that it would
11 be an impossibility for two cars to meet and pass
12 there. The street was narrowed to the point where the
13 residents who lived there could not get in and out.
14 MR. SCHRIMPF: And on the far left, we see
15 this vehicle?
16 MS. BARRETT: This big carrier thing, yes.
17 And on the right is that truck parked then on the
18 other side of the street, and then there's cars, too, on
19 the right parked there.
20 MR. SCHRIMPF: And the dates that appear in
21 yellow on the bottom right of each pictures, these are
22 the dates --
23 MS. BARRETT: August of last year.
24 MR. SCHRIMPF: August 2nd of '03?
25 MS. BARRETT: Yes.

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1 MR. SCHRIMPF: Were Exhibits 13 and 14 taken
2 within a few minutes of each other?

3 MS. BARRETT: Yes.

4 MR. SCHRIMPF: Or were they taken by some
5 separation of time?

6 MS. BARRETT: No. They were taken on the
7 same day, so I'm assuming it was when I was there,
8 yeah.

9 MR. SCHRIMPF: How far were these pictures
10 taken from where you live?

11 MS. BARRETT: Well, I live on -- I live at
12 2280 West Goldcrest, and they're on 27th and
13 Goldcrest. There are no side streets. 23rd Street is
14 the only through street and then 27th Street, so it's
15 just a long block there. It would probably be three
16 or four blocks if it was regular blocks. But there
17 are no converging streets there, it's just a stretch.

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

20 CHAIRMAN BOHL: Follow-up question here for
21 Mr. Letizia. Mr. Letizia, if you look in diagram
22 either 13 or 14, as to what Mr. Barrett has testified
23 here, is that what I believe would be a Ford full
24 conversion truck here and a corresponding hauler, is
25 that familiar to you?

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1 MR. LETIZIA: Yes, it is.

2 CHAIRMAN BOHL: Does that relate to -- Do
3 you have racing or some other type of vehicle that is
4 involved with your person or property here that that
5 relates to?

6 MR. LETIZIA: Yes, yes.

7 CHAIRMAN BOHL: That's all. Thank you.

8 MR. LETIZIA: That's my son's.

9 CHAIRMAN BOHL: Other questions by committee
10 of Mrs. Barrett? Mr. Coffey.

11 MR. COFFEY: Ms. Barrett, if you look at
12 Exhibit 8, what's the date on that photo?

13 MS. BARRETT: That's July the 29th of '03.

14 MR. COFFEY: And Exhibit 9 has the date of
15 August 3rd, right?

16 MS. BARRETT: Yes.

17 MR. COFFEY: So if you look through these
18 photos, you've taken photos on various days?

19 MS. BARRETT: Yes. There's July 26th, 29th,
20 August 3rd, and I have other pictures that I have
21 taken at earlier times, because this is an ongoing
22 problem. Sometimes it will get better, and then it
23 will just come back just as bad or worse than before.

24 MR. COFFEY: If you look at Exhibit 8,
25 there's an automobile -- as you look at the left side

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1 of the picture, there's an automobile that appears to
2 be parked in the street, right?

3 MS. BARRETT: It is in the street.

4 MR. COFFEY: And that appears to have a
5 white license plate on it, right?

6 MS. BARRETT: It looks like it, but I would
7 have no way of knowing. You have a color picture. I
8 don't know. Mine's in black and white.

9 MR. COFFEY: I'm sorry. I'm now showing you
10 my color copy. It looks to be a white license plate,
11 right?

12 MS. BARRETT: Yeah. I don't know --

13 MR. COFFEY: Ms. Barrett, are you aware of
14 any signs along that street indicating no parking with
15 respect to that vehicle where it is parked?

16 MS. BARRETT: Am I aware of a sign that says
17 don't park in the middle of the street?

18 MR. COFFEY: Well, that car's not parked in
19 the middle of the street, is it?

20 MS. BARRETT: It's parked on one side of the
21 whole street.

22 MR. COFFEY: It's parked along the street,
23 but is there any sign there saying it's illegal to
24 park there?

25 MS. BARRETT: I don't have any knowledge of

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1 that.

2 MR. COFFEY: And as you said, it appears to
3 be a white license plate as opposed to a red license
4 plate, correct?

5 MS. BARRETT: That is true.

6 MR. COFFEY: Now, with respect to the
7 vehicles parked on the other side of the street in
8 Exhibit 8, is there any sign indicating that parking
9 on that side of the street is prohibited at any time?

10 MS. BARRETT: I do not know. It would seem
11 common courtesy to me to leave the street free for
12 traffic.

13 MR. COFFEY: I understand what you may
14 believe to be common courtesy. My question is, are
15 you aware of any no parking signs in that area?

16 MS. BARRETT: At one time, there was a no
17 parking sign on the utility pole at the end of Diamond
18 Jim's property. I believe that sign is gone now.

19 MR. COFFEY: Do you know who took the sign
20 away?

21 MS. BARRETT: I do not.

22 MR. COFFEY: If you look at Exhibit 9, you
23 see utility poles?

24 MS. BARRETT: Yes.

25 MR. COFFEY: Do you see a sign that says

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1 parallel parking only?

2 MS. BARRETT: No, I don't see that.

3 MR. COFFEY: (Indicates.) Do you see that
4 sign?

5 MS. BARRETT: I do now, yes.

6 MR. COFFEY: And do you see a sign
7 underneath the parallel parking sign that appears to
8 have to do with parking regulations?

9 MS. BARRETT: I really could not say from
10 this photo.

11 MR. COFFEY: Now, with respect to Exhibit
12 10, the photo you took on July 26th, there's a vehicle
13 at the corner, correct?

14 MS. BARRETT: Yes. It's hanging over the
15 curb.

16 MR. COFFEY: And do you know how long that
17 vehicle had been there when you took that photo?

18 MS. BARRETT: Yes.

19 MR. COFFEY: How long?

20 MS. BARRETT: It had been there some days,
21 probably one, two, three days, something like that.

22 MR. COFFEY: That vehicle had not moved from
23 that location in three days?

24 MS. BARRETT: I'm not saying three days, I'm
25 just saying that I'm not sure how long it had been

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1 there. He had been there long enough that I knew it
2 was an infraction, and I took a picture.

3 MR. COFFEY: What was the infraction?

4 MS. BARRETT: It's out into the street, and
5 it was impeding traffic.

6 MR. COFFEY: If you would look at Exhibit
7 No. 12. You've described that as a cruddy looking
8 van, right?

9 MS. BARRETT: Really bad looking car.

10 MR. COFFEY: And you say that had dealer
11 plates on it?

12 MS. BARRETT: It did have dealer plates on
13 it, and I can give them to you. They're in my purse.

14 MR. COFFEY: You have the dealer plate with
15 you?

16 MS. BARRETT: I don't have it with me. I
17 wrote it on the photo that I took.

18 MR. COFFEY: And you don't know that van to
19 belong to Diamond Jim or have anything to do with
20 Diamond Jim, do you?

21 MS. BARRETT: Oh, if I park my car in my
22 yard, you can assume it belongs to me.

23 MR. COFFEY: It's not parked in anyone's
24 yard, is it?

25 MS. BARRETT: It's parked by his lot.

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1 MR. COFFEY: So that any car that parks on
2 27th Street or Goldcrest near Mr. Letizia's is his?

3 MS. BARRETT: Don't know. Some of them
4 could be customers, but I don't think -- that truck
5 was not a customer because it was there a lot.

6 MR. COFFEY: Well, if you look at Exhibit
7 14, you see the front of that cruddy van sticking out
8 on the right-hand side, don't you?

9 MS. BARRETT: Yes. I commented before that
10 sometimes it would be on one side of the street,
11 sometimes it would be on the other side of the street.

12 MR. COFFEY: And when it's sticking out
13 there, the back end of it is in a driveway that's
14 located at that location, isn't it?

15 MS. BARRETT: The back end is, but the front
16 end of that truck is in the street, and it was in
17 violation, also.

18 MR. COFFEY: Do you know whose driveway it
19 was that vehicle was parked in?

20 MS. BARRETT: I do not.

21 MR. COFFEY: Isn't there a house on that
22 corner that's associated with that driveway?

23 MS. BARRETT: There is a house there, yes,
24 and there is a driveway.

25 MR. COFFEY: And when you say this vehicle

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1 is in this area on a fairly regular basis, if someone
2 lived in that corner house, they might well park their
3 vehicle on the street near their house or in their
4 driveway, right?

5 MS. BARRETT: That is true, but it was
6 parked equally often on the other side of the street,
7 so I don't -- To me, it was just another aggravation
8 that we couldn't get in and out of our street.

9 MR. COFFEY: So it's another aggravation,
10 but you can't say it was caused by Mr. Letizia or his
11 business, right?

12 MS. BARRETT: Can't say it wasn't.

13 MR. COFFEY: You can't say it was, correct?

14 MS. BARRETT: Well, that's true, I can't say
15 it was, but I can't say it wasn't. And then there was
16 this other hauler thing that was there, and we know
17 that was his. And if he didn't want it there, I'm
18 sure that it would have been moved.

19 MR. COFFEY: If he didn't want a neighbor's
20 vehicle there, you're sure it would be moved? On what
21 basis are you so sure of that?

22 MS. BARRETT: Because he has these cars in
23 and out. They're shifting cars down there constantly.

24 MR. COFFEY: So you think he would go
25 across, tell the neighbor you can't park your car in

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1 your neighborhood --

2 MS. BARRETT: He might say would you move
3 the truck because I need to move my cars.

4 MR. COFFEY: Did you ever go and ask Mr.
5 Letizia to move his cars?

6 MS. BARRETT: Oh, yes, sir.

7 MR. COFFEY: When?

8 MS. BARRETT: When it first began, when they
9 first blacktopped over the city right-of-way and they
10 started infringing on the street, I stopped and I said
11 to him, "This is not good, you are blocking the
12 street, and you need to stop this."

13 MR. COFFEY: And when was that?

14 MS. BARRETT: I'm thinking that was '96,
15 because that's when I first became aware.

16 MR. COFFEY: And have you been back since
17 1996 to talk to Mr. Letizia or anyone with the
18 business about this problem?

19 MS. BARRETT: This Mr. Letizia came to my
20 house.

21 MR. COFFEY: Ma'am, I asked if you had gone
22 to his lot or his business to talk to him about this
23 problem.

24 MS. BARRETT: I did not go back to his
25 place, they came to my house.

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MR. COFFEY: And when was that?

MS. BARRETT: I'm thinking '96 or '97 the father came, and then maybe '98 the son came, and then last August the son was back at my house yelling at me that I was the reason that he got all the citations, and that was -- that particular day I had not been home, I had been in Chicago.

MR. COFFEY: I have nothing further.

CHAIRMAN BOHL: Mrs. Barrett, one follow-up question for you. When you talked about the son coming forward and yelling at you, which individual was that here?

MS. BARRETT: This young man right here.

CHAIRMAN BOHL: In the suit?

MS. BARRETT: Um-hum. And at that time, I said to him, "You're a nice young man," and at one time he did come and he was very reasonable, and I said, "You're a nice young man, and what is happening is you have way too many cars for that lot, you need a bigger place." And at that time, I think that's the time that he asked me what would it take, how much money could he could give me to stop complaining, and that was never ever my intention. I just wanted it to be safe for all of the neighborhood and for me in particular because I use the street. That's where my

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1 home is.

2 CHAIRMAN BOHL: Alderman Witkowski, you made
3 mention that you had been to that location on multiple
4 locations and had been yelled at by the father and the
5 son; is that correct?

6 ALDERMAN WITKOWSKI: The father only by
7 telephone, but otherwise in person by the son.

8 CHAIRMAN BOHL: Would the father be James
9 Letizia, who's here?

10 ALDERMAN WITKOWSKI: Yes.

11 CHAIRMAN BOHL: And when you visited the
12 location, you spoke with the son?

13 ALDERMAN WITKOWSKI: Yes.

14 CHAIRMAN BOHL: And you've indicated that
15 they were less than stellar in terms of
16 responsiveness?

17 ALDERMAN WITKOWSKI: That's correct. I try
18 to work problems out and try to get them solved
19 reasonably, and it was certainly not a reasonable
20 situation we had with him hollering and not wanting to
21 discuss the problems that were brought forward.

22 CHAIRMAN BOHL: Mr. Letizia, do you recall a
23 conversation with Alderman Witkowski?

24 MR. LETIZIA: Yes.

25 CHAIRMAN BOHL: How would you describe that

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1 conversation; cordial, less than cordial?

2 MR. LETIZIA: Yeah, very less. He came by
3 me and told me about Ms. Barrett complaining about the
4 cars parked that she's complained about, and he said I
5 should move them back and move them back right away.
6 I explained to him that I went through this with the
7 old alderman, Mr. Pawlinski. I think we had --
8 everything was agreed upon, and we had no problems
9 with anything, and he more or less basically told me
10 just move the cars back for a while and everything
11 will be fine.

12 And I complied, and I've never had a written
13 letter from Mr. Pawlinski to me or me to him. It was
14 just a completely personal kind of handshake
15 agreement. I work with the alderman with the
16 McDonald's situation. And Mr. Witkowski, basically,
17 he was very aggressive to me. And I guess that's all
18 I want to say at this point.

19 CHAIRMAN BOHL: Was Mrs. Barrett aggressive
20 to you, as well, too?

21 MR. LETIZIA: No, no, no. I never spoke
22 with her. I mean, she claimed in 1997, I believe. I
23 did go to her house, and I pleaded with her to try to
24 work with us, because I sure can't afford any problems
25 with a neighbor, and she does live on the next main

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1 street, which is 23rd Street, and if she thought the
2 congestion was too bad there, you know -- She's been
3 taking pictures for --

4 CHAIRMAN BOHL: Some time, huh?

5 MR. LETIZIA: Yeah.

6 CHAIRMAN BOHL: Any other questions for Mrs.
7 Barrett? Thank you, Mrs. Barrett. Is there anyone
8 else who wishes to testify in opposition to this
9 matter at this point?

10 ALDERMAN DUDZIK: Mr. Chair, if I could ask
11 a question of Ms. Bender.

12 CHAIRMAN BOHL: Go ahead.

13 ALDERMAN DUDZIK: Ms. Bender, Mr. Coffey
14 pointed out a couple of signs in Exhibit 9, it may say
15 parallel parking only, the other one appears to be a
16 time regulatory-type parking sign. Are you aware of
17 any locations in the city that we as a city post
18 parking regulations on private property?

19 MS. BENDER: My recollection, no, sir.

20 ALDERMAN DUDZIK: For Mr. Coffey or Mr.
21 Letizia, are you the owner of the property on the
22 north side of Goldcrest where you indicated that
23 junkie van is parked in the driveway? Is your client
24 the owner?

25 MR. COFFEY: No, he is not.

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1 ALDERMAN DUDZIK: He is not the owner?

2 MR. COFFEY: No.

3 ALDERMAN DUDZIK: Thank you.

4 CHAIRMAN BOHL: Ma'am.

5 MS. OVEREEM: My name is Joyce Overeem, 2323
6 West Goldcrest, and I concur with everything that Mrs.
7 Barrett has said. In fact, I was over there the day
8 that he came over and talked to her, called her an old
9 lady, told her if she didn't like the conditions on
10 the corner to come home some different way.

11 CHAIRMAN BOHL: How long ago -- Is this
12 what you surmise is '97 now?

13 MS. OVEREEM: Yeah, yeah, it was back. But
14 this Picture 12 of 77, Exhibit 12 here, that truck,
15 this is parked on the south side of Goldcrest, and
16 this is one of the situations that we're concerned
17 with, because when we come off of 27th Street, we're
18 heading north on 27th, and we go to make a right-hand
19 turn, this is sitting right there when we turn that
20 corner. And if there's a car coming in the other
21 direction going out onto 27th, it's a dangerous
22 situation. And if we slow down coming off of 27th
23 Street too slow, you've got all these cars that are
24 coming up your back end.

25 CHAIRMAN BOHL: Have you ever made an effort

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1 to contact Mr. Letizia?

2 MS. OVEREEM: No, I have not. It's just
3 that I've been over there. In fact, she was on the
4 phone with me that day he came over and asked if I
5 would come over there by her at that time, and we both
6 tried talking to him, and the main thing was if you
7 don't like it, come home a different route.

8 CHAIRMAN BOHL: What I will say here is that
9 that testimony has not happened within the last
10 license year, and what we really need to get at is
11 items and incidents that have occurred in the last
12 two-year period.

13 MS. OVEREEM: What occurred in last year are
14 these cars that are parked hanging over in the street
15 or parked between the road and the sidewalk. And if
16 he's got them pulled right up to the edge of the
17 roadway, when his customers come, they park there, and
18 if you come around the corner, you don't know if
19 you're going to hit a customer, a customer's car, who
20 knows, a salesman could be standing out there talking
21 with these people.

22 If he would just keep his cars back and keep
23 that corner clear that we could see, we wouldn't have
24 a problem. And I know everybody thinks we're trying
25 to make him sell that corner and get out of there. We

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1 don't want that. Let him keep his license but make
2 him follow the rules and regulations like the rest of
3 us have to do, that's all we're asking.

4 CHAIRMAN BOHL: Thank you, Mrs. Overeem.
5 Questions by committee? Mr. Coffey?

6 MR. COFFEY: No.

7 CHAIRMAN BOHL: Thank you. Are there any
8 other individuals here to testify in opposition to
9 this license? Sir, your name and address for the
10 record, please.

11 MR. WELCH: My name is Thomas Welch, my
12 address is 2527 West Goldcrest.

13 CHAIRMAN BOHL: Sir, were you sworn in?

14 MR. WELCH: Yes, I was.

15 CHAIRMAN BOHL: Please, proceed.

16 MR. WELCH: My major concern is the
17 right-of-way by his business, in that I have three
18 daughters, seven, five, and four years old. They are
19 required to walk to the bus stop at that location, and
20 since that right-of-way is paved over and used for
21 parking, they have to walk in the street. We want to
22 make sure that they allow us access to that
23 right-of-way so that we can get our children to school
24 without walking any more in the street than they're
25 required to do as it is. Of course, I walk with them

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1 now, but we want to get that right-of-way cleared.

2 Also, a concern is that the business is
3 clearly moved over down Goldcrest to the residence
4 that he purchased, and the cars are parked out there
5 with dealership plates on them. Also, there's after
6 hours parties going on at that location, and we are
7 concerned with that. I contacted his 6th District,
8 and they are watching it closely.

9 I am a member of the Milwaukee Police
10 Department, and I've been working with them closely
11 enforcing regulations. Also, the fact that a number
12 of vehicles that were parked out during after hours
13 had improper use of registration plates. They had
14 plates on them that did not belong on them.

15 MR. COFFEY: I'm going to object.

16 CHAIRMAN BOHL: One second here, Mr. Coffey.

17 MR. WELCH: It's an extension of the
18 business, therefore, that's why I'm bringing it down
19 the street. There's an ongoing business function
20 going on there that's associated with the car
21 dealership, and I'm just letting the board know that
22 we're aware of it, we're concerned, and the police
23 department is working on it.

24 CHAIRMAN BOHL: Mr. Letizia, do you own this
25 property down the block here where allegedly these

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1 cars are being parked?

2 MR. LETIZIA: Yes.

3 CHAIRMAN BOHL: How long have you owned that
4 property for?

5 MR. LETIZIA: Two months.

6 CHAIRMAN BOHL: Mr. Welch, you're clearly
7 here, I assume, on your own personal behalf?

8 MR. WELCH: That's correct.

9 CHAIRMAN BOHL: And have you witnessed the
10 moving of vehicles from one location to another?

11 MR. WELCH: I've seen a few cars actually in
12 traffic, but I have seen cars, a number of cars parked
13 on the residential driveway, maybe 10 or 11 at one
14 time. That's the most I've ever personally seen.

15 CHAIRMAN BOHL: When is the last time you've
16 seen them parked for a substantial period at that
17 location?

18 MR. WELCH: A number of cars parked, it's
19 been a number of weeks, I want to say two or three
20 weeks since I've seen that many cars there.

21 CHAIRMAN BOHL: That you've seen how many
22 would you guess? In excess of four?

23 MR. WELCH: In excess of four, sure. Up to
24 10, maybe 11, somewhere in that area that I've
25 personally seen.

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CHAIRMAN BOHL: Thank you. Questions by committee of Mr. Welch. Mr. Coffey?

MR. COFFEY: Is it officer or detective?

MR. WELCH: Lieutenant of detectives.

MR. COFFEY: Lieutenant, in terms of the after hours partying that you've just indicated, how do you connect that with a business located approximately two-and-a-half blocks away?

MR. WELCH: Well, the simple fact that they use that location for their business. They park cars there with their dealership plates on it, they own the property, and the residence is vacant except for when the parties are taking place late in the evening.

MR. COFFEY: Isn't it a fact that there is a person who has leased the premises, or have you even tried to discover that?

MR. WELCH: I've never seen anybody moving in, moving out, or doing anything that normally you'd see somebody who's --

CHAIRMAN BOHL: Mr. Coffey, Mr. Welch, we needn't even go there because what I will rule here is that portion of your testimony is irrelevant to the license which is before us. That is a police matter for that location, and while I understand the concern of having vehicles that may be owned by Mr. Letizia

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1 parked there and that is certainly an issue, any after
2 hours parties at a private location is not under the
3 scope or purview of this committee. If that helps you
4 out, Mr. Coffey, you can go forward wherever else you
5 need to go. Any other questions?

6 MR. COFFEY: I won't go there anymore, but
7 I'm going to show you Exhibit 12 and Exhibit 14. Do
8 you see the white van depicted from the front in
9 Exhibit 12?

10 MR. WELCH: Yes.

11 MR. COFFEY: And do you see what appears to
12 be the same van from the driver's side door in Exhibit
13 14?

14 MR. WELCH: Yes.

15 MR. COFFEY: Did you ever have occasion to
16 learn who owned that vehicle?

17 MR. WELCH: I've never run the vehicle
18 identification number or the plates, so no, I do not.

19 MR. COFFEY: Well, have you seen it parked
20 in the area on a regular basis?

21 MR. WELCH: Yes.

22 MR. COFFEY: Do you know who owns the house
23 at the northwest corner of the intersection of
24 Goldcrest and 27th?

25 MR. WELCH: Northeast corner?

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1 MR. COFFEY: I'm sorry, northeast corner.

2 MR. WELCH: No, I don't know that person's

3 name.

4 MR. COFFEY: But you know someone lives

5 there?

6 MR. WELCH: Yes.

7 MR. COFFEY: I have nothing further.

8 CHAIRMAN BOHL: Any other questions by
9 committee? Thank you, Mr. Welch. Any other residents
10 here to testify in opposition to this matter? Mr.
11 Coffey, the floor is yours.

12 MR. COFFEY: With that, if the committee
13 would allow, because in some ways I think it will
14 speed things up, perhaps not, but in terms of the 77
15 pages that have been submitted as part of this file, I
16 would suggest to the committee that Exhibits 1 and
17 2 this committee has already ruled are not germane.
18 They have to do with the matter that is pending before
19 the Board of Zoning Appeals.

20 With respect to Exhibit 34, that is a
21 document that, by my review, relates to a letter from
22 the Building Inspection Safety Engineering people in
23 November of 1967 that has to do with paving the
24 surface of the lot. My position is it has absolutely
25 nothing to do with this proceeding.

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1 Page 35, a 1973 occupancy permit for an
2 entirely different business. Page 36, a 1973 report
3 involving exit lights, 37, a 1975 occupancy permit for
4 Don's, Inc. Page 38 relates to a 1980 matter
5 involving exit lights or exits and a spray painting
6 area. No. 39, a 1980 occupancy permit for Car King,
7 Inc. No. 40, a 1980 matter relating to no spray
8 painting. Item 41 is actually a duplicate of exhibits
9 found in 32 and 33, which is my client's occupancy
10 permit from 1989, which indicates that he has a
11 continuing non-conforming use permitted.

12 Page 42, there is a reference to my client's
13 business. It has to do with violations. They are
14 corrected in 1989. 43 is again a duplicate of 32 and
15 33. 44 is a 1995 matter that has to do with my client
16 having had rock salt stored outside the business and
17 was ordered to remove it. Exhibit 45 is a log
18 regarding, in part, compliance. So far as I can
19 determine, there was never any court action relating
20 to that. Then we're back to 46 through 50. Those are
21 Board of Zoning Appeal documents, which the committee
22 has indicated it will not have anything to do with.
23 51 through 52 has to do with Milwaukee Mobile Homes, a
24 1961 occupancy permit, and Pages 53 through 54, a 1967
25 Ray's Auto Sales documents.

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1 My position -- and I simply assert the
2 position it would be wholly inappropriate for the
3 court -- excuse me -- the committee to rely upon any
4 of those documents in any fashion whatsoever with
5 respect to this matter. Having addressed those
6 matters, I would ask questions of Mr. Letizia, if
7 that's acceptable.

8 CHAIRMAN BOHL: Mr. Coffey, I would concur
9 with the vast majority of documents that you have here
10 in terms of the direct relevance to Mr. Letizia in the
11 last license year. I would, however, make exception
12 to the relevance of Exhibit 46 and 47 and 1 and 2. I
13 do believe that those are certainly pertinent to
14 health, safety, and welfare issues that are cited here
15 before us, even though they may be related to DNS
16 and/or Zoning & Neighborhood Services matters. In
17 terms of citation, those are issues that are cited.

18 In terms of the relevance of the vast
19 majority of other documents that you raise, I would
20 tend to concur with you here on those matters.

21 MR. COFFEY: And please understand --

22 CHAIRMAN BOHL: I know where you're going on
23 those matters, but I think there is certainly
24 relevance to those. In terms of the others, I think
25 they, quite frankly, can and should be stricken here.

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1 MR. COFFEY: Just so we're all on the same
2 page, when I made a remark about an earlier decision
3 of the committee, I was pointing out in particular the
4 comments you made that are found on Pages 55, 56 of
5 the transcript of the prior matter when this was
6 discussed.
7 Mr. Letizia, what is your home address?
8 MR. LETIZIA: South 56 West 22730 Woodside
9 Drive, Town of Waukesha.
10 MR. COFFEY: And are you sole proprietor of
11 the business known as Diamond Jim's Auto Sales?
12 MR. LETIZIA: Yes, I am.
13 MR. COFFEY: And where is that business
14 located?
15 MR. LETIZIA: 5848 South 27th Street.
16 MR. COFFEY: And how long have you been
17 operating a used car business at that location?
18 MR. LETIZIA: About 17 years.
19 MR. COFFEY: When did you begin operation of
20 that business?
21 MR. LETIZIA: Around October of 1988.
22 MR. COFFEY: Approximately how much time per
23 week are you at that particular business?
24 MR. LETIZIA: 20 hours.
25 MR. COFFEY: And are you absent other hours

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1 because of other business interests?
2 MR. LETIZIA: Yes.
3 MR. COFFEY: What are those business
4 interests?
5 MR. LETIZIA: I own Diamond Jim's
6 Stoneridge Inn in the Town of Hales Corners, and I own
7 Diamond Investments.
8 MR. COFFEY: What is Diamond Investments?
9 MR. LETIZIA: Diamond Investments is a real
10 estate company.
11 MR. COFFEY: And do you manage rental
12 properties?
13 MR. LETIZIA: Yes.
14 MR. COFFEY: With respect to the address
15 2424 West Goldcrest, you were asked about it earlier,
16 do you recall that?
17 MR. LETIZIA: Yes.
18 MR. COFFEY: You purchased it about two
19 months ago?
20 MR. LETIZIA: Correct.
21 MR. COFFEY: You do not occupy that
22 premises, right?
23 MR. LETIZIA: I do not personally, no.
24 MR. COFFEY: Is it a rental property?
25 MR. LETIZIA: Yes, it is.

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1 MR. COFFEY: Are there presently any tenants
2 in that property?

3 MR. LETIZIA: Yes, there is.

4 MR. COFFEY: How long have there been
5 tenants in that property?

6 MR. LETIZIA: Two months.

7 MR. COFFEY: And are they there by virtue of
8 a lease?

9 MR. LETIZIA: Yes, they are. It's either a
10 lease or month-to-month, but I believe it's a lease,
11 yes. It is a lease, one-year lease.

12 MR. COFFEY: Who principally runs the auto
13 sale business?

14 MR. LETIZIA: My auto sales business is a
15 family-run business. Thomas Letizia, my son, James
16 Letizia, my son, and Sharon Letizia, my daughter, and I
17 have several employees.

18 MR. COFFEY: You began this business in
19 approximately the fall of 1988?

20 MR. LETIZIA: Yes.

21 MR. COFFEY: Aside from a notice from the
22 city about rock salt in 1995, had you ever received
23 any city orders or citations prior to July 1st of
24 2003?

25 MR. LETIZIA: Never, none.

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1 MR. COFFEY: Had you, sir, prior to August
2 of 2003 ever been approached by anybody about your
3 having to install barriers to block wheels on your
4 lot?

5 MR. LETIZIA: Prior to '03, no.

6 MR. COFFEY: In the year 2000, were you
7 aware that an inspection was made of the premises of
8 Diamond Jim's for the purpose of ascertaining whether
9 you were in conformity with the ordinances relating to
10 blocking wheels or having barriers to block wheels?

11 MR. LETIZIA: I'd have to say no.

12 MR. COFFEY: Did you ever have any contact
13 with any inspector who said that's what he was looking
14 for or at?

15 MR. LETIZIA: Never.

16 MR. COFFEY: Were you ever ordered prior to
17 the fall of 2003 to install barriers with respect to
18 the wheels?

19 MR. LETIZIA: No, I was never ordered to do
20 anything.

21 MR. COFFEY: When you obtained your
22 occupancy permit in 1989, that occupancy permit
23 reflects that you have a continuing non-conforming use
24 occupancy permit. Are you aware of that?

25 MR. LETIZIA: Yes, I am.

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1 MR. COFFEY: And is that permit on the wall
2 of your business?

3 MR. LETIZIA: Yes, it is.

4 MR. COFFEY: And nobody from the city has
5 ever come to you and said you have to put barriers on
6 your lots?

7 MR. LETIZIA: No, sir.

8 MR. COFFEY: Did you, sir, have a
9 conversation with any representative of the city
10 before August of 2003 regarding the right-of-way or
11 area between the edge of the street and the beginning
12 of your lot?

13 MR. LETIZIA: The conversation I had was
14 with the former alderman.

15 MR. COFFEY: And when, approximately, would
16 that conversation have taken place?

17 MR. LETIZIA: A year, two years ago. I'm
18 not exactly sure.

19 MR. COFFEY: And when you were approached
20 about this matter and the parking of vehicles on your
21 lot, were you advised that it was as a consequence of
22 neighbor complaints?

23 MR. LETIZIA: Yes.

24 MR. COFFEY: And the prior alderman was
25 Alderman Pawlinski, correct?

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1 MR. LETIZIA: Correct.

2 MR. COFFEY: How did you and Alderman
3 Pawlinski resolve the issue between yourselves?

4 MR. LETIZIA: The alderman came down, said
5 he had a complaint from I believe it was Ms. Barrett,
6 and she was concerned about the cars on the street
7 being parked in the city right-of-way, and I talked
8 things over with him. He says well, there's here and
9 there's there, if we go right in the middle, I don't
10 see there would be any problem, she should be happy
11 with that, and I agreed, and he said that would be --
12 Basically, he said try to make your neighbors happy.
13 And that was the long and short of it, not much more
14 than that, and everybody seemed to be happy.

15 MR. COFFEY: And when you said in the
16 middle, are you referring to how close to the edge of
17 the road the vehicles would be displayed on the north
18 side of your lot?

19 MR. LETIZIA: Well, that would be between
20 the beginning of the street and the beginning of the
21 lot line.

22 MR. COFFEY: Now, sir, I'm going to show you
23 what's been marked as Exhibit 9. If you look at that,
24 there are some red, white, and blue hanging decorations
25 apparent in that photo in the upper right-hand corner,

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1 correct?
2 MR. LETIZIA: Yes.
3 MR. COFFEY: And there is a pole to which
4 they are attached?
5 MR. LETIZIA: Correct.
6 MR. COFFEY: That is not a city utility
7 pole, is it?
8 MR. LETIZIA: No, sir.
9 MR. COFFEY: What is that pole?
10 MR. LETIZIA: That is a light pole I had
11 installed by the Telephone Company or Light Company --
12 Electric Company to put a light on top of it for a
13 night light.
14 MR. COFFEY: And does that have to do with
15 display lights and security lights at your business?
16 MR. LETIZIA: Yes.
17 MR. COFFEY: And if you would look, sir,
18 further down as you go in toward the left-hand side of
19 the photo, you see a city light pole?
20 MR. LETIZIA: Yes.
21 MR. COFFEY: And just before you get to the
22 city light pole, there appears to be another wooden
23 pole, correct?
24 MR. LETIZIA: Yes.
25 MR. COFFEY: What is that?

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1 MR. LETIZIA: That's another utility pole.

2 MR. COFFEY: Is that a pole installed by the
3 city, or is that one that you had installed so as to
4 have your lights installed?

5 MR. LETIZIA: I believe that's to have my
6 lights installed.

7 MR. COFFEY: Now, sir, there is material
8 that has been presented that suggests at one point
9 there was a complaint about a strobe light. Have you
10 had occasion to review that?

11 MR. LETIZIA: Yes, I have.

12 MR. COFFEY: And were you made aware by a
13 neighbor of a problem with a strobe light?

14 MR. LETIZIA: My son informed me that a
15 neighbor called and said that there was a bright
16 light. We have security cameras put up so the thieves
17 could see that there's cameras, so they look up there
18 and see the light, and the lady said it was too bright
19 -- or whoever it was -- and we moved it within 24
20 hours, and that's that.

21 MR. COFFEY: Were you ever given any
22 citations or orders or anything of the kind by the
23 city with respect to that situation?

24 MR. LETIZIA: No, sir, no, sir, not
25 whatsoever. Just a completely friendly neighbor kind

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1 of situation, because we don't want any more problems
2 with anybody.

3 MR. COFFEY: You heard Alderman Witkowski
4 testify about your contact with him in August of 2003?

5 MR. LETIZIA: Yes.

6 MR. COFFEY: He indicated that the contact
7 was by telephone?

8 MR. LETIZIA: Yes.

9 MR. COFFEY: Do you recall a telephone
10 conversation with him in August?

11 MR. LETIZIA: Yes.

12 MR. COFFEY: Do you recall any other
13 contacts with him in August?

14 MR. LETIZIA: I don't know when, but he came
15 by the lot one time.

16 MR. COFFEY: And you were present?

17 MR. LETIZIA: Yes.

18 MR. COFFEY: Did you explain to Alderman
19 Witkowski when he talked about moving the cars that
20 you had an arrangement that you set up with Alderman
21 Pawlinski?

22 MR. LETIZIA: Yes, I did. And I stated I
23 never had no problems with Mr. Pawlinski whatsoever.

24 MR. COFFEY: You were then served with
25 orders with respect to wheel barriers and parking on

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1 right-of-way in the fall of 2003?

2 MR. LETIZIA: Yes.

3 MR. COFFEY: And then earlier this year, you
4 received your first notice that there was to be a
5 hearing with respect to nonrenewal of your seller's
6 license?

7 MR. LETIZIA: Yes.

8 MR. COFFEY: And you subsequent to that
9 first notice received notice that the city was looking
10 to install gutter, curb, and sidewalk along the north
11 side of your property?

12 MR. LETIZIA: That is correct.

13 MR. COFFEY: And the sidewalk that's being
14 proposed is 130 feet long?

15 MR. LETIZIA: Correct.

16 MR. COFFEY: And it only runs the length of
17 your lot?

18 MR. LETIZIA: That is correct.

19 MR. COFFEY: And then it runs the same
20 length on the opposite side of street?

21 MR. LETIZIA: A little bit shorter on the
22 opposite side of the street.

23 MR. COFFEY: And does the plan as proposed
24 by the city at the moment contain any cut-outs for
25 your motor vehicle lot?

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1 MR. LETIZIA: None whatsoever. That will be
2 completely --

3 MR. COFFEY: And is there, in fact, a
4 hearing scheduled tomorrow with respect to this
5 sidewalk issue?

6 MR. LETIZIA: Yes, there is.

7 MR. COFFEY: And all of these things have
8 happened since your first contact with Alderman
9 Witkowski?

10 MR. LETIZIA: Yes, sir.

11 MR. COFFEY: And in the prior 16 years you
12 ran this business, you did not have any of these
13 problems?

14 MR. LETIZIA: None whatsoever, absolutely
15 none other than the rock salt, which was not a letter,
16 not a nothing, completely get rid of the rock salt,
17 and that's it. Other than that -- And I've been a
18 car dealer for 30 years in the City of Milwaukee, and
19 I hate to say it, but this is the first time I've been
20 here.

21 MR. COFFEY: Now, looking at Exhibits 12 and
22 14, do you see the white van depicted in 12 on the
23 left-hand side and the front of it depicted on the
24 right-hand side?

25 MR. LETIZIA: Yes, I do.

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1 MR. COFFEY: Do you own that vehicle?
2 MR. LETIZIA: No, I don't.
3 MR. COFFEY: Have you ever owned that
4 vehicle?
5 MR. LETIZIA: Never.
6 MR. COFFEY: Has it got any association with
7 your business whatsoever?
8 MR. LETIZIA: None whatsoever.
9 MR. COFFEY: Do you know whose vehicle that
10 is?
11 MR. LETIZIA: Yes, I do.
12 MR. COFFEY: Whose it is?
13 MR. LETIZIA: The gentleman that lives on
14 the corner. His father owns a car lot. He has dealer
15 plates on that vehicle, he has dealer plates on
16 another vehicle, not my dealer plates, not my dealer
17 number. They got pictures they can verify that. And
18 he ran another business there, a window business, and
19 there's always three trucks there. Nothing to do with
20 me whatsoever.
21 MR. COFFEY: I'm now showing you Exhibits 13
22 and 14. You were asked some questions earlier about
23 the red transport vehicle displayed in those photos?
24 MR. LETIZIA: Yes.
25 MR. COFFEY: And do you recognize that as

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1 the transportation unit for a race car?
2 MR. LETIZIA: Yes, I do.
3 MR. COFFEY: And looking at that photo as
4 compared with other colored photos, does that appear
5 to you to be taken late in the day?
6 MR. LETIZIA: Yes.
7 MR. COFFEY: Would it appear to you that
8 there are red brake lights or red tail lights on on
9 the car that's in the middle of the road of Exhibit
10 14?
11 MR. LETIZIA: Yes.
12 MR. COFFEY: When does your car race, sir?
13 MR. LETIZIA: Only on Saturday, Saturday
14 nights.
15 MR. COFFEY: And if you were going to race
16 on Saturday, when would you load your car?
17 MR. LETIZIA: Saturday.
18 MR. COFFEY: And do you race in Wisconsin?
19 MR. LETIZIA: Yes, I do.
20 MR. COFFEY: When would the car be unloaded?
21 MR. LETIZIA: It would be unloaded Saturday
22 nights.
23 MR. COFFEY: And did you at some point
24 become aware of a complaint about a loud noise from
25 the race car late one night?

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1 MR. LETIZIA: Yes, I did.
2 MR. COFFEY: How did you become aware of
3 that complaint?
4 MR. LETIZIA: Neighbor called.
5 MR. COFFEY: And in response to that
6 complaint, what did you do?
7 MR. LETIZIA: Well, I don't always come back
8 to the car lot at the end of the night, but I told the
9 gentleman and my crew that for no reason whatsoever
10 were they to start that car after hours. Never happen
11 again.
12 MR. COFFEY: At the east end of your lot,
13 are you familiar with the neighbor who owns that
14 property?
15 MR. LETIZIA: Yes.
16 MR. COFFEY: And did you have a conversation
17 with that person about a fence?
18 MR. LETIZIA: Yes.
19 MR. COFFEY: And what is your recollection
20 of the circumstances under which you had that
21 conversation?
22 MR. LETIZIA: We were at an aldermanic
23 meeting for the McDonald's location next door, and he
24 was giving the McDonald's Corporation a hard time
25 about the size of the fence he wanted behind his

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1 property, the lights and the this and the that. And
2 after the meeting, we walked out together, and he told
3 me that he wanted a fence behind my property line. I
4 told him, well, that would be fine with me. I didn't
5 think it's necessary because there's about a four- or
6 five-foot cliff between my lot and his property with
7 trees and bushes and shrubs, but I told him at that
8 time that I would pay for half of the materials.

9 CHAIRMAN BOHL: Mr. Letizia and Mr. Coffey,
10 we're going to move on from this because this is the
11 one area where I said it's a BOZA issue and not a
12 licensing issue.

13 MR. COFFEY: Mr. Letizia, there were photos
14 displayed earlier of automobiles parked in the
15 vicinity of the property at 2424 West Goldcrest. Do
16 you recall that?

17 MR. LETIZIA: Yes.

18 MR. COFFEY: I'm going to show you what's
19 been marked as Exhibit 24 and the accompanying
20 diagram, Exhibit 25.

21 MR. LETIZIA: Yes.

22 MR. COFFEY: Was there a time when there
23 were cars from your business parked on that
24 residential property?

25 MR. LETIZIA: Yes.

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1 MR. COFFEY: And why were they there?

2 MR. LETIZIA: Well, we were doing snow
3 removal at my property, and I probably made a mistake,
4 and I thought it would be good so there was no
5 congestion on the corner to take these cars, park them
6 up there out of the way, remove the snow. And the
7 cars weren't there -- That's when we had about three
8 or four days of snow or it snowed every other day, and
9 I thought I was doing the right thing by keeping the
10 cars out of the way, and I guess that wasn't the right
11 thing to do. But I had got -- You know, the alderman
12 drives up and down my street daily, and they weren't
13 parked there for a matter of hours and we had people
14 there taking ID numbers and whatever.

15 MR. COFFEY: In order to remove the snow
16 from your lot when it piles up, is it necessary to
17 enlist a business, an outside business to do it?

18 MR. LETIZIA: It helps, yes.

19 MR. COFFEY: And do you get somebody that
20 has heavy equipment, including a dump truck --

21 MR. LETIZIA: Yes.

22 MR. COFFEY: -- to remove snow from your car
23 lot?

24 MR. LETIZIA: Yes, yes. They come, and they
25 put it on the truck and take it away. Not too often.

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1 We haven't had much snow lately but that particular
2 time.

3 MR. COFFEY: Have you ever received any
4 tickets from the City of Milwaukee relating to the
5 incident where there were automobiles parked on that
6 residential property?

7 MR. LETIZIA: No, sir.

8 MR. COFFEY: Have you ever been visited by
9 any law enforcement officer or anyone from the city
10 telling you you can't do that?

11 MR. LETIZIA: No, sir.

12 MR. COFFEY: Did you and I have a
13 conversation about you can't do that?

14 MR. LETIZIA: Yes, sir. And you said don't
15 do it anymore, and I said I won't, I just thought I
16 was doing the right thing, and I'm sorry.

17 MR. COFFEY: I have nothing further.

18 CHAIRMAN BOHL: Mr. Coffey, do you wish to
19 bring forward other individuals who want to testify
20 here at this point in time? Wait. Before we get
21 there, why don't we see if there's questions by
22 committee.

23 ALDERMAN DUDZIK: Mr. Letizia, you said
24 you've been there 17 years?

25 MR. LETIZIA: Yes.

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1 ALDERMAN DUDZIK: In reference to Exhibit 9,
2 the pole you had installed, is that installed in the
3 middle of your lot, or is that installed on the lot
4 line?

5 MR. LETIZIA: I would say it's a couple of
6 feet into the lot line.

7 ALDERMAN DUDZIK: Couple of feet south of
8 the lot line?

9 MR. LETIZIA: Yeah.

10 ALDERMAN DUDZIK: South?

11 MR. LETIZIA: Yeah.

12 ALDERMAN DUDZIK: So that those cars that
13 would be parked north of that would be clearly in the
14 city right-of-way, wouldn't they?

15 MR. LETIZIA: Correct.

16 ALDERMAN DUDZIK: I just want to make sure
17 I'm clear on that. And when was your lot -- It
18 appears that it was all paved up until the city road,
19 actually appears to me that it was paved into the city
20 right-of-way. When was that done?

21 MR. LETIZIA: Long before I was there.
22 Forever it's been that way. I didn't pave it. It was
23 paved, it's been paved.

24 ALDERMAN DUDZIK: That pavement is 17 years
25 old?

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1 MR. LETIZIA: Yes, sir. Older than that, 40
2 years old. I sealcoated it, but I did not pave it.
3 It was paved when I got my occupancy permit. It's
4 been paved.

5 ALDERMAN DUDZIK: But it is your
6 understanding that those cars are clearly parked in
7 the city right-of-way?

8 MR. LETIZIA: Correct.

9 ALDERMAN DUDZIK: Thank you.

10 CHAIRMAN BOHL: Any other questions by
11 committee? Mr. Coffey, I'll allow you to call anyone
12 else.

13 MR. COFFEY: Understanding the length of
14 time we've been here.

15 CHAIRMAN BOHL: We'll need your name and
16 address for the record, please.

17 MS. HOFFMAN: Susan Hoffman, 2341 West
18 Goldcrest Avenue.

19 CHAIRMAN BOHL: Thank you.

20 MR. COFFEY: Ms. Hoffman, approximately how
21 far from Mr. Letizia's car lot is your home located?

22 MS. HOFFMAN: Seven houses.

23 MR. COFFEY: And are you on -- If one
24 thinks about the south side of Goldcrest, are you on
25 the same side as Mr. Letizia's lot, or are you across

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1 the street?
2 MS. HOFFMAN: Same side.
3 MR. COFFEY: And how long have you lived at
4 that address?
5 MS. HOFFMAN: At that particular address, 14
6 years.
7 MR. COFFEY: And prior to that, did you live
8 on Goldcrest?
9 MS. HOFFMAN: Right across the street from
10 the car lot.
11 MR. COFFEY: When you say across the street,
12 are you talking about to the north?
13 MS. HOFFMAN: To the north.
14 MR. COFFEY: And in the corner house?
15 MS. HOFFMAN: Right next to it.
16 MR. COFFEY: So the second house as you go
17 east?
18 MS. HOFFMAN: Right, yes, sir.
19 MR. COFFEY: Understanding what Mr. Letizia
20 has said, he began his business there in 1988. Have
21 you had occasion to have contact with Mr. Letizia in
22 the intervening period of time?
23 MS. HOFFMAN: Yes, sir.
24 MR. COFFEY: And have you, in fact, had
25 occasion to make complaints to Mr. Letizia during that

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1 period of time?

2 MS. HOFFMAN: Yes, sir.

3 MR. COFFEY: And what kinds of things have
4 you complained about?

5 MS. HOFFMAN: Well, when we lived on the
6 bottom end of the block, cars turning around, and they
7 took care of that.

8 MR. COFFEY: What do you mean by took care
9 of that?

10 MS. HOFFMAN: They stopped having customers
11 turn around in people's driveways. Then as I was
12 older, I moved up the block and had children, as cars
13 test driving and going too fast, and a couple of
14 times, I've actually chased cars down there, and
15 they've handled it, they've taken care of it. It
16 hasn't happened again.

17 MR. COFFEY: When you say they've handled
18 it, you've addressed your complaint to them, and it
19 appears, based on subsequent events, they've talked to
20 somebody or they've done something to correct the
21 situation?

22 MS. HOFFMAN: Yes, sir. And I've never had
23 any bad rapport them from them. They've never yelled
24 at me, and I certainly did yell at them.

25 MR. COFFEY: Have you ever experienced

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1 difficulties with -- Strike that. I'm going to show
2 you Exhibit 14, ask you to look at the van that's
3 parked sort of sticking out. It appears to be a white
4 vehicle. Do you see that?
5 MS. HOFFMAN: Um-hum.
6 MR. COFFEY: Are you familiar with that
7 being in the neighborhood?
8 MS. HOFFMAN: Yes.
9 MR. COFFEY: And based upon your living on
10 the block in the neighborhood -- I'm going to show you
11 Exhibit 12, which also appears to be a photo of that
12 van -- do you know that van to be associated with a
13 particular residence in the area?
14 MS. HOFFMAN: Yes. It's associated with the
15 house on the corner, who recently just last summer
16 asked permission to turn that into a 20-car parking
17 lot, and it was turned down.
18 MR. COFFEY: Asked the city?
19 MS. HOFFMAN: It went to the alderman.
20 MR. COFFEY: Now, when you say the house on
21 the corner, you're talking about the house to the
22 north of Mr. Letizia's lot?
23 MS. HOFFMAN: Yes, sir.
24 MR. COFFEY: In general, how would you
25 describe Mr. Letizia, his family, and his business as

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1 neighbors?

2 MS. HOFFMAN: Absolutely pleasant and easy
3 to work with.

4 MR. COFFEY: I have nothing further.

5 CHAIRMAN BOHL: Questions by committee of
6 Ms. Hoffman? Thank you.

7 MR. COFFEY: Recognizing it's quarter to
8 four, with the committee's permission, could I simply
9 have the other witnesses who are here identify
10 themselves, they are supportive, and move on?

11 CHAIRMAN BOHL: If they want to say that
12 their testimony is substantially similar to Mrs.
13 Hoffman, we can bring them forward and have them do
14 just that.

15 MR. SCHRIMPF: Mr. Chairman, I would simply
16 ask that if any of the witnesses that do that that
17 come forward if they indicate to the committee if they
18 or any members of their family have any business
19 connection with the business, it would be helpful.

20 CHAIRMAN BOHL: Differentiate individuals
21 who may be affiliated with the business versus those
22 who may be residents, certainly.

23 MR. COFFEY: Sit down, state your name,
24 spell your name and address.

25 MR. THOMAS: I'm Michael J. Thomas, Sr. I

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1 live at 2538 West Goldcrest Avenue.

2 MR. COFFEY: And how long have you known
3 James Letizia or Diamond Jim?

4 MR. THOMAS: I have been living there
5 probably, oh, about three years.

6 MR. COFFEY: Approximately, how far is your
7 home from Mr. Letizia's lot?

8 MR. THOMAS: I'm about two houses down from
9 the end of his lot.

10 MR. COFFEY: And have you ever had a problem
11 with traffic in the area that you connect with Mr.
12 Letizia or his lot?

13 MR. THOMAS: No, I have not. Just that the
14 people, they just come from all over the place, just
15 turn around in everybody's driveway. They don't stop
16 by Diamond Jim's. I'm outside all the time.

17 MR. COFFEY: With respect to Goldcrest, if
18 one makes a turn off 27th onto Goldcrest, the only way
19 to exit the street again is make a U-turn unless you
20 go to 23rd?

21 MR. THOMAS: Right.

22 MR. COFFEY: Would you describe for the
23 committee your description of Mr. Letizia and his
24 family and the business based on your experience with
25 him.

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1 MR. THOMAS: Well, I reside at that place
2 with my wife and her brother. Her brother had a
3 stroke about four or five years ago. One day he had a
4 problem with his automobile. He went over to Mr.
5 Letizia and talked to him, and they came, and they
6 actually changed the tire for him because he's kind of
7 crippled on the right side. And I was at work, I
8 didn't no nothing about it. And they took the tire,
9 and they fixed the tire and gave it back to him that
10 evening. I don't know -- I mean, if you walked
11 across the street to the guy across the street, the
12 guy across the street would have probably told him,
13 well, what can I do for you? Being a business guy, he
14 figured, well, he treat us good, maybe we'll buy a car
15 from him some day.

16 We see him shoveling snow -- like I say,
17 he's kind of crippled, I'm at work all the time -- and
18 his son's running around with the snowplow, he will
19 come and plow the lot out for us. If I have any
20 problem whatsoever, I go over to speak to them people,
21 and I didn't have no problem with them.

22 As far as the parking goes, my God, the guy
23 across the street put a new driveway in his house.
24 Well, all the construction equipment was parked right
25 in front of my house. I had to clean up all the

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1 rocks, all the gravel, everything else. I didn't go
2 knocking on the guy across the street's door and say,
3 hey, your company, your construction guys did all
4 this, you better go clean up my street. No. It was
5 done. The guy had to have a driveway. What can I do?
6 I had to clean it up. It's in front of my house, it
7 belongs to me.

8 And as far as the cars parking down where
9 Diamond Jim is, like I said, I'm outside most of time,
10 my brother-in-law is outside most of the time. Now,
11 if these people park where they're supposed to park on
12 the street, which is about eight feet away from the
13 front of Diamond Jim's cars, that street would be so
14 congested it would be pathetic.

15 Now, up from Diamond Jim's everybody's lawn
16 runs out eight feet out past Diamond Jim's lot, so
17 when you park a car in front of my house and you park
18 a car in front of the guy's house across the street,
19 you're actually parked in the street. When they park
20 down by him, they're parked on the sidewalk, basically
21 where the sidewalk would go, so they're not even in
22 the street.

23 And the problem with the white vehicle that
24 was down there and the big yellow truck, I went down
25 and talked to the guy about the big yellow truck

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1 because he never moved it, and the truck disappeared
2 three or four days later, but the white vehicle stayed
3 there. Now the guy moved, now there's nothing there.

4 MR. COFFEY: Thank you.

5 MR. THOMAS: May I state one more thing?

6 MR. COFFEY: Sure.

7 MR. THOMAS: I don't have a problem with
8 going out into traffic on 27th Street. You know what
9 I do? I go down by Ms. Barrett's house and take a
10 right on 23rd Street and go to Ramsey and use the stop
11 light to make a left-hand turn. And I live right
12 there, not four blocks away. That's all I have to
13 say.

14 CHAIRMAN BOHL: Questions for Mr. Thomas?
15 Alderman Gordon.

16 ALDERMAN GORDON: Mr. Thomas, you mentioned
17 Ms. Barrett. Do you know Ms. Barrett?

18 MR. THOMAS: No, I don't know her
19 personally, but this was the second time that I have
20 seen her in this deal here. And also, like I
21 mentioned, my brother-in-law is partially handicapped,
22 and he takes my wife back and forth to work. We do
23 not go that way. I mean, we go to 23rd Street, we go
24 over to Ramsey, and we go to the stop and go light.
25 Why would I try to go across traffic coming at me 40

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1 miles an hour, even if there's nothing blocking there?

2 ALDERMAN GORDON: Thank you.

3 CHAIRMAN BOHL: Other questions by
4 committee? Thank you.

5 MR. COFFEY: Could you stand up, give your
6 name and address.

7 CHAIRMAN BOHL: We're going to need to get
8 them on the microphone.

9 MR. COFFEY: You do have to come up, if you
10 would, right here.

11 MR. RODRIGUEZ: My name is Kim Rodriguez. I
12 live at 5915 South 23rd Street. I'm right two blocks
13 south of Ramsey, and I do drive up Goldcrest a lot
14 because I avoid the stop and go light. I'd rather go
15 up Goldcrest, and I never have any problems going
16 through that street at all.

17 MR. COFFEY: How long have you lived at the
18 address you live at?

19 MS. RODRIGUEZ: Five years.

20 MR. COFFEY: And during the period of time
21 that you've been there, have you had occasion to have
22 contact with Diamond Jim's lot and/or the people who
23 work there?

24 MS. RODRIGUEZ: Yes, I do, because I manage
25 the Shell gas station on South 27th Street on Ramsey,

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1 5909 South 27th Street.

2 MR. COFFEY: And how would you describe that
3 business in terms of it being a neighbor?

4 MS. RODRIGUEZ: They are friendly. Any time
5 you talk to them, they try to comply with anything
6 that you would ask, and the guys that work there are
7 all very nice, they're always polite. I've never
8 heard or seen anything or even heard any of the
9 neighbors -- and all the neighbors come in the station
10 -- I've never heard any negative talk about Diamond
11 Jim's at all.

12 MR. COFFEY: Thank you. I have no further
13 questions.

14 CHAIRMAN BOHL: Thank you. Any questions of
15 Ms. Rodriguez by committee? Thank you, Ms. Rodriguez.

16 MR. COFFEY: If you could just state your
17 name, first and last name.

18 MS. SIMKO: Gerri Simko, 2430 West
19 Goldcrest, right next door to their property, the
20 property they purchased.

21 MR. COFFEY: You're talking about the 2424
22 West Goldcrest address?

23 MS. SIMKO: Um-hum.

24 MR. COFFEY: You have to say yes.

25 MS. SIMKO: Yes.

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1 MR. COFFEY: You are present here today with
2 your husband, correct?
3 MS. SIMKO: Um-hum.
4 MR. COFFEY: His name is?
5 MS. SIMKO: John.
6 MR. COFFEY: And how long have you lived in
7 the house you are now in?
8 MS. SIMKO: 46 years.
9 MR. COFFEY: So you've been there longer
10 than Diamond Jim's business has been on the corner?
11 MS. SIMKO: Yes, yes.
12 MR. COFFEY: In all of the time you have
13 been there -- First of all, there are no sidewalks on
14 Goldcrest, are there?
15 MS. SIMKO: No. And that's nice.
16 MR. COFFEY: It's nice?
17 MS. SIMKO: I like it that way.
18 MR. COFFEY: And in terms of your contacts
19 with Diamond Jim's business, could you describe what
20 those are.
21 MS. SIMKO: Well, I go down there every
22 October, they give me money for the diabetes walk, and
23 they're always so gracious and so nice and polite. No
24 complaints at all.
25 MR. COFFEY: Have you had any difficulties

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1 whatsoever with them in terms of the operation of
2 their business?

3 MS. SIMKO: No.

4 MR. COFFEY: I have no further questions.

5 CHAIRMAN BOHL: Alderman Gordon.

6 ALDERMAN GORDON: Ms. Simko, you indicated
7 that you've lived at your current residence for 46
8 years?

9 MS. SIMKO: Um-hum.

10 ALDERMAN GORDON: And have you ever had any
11 contact with the previous alderperson or the current
12 alderperson about concerns regarding Diamond Jim's?

13 MS. SIMKO: No.

14 ALDERMAN GORDON: Thank you.

15 CHAIRMAN BOHL: Other questions by
16 committee? Thank you, Mrs. Simko. Mr. Coffey.

17 MR. COFFEY: We would present no further
18 testimony.

19 CHAIRMAN BOHL: Mr. Coffey and Alderman
20 Witkowski, if there's anything else that you would
21 like to provide in terms of a summary for the
22 committee, we will allow you to make it first, then
23 Alderman Witkowski, and then we'll take this matter
24 into committee and render a decision here.

25 MR. COFFEY: My client finds himself in an

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1 unpleasant and awkward position. He's operated this
2 business since 1988. It was a car dealership prior to
3 his getting there. He had a contact with Alderman
4 Pawlinski about a year-and-a-half ago is his best
5 recollection, they discussed the issue of the vehicles
6 being parked in the city right-of-way.

7 One of the problems I have is that there is
8 in the materials an indication that an inspection is
9 done in the year 2000 by someone from the city. There
10 is absolutely no indication my client is ever apprised
11 that there's a problem, a complaint or anything of the
12 kind, and there is an action sheet, which basically
13 says the inspector finds the complaint about no wheel
14 blocks to be non-actionable. So there's no contact
15 with my client at that point. Alderman Pawlinski
16 comes out, says there are some neighbor complaints,
17 they have a meeting of the minds that this is the way
18 it's going to be handled.

19 So you have 18 years of business with no
20 problems with the city, and now, since August, as I
21 say, we now have orders to put in the barriers to not
22 park cars where they're parked, we have an attempt not
23 to renew his license, and we have we're going to put
24 in sidewalks. And I point out that this is a property
25 my client doesn't own, he's a lessee. The nature of

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1 the complaint here, as I understand it, is neighbor
2 complaints, and the neighbor complaints are really
3 about traffic.

4 There's no indication of illegal parking,
5 there's no indication that some of these vehicles have
6 anything to do with my client. The white truck is not
7 his, the transport vehicle is there to load a racer
8 and take it away and then come back and unload it. I
9 would submit that under the circumstances as they
10 exist, there are no violations. I understand you have
11 to deal with taverns and drugs and underage drinking
12 and all those kinds of things where you develop a
13 record about the way someone has operated his
14 business.

15 In this instance, the record is he has had
16 no problems in 18 years of licensure. Now, whether
17 there was an ability to have hearings before or not,
18 if there were problems, there'd be a record of them,
19 and there is no record. And I would simply ask that
20 this committee renew my client's license to operate
21 his business. Thank you.

22 CHAIRMAN BOHL: Thank you, Mr. Coffey.
23 Alderman Witkowski, any last minute summary you'd
24 like to provide?

25 ALDERMAN WITKOWSKI: Mr. Chairman, thank

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1 you. I go back to our meeting of October 8th -- I'm
2 sorry -- August 6th when I met with 10 people from the
3 neighborhood about complaints, and Mrs. Barrett's name
4 has been bantied around, and that's not the only
5 complainer in this picture. It's been a neighborhood
6 concern.

7 As I've stated, I have made attempts to
8 describe the complaints to the licensee's manager, his
9 son. He called me, the owner called me the next day.
10 Again I attempted to explain what the complaints were
11 and how to resolve them. At no point was enforcement
12 called until there was an evidence that there would
13 not be any compliance with these complaints. And they
14 did include illegal parking on the city sidewalk, on
15 the bus stop, in between the sidewalk, on the curb on
16 27th Street, in the city right-of-way. The complaints
17 did not get resolved until there was parking
18 enforcement.

19 The final complaint takes months to resolve,
20 as evidenced by -- Exhibit 22 shows as I was talking
21 about one large vehicle still parked in the
22 right-of-way, still blocking the view at a crucial
23 point where there's a need for the view of traffic,
24 and that one is labeled November. There has not been
25 cooperation from this licensee.

1 Exhibits 11 and 12 show pictures of cars on
2 the street bearing Diamond Jim plates on the north
3 side of the street. The Department of Neighborhood
4 Services testified to his storing of cars up the
5 street. My original complaint came in on January 27th
6 from a constituent. The inspector testified that he
7 was out there on February 4th, and the back of my
8 pictures indicate that I was out there on February 7th
9 to take pictures, so that's 11 days of non-compliance
10 of snow removal apparently.

11 As I mentioned, I have personally observed
12 these complaints, I have seen the violations. I think
13 that this item is different than the other motor
14 vehicle or used motor vehicle sales licenses that we
15 heard today by virtue of the fact that it's probably
16 taken us longer than two hours to talk about it,
17 including the four people that were here to testify
18 last time. I think that this takes a different
19 action.

20 I'm not looking to run Mr. Letizia out of
21 business, that's not my intent, but what I would like
22 to see is compliance with city laws, codes, and
23 ordinances here, and that, unless there's been a
24 threat of enforcement, hasn't happened. I would ask
25 that this committee consider a suspension of 30 days

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1 of this license. Thank you.

2 MR. SCHRIMPF: Mr. Chairman, I have a
3 question, and it's really directed to anybody who can
4 answer it. With respect to Item Nos. 1 and 2, as I'm
5 quickly checking the records, I'm not finding what --
6 What is the status of that?

7 MR. COFFEY: The Board of Zoning Appeals
8 when we were there in I want to say January -- I'm not
9 certain of the date -- had a very packed schedule.
10 They adjourned us after we waited for a fairly -- I
11 guess they got us out of there right away because they
12 knew they weren't getting to us subject to the recall
13 of the board, and we have not been recalled.

14 MR. SCHRIMPF: And is the purpose of your
15 appearance there to see if you can be excused from the
16 requirement of the wheel blocks and the parking, or is
17 the purpose there to deal with the citation? Were
18 citations ever issued on this thing?

19 MR. COFFEY: No. And in response to the
20 other part of your question, it's our position that,
21 in fact, we have been previously granted an exemption
22 from the wheel lock matter.

23 MR. SCHRIMPF: By virtue of the continuing
24 occupancy?

25 MR. COFFEY: Yes, at the time of his

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1 beginning his business in 19 -- Well, the occupancy
2 permit was issued in 1989.

3 MR. SCHRIMPF: And the Board of Zoning
4 Appeals just hasn't gotten to your petition?

5 MR. COFFEY: That's correct.

6 CHAIRMAN BOHL: Before we get to you, Mr.
7 Cleary, Alderman Witkowski, did you want to --

8 ALDERMAN WITKOWSKI: I just want to respond
9 that the first hearing date was postponed. There has
10 been two hearing dates that had been postponed, one
11 November 6th, one December 11th. As you recall, this
12 matter of the license has been postponed and the
13 matter of whether there should be sidewalks or curbs
14 has also been postponed.

15 CHAIRMAN BOHL: Tom Cleary. We need to
16 swear you in, I assume?

17 MR. CLEARY: I've already been sworn in.
18 I'm Tom Cleary, I'm an employee of the Department of
19 Neighborhood Services. I am the one who had issued
20 the order that is before the Board of Zoning Appeals.

21 Just a couple points I'd like to make. When
22 the attorney was claiming that he's got a continuous
23 non-conforming status for operating without the wheel
24 guards, that is one of the things that's in
25 contention. The occupancy permit does have a

00097

1 continuous non-conforming use for the sales use but
2 not for the vehicle display.

3 There have been orders issued at that
4 property for the curb stops being a requirement going
5 back to previous operators, orders issued in 1964,
6 1967, 1979, 1981, and 1985, which indicates that there
7 is no grandfathered or continuing non-conforming
8 status for the requirement of the curb stops -- or I
9 should say for relief from that requirement of the
10 curb stops, but that is one of the things in
11 contention.

12 CHAIRMAN BOHL: So orders have been issued,
13 is that what you're saying here?

14 MR. CLEARY: Yes.

15 CHAIRMAN BOHL: And that's what essentially
16 is being decided by BOZA?

17 MR. CLEARY: That's one of the issues being
18 decided by BOZA, that's correct.

19 ALDERMAN GORDON: I'm confused. Let me ask
20 you, Mr. Cleary. You have documentation that states
21 that orders have been issued going back to 1964?

22 MR. CLEARY: Yes, to previous owners and
23 occupants.

24 ALDERMAN GORDON: And those orders haven't
25 been complied with?

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1 MR. CLEARY: They may have been complied
2 with, but it appears to be a re-occurring problem
3 where orders continually have to be reissued because
4 there are subsequent violations. So I bring that up
5 to indicate that there is not a grandfathered status
6 where they would not have to abide by that curb stop
7 requirement.

8 CHAIRMAN BOHL: And ultimately, all we have
9 right now are issuance of orders that still is being
10 debated, so to speak, as to whether or not there's
11 compliance.

12 MR. CLEARY: Yes.

13 CHAIRMAN BOHL: We're still in outer space
14 here, and there's nothing firm. I understand that
15 there have been past issuance of orders, but until
16 BOZA renders a decision here for Mr. Letizia -- To
17 your knowledge, Mr. Cleary, have there been any
18 previous issuance of orders to Mr. Letizia relating to
19 curb stops?

20 MR. CLEARY: No.

21 CHAIRMAN BOHL: I want to get that cleared
22 here. Hopefully that preempts Mr. Coffey from jumping
23 in.

24 ALDERMAN WITKOWSKI: I'd just like to add
25 that if Mr. Letizia has been in business at this

00099

1 location since 1988 and has been a used car dealer in
2 Milwaukee since 1988, he would surely know that the
3 code calls for wheel stops and that the parking of
4 vehicles, there's a 1997 letter from Pawlinski that
5 clearly states the local laws do not allow your
6 business to park vehicles on public land. I just want
7 to re-emphasize that.

8 CHAIRMAN BOHL: Okay. Additional questions
9 by committee of Mr. Cleary? We have the summary here,
10 and we can take this into committee. Is there a
11 motion?

12 ALDERMAN DUDZIK: Mr. Chair. Only because I
13 do believe that there's a record and there is
14 violations of parking ordinances at this location, I
15 would move for a 10-day suspension of this license.

16 CHAIRMAN BOHL: That would be renewal with a
17 10-day suspension, Alderman?

18 ALDERMAN DUDZIK: Please.

19 CHAIRMAN BOHL: And the cited reasons,
20 Alderman, specifically?

21 ALDERMAN DUDZIK: The parking along
22 Goldcrest in particular, which is clearly in the city
23 right-of-way, even by Mr. Letizia's own admission.

24 ALDERMAN GORDON: Mr. Chairman, on the
25 motion.

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CHAIRMAN BOHL: On the motion, Alderman
Gordon.

ALDERMAN GORDON: Thank you. I'm going to support Alderman Dudzik's motion for the reasons he stated. The concern I have is that in addition to that, the issue involving the relationship between Mr. Letizia and Alderman Witkowski. It seems to me when any business person is approached by an elected official who is representing the concerns and the interests of his or her constituency that there has to be a level of cooperation, but more importantly, there has to be respect for that elected official's position, and that's my major concern here.

I think that most of the testimony on both sides kind of culminated in a wash for me. You have people who supported the applicant and you had people who had problems with the applicant, and I was particularly struck by the last witness's testimony about living in this particular area for 46 years and not having a problem with any of the licensees who operated this particular establishment during that period of time. So that testimony for me is a wash, but I believe that the problem stems from a lack of communication and what seems to be disrespect between the licensee and Alderman Witkowski, and that's why I

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1 believe in addition to the violation of the parking
2 regulations that a 10-day suspension is warranted.

3 I don't think a 30-day suspension is
4 warranted because there's been nothing presented that
5 comes close to meeting that burden, and obviously, it
6 is a burden whenever a suspension is requested by this
7 committee, but I think that some discipline is
8 required here, and I'm going to support Alderman
9 Dudzik's motion.

10 CHAIRMAN BOHL: Thank you, Alderman Gordon.
11 And just for the record, I will concur with the
12 remarks of both alderpersons here who have spoken.
13 Mr. Letizia, both with you and with regard to your
14 son, I'm particularly disturbed with the comments that
15 I hear regarding your reaction to the local
16 alderperson here in this district. That is
17 inexcusable, inexcusable.

18 We represent constituency, and when those
19 concerns come forward, I think it is in the best
20 interest of every business owner to work with those
21 local elected officials to try to comply, and I do not
22 believe that there was adequate compliance. I
23 furthermore believe that, based on the letter from
24 Alderman Pawlinski dated November 11th, 1997, that
25 there has been a suitable track record of information

00102

1 to you as to the proper parking in this particular
2 right-of-way that that has been a continuous problem.

3 I believe that when you've been presented
4 with this here in the past that there has almost been
5 a very strong reactionary position. That is not the
6 way to operate a business. We want you to succeed
7 here in the City of Milwaukee, but we expect
8 compliance with laws, and when you're presented with
9 the elected officials, the type of reaction I believe
10 that is taking place here is not the proper one.

11 The motion before us by Alderman Dudzik is
12 for renewal of the application with a 10-day
13 suspension that is cited for neighborhood objections
14 to business parking practices along Goldcrest Avenue
15 in addition to testimony here or provided by Alderman
16 Gordon as to working with elected officials and
17 complying with applicable city laws. Is there any
18 objection to that by committee members? Hearing none,
19 so ordered. Mr. Schrimpf.

20 MR. SCHRIMPF: Mr. Letizia, Mr. Coffey, the
21 committee is going to be doing findings of fact and
22 conclusions of law recommending renewal of this
23 license with a 10-day suspension. You will receive a
24 copy of the committee report and that recommendation.
25 You'll have an opportunity to submit written

00103

1 objections to that report as well as to appear before
2 the Common Council when it takes this matter up at
3 their meeting at 9:00 a.m. on March 19th, 2004 in the
4 Common Council Chambers of this building, same floor,
5 opposite end. Mr. Coffey, will you accept service?

6 MR. COFFEY: I will.

7 MR. SHRIMP: It will be by mail.

8 CHAIRMAN BOHL: Thank you all for your
9 patience on this matter here.

10 (Proceedings concluded at 4:10 p.m.)

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